Performative State-Formation in the Early American Republic

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Abstract

How do proto-state organizations achieve an initial accumulation of power, such that they are in a position to grow (or shrink) as an organization, maintain their prestige (or lose it), and be viewed, by elite and populace, as something real and consequential that can be argued about, supported, or attacked? This article argues that state-formation has a performative dimension, in which the publicity of acts of violence, coercion, and negotiation made by agents of the proto-state, and the variable interpretation of these acts, are paramount to the state's success (or failure) and developing character. In the model developed here, agents of a would-be state act in response to emergencies, and when public interpretations of those actions assign their character and effectiveness to "the state," the state is performed into being. In particular, public performance solves, in part, agency problems obtaining between state rulers and their staff and elite allies. The formation of the federal government in the early American republic (1783 to 1801), whose success is insufficiently accounted for by extant theory, provides an opportunity to develop a model of the performative dimension of state-formation.

Keywords

agency theory, power, rebellion, federal government, political sociology

In the study of state-formation, a healthy debate has developed concerning the trajectories of organizations with ambitions to sovereignty (Adams 1999; Gorski 1995; Kiser and Linton 2002; Kiser and Schneider 1994, 1995; Lachmann 1989; Loveman 2005; Novak 2008; Steinmetz 2008). This debate has paid special attention to states' funding and command of physical violence (Tilly 1985), and to how organizations seek legitimacy, come to be taken for granted as part of the social landscape, and provide the categories of understanding used in many other areas of social life (Bourdieu 2014).

A remaining problem for this research concerns the initial moments of the accumulation of power by proto-state organizations. Acutely articulated by Loveman (2005) in her study of

the "primitive accumulation of symbolic power" by the Brazilian state, the puzzle can be phrased as a question: How do would-be states achieve an initial accumulation of power, such that they are in a position to grow (or shrink) as an organization, maintain their prestige (or lose it), and be viewed, by elite and populace, as something real and consequential that can be argued about, supported, or attacked?[1]

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Building on Loveman (2005) and other recent arguments about states and power emphasizing public communication and political semiosis (Adut 2018; Norton 2014; Santana-Acuña 2014; Wagner-Pacifici 2010), this article argues that state-formation has a performative dimension: the initial accumulation of state power occurs, in part, through "state by demonstration." In this dimension of the accumulation of power, the publicity of the would-be state's acts of violence and coercion, and the variable interpretation of these acts (including, as part of interpretation, the attribution of such acts to the state), are paramount to a state's success (or failure) and developing character. If the would-be state is compelling and convincing, to certain audiences, in its execution of violence on certain targets, then it achieves a certain felicity condition (Austin 1975; Goffman 1983; Wagner-Pacifici 2017), helping make the state into an arbiter of social reality and an entity that orients the actions of elites and populace. This felicity features weaponry and finance, but its utility for the accumulation of power is dependent on public interpretation. Public interpretation, when it goes well for the performative state, helps solve *agency problems* obtaining between rulers and their staff and allies.

All states have a "public face" of some sort. Symbols of the state, for example, are often displayed in prominent ways, with the result not only that people see them, but people see other people see them, so that states continue their existence, in part, through their publicity (Endelman 2015), which allows the coordination of action (Chwe [2001] 2013). We can thus expect all processes of state-formation to involve some aspect of performative display. However, based on the model developed here, we can also expect variation in the degree to which such performances are parasitic upon more well-known dimensions of state-formation, on the one hand, or form an essential hinge for the initial success or failure of a given organization's ambitions to sovereignty, on the other. This article, which is an effort in theory-building rather than theory-testing, focuses on a case in which the performative dimension was crucial to the process of state-making.

First, I show why the initial accumulation of state power is a theoretical problem for sociology, discussing three models of state-formation as different dimensions of the process. I then set out a basic model of the performative dimension of state-building, grounded in the study of the public interpretation of the use of violence and coercion in emergencies by state agents. Next, I provide an interpretation of American political development in the years 1783 to 1801, beginning with the relative insufficiency of extant theories of state-formation to account for the emergence of the federal government in the early years of the United States of America. After providing an empirical account of the mediation of state action through the network of newspapers in the early American republic, I engage in a fine-grained tracing of the process of performance in the key year of 1794. In that year, the federal apparatus, amid widespread doubt about its future, performed particularly successfully. I then provide a contextualization of the successes of 1794 and their effects, drawn via a brief account of (1) a less propitiously handled emergency in the early American republic (Fries's Rebellion) and (2) the republic's success in avoiding a civil war in 1801. Finally, I discuss the relationship of the theory developed here to a range of other sociological work on states and performance.

STATE-FORMATION AS THE RESOLUTION OF AGENCY PROBLEMS: THREE EXTANT MODELS

All organizations with ambitions to become states face a series of agency problems. These are problems arising from the recruitment of various persons and organizations into the state building project, and the ensuing delegation of tasks to staff, elite allies, or other versions of a would-be state's agents. Formal agency theory, as a part of rational choice

sociology, often invokes strong assumptions about the strategic nature of human action and motivation when analyzing these problems (Coleman 1994; Kiser 1999; Kiser and Kane 2007).

A broader account of agency theory suggests that the recurrence of agency problems can serve as a theoretical frame for understanding a wide variety of power situations (Adams 1996, 2010, 2011; Norton 2015; Reed 2017; Shapiro 2005). Building on this work, we can view state-formation as the emergence of a solution to the problem of how a small set of principals (rulers) can secure and ensure that their agents (staff, allied elites) enforce the rulers' will and maintain the rulers' legitimacy (to some degree) over the general population, under varying threat from opponents (Tyson 2018).

In particular, for state-formation to succeed, a series of *intertwining* agency problems must be overcome. Corrupt tax officials can be offered better rates to be honest and report on their dishonest co-workers, but (particularly if rulers lack money) they can also be punished via imprisonment. However, the use of physical coercion to shore up taxation is, itself, an agency problem.[2] Rulers have to get their military officers or police chiefs—and beyond that, the soldiers and police assembled underneath them—to commit or threaten violence where and when they want them to (and soldiers, at some point, need to be paid). Jailing tax evaders and corrupt tax officials, or foreclosing and auctioning off land, requires that officers, soldiers, and policemen accept the legitimacy of the state project in a way those who are avoiding paying taxes do not.

As these agency problems come together, they combine into the core organizational problem of state-formation, namely, that what would be the mutually reinforcing agency *relations* of a successful state (e.g., tax officials are honest because if they are not they might be arrested by police loyal to the state) threaten to become the mutually undermining agency *problems* of a failed state (e.g., soldiers who are not confident they will be paid

will not take physically risky actions to secure the resources that might be used to pay them and others). This intertwining has been discussed extensively in the rational choice literature (Kiser 1994; Kiser and Schneider 1994), with particular focus on the question of how accountability does or does not function to resolve such problems (Ermakoff 2011); here, I place it in the broader context of the accumulation of state power that includes coercion, economic interest, and legitimacy.

Exchange and Threat

Research that focuses on capital and coercion as explanatory factors in state-formation examines how the mix of money, guns, and manpower initially at the disposal of would-be rulers—and the strategic interactions between rulers, elites, and populace—explains the eventual outcome of rulers' efforts to overcome agency problems and build an effective state apparatus. In this dimension of state-formation, hierarchical ties are constructed out of resources granted to, and threats of resource depletion directed at, elites and other agents (Brewer 1990; Kentor 2014; Tilly 1992). This research is particularly sensitive to variations in the external threat of war as a factor accounting for variations in the success, failure, and character of state-formation (Downing 1993; Ertman 1997).

Interpreted broadly, the capital-and-coercion model can be understood as one of a series of models that analyze the overcoming of agency problems in state-formation in terms of exchange and threat (for a counterpoint to this dimension that adds trust to the mix, see Tilly 2005). The broader family of models extends the focus from the accumulation of caches of weapons and money to the organizational politics evident in the realist strand in Weber's political sociology (Smith 1987). In particular, Weber's (1978:226–40, 255–65, 297–8, 1006–110) extensive work to identify different ways rulers can recruit an administrative staff or allies became the basis for a wide-ranging research program on how rulers' ties to their staff are forged through

exchange of desired goods, on the one hand, and threats of unwanted losses (to life, health, or wealth), on the other (Kiser 1999:157–62).

Recent examples of the exchange-and-threat dimension include Hall's (2015) deployment of "patrimonial transactionalism" to explain the United States' Western expansion, and, with regard to the early American republic, Gould's (1996) analysis of the Whiskey Rebellion via the analysis of patronage ties. The overall point is that in using guns and money to become the only effective and feared "protection racket" in a given territory (Tilly 1985), a series of exchanges and threats are used to forge and maintain hierarchical ties between principals and agents, and these ties become the organizational structure of the emergent state.

Culture I: Subject-Formation and Categories of Thought

One aspect of state-formation that classic studies of exchange and threat tend to underestimate is the degree to which states may obtain *legitimacy* if social processes ensure the creation of subjects who are inclined to work for and with them, and if certain categories of thought favoring this legitimacy become naturalized and taken for granted. Drawing on Weber's (1978) work on legitimate rule, and enhanced by Bourdieu's (1994, 2014) cultural theory of the state and Foucault's ([1975] 2012) concept of disciplinary power (see also Garland 1986), cultural theorists of state-formation point to religious belief, nationalism, and the importance of familial lineage, and they emphasize the symbolic vision and division of the world (including the "simplification and standardization of measurement" [Scott 2006:30]) as essential to explaining why the making of (certain) states succeeded or failed.

Here too, state-formation occurs as a solution to agency problems, although both the explanandum and the process are reconceptualized, and use of the language of agency in articulating the model is less common (but see Adams 1999, 2005b, 2010, 2011).

Symbolic power, legitimacy, and discipline help rulers secure staff and allies who will consistently act on their orders, and, more generally, act in a manner consistent with their interests, desires, and projects. For example, Gorski (1995) argues that Prussian civil servants were selected via the criteria of *confession*, and thus the institution of the church influenced state-formation by making cheating less likely among tax collectors. With both the monitoring of some agents by other agents and self-monitoring more common, overall enforcement was less expensive for the rulers of the Prussian state; the interdependence of agency problems could thus become a virtuous rather than vicious spiral.[3] Gorski (2003) made a similar argument about religion and state-formation in the Netherlands, citing Calvinist-inflected disciplinary practices.

Following Weber, cultural questions about state legitimacy and cognitive framing have focused on the state's staff.[4] However, Adams (2005a) makes a cultural argument about rulers, suggesting an important cultural dimension to patrimonial state-formation—that it is patriarchal. In so far as the familial imagination influenced the projects and strategies of early-modern Dutch elites, the ruler-principals saw themselves as agents of their family lines, which extended before their birth and after their death, and of which they were only temporary manifestations. Acting on the basis of this cultural construction, early Dutch state-builders understood it to be in the interests of the families they represented to arrive at a compromise formation wherein each elite family would permanently own a piece of the quasi-bureaucratic Dutch state.

Thus, instead of assuming relatively rational actors with consistent sets of preferences, the cultural model examines the remolding of subjectivities into docile state actors (Ikegami 1995; Steinmetz 1999; Stuart Brundage 2017). This means cultural accounts of how states form often point to exogenous institutions as the source of new subjects who can be bound together in the state. These accounts of the imagination of rulers and staff

tend to move discussion of states away from overt violence,[5] replacing it with the induced self-control of docile bodies and minds in the formation of modern states.[6]

Culture II: Knowledge, Logistics, Materiality

A different manifestation of the cultural turn in the study of state-formation emphasizes material culture. In this dimension, the success of binding staff and elites to rulers is made more likely by the design of the material world such that delegation can proceed smoothly and loyalty secured, as both are grounded in a techno-material comprehension shared across sectors of a burgeoning regime. In this model, the co-production of certain material-and-social beings, and knowledge about them, via state bureaucracies and other knowledge-generating networks and structures, is the key process. New expressions of political power—for example, reconfigurations of the relationship between a monarch and nobles, or of the relationship between an imperial presence and local elites—are achieved, in part, by transformation of the natural environment; projects for the articulation of regimes are encoded into the "science-state plexus" (Carroll 2006:4). As Carroll (2006:144) notes in his study of "engineering Ireland," in this mode, a "new policy replac[ed] the supposed Irish state of nature with the planters' culture of state."

Mukerji's (1997) study of the making of French Absolutism, *Territorial Ambitions and the Gardens of Versailles*, is a study of material culture as a dimension of state-formation (for further investigation of the relationship between engineering and state-making, see Mukerji 2009). Taking "French formal gardens as laboratories of power," Mukerji (1997:8) traces how a certain kind of triumph over nature, encoded into the built environment, projected the capacity of the state to control territory and naturalized this capacity as the condition of political action. For Mukerji (1997:55), the "displacement of organized violence from the feudal nobility into a professional army"—that is, the making of a modern military-fiscal state in France—was achieved, in part, by making "the French state not just a political regime but a material entity built into the landscape." The collection and placement of artworks, the design of gardens, and even the king's greed created a state style, and in so doing, solved a series of intertwined agency problems, subordinating both "huge armies of artisans" and the nobility (Mukerji 1997:105, 150, 203).

Near the conclusion of Mukerji's argument, the performative aspect of state-formation makes a brief appearance. She argues that spectacular costumed plays at Versailles helped to bind nobles to the new regime (Mukerji 1997:229–33), effectively resolving the agency problem that obtained between the monarchy and the nobility. However, the overall arc of her analysis favors material culture as the driving force behind the solution to agency problems: "material manipulations became a means of sidestepping the conflicts of representation by founding the legitimacy of the regime in demonstrations of efficacy in the world of things" (Mukerji 1997:257). My argument inverts Mukerji's both temporally and analytically. In the case under study here, the public felicity of the state preceded, and indeed in some sense made possible, its technological accomplishments and its material-social logistics. Theoretically, the performative is explicitly modeled as a dimension of state-formation analytically separable from that of material culture.

THE DISTINCTION BETWEEN PRIMITIVE ACCUMULATION AND ROUTINE MAINTENANCE OF STATE POWER

The processes outlined above, considered as dimensions of state-formation, can be thought of as overlapping, with differing time scales and variations in how they intertwine. Nonetheless, a similarity in these disparate models reveals a puzzle whose solution could enhance

sociological theories of state-formation. All three models tend to point to multigenerational timelines. The two cultural models trace the sedimentation of meaning, the elaboration of sociotechnical apparatuses, and the formation of subjects across decades.[7] The exchange-and-threat model starts from different initial conditions and then follows these through an account of repeated mechanisms that also unfold over decades or even centuries (e.g., Ertman 1997; Tilly 1992).

This emphasis makes the initial moments of state-formation a lacuna for extant models, although such early moments may nonetheless be recognized as moments of change or path-dependence precisely in so far as they sit outside the models and the theoretical expectations they entail (Mahoney 2000). In identifying this problem, Loveman (2005) proposed an analytic distinction between the primitive accumulation and the routine maintenance of symbolic power in states. Loveman developed this distinction with reference to the cultural theories of state-formation then in ascendance, but it can just as well describe exchange and threat in state-formation because—whether the issue is money and guns, or lawyers and engineers—the initial accumulation of state power can be modeled as the problem of overcoming intertwined agency problems.[8] As a result, in situations where the success or failure of state-building faces a narrow timeline and an extreme precarity of rule within that timeline, there would appear to be a mismatch between the models outlined earlier and the exigencies of state-making. This is the inspiration for the development of a model of the performative dimension of state-formation.

This model of "state by demonstration," or the "presumptive state" (Richardson 2012),[9] may be introduced through a thought experiment, whose stylized language should be understood as deliberately unrealistic. Imagine a small set of would-be rulers who seek to harness and grow an organization that will claim sovereignty, enforce laws, and accrue capital. These rulers, however, have few and highly uncertain fiscal and military resources for doing so. Likewise, their legitimacy, and

the legitimacy of their organization, is not only not well-established, but they lack any preexisting institutions or traditions that can clearly and directly lend them legitimacy.

In this situation, the basic state functions of taxation, war-making, law-making, and (social and natural) cartography (Santana-Acuña 2014) have a high probability of devolving into a failed project due to intertwined agency problems. To extract taxes requires a military apparatus, which has to be paid; to conduct a census of the population to better extract taxes requires money, which requires taxes; to beat opponents in war and gain valuable territories that can be mapped and used requires recruiting an army, but recruiting is less likely to be successful if previous armies have lost, and so on.

In such a situation, a "Hail Mary" solution with some affinity to what Bentham (1864) called "deep play"—making bets that are well beyond what one can possibly afford (see also Geertz 2000)—might be appealing. The rulers could use up their (minimal) resources to secure a small number of agency relationships, and then hope that other potential agents of their would-be state will decide that the state will be successful, and thus they, too, will become a part of it—thus making it successful.[10]

But how do these other potential agents decide to join the state project? Perhaps they can be *persuaded*. That is, something about how they see and interpret the actions of the would-be state brings them around to an acceptance of state power as real and consequential. Such indirect securing of agents would be, by definition, not subject to the usual (and costly) mechanisms of monitoring, punishment, and reward that make up the bulk of the literature of agency theory (for a review, see Shapiro 2005). Instead, the widespread *public interpretation* of the rulers' actions would be highly consequential for the future of their organization.

This stylized description renders in raw form a dimension of the process of state-formation that, in sociological explanations, could be combined with the three more well-known and well-tested models described earlier. It references, for state-building, the

relevance of performativity, in the precise sense of an action creating the impression of an entity behind the action as its "essential cause" (Butler [1990] 1999; Wagner-Pacifici 2010; Weber 1998). Felicity in performance provides the basis for the solution to agency problems, establishing hierarchy and coordination in actors' various responses (collective and individual, elite and populace) to "the state."

The performative dimension is, I propose, a dimension of all processes of state-formation, but its importance varies across cases. It can come to the fore in instances where state-formation occurs in a rush, on the cheap, and outside the typical distribution of resources that gives an organization a chance to become "the state." Indeed, in this description of persuasion and deep play, astute readers will have recognized the kinds of uncertain situations that have been theorized in the literature on revolutions, state crises, civil war, and abdication (Ermakoff 2008; James 2001; Markoff 1995, 2010; Sewell 1996; Tilly 1964).

For example, during and after revolutions, new leaders thrust into power and installed in an urban center (e.g., Paris, Philadelphia) are often presented with a chaotic, violent, and thus difficult to manage situation, particularly in the rural periphery. Desperate to bring their conflicts with the general population under control, they need a good staff, a good army, a way to collect taxes, and so on, and they need these to become a reality in less than a generation. Yet precisely because the situation is a crisis wherein the rules of the game of political power are undergoing transformation, there is ambiguity in the forging and stability of agency relations.

This kind of ambiguity about agency relations arises in crises broadly defined, including seizures of power, abdications, and collapse, in which norms, habits, and established interests are no longer able to guide decision-making and action (Ermakoff 2013; Reed 2015; Sapiro 2013). In particular, interpretation of the future as unpredictable makes securing staff and elite allies difficult. In such situations, public interpretations of state action become acutely important; the public face of the state, constituted in myriad moments of interpretation carried out in front of others who are also interpreting, emerges as key to a state's success or failure (Glaeser 2011).

THE PERFORMATIVE DIMENSION OF STATE-FORMATION: A BASIC MODEL

The following model of the performative dimension of state-formation takes an emphasis on physical violence from the capital-and-coercion approaches to the state, and an emphasis on interpretation from cultural approaches. But it adds to these the analysis of *publicity*, which can transform processes of interpretation in rapid fashion (Adut 2008, 2018). It focuses on public displays and interpretations of violence and coercion. The model has three interconnected elements.

Emergency. Problems emerge that urgently demand, or appear to demand, *demonstration* of the monopoly of the legitimate use of violence over a given territory by a would-be state.

"Acts of state" that involve violence and coercion. In response to the emergency, acts are taken "in the name of the state" to kill, injure, coerce, threaten, or negotiate with named adversaries.

Public interpretation. Via media, these acts of state are made widely and publicly available for variable interpretation by elites and the populace. These interpretations take as their background certain horizons of understanding (Gadamer 1989; Griswold 1993), but they are not entirely reducible to such backgrounds (which are themselves variable). To some degree, these interpretations emerge in response to the emergencies, acts of violence, and publicity at hand—they are actions on the scene of the emergency. Securing the state as real in its consequences depends—in the performative dimension—on these interpretations of the (would-be) state's response to emergencies.

The model is designed to be iterative: public interpretations of acts of violence in an emergency become an important part of the background for the next emergency. For this reason, contextualization is important for tracing its dynamics: *what* constitutes an emergency; *how and which* agents of the state enact violence, coercion, or negotiation; *how* the media generates interpretations of violence; and *how and which* interpretations of the violence become influential are all questions that have to be answered via process-tracing.

The performative model tracks how the justification of violence and the legitimation of power can be created by public interpretation of acts of the organization that claims to be the state. This model focuses on the mediated reception of exemplary violence and coercion, and the felicitous or infelicitous displays of variably gilded state agents that accompany such moments. In the performative dimension, the state becomes the center of newspaper stories and the gossip they generate; resentful and restless populations are converted by flag and fear into overawed or grateful citizens; and certain actors within the proto-state seek to make the state *appear* well-funded, expertly violent, and, in some cases, judicious and fair—a force to be reckoned with and an inevitable part of the landscape upon which human action proceeds. Performative state-formation succeeds, then, in so far as public interpretations of certain acts of violence successfully assign to the state a reality and consequentiality that then orients future action. Appearance and its variable interpretation become the medium for the accumulation and exercise of power.

The focus on emergencies of wide public interest intentionally limits the scope of the model. The approach proposed here does not consider everyday policing, the response of the would-be state to private homicide or other violent crimes, or the overall distribution of violence in society, all of which may be essential aspects of the initial accumulation or routine maintenance of state power. Much violence in society occurs behind closed doors, and much occurs in public without becoming subject to publicity about the state.[11] (Indeed, in the early American republic, a slave society, violence was constitutive of the social order of the plantation, and everyday policing occurred at the level of municipality and county, with federal oversight of such governance-of-violence a rarity). Instead, this model elaborates on the concept of exemplary repression (Mann 2005:16–7), developing it into a theory of performative violence and coercion, and asking how it connects with the felt and perceived eventfulness of emergency, so as to understand how public interpretation is consequential for state-formation. As we shall see, the use (or not) of violence during emergencies should be understood as a spectrum, further complicated by conflicts of interpretation over the meaning of the (non)violence performed.

DATA AND METHODS

The period in U.S. history beginning with the Treaty of Paris (1783) and ending with the election crisis of 1801 and its resolution is a promising site for building a theory of performative state-formation for three reasons. First, the period has been intensively studied by multiple generations of historians with access to myriad archives, and its political history has been particularly salient to historical research (Waldstreicher, Pasley, and Robertson 2009). Second, it is widely understood to be a crucial time in the formation of the U.S. government as an organization that makes sovereign claims (Griffin et al. 2015). Third, this period has emerged in recent historiography as a time of tremendous precarity and contingency for the ambitions of the would-be rulers of the new federal government (Freeman 2002; Hinderaker 1999; Wood 2009).

In what follows, I use secondary, and in some cases primary, texts to trace the emergency politics of the early American republic during this time span. I focus on events that rose to the level of widespread publicity and involved the use of violence, coercion, or the imminent threat of violence as a part of sovereign claims made by the federal government. Not all of these were clear performative successes for the early U.S. government—in

particular, Harmar's (1790) and St. Clair's (1791) campaigns in the Northwest Territory and Fries's rebellion (1799) were, as will be discussed, failures for the men who occupied the highest positions in the new federal government, and the outcomes of Shays's rebellion (1786) and Gabriel's Conspiracy (1800) credited the Massachusetts and Virginia state governments, respectively, for their handling of the "emergencies." The election crisis of 1801 was resolved in a way that favored the continuity of federal power, but, as I shall endeavor to show, this successful performance depended on previous successes.

The most outstanding cases of successful performance for the federal government—the crushing of the Whiskey Rebellion and the Battle of Fallen Timbers, both of which took place in the late summer and early fall of 1794—form the centerpiece of the analysis presented here, as I endeavor to elaborate a model of how the performative dimension of state-formation can work well and be effective. For each emergency, I trace the three elements of the model outlined above in dynamic relationship to each other. Finally, I use a reading of extensive secondary materials on the *growth* of the American state after 1801 to establish the applicability of Loveman's (2005) distinction between initial accumulation of state power (1783 to 1801) and its routine maintenance (1801 to 1824, and, in a different way, 1824 to 1861). I use government records and militia rolls, as well as secondary sources on military history, to assess the size and cost of the military in the early American republic.

THE PROBLEM OF EXPLAINING THE FORMATION OF THE EARLY AMERICAN STATE

Outcome: The General Government

Well-known arguments in American historiography dispute whether the U.S. government before the Civil War was strong or weak, whether the federal apparatus in that period is best characterized as a state of "courts and

parties,"[12] and, perhaps most prominently, how we should think about the relationship between the development of federal state capacity and recurrent strains of anti-statism in American political culture (Baker 2002; Ericson 2017; Freehling 1994; Gerstle 2017; John 1997; Katznelson 2002; Novak 2008; Opal 2013; Skowronek 1982).

Despite its many points of disagreement, this literature reveals a consistent finding: by the time Andrew Jackson was elected, a federal apparatus of significant capacity and legitimacy did exist. Consider the following elements: the buildup of the military for, and then continuing after, the War of 1812 (Edling 2014; Wilentz 2006); the legitimation of Alexander Hamilton's plan for the U.S. Bank in the 1800s and 1810s (Hammond 1967; Lomazoff 2012); the emergence, by 1828, of a postal system staffed by a remarkable number of federal agents (John 1997); and the expansion of infrastructure projects between 1812 and 1824 (Baker 2002). All of these elements point to the growth and solidification, between 1801 and 1828, of a secure solution to agency problems: "governance that spanned extensive territory and that delegated authority to distant agents" (Balogh 2009:6).

The antebellum United States featured a federal state apparatus whose four points of extensive governance and control were (1) the commerce system and the national market, (2) security and westward expansion, (3) use of tariffs, and (4) use of "the law to shape the political landscape" (Balogh 2009:381). By the War of 1812, and certainly by the time Jackson ran for office and repurposed the cultural tropes of anti-statism to his own aims, there was an apparatus to be resentful of, something to be "political about." That is to say, there had been an *initial accumulation of state power*. But how did this occur? The era before 1801 creates a puzzle.

Guns, Money, and the Agency Problems Posed by Early American Militias

Mann (2012) cites conscription as a key innovation of the American War of Independence,

Table 1. Size of the U.S. Army in Men, 1784 to 1798, 1812

Year	Regulars	Semi-regulars	Militia Used in Military Events
1784	80[b]	700[b]	
1785	80[b]	700[b]	
1786	80[b]	700[b]	4,400[e] (Shays Reb.)
1787	80[b]	700[b]	
1788	80[b]	700[b]	
1789	1,216[b]	—	
1790	1,216[b]	—	1,133[b] (NW Terr.)
1791	1,216[b]	2,000[b]	1,000[f] (NW Terr.)
1792	5,280[a,b]	—	
1793	5,280[a,b]	—	
1794	2,000[c]	—	1,500[b,c,d] (NW Terr.) 12,950[b] (Whiskey Reb.)
1795	2,000[c]	—	
1796	1,000[g]	—	
1797	5,280[a,b]	—	
1798	10,000[a,b]	—	
1812	35,000[b]	50,000[b]	100,000[b]

Note: Estimates for the number served in the Revolutionary War range from 184,000 to 250,000 (U.S. Bureau of the Census 1965:731).
[a]Number authorized by Congress; number recruited/conscripted unknown but estimated to be significantly less.
Sources:
[b]Millett, Maslowski, and Fries (2012:156–57, 163–68, 172, 180).
[c]Anderson and Cayton (2005:194).
[d]Stockwell (2018:256).
[e]Condon (2015:82).
[f]Nelson (1986:234).
[g]Quantitative estimates have not been found for the Army in 1796 in secondary or primary sources. Therefore, this estimate is arrived at via the reduction, by half, in funds devoted to the Army from 1795 to 1796, as found in "Series Y 350-356, Expenditures of the Federal Government, 1789 to 1957" in U.S. Bureau of the Census (1965:718–19). Millet and colleagues (2012:94) and Kohn (1975:176–78, 184–6) confirm that the legion structure was dismantled by Congress in 1796 and replaced with an order for two light dragoon regiments and four infantry regiments.

and the cozy relationship between revolutionary leaders and large merchants and bankers on the Eastern Seaboard is well established. However, a war for independence and the formation of a federal state apparatus are not the same thing, and in the case of the former North American colonies of the United Kingdom, this was especially the case when it came to military force.[13]

In the period between 1784 and 1801, the U.S. federal military capacity was remarkably small, in terms of both manpower and funds devoted to the military. Table 1 lists the size of the U.S. Army in number of men enlisted, 1784 to 1798, along with comparisons from mobilizations during the War for Independence and the War of 1812. Table 2 records spending on the Army, 1791 to 1801, with a comparison to 1812. However, as the rightmost column of Table 1 indicates, more U.S. citizens went into battle with the Ohio Indians in 1790, 1791, and 1794 than were "in the U.S. Army." These more formidable numbers come from the use of citizen militias. Citizen militias are, I believe, what Mann (2012:151–2) is referring to when he discusses conscription in the American revolution, the first "mass mobilization warfare," and thus the way the revolution let "the 'people' onstage" in history.[14] But, if militias were an option *for*

Table 2. Federal Expenditures on the Army, 1791 to 1801, 1812

Year	Appropriations for U.S. Army in Thousands of Dollars	As Percentage of Federal Debt
1791	633	.8%
1792	1,101	1.4%
1793	1,130	1.4%
1794	2,639	3.3%
1795	2,481	3.1%
1796	1,260	1.5%
1797	1,039	1.2%
1798	2,010	2.5%
1799	2,467	3.1%
1800	2,561	3.1%
1801	1,673	2.0%
1812	11,818	26.1%

Source: "Series Y 350-356, Expenditures of the Federal Government, 1789 to 1957" and "Series Y 368-379 Public Debt of the Federal Government: 1791 to 1957" in U.S. Bureau of the Census (1965:718–21).

the federal government, they were always potentially a *problem* for that government as well, due to the politics of organized violence in this era and the "dual army" tradition (Cress 1982; Herrera 2015; Higginbotham 1998; Laver 2002; Mahon 1960; Weigley 1984).

In 1790, technically, every white male U.S. resident between the ages of 18 and 45 was in his state's militia, organized by county or sub-county. This meant a poorly-trained citizenry was expected to supply their own arms. Drilling happened once a year and tended to be a ritualized local celebration of manhood, not rigorous training. The political organization of militias made them even more problematic. Militias were fully detached from federal oversight and subject ultimately to the will of the governor and individual state legislatures for all training and arming. High positions in the militia were patronage tools for elite politics at the state-level, and thus they inherited their organization and identity from the pre-revolutionary era.

Finally, the lowest level of militia officer was elected by the white male population he was to command (Mahon 1960).

The result was that use of organized violence in the early American republic matched neither the bureaucratic French model nor the localized aristocratic model that, in sociological narratives of European modernity, was crushed under the wheel of Napoleonic rationality. Rather, the early U.S. militias were local in orientation and in their social networks (e.g., farmers from the same county who knew each other), democratic at the lowest level, subject to the hierarchies and political purposes of the separate governments of the former colonies, and detached from any federal-level organization.

Furthermore, these militias were wildly non-standardized. If to "see like a state" is to rationalize one's military organization, the American militia structure stood in the way of the development of coherence and effectiveness, because *the size of a regiment varied from state to state.* For the executive in the early United States to "call up" the militia and turn it into an army meant handing the command of an unknown number of soldiers to a central commander. Even if a commander was told how many regiments were reporting,

> . . . it is clear that state militias had not that attribute which is indispensable to a national reserve force, that is interchangeability of units. In other words, if a federal commander had to build units from militia regiments he would have to undertake elaborate calculations, and combine and recombine, to make his brigades and divisions uniform . . . there was hardly any point at which any two militias were similar. (Mahon 1960:63)

In the early American republic, every instance of the federal government engaging in organized violence involved the use of state- and county-based organizations, as well as private militias that were labeled federal, usually just moments before their use. And every instance of land conflict with an external enemy involved an amalgamation of citizen

militia forces with a small number of regulars, a process that was messy and often involved resentment, politicking, and even treachery or sabotage (Gaff 2004). Finally, as we will see, militias and the threat of coercion they contained could, precisely because of their local orientation, be used to *resist* federal power, particularly the power of the legal system.

Ambiguity of National Symbols

If violence was in the hands of county militias and the "police powers" of individual states, perhaps the legitimacy of the federal apparatus emerged from cultural identification? There was not an equivalent institution, in the early American republic, to the Church in the Netherlands, or a tightly bound elite with a familial imagination.[15] A significant literature, however, describes ritual and festival in the early republic as a route to creating the American nation as an imagined community (Neem 2011; Newman 1997; Waldstreicher 1997).

It seems clear that these and other activities helped create a cultural substrate of sorts for a variety of actions done in the name of the new United States, and furthermore that these ritualized forms of expression capped a long eighteenth century of "becoming America" (Butler 2001). During this period, symbols connected to the idea of the American nation (e.g., flags, liberty poles) emerged in U.S. popular culture.

However, the evidence points against this culture abetting the legitimacy of the federal government and is highly ambiguous, at best, when it comes to the possibility that "national identity" trumped various local and state identities in the 1780s and 1790s (Berkin 2017). In other words, there was no obvious or taken-for-granted fusion between "American nation" and "general government" before the turn of the century. During this period, these symbols of the nation could be used either *for* or *against* the legitimacy of the general government—the erection of liberty poles, for example, could signify adherence to, or defiance of, federal laws. Furthermore, identities at the level of individual states, as well as regional identities (New England

versus Mid-Atlantic, North versus South, and Eastern Seaboard versus Western Frontier) created a torturous amalgam of loyalties, entirely uncertain in its relationship to the new state project (Cayton 1992). It is thus not surprising that Gould's (1996, 1998) sociological studies of the Whiskey Rebellion are highly sensitive to regional identifiers as designators of group membership.[16]

The vexed question of racial identity offers a more promising route to understanding the cultural dimension of early American state-formation, given (1) the three-fifths clause and the debates surrounding it that contributed to the writing of the Constitution; (2) the origins of local policing policies and governors' emergency powers, especially in the American south, in the need to command, control, and violently dehumanize the enslaved population; and (3) the racialized elements of the ongoing guerilla war between American settlers and members of Indian tribes in the Northwest and Southwest Territories after the Treaty of Paris in 1783.

However, the intertwining of race and *federal* government was emergent and complex during this period, as "in those days of turning inward that followed the French Revolution, the Negro Question too was pondered back and forth in America" (Du Bois [1906] 2006:242), rather than being a well-honed and well-instituted format of subject production that could resolve agency problems for the federal apparatus. For this reason, the longer-term making of the racial state in the United States requires a study of the interactions between several different dimensions of state-formation, including the performative dimension.[17]

THE EMERGENCE OF THE PRESS AS A STAGE FOR STATE ACTION AND ITS VARIABLE INTERPRETATION

One form of material culture did link together American citizens at the end of the eighteenth century: the printing press. In the pre-Independence era, the production of newspapers and pamphlets had a well-established and highly

legitimated solution to agency problems as part of its structure. The relationship between printers and those who wrote pamphlets and funded their publication was that of artisan (agent) and gentleman (principal). Gentlemen published anonymously to protect their "honor," and printers were highly deferential to them. This status distinction restricted access to the meaning-making functions of the press to very wealthy men of standing, and it made newspapers a straightforward instrumental tool of a small political and economic elite. In the lead-up to the revolution, this tool was used more and more for anti-imperial invective that favored independence.

It would be reasonable to suppose that this relationship continued into the post-revolutionary era and thus constituted a particularly advantageous means for establishing the public legitimacy of the federal government. Indeed, many Federalist elites made just such a supposition, and for this reason the first Congress designed laws to make postal rates for the mailing of newspapers extraordinarily low, make the exchange of papers between printers free, and ensure the printing of new federal laws in the papers. Effectively, anyone who used the U.S. postal service to mail a private letter in the 1790s subsidized the newspaper industry: "by 1794 newspapers accounted for 70 percent of the mail by weight, but for only 3 percent of the postage" (Pasley 2001:48–9). But these moves did not have their expected consequences; the press did not act as a state organ or agent of the state in any direct sense.

Instead, the world of newspapers—particularly in the 1790s—ballooned into a semi-autonomous field of its own (for a parallel argument about book publishing, see Remer 1996). Printer-editors emerged as "new men of power," less and less responsive to the gentlemen who ran the federal government. Thus, gentleman principals lost their artisan agents as the social character and positioning of newspapers was transformed.[18] The quantitative expansion of journalism, and its emergence as a field (which anxious elites referred to as the "tyranny of printers") had three important features.

First, the press network was radically decentralized compared to Britain or France, where the system was centered on the word from London or Paris. Instead, the early American republic saw hundreds of local papers spring up, die off, and be reinvented, in an ever-evolving maelstrom of print culture. Second, the reach of exciting stories was extensive, due to the habitual process of "exchange," whereby faraway papers ran stories by clipping pieces from other papers—having "an effect akin to modern newswires" (Parkinson 2016:15).[19] These stories certainly reached a very broad and, for the era, highly literate public that constituted the American electorate (Monaghan 2005; Parkinson 2016). Third, especially over the course of the 1790s, the field of newspapers became a hyperpolarized space of warring interpretations. Even within Philadelphia, different readers would receive different "spins" on news in common.

Among the most important places where newspapers were read out loud and discussed were the democratic debating societies and committees of correspondence that opposed the Federalist project, and whose form imitated those groups that, a generation before, had brought on the revolution (Pasley 2015; Sisson 2014). Thus, we are compelled to understand print media, and the "republic of letters" (Warner 1990) that accompanied it in the United States in the 1790s, as the stage upon which certain moves could be made. Because of their high visibility, papers were subject to an intensive process of contested public interpretation with relevance to a broad swath of the electorate.[20]

This reinterpretation of the early American press has consequences for theory. One cannot assume that a media system in which similar news stories are read in different quarters of a large, spread-out society fuses nation to state directly via the standardization of print capitalism (Anderson [1983] 2006). Rather, such a system may constitute an extensive public apparatus, in which "everyone knows that everyone knows" that this or that event happened, but in which the interpretation of that event is, via that same

apparatus, subject to significant variation. In other words, media may be a stage for public performance more than a socialization mechanism that communicates information and perspective in a tight bundle.[21]

Having thus described the conditions for the public interpretation of acts of state, we can now delve into those emergencies by which the early American state was, in part, forged. I begin with the key hinge year of 1794, during which two major emergencies were acted upon, with stunning felicity, by the federal government and its agents.

THE WHISKEY REBELLION[22]

Emergency: Tax Resistance Becomes a Violent and Widely Known Subversion of Law

The Whiskey Rebellion involved the largest troop movement on American soil between the revolution and the Civil War. These troops responded to a violent emergency that resulted from resistance to an excise on whiskey. Tax resistance, as part of a larger rural recalcitrance to state-formation, was widespread after 1791 in the western parts of the United States. But it flared into an emergency in Western Pennsylvania in the summer of 1794, as a series of tarrings-and-featherings and barn-burnings directed at tax inspectors were followed by violent, direct attacks on state agents.

On July 17, 500 militia men engaged in a firefight with the head tax inspector and several armed agents and burned his house to the ground, and on August 1, a 7,000-man army marched through Pittsburgh. This army flew the "Westsylvania" flag, which denoted the idea that the four westernmost counties of Pennsylvania and the two northernmost counties of Virginia (today West Virginia) should be their own political entity.[23] This march was accompanied by the mobilization of local militia units to take over courts and undermine the law, as the Washington County Militia (nicknamed the "Mingo Creek Boys") took over their county courthouse and announced that all attempts to collect debts

had to be referred to them. George Washington proclaimed a state of emergency on August 7, 1794.

State Action: Public Speeches and Networks of Communication Enable Washington and His Cabinet to Assemble an Army

To deal with the emergency, Washington referenced the Militia Act and the emergency powers granted to him by the Constitution, and he began the project of amassing the means of violence. This occurred via a series of proclamations and rousing speeches by Washington and the governors of the states of Virginia, Pennsylvania, and New Jersey. Some of these performances occurred by letter, followed by speech. Pennsylvania Governor Thomas Mifflin, for example, sent letters to captains of various militias concerning the necessity of saving the republic, which they read to their men.[24]

These initial "callings up" were successful and represented a tremendous outlay of scarce federal resources, as commitments to pay state funds to foot soldiers were made. Furthermore, this initial moment of state action involved the renaming of many private resources as "of the government," particularly for militia that featured cavalry (cavalrymen usually provided their own horses, arms, and uniforms, and such units drew their men from the propertied classes). One payroll record for Virginia militia participation indicates 20 scouts and spies paid by the U.S. government in the year 1790, and 20 in 1791. In contrast, the payroll for "the Expedition Against the Insurgents" from the same records for Virginia reveals 456 ground troops and 249 cavalry from Virginia. The number of recorded New Jersey militia men increases in the same set of records from zero to 205.[25] The extensive military histories of the early republic confirm these findings—the crushing of the Whiskey Rebellion was an unprecedented marshalling of force for the new government (Coakley 1996; Hogeland 2010; for a discussion of the splitting of Virginia, see Barksdale 2003).

State Action: A Two-Part Performance of Negotiation and Magnificent Coercion

Sent ahead of the amassed troops in the movement west from Philadelphia were two negotiating teams—representing the federal and Pennsylvania governments. Via face-to-face interactions and letters back and forth with a set of 12 men who represented a set of 60 men who represented the rebels, these teams acted out a "state solution" to the rebellion. This was a theater of representation, of attribution of meanings and intentions to large sets of people and organizations who may or may not have had them, as Washington's team negotiated "on behalf of the U.S. government," and the rebel "Committee of Conference" negotiated on behalf of "the people of Western Pennsylvania." In particular, negotiators for the United States attributed to the federal government certain intentions, interests, principles, and rules for its functioning that were not fully "there" when they were uttered. After many back-and-forth negotiations, the rebels had meetings on August 28 and 29 where they voted to submit to federal authority. On September 11, in a large public event held in every town in Pennsylvania west of the Allegheny Mountains, white male citizens came out to sign an oath of allegiance to the federal government.

   This act of subservience was followed by the troops' arrival. The process of getting approximately 12,950 troops, cobbled together from various militias of varying size, over the Allegheny mountain range involved a great deal of dissembling and awkward negotiation of agency problems. Washington wanted the troops to behave in an upstanding manner, and he attempted to ensure this via letters and by meeting the army in person in Carlisle, Pennsylvania. But the army was ill-equipped, under-fed, and not yet paid; Henry Knox and others in the administration thus had to hide from Washington (and the press) soldiers' repeated raids on local farms. Letters show that the day-to-day process of the march was not a pretty sight (Hogeland 2010:207–36).

   Nonetheless, upon arrival in Pittsburgh, the occupying army pulled off a dramatic and successful performance, which quickly became known across the United States as the "dreadful night." One eyewitness recorded the scene as follows:

> A large number of prisoners from Washington county were collected together in the county town, and taken thence to Pittsburgh. . . . I saw them on their way. . . . They were conducted by the Philadelphia and New Jersey cavalry. The contrast between the Philadelphia horsemen and the prisoners was the most striking that can be imagined. The Philadelphians were some of the most wealthy and respectable men of that city. Their uniform was blue, of the finest broadcloth. Their horses were large and beautiful, all of a bay color, as nearly alike that it seemed any two of them would have made a good span of coach horses. Their trappings were superb. Their bridles, stirrups and martingales glittered with silver. Their swords, which were drawn and held elevated in the right hand, gleamed in the rays of the setting sun. The prisoners were also mounted on horses, of all shapes, sizes and colors; some large, some small, some long tails, some short, some white, some black, some lean, some of every color and form that can be named. Some had saddles, some blankets, some bridles, some halters, some with stirrups, some with none. The riders also were various and grotesque in their appearance. Some were old, some young, some hale, respectable looking men; others were pale, meager, and shabbily dressed. . . . I have more than once seen gangs of fifty or sixty negroes tied to a long rope, two and two opposite to each other, and marched to a distant slave market, but their anguish and indignation was not to be compared to that manifested by these western men. (Brackenridge 1859:324–5)

The impression created by this scene is significant for understanding the making of the early American state. The prisoners are

profaned in this observer's imagination as comparable to the detested category of enslaved person. Furthermore, the wealth and strength of the state apparatus is merged together in the sensory impression of the horses and their swords, held aloft to signify the might of the new Leviathan. Yet this was pure drama; the Philadelphia Light Horse was privately funded, it was the *public performance* that made them the avatar of the federal government.[26] As interpretations of the Whiskey Rebellion developed, citizens would come to see that government as both "dreadful" and "fair," and thus, via the performative dimension of the accumulation of state power, legitimate and effective.

Public Interpretation: The Government's Two-Part Performance Becomes Widely Publicized and Subject to Debate

The word spread fast. Paper after paper printed news of the rebellion, the dreadful night, and interpretations of it; longer tracts were published in 1795 and 1796. All of these were widely consumed and discussed, particularly in the debating societies that formed in many American towns and cities. In this process of mediation, timing was crucial. Hamilton's letter to Washington from during the crisis was published and read widely, and well before Brackenridge's and Findley's accounts, which were longer, more sympathetic to the rebels, and appeared in 1795 and 1796.[27] The aftermath of the rebellion also included creation of an anti-Federalist newspaper (the *Tree of Liberty*) in Pittsburgh, but not until 1795.

The *General Advertiser* of Philadelphia reported the "disagreeable news" about the violence on July 25 and 26, 1794 (Owen 2015:165); Hamilton's letter was published in the *American Daily Advertiser* on August 21, 1794, and "by having this version of events printed in the newspaper first, the administration gained the initiative in influencing public opinion regarding the decision to use force against the rebels" (Davis 2000:50). Hamilton's letter provided a narrative history of the events in clear moral language, and it was the

first "total" account (i.e., attributing cause, discussing conditions and the purpose of the excise law, placing blame) to be widely published. Its efflorescent rhetoric denounced by name several local elites as outside the law, a public denunciation that influenced law and its execution—those named were, at a later date, not offered amnesty (Davis 2000).

Arguing about the Whiskey Rebellion became a constitutive part of debating societies in the fall of 1794; the rebellion became one of the great issues of the age (see Berkin 2017; Bouton 2007; Cornell 2015; Houpt 2015; Neem 2003; Reed 2016; Slaughter 1986; Wood 2009). Amid the cacophony of debate, widespread opinions emerged that the rebels had gone off the rails and abandoned the project of the republic. For example, the *General Advertiser* (later the *Aurora*) was an anti-Federalist, anti-Hamilton paper (the *American Daily Advertiser* was pro-Federalist), but the editor of the *General Advertiser* hated the Whiskey Rebellion because the violence of the rebels toward tax inspectors, in his view, ruined his preferred arguments *against* a strong general government: "As soon as the *General Advertiser* had printed its first report of the Pittsburgh disturbances, [the editor] issued a stern plea that citizens engage only in political activity that followed democratic norms and constitutional rules" (Pasley 2015:203).

It is an ironic statement, in retrospect, for there has been, in the historiography of the rebellion, tremendous dispute about which actions by which persons were and were not within such norms and rules (see Davis 2000; Griffin 2007; Hogeland 2010; Neem 2003). But what emerged, in the *public interpretation of state action at the time*, via arguments and counter-arguments across the country, was that the violence of the rebels was out of order; the coercion of the state in response to the rebels (relatively) understandable; and, foremost of all, *some legitimacy* could be ascribed to the exchange that occurred in the negotiation between the government's agents and the rebel committee.

In this emergent baseline of argument, which could be attached to differing opinions

(e.g., that the rebels emerged in response to bad laws that needed to be overturned, or, conversely, that the rebels were a subversive and criminal element, seeking to undermine the republic, for which the whiskey excise was a boon), something subtle was afoot. The magnificent coercion of the "dreadful night" became, in the public eye, a picture of government restraint and highly moral enforcement of laws. The exchange between citizen and sovereign state—of obedience for amnesty, and a promise from Washington to try tax resisters locally—signified, in its pragmatism, the reality and legitimacy of the new federal government. It thus became "the general view that the federal government had demonstrated to its citizens, and to the world, that it could withstand domestic rebellion without resorting to tyrannical measures . . . to show both resolve and leniency" (Berkin 2017:79).

THE BATTLE OF FALLEN TIMBERS AND ITS PERFORMATIVE EFFECTS ON THE AMERICAN ELECTORATE[28]

Emergency: Lack of Control of, and Military Losses within, the Northwest Territory Becomes a Crisis for the Funding and Legitimacy of the Federal Government

Immediately to the west of the environs of the Whiskey Rebellion, an ongoing calamity was unfolding for the new American state.[29] The years between 1787 and 1794 in the Great Lakes region were a time of "uncertainty and terror, worse even than the peak years of the Revolution," for the many different populations of the valley, and it is only in retrospect— and because of the performative successes of 1794—that this time appears today as a lead-up to American imperial success pushing West (Hinderaker 1999:242, 244).[30]

Certainly, from the perspective of the American electorate, rich or poor, the military adventures of the fledgling republic in 1790 and 1791 were unmitigated disasters. After Josiah Harmar's army was defeated in 1790,

Arthur St. Clair took his turn at the head of the Army of the Northwest. On November 4, 1791, approximately 1,000 of St. Clair's 1,400 troops were killed at the Battle of Wabash, and all ammunition and supplies were lost.

Washington's letter to Congress about St. Clair's catastrophic loss tried to control the damage, but he lost the interpretive game. An early report in *Dunlap's American Advertiser*, a daily paper in Philadelphia, was followed by reports in all the states:

> People read how St. Clair's soldiers first heard cries in the distance that sounded like wolves howling or all the bells of the pack-horses ringing at once. Suddenly hundreds of warriors painted red and black poured out of the woods with their muskets blazing . . . leaving the soldiers no possible way to escape . . . the reaction to these frightening images was everywhere the same. How could this have happened, especially only one year after another American army . . . had been nearly wiped out by Indians just south of the [same] place? (Stockwell 2018:8)

Newspapers printed "paeans to the fallen, and the report of the congressional committee that investigated the causes of the catastrophe" (Calloway 2014:24). Jefferson, always a charismatic interpreter for his millions of admirers, wrote from Philadelphia that "the late calamity to the Westward has produced great sensation here" (Calloway 2014:5). Five weeks after the battle, the newspapers and those who read them were still obsessing over the loss, and the general public was full of surprise and fear:

> Indians fielding a multinational army, executing a carefully coordinated battle plan worked out by their chiefs, and winning a pitched battle—all things Indians were not supposed to be capable of doing—routed the largest force the United States had fielded on the frontier. . . . With the British in Canada waiting in the wings for the American experiment in republicanism to fail, and some regions of the West gravitating towards

alliance with Spain, the destruction of the army . . . threatened the very existence of the infant United States. (Calloway 2014:5)

American military elites, however, knew quite well the capacity of Indian warriors and alliances.[31] Those elites also knew that the government in Philadelphia simply did not have the means to field a massive national army to defeat their Indian opponents. They knew, for example, that Josiah Harmar had been selected to lead the failed 1790 campaign, despite his mediocre military record, because his home state of Pennsylvania had contributed the most men to the cause—260 (Best 2015; Cayton 1990; Kohn 1975). Washington attempted to get the Iroquois to compel the tribes in the Northwest to negotiate with the Americans, but this effort failed. Congress struggled to raise funds for Indian defense, facing a classic agency problem of state-formation. The United States needed to control the Northwest Territory so as to make the state solvent via land speculation, but it struggled to marshal sufficient funds to field a large army with which to do so.

This failure to resolve military agency problems reverberated through the press after the failed campaigns of 1790 and 1791, and in particular, it suggested that a central plank of the argument for a strong federal apparatus—that only such an apparatus could secure territory for the American "empire of liberty" and defend the country from its external enemies—was faulty. Any anti-Federalist could argue, as of 1793, that all the Federalists had done was lose wars to "savages," waste money, and thus let British forts remain in the Northwest Territory, in flagrant defiance of the Treaty of Paris.

State Action: The Appointment of Anthony Wayne and the Building of American Legions

In response to the evolving emergency, George Washington appointed "Mad" Anthony Wayne, also known as the "Thunderbolt of War," to reorganize and lead the U.S. Army. His appointment was strange and risky vis-à-vis the Federalist project. Wayne was a hard-drinking, uncouth general from Georgia, whose public reputation included his bankruptcy (he had ruined his inherited wealth) and his removal from Congress when it was discovered he had rigged his election. After accepting his appointment as Major-General, he set out to Pittsburgh in 1792. He then engaged in a desperate effort to build the American Legion, for upon his arrival it was widely understood that he commanded an army that existed only on paper.

The following two years of correspondence between Wayne and Secretary of War Henry Knox read as a compendium of frustrations, difficulties of supply, and workarounds for corruption and subversion. Reports of "predatory Indians" are combined with complaints about sick soldiers and defective saddles for horses. Reports of Wayne's attempts to lessen the anxieties of the men in Washington County, Pennsylvania, about Indian violence are followed with complaints about the "depravity of mind" that leads to a "spirit of desertion." Throughout, the problem of how to wrench men out of more localized military units looms—for example, Knox complains that his application to the governor of Pennsylvania for "permission" to "recruit out of McCulley's corps" was declined.

These early difficulties were followed by a notorious instance, drawn out over many months, of the agency problems that beset a proto-state. Wayne's brigadier and second-in-command James Wilkinson engaged in extensive attempts, via letters back to Philadelphia and by spreading dissent among the recruits, to undermine Wayne's efforts at building an army (Gaff 2004). But Wayne outmaneuvered Wilkinson (and exceeded him in charisma), made himself close to the other officers, and built enough of an army to have approximately 1,000 men at his command for the venture west, which started in earnest in 1793.

State Action: Defense of Fort Recovery, Victory at the Battle of Fallen Timbers, and Crop Destruction

On June 30, 1794, the Ohio Indians laid siege to Fort Recovery, where Wayne's army was stationed. This attack did not succeed, and the

Ohio Indians changed generals, from Little Turtle to Blue Jacket (this would prove to be a significant mistake). Wayne's army marched into Indian territory on July 28, and on August 20 they won a surprising tactical victory against the Indians. The Battle of Fallen Timbers was, in a pure military sense, relatively minor—featuring 33 killed and 100 wounded for the Americans and 30 to 40 confirmed dead for the Ohio Indian Alliance, with more suspected but not confirmed. A key feature of the victory was the retreat of the Indians to Fort Miami, where they were denied entrance by the British, causing them to retreat further.

The aftermath of the battle, however, was unusual by the standards of eighteenth-century fighting. "Federal troops treated Indians with a hitherto unknown ferocity," and "a racially charged fury defined some of the fighting" (Griffin 2007:248). Wayne and his generals razed and burned Indian fields, British storehouses, and everything in the area (Gaff 2004). One estimate suggests 300,000 to 400,000 bushels of grain were destroyed; the crop destruction anticipated nineteenth-century tactics: "The total ruin inflicted upon residents of the Auglaize and Maummee River basins would not again be duplicated on American soil until William Tecumseh Sherman marched through the Confederacy in 1864–1865" (Gaff 2004:332–3).

Public Interpretation: The Glorification of Violence and Lauding of Wayne and His Army as Evidence of State Capacity

Initial news of the battle travelled via private letter from Wayne to Knox, and by private letters sent by Wayne's soldiers to their families. These were stories of epic heroism and glory in battle, and Wayne's account, in particular, would become the basis of the widespread news of the battle (as well as his own heroism). "It's with infinite pleasure that I now announce to you the brilliant success of the Federal army under my Command" Wayne wrote to Knox. "The ground

being cover'd with old fallen timber probably occasioned by a tornado," Wayne gave a set of complex orders that, he reported, "were obeyed with spirit and promptitude," such that the "Savages with their allies abandoned themselves to flight & dispersed with terror & dismay." It was, Wayne insisted, a heroic victory of his 900 troops against 2,000 of the enemy. This letter was widely published in American newspapers (Stockwell 2018), thus reaching the electorate at large.

The interpretations exceeded Wayne's own glorifications. What Wayne preferred to call the Battle at the Rapids was quickly rebranded the "Battle of Fallen Timbers"—a more dramatic sounding title—drawing on his description of the battle's landscape. As the news spread, "almost with the rapidity of lightning," what was a minor battle became a tremendous victory, an indication of state capacity to direct unrelenting violence at the Indians and thus secure white settlement. Troops returned home "boasting of the devastation they had visited upon the Indian country," and gloating that the Indians would starve in the winter ahead with all of their crops burnt. In response, "the people were almost frantic with joy." Rich and poor citizens of the early republic received the warrior heroes in such a way that "every portion of the army, and every individual who had belonged to it, was cheered in the most enthusiastic manner by the citizens, and to have belonged to Wayne's army was enough to elevate any individual (in the estimation of the field) almost to the pinnacle of fame" (Ferris 1897:350–3, cited in Gaff 2004:363–4).

Two years later, the memory of Wayne's triumph had not faded—thousands crowded the streets of Philadelphia for a cannon salute upon his return to the capital. Federalist elites conceded to run the Georgian, who had become the most compelling agent of the new state, for governor of Pennsylvania in 1796 (Nelson 1982). Wayne—who had been mocked by Madison and Monroe, thrown out of congress for rigging his election, and openly detested by the governor of Virginia—became,

via the press, the hero of the republic and the avatar of the American state.

CONTEXTUALIZING 1794: EMERGENCY POLITICS, 1783 TO 1801

In August and September 1794, a confluence of performance occurred, in which the public interpretation of the federal government congealed into a comprehension of it as "dreadful"—to be feared—yet somehow "fair" to white male farmers; and, simultaneously, capable of violent domination of enemies (and, in particular, an enemy signified as racially other, "savage"). This was a kind of alchemy or "social magic" (Bourdieu 1991:119–20; Butler 1999). The legitimacy of the general government's crushing of the Whiskey Rebellion was enhanced by the (sudden, new, and highly publicized) felicity of that government in its wars with the Indians.

Thus "the terms of the covenant to create commonwealth were established by two armies that moved west in 1794" (Griffin 2007:244), and the aftermath of these performances contributed to "federal and state governments designed to impede popular reform" (Bouton 2007:262). In particular, *opposition* became a process *within the regime* whereby a certain kind of politics took place. Elite leaders began to recognize the facticity of the state, disavowed tax avoidance as prelude to unlawful rebellion, and thus "redefined the means of exercising political opposition." Anti-Federalist elites and their networked associates and clients "told farmers that the rights they held before the Revolution were now lost. Mob action against an unresponsive regime was to be unavailable . . . in doing so, they imposed new legal limits to collective action on their own constituents" (Neem 2003:277–8).

This was a matter worked out in the debating societies and the newspapers (with strong guidance from the new men of power, the editors). And so, the reconfiguration of the public interpretation of the general government in 1794 helped construe and solidify the agency relations that granted state capacity; the new interpretation allowed the federal project to *overcome* the problem for states in formation, that is, that "partial co-optation actually engenders resistance" (Gould 1996:424).

This worked because the specific, emergent interpretations of the Whiskey Rebellion and the Battle of Fallen Timbers ran wide (broad circulation) and deep (extended consideration and interpretation in speech and in print). As a result, after 1794, the former Whiskey rebels became, with some exceptions, other kinds of political actors, whose very entrance onto the stage of politics would assume as a precondition the reality and legitimacy of the state. This was a tendency, not a total conversion.

Nonetheless, the trend was clear, as former rebel leaders and their constituents became the sort of actors who would take a position vis-à-vis how the general government should be run, to whom it was responsible, and through which policies that responsibility was to be enacted. "The defeat of the Whiskey rebels in the fall of 1794 did not put an end to the political activities of the rural people. They still fought . . . inside the Jefferson government, like Albert Gallatin; or on the floor of the House, like William Findley; in the sermons of the frontier preachers . . . in the formation of political institutions" (Sioli 1998:32).

We can contextualize the dynamics of performative state-formation that occurred in 1794 by noting, first, that the U.S. government did not handle all such emergencies with such aplomb and such success. In particular, Fries's rebellion became a political disaster for the Adams administration, showing how state performances can quickly go awry.

Fries's Rebellion and Interpretation of State Failure as a Failure of the Occupants of State Office

By the beginning of 1799, Congress had passed a progressive property tax more favorable to the farmers in the Whiskey Rebellion, but it was accompanied by a land tax that hit working farms much more than undeveloped

land, and was thus perceived to favor land speculators. This led to a buildup of tax resistance in German-speaking eastern Pennsylvania, and 17 resistors were arrested.

On March 7, 1799, 400 armed men, led by John Fries, marched to Bethlehem, Pennsylvania, and demanded the arrested tax evaders be released on bail. Fries had clearly absorbed the script from the public interpretation of the state solution to the Whiskey Rebellion—that is, to threaten, but in the end evade, violence via exchange between citizen and (representatives of the) sovereign state. Upon marching into town, Fries paid the bridge toll for all of his assembled men, and when they arrived at where the arrested were held, Fries left the armed crowd outside and entered unarmed to negotiate for the prisoners' release and to demand they be tried locally. This failed, and he brought in some of his armed party. After some tense negotiations, he left with the prisoners, whom the marshal reported as "stolen" (Newman 2012:140).

Federalist elites and the Federalist press then made a significant rhetorical mistake: they screamed civil war. Fenno's *Gazette of the United States* explained to Philadelphians that this was worse than the Whiskey Rebellion (Newman 2012). The *New York Daily Advertiser* traced the trouble to "Jacobin resolves" and the "French Party," the *Philadelphia Gazette* referred to the "sans culottes of Northampton," and the *Porcupine Gazette* predicted civil war. These papers also emphasized the closeness of the rebellion to Philadelphia and New York and predicted a march on these cities (Newman 2012).

The overheated interpretation emerged from the government as well, as President John Adams and others made speeches about the treasonable actions in Bethlehem, and these proclamations ran in Federalist and anti-Federalist newspapers. Adams raised militias from eastern Pennsylvania to form a federal force and sent them to the region. But Adams's force met no resistance (not a surprise, since Fries's men had gone home), and what had been high drama in 1794 became, in 1799, farce and evidence of bad leadership—of a piece with the much-hated Alien and Sedition Acts of 1798.

Fries's rebellion was a failed performance for the federal government that reveals the importance of the successes of 1794. State actions in response to the emergency were met with skepticism in many quarters, and the ardent pro-Federalist position could not make itself dominant. However, this skepticism was aimed *more at Adams and his party than at the federal government per se*. In other words, Adams's handling of the rebellion became one more reason to vote for Jefferson in the upcoming election. Adams's actions were bad political strategy in a situation that was beginning to presume the facticity of the state. He pardoned Fries, dividing the Federalists against each other (Hamilton and his followers wanted Fries to hang). The failed performance helped Jefferson's party win the election and thus install a new head of state.

Counterfactual: Interpretation of Fries's Rebellion without the Successes of 1794

It is not difficult to imagine a different iteration of emergency, state action, and public interpretation in the 1790s, with a very different outcome for the American state. Consider the following contextualized counterfactuals. Wayne's army could have (1) failed to win in the Northwest Territory, or (2) achieved a more ambiguously interpreted victory that was then less well "sold" in the American press and less well secured by treaty afterward. (The Treaty of Greenville [1795] was extraordinarily advantageous for U.S. settlement.) The Whiskey Rebellion could have ended with either (1) an insufficient army marching to Pittsburgh, leaving the leaders of the 7,000-man army un-arrested and no oath of allegiance signed on September 11, or (2) a violent conflict between a federal force and the rebels, resulting in many dead Revolutionary War veterans in the streets of Pittsburgh as highly public evidence of the new government's "tyranny."

Any of these possibilities, and certainly a combination of them, would have made the politics of violence a very different matter in the United States. Under such conditions, an

emergency elsewhere, such as Fries's rebellion, would have convinced sectors of the general public, and various elites with their own patronage networks, that the federal apparatus was not a good bet. Less violent emergencies or scandals (e.g., the Genet affair) would have been interpreted differently, as would the transition from Washington to Adams as head of state and Hamilton's plan for the U.S. Bank. That is the difficulty with deep play—losers lose big. But that is not what happened in the 1790s.

Rather, what *did* happen was a combination of the other dimensions of state-formation (exchange and threat, cultural formation of subjects, material culture) with a particularly vital moment of performative success that was, in its public interpretation, persuasive enough to make the general government worthy of elite investment and popular respect. The effectiveness of this buildup of confidence is evident not only in the state's ability to withstand the public relations disaster of Fries's rebellion, but also in the "miracle of 1801."

The Election Crisis of 1801: Successful Application of an Emergent Script to Resolve a Crisis

Broadly understood by historians as the closest the republic came to civil war before 1861 (see De Leon 2010, drawing on Dunn [2004] and Sharp [1993]), the crisis of 1801 saw a deadlock in the election between Burr and Jefferson,[32] which ceded to the Federalists in Congress the ability to delay the installation of a president until after March 4, at which point they could appoint a member of the Federalist Party president rather than either Jefferson or Burr. This crisis involved a logistical error in the democratic process, mistakes by elites unfamiliar with the politics of parties and campaigning, and ultimately, the threat of state militias marching on Washington, DC.[33] Thus "the constitutional miracle, if there was one, did not happen in the Philadelphia of 1787 but in the Washington of 1801" (Ackerman 2005:93).

But 1801 was not a "miracle" or some feat of statesmanship, even if it has been mythologized as both. Rather, the resolution of the crisis represented the maintenance of initially accumulated state power achieved via a repetition of a pattern of performance wherein violence is avoided at the last minute, and sovereignty respected, by the exchange of promises and the deferral of conflict.

On February 17, the Federalists yielded when Delaware Congressman James Bayard wrote to Jefferson, extracted from him the lucrative post of the Collectorship of the Port of Wilmington, and voted to give Jefferson the presidency. This exchange made concrete a larger, symbolic exchange that was performed into place at this moment: the continuation of the state via the peaceful transfer of power between parties. This was a result of timing, and the use of a new, emergent script, rather than culture and subject formation.

The widespread understanding of statesmanship possessed by American elites at the end of the eighteenth century was drawn from the notion of a virtuous, gentlemanly elite whose disinterest enabled them to rule in enlightened fashion, distanced from necessity and the temptation of "faction." The reality at hand—messy party politics that crossed lines of class, powerful state-based militias, and a geographically dispersed electorate—did not match the model of Athens or Rome so popular among the educated elite.[34] The potential principal-rulers of the federal state did not have a clear solution from tradition, they had fiercely conflicting interests, and they had access to arms. But there was a certain amount of public confidence in state capacity, and there was a script available for a solution to the crisis that would maintain the legitimacy of the state.[35]

CONCLUSIONS: THE PUBLIC THEATER OF LAWYERS, GUNS, AND MONEY

I have argued that the formation of the federal government of the new United States depended on the accumulation of power via

performance. The performances that helped make the American state took place in a setting wherein the interpretation of violence by state actors was not certain—neither encoded in culture and tradition, nor secured by overwhelming finance, force, or organization. Rather, it was through the skillful combination of negotiation, coercion, and well-timed publicity, in the crushing of the Whiskey Rebellion, and the skillful combination of violence, destruction, and well-timed publicity, in the Battle of Fallen Timbers, that the new federal government, via its agents, came into being as a solid part of the social universe. This was due to the way, in the space between these actions and their interpretation in newspaper reports and discussions of newspaper reports, a certain felicity obtained.

In making this argument, the language of agency theory has been particularly useful, enabling me to show how performative state-formation can be thought of as a solution to the same organizational problems for would-be states identified by extant sociological theories of state-formation. As such, the argument proceeds according to an understanding of state power focused on the hierarchical relationships that obtained, to varying degrees, between rulers, staff, elite allies, and the electorate—an understanding of state power borrowed, as it were, from the realist strands of Weber and the early work of Tilly. In this conclusion, I invert the form of argument to address extant issues in contemporary sociological theory that start from performance and dramaturgy.

Performance in Social Theory, Applied to State-Society Relations

In social theory, the concept of performance allows a revision to structural accounts of culture by emphasizing the aspects of meaningful action and interaction that bring social life into being by saying and doing. The dramaturgical metaphor and its related concepts—frontstage, backstage, actor, audience, mis-en-scène—provide an approach to social processes and their interpretation that emphasizes timing, rhetorical skill, persuasion,

creativity, and publicity (Alexander 2004; Goffman [1956] 1978; Turner 1982; Wagner-Pacifici 1986, 2000).

Performative power can be analytically contrasted with cultural or discursive power, which operates via naturalized categories and taken-for-granted or common-sense assumptions. In the performative dimension of power "actions are consequential precisely because they are *not* naturalized, hidden, or insidious" (Reed 2013a:194), for example, in "the bold and sudden giving of orders," "speeches that, even though someone is not well positioned to give them, end up carrying the day," or, as an empirical instance, the storming of the Bastille (Reed 2013a:194; Sewell 1996).[36] Whether it is doing gender, orchestrating a media event, or achieving ritual-like fusion via a compelling mis-en-scène, the utility of the dramaturgical metaphor is its recognition of how meaning-making can *make* order out of disorder (Alexander 2004; Dayan and Katz 1994; Heiskala 2009; West and Zimmerman 1987).

In the application of this concept of performance[37] to the sociology of states and state-formation, we find two separate lines of thought that are relatively well-entrenched, and a third possibility that is just beginning to open up. The first strand emphasizes ritual as an aspect of state action and legitimacy. This strain of theory, Durkheimian in orientation, focuses on flag-raising ceremonies, the burial of the dead (especially the war dead), recurrent festivals, military parades, and the creation of national myths (Giesen 1998, 2006, 2011; Marvin and Ingle 1999; Tepora 2007). These performances draw their felicity from the same sources as religious ritual. The bodily and visual appeal of repetition affirms belief in normative order, and the recurrent public display of state ceremony makes the coordination of action possible (Chwe [2001] 2013).[38] The argument is that a Durkheimian theory of collectivities as constituted through belief and ritual can be applied to state-society relations.

The second strand of thought moves "from ritual to theater" (Turner 1982), focusing on state theater as the "eventful" representation of state-society relations. Departing from

Durkheim, dramaturgy is given independent or "autonomous" power (Alexander 2004; Reed 2013a, 2013b). Here we find studies interested in the theater of revolution, attention to historical variation in what makes for good political theater, and a series of arguments about the open-endedness of the interpretation of events (Friedland 2002; Sewell 2005). The embrace of contingency comes to full flourish in Wagner-Pacifici's (2005) work on political semiosis. Wagner-Pacifici and her co-authors discuss sovereignty (Wagner-Pacifici 2005), state theatrics during times of crisis (Perrin et al. 2006), and revolution and emergency (Wagner-Pacifici 2017), and in so doing theorize semiosis as analytically divided into performative, demonstrative, and representational aspects or "features" (Wagner-Pacifici 2017:22). The model developed in this article emerges, in some ways, out of this second strand of thinking about the performative, in the sense that the performative dimension of state-formation could be interpreted as a process that makes an "event" when it produces a coherent interpretation of a chaotic, fragile, ambiguous, or uncertain situation.

However, there is a stark lack of realist-Weberian concerns in the fulsome embrace of contingency and the focus on the "restlessness" of events (Wagner-Pacifici 2010), a lack that oddly mirrors the Durkheimian focus on collectivity and ritual it claims to escape—both ignore logistics and organizational power. The theatricality of the state can become, in this theory, distant from the grubby work of securing funding, making laws via the building of alliances and influence, coercing recalcitrant taxpayers, making sure the state's various sub-organizations are not subverted by malfeasance or incompetence, and securing the loyalty of soldiers.

Given this problem, the recent research of Matthew Norton (2014a, 2014b), in tandem with this article, suggests a third way forward for the study of performance and state power. Norton's (2014a:1539) work intertwines the "cultural infrastructure" of the state with the "performance of meaning" and both of these with the solution to agency problems. He

explains the destruction of piracy in the English Maritime system by tracing the process whereby the cultural and performative powers of an extant empire-state were brought into alignment. The cultural coding of pirates as clearly and distinctly criminal was combined with a performance of these codes in the trials of actual pirates.

At the level of case analysis, Norton's argument is the inverse of that presented here. He traces a process in which the performative and cultural dimensions of state-formation come into line with each other, and thus allow for the enhancement of state capacity.[39] In contrast, I argued that the importance of performative power to state-formation in the early American republic is revealed by the way the performative and cultural dimensions of state power were out of alignment (e.g., widespread distrust of general government contrasted with elation over the victory at the Battle of Fallen Timbers, or elite understandings of politics during the election crisis of 1801 contrasted with the script of sovereign exchange that was acted out). If piracy was destroyed via a legal process of *limiting* the interpretations that could be applied to violence on the high seas, then the early American state was made, in part, via sequences of action and interpretation attributing capacity and legitimacy to the state well beyond that granted by its funding, laws, bureaucracy, and cultural traditions—that is, by the *expansion* of the performance of meaning into the basis for a new state.

The difference between these case-specific explanations depends, however, on an underlying unity of theoretical concern. In both arguments, state by demonstration is effective precisely in so far as it aids and abets the securing of agency relations (Adams 1996, 2010). This marks off a significantly different arena of research than has previously been thematized in the sociological study of performance. The focus is less on the planned parade than on the orchestration of arrests, more on the degree to which soldiers are ready to fight on command than on the inherent openness of state texts to reinterpretation. In other words,

the concern is with lawyers, guns, and money as themselves a form of theater.

Between Weber and Kantorowicz in the Sociology of the State

This shift in research focus and theory can be stated succinctly via a common reference point for many students of the state, namely Kantorowicz's classic text *The King's Two Bodies* ([1957] 2016). This study in medieval political theology is frequently mentioned in social theories of the state and sovereignty that depart from military, fiscal, and organizational accounts. Kantorowicz's careful interpretations of art, architecture, and public symbols are often taken by sociologists as an indication that, in their continuity and maintenance of power, states are ritualized and symbolic entities (Alexander 2010; Geertz 1980; Rogin 1979; Wagner-Pacifici 2005).[40] But this is not all there is to that classic argument.

Less often commented upon is that *The King's Two Bodies* is a study of legal decisions, taxation, and the justification of violence. Kantorowicz ([1957] 2016:192) sought to understand not only kingly succession and the myth of the state, but also the way "the mediaeval dichotomy between *sacerdotium* and *regnum* was superseded by the new dichotomy of the King and the Law." He argues that the king's two bodies served not only to suggest the Christ-like nature of the sovereign to the public, but also to secure, via interpretation of the state as existing in perpetuity via the king's "second body," the practice of annual, rather than ad hoc, taxation (Kantorowicz [1957] 2016:286). It also provided justification for why the "prince" can "shed blood without guilt" (Kantorowicz [1957] 2016:95). In other words, *The King's Two Bodies* can be understood as a study of how the *public interpretation of state acts of violence and extraction* secured state power.[41] Weberian concerns, we might say, were never absent from the mind of the classic theorist of political theology.

The rulers of the early American state, having sacrificed much blood and treasure to impugn the sovereignty of the British king, struggled to perform into being a substitute for the doctrine studied by Kantorowicz. They did so with scarce resources and little legitimacy. I have argued that, in situations such as these, before an organization can be taken for granted as a military and fiscal power, and as the purveyor of the symbolic violence that comes with naturalized categories of thought, a different dimension of state-formation comes to the fore. Lacking the necessary tax men, civil servants, and military capacity, the initial accumulation of state power depends on ostentatious violence and coercion, shameless publicity, and creativity in meaning-making. We are familiar with the phrase "agent of the state," which encodes the insights of agency theory into our understanding of the fraught relationship between soldiers, scientists, diplomats, and the entities they claim to represent. To varying degrees, those entities should be understood to depend on the felicity of their *actors*.

Acknowledgments

Notes

1. Bourdieu (2014), upon whose work Loveman draws, also uses the language of "initial" or "primitive" accumulation (drawn from Marx but adapted to his cultural theory of the state) in his lectures on the state at the Collège de France. See Loveman (2014) for further discussion of Bourdieu's approach to the state and categorization.

2. This invites a sociology of corruption combined with a sociology of extraction, see Wilson (2015, 2018); for an account of tax farming versus state administration of taxation given in the terms of agency theory, see Kiser (1994).

3. Gorski's argument about Prussia was initially developed in response to the rational choice argu-

ment of Kiser and Schneider (1994). For further discussion and analysis, see Adams (1999).

4. This fits with formal principal-agent theory as well, which usually focuses on the recalcitrance, shirking, or conflicting interests of agents, all of which upset a principal's ability to achieve his ends (see, e.g., Feaver [2009] on civilian rulers and their military "armed servants").

5. An important development in the bellicist study of states has been the engagement with the cultural formation of nationalism and its effect on the processes of recruiting, fighting, and resistance to "alien rule." However, Hechter (2013) retains an instrumental account of action as the baseline from which hypotheses are developed.

6. Inversely, rational choice models in political science and economics have considered more urgent and short-term problems of coordination and knowledge held in common (Chwe [2001] 2013), and scholars have applied their modeling of these problems to the analysis of trade (Greif 2006). But it is not clear how such formats of public coordination relate to securing hierarchy and domination, particularly formats of domination familiar to the sociology of the state (but see Kiser and Kane 2007).

7. An interesting question for the intellectual history of this area of sociology is the degree to which this emphasis is due to the diffuse but nonetheless consequential influence on empirical studies of state formation of Foucault's writings. Governmentality (Foucault 1991) is a process of the *longue durée.*

8. Ermakoff's (2008, 2015) approach to the abdication of the right to rule synthesizes rational choice theory and interactional sociology so as to engage "eventfulness," and thus make an argument about strategy and communication during moments of political unsettlement in which actors give up, rather than accede to, power.

9. In his study of early Mesopotamia, Richardson's (2012:32) argument attests to the methodological implication of the performative dimension of state power for archaeologists and historians: "Texts we have become used to reading as historical facts must be reinterpreted as more than idealizing or notional in merely general terms, but more specifically with an eye to their persuasive purposes . . . early polities claimed sovereignty powers on the ground far ahead of their actual abilities, both over territory and constituents. These texts were constructed out of will and desire; early states were talking—conjuring—themselves into being."

10. Merton's (1948) classic essay on self-fulfilling prophecies is interestingly split between its two paradigmatic examples, one very short-term (a bank run), the other very long-term (ethnic and racial prejudices in the United States). But Merton's emphasis on *false* definitions of the situation renders his analysis relatively insensitive to the complex ways publicity and interpretation interact.

11. For the subtle difference between that which is available to the public and that which is subject to the scrutiny of publicity, see Adut (2018).

12. The phrase "a state of courts and parties" was originally designed to characterize the state as "strong," but different from the twentieth-century American states, but it has sometimes been interpreted as meaning it was "weak" (see discussion in Skowronek 2018).

13. Even for the classic case of conscription and the building of the American army during the War for Independence, some of the issues described for the period 1783 to 1801 were present. In particular, conscription still went through mechanisms at the level of the individual colony, based ultimately on the citizen militia tradition inherited from the seventeenth century (Kestnbaum 2000).

14. Mann's classic work recognizes the somewhat decentralized and guerilla nature of American warmaking in the Revolutionary War; he posits that participation in the war by men (and women) without property created the push for citizenship that came next and set the course of the development of state-society relations until the Civil War. Yet Mann provides no clear examination of how the memory of the Revolutionary War was mobilized, or, for that matter, of the ups and downs of American military fortunes between 1783 and 1861. It appears he sides with Skowronek's argument about an early American state of courts and parties to some degree, and that he missed the melting away of the continental army after 1783, as well as the agency problems for military power created by the Western frontier (Mann 2012).

15. Once the federal government was established, and particularly beginning with the use of conscription by the North in the Civil War, the long and more recent arc of this story (i.e., 1861 to the present) in the United States may indeed be a question of nationalism and its relationship to war—particularly when it comes to the population's tolerance of military casualties and conscription (Lachmann 2013; Lachmann and Stivers 2016).

16. A more institutionalist literature examines the growth of civic nationalism through networked organizations. The idea here is that the "nation of joiners" effectively glues the federal state to the nation. But the weight of the evidence places this development in the decades between 1820 and 1840; this format of national identification is really a creature of Jacksonian democracy. Even Skocpol, Ganz, and Munson (2000) admit that the early Masonic organizations could not agree on a national structure in the period between the revolution and the War of 1812.

17. Research in progress considers the relationship of army recruitment during the revolution and the early republic to news about slave conspiracy and rebellion (see also Taylor 2013).

18. This came as a surprise, not least to those who had run the numbers. Newspapers did not make money, but they proliferated anyway, not only because merchants needed them to list prices and track shipping, and plantation owners needed them to catch runaway slaves, but also because they were a route to status for those excluded by the very well-heeled.

19. Effectively, what we would describe as plagiarism was, in the early American republic, reporting the news.

20. Pasley's research, in particular, suggests a skeptical reconsideration of the basic cultural mechanisms of the standardization of reading and education, and the spread of newspapers, as a pathway to "modernity" (Anderson [1983] 2006; Gellner 2008). See the excellent discussion of education in Neem (2017).

21. Zaret (1996) argues that printing petitions publicly, a change from medieval understandings of petitions as secret communications, was a key feature of the English Revolution.

22. This section relies on secondary sources where cited and also on the inspection of *Pennsylvania Archives, Second Series.* Published under direction of Matthew S. Quay, Secretary of the Commonwealth; edited by John B. Lynn and Wm. H. Egle, MD. Vol. IV (Harrisburg, PA: B.F. Meyers, State Printer, 1876); available at the Historical Society of Pennsylvania, 1300 Locust Street, Philadelphia, PA, 19107.

23. The long-term idea—variably attested to by different leaders, and especially favored by David Bradford, who compared himself to Robespierre—was for "Westsylvania" to align with a different empire, Spain or Britain.

24. Note that the argument, made widely and publicly, that using force to repress the rebels in Western Pennsylvania was *necessary*, was prepared, in part, in a much smaller public—the mini-public of Washington's Cabinet, in which Alexander Hamilton, via highly artful rhetoric, persuaded Edmund Randolph of the necessity of using violence to uphold the whiskey excise, and, by proxy, the Constitution. For more on the development of the "Philadelphia interpretation," see Reed (2016).

25. These numbers are derived from Clark (1990).

26. It does not appear that this troop consented to wear regulation uniforms until the Civil War; even then, the men paid the government for them (Seymour 2008). For a general description of the officer class in the army sent to western Pennsylvania, see Hogeland (2010:211). For the relationship of agency problems in the military to the politics of Federalism and anti-Federalism in the early republic, see Griffin (2007).

27. William Findley represented Westmoreland County in the House of Representatives from 1791 to 1799 and wrote *History of the Insurrection in the Four Western Counties of Pennsylvania*, published in 1796. Hugh Henry Brackenridge was a widely known local lawyer who helped found the *Pittsburgh Gazette* and wrote *Incidents of the Insurrection*, published in 1795. Interestingly, *Incidents of the Insurrection* contains many accounts of profane jokes and laughing dismissals of George Washington based on his age, infirmity, and supposed affection for Indians. In this regard it is a document of how Washington's charisma—and iconic status as constant reminder of the "glorious cause" of the Revolution—was not enough to solve the agency problems confronting the federal government in the 1790s.

28. This section relies on secondary sources where cited, and the Wayne-Knox-McHenry-Pickering correspondence, published as Knopf (1960).

29. Indeed, although Tarrow (2011) insists the Whiskey Rebellion marks an inflection point mixing together older, more violent forms of contentious politics and the "peaceful march" from the repertoire of social movements, this is, empirically for the Whiskey Rebellion at least, a mistake—the rebel army did not raid the federal armory in Pittsburgh *not* because they thought they were engaged in a peaceful protest, but because they understood those weapons as "intended for the campaign against the Indians and it would be improper to derange the operation of that campaign" (Brackenridge [1795] 1972:107; leader David Bradford was of the same opinion, see Bouton 2007). The ambiguity shows just how much the coercive aspect of the federal apparatus was a tangle of loyalties and resentments. Repeated instances of Indian–settler violence, along with lack of access to the Mississippi river, were central grievances of the Whiskey rebels against a proto-state that they wanted to be both less and more "strong."

30. For economic and political reasons, the rulers of the early American state were always more concerned with the Northwest Territory than the Southwest Territory, and the struggle to secure it constituted one of the great public dramas of the 1790s. Those years concluded what had been, effectively, a 60-year, multi-empire contest for the Great Lakes region. Important for the argument of this article is that the violence in and around the Ohio River did not cease with the British surrender of 1783 (Cayton 1992).

31. Washington's own early experience fighting both French and Indian forces for the British Empire taught him as much (Anderson and Cayton 2005).

32. One delegate to the electoral college for the Jefferson-Burr ticket was supposed to withhold his vote for Burr, giving Jefferson the presidency and Burr the vice presidency, but failed to do so. The ensuing deadlock in the House of Representatives occurred due to the preference of many Federalists for Burr over Jefferson.

33. Local newspapers carried threats of military intervention, by Federalist-inclined militias in Massachusetts and Connecticut, and by Democratic-

Republican inclined ones from Pennsylvania and Virginia. Thomas Jefferson included the latter threats in his communication with the Federalists; he also refused to guarantee places for Federalists within his administration (see discussion in Sisson 2014: 425–34).

34. "As demonstrated by the chorus of anxiety in correspondence, political decisions were shaped by an ever shifting array of influences, and politicians did not make such choices in partisan lockstep. . . . This lack of well-defined standards in an unstable political environment convinced many politicians that the nation was in the throes of a moral crisis" (Freeman 2002:207–9).

35. In the United States from 1783 to 1801, this emergent script could involve the same individuals in different roles when it was played out in different contexts. For example, during the Whiskey Rebellion, Thomas McKean, as chief justice of Pennsylvania, urged Washington and Hamilton not to use military force on the rebels in a meeting with the Cabinet; as governor of Pennsylvania in 1801, he threatened the Federalists with military force; in both instances, he was party to the eventual exchange that secured order. This is the point of social dramaturgy as a route to state power: roles can be occupied by individuals who had occupied other, different roles in the past, but the anatomy of the drama creatively solves the recurrent agency problems that attend a would-be state.

36. This understanding of the distinction between culture and performance draws on a long-standing sociological insight about action, traceable to Mead ([1932] 2002, see discussion in Abbott 2001:224–30).

37. In this article, although I discuss material culture as a dimension of state-formation, I do not develop or engage the quite different notion of the performative one finds in the work of Latour (2005) and MacKenzie and Millo (2003). The central difference is that this approach to performativity does not focus as clearly on audience interpretation as does the model advanced in this article. Nonetheless, for discussions that attempt to span the divide, see Callon (2010) and Butler (2010). Callon and Latour (1981) provide the technologists' critique of macrosociologists' reliance on Hobbes' political theory of the state.

38. Giesen (2005) offers an extension of the insights of theories of ritual to the difficult conceptual problem, influenced by the legacy of Carl Schmitt, of "sovereign violence." This issue takes the theory being built here beyond the scope of this article; it will be addressed in a subsequent study.

39. A slightly heterodox reading of Norton's work (especially 2014b) would suggest that encounters on the high seas, especially before the destruction of piracy, involved a great deal of performative power, particularly by various captains who had significant emotional power over their sailors. In this sense,

Norton's case of the destruction of piracy might be read as the destruction of charisma, or the "reigning in" of performative autonomy in the execution and interpretation of violence. For a discussion of the relationship between Weber's concept of charisma and the idea of performative power, see Reed (2013b).

40. I wish to be clear that this is not an unreasonable reading of Kantorowicz's multilayered text, a text that has, furthermore, been criticized for its emphasis on ritual (Buc 2009).

41. It is interesting to note in this regard the influence of Kantorowicz's text on Strayer (2005), whose book influenced Tilly's early work. Tilly wrote the introduction to the reissue of Strayer's text, and the connection is discussed in Tarrow (2008).

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