

## COMMENTS ON AZIZ RANA, THE TWO FACES OF AMERICAN FREEDOM

*Richard Bense!*\*

Aziz Rana has written a wonderfully rich and splendid book, in part because he clearly understands that good history should be written as social theory. He also clearly understands that writing a political history, such as this one, entails a full commitment to political theory. We must have such a commitment because we, in the writing of history, unavoidably judge the past in at least two ways. First, in constructing a narrative account, we impose a logic within which events, beliefs, and institutional development can be coherently related, one with another. In this book, Rana relies upon what he calls “American settlerism”<sup>1</sup> as that logic. Second, we judge the past by relying upon it as a guide to what will and should happen in the future.<sup>2</sup> There are dangers to avoid and there are possibilities to exploit. This normative evaluation of history also requires a firm grounding in political theory.

In terms of historical method, Rana says that this book “is not a work of traditional historical scholarship” but, instead, should be viewed as “a form of social criticism, in which history is presented in the service of today’s problems as well as tomorrow’s latent possibilities.”<sup>3</sup> His “focus on the historical past is ultimately [and self-consciously] instrumental.”<sup>4</sup> This is precisely where his “theory of politics” comes into play because it both underpins his interpretation of the past and delimits how we might instrumentally make use of the past, in the present.<sup>5</sup>

In judging the past, Rana shows both how Americans have conceived freedom and how those conceptions have changed over the centuries.<sup>6</sup> One of those conceptions becomes his normatively preferred conception of freedom. That conception combines social and economic autonomy, creative expression through labor, and inclusive equality within the body politic.<sup>7</sup> As he painfully notes, this combination has never fully characterized American society, but it has come close, partic-

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<sup>1</sup> AZIZ RANA, *THE TWO FACES OF AMERICAN FREEDOM* 12 (2010).

<sup>2</sup> *See id.* at 17–19.

<sup>3</sup> *Id.* at 17.

<sup>4</sup> *Id.*

<sup>5</sup> *See id.* at 17–19.

<sup>6</sup> *See id.* at 14–16.

<sup>7</sup> *See id.* at 12–13.

ularly on the frontier of settlement in the nineteenth century.<sup>8</sup> It is the generous impulses of that combination of rugged individualism with inclusive collective identity that he seeks to reclaim as the grounding for political insurgency in the twenty-first century.<sup>9</sup>

There is, however, a downside to settlerism—a downside that might be inextricably imbricated in its virtues. That downside appears in the emergence of a “royal prerogative,” which historically granted the sovereign almost unlimited power over those who stood in the way of settler expansion.<sup>10</sup> It also appears in the exclusionary construction of settler collective identity. As exhibited in the modern world, Rana regards these notions as a pathological inheritance that drives both an executive-centered, imperialist foreign policy and a rather viral deployment of “American entitlement” in, for example, contemporary immigration policy.<sup>11</sup>

Rana has written what we might call “an ideological history of the American nation” in which the mentality and value-orientation of settler communities has been the central pivot around which most important political disputes have revolved.<sup>12</sup> The mentality and value-orientation of settler communities emerged from a combination of “material practices” through which settlers organized their lives and political conflict with forces, groups, and institutions outside those communities.<sup>13</sup> From that perspective, there is a “bottom-up” dimension through which the material reality of life on the frontier provided the rudiments of what became a distinctly American notion of freedom and a “top-down” dimension through which settler confrontation with other groups and institutions—such as British imperial administration and modern industrial corporations—forged those rudiments into a coherent political philosophy.<sup>14</sup> In my own work, I would understand this combination of bottom-up and top-down dimensions as “political culture”—a term that Rana uses, but employs very sparingly.

Much of the narrative that Rana has given us has a strong “determinist” flavor in which political choices are decided implicitly within this political culture, even before they are actually recognized as choices. I do not mean this to be criticism but my understanding of our task, as political historians, is to explain why things happened one way and not another. That is a determinist project even when we are, at the same time, describing the scope of political possibility. In that sense, one mea-

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<sup>8</sup> See *id.* at 13.

<sup>9</sup> See *id.* at 16–17.

<sup>10</sup> See *id.* at 106–11.

<sup>11</sup> See *id.* at 338.

<sup>12</sup> See *id.* at 8.

<sup>13</sup> See *id.* at 46–52.

<sup>14</sup> See *id.* at 15.

sure of our analytical success is how much we can present as “determined” by our theoretical framework. This book, from that perspective, is very successful.

But that very success gives rise to some fundamental interpretive questions: First, who are now the “bearers of American settlerism?” When there was actually a frontier, the “bearers of American settlerism” were, of course, the settlers themselves. From a Weberian perspective,<sup>15</sup> it is the settlers who vitalized settler-conceptions of freedom, bearing the ideology through time and putting it in play in politics. But who became the bearers of settlerism once the frontier had ceased to provide a material grounding and identity for these settlers? Rana seems to say that the bearers have become “all of us” because “the centrality of settler colonialism to the development of national institutions and ideas remains essentially hidden in collective consciousness.”<sup>16</sup> He also notes that “Americans today rarely conceive of themselves as tied to a settler past or ideological project.”<sup>17</sup> He then adds that “by failing to place the national project within the context of settler colonialism, public discourse in the United States essentially forgets the conditions that gave rise to American accounts of liberty . . . .”<sup>18</sup>

In essence, Rana has given us two logics through which to understand the influence of the frontier on American conceptions of freedom. The first firmly was grounded in the material reality of settlers and their confrontation with other groups and institutions.<sup>19</sup> The second came of age once the frontier had vanished as a material reality and, as the passages I just quoted seem to indicate, lodges American settlerism in the collective subconscious of the nation.<sup>20</sup> The shift from the first logic to the second solves the problem of who are now the bearers of American settlerism: we all are. But it raises another question: if settlerism now resides in the collective subconscious, how can we, as a political community, “choose our destiny?” This question reduces, for a number of reasons, into another: Who does the choosing in contemporary American politics? I do not know how Rana would answer that question, but it is clear that he believes that a resurrection, from the collective subconscious, of the original settler conception of freedom is the best hope for recovering the right to choose our own destiny in contemporary American politics.

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<sup>15</sup> See MAX WEBER, *THE THEORY OF SOCIAL AND ECONOMIC ORGANIZATION* 142 (1947).

<sup>16</sup> RANA, *supra* note 1, at 8.

<sup>17</sup> See *id.* at 9.

<sup>18</sup> See *id.* at 9–10.

<sup>19</sup> See *id.* at 3.

<sup>20</sup> See *id.* at 8.

If such a resurrection from the collective subconscious were possible, we could then ask: Who could do this? Rana suggests that now, immigrants in the United States might play this role if joined to the social coalition that Martin Luther King, Jr. attempted to construct.<sup>21</sup> However, he then more or less dismisses that possibility as remote at best.<sup>22</sup> My own attention became focused on who, in the past, had had the most autonomous agency in Rana's account. Settlers were the well-spring of settlerism, but they were tied down by material conditions on the frontier. Elected politicians were more autonomous, but they too were tied to settlerism through elections. My own feeling (and I will leave it at that) is that judges—particularly Supreme Court Justices—have most often played an autonomous, albeit supporting, role in articulating American settlerism. Perhaps the Court could reawaken American society from its current enervating preoccupation with security, consumerism, and passive acceptance of imperial “policing” on the world stage. Nevertheless, as Rana amply illustrates, throughout history the Court has confined itself to reconciling the principles of settlerism with the imperatives of political reality.<sup>23</sup> Thus, it is difficult to see why it would embark upon a far more insurgent role now. Given the political complexion of the current Court, such a role seems a very distant possibility.

There is another question we might ask of this potential resurrection of settlerism from the collective subconscious. As I noted earlier, settlerism has both an upside—in the form of the more generous impulses of rugged individualism—and a downside—in the form of violent rejection and suppression of those who stand in the way of this rugged individualism. In material practice, the virtues and pathologies of settlerism were inextricably combined because settler societies, by their very nature, were expansionary projects that forcibly cleared ground land for their own reproduction.<sup>24</sup> We are now, however, haunted by a settler experience that no longer, as material practice, necessitates that combination. Can we now separate the virtues of settlerism from its vices? Can we retain and promote a conception of freedom that rests upon social and economic autonomy, creative expression through labor, and inclusive equality within the body politic without entraining brutal imperial expeditions throughout the world? In some ways, this question is even more fundamental than the question of who might resurrect a revitalized settler conceptualization of freedom.

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<sup>21</sup> See *id.* at 332–39.

<sup>22</sup> See *id.* at 336.

<sup>23</sup> See *id.* at 222–33.

<sup>24</sup> See *id.* at 12.

Let me end with just a few words on the American Civil War. Like Louis Hartz<sup>25</sup> before him (and that, I might add, is very good company to keep), Rana does not say much about the Civil War, and most of what he does say concerns Reconstruction, not the causes of the war itself.<sup>26</sup> Accordingly, I think he misses an important opportunity there. One of the proximate causes of the American Civil War was, ostensibly, the dispute over the status of slavery in the western territories.<sup>27</sup> There were essentially three opposing positions in this dispute: (1) Republicans contended that Congress could decide whether a territory should be free or slave; (2) northern Democrats, led by Stephen Douglas, held that the settlers in the territory should decide—“popular sovereignty”; and (3) southern Democrats advocated that all the territories should have slaves.<sup>28</sup> These were, in essence, three different ways in which “settler sovereignty” and “imperial prerogative” might be combined.<sup>29</sup> The southern Democratic position rested upon the necessity for the exclusion of blacks from the political community in order to create the social conditions for freedom.<sup>30</sup> Republicans stressed the necessity of yeoman independence and self-reliance, social conditions that would be fatally undermined by slavery.<sup>31</sup> On the other hand, the Douglas Democrats left the issue up to the settlers to decide for themselves.<sup>32</sup> All three positions represent themes in American settlerism that Rana recognizes and describes in his book; he also notes that these themes often competed with one another.<sup>33</sup> From that perspective, I think the American Civil War could have been much more easily incorporated in *The Two Faces of American Freedom* than in the “Lockean consensus” embodied in Hartz’s *The Liberal Tradition in America*.<sup>34</sup>

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<sup>25</sup> See LOUIS HARTZ, *THE LIBERAL TRADITION IN AMERICA: AN INTERPRETATION OF AMERICAN POLITICAL THOUGHT SINCE THE REVOLUTION* (1955).

<sup>26</sup> See RANA, *supra* note 1, at 183–84.

<sup>27</sup> See *id.* at 110–11, 169.

<sup>28</sup> See JAMES MCPHERSON, *BATTLE CRY OF FREEDOM: THE CIVIL WAR ERA* 58–59, 128, 506 (1989).

<sup>29</sup> See RANA, *supra* note 1, at 111, 175.

<sup>30</sup> See *id.* at 172–75.

<sup>31</sup> See *id.*

<sup>32</sup> See MCPHERSON, *supra* note 28, at 157.

<sup>33</sup> See RANA, *supra* note 1, at 12–13.

<sup>34</sup> See *id.* at 5 (citing HARTZ, *supra* note 25) (stating that the United States has been gripped by a “Lockean consensus” that deemphasized social class and focused on the protection of individual rights such as property rights and freedom of speech).

