Chapter 1

Agrarian Justice

Land, Labor, and Early Nineteenth-Century Property Discourse

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In his *Notes on the State of Virginia*, Thomas Jefferson famously reflected on the virtues of agrarianism: “Those who labor in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposit for substantial and genuine virtue.” According to Jefferson, owning one’s own soil and laboring on it ennobled the independent farmer. The pursuit of agriculture distinguished the farmer from the wage laborer, whose dependency on an employer “begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition.” A large class of landowning farmers, Jefferson believed, was vital to a successful republican government and the new nation’s stability, and much more preferable than an urban working class, which he associated with “degeneracy.” He concluded: “While we have land to labor then, let us never wish to see our citizens occupied at a work-bench, or twirling a distaff” ([1785] 1982, 165).

While the rapid economic transformations of the following decades forced the third U.S. president to revise his views on manufacturing, he nevertheless continued to highlight landownership as the guarantor of political stability twenty years later, when he proposed that homestead farming in the West would provide subsistence for an excessive supply of immigrant laborers in the Eastern metropolises—an early version of what later came to be known as the “safety valve theory” (H. N. Smith 1970, 203). Jefferson’s agrarian beliefs—which viewed the yeoman farmer as “the proper subject of civic virtue, republican liberty, and self-rule” (HoSang and Lowndes 2019, 24)—would become a central reference point during the Industrial Revolution in the United States. As the country transformed into a market economy, dominated by wage labor rather than land property, and as dynamic and fungible forms of property—such as moneyed capital and land as the object of financial speculation—gained in importance, relative to more static forms of property, producerism emerged as a moral conviction and partisan identity.

If Jefferson was one hero of agrarian reformers in mid-nineteenth century America, Thomas Paine was another. Paine’s *Agrarian Justice* pamphlet proposed a plan to address economic injustices that rooted, in Paine’s view, in land monopolies. Reminiscent of John Locke, Paine held that “the earth, in its natural uncultivated state,” belonged to humanity as “common property” (1797, 7). However, while Locke had argued that one could appropriate land by mixing it with one’s labor, Paine suggested that land itself always remained common property—only through the value added to it through labor could it genuinely be considered to be private property. Since the improvements made to the land could not be separated from the soil, Paine reasoned, landowners owed a “ground-rent” to the rest of the community—money which would compensate the landless for their loss of a natural right. Paine’s ideas on “agrarian justice”—particularly the notion of natural property rights—would later acquire much currency, several decades after they were first published, when access to land became a contested political issue during the industrialization of antebellum America, and movements for land reform sparked a battle over the very foundation of the social order, pressing for a more democratic distribution of the land.

Significantly, in a society structured around land, Paine explicitly promoted “agrarian justice,” not “social justice” (Marangos 2008, 317). Paine argues neither against the legitimacy of private property nor for a full redistribution. As Robert Lamb explains, “Paine’s egalitarian case for redistribution is intimately bound up with his libertarian defense of private ownership” (2010, 485). By making a distinction between the natural property given jointly to all humans and the property acquired through labor and improvement of the soil, Paine separates common from private property, defending the individual ownership rights to the latter (Paine 1797, 10). Paine ultimately aimed to critique excessive inequality in an unregulated market-based capitalism. He wanted to humanize that system rather than abolish it (Little 1999, 69). He also advocated voting rights for all members of society, without making property ownership a criterion, suggesting that those excluded from political participation would also refuse to give their support to the government, thereby potentially endangering the social order (Paine 1795, 17-18).

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Jefferson’s and Paine’s texts forge a nexus between property ownership and democracy. Their Revolutionary Era writings helped found an aspirational discourse based on the egalitarian promise that defined the U.S. as a society of class mobility, where property ownership, deeply intertwined with a producer ethic, functioned as a defining characteristic of citizenship (Saxton 2003, 248-49). This aspirational discourse relies on an inclusionary rhetoric, as it foregrounds the equality of all citizens in partaking in economic progress and prosperity. Yet, producerism also entailed significant exclusions, even as it constructed itself as a democratic alternative to slavery, the omnipresent symbol of dependence and “the specter of feudalism on American soil” (Kazin 1998, 14). It was an alliance of fractions of the elite and working-class whites who considered themselves to be the productive classes, “in opposition to those cast as unproductive and threatening, including bankers and speculators, slaves, and indigenous people” (HoSang and Lowndes 2019, 25).

The following discussion focuses primarily on how U.S. political and cultural discourses negotiated and mediated class conflict and property ownership during the Industrial Revolution, a time when increasing economic and social inequality began to undermine the credibility of the egalitarian promise. I argue that private property—and particularly property defined as the ownership of land and labor—held a key position in radical socialist critiques of American capitalism in the decades before the Civil War. Unlike contemporary European movements, which rejected private property as a bourgeois institution and advocated communal forms of property, American socialists embraced the right to privately owned property. Property ownership thus served as a key indicator for social justice and as an important mediator of class conflict in the antebellum United States. Social reformers invoked a proprietarian conception of property ownership which was based on natural rights discourse. They thereby relied on the definition of property as being the ownership of a thing—a theory in profound tension with contemporaneous legal definitions of property. Legal property discourse, at the time, conceived of property in increasingly abstract terms and as a private contractual relationship between two parties. Within the capitalist economy, property primarily possessed instrumental value. The public discourse invoked by the social movements, in distinction, emphasized the material dimensions of property, thereby resisting and negotiating these transformations.

This chapter shows that land conceived as property became a crucial mediating device in the social relations of the Antebellum Era. During the intertwined processes of market and state formation in the early nineteenth century, formerly uncommodified land was transformed into property by appropriating it from its native occupants. Westward expansion thus entailed the creation of land as “a new juridicial and conceptual object—an abstraction—that serve[d] to anchor relations, rights, and, ultimately, power” (Nichols 2020, 31). The socialist and utopian projects I investigate in this chapter crucially rely on a discourse of dispossession, by following Paine’s arguments and claiming a ‘natural right’ to the soil for the country’s constituents that directly depended upon the actual dispossession of Native Americans and the negation of indigenous land rights. Instrumental for the Anglo-American settlement of the continent, these actors rhetorically helped construct the homesteader as the quintessential American citizen, “in explicit opposition to Indigenous forms of life that presented radically distinct and divergent visions of the relationship between human societies and the lands on which they lived” (35).

The following section will introduce the discursive framework within which property was being debated in the Antebellum Era. Subsequently, I will analyze the rhetoric of three interrelated land reform movements that originated in New York State in the 1830s: Anti-Rent, Associationism, and National Reform. Anti-Rent constituted a large-scale revolt of tenant famers against their landlords, with whom they had lived in a quasi-feudal relationship, often for multiple generations. As the transforming economy increasingly threatened the income of both farmers and landlords, the tenants resisted what they experienced as an oppressive system and began to demand ownership of the soil. Associationism, or Fourierism, adapted the ideas of the French social reformer Charles Fourier to the American context, advocating the establishment of small rural communities, where the alienating conditions of the capitalist labor system were replaced by a more wholesome producer economy. Popularized in the U.S. by Fourier’s American disciple Albert Brisbane, Associationism was most prominently propagated by Horace Greeley, a Whig politician and influential editor of the *New-York Tribune*. Greeley was also one of the most prominent supporters of the National Reform Association, a working-class movement which advocated the free distribution of the public lands to settlers in the West.

The three land reform movements thus supported each other. A number of Associationists, like Greeley, were also National Reformers; the latter propagated their ideas among Anti-Renters and in turn publicized Anti-Rent issues in the National Reform journals, *The Workingman’s Advocate* and *Young America!.* Their concerted efforts for land reform eventually had concrete legislative results: after decades of congressional debates on the disposal of public lands, Congress passed the Homestead Act in 1862, granting 160 acres of free land to settlers. The last section of this chapter shows how radical demands were mainstreamed into a middle-class endeavor in congressional speeches in the 1840s and 50s. Closely reading newspaper articles, pamphlets, essays, and other contributions published in the context of land controversies in the antebellum North, I map how the rhetoric of property served to mediate racialized class conflicts, while simultaneously carving out the ways in which ideas about property themselves were shaped and constrained by these conflicts.

Property as Commodity and Propriety in Antebellum Legal and Cultural Discourse

Theories of classical liberalism conceive of property as an individual right that simultaneously serves to define the boundaries between the private and the public realm. Adam Smith, in his *Lectures on Jurisprudence* from the 1760s, much like John Locke before him and the framers of the American Constitution after him, suggested that the major objective of government was to secure individual private property rights, “to prevent the members of a society from incroaching on one anothers property, or seizing what is not their own” (qtd. in Rose 1996, 332). This notion of property being the objective of private economic pursuits, free from government coercion and the infringement of others, however, covers only part of the meaning that property has assumed within the American cultural context. Gregory Alexander and Carol Rose both have pointed out that the conception of property as a commodity exists in a dialectical relationship with a second, less familiar but equally important idea of private property as “the material foundation for creating and maintaining the proper social order” or “property as propriety” (Alexander 1997, 1; see also Rose 1994, 58-62). This idea situates the individual as part of a collective and in a public role in which property ownership comes with social rights and obligations. Tellingly, Smith implicitly alludes to this moral dimension by attributing governments with the central moral function of maintaining justice—which, for him, is the same as protecting individual property rights.

The idea of property being both commodity and propriety are intricately interrelated and continue to be articulated even in today’s property debates, which foreground the commodity function. The notion of what constitutes the public good, however, varies during different historical periods or is typically contested by particular groups or individuals at a singular moment (Alexander 1997, 2). Historically, conceptions of propriety have especially relied on “the civic value of landed property” (Blomley 2005, 622), which associates landowners with a notably hierarchical governing authority (Rose 1994, 59). This was especially true in European monarchical and aristocratic political systems, but it also applies to the American republicanism that prevailed after the American Revolution. Conceived as a country governed by ‘the people,’ the new republic required a greater diffusion of landownership—as most strongly advocated by Jefferson—, yet it continued to exclude those who possessed little or no property from civic participation, such as women, children, and the poor (61).

The American political and intellectual elite maintained that only property ownership made people independent and hence capable of exercising political rights.[[1]](#endnote-1) Moreover, they believed that owning property gave people a greater stake in society, making them more committed members of the community because they held a private interest in the state’s public policies (Keyssar 2000, 5)—a belief the George W. Bush administration would still echo in the early twenty-first century (see Chapter 5). Property requirements thus limited access to the franchise in colonial America and during the early decades of the United States. All thirteen original colonies maintained property qualifications for the ballot. During the Revolutionary Era, many states made substantial changes, in most cases broadening the franchise. Except for Rhode Island, Virginia, and North Carolina, all states had eliminated property qualifications by the mid-1820s, but in many of the former colonies tax-based requirements existed into the 1850s and beyond (Engerman and Sokoloff 2005, 896-98). Though the electorate expanded to eventually include all white men, new lines of exclusion were more narrowly drawn according to identity categories, often explicitly denying women, black people, and Native Americans the vote—property-based franchise laws had usually granted suffrage to members of these groups if they met the qualifications. The notion that only self-governing individuals should be able to vote remained in place, yet the definition of what constituted personal independence was reconfigured: self-ownership replaced property ownership (Steinfeld 1991, 185-86).

Property interests were thus instrumental in defining the nation’s political institutions, processes, and conception of citizenship. At the same time, dimensions of propriety had to be constantly renegotiated in the context of the market revolution at the beginning of the nineteenth century, which foregrounded property’s commodity dimension and began to move it into the realm of private contractual relations between individuals (Steinfeld 1991, 186). Early American property law, in distinction to the constitutional discourse, was built upon the model of British common law and the colonial statutory legislation instituted prior to Independence. However, these legal foundations became subject to rapid transformations between 1780 and 1820 (Horwitz 1992a, 30). In his preface to the 1803 edition of *Blackstone’s Commentaries on the Law of England*, Virginia law professor St. George Tucker spoke of an “almost total change in the system of laws relative to property” (qtd. in Luck 2014, 10) in the United States in that era. Due to multiple factors, British common law had lost much of its applicability in the U.S., which subscribed to different moral values than the mother country. As the new nation developed its market economy, profound economic changes necessitated further adaptions, as did unresolved issues relating to westward expansion and Indian land possession as well as the institution of slavery.

Some of the most basic changes related to the nature of landownership. As Stuart Banner explains, in Britain, all land was considered the property of the sovereign. Everybody else only had tenure, implying that the rights to the land were connected to duties and responsibilities vis-à-vis the Crown. In the U.S., by contrast, landownership was considered absolute: though landowners did receive titles through the government, no further duties were related to the grant. Whereas in Britain land was closely tied to class status, giving its owner a number of intangible property rights—such as noble titles or the right to appoint ministers to a church—, such customs did not take hold in the U.S., or only very briefly. Simultaneously, traditional central principles of property law were also changing profoundly: primogeniture, the stipulation that the oldest son would inherit an estate, and entails, which regulated that land would remain within one family as long as it continued to produce offspring, were abolished (Banner 2011, 5-10).

Property law adapted to the principles of the new government, which emphasized widespread landownership instead of a landed aristocracy; it also responded to economic demands of greater flexibility and productivity. In Morton Horwitz’s account, the two visions of property as commodity and propriety corresponded to competing theories of economic development, mirroring a “fundamental transformation […] from a static agrarian conception entitling an owner to undisturbed enjoyment, to a dynamic, instrumental, and more abstract view of property that emphasized the newly paramount virtues of productive use and development” (1992a, 31).[[2]](#endnote-2) Alexander, however, characterizes the same conflict differently, as one between two competing camps committed to economic development: “Entrepreneurial republicans” believed that “vested rights” of established American entrepreneurs should be protected against competition from newcomers, in order to guarantee the stability of economic development; “democratic entrepreneurs,” on the other hand, strove for more egalitarian access and stressed the importance of competition for economic progress (1998, 672).

Historians of property have stressed the increasing abstraction of the concept of property, in the early nineteenth century, from the idea of ownership being a thing toward the notion of property as a bundle of rights (Luck 2014, 12). Though this development does not necessarily correspond to an actual shift from property in tangible things to a set of intangible rights, as Banner rightly points out,[[3]](#endnote-3) legal theory began to interpret property as the rights and interests that parties in property disputes claimed regarding particular objects. While this abstract conception of property as a bundle of rights emerged concurrently with the new market society, the notion of property as an embodied, corporal existence remained influential in the American cultural discourse during and after this time (Luck 2014, 12). And if American property law had all but abandoned the natural rights theory already before the turn of the nineteenth century, the liberal ideology of natural property rights continued to resonate within political and public debates.

Within theories of political economy in the early United States, the natural rights ideology expressed itself through the firm principle that a just distribution of wealth in society rested on a labor theory of property and value (J. L. Huston 1998, 7). As James Huston notes, already during the Revolutionary Era “the public atmosphere in North America was saturated with the phrase *the fruits of labor* and with explicit allusions to the labor theory of property/value” (8). According to this theory, individuals deserved only the fruits of their own labor, and the transference of these fruits from a laborer to a non-laborer was considered unjust. Locke’s liberal philosophy provided one of the chief pillars of this labor theory of property. In his *Second Treatise of Government*, he famously stipulated:

[E]very Man has a *Property* in his own *Person*. This no Body has any Right to but himself. The *Labour* of his Body, and the *Work* of his Hands, we may say, are properly his. Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his *Labour* with, and joined to it something that is his own, and thereby makes it his *Property*. ([1689] 1988, Second Treatise, §27)

For Locke, the sanctity of private property rights derived from an original ownership of one’s body; the individual improved the natural resources of the earth by adding his or her own labor and thereby increased their value. The property right emerged in this process of enhancement; only labor, then, according to Locke, created both property and economic value.

The labor theory of property and value provided one of the major justifications for the American Revolution. The colonial elites not only rebelled against “taxation without representation” but also against what they perceived as economic exploitation, namely a dispossession of the fruits of their labor by the British aristocracy. They constructed an egalitarian vision of an American Republic against the model of that aristocracy, where the few earned the profit of the labor of the many. In distinction, the political system of the republic, they believed, required independent citizens, and independence was best achieved through widely diffused landownership. Yet, this conception relied on the notion of an equitable, as opposed to an equal, distribution of property: importantly, the labor theory of property was simultaneously instrumental to the justification of economic inequality in the new American republic. Since individuals possessed different talents and aptitudes, the fruits of their labor also naturally varied and hence the amount of property they were able to accumulate. In other words, property ownership and wealth were based on individual merit, which could differ widely across the population (J. L. Huston 1998, 19-28).

During the Industrial Revolution, the idea of self-ownership and the ownership of one’s own labor gave rise to what historians have called the “free labor” ideology, reconfiguring the civic importance of landownership. Amy Dru Stanley has described the nineteenth century as the age of contract, which “idealized ownership of self and voluntary exchange between individuals who were formally equal and free.” Contract as a worldview emerged in the Antebellum Era as an antislavery position, as “a dominant metaphor for social relations and the very symbol of freedom” (1998, x). But it also gave rise to debates about the ambiguities of wage labor: as previously suggested, to work for wages and thus to submit to the authority of a master was traditionally imagined as a state of dependency, even if the individual laborer voluntarily entered in such a relationship. Moreover, in the eyes of the working class, the notion of contract freedom glorified workers’ independence and veiled the asymmetry of power between the contract partners in the context of industrial capitalism. Workers’ movements such as the National Reform Association challenged the contract metaphor by insisting that the workers’ situation amounted to “wage slavery” or “white slavery.” The contrast between wage and slave labor, however, also served to further sharpen and legitimize the ideology of capitalism and to picture the United States as a classless utopia, where industrial laborers were upwardly mobile and could achieve property ownership through hard work, thereby escaping their state of wage labor (E. Foner 1995, xi). As a profoundly malleable term, “free labor” could refer both to a more narrowly defined form of self-employment, of which the small farmer remained the ideal, or more broadly to all non-slave working arrangements. The free labor ideology thus celebrated “the ability of each person to obtain a competence by the act of labor, to rise in wealth and status by merit and talent; it celebrated the dignity and nobility of labor, embraced the market system of competition, and glorified continuous expansion” (J. L. Huston 1998, 69).[[4]](#endnote-4)

These ideas were also central to the project of expanding the American settler society over the entire continent, thereby displacing and dispossessing Native American populations and ultimately installing Anglo-American practices and values by eliminating alternative social systems. Locke already provided the groundwork with his claim that “in the beginning all the World was *America*” ([1689] 1988, Second Treatise, §49), insinuating that the American continent, prior to European settlement, resembled a state of nature, a “vacant place[]” (Second Treatise, §36; see also Tully 1994, 167). The right to property through land, for Locke, depended on its enclosure and agrarian cultivation—both of which the indigenous population allegedly failed to do; instead of working the land and thereby increasing its value, they were leaving it as “wast[e]” (Second Treatise, §42). Therefore, in Locke’s argument, indigenous people lacked dominion over the soil; they did not improve the land and therefore did not appropriate it as private property. He did not categorically exclude them from landownership; but the legitimacy of their claims to the land would be based on the condition that they adopt an agrarian lifestyle and thus blend into the settler society (Arneil 1996, 166). Locke’s argument, which based private property on agricultural labor instead of occupancy, and which was incorporated into the legal discourse via Blackstone and Emeric de Vattel, served as a major justification for westward expansion and the continual dispossession of the indigenous peoples (Arneil 1996, 169; Frymer 2017, 39).

While access to and the distribution of land became a contested issue in the antebellum United States, the related social and economic conflicts were thus resolved at the expense of the indigenous populations, whose dispossession occurred concomitantly and often not merely through treatises and purchases but through consistent violent confrontation. Conquest did not precede the formation of the U.S., but most land was taken over the course of the nineteenth century, “often for inadequate compensation and against the will of the Indian nation whose lands were greatly diminished” (Singer 2011, 767). It took until the 1850s for the U.S. to fully incorporate the land within its 1783 borders, by establishing new states to cover all the land east of the Mississippi River, which entailed coerced resettlement of about one hundred thousand Native Americans and the deaths of many thousands more (Frymer 2017, 4). Basing their land claims on the doctrines of discovery and racial superiority, the U.S. justified their conquest as being legitimate. In 1823, the U.S. Supreme Court ruled in *Johnson v. M’Intosh* that land in the possession of Native Americans existed under “Indian title,” distinguishing between an “ultimate title” held by the United States and the Indian nation’s “title of occupancy” (*Johnson v. M’Intosh*. 21 U.S. 543, 543 [1823]).[[5]](#endnote-5) Landownership was thereby legally transferred from the indigenous communities to the U.S. government (Black 2015, 34).

The notion that Native Americans held no property rights in their lands did not reflect the approach of early American settlers but was a retrospective view that came to dominate the discussion in the nineteenth century. Early explorers and settlers in fact reported that indigenous people did cultivate the land and allocate it in private property systems (Banner 2005, 19).[[6]](#endnote-6) The idea that they were nomadic hunters who occupied but did not own their territory emerged, due to a transformation in legal thought between 1790 and 1823 (150). Politicians and intellectuals began to voice the opinion that it was wasteful if the indigenous peoples occupied so much land that could be used more productively. Thus, President James Monroe, in his annual message to Congress in 1817, argued that “the earth was given to mankind to support the greatest number of which it is capable, and no tribe or people have a right to withhold from the wants of others more than is necessary for their own support and comfort” ([1817] 1839, 206).

The discourses that I will examine in the following sections relied on the construct of the “Indian” as a vanishing figure, whose only right to the land he occupied was the right to sell. Within the settler colonial logic, property rights in land and in labor played a pivotal role in visions of a just social order. Therefore, it should not be surprising that both land and labor would assume central significance in the property conflicts that arose in the mid-nineteenth century, as traditional egalitarian concepts came under pressure and more people than ever worked as wage laborers. It is tempting to view the emphasis on landownership in the cultural discourse during the Industrial Revolution as an anachronism, an insistence on agrarian values in the face of a reality determined by the prevalence of manufacturing and wage labor. Yet, the expansion of industry went along with rapid growth in the agricultural sector, as both mutually reinforced each other. In the first seventy years after Independence, the number of farms and plantations quadrupled, only to triple again between 1860 and 1920. Though the relative position of farming vis-à-vis other sectors declined—nine-tenths of the population were engaged in farming in 1790; the number dropped to 72 percent in 1820 and to 27 percent in 1920—farming expanded overall (C. Clark 2012, 14-16).

The conflicted processes and discursive negotiations I have sketched over the last few pages give an idea of the complexity of property matters in the early nineteenth century and provide the analytical framework for my analysis of three interlinked social movements in the 1840s and 50s. In the following, I will carve out how Anti-Renters, Associationists, and National Reformers advanced their property claims in an era that was, on the one hand, characterized by profound social and economic transformations but which, on the other hand, remained committed to the protection of established property rights. I thus highlight a discourse dominated by competing conceptions of property, on the level of both economic and moral claims.

The Propriety of Landed Property: The New York Anti-Rent War

The American democratic vision glorified both the farmer as an independent proprietor of his own freehold estate and the aim of perpetual territorial expansion to the West. These ideas gained currency in the first decades of the nineteenth century and even sharpened with the market revolution and the intensification of the antebellum sectional conflict. The movements for land reform, backed by tens of thousands of farmers, urban workers, and middle-class reformers, constituted a battle over the very foundation of the social order, “rival[ing] in level of support the other great social movements of the era” (R. Huston 2000, 5).[[7]](#endnote-7) Among these interlinked populist movements, Anti-Rent was one of the largest, sustained by 25,000 New York tenants who signed petitions and organized themselves in associations, vigilante groups, or within the political party system. As an uprising against the feudal structures of land tenure in the state, the Anti-Rent conflict revolved around a competition between vested legal rights and a moral claim to property.

In New York, unlike in most of the other original states, large estates established in colonial times were preserved during the Revolutionary Era, with a leasehold system that continued to expand until the early nineteenth century (R. Huston 2000, 14). The landlords managed their estates as benevolent hierarchies; leases typically ran for decades, with rent payments due in natural produce and labor, many of which remained unpaid. With changing economic and legal circumstances, this system became unsustainable. In the first decades of the nineteenth century, landholders found themselves in more precarious economic situations and therefore became more dependent on rent payments to keep up their lifestyles. Tenants, similarly, had to cope with an altered economic situation, as production began to shift from grains to livestock and costs rose. Changes in the political order from the 1820s onwards also shifted the balance of power between tenants and landlords and contributed to the latter’s erosion of power (R. Huston 2000, 45-58).

The effects of the economic panic and depression of 1837 sparked the Anti-Rent conflict, which first broke out in Albany County in 1839, after the death of Stephen Van Rensselaer III, landlord or ‘patroon’ to more than 3,000 families on the Manor of Rensselaerwyck. Leasehold farmers protested the collection of back rents, through which the patroon’s heirs sought to meet the deceased landlord’s financial obligations—many of the tenants had believed that the unpaid rents would be forgiven upon Van Rensselaer’s death. Pressed to pay their debts under dire economic circumstances, they started to rebel against their state of dependency. The protests were not the first of their kind: leaseholders had challenged the land monopoly and aristocratic domination of New York manors several times in the eighteenth century, but in each instance, government authorities had squashed the insurrections (McCurdy 2001, 1-4). In 1839, however, the newly elected Whig governor William Henry Seward showed himself receptive to the farmers’ grievances. While he called upon the militia to suppress violent protests, he also denounced the land tenure system as “oppressive, anti-republican, and degrading” (Seward 1884, 369). Seward thus gave legitimacy to the tenants’ demands and identified them “as a public problem that required a public solution” (McCurdy 2001, 4).

Such a public solution, it turned out, was rather hard to come by, not least due to the complex and contradictory structure of the contracts between landlords and tenants, which were at odds with property law in considering the farmers at once being both tenants and owners of their land (McCurdy 2001, 22-31). Seward requested that the legislature find measures “to assimilate the tenures in question to those which experience has proved to be more accordant with the principles of republican government” (1884, 221), yet he did not explain how the matter could be addressed without infringing on the vested property interests of the landlords (McCurdy 2001, 34; Kades 2002, 953). One possible solution discussed in the legislature was to use the power of eminent domain, in order to force landlords to sell their rights to the state; tenants were critical of this plan, however, as they then would have been required to buy their land from the state. In 1844, former President Martin van Buren suggested that the inheritability of the landlords’ rights be abolished, a political decision that was tantamount to the abolition of entails. For many of the tenants whose landlords were young or middle-aged, this would have meant years or even decades in which they still owed rents. Tenants themselves put their hopes in challenging the legitimacy of each landlord’s titles. Yet, despite imperfections in these titles, the courts rejected all legal claims—had they granted them, no land title in the state would have been secure (Kades 2002, 947).

Rhetorically, the Anti-Renters fought for a social vision which revolved around agrarian ideals. They posited landownership as the basis of freedom and were also inspired by the labor movement’s use of the labor theory of value (R. Huston 2000, 107-11). Crucially, they based their claims on alleged natural rights tied to property in land, “the enjoyment of the fruits of their labor, personal dignity, independence from the will of others, economic security, freedom to trade” (113). Thomas Ainge Devyr, an Irishman who had emigrated to the U.S. in 1840 after having partaken in a Chartrist conspiracy to overthrow the British government, emerged as one of the most vocal—and one of the more radical—voices of the Anti-Rent cause, while also advocating the tenets of National Reform. He served as an editor of the *Albany Freeholder*, the largest Anti-Rent magazine, at its founding in 1845. But he soon broke into open conflict with the more moderate wing of the Anti-Rent reform movement and therefore started a new publication, the *Anti-Renter*, which allied that cause with that of National Reform (R. Huston 2000, 164). The main point of contention related to the conception of property rights. The Anti-Rent leadership by no means consisted of penniless people; most often, they were freeholders who belonged to the most prosperous segment of their communities (109). As men of property themselves, they tended to focus on the right to their own fruits of labor and economic independence. But they were not likely to subscribe to demands that limited the amount of land an individual was allowed to own.

More radically inclined, Devyr had already advocated land reform in Ireland before coming to the United States. In 1835, he had published a pamphlet entitled *Our Natural Rights*, which he updated and reissued with an appendix on the American situation and the Anti-Rent trouble in 1842. In that pamphlet, he decried the evils of land monopoly and argued that the concentration of landownership in the hands of landlords and speculators violated natural rights. Referencing Thomas Jefferson, Devyr held that “every man who comes into this world has an equal right in the soil” (1842, 56). He explicitly did not advocate equal distribution of land—given that different people engaged in different pursuits. He also rejected communal forms of ownership and cooperative communities like those advocated by Associationism. Indeed, reminiscent of Adam Smith, he thought of the present economic organization as “one vast system of co-operation”: people producing in different trades and exchanging goods with each other seemed to him like “a system as much superior to the little hole-and-corner communities that have been proposed” (57). Accordingly, he also distinguished between personal property, with which he did not want to interfere, and what he saw as the evils of concentration in landed property. Devyr thus linked the fate of the American republic to equal access to land. “The sole cause of American freedom is,” he wrote, comparing the New World to the Old, “that the energies of her people, and her political influence, is not under the dominion of landlords” (38). People’s freedom and independence were only guaranteed by a wide distribution of land, Devyr thought, but he feared that the whole public domain would be converted into the private property of land monopolists within a century, or even faster.

Devyr’s pamphlet directly addressed the Anti-Rent grievances: in the stipulations of the rent contracts between landlords and tenants, he recognized “the spirit of British feudalism in its most barbarous days” (51). The leases left the tenants at an economic disadvantage, as they granted the landlord the exclusive ownership of all mines and minerals as well as the right to build mills and dams. This meant that the farmers depended on the infrastructure provided by the patroon. Moreover, through so-called “quarter sales,” the landlord received one quarter of the revenue each time a farm changed hands, and he thereby also had the opportunity to buy the land himself at a reduced price. “This clause,” Devyr argued, “open[ed] a door through which, in time, the title of the farmers can be easily extinguished, and the unlimited ownership of the Patroons established over the whole property” (51). Devyr endorsed both an agrarian vision of independent freeholders that harked back to the Jeffersonian ideal of the yeoman farmer, protected by legal limitations to landownership, and a form of modern liberal capitalism. For him, these ideas were compatible, as both renounced the aristocratic, feudal structures associated with the manor system and conceptualized the farmer as an independent economic agent.

The Anti-Rent agitation also became a subject of the broader public debate. A central voice in this debate, as in all the land controversies discussed in this chapter, was the *New-York Daily Tribune*,[[8]](#endnote-8)with its editor, the Associationist and National Reformer, Horace Greeley. Greeley was one of the most influential actors in the discourse on land distribution in the Antebellum Period. Born in Amherst, New Hampshire in 1811, Greeley moved to New York City in 1831, where he embarked on a career as a newspaper editor. In 1848-49, he briefly represented the Whig Party in Congress, and, in 1872, he unsuccessfully ran for president before dying later that year (Snay 2011, 1). The *Tribune*, founded in 1841, constituted Greeley’s attempt to reach Manhattan’s working class with its advocacy of Whig ideals; eventually, the paper “would become the greatest single journalistic influence in the country” (Borchard 2011, 22), reaching a circulation of 11,000 newspapers per day.

As a close ally of Whig New York Governor Seward, Greeley took a sympathetic position towards the farmers. The *Tribune* thus showed itself to be friendlier to the protests than most papers in the city, yet it also condemned eruptions of violence. While Greeley believed that the farmers had a right to the soil they had been laboring for generations, he also respected the property rights of the landlords. In a number of editorial articles published in 1845, Greeley positioned himself not strictly on either side of the debate. He acknowledged the grievances of the tenants as well as the constrictions and obligations the landlords faced. Greeley did not call into question the legal or moral rights of the landlords to their property; but he held that the tenants equally had a “moral right to [their] *improvements*” (*New-York Daily Tribune* 2 September 1845). He insisted that the issue must be resolved through compromise between the parties concerned, not through legal action—there was little that could be done by the legislature without infringing on individual property rights.

Greeley held that “the soil of our State ought not to have been granted as it was—that all the wild land should have been held by the State until needed for actual settlement, and only disposed of in lots suitable for single farms to those who should desire to subdue and cultivate it” (*New-York Daily Tribune* 12 September 1845). But infringement on the present property rights of landlords to correct a previous wrong was not an option; if the state were to reappropriate the land, it would have to fully compensate the owners. Instead of focusing on past grievances, Greeley urged that the mistakes of the past be not repeated with the public lands in the West. Instead, future land concentration had to be avoided, to “secure … future freeholds for the cultivating many” (*New-York Daily Tribune* 18 August 1845). Greeley’s position on the Anti-Rent issue illustrates his broader views on wealth distribution and the morality of land ownership. He favored an economy of landowning producers, though his vision was not one of subsistent agrarianism. For the Whig, economic progress was important, but it was to be achieved by small producers who owned their own farms and fully profited from the fruits of their labor.

The landowners also had strong advocates who defended their property rights. In a long contribution to the *American Review*, Daniel Dewey Barnard, a New York lawyer and confidant of Stephen Van Rensselaer, and one of the gentry’s most important spokespeople, emphasized the fact that the tenants had voluntarily agreed to the terms of contract instead of outright buying land with no rent obligations, thereby defending that position. The occupants of the land had taken possession of it without payment of purchase money and instead agreed to pay an annual rent. Barnard strategically chose to speak of the tenants as the “owners of the soil in fee simple” rather than as leaseholders; it was simply the case that “the original proprietor had not absolutely given away his inheritance,” but he still held some rights to part of the farmers’ annual profit and their labor, as payment for the land they had acquired (Barnard 1845, 579). The farmers were full owners of their soil; but they had acquired a debt as they purchased the land. Conceiving of landlords as grantees, like Van Rensselaer did, and of tenants as freeholders, Barnard denied that there was “something degrading to the landholders, inconsistent with the spirit of our institutions” (583).

Barnard addressed the particular stipulations in the contracts that farmers and other observers considered feudal. The fact that rents were to be paid in produce and labor, Barnard admitted, might sound peculiar to modern ears; but in a farming context, this was a practical way of ensuring a consistent measure of value. Moreover, in practice, cash payments instead of payment in kind were possible, if this appeared more convenient to the involved parties. The reservation of mill-sides Barnard interpreted as an act of benevolence, an attempt by patroons to provide infrastructure for the farmers. And he described the quarter sales as an institution which served to exclude unwanted intruders but encourage permanent settlement and speedy cultivation. He also pointed out that quarter sales were presently only executed in a fraction of land sales (591-93). “Th[e] point is,” Barnard generalized, “whether private property, existing in the form of rents, is any longer to be held and deemed to *be* property in the State of New York, and protected and preserved as such under law?” The larger implication of that question, he claimed, was “whether private property, in any form, or of any description, can be respected and preserved, if property in the form of rent is sacrificed” (595). Barnard thereby raised the stakes of the matter and insisted that the Anti-Rent movement not only constituted an attack on vested property rights, but it more gravely endangered the sacred institutions of the republic. The political institutions of the state, he concluded, had to abandon any attempts at interfering with the private contracts between the parties (596).

However, it was the novelist James Fenimore Cooper, himself the offspring of a landholding family, who provided the most elaborate defense of the manor system. In 1845 and 1846, Cooper published the *Littlepage Manuscripts*, a trilogy designed as a conservative intervention into the Anti-Rent wars. Cooper issued *Satanstoe*, *The Chainbearer*, and *The Redskins* as three separate novels but conceived them as a series. The narrative is set in the New York of the Colonial Era, the Early Republic shortly after the Revolution, and the 1840s, respectively; it spans multiple generations of the Littlepages, a landowning family, with each book being narrated by the male heir of the Littlepage estates at that particular time. Cooper assumes the persona of an editor of manuscripts that his narrators allegedly have left behind, commenting on the main narrative in footnotes and prefaces. In deliberatively repetitive plots, each text thus features a narrator in his early twenties who travels to the northern part of the state to see about the family’s two estates, “Mooseridge” and “Ravensnest,” which were originally acquired from the Mohawks. Invariably, each novel climaxes in a violent conflict about property rights between the landholder’s party and varying opponents.

Cooper’s novels strongly emphasize the proprietarian character of property and downplay the economic power connected to it. Though he wrote at a time when people increasingly thought of land as capital, Cooper’s political vision depended on the image of a “rightful owner of the land […] who resisted the tendency to turn it into a commodity” (Thomas 1984, 102). Cooper advocated a decidedly hierarchical model of society, where landlords assume the position of political and moral leaders (Schachterle 2009, 93) and property descends over multiple generations in one family. The Littlepages acquire Ravensnest, their leaseholding estate, specifically not for speculation or quick profit but as an investment to provide for future generations. For Cooper, who was inspired by Locke, Blackstone, and James Kent, property rights marked the existence of civilization and political order.

In *The Chainbearer*, narrator Mordaunt explains that civilization requires political institutions built on “great principles.” Mordaunt argues: “When the rights of property are first established, they must be established fairly, on some admitted rule; after which they are to remain inviolable—that is to say, sacred” (Cooper 1845, 101). For Cooper, these sacred laws, as represented in the political framework of the U.S. Constitution, were derived from deeper moral principles, which protect a property-owning minority from demagoguery and the interests of the unpropertied majority. These deeper principles, Cooper suggested in his preface to *The Redskins*, were threatened by the Anti-Rent agitation, which proposed that “the interests and wishes of numbers are to be respected, though done at the sacrifice of the clearest rights of the few” (Cooper 1849, iv). While Thomas Devyr had argued that land monopoly and the hierarchical order of the manor system violated the principles of republicanism, Cooper insisted that “[n]ot only is the spirit of the institutions in harmony with these leases, but so is the letter also” (vi). At the same time, he denounced the egalitarian “notion that every husbandman is to be a freeholder” as being “[u]topian in practice, as it would be to expect that all men were to be on the same level in fortune, condition, education and habits” (xiv).

Cooper’s novels stage a discourse on property, when his characters themselves debate on questions of distributive justice. The Littlepages receive support from the Native American Susquesus and the chainbearer Andries Coejemans, two central characters who represent moral integrity. Their opponents are the squatter “Thousandacres” and the renter Jason Newcome, both of whom are portrayed as selfish, uncivilized, and foremost interested in monetary gains. While the Littlepages refer to their right of first possession and their legal titles, the squatter and the renter claim a right to the land because they have improved it, i.e., they have invested their work to make it more productive. Thousandacres’s claim to the land rests on occupancy; but he cannot present a convincing argument as to why he should have a right to possess “a spot” that another one, General Littlepage, in similar fashion had “crave[d]” a quarter-century earlier (Cooper 1845, 282). Thousandacres tries to apply the ruling laws—which indeed recognized a right of tenants to their “betterment”—to his situation; but since he is not a tenant, but a squatter, his actions are not legally sanctioned, and he is actually stealing from the owner. Persons such as the squatter, our narrator explains, claim “a moral and legal interest in the soil; though in the eye of the law, and of unbiased reason, each new step taken in what is called the improvement of a ‘betterment’ is but a farther advance in the direction of wrong-doing” (232).

The novels portray characters with an entrepreneurial spirit, such as Thousandacres and Newcome, in consistently negative terms, as they insist on the stability of property relations over alternative conceptions. The indigenous character Susquesus, however, seems to undermine Cooper’s legal reasoning. Susquesus, the “Upright Onondago,” appears in all three novels, reaching the mythic age of “one hundred and twenty winters” and the status of the texts’ moral center by the end of *The Redskins*. Each of the novels contains a dialogue between the respective narrator and Susquesus, whereby the Native American challenges the legitimacy of the Littlepages’ claim to the land. In *Satanstoe*, for instance, Susquesus asks Cornelius how it was possible for the family to acquire their land not only by buying it from the Mohawks but also through a grant by the British king. This unleashes a lengthy explanation, which Cornelius directs not at his interlocutor but at the reader:

This was rather a puzzling question to answer to an Indian. We white people can very well understand that a human government, which professes, on the principles recognised by civilized nations, to have jurisdiction over certain extensive territories that lie in the virgin forest, and which are used only, and that occasionally, by certain savage tribes as hunting-grounds, should deem it right to satisfy those tribes, by purchase, before they parcelled out their lands for the purpose of civilized life […]. The transaction is simple enough to us, and it tells in favour of our habits, for we have the power to grant these lands without ‘extinguishing the Indian title,’ as it is termed […]. In point of fact, the Indian purchases give no other title, under our laws, than the right to sue out, in council, a claim to acquire by the grant of the crown […]. Still, it was necessary to make some answer to the Onondago’s question, lest he might carry away the mistaken notion that we did not justly own our possessions. (Cooper 1852*,* 2:132)

Cornelius’s protracted legalese might indeed lead the reader to “carry away the […] notion” that the Littlepages “did not justly own [their] possessions.” Cooper here actually paraphrases a passage from Kent’s *Commentaries on American Law* (Kent 1832, 3:380-81). With Kent, he argues that the indigenous population, though the original occupants of the soil, were not legally entitled to their land because they allegedly did not improve it and used it only “occasionally” as “hunting-grounds.” And while only the king could issue a valid grant, it was still common practice to purchase land from its inhabitants, in order to “extinguish their title.” Thus, indigenous property rights were in fact acknowledged in the act of compensation, yet, at the same time, the existence of such rights was legally rejected. As Vine Deloria has succinctly put it, the logic of the doctrine of discovery denied Native Americans “their title to their land and gave them the right only to sell ([1969] 1988, 30).

Susquesus’s contributions to the discourse are rendered in broken dialect—that is, until he gives his long eloquent speech at the end of *The Redskins*. Here, he returns to the question of rightful landownership, which he had debated almost a hundred years earlier with Cornelius Littlepage, as he states:

[T]he wicked spirit that drove out the red-man is now about to drive off the pale-face chiefs. It is the same devil, and it is no other. He wanted land then, and he wants land now. There is one difference, and it is this. When the pale-face drove off the red-man there was no treaty between them. […] When the pale-face drives off the pale-face, there is a treaty […]. This is the difference. Indian will keep his word with Indian; pale-face will not keep his word with pale-face. (Cooper 1849, 422)

Again, this passage implies that the native inhabitants were unlawfully dispossessed. But here, Susquesus insists on the difference between the first dispossession and the one about to happen through the insurgency of the anti-renters: “there is a treaty.” The whites allegedly never entered a legally binding contract with the indigenous population and therefore did not break their word. Rather than challenging white landownership in principle, Susquesus puts himself on the side of the law, acknowledging the alleged superiority of white “civilization” and progress, thereby denying his own dispossession. Cooper needs Susquesus, in order to advocate a conception of property that is allegedly built on ‘eternal’ and just principles, while at the same time suggesting that laws distinguish a state of nature from civilization.

In *Our Natural Rights*, reaffirming the same discourse on indigenous land rights, Devyr had similarly dismissed the notion that the indigenous populations could be considered the original owners of the soil and that they thus had the legal power to transfer ownership to settlers. “The poor Indian has a right to glean a sustenance from the hunting field,” Devyr writes, “but it is extremely childish to suppose that he has a title in the soil, stretching beyond his own lifetime, and extending beyond his own wants. Before I admit that the Indian can convey an absolute and unending ownership of the soil, it must first be shown to me that he is in possession of such ownership himself” (1842, 44). Although they were on opposite sides of the Anti-Rent struggle, Cooper and Devyr perfectly align in their denial of indigenous property rights.

At the end of *The Redskins*, the Littlepages and their allies manage to quell the Anti-Rent rebellion. But the prospect of larger political changes is still looming, with laws pending in the New York State Legislature that would ultimately annihilate the land monopolies. Hugh Littlepage, the editor lets us know, plans to move to Washington and challenge these statutes before the Supreme Court. And should he fail, he will seek exile in Florence as a victim of popular tyranny. This ending portrays the Littlepages’ dogmatic insistence on the rule of the law being increasingly stale. Hugh, a gentleman of leisure who lives comfortably on the means provided by the foresight of his ancestors, is not a credible benevolent patriarch. Though the narrative denounces the self-interested squatter and renter, this representative of the gentry is also driven by no higher moral concerns than protecting his property.

Cooper’s three-volume contribution to the Anti-Rent conflict certainly betrays ambivalent feelings and the awareness that his moral framework of property no longer remained sustainable in an industrial economy that increasingly foregrounded the fungible qualities of property and hence its commodity dimension. The squatters and renters in Cooper’s fiction are reminiscent of what Alexander has called the “democratic entrepreneurs” of the era, those who demanded egalitarian access into the economic sphere for newcomers, while Hugh Littlepage fits the category of the “entrepreneurial republican” who insisted on his vested rights (Alexander 1998, 672). Yet, both parties to the conflict claimed their property rights by means of moral arguments, rhetorically tying their positions to the values of the American republic: the renters insisted on their equal right to the soil, while landlords foregrounded their vested rights in the land.

From the height of the confrontation between landlords and farmers in the mid-1840s, the Anti-Rent movement continued to drag on into the 1850s. All political attempts to resolve the conflict failed. And while the landlords won all legal challenges to their titles in court, it ultimately proved impossible to sustain the land tenure system. In fact, many of the patroons had already begun to sell off their land prior to the Anti-Rent conflict, and most of them reached settlements with their tenants during the late 1840s and early 1850s. The remaining movement became further entangled with the Free Soil and antislavery movement, and, instead of concentrating on resolving the Anti-Rent issue, legislators increasingly began to support the distribution of the public lands in the West and the effort to establish a homestead bill—a tactical move to evade the question of vested property rights.

The Emancipation of Labor: Associationism

Access to property provides an important mediating function in conflicts between social classes in the U.S. While the claim that socialism never took hold in the U.S. may be disputed,[[9]](#endnote-9) if a form of a socialist movement existed in the Antebellum Period, it certainly distinguished itself from the socialist critiques of capitalism that were unfolding in Europe at the same time. Crucially, most American reformers did not completely reject private property ownership as a feature of bourgeois oppression, nor did they see the relationship between the economic elite and the working class as an irreconcilable antagonism. Instead, they envisioned a meritocracy in which everybody was a producer and enjoyed the fruits of their own labor. While for Marx the solution to economic inequality was the abolition of capitalism and the establishment of a common property system, American socialists instead strove to turn every worker into an owner of productive property. Having an abundance of land at their disposal, Americans did not experience a scarcity of resources, as compared to Europe, which made a capitalist order of small property owners a realistic vision.

As the preceding discussion has shown, the Anti-Rent movement was not anti-capitalist per se—rather, they demanded land redistribution as a claim to ownership of capital. In distinction, the Associationist movement I examine in this section voiced a more fundamental critique of the alienating aspects of capitalist production. Of the three movements investigated here, the Associationists held the most radical ideas about the economic reorganization of society. The *Phalanx*, one of their newspapers, proclaimed “the right of every human being to the Usufruct of the Earth, or the use of its surface, to draw therefrom subsistence.” Instead of the “principle of ‘division’”—i.e., the division of land into individual parcels—Associationists advocated the “principle of Unity,” envisioning cooperative communities which held “a joint-stock property in the land” and where labor was not “a burthen to be avoided […], but a blessing, which will be to man the source of the most exalted happiness” (*Phalanx* 10 August 1844).

Pierre Fourier developed Associationism as a comprehensive reform in France. Albert Brisbane, his American disciple, promoted it through various publications in the U.S., among them being the newspapers *The Phalanx* (1843–45) and its successor*, The Harbinger* (1845–49). He began by writing a column every week between March 1842 and September 1843 for Horace Greeley’s *New-York* *Daily Tribune*, which explained the principles of Associationism to the paper’s audience. While Greeley at first distanced himself from Brisbane’s paid posts and the editorial content of the paper, he soon came to embrace the reform movement (Tuchinsky 2009, 24-25). Seeking to devise a program to empower workers, the centerpiece of Greeley’s reform ideas revolved around the ownership of land. Greeley argued that the origins of many contemporary social problems derived from real estate monopolies. In England, Greeley observed, labor had become twenty times more productive than two centuries prior through the technological innovations introduced during the Industrial Revolution. The laborers, however, “are worse fed, lodged, more severely worked, and hardly better clad nor taught” than their ancestors were, since “Capital, monopolizing Land and Machinery, takes all the profit of Labor to itself” (Greeley 1850, 22). Though the situation in the U.S. was not as grave as in Europe and land had been comparatively accessible, Greeley saw concentrations of landownership in his native country as well, which threatened “to sink the landless multitude into a state of more abject dependence” (314).

Greeley proposed a limitation of the amount of land each man might acquire and hold, arguing that land must be made more accessible to the working classes. Yet, he warned that simply distributing land freely or cheaply could not be a remedy—only a strict limitation of land that any one person was allowed to own would help to fight concentration. As a first step, Greeley proposed to apply the principle of land limitation to the public lands in the West, in order to battle land speculation and concentration. Furthermore, he advocated a reform of inheritance law, which would counteract large concentrations of land through inheritance, thereby forcing heirs of larger estates to sell part of their soil to someone who owned no land, or so far owned less than was legally allowed (Greeley 1850, 20). He pointed out that restrictions of individual property rights were not unprecedented if they served the public good; and land limitations were already in place for banks and corporations as well as for non-citizens (315). He also emphasized the primary importance of the workers’ relationship to the soil:

By Nature’s Law, use and improvement can alone vest in any individual a right to call some spot of earth his own, and to exclude all others from the enjoyment and benefit thereof. Nothing can well be a more palpable subversion of the order of Providence than the assumption by Governments of a right to grant a province or county of virgin soil to some favorite, whether with or without consideration, to be held by him and his heirs for their own use and benefit, and to be cultivated and improved by others on terms which make the landlord class rich without labor or useful doing, and keep the tenant class mainly poor and subservient, though they do their best. […] Man has a natural right to such a portion of the earth not already improved by others as he can cultivate and make fruitful […]. (18-19).

Here, Greeley echoes Locke’s argument that man appropriates land by improving it, but he suggests that the government has wronged its citizens by instituting laws that disrespect the natural right to property, by granting more land to some individuals than they could cultivate themselves and allowing them to exploit the labor of an unpropertied class of workers. While Greeley advocated a reform of landownership, he emphasized that he did not seek to redistribute property from the wealthy to the poor. Property was not to be transferred from diligent, hardworking people to sluggards, but to the contrary, the rights of those who actually labored should be restored: “Not to transfer the toiler’s earnings to the idler, but to *prevent* such transfer, is the object of Land Reform” (316).

Greeley grounded his program in the philosophical tradition of agrarianism and with the argument for a birthright to the soil that went back to James Harrington’s call for land limitation, which intended to preserve the land from being monopolized by a capitalist class (Sklansky 2002, 30). Moreover, land reform was to accompany a comprehensive labor reform: Greeley advocated a limitation of work to a maximum of ten hours per day. But, more importantly, he proposed more thorough social changes to the workers’ lives, whose occupations seemed “mechanical merely” and “consecrated to drudgery” (Greeley 1850, 33) in a way that was detrimental to their physical and mental health. Associationism intended to bring about a mental and moral improvement of the laboring classes, through a greater diversity of work tasks as well as an increase in productivity.

Brisbane’s and Greeley’s Associationist movement sought to render labor more attractive and efficient by organizing it along communitarian principles instead of the rationalizing principles of capitalist economy, which divided labor into small, repetitive tasks. An association was to be a “phalanx” of approximately three hundred families who lived and worked together on a communally owned tract of land. All household chores would be organized communally as well: instead of individual kitchens for every family, all members of the phalanx would eat together. Housework would thus be all but abolished. Brisbane envisioned that, through communal organization, all members of the population, including women and children, would conduct playful, age-appropriate tasks, become part of the productive force, and thereby produce six times the amount of wealth compared to the current capitalist system (Tuchinsky 2009, 26).

Though class was an important category of analysis for them, Brisbane and Greeley stressed that they did not advocate a social(ist) revolution, nor did they call into question vested property rights. Instead, their program depended on the benevolence of the property-owning classes. In an article entitled “To the Laboring Classes,” Brisbane stated: “The Reform we contemplate is constructive, not destructive; we do not wish to take from the Rich to give to the Poor […], but we wish to elevate and to give Prosperity and Education to every human Being” (*New-York Daily Tribune* 28 April 1842). Greeley echoed Brisbane, affirming that the concept of Association “wars upon no Rights of Property […], but it does solicit the Wealthy, the Refined, the Philanthropic, the Religious, to invest some of their pecuniary means in and give something of their countenance and good wishes to all earnest efforts of the Laboring Class to emancipate and elevate themselves” (Greeley 1850, 40).

Greeley and Brisbane’s vision of a social harmony of class interests was not a purely idiosyncratic theory. Their framework was indebted to the well-known antebellum political economist Henry C. Carey, who, between the 1830s and 1850s, “formulated the most comprehensive case that capitalist development naturally led in the direction of class harmony rather than strife” (Sklansky 2002, 80; see also Tuchinsky 2009, 39). For Greeley, Carey was an important authority who challenged the implications of the labor theory of value, as formulated by Adam Smith, Thomas Malthus, and David Ricardo, whose assumptions had come to dominate the work in political economy in the early nineteenth century. While Ricardo foresaw an exacerbated class divide in the future of capitalism, Carey optimistically assumed that new efficient technologies and other innovations would lead to an ever-increasing productivity, from which both owners of capital and laborers would profit. Carey’s theories guided Greeley’s Associationist vision of a social structure which was ultimately defined by cooperation between economic classes.

Despite such assurances, Greeley’s scheme alarmed the more conservative members of his own party. In particular, the rivaling paper *Courier and Enquirer*, with its editor Henry Raymond, a former protégé of Greeley’s, attacked the *Tribune*, which led to an extensive debate over socialism, in a public exchange of letters published in both papers in the fall and winter of 1846-47 (Tuchinsky 2009, 42-43). By the time of this debate, Fourierism was already on the wane, as it became obvious that the practical communal experiments were about to fail.[[10]](#endnote-10) Their exchange consisted of twenty-four—somewhat repetitive—letters, twelve by each editor, with Greeley introducing the features of Associationism and Raymond responding to these. Subsequently, Raymond and Greeley also published the collected letters in book form, under the title *Association Discussed* (1847).

Greeley grounded his argument for radical socialist reform in a liberal theory of natural rights: he asserted that all human beings had an equal right to the soil and a birthright to use any part of the earth not cultivated by any other person. In light of this premise, the large land grants given to individuals by state governments “were made thoughtlessly or recklessly” (Greeley and Raymond 1847, 5). Yet, since positive law had suspended natural law, in a civilized society only the owners of title-deeds were the rightful and legal owners of the land. Greeley argued that “this surrender of the original property of the whole to a minor portion” could only be morally justified if it served the public good of the entire community. He claimed that this was no longer the case: land monopoly lead to the effect that “the income of the wealthy owner of land increases while the recompense of the hired or leasehold cultivator is steadily diminishing” (5). Since the land distribution could not be undone, Greeley suggested that the landless receive compensation for the loss of their natural inheritance—he thus implicitly took up the argument advanced by Thomas Paine in *Agrarian Justice*. Unlike Paine, however, Greeley did not envision a plan of financial remuneration but proposed that everybody’s “Right to Labor” had to be secured, “that is, to constant Employment with a just and full Recompense” (6). This required a thorough reorganization of the economy, which Associationism would offer.

In his response, Raymond seized upon Greeley’s property argument, claiming that the latter’s position equaled denial of property rights and thus attempted to discredit the very foundations of Greeley’s approach. The theory of equal rights to ownership in the soil, Raymond suggested, meant that, with an increase in population, the shares for the individual necessarily must become smaller—the original owners would ultimately have to forfeit part of their property. Yet, owning property equaled the right to retain it and to exclude others from its use. Following the *Tribune*’s theory to its logical conclusion, Raymond insisted, would amount to denying that anybody could rightfully own land at all. Further, this also extended to the ownership of the land’s produce: adding labor meant to transform the soil, not create a product out of thin air. Raymond concluded: “The original proposition, therefore, from which the Tribune starts […] is a denial of the Right of Property in Land; and inclusively a denial of the right of Property in any thing whatever” (7).

Raymond also claimed that Greeley misrepresented the relationship between property rights and society. Delineating the principal Lockean argument that the laws of society were introduced in order to protect individual property rights, he suggested that Greeley reversed the causality by “insist[ing] that Society creates property, when in truth it is its creature. Property is the root of the tree in which Society is the trunk; and Society, in turn, as it is the product, becomes guardian of the right of individual property” (8). Raymond contended that Greeley’s basic assumptions called into question the very foundation of the political and moral order. To further discredit his position, Raymond associated Greeley’s approach with that of controversial social reformer and abolitionist Fanny Wright as well as the work of labor activist Orestes A. Brownson. In a widely discussed article in the *Boston Quarterly Review*, separately published under the title *The Laboring Classes*, Brownson had argued six years earlier for the abolition of hereditary property. He had suggested that private property rights were a matter of positive, not natural law; therefore, upon a person’s death, his property should revert back to the state (Brownson 1840, 3). For conservatives like Raymond, Brownson’s claim that governments instituted property constituted a threat to vested property rights. And even though Greeley shied away from such radical implications, and despite all his rhetorical references to natural property rights, Raymond correctly detected that his framework in fact relied on the unacknowledged premise that governments should regulate property in the interest of society.

Greeley naturally disagreed with Raymond’s characterization, reaffirming his stance on equal rights to land and stressing again that he considered individual appropriation of land as justified, provided “that the *general* good is thereby promoted” (Greeley and Raymond 1847, 9). The main point of contention between the two editors, then, was the question of whether the protection of individual rights or the flourishment of the entire community was the main object of society. Raymond emphatically took the former position, while Greeley’s social reform rested on the latter. For Raymond, any attempt to limit individual property rights—e.g., Greeley’s proposal to restrict the amount of land a person was allowed to own—amounted to an attack on property rights as such. Greeley countered that the right to property originated in labor.

In his second letter, Greeley moved on to the practical details of the program of Associationism, outlining the main benefits that the new social order would bestow upon its members: a home, education, a guarantee of subsistence and the right to labor, as well as a fair recompense for that labor, close ties of social relations, and access to knowledge. He further delineated which opportunities for an economy of scale the phalanx would provide, including a more economical use of land, building materials, and household labor, reductions in the cost of education, and improved commercial exchange and legal and medical attendance. In his response, which again in part addressed property rights, Raymond raised questions as to the feasibility and practicability of the scheme: “In whom is the property to be vested? How is labor to be remunerated? What share is capital to have in the concern? By what device are men to be induced to labor?” (12). Greeley explained that the Association would be property of those who invested the capital and that workers would be remunerated proportionally, according to the proceeds of their labor, as would the investors of capital. Workers would be induced to labor because they would be rewarded according to their input (14).

To Raymond, Greeley’s proposed scheme sounded less like a social revolution than a return to a landlord-tenant relationship of sorts: capitalists would own the land, and laborers paid them with part of their produce. If the members of the community were unable to contribute any capital at the outset, how were they to become owners of the land they worked? Greeley suggested that the investment would be organized through a stock company: the original suppliers of capital would not own the land but a certain amount of stock in the company. As laborers improved the land, the value of the company would grow, enabling it to give out new stock and apportion it to the members of the Association. With increasing value of the company, laborers would thus hold an increasingly larger part of it (21).

Raymond certainly addressed some of the weak spots of the Associationist model: Greeley started from the assumption of essential social harmony and cooperation; his plan insinuated that there was one superior way of social organization upon which, under the right external conditions, all members of society would agree. Essentially, Greeley and Raymond assumed opposing views of human nature: whereas Raymond believed that individuals acted first of all in their own interest, Greeley believed that a cooperative spirit would prevail among the members of the Association.

Vote Yourself a Farm: The National Reform Association’s Land Reform Program

As Robert C. Williams notes, “Greeley’s own variant of Fourierism was a kind of utopian middle-class capitalism, where laborers could become property owners, and where hard work would lead to individual rewards and civic virtue” (2006, 63). After the decline of the Associationist movement in 1848, Greeley shifted his efforts to the more pragmatic goal of land reform. “Every day’s reflection inclines us more and more to the opinion that the plan of holding and settling the Public Lands of our Union proposed by the little band who have taken the name of ‘National Reformers’ is the best that can be carried, and probably in substance the best that can be devised,” Greeley noted in the *Tribune*. The reformers proposed to populate the public lands with an “independent, substantial Yeomanry, enjoying a degree of Equality in Opportunities and Natural Advantages such as the world has not seen,” Greeley argued (*New-York Daily Tribune* 23 January 1846). In comparison to the comprehensive reorganization of the social order envisioned by Associationists, land reform was only a partial reform, but it was also “a characteristically American attempt to construct an egalitarian utopia without violence and class conflict” (Tuchinsky 2009, 138).

The National Reform Association (NRA) was founded by George Henry Evans, John Windt, and Thomas Ainge Devyr in 1844 and actually had its roots in the American workers’ movement and the social radicalism that emerged in the United States after the Panic of 1819 (Lause 2005, 10). Unlike previous workers’ movements, Evans’s organization revolved around land ownership and land reform, taking up essential ideas from Jefferson, Paine, and Thomas Skidmore, as well as from European thinkers such as Fourier, Henri de Saint-Simon, Robert Owen, John Gray, and Thomas Spence (16). The National Reformers set up their organization as a lobbying machine, which pressed its cause in Congress and state legislatures, supported agrarian political candidates, and drafted legislation and petitions. In addition, they attempted to educate the public through the press, in town hall meetings, and by sending traveling lecturers to cities all over the North and the West (Bronstein 1999, 16-17).

The NRA’s politics and ideas were publicized through its newspaper organ, *The Workingman’s Advocate* (1844–45), a continuation of a paper of the same name Evans had published between 1829 and 1837, which he later renamed *Young America!* (1845–49). The organization advocated three specific policies: first, they sought to end the seizure of homesteads to settle debts, thereby hoping to protect small family farms and putting a limit to land speculation; second, they advocated a homestead act to allow landless people of small means to settle on public lands; third, as also proposed by Greeley, they advocated limiting the amount of land any individual could own (Lause 2005, 3).

Though the movement began to disintegrate in the 1850s, “National Reform was clearly responsible for publicizing the homestead issue” (Bronstein 1999, 17), which was subsequently supported by the new Republican party to induce workers to abandon their allegiance with the Democratic party. Reprinting articles from the *Workingman’s Advocate*, a large share of American newspapers also came to endorse land reform. The organization spread into 20 states, with 50 National Reform chapters in small towns and larger cities, mostly north of the Mason-Dixon line. Its far reach is illustrated by the impressive amount of pro-homestead petitions sent to Congress: between 1845 and 1855, 533 individual petitions, with a total of 64,000 signatures, reached the federal government (Bronstein 1999, 168-69). The authors of these petitions, as Bronstein has shown through her examination of land reform in Massachusetts, by far, did not merely hail from the factory floors or the radical workers’ movement. Rather, “land reform was a project capable of uniting factory workers, small proprietors, and farmers” (173). The NRA slogan “Vote Yourself a Farm” was taken up by Abraham Lincoln’s 1860 presidential campaign.

In the *Workingman’s Advocate*’s first issue of March 16, 1844, editors George Henry Evans and John Windt delineated the objective of the new reform movement and the conditions of the working class, which, they believed, necessitated such a movement. The equality of all, as announced in the Declaration of Independence, had not become a reality in the United States; to the contrary, inequality between the rich and poor was on the rise, as laborers did not receive just compensation for their work, and those who produced the most earned the least. To many, the labor situation in the North may have seemed much less dire than in the South, with its system of slavery, yet Evans and Windt argued that the northern economy merely worked with a less obvious system of slavery, which nevertheless was even more oppressive. Although the masters in the South coerced slaves to labor by violence, the slaves were at least being provided with the necessities of life. In the North, however, “the master has a lash more potent than the whipthong to stimulate the energies of his *white* slaves; *the fear of want*.” And in the West, those who wanted to escape northern industrial capitalism by becoming settlers had to struggle with “mercenary capitalists,” speculators who bought up the land, solely to make a profit by reselling it (*Workingman’s Advocate* 16 March 1844).

Inspired by a distrust in government institutions characteristic of Jacksonian Democracy, Evans and Windt proposed a vision of human progress which aimed at limiting government as much as possible. With the independence from Great Britain, they suggested, Americans asserted their right to self-government in the new nation, but this was only a preliminary step: “Self government will be followed by *less* government; less government, perhaps, by none at all. The time for *less* government has arrived.” People should have the liberty to make voluntary contracts with each other and “seek their own markets, without let or hindrance” (*Workingman’s Advocate* 16 March 1844). Clearly, Evans and Windt relied here on the notion of self-ownership as well as classical liberal ideas of contractual freedom. They depicted government, with its hierarchical institutional structures, as an obstacle to egalitarian market relationships, thereby locating the source of economic inequality in the political institutions. Government, in this conception, constituted the problem and not a potential source of protection for workers.

The “right to the soil” soon emerged as the key demand of the national reformers: the goal they most consistently advocated was the freedom of the public lands and the abolishment of all land speculation. They held that land should be given to actual settlers, not to monopolists or people who already owned land. The equality proclaimed by the Declaration of Independence could only be realized if the natural right to the land was recognized. The NRA condensed these points in the slogan “Vote Yourself a Farm.” A widely distributed flyer served to popularize its two main political demands, the limitation of individual landownership and the free distribution of public lands to actual settlers. The flyer and the slogan linked the issue of landownership to citizenship, addressing the reader directly in a number of rhetorical questions in its first passage: “Are you an American citizen? Then you are a joint-owner of the public lands. Why not take enough of your property to provide yourself a home? Why not vote yourself a farm?” (*Young America!* 4 October 1845). The NRA here advertises property ownership of land as a right that comes with citizenship. Americans, the passage insinuates, are entitled to a portion of the public lands as their private property—clearly, the organization envisions citizens as homestead farmers. The short text repeats the slogan “Vote yourself a farm” at the end of every paragraph, appealing to the reader as “a party-follower,” a man of reason, a Christian, and a man.[[11]](#endnote-11) The last paragraph most emphatically ups the stakes: “Would you free your country, and the sons of toil everywhere, from the heartless, irresponsible mastery of the aristocracy of avarice? Would you disarm this aristocracy of its chief weapon, the fearful power of banishment from God’s earth?” Not coincidentally, the text appeals to the sentiments of the American Revolution, as it likens the exploitative structures of industrial capitalism to that of feudalism.

Reminiscent of the utopian project of Associationism, National Reform advocated the establishment of agrarian communities on public lands, giving every worker a right to his share of the soil. In the *Workingman’s Advocate*, the reformers envisioned townships where every farmer owned 160 acres of land, which were to be populated by “farmers, mechanics, manufacturers, merchants, and what not.” They would have little use for bankers, brokers, and lawyers, though doctors and clergymen would actively engage in the community to disseminate their knowledge and thereby educate people, “instead of hiding [their] learning under an impenetrable veil of mystery” (*Workingman’s Advocate* 30 March 1844). Like the Associationists, the agrarian reformers emphasized the egalitarian nature of their envisioned townships but stressed that each family was to inhabit their own home. The agrarians were also critical of the corporate model of investment proposed by the Fourierites, which would allow capitalists to invest in Association stock and thereby reap profits from the labor of the Association (*Workingman’s Advocate* 30 March 1844).

In a series of articles, the *Workingman’s Advocate* engaged in a conversation with the Fourierist *Phalanx*. One controversy between them concerned the exact nature of the “right to the soil”: “The *Phalanx* does not recognize the right of man to the use of a *portion* of the soil, because the natural right is to the *common* use of it. But when men chose to cultivate the earth instead of hunting and fishing for subsistence, had they not the right, either to cultivate in common, or to divide it in such a way as to secure the equal right to all?” (*Workingman’s Advocate* 7 September 1844). The difference, however subtle it may seem, relates to the question of the property system advanced: should the land be privately or commonly owned? This was important because the model chosen would have implications for the organization of society and the level of cooperation within it. The NRA also understood itself as an ally of similar land reform movements, such as the Anti-Renters, even though Evans carefully distinguished their goals from his own in his paper: the Anti-Renters were fighting for “justice” and for their right to the soil, “a right as unquestionable as the right of our forefathers to attempt to throw off the British yoke,” but the goals of National Reform were “more comprehensive,” since the NRA “propose[d] to provide, not only for those who are in *possession* of their land, but for ALL” (*Workingman’s Advocate* 21 December 1844). Nevertheless, Evans saw the agitation against the landlords in New York State as a sign of the times that the current system of land speculation and workers’ exploitation could not be sustained.

The NRA’s program of land reform also entailed a critique of wage labor. In an article entitled “The Slavery of Poverty,” Orestes Brownson argued that wage labor was “no improvement” to slave labor. The wage system cemented a division in society between the working class and the capitalist class, which did not allow for upward mobility. Though there were possibilities to rise in American society, wealth did not grow out of wages: “No man born poor has ever, by his wages, as a simple operative, risen to the class of wealthy.” Accumulation had to happen through investments, not through one’s own manual labor. The conditions for workers, Brownson argued, had grown worse over the past fifty years, making the prospects of becoming independent landowners more dire. He concluded: “The system of wages must be supplanted by some other system, or else one half of the human race must forever be the virtual slaves of the other” (*Workingman’s Advocate* 4 May1844).

Responding to the binary of slave vs. free labor, the labor movement adopted the metaphors of “white slavery” and “wage slavery” to criticize capitalist work relationships. By characterizing labor relationships as a form of slavery, reformers called into question their alleged freedom and highlighted the coercive and unfree aspects of their situation (E. Foner 1995, xviii). Importantly, as David Roediger notes, “a term like white slavery was not an act of solidarity with the slave but rather a call to arms to end the inappropriate oppression of whites” (2007, 68). Invoking a comparison between northern wage laborers and southern slaves, the “New-York Society for the Abolition of All Slavery” published a pamphlet on *The Slavery of Poverty* (1842) through the National Reformer Windt’s press. Advertised and excerpted in the *Workingman’s Advocate* in 1844, it staged a fictive dialogue between an abolitionist and a slaveholder, in order to criticize the abolitionist position and the concept of “free labor.” The fictive slaveholder explains to the abolitionist the alleged failure of the free labor position to recognize that Southern slave labor and Northern wage labor were not qualitatively different kinds of labor but really only gradually different forms of unfreedom. Distinctly emphasizing the economic component of freedom (Bronstein 1999, 92), in this conception, wage labor even appeared like a worse form of slavery because it was not acknowledged as such—the wage laborer was generally considered to be the owner of his own body and labor. In fact, the laborer’s situation of poverty coerced him into selling his labor for less than it was worth, i.e. merely for subsistence wages. Poverty, the fictitious slaveholder claims, was the root to both southern slavery and northern wage labor. A southern slave was “so poor that he does not legally own his own body—and hence he is all his life compelled to till another man’s field, and earn money for another man’s pocket.” The plight of the northern worker was similar: “His poverty is as much the result of LAW—of LEGISLATIVE CRIME—as that of the negro. The law, it is true, generally allows the poor white to be the owner of his own body, but denies his right to every atom of matter besides” (Society for the Abolition of All Slavery 1842, 6).

The fictive voice thus appropriated ideas propagated by southern ideologues who justified slavery as a positive good.[[12]](#endnote-12) Yet, in the pamphlet, these ideas were employed not in order to advocate southern slavery but to provocatively propose far-reaching reforms to mitigate the system of poverty. The claim advanced was that abolitionists, in focusing solely on the abolition of southern slavery, would, if successful, cast those slaves into the same condition of relative unfreedom that the northern working class was already experiencing. The remedy advanced against the “slavery of poverty” was to “repeal[] every social regulation whereby the rich are enabled to derive wealth from the toil, or to levy taxes on the existence, of the poor” (Society for the Abolition of All Slavery 1842, 10). Since labor was properly owned by the laborer and every person had a right to the soil, no person should be allowed to own more land than he himself could toil. Finally, the “slaveholder” argued that the liberation of the white laborer would also eventually bring about the freedom of the black slave. Since the reforms advanced would be the end of all “False Rights,” the southern exploitation of blacks would also come to an end (15).

Horace Greeley shared the NRA’s basic convictions about slavery and free labor. *Young America* published an article by him, copied from the *Cincinnati Morning Herald*, in which he addressed the question “What Is Slavery?” Here, Greeley called slavery “a greater evil” than northern exploitation, “more hideous in kind and degree,” but he also argued for a strict separation between the races (*Young America!* 28 June 1845).[[13]](#endnote-13) He also echoed the idea, pervasive among northern opponents of slavery, that “Slave Labor always did, always must, degrade and discourage Free Labor, where the two are brought fairly into contact.” The reason that European immigrants opted to go west, rather than south, despite higher land prices, was “very plain” to him: skilled workers would not engage in the same kind of labor done by slaves “because this (they reason) would debase them to the level of negroes” (*New-York Daily Tribune* 24 July 1848).

As Roediger has argued, “whiteness was a way in which white workers responded to a fear of dependency on wage labor and to the necessities of capitalist work discipline” (2007, 13). Even as they protested their economic “enslavement,” the white working class could measure their own fear of unfreedom against the existing slavery system and reaffirm their entitlement to the status of free men, superior to enslaved black laborers (56). In popularizing the terms “white slavery” and “wage slavery,” the NRA closely tied working-class identity to self-ownership and economic autonomy, while deploying a deeply racialized class critique. Their reform program envisioned an emancipation of working classes that associated freedom with individual agency, derived from propertied labor, harking back to the ideals of Jeffersonian republicanism. Based on the ideal of free contractual relationships between autonomous individuals, the National Reformers’ ideas of property ownership had deeply moral connotations, and they were populist and libertarian in spirit.

Homes for the Homeless: The Public Lands in Congressional Politics

In the pages of the *Tribune*, Greeley relentlessly pressed Congress to curb land speculation and prohibit the sale of public lands, except to settlers—which he believed to be in the legislators’ own interest. “[T]hough Congress would seem indifferent to Land Reform, the People are not,” Greeley wrote in March 1848 and warned: “The men who agitate for Land Limitation may be undistinguished and apparently few: but they will hold the balance of power in many Districts at the ensuing elections to Congress, and in their view Land Reform has an importance which dwarfs all other questions of the day” (*New-York Daily Tribune* 28 March 1848). While the National Reform Movement did not chalk up many successes as a political organization, it exerted significant influence on political processes and managed to mainstream its major concerns with regard to the public lands. It ended as an independent movement when the Republican Party both appropriated the topic of land reform and shifted the rhetoric of this discourse. Instead of focusing on a natural right to the soil, advocates of reform now tended to emphasize the more affective terms “home” and “homestead,” thereby turning it into a concern of the white middle class.

The homestead movement intersected with larger debates on how to settle the public domain in the West and revolved around competing political and economic interests and actors—government agents, financiers and speculators, as well as homesteading squatters—all of whom, however, coalesced in a systemic denial of indigenous land rights. This is best illustrated by the controversies regarding squatters in indigenous territories. In 1785, Congress forbid unlawful settlement by proclamation, and in 1807, the Intrusion Act legally prohibited U.S. citizens from taking unauthorized possession of lands outside the nation’s borders. Yet, this legislation proved to be unenforceable in practice, due to the sheer number of settlers who, over time, grew into a viable social force. What is more, “[t]he distinction between legality and illegality that operates in the land acquisition process of a settler state is particularly fraught and unstable” (Nichols 2020, 38) because the state’s claim of a monopoly over an acquired territory only becomes a reality through the act of its assertion. In that sense, U.S. expansion itself depended on an extralegal force, by which Western territories successively became incorporated. This is mirrored in the acts of squatters who settled beyond the territorial boundaries of the state and were thus acting extralegally. To frame squatting on land that was still awaiting incorporation into U.S. territory as being illegal posed the danger of calling into question the legitimacy of the settler state itself (37-39).

A preemption law appeared as one possible instrument to legalize squatter’s claims, giving them the right of first bid on the property at a reduced price, if they had occupied and “improved” the land for a certain period of time. Various temporary preemption laws had been passed between 1799 and 1838. In 1840, Thomas Hart Benton, one of the earliest advocates for a permanent pre-emption law, advanced the so-called ‘Log Cabin Bill’ which would have allowed preemption of public lands at a minimum price of $1.25 per acre, provided that the preemptor built a house and cultivated the land. The law that was finally passed, the Distribution-Preemption Act of 1841, decreed that ten percent of the revenues from public land sales within the boundaries of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan would be paid to these states, with the rest of the proceeds to be divided between the 26 states of the Union. Heads of families, widows, and single men over the age of 21, who were citizens or who intended on becoming citizens, received preemption rights to tracts of land up to 160 acres, on the condition that they build a dwelling and improve the land (Stephenson 1917, 45-65). Crucially, the legalization of “preemption” occurred at the very moment that the American Indian law defined “Indians” as “occupants,” not owners of their land. While their right of occupancy bore some resemblance to squatter rights, “[t]he Indian form of preemption was, however, the inverted mirror reflection of that accorded to settler homesteaders. Whereas homesteaders possessed the preemptive right to *purchase*, Indians held the preemptive right to *sell*” (Nichols 2020, 41).

The western states continued to press for a law that gave land to settlers, and the NRA was a driving force of that development, organizing petitions demanding that public lands be distributed to settlers. The advocates of a homestead bill in Congress appropriated some of the rhetoric of National Reform, while squarely seeking to distance themselves from charges of “agrarianism” or “socialism.” Andrew Johnson, representative of Tennessee, the *Congressional Globe* reported on July 25, 1850, “wished to be distinctly understood that he was no agrarian, no leveller, as they were termed in modern times; but he did feel anxious […] to adopt a system that would take the man who was unfortunate in society, and elevate him to the condition of those who had been more favored” (Johnson 1850, 952). Johnson supported the free distribution of public lands to landless settlers, in order to better their conditions and stimulate economic production and future tax revenue. But his arguments were not purely instrumental. He also provided a natural rights argument reminiscent of National Reform: the government, he stated, “had no authority […] to withhold the usufruct of the soil from its citizens” (950). Keeping “the use of the soil from the actual cultivator,” he claimed, violated “one of those principles essential to human existence” and might lead to revolution (951).

However, Johnson went quickly beyond such philosophical deliberations to advocate property ownership as the route to loyal citizenship. Property ownership promised to bring about not only political stability and economic growth but also better citizens: a property owner “becomes qualified to discharge the duties of a freeman. He comes to the ballot-box, and votes without the restraint or fear of some landlord. He is in fact the representative of his own homestead, and is a man, in the enlarged and proper sense of the term” (951). Johnson presented a pastoral image of the citizen-farmer in his rural domicile, in which “he and his wife, with their little fair-haired, white-headed ties of affection, sit down at the same table together to enjoy the sweet product of their own hands, with hearts thankful to God for having cast their lot in this country where the land is made free, under the protecting and fostering care of such a Government” (951). Becoming a property owner not only increased the landless person’s economic prosperity but properly turned him into a citizen, and a man; women were envisioned to be partners in the endeavor but not as owners themselves. Characterizing the bond between husband and wife as “fair-haired, white-headed,” Johnson furthermore carefully underlined that the new citizenry would be white. Indeed, the proponents of homesteading saw it as “a very conscious means of getting more and more white settlers onto lands populated with people perceived not to be white, enabling the government to manufacture demographics while expanding and incorporating these lands more easily and quickly” (Frymer 2017, 133).

George Washington Julian, another fervent advocate of homesteading, argued in similar terms as Johnson. He, too, emphasized that he was “no believer in the doctrines of Agrarianism, or Socialism” (Julian 1872, 51) and that the proposed reform did not attempt to interfere with existing property laws of the states, nor did it touch upon vested rights of private property owners. Yet, like Johnson, he invoked the “natural right of the landless citizen of the country to a home upon its soil” (51-52). The idea of an independent farmer-citizenry held the promise of economic stimulus as well as patriotic loyalty, thus raising the homeless from a status susceptible to crime and starvation “and plac[ing] them in a situation at once the most conducive to virtue, to the prosperity of the country, and to loyalty to its government and laws” (54). Ownership of the soil would instill them with gratitude to the government, appreciation for free institutions, and a sense of responsibility; therefore, the formerly idle and poor would rush to defend their country in the case of war against a foreign power.

Julian also framed his argument for the homestead bill explicitly in antislavery terms: he believed that settling the land with small, independent farmers would, in effect, constitute “an anti-slavery measure”: “It will weaken the slave power by lending the official sanction of the government to the natural right of man, *as man*, to a home upon the soil, and of course to the fruits of his own labor. It will weaken the system of chattel slavery, by making war upon its kindred system of wage slavery, giving homes and employment to its victims, and equalizing the condition of the people” (57). The homestead bill was thus framed as a northern program of westward expansion, capable of halting the expansion of slavery into the new territories and states, and as a measure benefitting white settlers. Like Johnson, Julian, in his speech, celebrated farm life, pleading for “the inviolability of the homestead,” which as the “family hearth-stone should be ‘hallowed ground’” (61). Reminiscent of Jefferson, he considered farming to be “peculiarly favorable to virtue” (61) because it meant a life neither in luxury nor idleness.

Both Johnson and Julian projected visions of homesteading as a form of social boost for the poor working classes toward a life of respectability, economic well-being, and patriotic citizenship. Neither of them envisioned these farmers as the future elites but as the backbone of the country. Their projections revolved around the image of the individual family farm, invoking traditional values of family life and celebrating the small farm as a home, rather than merely as alienable property. They called up the natural rights argument popularized by the workers’ movement and the National Reformers in the two previous decades, which, however, had undergone a profound rhetorical transformation. What originally had been a critique of industrial capitalism and a denunciation of the structural inequalities of American society, advocating large-scale social reform, was now mainstreamed as an almost philanthropic government project to uplift the poor. Referred to as “landless” or “homeless,” the prospective future settlers were portrayed as deficient and prone to crime and starvation. Farming life provided a remedy against these social ills and promised to turn the underprivileged into proper citizens.

In spite of the land reformers’ rhetorical appeals to traditional values, conservatives were critical of the homestead plan. Eastern conservative newspapers, in particular, denounced the bill, attacking it as socialist, agrarian, and demagogic. Considering the public domain the lawful property of the older states, donating land to settlers would mean robbing the lawful owners by depriving them of revenue, and would thus invite more poor immigrants from the Old World (Zahler 1941, 151-53). Referencing both Johnson’s and Julian’s speeches, the Washington *National Intelligencer* raised doubt about the claim that homesteading “would add to [the cultivator’s] individual happiness, or promote the common interest of the country.” The newspaper accused Julian of surpassing even the Anti-Renters with his agrarian proposals and of echoing “an extensive popular delusion” which “threaten[ed] to subvert the very foundation of our social structure.” The *Intelligencer* also questioned the natural rights argument brought forward by the bill’s supporters. Property, the publication held, was from the outset a social institution; property was conventional, based on the laws of a country, not on natural rights: “In a regular organized society, every one may have a ‘right’ to any property which he can acquire in a mode recognised and sanctioned by the law of the country, and he is a wrong-doer if he gets it any other way. It is preposterous to allege that a man must have land as a ‘means of living’” (“The Homestead Bill” 1852). What would happen, the newspaper worried, if all the available land was disposed of—would landowners be obliged to share their property with the landless because these had a natural right to the soil? For the *Intelligencer*, natural rights discourse, in that case, posed a distinct threat to vested property rights.

From 1850 onwards, both chambers of Congress took the homestead issue seriously, yet they were unable to pass a bill, due to a united southern opposition and the issue of slavery. After 1856, the homestead law became part of the Republican party program.P[[14]](#endnote-14) Only after the secession of the southern states was Congress able to successfully pass a homestead bill, signed into law by President Lincoln in 1862. The law granted a head of a family or person of at least 21 years of age—who was a citizen or who had filed a declaration of his intention to become a citizen, and who had never fought in a war against the United States—the right to up to 160 acres of land for which he had filed a pre-emption claim or which, at the time of application, was subject to pre-emption. He had to cultivate it and pay a charge of $10; patents were only issued after five years; and if the settler abandoned his land for more than six months, the land would revert back to the government (Stephenson 1917, 243).

In the end, the Homestead Act was thus passed, not due to a victory of the natural rights argument but as a result of the North unifying against the southern confederacy and its economic system. In opposition to southern plans of expanding slavery further into the West, northern politicians rallied behind the concept of the small producer economy. Though it did not prevent land speculation, railroad monopolies, or capitalist exploitation, while also not fulfilling the populist dream of landownership for all who desired it, the homestead bill did stabilize the cultural ideal of the yeoman farmer and the civic values associated with landownership. It also had significant material consequences: 270 million acres, or 10 percent of the U.S. territory, were ultimately claimed by settlers under the Homestead Act (Anderson 2011, 120).

Land and Labor: Property Discourse in the Antebellum Era

The legal concept of property transformed significantly during the first decades after the founding of the American nation. As the United States became an industrial market society, an increasingly specialized and utilitarian legal discourse regulated property rights, now understood as a private contractual relationship. The cultural discourses examined in this chapter, however, illustrate that the public discourse on property, by far, exceeded a merely instrumental function and continued to be associated with a just social order. Within a broader public debate, the idea of property as propriety remained significant and figured prominently in the producerist rhetoric of antebellum social movements. Addressing the social and economic inequalities that the market revolution had generated, farmers, urban workers, and other social reformers in the 1840s and 50s provided a radical social critique, which put equitable access to property at the heart of the liberal democratic republic and which revolved around the agrarian ideal of the small producer economy as a morally just social order. Crucially, this discourse relied on a rhetoric of dispossession, as its agents claimed a natural right to the soil of which they had been allegedly deprived by the capitalist elites. They conceived of this natural right as one which pertained specifically to white citizens being the truly productive members of the body politic, from which indigenous peoples and slaves remained excluded.

The image of the property-owning subsistence farmer as a model citizen endured remarkably in the face of profound economic transformations; as an alliance between the white property-owning and the unpropertied classes, the democratic ethos that tied political agency to producerism helped mediate social changes and class differences when increasing economic inequality called into question the viability and validity of the egalitarian promise. In distinction to European socialist traditions, which rejected private property as a bourgeois institution, American radical movements in the Antebellum Era, for the most part, endorsed private ownership of resources, particularly of land. Anti-renters, Associationists, and National Reformers called up the thoughts of Jefferson and Paine, Smith and Ricardo, as well as the foundational American documents, in order to critique unequal wealth distribution as being unjust, aristocratic, and un-American. They engaged in a populist discourse which assumed that a more egalitarian distribution of property would reinstate more democratic political structures. In this sense, they invoked what Margaret Canovan has called the “redemptive” face of democracy (Canovan 1999, 2), which situates itself in opposition to pragmatic institutionalized political structures. This redemptive vision was never fully anti-capitalist, nor did it aim at a coercive redistribution of wealth. Instead, American socialists and social reformers overall respected vested property rights, but they demanded more egalitarian opportunities for people of all classes to become property owners. Only the availability of vast tracts of yet uncultivated land made such a vision feasible, and it required the negation of any legal rights held by the native occupants of that soil.

The reformers’ efforts ultimately culminated in the Homestead Act of 1862, which granted white citizens a portion of the public lands in the West for settlement. Though this law provided many families with new economic opportunities, its greater significance perhaps lay in the further perpetuation of the farmer ideal in the cultural imagination and its contribution to what historians have termed the “free labor ideology.” As a floating signifier, ‘free labor’ could refer to both the self-employed property owner as an alleged truly independent economic agent and to the wage laborer as an owner of his own labor who entered into a free contractual relationship with an employer. The slippage between both meanings ultimately contributed to preserving racialized class structures and the capitalist order.

As I will discuss in the next chapter, the aspirational property discourse informed the antislavery position in the sectional conflict between the North and the South. Ideas of self-ownership and the right to the fruits of one’s labor provided powerful arguments for abolitionists and other adversaries of slavery. Most prominently, they objected to the alleged degradation of white labor when subjected to competition with slave labor. However, the proponents of free labor referred to quintessential American values and the foundational documents, just as advocates of slavery cited the same sources, from which they claimed to derive the protection of their vested property rights. Chapter 2 will analyze this complementary discourse.

1. Keyssar attributes the first formulation of this argument to William Blackstone’s influential *Commentaries on the Laws of England*, in which he stipulated that the propertyless have “no will of their own” (qtd. in Keyssar 2000, 10). However, the political leaders were simultaneously concerned with the tyranny of the propertyless majority that would leave the property-owning minority unprotected. “Remarkably,” Keyssar notes, “the argument that the poor should not vote because they had ‘no will of their own’ coexisted with an altogether contradictory argument, often expressed by the same people: the poor, or the propertyless, should not vote because they would threaten the interests of property—that is, they would have too much will of their own” (2000, 10-11). [↑](#endnote-ref-1)
2. Claire Priest suggests that these traditional accounts of changing property law in the Early Republic are somewhat misleading since they overlook that land was already treated as an alienable commodity in colonial times. Land was treated differently in laws pertaining to the colonies than it was with respect to English landed property (2006, 389). [↑](#endnote-ref-2)
3. Banner delineates that, before the turn of the nineteenth century, property in intangible things, such as, e.g., political offices, existed. He suggests that “[t]he transition would not be from physical property to nonphysical property, but rather from one group of nonphysical property rights to another” (2011*,* 13). [↑](#endnote-ref-3)
4. Historians debate whether the free labor ideology was rooted in fact, i.e., in how far American society was upwardly mobile during the nineteenth century, thereby enabling farmers and workers to rise economically. Thus, while James Huston suggests that (agrarian) labor did allow economic advancement before 1890 (1998, 130), Robert Fogel and Robert Margo, in their studies, have pointed out that long-term trends, showing increases in wages, conceal the workers’ actual experiences of periodic short-term declines in real wages, particularly during the depression of 1837-43 and between 1848 and 1855 (Fogel 1989; Margo 2000; see also Glickstein 2002). [↑](#endnote-ref-4)
5. Singer points out that this legal status remains valid even today, as lands held by Indian nations are still co-owned by the tribes with the U.S.: “This assertion of co-ownership is an act of conquest that continues to this day” (767). [↑](#endnote-ref-5)
6. As Kenneth Bobroff (2001) has shown, the myth that Native Americans did not recognize private property rights and needed to be ‘educated’ in this respect, in order to assimilate into U.S. society, also guided late nineteenth-century federal Indian policy in the so-called era of allotment, when government agencies assigned small parcels of land that formerly belonged to tribes to individual Native American families. Allotment resulted in significant further land loss for the Indian population. In fact, as Bobroff demonstrates, many tribes adhered to distinct private property systems. [↑](#endnote-ref-6)
7. Reeve Huston and Charles McCurdy have both provided excellent comprehensive and in-depth studies of the history of the movement and its political contexts, on which I draw extensively in this section (R. Huston 2000; McCurdy 2001). For an early history of the Hudson River Valley region’s land tenure system, see Kim (1978). [↑](#endnote-ref-7)
8. The paper was named *New-York Tribune* in 1841; between 1842 and 1866, it circulated as *New-York Daily Tribune* as well as in a weekly edition, the *New-York Weekly Tribune*. [↑](#endnote-ref-8)
9. Sociologist Werner Sombart’s famous question “Why is there no socialism in the United States?,” raised in 1906, has been the subject of extensive yet inconclusive debates among historians, in part, as Eric Foner argues, because of the diverse and often contradictory definitions of socialism (1984, 58). Foner discusses the problematic ramifications of these debates in detail, calling into question some of its premises. The studies by Adam Tuchinsky (2009) and Mark Lause (2005) have thoughtfully engaged with the workers’ movements in the United States, making a case for an American socialist tradition. [↑](#endnote-ref-9)
10. Brook Farm, the best-known communal living experiment, was founded in 1841 and adopted Fourierism in 1844. The community was never financially stable. After a devastating fire in 1846, Brook Farm closed its doors for good in 1847. [↑](#endnote-ref-10)
11. As Jamie Bronstein notes, the NRA operated with traditional notions of gender relationships, seeing land reform as a way to reinstate women in their rightful place in the home. The factory environment was seen as detrimental to women’s virtue and their health. While land reform was considered beneficial for both sexes, the movement did not grant women an active part. The very slogan “Vote Yourself a Farm” rhetorically excluded women, who were not allowed to vote, from participating (1999, 81). [↑](#endnote-ref-11)
12. Southern slavery ideologue George Fitzhugh’s tract *Cannibals All!*, for instance, provided the following comparison between northern capitalism and southern slavery: “Capital exercises a more perfect compulsion over free laborers than human masters over slaves: for free laborers must at all times work or starve, and slaves are supported whether they work or not. […] Though each free laborer has no particular master, his wants and other men’s capital, make him a slave without a master, or with too many masters, which is as bad as none” (1857, 49). [↑](#endnote-ref-12)
13. Greeley’s contention that blacks and whites could not live together in communities was a widely held position at the time, among opponents of slavery, with many favoring the colonization of blacks outside the U.S—as did Abraham Lincoln who, as president, made several practical attempts to send away African Americans, e.g., in 1862, to Haiti (Vorenberg 1993, 22). [↑](#endnote-ref-13)
14. In 1860, the Republican Party Platform contained the following stipulation: “We protest against any sale or alienation to others of the Public Lands held by actual settlers, and against any view of the Homestead policy which regards the settlers as paupers or supplicants for public bounty; and we demand the passage by Congress of the complete and satisfactory Homestead measure which has already passed the House” (“1860 Republican Party Platform” 2014). [↑](#endnote-ref-14)