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Race-Making and Land-Taking: Uncovering Policing in the Constitution of Racial Capitalism and Settler Colonialism

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**Race-Making and Land-Taking:
Uncovering Policing in the Constitution of Racial Capitalism and Settler Colonialism**

A Dissertation Presented By
James Earl Owens

Submitted to the Graduate School of the
University of Massachusetts Amherst in partial fulfillment
of the requirements for the degree of

DOCTOR OF PHILOSOPHY

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Communication

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**Race-Making and Land-Taking:
Uncovering Policing in the Constitution of Racial Capitalism and Settler Colonialism**

A Dissertation Presented By
James Earl Owens

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DEDICATION

Dedicated to my partner Laura Ephraim for her longstanding support.

I cannot imagine making it through the dissertation process without her smart insights, ingenium,
tap dancing, and love.

ACKNOWLEDGMENTS

First, I thank my wonderful committee! I am forever indebted to my Advisor Mari Castañeda whose support, guidance, and detailed constructive critiques (including of chapters not in the final draft) helped me to transform my early ambitious observations about race, gender, and policing into findings that surprised even me. Thanks to Kimberlee Perez, who helped me through multiple configurations of the project that were derailed by global COVID-19 pandemic and who read multiple drafts and provided invaluable feedback and led me to works in performance studies and theory that deepened my thinking and led to breakthroughs in my method. Thank you to Traci Parker, who read long chapters (too long!) and helped me deepen my engagement with primary sources and strengthen the historical value of the dissertation. Shawn Shimpach generously gave me his time in numerous lengthy discussion about dissertation planning and relating theory by Du Bois and Gramsci.

I thank my father Jay R. Owens for his reading of early drafts and the challenging practical perspectives he offered. I give my gratitude to my fellow graduate students who shared their time and friendship and their own smart reflections on my project. A big shout out and thank you to the librarians and staff at Ronald Williams Library of Northeastern Illinois University who helped me acquire primary source materials during the COVID-19 lockdowns, often searching paper archives drawing on our conversations and their hunches. Thanks also to the staff and librarians at the WEB Du Bois Library at the University of Massachusetts Amherst for their many labors of locating hard to find microfilm and other documents and for scanning hundreds of pages for this project. Thanks also to Anne and Russell Ephraim, who generously spent months in Massachusetts providing childcare and other support during the final months of

the dissertation when my partner faced a serious illness. I truly do not know how I could have finished this draft at this time without their labors, kindness, and help.

I also feel indebted and inspired by the political movements I grew up with in Chicago where we opposed police brutality and racism, mass incarceration, fascism, criminalization of sexuality and reproductive healthcare, and the US genocidal sanctions and wars on Iraq and other peoples across the world. Finally, I hope this work somehow would please my long passed grandfather, James W. Owens, who built businesses and lifetime friendships with various Tewa people on the Santa Clara Indian Reservation/Española New Mexico (long live Stop and Eat!) with whom he successfully struggled against the federal government's illegal efforts to tax reservation businesses.

ABSTRACT

RACE-MAKING AND LAND-TAKING: UNCOVERING POLICING IN THE CONSTITUTION OF RACIAL CAPITALISM AND SETTLER COLONIALISM

SEPTEMBER 2023

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This dissertation addresses calls for greater communication studies inquiry into processes of colonization, racialization, and the White standpoint all too often naturalized in research (Chakravartty et al. 2018). The dissertation accomplishes this through a communication study that expands the horizons of critical research on policing and race, revealing policing as a constitutive force of cultural and structural racism. I study cases of policing in transformative conflicts: uprisings by Anglo Eastern North American settler colonists against Indigenous people and British rule in the 1670s and 1760s, anti-Indigenous settler colonial uprisings in the Northwest Territory from 1795-1815, and the adaptation of colonial policing in industrial urban conflict in Chicago, 1854-1867. These case studies provide previously absent context on the colonial practices, racial ideology, and infrastructures that conditioned practices of policing in Chicago. Policing, the dissertation argues, must be understood as a colonially emergent social technique that gained political importance as means to creatively assert, not merely reinforce, representations and material systems of anti-Black and anti-Indigenous racism. Later urban conflicts in Chicago, I show, adapted colonial policing as means to control geographic, racial,

market, and legal boundaries necessary to the hegemony of capitalists, the Chicago Police Department, and city government.

Scholarly contributions also include an original research framework of theory and method. I draw on ideas from WEB Du Bois to re-formulate Gramsci's (1971, 2000) theory of hegemony and its later poststructural adaptation (Laclau & Mouffe, 1985 [2001]). My original genealogical method enables the search for emergence and descent (Foucault, 1977) of characteristic labor performances, the relations and representations those acts cite and adapt (Butler 1988; Derrida, 1972 [1988]; Taylor, 2016a), as well as the structures they produce or destroy, and thereby the form of hegemony they organize. For police studies and history, the dissertation finds continuities between modern and colonial policing and needed redefinitions of policing as a practice. For feminist abolition and Black Marxist studies, my redefinitions expand understandings of the constitutive role of policing in racial capitalism and the White nation project. The dissertation works to draw these fields of study into collaboration with critical communication studies.

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Chapter I

INTRODUCTION

The problem of policing and the contradictory ways of defining that problem.

I write this draft of my dissertation’s introduction the day after the funeral of Tyre Nichols, a 29 year-old African American beaten to death by Memphis police from the so-called SCORPION “Operation to Restore Peace” program.¹ I also write these words a week after Huntington, California police shot African American Anthony Lowe Jr., a double amputee, 10 times as he attempted to flee without his wheelchair.² Had I written this introduction a couple weeks earlier, it would have coincided with the Los Angeles Police killing of Keenan Anderson, a 31 year-old high school English teacher who suffered cardiac arrest after “police repeatedly used a Taser on him following a traffic accident.”³ All three victims expressed fear for their lives in the deadly encounters and were killed while trying escape the confrontation – as did many other recent and distant victims of police violence. The three cases are the latest tragic outcomes of the violence performed by police as part of their daily labors.

¹ Heer, J. (1/30/2023). ‘The Killing of Tyre Nichols Is an Indictment of the Entire Political System,’ *The Nation*, retrieved from: <https://www.thenation.com/article/politics/tyre-nichols-killing-police-democrats>, 2/2/2023.

The contradiction between the aggressive name of the program and its alleged social aim seems partly resolved by the macho cruelty enacted by the murderous officers. The unit attracted or produced agents ready to perform violence against residents of a predominantly Black community.

² Levin, S. (2/1/2023). ‘California police kill double amputee who was fleeing: “Scared for his life,”’ *The Guardian*, retrieved from: <https://www.theguardian.com/us-news/2023/jan/31/anthony-lowe-police-killing-amputee-huntington-park>, 2/2/2023.

³ Johnson, J. (1/13/2023), “‘They’re Trying to George Floyd Me’: Teacher and Cousin of Black Lives Matter Co-Founder Killed by LAPD,” *Common Dreams*, retrieved from: <https://www.commondreams.org/news/they-re-trying-to-george-floyd-me-cousin-of-black-lives-matter-co-founder-killed-by-lapd>, , 2/2/2023.

A racial pattern emerges from the accumulation of such police labors in the US, namely, the propensity to kill non-Whites disproportionately more often than Whites (*The Lancet*, 10/2/2019⁴). Various estimates find Native-Americans or African-Americans killed most disproportionately in comparison with population, approximately 3 times that of Whites (*The Guardian*, 2016;⁵ Mapping Police Violence, 2022⁶). For example, Arizona police shot 27 year-old Loreal Tsingine (Navajo) to death while she lay on the ground in an encounter over suspected shoplifting.⁷ As the case of Nichols and others reminds, integration of Black and other non-White officers into law enforcement brings no demonstrable reduction in police violence against people of color (Cobbina & Vitale, 2016⁸). Critical police studies scholars Jennifer Cobbina and Alex Vitale point to structural causes, namely, the lack of government financial investment in poor Black neighborhoods to which violent over-policing provides a structural solution. From this view, racist policing is an expression of economic and institutional forces. Nonetheless, the well-documented fact of historic and ongoing lack of investment in low income communities of color (Taylor, 2019; Baradaran, 2017) does not itself explain why so many individual police officers choose so predictably to direct their agency into acts of violence more often against people of color, especially in poor areas. Another common way of thinking about the problem suggests that officers derive meaning from their acts of racist violence. This view

⁴ GBD 2019 Police Violence US Subnational Collaborators (2019) "Fatal police violence by race and state in the USA, 1980–2019: a network meta-regression," *The Lancet*, DOI: [https://doi.org/10.1016/S0140-6736\(21\)01609-3](https://doi.org/10.1016/S0140-6736(21)01609-3)

⁵ "The Counted: people killed by the police in the US". *The Guardian*. Retrieved October 21, 2016.

⁶ The Official Mapping Police Violence Database (2022). "Police Violence Map," Retrieved from <https://mappingpoliceviolence.us/>, 2/2/2023.

⁷ Agtuca, Jacqueline (2020) 'The Danger Native Women Face: State Law Enforcement Killings,' *Restoration Magazine*, 17:3, pp. 30-32.

⁸ Cobbina, J., Vitale, A. (1/18/2021). 'Why Police Diversity Won't Fix the Problems of Policing,' *The Crime Report*, Center on Media, Crime and Justice at the John Jay College of Criminal Justice. Retrieved from: <https://thecrimereport.org/2021/01/18/1196218>, 2/2/2023.

understands racist policing as “The Result of a Diseased Culture” (*Time*, 1/31/2023⁹). The Congressional Black Caucus statement (1/27/2023¹⁰) expands on this way of thinking: “Black communities continue to bear the deadly consequences of a culture of policing that allows law enforcement officials to dehumanize, debase, and victimize individuals without consequence.” From this view, it is a widely shared mode of belief that shapes the conduct choices of police and the policies and practices of supervising state officials and judges. The cultural understanding of police violence logically directs efforts for change to the production of knowledge whereas the structural perspective emphasizes changes to the production of systems. The examples show that common ways of understanding the problem of police violence, and creating solutions to it, are caught up in competing ideas about whether cultural or structural forces are more important in determining of social relations.

Others who inquire into policing, violence, and racism situate the problem as the product of both cultural and structural development. Such analysis comes from theorist of race, gender, sexuality, and power Angela Davis, and her activist, lawyerly, and scholarly collaborators, in the recent anthology, *Policing the Black man: arrest, prosecution, and imprisonment* (2017). Davis et al. situate the emergence of policing as part of larger processes of US transregional economic and narrative development overdetermined by the slave system and its adaptation into a postbellum system of racial terror. As Davis writes, “slavery firmly entrenched the regime of white supremacy in the United States” (p. xvii). Jim Crowe preserved the White supremacist system through top-down creation of discriminatory laws and police practices of enforcement but also through bottom-up vigilante acts of lynching. Lawyer Brian Stevenson’s chapter on “deep

⁹ Taylor, G. (1/31/2023). ‘Tyre Nichols’ Killing Is The Result of a Diseased Culture,’ *Time*, retrieved from: <https://time.com/6251525/tyre-nichols-killing-diseased-culture>, 2/2/2023.

¹⁰ Congressional Black Caucus, (1/27/2023). “CBC Statement on Tyre Nichols,” Retrieved from: <https://cbc.house.gov/news/documentsingle.aspx?DocumentID=2395> , 2/2/2023.

historical forces that have created the problems so clearly evident in America's criminal justice system" (p. 5) ties structural forces of legislation, law, and systematic violence with "a narrative of racial difference that contaminates the thinking of most Americans." His chapter mentions development of White racist views toward Native-Americans but his analysis focuses on how slavery "created an even deeper injury to America" (p. 5) by entwining institutions with anti-Black cultural expressions. White supremacist practice and system endured after formal Emancipation in acts such as lynching that defied progressive laws and in state government processes which legally and bureaucratically enshrined racial subordination.

In Davis and Stevenson's view, policing emerged from lay and official practices that characteristically reinforced racist cultural and structural systems and did so by enforcing established racial narratives and top down economic, legal, and political strategies for White supremacy.¹¹ This view is a helpful advance from the standard history of policing long accepted in police studies. For example, Kelling & Moore's (1988) widely cited article on the development of US police focuses on creation of urban departments starting in the 1840s, reform efforts from the 1930s, and community problem solving from the 1970s. As Williams & Murphy (1990) point out in response, that popular origin story misunderstands and mischaracterizes police development by refusing to acknowledge that policing emerged and acquired its fundamental practices and ideologies under conditions of institutional slavery followed by post-Reconstruction de jure and de rigor racial domination. These 2 examples demonstrate a rift in mainstream police studies over whether to recognize ways that official law enforcement developed as expression of slavery and its aftermath that continues to enforce racial

¹¹ "states looked to the criminal justice system to construct policies and strategies to maintain white supremacy and racial subordination. Law enforcement officers were tasked with menacing and controlling black people in ways that would shape policing and the criminal justice system in America for the next century" (pp. 9-10).

subordination today. The fact that both articles extoll professionalism as the mechanism for police accountability illustrates larger limits on interrogating the relations of law enforcement with managerial authority in larger systems of capitalist and state power. Police historian and theorist Peter Manning (2015) critiques the limited range of debate in dominant police studies, which he argues reinforces the interests of police institutional funders and practitioner organizations to create “a sociology for the police rather than a sociology of the police” (p. 4512).

Works such as by Davis, Stevenson, and many others (e.g. Taylor, 2016c; Balto, 2019) challenge the limits of administrative scholarship on law enforcement. Studies like those of Davis et al. helpfully broaden knowledge of how policing enforces White supremacy. However, such critical abolitionist literature also often reinforces unintended assumptions foreclosing concerns with the pre-slavery history of policing and the larger role of policing as a cultural and structural force that may have shaped, and not merely reflected, the development of US racial, economic, and political order. The dissertation presents a series of communication studies of these under-examined aspects of policing to contribute to larger critical scholarship on the structural and cultural relations of policing as well as to help activist struggles better understand – and dismantle – the functions of policing in the organization of cultures and structures of White supremacy. The dissertation draws its basic purposes from recent critiques of communication studies for its lack of inquiry into the histories and ongoing processes of racial subordination and related devaluation of the work of non-White scholars, as I explain next.

The Scope of the Dissertation

This dissertation seeks to address calls for greater communication studies inquiry into processes of colonization, racialization, and the White standpoint all too often naturalized in

research (Chakravartty et al. 2018). I do so through a communication study that expands the horizons of critical research on policing and race, revealing policing as a constitutive force of cultural and structural racism. Policing, the dissertation argues, must be understood as a social technique to creatively assert as well as reinforce representations and material systems of anti-Black and anti-Indigenous racism. A conventional wisdom in left and critical studies holds that policing is an expression of racism and capitalism, that is, a means of legalized violence used by the powerful to reinforce existing racial and economic domination. That view is not wrong but misleadingly incomplete. What it first overlooks is the formative role of policing in creatively introducing racial division, and thus the possibility of racial hierarchy/domination, in the first place. One reason that critical scholarship often overlooks policing's constitutive force on race and economy is that research often focuses on slavery as the over-determining basis for policing as a cultural, practical, and political technique. I do not argue against the wide body of evidence showing how the system and practice of slavery shaped modern policing (e.g. Dulaney, 1996). Instead, the dissertation additionally shows that the very acts acquiring Indian land – land that constituted the literal grounds for development of capitalist slave, real estate, and agricultural markets and for enacting White hetero-patriarchy – consisted in settler colonist acts of prosecuting 'crimes' and enforcing 'rights' unrecognized by ruling elites. The precise labors by which settlers enforced these legal and political claims at times necessarily consisted in militia and mob actions that a body of historical studies define as important forms of colonial policing (e.g. Walker, 1998; Greenberg, 2005).

Inquiry into colonial police capacity to acquire territory, violently enforce legal claims, and shape ideological representations expands scholarly view on the practice as means to *assert*, not merely reinforce, orders of political rule. The dissertation helps us to recognize the mutual

constitution of policing, capitalism, and the US state by catching sight of often-overlooked aspects of that mutuality: the force of policing in constituting race and structuring ruling systems. Police capacity to shape cultural and structural order, I will show, flows from the ways that enactment of its often violent tasks communicates meanings while also productively and destructively impacting material systems. In other words, and as the dissertation argues, policing needs to be understood as both a labor and a performance. I develop these arguments through a critical communication perspective shaped by ideas from transcultural and political economy studies and performance theory, to which I offer a theorization of material and discursive force in the organization of power drawn from the thinking of WEB Du Bois. I describe the chapter's presentation of these ideas and arguments next.

Map of Chapter 1

This introductory chapter proceeds, next, by offering a personal statement on my direct experiences with official and lay police violence and how those encounters shaped my enduring political commitment to movements shifting cultural and structural order away from the violence of colonialism, war, and policing and toward mutual care, a sustainable future, and racial, gender, and class equity. I then present a map of the following chapters and the purposes that the dissertation fulfills. The political purposes and commitments I bring to the dissertation are explained through my personal statement.

Personal Statement

The catalyst for this dissertation is the ongoing police violence directed at regular people, especially BIPoC, queer people, but also political activists who stand up against the conjoined US system of racism, imperialism, and capitalism. For my activism against that system, police in and around Chicago harassed and surveilled me, confiscated political 'zines I distributed,

claimed to have reported my activities to the FBI, and arrested and assaulted me. Between 1982-1986, official police assaulted me 5 times despite that I had committed no crime. During that time, neo-Nazis also assaulted me, attempting to gouge out my eyes after I ridiculed their racist claims at a large outdoor party on Monterey Ave. beach. The attacks were part of larger conflicts over culture, identity, and networks of affinity.

Amid the growing violence, I marveled at how people around me played with the identities around them. I saw previously apolitical teenagers put on Nazi symbols and repeat racist ideas without being able to explain what those symbols and ideas meant. I participated in non-violent anti-fascist organizing but others chose to drive the Nazis out with force (*Chicago Reader*, 3/23/1989¹²). The neo-Nazi who attacked me was Clark Martel, the founder of perhaps the first formal US neo-Nazi skinhead organizations, Romantic Violence and Chicago Area Skin Heads (CASH).¹³ Despite being driven by force from Chicago's punk scene, CASH members later contributed to an international network of racist organizations and the Unite the Right rally in Charlottesville Virginia, according to Christian Picciolini (2017), a former member whose new organization helps others to leave extremist movements.

The Chicago police acts of racist violence and political repression also contributed to structural developments, namely the city's current ascendance as a site for global tourism and trans-national corporate development – and the expansion of financial, educational, and racial inequalities (Alexander et al., 2016). I observed the CPD and the skinheads targeting the same groups, racial minorities, sexual and gender deviants, and left political activists. Our current

¹² Wyman, B. (3/23/1989). 'Skinheads,' *Chicago Reader*, <https://chicagoreader.com/news-politics/skinheads/>

¹³ Bishop, K. (6/13/1988). 'Neo-Nazi Activity Is Arising Among U.S. Youth,' *The New York Times*. Retrieved from <https://archive.nytimes.com/www.nytimes.com/library/national/race/061388race-ra.html>, 2/3/2023.

Lipman, N. (5/12/2020). 'Christian Picciolini: The neo-Nazi who became an anti-Nazi,' *BBC News*, retrieved from <https://www.bbc.com/news/stories-54526345>, 2/3/2023.

historical moment witnesses the perhaps growing unification of neo-fascist movements and police officers in groups such as the Oathkeepers and the 1-Percenter and in events such as the January 6 insurrection. The above 1980s Chicago conflicts influenced my political development as well as that of social movement politics, as our current moment of polarization and extremism suggests.

Though I do not analyze these events in the dissertation, the conflicts bring forward relevant questions about identity, culture, violence, and power. How can we understand violence be a basis for political and racial identity? Can we analyze destructive forces of violence as creative forces of political institutions? Should we consider fascist (or anti-fascist) violence as lay policing? How do we analyze policing as a creative political force? How might movements for racial, sexual, gender, and class equality contend with violence without falling subject to the police? Finally, given the similarity in violent strategies among the CPD, fascist, and some of the anti-fascist groups, what historical relations and roles do those performances cite? How might movements for racial, sexual, gender, and class equality contend with police violence without falling subject to those past identities and relations? Though the dissertation does not explore these events, such questions and concerns guide my inquiry into scenes of conflict through which policing emerged as a lay and official labor performance and became available as a cultural and political technique for later agents to adapt to their own projects and aims. Uniquely suited to such questions and concerns, the dissertation is guided by ideas from a range of communication studies such as Transcultural Political Economy and Performance Studies as well as emerging research from critical police studies and settler colonial studies, as I explain my overview of the dissertation.

Map of the Dissertation

Following this introductory chapter on the dissertation's topic, purpose, scope, scholarly interventions, the second chapter briefly explains my intervention into critical police studies before reviewing and relating transcultural communication and performance theory literature to my Du Boisian reformulation of Gramsci's theory of hegemony. Chapter 2 also describes my original method, a genealogy of police labor performance, and research questions. The following chapters offer a series of case studies to genealogically analyze the rise of police labor as a political performance, that is, a technique to intervene in structural and cultural production. These chapters explore police labor performance at four moments of violent conflict and historical transformation. The chapters accrue a basis of findings to compare police labor performances across the respective historical moments to explore ways characteristic practices, representations, and functions of policing descended to later struggles and ways they changed.

Chapter 3, the first of those case studies, looks at Bacon's Rebellion in the 1670s and the Paxton and Black Boys rebellions in the 1760s-70s. This chapter documents the emergence of enduring characteristic forms of North American colonial policing, which I term *settler policing* and *colonial governmental policing*, through the 1676 settler insurrection in Virginia, the first such uprising against British rule in the colonies. The chapter traces adaptations of those forms in settler uprisings of the 1760s that directly contributed to the Revolutionary War and the founding of the United States. I show that policing, in these conflicts, constituted a labor form to creatively organize and contest modes of political and economic rule. Policing characteristically consisted in violent enforcement of geographic, economic, and racial boundaries in ways that performed the White settler colonial subject as sovereign over land, markets, and the state.

In Chapter 4, I search for the further descent and adaptation of those settler colonial police labor performances in the colonization of Indian Country between 1795-1815 in the area that now includes the state of Illinois. My analysis of these turn of the nineteenth century conflicts over emerging US colonial order provides a view on the police labors performed by federal agents, Indigenous treaty signatories, and settlers. I study those police acts for their organization of discursive and material force as part of the larger struggle to establish and shape systems of federal sovereignty across Indian Country. The mutual performances of treaty law temporarily affirmed a mode of Indigenous American political citizenship. However, western migrating colonists from the area of Virginia brought with them settler policing practices through which they imposed modes of law that rejected treaty law and its limited mode of Indigenous citizenship. Between these groups, I locate the US fort network as a police infrastructure for the communication and enforcement of geographic, economic, racial, and political boundaries. I uncover ways that the fort infrastructure functioned as a media for performing and adapting meanings about land, racial identity, and political belonging. The fort system, the chapter argues, constituted a central object of political struggle which drew settlers and federal officials into a new historic bloc that shaped the ideology and material practices of colonial hegemony at Chicago and across the west.

Chapters 5 and 6 draw on the findings of prior chapters to search for further adaptation of colonial police ideologies and practices in conflicts over industrial hegemony in Chicago. I analyze the violent conflict surrounding the 1867 general strike for a eight-hours labor law. I identify the characteristic police labors that enacted that conflict, the discourse of White male lawmaking they sustained, and how those acts and meanings intervened into structural and political development. I show ways capitalist businesses owners and strike mobs of unskilled

Irish and German workers performed police violence to discursively authorize their standing as makers, not merely enforcers, of law. I also uncover the adaptation of colonial policing to address industrial crises. Finally, I show how the Chicago Police Department's successful labors of violence cohered a new lasting form of power. This hegemony involved the alliance of capitalist owners and city officials dependent upon the CPD as a labor force of violence. The conflict also shifted cultural conditions as capitalists drew on anti-Indigenous settler discourse to re-signify police violence as manly defense against the civilizational threat of democratic participation by immigrant workers and the labor movement. These structural and cultural conditions created the basis for Irish and German police officers to use violence to transform their own racial standing from 'immigrant Other' to 'manly civilizational defender.' A concluding chapter explains how the findings intervene in contemporary political understandings of policing and scholarly definitions and treatments of the practice.

Purposes of the Dissertation

The dissertation pursues five main purposes. The first purpose is to open a new scholarly perspective on the development of policing as a constitutive force of racialization, market, legal, and state development in the US. By that I mean, I investigate ways policing emerged, continued, and adapted as a social technique to communicate meanings about land, race and personhood, systems of trade and law, and state authority through embodied acts of production and violence. Accomplishment of this purpose contributes to efforts to expand communication studies inquiry into the processes of race making, colonization, and White supremacy as called for by transcultural and other recent movements in the field (e.g. Chakravartty et al. 2018; Costley, 2020) that build on prior efforts to expand scholarly understandings of race and gender for a very long time (e.g. Du Bois, 1896 [2007], 1935; Rubin, 1975; Hall, 1979; Riordan, 2002).

The second purpose of the dissertation addresses related efforts to expand communication research on topics of race, racialization, and power and to challenge the field to draw on and value the too often marginalized ideas and research of non-White scholars. The dissertation rethinks Gramsci's (1971, 2000) theorization of hegemony through the writings of W. E. B. Du Bois (1905, 1920a, 1920b, 1935, 1940) to offer a new transcultural theory perspective on the formation of power through the mutual articulation of discourse and structure. That theory uncovers *creative communicative action* rather than *creative will* to be the basis by which political agency directs base and superstructural forces to a given order of domination. In this Du Boisian theorization of power, the notion of labor performance concentrates study on embodied actions, first, for their creative organization of material force but, second, for the ways those laboring acts communicate meanings about land, people, processes, roles, and social order. I address limits to Du Bois's thinking on racial development and power formation, which suffers from a narrow focus on chattel slavery as the originating scene of capitalist and racial caste development (Bruyneel, 2021). The dissertation remains mindful of Du Bois's contributions to the repressive racializing processes of assimilation (Kendi, 2016). I interpret a surprisingly radical version of Du Bois, for example in his tentative embrace of decentralized leadership as a counter-hegemonic force. I then focus his ideas on areas marginalized in scholarship of his time and ours by analyzing policing and power in certain critical junctures of colonial development that enabled acquisition of the literal territorial grounds for chattel slavery. I search these scenes of revolution, land theft, murder and enslavement for their contribution of material practices and ideologies necessary to the past and present constitution of the settler colonial nation state, racial capitalism, and capitalist-imperialism.

The dissertation's third purpose, as my topical refocus of Du Bois's ideas suggests, is to draw past and present processes of colonization, especially the relations of racialization and political-economic development, into the critical vantage of communication studies. I first pursue that purpose through my choice of historical cases to analyze, which comprise a series of critical junctures: uprisings against British sovereignty in the 1670s, uprisings contributing to the founding of US sovereignty by 1783, challenges to US colonial expansion starting in 1795, and worker challenges to capitalist industrial sovereignty in 1867 Chicago. This set of historical case studies enables comparison of policing and its political functions in British and US colonial order. But it also enables comparison with the labor performance of industrial order when 'modern' policing is most often understood for its differences from, rather than continuation of, colonial practices, relations, and ideologies. Du Bois's concepts such as double consciousness (1905), the inescapability of history, whiteness as dominion (1920), as well as the *labor performance* concept I identify in his work, guides the dissertation to investigate ways creative acts of policing innovated ideas of racial difference as needed in iterations of struggle over colonial and industrial modes of production, property, law, and governance.

The fourth purpose of the dissertation is to demonstrate a new *genealogical method* to analyze the shifting forms of policing and their racial, political, economic functions across different places and historical moments. The method I offer first searches for moments of *emergence* and *descent*, as termed in Foucault's writing on genealogy (1977), of characteristic traits of colonial policing across historical cases. Second, the method draws on performance theory understandings of *citation* and *adaptation* (Butler 1988; Derrida 1988; McKenzie, 2000; Taylor, 2016a) to focus analysis on the situated recurrence of those characteristic traits and the ways they reference past practices and roles in struggles to meet emerging crises. In other words,

the method looks to instances of descent for adaptations in police traits and for ways those acts impose historical identities and relations onto current conflicts. By directing attention to the ways those police practices intervene in racial representation and organize economic and legal systems, the method helpfully enables analysis of policing's creative role in structuring racialized subjects and orders into modern infrastructures of economy and governance. In short, my first four purposes address specific calls made by transcultural communication scholarship for transformation of the complicity of the larger Communication Studies field in the continuation of colonial and White supremacist processes. Through a review of literature in the following chapter, I explain these transcultural critiques and how my Du Boisian labor performance framework addresses their criteria.

Finally, fulfillment of the above purposes will produce research that intervenes into multiple areas of scholarship. For mainstream and critical police studies I uncover continuities between modern and colonial policing, reveal new longstanding relations between lay and official policing, and offer a redefinition of policing as a social practice. My findings of the necessary importance of policing in the constitution of anti-Indigenous racism and the settler colonial state offers a basis for new conversations connecting critical criminology with Indigenous and postcolonial studies. I further connect those discussions with feminist abolition and Black Marxist studies by locating police labor performances as a necessary constitutive of White settlerness against Blackness and Indigeneity. To these related fields of study, my redefinition of policing's functions for power and its understandings of the role of policing in the creation of racial capitalism expand strategic considerations of official and lay policing as enduring resources to create and adapt systems of White supremacy. The dissertation also works

to draw these fields of study into collaboration and to demonstrate the efficacy and interdisciplinary relevance of critical communication studies.

Chapter 2

Literature Review, Theory, and Methods

Part I: A Transcultural Communication Intervention into Critical and Mainstream Police Studies

The Dissertation's intervention into police studies.

My first purpose for this dissertation is to explore ways policing in Chicago may be understood as a force shaping historical and recent organization of racial, economic, and technological orders sustaining particular forms of domination. This inquiry into policing as a creative political force goes beyond mainstream social science research which, recent critical studies find (Neocleous, 2000; Seigel, 2018), overwhelmingly concern the duties of officers and personnel in the operation of government agencies of law enforcement (e.g. Vollmer & Wilson, 1936; Robertiello, 2017). To pursue inquiry into how policing matters to fabricate – not merely reinforce – power, the dissertation must inquire into basic questions of what defines police activity and how police actions may constitute roles in processes of cultural, economic, and political production. What are the police? What is policing? Is policing an expression of the state or of the people who carry out policing labors? In what ways may police shape state or market development? How may policing work as a force shaping cultural development and racial formation? How does policing function in the organization of power?

A recent and growing body of literature described as ‘the new police science’ (Neocleous, 2000; Dubber & Valverde, 2006; Manning, 2014; Kitossa, 2016; Siegel, 2018) and ‘critical criminology’ (Vitale, 2016; Shantz, 2016) argue such questions are rarely asked in mainstream studies of police/ing (e.g. Monkkonen, 1981; Kelling & Moore, 1988; Skogan, 2006; Willis, 2019). Yet such questions are necessary to critically evaluate longstanding assumptions

that policing and racial violence are expressions of failed training and internal management systems (e.g. Chicago Commission on Race Relations, 1922; Kerner Commission, 1968; USDOJ, 2015, 2017). Without critical inquiry into what policing is and how it matters to shape cultural, structural, and political order, I argue research is not in a position of knowledge to investigate whether state systems of coercion and surveillance fail in their function of protecting democratic rights or successfully function to manage democratic repression.

To help shift research, activism, and policy to escape previously established patterns of ‘reform’ that increased the strength of government police to the detriment of marginalized communities and democratic relations (Taylor, 2016c; Vitale, 2017), this dissertation’s following chapters attempt to inform discussions on what characterizes policing as a social practice and how that practice matters in the production of cultural and economic life, state development, and the organization of domination. Such investigations must focus on the specific forces that shape cultural and structural development but also on the processes that may connect those forces. To acquire the grounding to observe policing’s role in cultural and structural and political articulation, this chapter reviews recent transcultural communication and performance studies. This review situates my inquiry into ways policing functions in racial and power formation and how the dissertation answers specific calls recently raised by transcultural communication scholars, as I explain next.

Part II: The transcultural challenge to Communication Studies: Towards a transcultural theory of power.

The transcultural challenge to Communication Studies.

Recent communication studies contribute to a larger cross-disciplinary body of literature calling for investigations of race and politics differently from dominant social scientific approaches that analyze race, in the words of scholars of Africana studies and sociology Tukufu

Zuberi and Eduardo Bonilla-Silva, as “an unalterable characteristic of an individual” (2008, p. 6). By alternately approaching race as a socially constructed political relationship, scholarship can better analyze its processes of formation, resulting forms, and how it accommodates or intervenes in structural development and power. More specifically, the social category of ‘race’ can be situated historically and geographically and characterized for its material practices and political economic relations. For example, political scientist and African American studies scholar Barnor Hesse (2016) characterizes ‘race’ as “an inherited western, modern-colonial practice of violence, assemblage, subordination, exploitation and segregation” (Hesse, 2016, p. viii). Within Communication Studies Chakravartty et al. (2018) build on that literature, finding communication studies journals predominantly publish White male authors, cite White male sources, and include White males on editorial boards. Non-White authors were cited less often than White counterparts as a result of socialized practices rather than quality of scholarship. The resulting implication is a set of institutional and social practices that de-value the work of non-White scholars and the knowledge they produce.¹⁴ These racialized academic practices impose additional limits on scholarly and political knowledge, they also find, as over-represented White male authors are less likely to write on race as a subject for analysis. Only 6% of articles in communication journals, they find, include racial keywords. This under-representation of non-White authors in communication journals reinforces a longstanding lack of engagement with race in communication studies (Ng, et al. 2020).

The #CommunicationSoWhite project calls on communication studies to confront “Whiteness . . . as undisputed, unexamined frame” (Chakravartty et al. 2018, p. 262). The project

¹⁴ “to the degree that citations are a measure of the quality and value associated with research, it suggests that lesser value is placed on work authored by non-White scholars. This has negative professional implications both for non-White scholars, in terms of contract renewals, tenure, and promotion, and for the field in general, in terms of the visibility of and attention to the knowledge produced” (p. 259).

entails more than increasing the number of scholars of color in publications, citations, editorial boards, and faculties but also “rethinking normative theories of communication” (p. 261) by drawing on scholars like WEB DuBois and Frantz Fanon to “restructure our foundational understandings of liberal democracy and the public sphere through . . . analyses of colonialism, capitalism, and slavery.” As a cis-gender White male author, I respond to these calls, first, by consciously and prominently drawing on non-White and female authors. The theory section of the dissertation also takes on the task of challenging foundational theory on power formation from Gramsci and Laclau & Mouffe with the ideas of WEB Du Bois. I further expand Du Bois’s ideas by applying them to the scene of colonial dispossession of Indigenous people that enabled and surrounded the chattel slavery system. My choice of topic further seeks to expand the fields’ epistemology on race by analyzing policing for its role in the historical formation of race, especially the cultural-structural functions and products the practice provides. In these ways I hope to contribute to the growing transcultural literature in communication and its intervention into colonial, racist, and imperial relations in communication research, which I explain next.

Transcultural studies within communication studies.

Below I review Transcultural Political Economy studies (TCPE) as the leading mode by which transcultural communication studies emerged within the larger communication studies field. I pay special attention to implicit practical as well as explicitly defined concepts and the ways they suggest a material-discursive understanding of social determination. I will also argue for ways that performance studies enriched TCPE approaches to labor as a cultural and structural force. I conclude by stating the criteria for a transcultural communication model of power, to which the following section offers such a theory from the ideas of WEB Du Bois. The transcultural paradigm emerged as critical reaction against the rise of transnational studies (TNS) (Smith & Guarnizo, 1998) which situated actors according to the geographic and institutional

scope of their practices. As recounted by Morris & Wright (2009), scholars from formerly colonized nations led a critical response to the TNS approach for its managerial objectivism that overlooked the conditions of academic production and their role in neo-colonial order (Shome 2009). Instead, transcultural studies attempt to found an activist and community building project inquiring into the social, material, and institutional factors that shape transnationalism but with special attention to the academic spaces producing knowledge about those very factors. Their approach emerged in conversation with postcolonial re-interpretations of Marxism, postmodernism, and poststructuralism. Prominent ideas from those re-interpretations include the necessary role of meaning in the interdependent constitution of capitalism and colonialism (e.g. Chakrabarty, 2000), the enduring divisions in knowledge and communication imposed by colonial orders (e.g. Spivak 1988/2010), and the emergence of hybrid modernities and subjectivities of the Global South (e.g. Chatterjee 1993).

By the late 2000s, transcultural scholarship turned to the reformulation of Marxist and economic determinist communication literature, referred to as Political Economy of Communication (PEoC) (e.g. Smythe, 1960, 1977; Chomsky, 1971; Schiller, 1970; Chomsky & Herman, 1979; Schiller, 1996; Mosco, 2009), that since the 1960s critiqued capitalism, war, and imperialism. The TCPE approach redresses some of the economic determinism of early PEoC. The PEoC idea of *cultural imperialism* (Schiller, 1976¹⁵), for example, conceived of global communication largely as a one-way diffusion of values and ideas from center to periphery that would remake local forms of life into a homogenous capitalist global society. Zhao's (2014)

¹⁵ Shiller (1976) writes that governing classes of formerly colonized populations will be “attracted, pressured, forced, and sometimes bribed into shaping their social institutions to correspond to, or even promote, the values and structures of the dominating center” (p. 9, emphasis original).

TCPE study points to the failure of that specific theory to recognize the contingency and particularity at work in the processes of market exchange, local agency, and the form of the state.

Instead of a one way model of influence with cultural and political outcomes determined by the economically superior remote forces of global capitalism, the transcultural reconfiguration of PEOC looks for how global markets of consumption and local markets of production come into existence through new and old practices embedded in local cultural orders. Inequality and power are not lost in this new model but understood as among the interacting factors that shape contingent outcomes. As Zhao & Chakravartty (2008) write,

Against arguments about cultural homogenization, the term ‘transculturation’ has been deployed by media and cultural studies scholars to describe how an unequal encounter between cultures—colonial and colonized, imperial and globalized— creates new social and cultural forms, styles, or practices. (p. 22)

The quote emphasizes historical, cultural, and geographic particularity as forces interacting with disparities of power – military, economic, technological – to shape the local formation of the aesthetics and practices of social and cultural life. The theory emerging with TCPE locates the interplay between global and local market forces and discourses as mutually articulating processes that shape variant, rather than uniform, meanings, values, practices, and systems.

Creating criteria for a transcultural communication theory of power.

TCPE studies suggest theorizations that account for power, that is, they not only describe local-global interaction of discursive and economic forces but also the ways that those encounters determine domination. For example, Zhao’s (2008) book, *Communication in China: Political economy, power, and conflict*, studies the interaction of state, market, and citizenry amid conditions of globalization as the forces mutually constituting the political economy of the

Chinese state. She finds Chinese state capitalism maintains power through 1) the production of structural (technological and bureaucratic) barriers in media infrastructures that block communication among resistance movements and 2) representing official discourse as socialist discourse to block social movements from articulating resistance in the popular and legitimizing terms of anticapitalism. Other TCPE research studies the particular agents situated within and operating state and capitalist systems and the ways that discursive and cultural conditions shape how they direct structural operation and development.¹⁶ Castañeda (2008), for example, looks to policy development and implementation as a site of struggle where neoliberal market policies also create symbolic and communicative means for hybrid subjects to use in surprising ways. The growth of Latino populations and migration to new regions creates the conditions of possibility for the growth of Latino media, especially broadcast, that further enables Latino/a community development. But the technological media basis for that community development remains subject to managerial practices that order content according to market control and reproduction. The result is “the contradictory condition of Latinos in which they are exploited as workers while simultaneously heralded as a critical mass of consumers” (p. 213).

Operative TCPE theory thus additionally must trace cultural and economic outcomes from the subjective interaction not only of economy and culture but also in relation to the interaction of technological and cultural development that reflects the further interaction of top-down and bottom-up agency *in the communication of identity*. This work additionally entails accounting for the situated human bodies whose labors (including aesthetic choices) shape technical and market development. Capitalist media managers strategically hire, as Castañeda

¹⁶ Al-Hassan and Chakravarty (2011), for example, find the postcolonial state trapped in the legitimizing discourses used by leaders in the time of early independence. Those discourses represented democracy as a subsequent outcome of market and state development and so rationalized the managerial class themselves as the agents of history and not the larger mass of people, seen as consumers rather than citizens.

(2015) finds, from groups differently valued by racialized global divisions of labor. Advertising and content strategies then target according to purchase power to reinforce differences in access and knowledge. The resulting distribution of racialized bodies in systems of media production and content distribution structurally reflect representations of racial caste dominant in managerial ideology. The simplified takeaway is that transcultural communication theory must look at the agonistic development of cultural and structural systems, the laboring agents of their production and resistance, and the ways those systems order identity and command authority.

The topic of policing seems not yet an object of transcultural communication inquiry. One model for such study of policing and prisons and the development of culture, structure, identity and labor comes from critical geographer Ruth Wilson Gilmore (2007). I am indebted to work, especially her finding that California prison construction functioned to induct “surplus land” (p. 64) – heavily devalued geographic zones such as around towns depressed by state disinvestment – back within the boundaries of capital real estate markets. Prisons, she also finds, ideologically demarcated “surplus populations” – “workers at the extreme edges, or completely outside, of restructured labor markets” (p. 70) – as “criminals” requiring physical containment. Put too simply, the current California prison system acquired historic social importance as means to manage crises of capitalism by controlling particular boundaries, namely of real estate markets, racial-cultural categories of personhood, and the infrastructural boundaries containing disproportionate numbers of non-white bodies no longer needed as reserve labor. Her observation informs my search for the relation of boundary creative actions and the production of racialized ideology, markets, infrastructures in the colonial and early industrial scenes of policing. I deepen my analysis of labor as a basis of cultural and structural production by turning

to performance studies for theory on the connection between the creation of concrete systems of social life and the shared sense of what is concretely real.

Performance, labor, and shared ideas of reality.

Performance studies of policing are rare, with even fewer focused on policing as labor.

The few that take this focus are illuminating: Hall's (2015) study of securitized US travel checkpoints and Vrăbiescu's (2020) inquiry into Franco-Romanian policing of migrants helpfully reveal how border enforcement not only enacts particular interpretations of law and the state but also requires performances of those interpretations from others. These investigations of labor and performance show ways that economic, legal, or police/military systems compel embodied acts and enforce broader cultural and political understandings. Crucial to the organization of power, as the later discussion on Gramsci and Du Bois explains, is how labor performances contribute to a widely shared understanding of 'reality.' Understandings of 'what is real' shape beliefs about which social forces and roles are 'natural' or 'inevitable' and thereby set up or eliminate *limits*, that is boundaries, on what can be accomplished, resisted, or destroyed.

Performance theory enables a view on how labor becomes such a basis for potential transformation of the shared common sense of 'reality.' Judith Butler's (1988) identification of the communicative performativity of *physical acts* enables expansion of the idea of labor as more than merely the common basis for cultural and structural production, as communication theorist Dan Schiller argues (1996). Labor, as a gestural physical process, provides a basis to communicate identity. Butler's famous essay argues that gender identity, like all other forms of identity, lacks essential prior basis in genetics or biology and is instead given presentation by physical acts: gendered self is "an identity instituted through a *stylized repetition of acts*" (p. 270). The repeatable acts marking identity, in Butler's terms, are *performatives*. Assembled in

repertoires adapted from past situations to meet current needs, performatives enable generational transmission of identities and the modes of their bodily enactment. The body thus is not merely a corporeal locus for stabilization of self but, Butler writes, “the body *is* a historical situation . . . and is a manner of doing, dramatizing, and reproducing a historical situation” (p. 521).¹⁷

This notion of citationality and iterability clarifies performatives *as an archive* from which to reference and adapt past relations into the present moment, a point also argued repeatedly by cultural studies scholar Stuart Hall (1996, 1999). Directly relevant to the Du Boisian framework for power analysis that follows, performance studies emphasize that the necessary adaptive citation of performative repertoires to meet emerging crises, and even daily social life, inherently involves acts of agency raising structurally transformative possibilities. Performance gains this transformative possibility by oscillating subject/object and signifier/signified polarities (Fischer-Lichte, 2008). By that I mean, performance puts seemingly fixed associations of acts and their actors, objects and their operators, into motion and display against the very institutional and social relations conditioning the potential success of the performative appeal.

Physical and semiotic interaction among actors does not simply transmit to spectators but is part of a social process. Performance calls on all present to involve themselves in the creation of a shared empathy or awareness that marks the performance as a *real* event. The spread of this “emotional infection,” in the words of Max Herrman (as quoted in Fischer-Lichte, 2008, p. 36),

¹⁷ Jacques Derrida (1988), also building on Austin’s work, clarifies a citational capacity to refer to and adapt prior modes of enactment. Though restricting his concern to speech, Derrida finds that performance success depended on a capacity to utilize and recognize utterances as references to historically established models of collective conduct.

Could a performative utterance succeed if its formulation did not repeat a “coded” or iterable utterance, or in other words, if the formula I pronounce in order to open a meeting, launch a ship or a marriage were not identifiable as conforming with an iterable model, if it were not then identifiable in some way as a “citation”? (p. 18)

results from respective adherence to the division of actor/spectator – both of which turn out to be performative roles with established repertoires of enactment. Performance evokes and collapses divisions of actor from spectator, performance from real event, to establish a social experience of realness affirming its own repertoires of personhood and significations of social order. The emergent sense of ‘realness’ stands as reproduction and/or transformation of the prior sense of realness that conditioned the performance start. I argue that this performance theory approach adds to TCPE a focus on the laboring body as a basis for *performance* that connects the development of structural systems with the social sense of roles, relations, and purpose that acquire the status of reality.

Stating the criteria for a transcultural theory of power.

From the above discussion, I argue that transcultural communication studies advance and call for formal theory that must include the following capacities. First, theory must enable analysis of the formation of power. Second, power analysis must be grounded in recognition of how processes of racialization, class stratification, and structuration articulate the interplay of different geopolitical levels of force with local particular systems and practices of culture, economy, violence, and law. This approach acknowledges the plurality of identities potentially necessary for a hegemony or counter-hegemony but also the varied infrastructures, institutions, and forms of inequality, including economic. Third, system formation must itself be recognized as a process of cultural and technological development that is shaped by the antagonisms into which it intervenes. Fourth, analysis of the processes of structural and institutional production and operation must be grounded in the labors of material human bodies who are enabled and conditioned by their particular structural and cultural subject positions. Such labor must also be understood as a force capable of citing and structuring cultural and racial meanings into system development. Fifth, and finally, labor must also be seen as an immediately communicative

performance that potentially alters shared understandings of reality with representations of identity, other, process and purpose. I propose a model that meets these 5 criteria in the following Du Boisian reformulation of Gramsci's theory of hegemony.

Part III: A Du Boisian reformulation of hegemony

This section first reviews Gramsci's theory of hegemony and then discusses ways poststructuralist scholars Laclau & Mouffe adapt that theory to recognize the necessity of pluralist identities to counter multiple systems of oppression. Discussion focuses on the ways that Gramsci models the relations of discursive and material force and how Laclau & Mouffe retain his notion of social formation as an essentially discursive process. I then show ways that W. E. B. Du Bois offers a more holistic theory of social formation through the mutual articulation of discursive and material forces. My description of Du Bois's model of social formation introduces the concept of *labor performance* which refers to the ways that creative embodied actions impact material systems and conditions while also communicating meanings about identities, roles, and processes. The labor performance idea thus enables analysis of violence and production as bases for discursive practice but also as means of setting material limits on discursive practices. I pose Du Bois's model of social formation as better suited than that of Gramsci and Laclau & Mouffe to analyze the sociality of persons with land and structural development required to understand colonialism, slavery, and racial capitalism as historic forms of domination.

The fourth section situates Gramscian and Du Boisian theory in communication studies, specifically as a transcultural intervention in the political economy of communication. This section explains how the dissertation directs Du Boisian concepts to the specific topic of policing and how this project bridges communication studies with other fields, namely critical and

mainstream police studies as well as studies on racial and state development. This literature review sets the stage for the dissertation chapters to do what Du Bois unfortunately did not, that is, apply his historical discursive materialist ideas to the scenes of settler colonialism where performances of police labor constituted necessary means to transform Indian land into the literal grounds for racial capitalist development.

Gramsci's theory of ideology, identity, and power.

To understand Du Bois's expanded theory of power formation requires a basis of comparison with Gramsci's conception of ideology as embodied practice, of individual identity as collective will, and his model of the relations of material, discursive, and political force – areas fundamental as well to Laclau & Mouffe. Gramsci's theory is widely critiqued for over-emphasizing the determining force of discourse (e.g. Garnham, 1979, 1997; Schiller, 1995). While I find a basis for those critiques, I will also show ways that Gramsci posits limits to the determining force of political ideology. I argue that Gramsci's notion of politics, relations of determining force, and the necessary vanguard party undermine his innovative concept of ideology as a material practice and paradoxically undermine his notion of the social as an essentially discursive formation.

As I now show, Gramsci uses these concepts to expose the ontological order of the processes organizing power relations. In his prison writings of 1916-26, Gramsci (2000) wrote against the current of orthodox Marxism of his time (e.g. Sorel, 1908/1999) which conceived of material relations (base) as ontologically prior to and determinative of ideological, cultural, and political relations (superstructure) (Forgacs, 2000). The existential question facing Marxian theory of his time, Gramsci (2000) argues, was whether it “treats moral and cultural leadership as unimportant and really judges superstructural facts as 'appearances'” (p. 194). Against such a

view, Gramsci argues that once shared and no longer merely an individual fantasy, superstructures – that is forms of knowledge, culture, identifications – become “an objective and operative reality” (p. 196), a status Gramsci termed “historically organic” (p. 199) in order to state outright their role in organizing and harmonizing social order. Gramsci uses the term ‘organic’ to denote the organizational capacity of ideas and language to draw together persons and processes to compose consent and institutional control. His notion of organic carries forward historical meanings of ‘organ’ from anatomy (discernible bodily parts with particular functions and purposes), ‘organ’ as tool (means to actively reshape aspects of the world), and as instrument (means to participate and harmonize with larger ensembles). These metaphors introduce Gramsci’s model of the forces that shape power: ‘organization’ of social order occurs as ideological understandings of self (the role one fills, the tasks to enact that role, the aesthetic in which to act) gain expression in collective actions that shape structural development and control.

The forms of ideology that successfully organize production of social and economic life become the ‘terrain’ upon which individuals identify their roles and what they must do. Gramsci terms the forms of knowledge that gain this status to be *organic ideologies*. Marxism, Gramsci argues, “explicitly asserts that men become conscious of their social position, and therefore of their tasks, on the terrain of ideologies, which is no small affirmation of reality” (2000, p. 196). One of Gramsci’s major innovations is the notion of ideology as more than ‘false knowledge’ but the practiced knowledge of how a social system works. To practice such knowledge is also to practice one’s self-identity. How does this work? Tasks gain visibility as structural conditions enable new opportunities to execute them. People come to see what can be done, and that they can be the ones to do it, only if the conditions for accomplishment of those tasks are already present or are becoming present. However, new tasks and roles only succeed in transforming

society as those to reproduce the old order come into crisis or become exhausted. There is thus an ongoing contention between the practices and identities organic to an established form of dominance, those necessary to adapt that form to emerging crises, and those required to assert a new order of dominance.

Gramsci conceptualizes this ongoing tension between, and testing of, old and new practices and ideologies as a dynamic expression of the “permanent revolution” (2000, p. 204) between organic (established) and conjunctural (potential) alliances of political force. Under this dynamic condition, social organization emerges from prior social organization with crisis marking the potential emergence of a new historical period. Crisis draws response from political forces acting to bring about competing resolutions. “These incessant and persistent efforts” of political contest “seek to demonstrate that the necessary and sufficient conditions already exist to make possible, and hence imperative, the accomplishment of certain historical tasks” (2000, p. 201). In other words, the product of political contest consists in new practices of ideological understanding that express the interests at stake, the tasks necessary to re-organize social order, and the conditions of consent those tasks must achieve. The organic importance of resulting ideology is demonstrated in its capacity to convince and lead social forces, a kind of agency Gramsci gives importance to as *politics*.

In Gramsci’s conceptualizations of ideological practice and political organization I observe particular arguments about the forces of social determination. First, Gramsci identifies *superstructural* processes of social interpretation and self-identification as the forces driving *political* interventions into *material* relations of antagonism, military, economy, and the state. Second, Gramsci’s theory awards politics (oriented by ideology) special importance as the “vital connection” (2000, p. 197) between superstructural processes of self-interpretation and base

forces. Yet, as I show next, when examined more closely with Gramsci's explicit model of socially determining forces, his unifying notion of politics collapses into the superstructural domain. This leaves his theory with an essentially discursive notion of politics that contradictorily is both unable to change fundamental material conditions yet is also formative of structural and hegemonic order. Understanding my argument first requires a closer look at how he relates politics and identity.

Gramsci locates politics as a mid-level social force between the stabilizing forces of material conditions (such as population size, location of cities, or kinds of corporate holdings), and the third force of military relations. Political relations, Gramsci (1971) argues, may be defined as the divisions and solidarities, affinities and repulsions, formed through demographic and ideological interaction. Those relations subdivide into multiple levels: economic/occupational identity, solidarity of interests within the ruling order, solidarity of interests transcending economic divisions, and finally emergent solidarities at odds with the established order of rule. Under these conditions, self-identification draws on larger representations of tasks and roles and it does so via what Gramsci calls "creative thought" (p. 345). Creative thought is the agency constructing meanings that connect tasks (what can be done) and self (who can do those tasks). In the process of making meaning of social forces, individuals identify their tasks, their role in social and structural organization, and thereby their interest.

It is this process of forming "personality" in daily practices that then influences and even changes the broader network of relations. "If one's own individuality is the *ensemble* of these relations, to create one's personality means to acquire consciousness of them and to modify one's personality means to modify the *ensemble* of these relations" (1971, p. 352, emphasis

original). The use of terms like “individuality,” “personality”, and “creative thought” may seem to imply an inner or private process detached from the social and from material forces of production. Gramsci’s concept of identity formation suggests this not the case. As Gramsci writes, each person is “a series of active relationships (a process)” (p. 352) connecting the individual to other people and the ‘natural’ world. A person, he argues, “does not enter into relations with the natural world just by being himself part of the natural world, but actively, by means of work and technique” (p. 352). This is a conception of ‘personality creation’ as a *social* process and an active process of “work and technique.” This means Gramsci defines individual identity as something collectively practiced in daily social relations including the material labors producing and operating social structures.

Despite his observation of dependent relations between identity, ideology, and practice, Gramsci rejects the idea that material structural forces determine ideology and power. As I show next, what determines power for Gramsci is politics, a kind of collective will located at the level of representations of self, value, purpose that determines material force *in an ensuing phase*. To creatively assert politics and thereby set off transformations of power requires a shift in ideology: the material interests of those to be ruled must gain ideological representation as the interests of the potentially ruling group. It is at this key moment that Gramsci decouples politics from materially transformative labors.

This is the most purely political phase, and marks the decisive passage from the structure [base] to the sphere of the complex superstructures; it is the phase in which previously germinated ideologies become 'party', come into confrontation and conflict, until only one of them, or at least a single combination of them, tends to prevail, to gain the upper hand, to propagate itself over the whole social area – bringing about not only a unison of

economic and political aims, but also intellectual and moral unity, posing all the questions around which the struggle rages not on a corporate but on a 'universal' plane, and thus creating the hegemony of a fundamental social group over a series of subordinate groups. (Gramsci, 2000, p. 205)

The “decisive passage” from structure to superstructure is “purely political” but formative of a new universal ideology that causes (“bring[s] about”) the alignment of economic with political interest. Politics forms the organic universal ideology that takes over the social practices that sustain ideology and identity. It is politics that re-directs social practices to new impacts on base systems of economy, law, and especially military.¹⁸

This is a conception of politics as distinct from its material structural bases but also prior to and separate from the military structural relations that ultimately determine power. The first place to see this division of ideology from materiality is in Gramsci’s explicit schema of the relations of force, in a section aptly titled, “Analysis of Situations: Relations of Force” (pp. 200-210). Political force, in these passages, fits between material conditions and military force. Material conditions are the “terrain [on which] passage takes place . . . to political relations of force, and finally to the military relation which is decisive” (p. 209). The force that “is decisive” of rule is thus not political force itself but the resulting force of military relations formed by politics.

¹⁸ It is the process through which the labor that produces institutions demonstrates the horizon of struggle – the seemingly ultimate boundary of ‘what can be done.’ The resulting “life of the state” should be “conceived of as a continuous process of formation and superseding of unstable equilibria (on the juridical plane) between the interests of the fundamental group and those of the subordinate groups” (pp. 205-206). These formative practices of ideology and identity produce the state as an organ of the dominant group, but only when “the dominant group is co-ordinated concretely with the general interests of the subordinate groups” (p. 205). Crucial for this discussion of knowledge and power, what coordinates labor is the social representation of ruling interests as the force of universal interest.

I find a second distinction of politics from material force in his conceptualization of the historical bloc, which is an alliance of ascendent groups sustained by the universalization of an ideology that draws other groups into labors and identities of subordination. The “necessary form of the concrete historical bloc” (p. 195) is forged in the political phase, what Gramsci calls the “moment of hegemony and consent”. The concrete historical block is mutually articulated by material and ideological forces but in a particular relation: “material forces are the content and ideologies are the form . . . material forces would be inconceivable historically without form and the ideologies would be individual fancies without the material forces” (p. 200). Material forces may be the grounds (“terrain”) politics draws from to enact ideology but, in the above model, political ideology gives “form” to forces of production and violence and not vice-versa. Politics, in other words, does not permeate or infuse material force but remains the formative exterior of material force. Here we arrive at the essentially discursive model of social formation that political economy studies often critique (e.g. Garnham, 1979, 1997; Schiller, 1995). I add that this idea of politics as the formative exterior of material systems seems to undermine the idea of political ideology as practiced in the daily labors of material system production and operation.

In addition to this truncation of politics from the material domain, Gramsci also draws sharp limits on the capacity of politics to alter the fundamental material relations and ontologies of modern production. Although material forces, such as of production, “provides a basis for the emergence of social groupings” (p. 204), Gramsci distinguishes material and structural facts from the level of politics. “This relation [material force] is what it is, a refractory reality: nobody can alter the number of firms or their employees, the number of cities or the given urban population, etc.” Material forces, as Gramsci conceptualizes them, are “objective, independent of

human will” (2000, p. 205).¹⁹ Instead, hegemony is a struggle among always present economically opposed groups in which victory takes form as universalized ideology directs fundamental material forces to the ascendance of one class alliance over all others. The victory of socialism then is the hegemony of the proletariat over all others and not the elimination of industrial production or class difference. That alliance (the historic bloc) is produced²⁰ as political force imbues fundamental roles and tasks with meaning that organize power. “It is . . . necessary to see the interplay of relations between the principal groups . . . of the fundamental classes and the auxiliary forces directed by, or subjected to, their hegemonic influence” (2000, p. 273). Politics cannot eliminate fundamental material interests, processes, or identities but merely create representations of their importance in ongoing tasks of survival and struggle. Certain fundamental material conditions – facts of infrastructure, city sizes, labor divisions, and class interests – remain beyond the power of discourse to eliminate.

Gramsci further divides politics from materiality and action in his theorization of the vanguard in which, I argue, he falls back on the traditional notion of ideology as false consciousness. In his view, labor and capital are the always underlying identities and interests of modern social relations even though ideological self-identification with class interest is only potential. Realizing that potential is the job of the *organic intellectuals* of the working class, the communist vanguard party. As he writes in a section headed “The Basis of Party Organization”:
“All problems of organization are political problems. Their solution must enable the party to

¹⁹ However, as Du Bois understands, African American agency during the Civil War did vastly reduce the numbers of slaves in the Southern production system, and the acts of the Union Army did alter the number of operative Southern cities and shift their populations. I add that colonization displaced whole Indigenous nations off the material terrain and that such work was a constitutive part of their elimination from political participation.

²⁰ “It may be ruled out that immediate economic crises of themselves produce fundamental historical events; they can simply create a terrain more favourable to the dissemination of certain modes of thought, and certains [sic] ways of posing and resolving questions involving the entire subsequent development of national life” (Gramsci, 2000, p. 208)

carry out its fundamental task of ensuring that the proletariat acquires complete political independence; giving it a physiognomy, a personality and a precise revolutionary consciousness” (2000, p. 157). Gramsci here conceptualizes intellectual leadership as a force determining proletarian political consciousness. The vanguard fulfills its role of “giving” revolutionary politics by communicating the falsity of dominant ideology, revealing it to be “a deception to which [the governed] are subject” (2000, p. 196). For revolutionary intellectuals, “ideologies are anything but arbitrary; they are real historical facts which must be combatted and their nature as instruments of domination revealed . . . in order to make the governed intellectually independent of the governing . . . as a necessary moment in the revolutionizing of praxis” (p. 196). Discursive alignment of identity with fundamental interest creates revolutionary consciousness and “intellectual independence” that then shapes decisive forces of violence and production. This notion of political formation, I argue, is drastically different than Gramsci’s previously discussed model of identity formation through active embodied engagement in social relations through “work and technique” (1971, p. 352). Instead, he here emphasizes a process of representation that aligns knowledge and identity with hidden fundamental forces and interests and separates proletarian identity from larger social relations.

My review thus complicates structural Marxist critiques of Gramsci’s theory as over-emphasizing discourse as the ultimate force of social determination (e.g. Garnham, 1979, 1995, 2015; Schiller, 1996). While I concur that at moments Gramsci offers an essentially discursive notion of social formation, I also point out surprising ways he sets limits on the power of discursive force. As I argue above, he treats political and ideological formation as a preceding stage to military relations and actions which are, in his terms, “decisive” (determining) phase of power formation. Second, he conceptualizes politics and ideology as incapable of altering

fundamental material conditions and ontologies of capitalism. Finally, I point out a contrary tendency in which his theorization of the revolutionary vanguard as necessary counter-force to ‘false consciousness’ contradicts his larger model of ideology as an embodied social practice. As I show next, prominent theory building on Gramsci address some of these problems and contradictions but tend to embrace his notion of discourse as the formative essentially exterior force on social development.

Laclau & Mouffe’s reformation of Gramsci’s theory.

Laclau & Mouffe’s (1985 [2001]) historiography on hegemony builds their essentially discursive model of social formation in part on Gramsci’s introduction of three important innovations on orthodox Marxism. First, ideology is no longer conceptualized merely as false consciousness but as a situated universalizing understanding of self, material interest, and purpose that permeates systems and orients decisive acts toward orders of subordination. In their words, Gramsci presents ideology as “an organic and relational whole embodied in institutions and apparatuses which welds together a historic bloc around a number of articulatory principles” (p. 67). This leads to the second innovation they draw from Gramsci, namely that hegemony presents a way to think about social formation that escapes the traditional notion of base overdetermining superstructure, of material defining ideology. Third, they find a new notion of political subjects in Gramsci’s theory as more than rational or deluded ‘individuals’ but as “a discursive position [that] partakes of the open character of every discourse” (p. 115) and is thus both an *expression* of the larger social ensemble and a *basis of agency* to modify that ensemble. Hegemony then is this *process* whereby particular understandings of ‘how things work’ become ubiquitous and heterogenous wills shift their practices to enact perceived roles and interests in that system.

However, Laclau & Mouffe also critique Gramsci for his retention of two crucial ideas from orthodox Marxism that limit recognition of the autonomy of such collective wills. First, Gramsci keeps the idea that capitalist/proletariat is the essential ontological antagonism of the modern social. Second, he argues that intellectual leadership (the vanguard) is needed to create revolutionary agency and counter-hegemony. Poststructural socialist strategy, Laclau & Mouffe argue, must reject those orthodox vestiges and accept a plurality of revolutionary identities connected to multiple pleasures and interests and multiple modes of oppression (class as well as sexual, gender, race, ethnicity, and more). They offer liberatory hope in their conclusion that any plurality of identities could *potentially* sustain “chains of equivalence” (p. 144) (representations of commonality) that coordinate “articulatory practices” destabilizing subordination and forming an alternate totalization of power.

They ground this liberatory pluralistic conclusion in Gramsci’s model of the relations of force, which I review above, where discourse always constitutes the formative exterior of material force. “[I]t is clear that within the archeological material itself, there must be certain logics which produce effects of totality capable of constructing the limits, and thus of constituting the formation. . . . this is the role fulfilled by logics of equivalence” (p. 146, see also pp. 131-156²¹). In other words, even in the case of historically established material facts (“archeological material”) it is the taking up of logics of equivalence in discursive practices that constitutes the force to impose limits and form totalities.²² The exterior formative dimension

²¹ “[T]here is no relation of oppression without the presence of a discursive ‘exterior’ from which the discourse of subordination can be interrupted” (p. 154).

“It is the discursive nature of this exterior which creates the conditions of vulnerability of every discourse, as nothing finally protects it against the deformations and destabilization of its system of differences by other discursive articulations which act from outside it” (p. 146).

For extended discussion of the necessarily discursive exterior of material force, see pp. 131-156.

²² Ironically, the idea that material facts hold logics of equivalence “within” them stands in direct tension with the idea that discourse cannot be the ‘contents’ of material force.

must be discourse. “With this ‘exterior’ we are not reintroducing the category of the extra-discursive. The exterior is constituted by other discourses” (p. 146). From this theory perspective, economic relations need to be understood as the “interior relations” (see p. 13) of power. This notion of essential discursive exteriority is central to poststructural theory generally (Laclau, 2005; Savage, 2011²³). Poststructural insistence on “the openness and indeterminacy of the social” (p. 144) reinforces this imagination of an endlessly malleable range of discursive action, the political articulation of which shapes structural operation and production.²⁴ Their essentially discursive model of social formation enables analysis of how practices imbued with social meaning organize power as they impose limits on other significant and signifying practices.

Missing from their theory of power is a view on how material facts too constitute formative limits on discursive practices. I argue their model directs attention away from ways that emergence of concrete material conditions – such as enslavement, war, murder, forced displacement, and destruction of resources – also constitute exteriors as they impose limits on discursive practices. Their model also hinders observation of the significance of Gramsci’s acknowledgement that material structures constitute “bases” for embodied discursive practices such as of race, gender, ownership, and citizenship. The essentially discursive model of power formation thus creates problems for studying chattel slavery, racial capitalism, paternalism,

²³ The “social totality is viewed by Laclau as an essentially discursive totality or differential ensemble that always exists as a failed or impossible totality” (Savage, 2010, p. 171). The discursive production of meaning that enables chains of equivalence through social perception of commonality is, for Laclau & Mouffe and other poststructural theorists the basis for political alliance and collective action that determines the order of the social, the flow of command and rule.

²⁴ “Discourse theory, as developed by Ernesto Laclau, Chantal Mouffe and Slavoj Zizek, draws our attention to the implication of postmodernity for the way we conceive of the relation between the political and the social. Postmodernity urges us to take into account the open and incomplete character of any social totality and to insist on the primary role of politics in shaping and reshaping social relations” (Torfing, 1999, p. vii).

settler colonization, and western imperialism – processes that involve the mutual creation (and destruction) of identities and material systems in necessary part through violence, transformations of land, forced displacement, and genocide. Du Bois’s theory of power formation, which I describe next, avoids these problems not only by focusing on examples of colonial violence and production but also by expanding analysis to include the mutual articulation of material and discursive force.

Du Bois’s theory of ideology, identity, and power.

Whereas Gramsci sees politics as contained within the superstructural realm, and Laclau & Mouffe formally theorize politics as the discursive imposition of formative limits on action and structuration, Du Bois helpfully adds a view on the ways that material systems and conditions additionally impose formative limits on discursive practices. Du Bois presents this mutually articulating theory of power while maintaining some of the same important innovations from Gramsci which Laclau & Mouffe praise, as I show in this section. I find this material-discursive perspective in Du Bois’s theorization of racial formation as more than a process of discursive representation but also of material realities and infrastructures necessary to enforce limits on Black self-realization.

However, I will also show how Du Bois’s theory of power expands scholarly view on the relations of material and discursive force in ways that include certain forms of power particular to racial capitalism, chattel slavery, and settler colonialism.²⁵ I explain Du Bois’s divergence from Gramsci and the poststructuralists by exploring the ways he also theorized political subjectivity with an racial colonial ontology of modern capitalist power. I show that Du Bois also

²⁵ The racialized discourses of those modes of power, Du Bois clarifies, also require material enforcement systems to impose formative limits on contrary discursive practices.

affirmed decentralized agency, quite like the poststructuralists, in his (1935) rejection of the necessity of the vanguard during the general strike of slave labor that destroyed the Southern war economy. The affirmation of decentralized strategic agency I find in *Black Reconstruction* is an important under-recognized aspect of Du Bois's thinking that contrasts with his widely acknowledged advocacy of elite intellectual leadership (e.g. Kendi, 2017) through such concepts as the talented tenth (Du Bois, 1903).

One of the most important innovations I uncover from Du Bois's work is his analytic treatment of labor as performative and materially productive acts that constitute the bridge connecting base and superstructural force. The labor performance I concept I derive from Du Bois thus refers to *creative actions* (meaningful embodied labor) that I see as a parallel to *creative thought* by which Gramsci and the poststructuralists conceptualize politics as a special kind of discursive practice. However, through the labor as performance idea, Du Bois not only observes ways that embodied enactment sustains discourse and shapes material force, but additionally that resulting material facts and systems impose formative limits on discursive practices.²⁶ I term this notion of creative action as *labor performance* to denote its dual capacities to create material limits on and bases for identity while simultaneously communicating meanings such as about persons, places, roles, processes, values, and purposes. The larger dissertation project uses Du Bois's discursive-materialist theory of social formation and its unifying concept of labor performance to analyze policing's constitutive role in the constitution of cultural and structural racism, racial capitalism and the settler colonial state. As I will show in this literature review, Du Bois's ideas contribute to communication studies a new way to bridge materialist and linguistic analyses of power by providing needed attention to the entwinement of embodied acts,

²⁶ See Laclau & Mouffe (1985) p. 146, note 22 above, and Gramsci 2000, p. 204.

material conditions and infrastructures, and discourse. Focus on labor performance enables a vantage on the production (and destruction) of material conditions and systems of indigeneity, colonization, and modern capitalism but also the production of representations of racial difference, land, and the rights to property, violence, and political economic participation. The best starting point to explore these arguments is with Du Bois's conception of how political subjects become shaped by forces beyond individual will.

Du Bois's theory of political and racial subjectification.

Du Bois shares with Gramsci a notion of identity and ideology formation through embodied social practices that create meanings of self, role, practice, and system. But Du Bois reflects not on Italian but US history. Du Bois regards processes of self-realization as situated historically within systems of class and capitalism but also in systems of race and imperialism, all of which cumulatively condition practices of communication and knowledge production. Like Gramsci, Du Bois situates identification processes in the sociality of work and practice formative of systems of production and power. But Du Bois additionally contextualizes self-identification within the politically formative limits enforced by material structures.

Du Bois began thinking about this discursively and materially conditioned process of self-identification as early as 1897, in *The Atlantic* article, 'Strivings of the Negro People.' He refined those initial ideas in his most famous book *Souls of Black Folk* (1905) with the concept of *double consciousness*.

the Negro is a sort of seventh son, born with a veil and gifted with second-sight in this American world, – a world which yields him no true self-consciousness, but only lets him see himself through the revelation of the other world. It is a peculiar sensation, this *double-consciousness*, this sense of always looking at one's self through the eyes of

others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity. One ever feels his two-ness, – an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder. (Du Bois, 1905/1999, pp. 10-11)

The passage conceives of Black self-consciousness as produced relationally through interpretive construction of the White perspective and its conception of Blackness. As literary scholar Dickson Bruce (1992) puts it, “the essence of double consciousness was its problematic character as a symptom of the difficulty that lay in the realization of any true self-consciousness . . . beyond the problematic sense conveyed in the dilemma [of racial antagonism]” (Bruce, 1992, p. 306). Though stating that the “American world” denies “true” Black self-realization, the passage also asserts that the lived experience of racial subordination sustains a second unrealized identity incommensurable²⁷ to the dominating system. Building on that assertion, Henry Louis Gates (1999) interprets double-consciousness as a basis for African-American political identity in the role of witness and reformer: “the opportunity to see and to report to America the truth of a divided nation” (p. xviii). Double consciousness, I suggest, opens a view on Du Bois's larger conceptualization of the relational processes that create representations of political and racial identities, material systems and conditions, and the political labors required to realize those identities. Lived experience of racialized subordination makes visible the contradiction between

²⁷ The “contempt and pity” of the white gaze, encoded in social standard, is the assertion that blacks cannot grasp the complexity of social order. The paradox that Du Bois points to is that to understand the terms of political exclusion is also to demonstrate to a large degree that one has already surpassed the boundaries defined by those terms (see also Ranciere 2000). The Black standpoint must understand the logics of exclusion in order to comply. Compliance demonstrates an understanding denied by the racial logic and so reveals the inadequacy of that logic.

inner representations of will and self-identity and the racialized systems that limit realization of that will and self-image.²⁸

Du Bois's conceptualization of ideology and materiality.

In *Souls*, Du Bois analyzes the discursive and material limits imposed on enactment of Blackness by the systems of plantations and slave economy across the south as well as bases of resistance in traditional slave resistance narratives and religion. Gates (1999) describes such multiple conditions on self-realization and action as “the inability to escape history” (p. xxx), meaning that self-realization must draw on the terms of temporally, technologically, and geographically available ideologies to create representations of material conditions, social systems, self and other. Du Bois would further explore this concept in his 1940 memoir *The Dusk of Dawn* (2007), where he reflects on the situated constraints affecting his own ideological development, and that of his opponents and colleagues.

My thoughts, the thoughts of . . . others, were the expression of social forces more than of our own minds. The forces or ideologies embraced more than our reasoned acts. They included physical, biological and psychological forces; habits, contentions and enactments. Opposed to these came natural reaction, the physical recoil of the victims, the unconscious and irrational urges as well as reasoned complaints and acts. The total result was the history of our day. That history may be epitomized on one word – Empire; the domination of white Europe over black Africa and yellow Asia, through political power built on the economic control of labor, income and ideas. The echo of this

²⁸ The relational situation of double consciousness sustains representations of Black desires to eliminate the system of racial subordination (“unreconciled strivings . . . warring ideals”) but also the practices to enact those desires (the tasks required to realize *historic aims* in Gramsci’s (2000) terms). I see in the situation of double consciousness the clear implication that realization of true Black self-hood must occur in a later moment of action that transforms or destroys the constitutive cultural but also material limits of racial subordination.

industrial imperialism in America was the expulsion of black men from American democracy, their subjection to caste control and wage slavery. This ideology was triumphant in 1910. (p. 48)²⁹

Notice that Du Bois states outright that the triumph of imperial ideology was built on “economic control.” This suggests acceptance of the orthodox Marxist notion of power formation through control over the mode of production, implying that superstructure (knowledge) is determined by base (economy). But the passage is more complicated than that. Du Bois explicitly defines the form of domination, “Empire,” as the totality resulting from multiple forces including discursive (“thoughts,” “reasoned complaints”), material (“physical,” “biological”), performative (“acts,” “enactments”), as well as systems and practices (“expulsion,” “democracy,” “caste,” “wage slavery”).

Two takeaways enable comparison to Gramsci’s ideas. First, Du Bois (1940 [2000]) conceptualizes the formation of power not as the simple articulation of base economic forces but that of multiple determining forces. Second, as the last line of the passage reaffirms, Du Bois too treats ideology as more than the expression of the economic mode, more than false consciousness, and rather as the lived experience and practice of power. Du Bois here treats ideology as a practice enacted in the tasks of daily life quite like the innovation on ideology that Laclau & Mouffe credit to Gramsci. I argue that Du Bois’s additional notion of multiply articulated power formation exceeds that offered by Gramsci and his poststructuralist interpreters. As the above quotes from *Souls* and *Dusk* further show, Du Bois, like Gramsci,

²⁹ Compare with Foucault’s (2003) description of the concrete conditions of rationality: “something fragile and superficial will be built on top of this web of bodies, accidents, and passions, this seething mass which is sometimes murky and sometimes bloody: a growing rationality. The rationality of calculations, strategies, and ruses; the rationality of technical procedures that are used to perpetuate the victory, to silence, or so it would seem, the war, and to preserve or invert the relationship of force” (p. 55).

conceptualizes political subjects as emergent through processes of active social practice that connect individual experience with collectively constructed desires and values. Du Bois as well as Gramsci, I conclude, conceptualize political subjects as ‘collective wills.’

Material forces and the race concept.

But where Gramsci and Laclau & Mouffe see subjectivity and power as essentially articulated through discursive practices, Du Bois’s (1940 [2000]) conceptualization of racial subjectivity emphasizes the formative experience of material as well as discursive limits. Du Bois identifies such material limits in *Dusk* through his own lived experience in acquiring an understanding of the *race concept*. He describes his increasing subjectivity to racial subordination growing from childish ignorance to dawning awareness in relation, first, to its discursive construction in grammar school textbooks and “scientific race dogma” (p. 49) at Harvard. He also observed the lack of consistent rules of racial difference at Fisk University and at the University of Berlin. At that time he approached race as a discursive formation. His thinking “began to emphasize the cultural aspects of race” (p. 51). However, a variety of observations led him to think of race less as “‘a concept’ rather than as a group of contradictory forces, facts and tendencies” (p. 67).³⁰ Du Bois’s conceptualization of racial formation here explicitly goes beyond discursive (“cultural”) representations of difference but indicts material realities required to enforce limits to non-White self-realization.

The essential force Du Bois locates that welds together racially subjugated identity is the “common disaster” (p. 59) imposed by material system of slavery. “[T]he real essence of this kinship is its social heritage of slavery; the discrimination and insult”. Du Bois (1904) previously detailed the material facts of slavery such as its forced displacement of millions of Africans and

³⁰ Du Bois here comes close to Zuberi and Eduardo Bonilla-Silva’s notion of race as a political relationship (2008).

their descendants, its global economic system of trade and transport, its variety of interconnected colonial plantations in the US, and the form of law and government that structurally as well as discursively enforced Black subject positions such as ‘3/5 human’ and ‘property.’ In *Black Reconstruction* (1935/1998), Du Bois additionally analyzed the fall of US chattel slavery, the rise and fall of Reconstruction, and the establishment of Jim Crowe. *Black Reconstruction* offers a case study of Du Bois’s ideas on the formation of power and the labor performances of Black freedom.

Black Reconstruction: labor performance and the material-discursive articulation of power.

In *Black Reconstruction* Du Bois investigates transformations of power from that of the slave system to the temporary moment of Reconstruction and then Jim Crowe. He focuses on the interaction of standpoints between living bodies at different positions in military, economic, and racial order. This approach is quite in keeping with theory by Gramsci and Laclau & Mouffe. However, Du Bois also traces shifting material forces enabling and limiting the enactment of racial and political personhood. Labor performance is a site of agency Du Bois focuses on to reveal the organization of material and discursive force by the various antagonists. The labor performances of formerly enslaved Americans especially take on importance as they simultaneously shifted material facts and communicated modes of Black personhood that exceeded southern and northern racist representations.

Looking at the military forces leading to the freeing of the slaves and the collapse of the Southern war economy, Du Bois finds that uneducated slaves at the bottom of racial and economic orders played a determining role in their own emancipation – forcing that emancipation into federal law and, for a time, into southern social practice. As political scientist and Black studies scholar Cedric Robinson (1983/2000) argues, in *Black Reconstruction* Du Bois

arrived at “a realization of the historical forces emergent from the people, specifically the capacities of the Black masses to take steps decisive to their own liberation” (p. 198). The enslaved could only perform those labors of liberation, Du Bois shows, when certain material limits changed.

Prior to the Civil War enslaved persons held deep desires and interests in escaping and destroying the slave system. Du Bois (1935) references those desires when he writes, “[N]o one knew better than the south what a Negro crazed with cruelty and oppression and beaten back to the last could do to his oppressor” (p. 59). What restrained Black agency prior to the Civil War? Du Bois points to a variety of material barriers to insurrection: the geographic isolation of many plantations and related lack of communication flows between enslaved groups, the ever present danger (and often reality) of being sold to a new unfamiliar location and group. What also undercut the possibility of slave revolt was the less risky option of fugitivity, which Du Bois called “the Safety Valve of Slavery” (p. 12). Perhaps above all what almost totally prevented organized US slave uprisings (less than 10 after 1800), and hindered fugitive slaves from becoming free, was the vast system of, in Du Bois’s terms, “special police” (p. 12). “[T]here were actually more white people to police the slaves than there were slaves.” These police labors included patrol but also the violence of ‘driving’ slaves – the kind of material violence that Frederic Douglass (1845) names, via the cruel figure of ‘slave breaker’ Edward Covey, as the means by which “a man was made a slave” (p. 46).

Poor whites took up these police labors for material pay but also for the sense of authority and racial superiority and the ways “it fed his vanity because it associated him with his masters.” Economic and ideological interests attracted white workers to perform these police labors that cohered the hegemony of the planter on the basis of racial and class subordination. Organic to

that form of power were systems of roads, land use, patrol, surveillance, and economy that constituted material as well as discursive limits to the ability of the enslaved to communicate, organize, rise up, escape, or perform other practices performative of free people. Du Bois points to ways these material facts shaped the ideological development of the slaves, namely by hindering slave capacity to create communication networks, to know about developments, and thereby act strategically.

Embodied material labors of policing and slavery also sustained modes of identity, Du Bois shows. Through systematized police labors, poor whites performed their belonging in Whiteness and compelled Black labors to outwardly perform a less than human slave identity, which Douglass experienced as “a sort of beast-like stupor” (p. 45). But slaves also enacted other practices of self-hood. Slaves did not see themselves as proletarians nor did white labor movements or most Marxists of the time, according to Du Bois. Slaves constructed their knowledge of self and world³¹ by “adapting the forms of non-Black society to the conceptualizations derived from their own historical roots and social conditions” (Du Bois, 1935/1998, p. 238). They figured the events of the Civil War, and their role in those events, through practical knowledge of slave life and spiritual traditions of Africa and the South. Du Bois describes this as a multi-generational process of knowledge production and transfer that centered on slave music “above all” (p. 14) as a collective form of memory and knowledge making. Police and slave processes of self-identification, in Du Bois’s analysis, involved labor practices that enacted representations of self but also material systems and conditions that repressed (partially) the enactment of contrary self-representations.

³¹ Du Bois uses the term ‘slave ideology’ not, I believe, as ‘false knowledge’ but, in keeping with the conception I argued previously, to refer to multiply situated and limited slave knowledge including of the slave system.

Materially conditioned practices of spirituality, music, and subversive communication all shaped slave perspective on the strategic opportunities the war would provide. “It was . . . at first by no means clear to most of the four million Negroes in slavery what this war might mean to them” (p. 61). From the standpoint of slaves, indications of the potential downfall of the slave system gained representation as “the fulfillment of prophecy and legend” (p. 122), “the coming of the Lord” (p. 84). Specific signs of that prophecy, Du Bois argues, came in the form of the incursion of the Northern Army into the South. His account of the invasion similarly attends to the interaction of discursive and material force.

In Du Bois’s account, military strategies on both sides were marred by ideologically hindered actions producing unintended consequences and subsequent flawed compensations. From the standpoint of southern Whites, waging a war of secession was an excellent strategy to both preserve slavery and escape northern economic domination. Slave production of required war materials freed up White labor for army service. Victory would preserve the slave economy and enable the planter class to trade directly with foreign importers. For northern Whites, the war was to be strictly managed to preserve the union and maintain southern production of raw materials for northern manufacturers and exporters. From the standpoint of US federal policy and the Union Army, this was not a war to end slavery.

It was a lovely dress parade of Alphonse and Gaston until the Negro spoiled it and in a perfectly logical way. So long as the Union stood still and talked, the Negro kept quiet and worked. The moment the Union army moved into slave territory, the Negro joined it. Despite all argument and calculation and in the face of refusals and commands, wherever the Union armies marched, appeared the fugitive slaves. It made no difference what the obstacles were, or the attitudes of the commanders. (p. 62)

As long as the war stayed at the level of drill-practice and posture, that is at the level of representation, the material limits restraining the slaves stayed in force. But the Union invasion disrupted the material system that compelled slave labor performances and that opened the way for Black performances of freedom.

Du Bois identifies these creative acts of freedom by which enslaved Black Americans redirected their labor power to substantively determine the outcome of the war.³² Neither the ideologies of northern nor southern whites entertained the notion of slaves as actors in the conflict and yet *hundreds of thousands* of slaves left the fields and attempted to join or support the Union Army. Thousands more ceased their work on southern plantations and still others carried out direct sabotage on southern war related facilities (see also Hunter, 1996; Gilmore, 1997). Slave practices of escape and work refusal devastated the slave system of production and with it the southern war economy (see also Foner, 2013).

In *Black Reconstruction* Du Bois specifies a variety of ways that invasion, combat, and destruction changed material limits on the ability of the enslaved to act. First, Whites simply lacked the labor power to deliver violence through the slave police system as they had previously. “The harshness and the cruelty, in part, had to disappear, since there were left on the plantations mainly women and children, with only a few men” (p. 59). Slave patrol policing of the routes north also declined as southern men took up positions in the Confederate Army which strategically withdrew from the advance of the Union.

³² “the army chiefs at first tried to regard it as an exceptional and temporary matter, a thing which they could control, when as a matter of fact it was the meat and kernel of the war” (p. 62).

Thus as the war went on and the invading armies came on, the way suddenly cleared for the onlooking Negro . . . Suddenly, now, the chance to run away not only increased, but after preliminary repulse and hesitation, there was actual encouragement. (p. 62)

With the decline of barriers to escape, many enslaved Americans escaped not to the relative peace of the North but to the Union camps where they sought to aid or join the fight against the south. The now ‘free’ force of Black insurrectionary agency connected with Northern flows of supplies, arms, and military systems. Union commanders at first tried to send the slaves back but quickly realized the material advantage that the flow of Black labor could provide. “[W]hen it became real war [the formerly enslaved] could be used a much needed laborers and servants by the Northern army” (p. 63).

Du Bois characterizes the actions of these half million escaped Black Americans as a “strike on a wide basis against the conditions of work” (p. 55). Their actions targeted the material systems that sustained the agrarian capitalist slave hegemony. “They wanted to stop the economy of the plantation system”. Put simply, the physical advance of the northern arm, combat, and capture of southern territory created new material limits on the ability of the southern slave police system to enforce material limits on slave agency. With those material barriers lowered, slaves redirected their labor power to the material destruction of the slave system itself. While destruction of the slave police system enabled new Black liberatory discursive practices, the basis to then realize Black freedom lay in labors of destruction of the material system of slavery.

The formerly enslaved did not cease their strike against racially subjugating conditions when they worked with the Union and instead rejected the “quasi-freedom” (p. 67) offered by the US Army commanders in exchange for their labors of production and violence. When many army leaders sought to “have them work under a half-military slave regime” (p. 68), many of the

former slaves protested and demanded land and control over the fruit of their labors. The negotiated outcome, in areas such as under Generals Banks and Grant, was Black ownership of land in exchange for their production of needed materials. Another 200,000 slaves and southern Black freemen demanded and received position in the Northern Army to fight directly against the Confederate forces that sought to preserve the slave system.

These shifts in material conditions over the course of the war, Du Bois observes, were inextricable from shifts in the signification of Black labor and personhood. In the first year, Blacks were to the federal government “property belonging to the enemy and valuable to the invader” (1935, p. 80). In fact, the Sec. of the Treasury, in a December 1861 recommendation, cast escaped Blacks as akin to “captured gunpowder” (as quoted, p. 63). Two years later, federal recognition of freed Blacks as owners of land, and as farmers, was described as key to agricultural and other production for the Union Army. As northern Whites rioted against conscription, Black freemen and former slaves acquired new importance as the combat labor force necessary for northern victory. President Lincoln, who at the start of the war opposed both abolition of slavery and inclusion of Black soldiers, exemplified this ideological conversion.³³ In need of Black soldier labor, the Lincoln administration by July 1862 recognized formerly enslaved Black men as free and called for them to enlist (see also National Archives, 2017³⁴).

³³ Slaves carried out these practices at the risk of death. The material interest of destroying the slave economy is one aspect of the meanings these practices likely held for slaves. These practices also took on spiritual meanings in what Du Bois (1905) calls the slave worship of freedom. Escape, joining the Northern army, refusal to work, and sabotage demonstrated capacity to act beyond the strictures of slavery. To take up such acts was to perform one’s freedom, even if one then died (see also Davis, 1998; Roberts 2019; Horne, 2016). Material labors of violence constituted means Frederick Douglass (1845) used to show “how a slave was made a man” (p. 46).

³⁴ Black Freedom gained official recognition in federal recruitment posters after 1863 and in the labor performance of Black soldiers. “our country . . . seeks to enrol colored men among its defenders,” US Sen. Charles Sumner, (1863) as quoted in: <https://www.archives.gov/files/education/lessons/blacks-civil-war/images/recruitment-broadside.gif>

These examples document transformations of federal representations of Black persons from ‘slave’ to ‘free worker’ to ‘land owner’ to ‘soldier’/‘defenders of the nation’ to ‘citizen’.

This discursive change resulted in part from the initial material shift that enabled the enslaved to take up new labors but also from the material changes free Black labors compelled. Du Bois makes this point explicit:

Lincoln faced the truth, front forward; and that truth was not simply that Negroes ought to be free; it was that thousands of them were already free, and that either the power which slaves put into the hands of the South was to be taken from it, or the North could not win the war. Either the Negro was to be allowed to fight, or the draft itself would not bring enough white men into the army to keep up the war. (p. 82)

Black labors of escape, of strike (labor withdrawal), of agricultural production, and of soldiering shifted, against Gramsci’s own expectations, what he called material conditions: the quantity and locality of functioning farms, companies, workers, soldiers, and armies. On this material terrain tilled by performances of *free* Black labor, the Emancipation Proclamation was less a radical intervention than a strategic acknowledgement of the material fact of self-emancipation by some 500,000 Black Americans.

To summarize, Du Bois’s account gives us a novel way of understanding these developments through discursive and material processes connecting slave actions of self-liberation to their acknowledgement by, and structuration into, federal law and military policy. He looks to labor performance as the vital link between these representational and structural dimensions of force. Labors of Black emancipation successfully compelled federal affirmation because of the communications they performed, namely Black free personhood and citizenship,

and the material conditions those acts imposed – conditions necessary to the military economic agency of the north. As I describe next, Du Bois uses this focus on the relations of labor, racial signification, and material force to describe the form of power ascendant after the Civil War, the defeat of the Confederacy, and the collapse of Reconstruction.

Shifts in the form of power from slavery through the end of Reconstruction.

Black Reconstruction offers a model of the discursive-material forces of modern capitalist-imperialism. Du Bois sees US chattel slavery as marking the beginning of modern capitalism, with the Civil War and failed Reconstruction introducing adaptations to the material practices, infrastructures, and cultural representations of racial difference. The overturn of Reconstruction marked a moment of consent (among the federal government, the southern planter aristocracy, and the northern banks and corporations) to modifications of the established racial economic order, not its abolition. Slavery may have been partially abolished, Du Bois explains, but its representations of racial difference remained fundamental to the economic and military forces of the emergent form of modern capitalist domination that would extend across the twentieth-century. Modern capitalism, as it drew all populations into market relations, did not equalize race relations. Instead, Du Bois argues that the regime of accumulation underlying slavery could only emerge as a historic force by shifting cultural significations of racial difference to demarcate black bodies not as slaves but as lower-waged labor power.

To make this argument, Du Bois (1935) directly challenges Marx's distinction of slavery as a vestige of feudalism, that is, a pre-capitalist example of *primitive accumulation* (Marx, 1867/1977). Du Bois argued that American slavery was not a vestige of feudalism but a foundational element of *capitalist accumulation* that produced the industrial revolution.

The giant forces of steam and water were harnessed to do the world's work; and the Black workers of America bent at the bottom of a great pyramid of commerce and industry . . . Black labor became the foundation stone not only of Southern social structure, but of Northern manufacture and commerce, of the English factory system, of European commerce, of buying and selling on a world wide scale . . . and a new labor problem, involving all white labor arose both in Europe and America. (Du Bois, 1935/1998, p. 5)

This "labor problem" Du Bois refers to is the function of Black labor within the modern form of capitalism, and the particular social characterization of race that obscures that function. The ideological standpoint of White Northern labor activists before and during the Civil War represented slavery as outside of wage relations. This led them to perceive abolition as the potential *introduction* of downward wage pressure by creating millions of new desperate unskilled workers. In reality, it was the prior non-waged status of slave labor that restrained wages across the globe. Via this misunderstanding, Du Bois writes, "the ultimate and overshadowing competition of free and slave labor was obscured and pushed into the background" (p. 22).

Partial slavery abolition by 1862 and "the revolution of 1876" (p. 703) that overthrew Reconstruction resulted in a new system that adapted, rather than eliminated, the racial performances and material infrastructures of power in the south and beyond. The new historic bloc of the southern propertied class, northern investors, and their allies in judicial and legislative bodies cohered through economic agreements, Supreme Court rulings, and the agreement of federal withdrawal of Reconstruction commitments after the contested election of Rutherford Hayes. Bribery and new trade opened revenue flows to the southern planter elite. The emerging

southern system required “systematic disfranchisement of the Negro” (p. 694) which conferred control over southern electoral power to whites who then exercised “extraordinary political influence as compared to voters of the north and east.” A discourse of “‘race’ separation” (p. 695) and “psychology of caste” rationalized white control over Black schools, concentration of Blacks into geographic zones, and new laws exclusively targeting African Americans.

This new caste system required labors of violence – policing – to enforce these material limits on Black agency. Poor Whites took up these labors of informal and formal policing which became material bases for the performance of White belonging.

[T]he white group of laborers, while they received a low wage, were compensated in part by a sort of public and psychological wage. They were given public deference and titles of courtesy because they were white. They were admitted freely with all classes of white people to public functions . . . *The police were drawn from their ranks*, and the courts, dependent upon their votes, treated them with such leniency as to encourage lawlessness . . . (p. 700, my emphasis)

While official police realized Black codes as operative law they joined with lay police militia like the Klan to enforce extra-legal prohibitions on Black agency. They forcibly disarmed African American communities house by house and punished even fictitious violations of racial distance with lethal brutal force. Law did not here come from legislatures and courts but from the ways they overlapped with the practices of this new southern form of policing. Du Bois identifies this as a process of law-making: “White people paid no attention to their own laws. White people became a law unto themselves” (p. 700). White labor took up violent acts of racial boundary enforcement to perform White and Black essential difference and associate those differences with geographic constraints on Black movement, especially including prohibition from spaces of

voting. These practices performed the signification of Black bodies as non-waged or under-waged labor, as ‘disposable’ rather than ‘property,’ and as non-voting. The actual labors of policing constituted material bases to perform White personhood and produce material limits to Black self-realization. Those police labors also cohered a larger hegemony of propertied domination of all labor throughout the US where the prior wage suppression function of non-remunerated slave labor was replaced with under-remunerated ‘free’ Black labor.

Du Bois argues that the universalization of this racial caste cultural and material system articulated a military mode of domination.³⁵ That system of imperialism, in discourse and structure, added the representation of the lands of non-White people as suitable for non-remunerated resource extraction. Postbellum race narratives of civilizing missions, humanitarian interventions, and state nationalism then disguise this military provision of labor power for capitalist accumulation (see also Robinson, 1983/2000).³⁶ The modern form of capitalist-imperialism, as theorized by Du Bois, consists in cultural representations of racial difference the performance of which structures material limits demarcating non-White bodies and lands from full participation in markets and institutions of law and rights. These labors of racial subordination acquire hegemonic importance as they organize both ideological and material force required to produce the racial capitalist-imperialist form of power.

The Du Boisian labor performance theory of power as a transcultural contribution to Communication Studies.

I here state the specific innovations I derive from Du Bois and how they sustain a material discursive theory of power formation as a contribution to TCPE and Performance

³⁵ “Imperialism, the exploitation of colored labor throughout the world, thrives upon the approval of the United States and the United States gives that approval because of the South” (p. 706).

³⁶ p. 239

Studies and Communication Studies generally. The Du Boisian model of power formation I present above answers the 5 part criteria called for by transcultural communication studies. The model enables analysis of constitutive processes and resulting forms of power. It also focuses on the interplay of cultural, racial, and identity development with that of infrastructures, systems, and emergent concrete conditions (such as following genocide, forced removal, or land or environmental transformation). Third, it situates cultural and structural development in relation to antagonism. Fourth, it is centered on ideologically and structurally conditioned embodied labor. Fifth, it analyzes labor for its capacities to immediately communicate the ‘reality’ of roles, process, purpose but also to cite and structure those understandings into system production and operation. The model also addresses Dan Schiller’s (1996) call for a labor centered theory of culture capable of analyzing violence as a political force, which he charged Gramscian hegemony could not provide. The Du Boisian theory of power formation I propose does not ignore the material disparities and cultures of capitalism but sets those structures and identities in larger processes of colonization and racialization necessary to the constitution of capitalism in North America as domain of White property. Class, race, and structural formation, Du Bois’s theory shows, can be approached as inter-active processes of domination organized by human agency performed in labor. Having fulfilled presentation of formal theory on power that addresses the mutual articulation of culture, structure, and power, I proceed next to explain my original method.

Methods, Research Questions, and Data

My historical material-discursive perspective on social determination uses the concept of *labor performance* as an entry point into the processes of power formation. The labor performance concept enables analysis not merely of the cultural and structural products of

policing but also how the social significance of the immediate embodied act (in this case of policing) matters in the attraction of agents to particular tasks and the accomplishment of particular historic aims. In short, a new view on the formation of power opens up through the dissertation's analytic vantage on policing as an alluring labor that to perform belonging, personhood, and authority while productively (or destructively) shaping social structures and relations. The vast social range of 'labor' and its 'performance' requires methods that narrow analysis to the specific meanings and cultural-structural consequences of specific labor performances. The dissertation locates such a method in, what I call, *the genealogy of labor performance*. I demonstrate that method in case studies of policing performances during critical junctures in the development of Anglo North American cultural, economic, and state systems and the particular form of domination ascendent in the area around Chicago by 1867. My genealogical method draws together Foucaultian techniques for tracing the development of discourse over time with performance theory concepts that connect discursive activity with embodied labor, as I explain next.

Genealogy of labor performance.

To relate the formation of power across historical time with the development of policing as a meaning-making and matter-making technique, the dissertation is guided by methods derived from Michel Foucault but adapted to meet the demands of my Du Boisian theory of power. Foucault's (1977) genealogical focus on how embodied acts accrue into "a system of rules" (p. 151) through collective performances of violence. Foucault sees violence as, at once, the "pure distance, which indicates that the adversaries do not belong to a common space," (p. 150). Yet violence is also the stage for "a single drama . . . the play of dominations" that "gives rise to the universe of rules" encompassing logics of obligation and right. Violence, in the first aspect, is a force of social differentiation. In the second, violence is means of ordering those

differences into discourse and ritual. Foucault's genealogical method first searches for the historical emergence of practices of violence that differentially value people, land, and objects. Second, analysis identifies the descent of such practices in their later reperformance and adaptation. The expansion of such reperformance reveals systematization into rituals and even codification into law as a basis for "the staging of meticulously repeated scenes of violence" (p. 151).

A key understanding is that these systems arise not as alternatives to violence but as means of its implementation and so become a central object of, and means to, struggle. "The successes of history belong to those who are capable of seizing these rules, to replace those who had used them" (Foucault, 1977, p. 151). The difference between "seizing" and using rules that Foucault has in mind reveals a potential for creative adaptation of established modes of violence to take control over the very means of domination. Foucault's approach directs inquiry to identify the historical emergence of forms of action, defined by characteristic traits, that also bridge a social divide to sustain a discourse or 'social view.' Analysis proceeds by tracing the *emergence* of characteristic traits of discourse and their *descent* as reproduced and altered in later historical moments. Performance studies enable me to extend Foucault's approach with identification of *performatives* that expand trait analysis beyond speech and writing to characteristic embodied actions. The dissertation then searches for the re-performance of those performatives as *citations* (Derrida, 1972 [1988]) adapted to meet emerging needs but which superimpose historical meanings and relations upon current actions, groups (Butler, 1988).

A strength of my genealogical method is its capacity to situate labor within processes of cultural, economic, technological, and bureaucratic *production* – as prioritized by recent transcultural scholarship (e.g. Castañeda, 2015; Chakravartty et al., 2018) as well as past political

economic and cultural analysis of technology and power (e.g. Schiller, 1969; Davis, 1971; Garnham, 1979, 1996; Hall, 1985, 1996) – while retaining a view on ‘labor’ as immediate communicative acts imbuing meaning onto the tasks, processes, and persons of system production and operation – as prioritized in recent studies of performance (e.g. Taylor, 2006; Hall, 2015; Chambers-Letson 2013³⁷). The dissertation uses this labor performance genealogy approach to identify and describe a) the cultural significance of characteristic policing enactments as well as b) the structures destroyed, produced, and operated by those enactments. My attention to the conditions of the emergence and re-performance of characteristic modes of police action enables insight into how police labor functions as product and producer of structure and culture. The approach attends to the ways police labors work as *subjectifying responses* to base and superstructural conditions but also as potentially *agentive adaptations* advancing competing modes of self and historic aims into or against orders of domination. My elucidation (and subsequent application) of this labor-performance genealogy hopefully contributes a historiographic method to communication studies (and beyond) that helps join discursive and materialist research. I next explain the research questions guiding each chapter.

Research questions and data.

Each chapter applies the following basic research questions: What practices characterized given acts of policing? What immediate and historic aims did actors take up police labors to realize? In what ways did those police performances shift representations of land, groups, systems, and authority? What material systems did those labors impact and in what ways? How

³⁷ Taylor’s (2006) case study finds local social performance as a condition upon labor performances by remote judicial bureaucrats resulting in shifts in infrastructural operation. Taylor’s work contributes to a growing body of performance centered scholarship, including Hall’s (2015) study of securitized travel checkpoints and Chambers-Letson’s (2013) investigation of Japanese-American internment camps in the US, that show ways that social knowledge of bodies, beings, and systems of law and security emerge in mutually shaping processes of communicative labor that also affect the operation of legal and other systems.

did those interventions into representation and structure affect the organization of hegemony? These questions enable a multi-faceted view on ways policing organized structural and discursive force but also on ways that policing itself acquired importance as a technology of political struggle. As you may notice, my way of answering those questions evolved as the dissertation progressed, with Chapters 5 and 6 offering more formal organization.

For each case study, I drew data from secondary but also from primary sources. Primary source data includes declarations authored by settler colonial insurrectionaries, official correspondences and prosecutorial materials, memoir and poems by settler antagonists, statements by Indigenous leaders documented by government police, as well as contemporaneous newspapers, and historical dictionaries. This chapter fulfilled the purposes of reviewing literature on police studies, transcultural communication and performance studies, and rethinking the theory of hegemony from Gramsci and Laclau & Mouffe through the ideas of WEB Du Bois. The chapter also explained operationalization of that Du Boisian theory of power through my labor performance genealogy method. The next chapter puts theory and method to use by focusing on the emergence of characteristic forms of policing in early North American Anglo colonial conflicts and their utility as means to assert systems of rule.

CHAPTER 3

Policing the Boundaries of White Sovereignty: Settler Policing as a Foundational Force of US Racial, Legal, and Political Order

Introduction

These pages mark the opening of my genealogy of police labor performance. The prior chapter explained my Du Boisian material discursive theory of power its operationalization in a labor performance genealogy method. This chapter offers a case study demonstration of the efficacy of that communication studies research framework to analyze the role of policing in the constitution of racism, capitalism, and the US state. This chapter locates a moment of emergence in which policing became a social force necessary to the conjoined creation and development of racial capitalism, anti-Indigenous and anti-Black racist cultures, and the United States as a settler colonial state. I will show ways policing acquired social importance as it became a necessary labor to perform practices of colonial rule, specifically by enforcing land, trade, legal, and racial boundaries.

The Settler Policing concept.

The larger dissertation explores the development of policing as a material and communicative force on racial, economic, and political development in Chicago. This chapter begins fulfillment of that purpose by analyzing the colonial innovation of a new form of police labor productive of territorial and political economic control and performative of White settler sovereignty. That labor form, which I term *settler policing*, consisted in violent acts of racial and spatial differentiation as means to seize authority over economic, legal, and state development. Settler police labors acquired Indian land and communicated legal and racial orders that drove

colonial expansion – at times in violation of government legal prohibitions – from Virginia and Pennsylvania through what would become Ohio, Indiana, Illinois, and beyond. Tracing moments of emergence and descent of settler policing in this chapter enables later chapters to analyze adaptation of colonial policing through later racializing struggles to produce and politically condition particular material structures: the US fort network, federal law, and emerging Midwest land and trade markets (Chapter 3), the Chicago Police Department, Illinois state law, and industrial production (Chapters 4 and 5). This chapter opens a view on the emergent role of policing in determining legal, racial, and state authority enabling observation of the adaptation of that labor performance in later struggles.

The chapter’s intervention in scholarship.

Through topic of inquiry, findings, and key arguments, the chapter helps join conversations between studies of racial development (e.g. Allen, 2014) with emerging literature in communication (e.g. Chakravartty and Zhoa, 2007; Hirji et al., 2020) critical criminology (e.g. Obert, 2018; Siegel, 2018) and postcolonial and Indigenous studies (e.g. Kauanui, 2017; Bruyneel, 2021). The chapter uncovers ways settlers creatively innovated police labors to communicate a new form of essential ‘White’ over ‘Indian’ racial difference that performed white entitlement to land and white authority over law – and ultimately over the state. By locating the emergence of settler policing, between 1676-1776, as a performance that forged White unity and organized White control over territorial boundaries and the state, the chapter provides new insight into the creation of the white nation project (Omi & Winant, 2014). The chapter also clarifies the colonial role of policing in *creating* a notion of Whiteness uniquely entitled to property in land and bodies. My findings compliment and expand Du Bois’s (1920) theorization that “whiteness is the ownership of the earth, forever and ever, Amen!” (p. 15). Ella Myers (2019) helpfully describes this underattended aspect of Du Bois’s racial theory as

“whiteness as dominion . . . a taken-for-granted horizon of perception” (p. 7). As Myers points out, “Du Bois’s work traces this proprietary imaginary to the material practices and ideology of chattel slavery” (p. 8) that also stand as foundations for “global forms of white supremacy and practices of exploitation and dispossession” (p. 1). This chapter supports Du Bois’s proprietary notion of whiteness with an exploration of settler policing as a material practice and ideological performance of white dominion. Settler policing, I will show, constituted a basis to perform acts and identities necessary to impose racial controls on territorial, economic, and state development. But the chapter also expands Du Bois’s view to additionally recognize the labor performance processes of Indigenous dispossession as prior and parallel foundations of domestic and racial imperialist systems of exploitation and expropriation. Specifically, the chapter shows that policing mattered as a necessary labor to create a notion of Whiteness uniquely entitled to property in land and bodies.

To investigate policing as a creative force on race, law, and the state, the chapter analyzes scenes of transformative conflict. Primary as well as secondary documentation of such scenes provide the data I analyze. I analyze public statements and memoirs of settler colonial militia, official correspondences, and first-hand reports that describe specific acts of policing and provide insight into the contemporaneous meanings those acts performed. One example of such perspective helpfully introduces the practices and cultural political importance of settler policing. Testimonies from British Lt. Charles Grant from May of 1765 reported a series of confrontations with “Riotous . . . Armed Men”³⁸ on the Pennsylvania frontier near Fort Loudon. His dramatic account depicts a key moment of transformation in colonial political order. The scene presents

³⁸ Grant, C (1765). Deposition of Lt. Charles Grant, Pennsylvania Archives, 4, pp. 220-222. Retrieved from: https://smithrebellion1765.com/?page_id=139

the performance of new kinds of claims and social relations that would become dominant after the War of Independence (Spero, 2018). As the chapter shows, this characteristic form of settler policing would be institutionalized in the Pennsylvania Constitution of 1776 and, to a lesser degree, the US Constitution of 1787.

Confronting Grant was a “Mobb” consisting of 200 members of the Black Boys, a Pennsylvania lay-militia and three local ‘justices of the peace,’ a position involving duties of judge and policeman (Walker, 1998³⁹). The “Rioters” sought to prohibit travel to and trade with Indians, acts otherwise legally authorized by British officials. As Lt. Grant reported,

I then Shewed the Justice the orders which I had from Brigadier General Bouquet for permitting Goods to pass, as likewise the permitt [trader] Joseph Spear had from the Commanding office at Fort Pitt for the Carrying of Goods . . . to which Justice Smith answered, that the Commanding officer’s pass was no pas . . . Justice Smith said likewise, that this was not a King’s Fort, nor was this the King’s Road . . . (Grant, 1765)

The act, historian Patrick Spero (2018) argues, “invert[ed] the traditional power dynamics of the Empire” (p. 90) by claiming the British fort, the King’s road and British soldiers as “subject to local civilian officials” (p. 91). Justices like Smith and the violent Black Boys with him additionally united with the larger frontier populace in ardent opposition to British legal protections for Indian life, lands, and trade. Self-described as law enforcement, a claim affirmed by frontier juries and justices, such settler militia/mobs imposed boundaries on travel and trade with Indians but also murdered Indians, even those allied with and accorded legal protections by Britain.

³⁹ p. 31.

These acts of violently enforcing lines across geographic space and trade routes simultaneously communicated essential racial difference: the *color line*. Du Bois (1905 [1998]) later warned that the color line spatially, economically, and politically dividing White from Black Americans was “the problem of the Twentieth Century” (p. 5). As the events described above suggest, twentieth century color-line practices followed those of the eighteenth-century. The specific “mobb” actions that drew the White/Indian color line in 1765 exemplified key transformations of racial and political identity, purpose, and practices of political struggle that fed movements of national independence and contributed to the revolutionary founding of the United States (White, 1991; Richter, 2009; Silver, 2008) and a Constitution that enshrined *white* rights to stolen Indian land and African descended bodies as property (Ovetz, 2022).

Left unexplored by such histories, and by many critical treatments of policing (e.g. Vitale, 2016), are the ways that colonial policing constituted a necessary labor means to perform those very transformations of race, personhood, and politics. This chapter addresses that gap by inquiring into the emergence and historical implications of what I call *settler policing* as means of political authorization through racially and spatially differentiating performances of violence. By this I mean, the chapter investigates how acts of policing by frontier settlers *from below* creatively enforced racial and geographic boundaries in ways that imposed controls on economic, legal, and state development.

As stated in Chapter 2, the chapter offers a redress of “Whiteness . . . as undisputed, unexamined frame” (Chakravartty, et al., 2018, p. 262) that constrains knowledge production in communication studies. As Reichel (1992) and Obert (2018) rightly emphasize, the colonial context also remains largely, if not entirely, unexplored in critical studies of ‘modern’ police functions of imposing economic and racial order across urban space (e.g. Donner, 1992; Abu

Lughod, 2007; Mitrani, 2013; Balto, 2019). Of direct relevance for research on race, class conflict, and control of urban space, studies on colonization make visible “the sociality of land and bodies” and the “logics that presuppose and work to produce possession, property, and . . . differential racialized value” (Goldstein, 2018, p. 101). This chapter’s labor performance genealogy of colonial policing contributes to literature calling for re-definitions of policing (e.g. Lee, 2015), its role in fabricating the state (e.g. Neocleous, 2000), in organizing representations of race and place (e.g. Jefferson, 2017; Canella, 2018), and in articulating power (e.g. Seigel, 2018).

Critical theory and the concept of policing as a constitutive force.

This chapter’s inquiry reveals colonial policing as among the founding forces of racial capitalism. My argument thus expands critical understandings of policing such as from Robinson (2000), Gilmore (2007), and Taylor (2016c), who regard policing as a product of grounds already tilled by white supremacy and class power. At the same time, this finding of colonial policing’s importance in creating white economic and political authority complicates dominant historical and criminological treatments of modern policing as a clear break from colonial practices (e.g. Kelling & Moore, 1989; Mitrani, 2013). Instead, my close view of colonial struggles reveals lay-police violence as creative means of racialization used in struggles to make and shape the state – a perspective that contributes to abolition theory and activism (e.g. Davis, Dent, & Meiners, 2022) an expanded frame to additionally analyze acts of policing beyond the state. I warn that, to the Boogaloo Boys, the murderers of Ahmaud Arbery, and the January 6th insurrectionaries – among other contemporaries who unite around aims and identities of the neocolonial white nation project (Johnson, 2018; Keeler, 2021) – lay-policing offers a historically demonstrated readily performable social technology to shape racial, legal, and state development.

Map of the chapter

The chapter begins with background, first, on the conflict processes that connected Virginia and Pennsylvania with the conquest of Illinois – historical events that enabled and conditioned organization of the city of Chicago. Second, I provide historical context on colonial policing as part of the uprisings of the Baconites in 1676 and the Paxtonites and Black Boys a century later. The first analytic section of the chapter concerns Bacon’s Rebellion and identifies the specific labors of policing that enacted the conflict and describes the discourses of race, land, and law those acts sustained. I further situate those labors in processes of market, empire, and state production.

I present the emergence of a historic labor performance technique I term settler policing. In its first mode settler policing consisted in militia labors that violently communicated territorial boundaries and a new White-Indian color line.⁴⁰ The second mode of settler policing emerged in mob actions referencing those racial-spatial boundaries to assert systems of rule and authorize the ‘White’ settler subject as sovereign. I also describe a complementary and competing form of policing, *colonial government policing*. This police labor form – performed by officials, legislators, troops – organized Royal and economic elite domination of the local colonial state not by outright repressing settler policing but by harnessing its capacities of territorial, economic, and racial bounding to elite imperial and class strategies. Colonial government policing succeeded in dividing the aspiring Anglo-Afro historic bloc of Bacon’s Rebellion by introduction of Black chattel slavery.

⁴⁰ To be clear, my argument is not that hatred of Indians first appears with the Baconite uprising. Instead, I argue that the uprising connects that hatred with a new racialized sense of settler self as authoritative over colonial territory and law. A new mode of policing there emerged as necessary labor to performatively link racial difference with sovereignty over land and law.

The second analytic section turns to the 1760s descent of settler policing in culturally overlapping areas of Pennsylvania and Virginia's backcountry. Here I explore how the Paxton Boys and Black Boys adapted settler policing, initially, to demand laws founding state-led militia to fight Indians and take Indian land. Performance of their struggles, however, authorized local lay-militia as law makers over frontier Indians, fellow settlers, and even British officials. I describe the cultural and material utility of settler policing to these revolutionary frontier political movements. The section concludes by analyzing the enshrinement of settler policing as means of legal and political rule, and *right and duty of white men*, in founding documents of the US political system. A concluding section reviews and clarifies my arguments and findings and explains how they conditioned subsequent colonization of Indian Country, referred to by US officials as the Northwest Territory, the topic of Chapter 3.

Background: Connecting colonial violence in Virginia and Pennsylvania with the rise of Chicago

Why begin exploration of Chicago policing nearly a thousand miles to the east of the city and some 150 years before the city's founding? What relates frontier colonial struggles in Virginia and Pennsylvania to policing Chicago's urban environment? Colonization – the violent capture of land and removal of Indian people – created both the conditions for the rise of Chicago and the cultural traditions of policing upon which city planners as well as official and lay-police would later draw. From 1609-1787, Virginia claimed large swathes of Illinois territory including the area where Chicago would emerge (Figure 1). Virginia settlers seeking to realize those claims constituted the largest source of English European descended migration into Illinois (Davis, 1998; Saler, 2015). Lesser migrations to Illinois territory originated in Kentucky and Tennessee, both also originally part of Virginia.

Figure 1. Map of Virginia by 1763

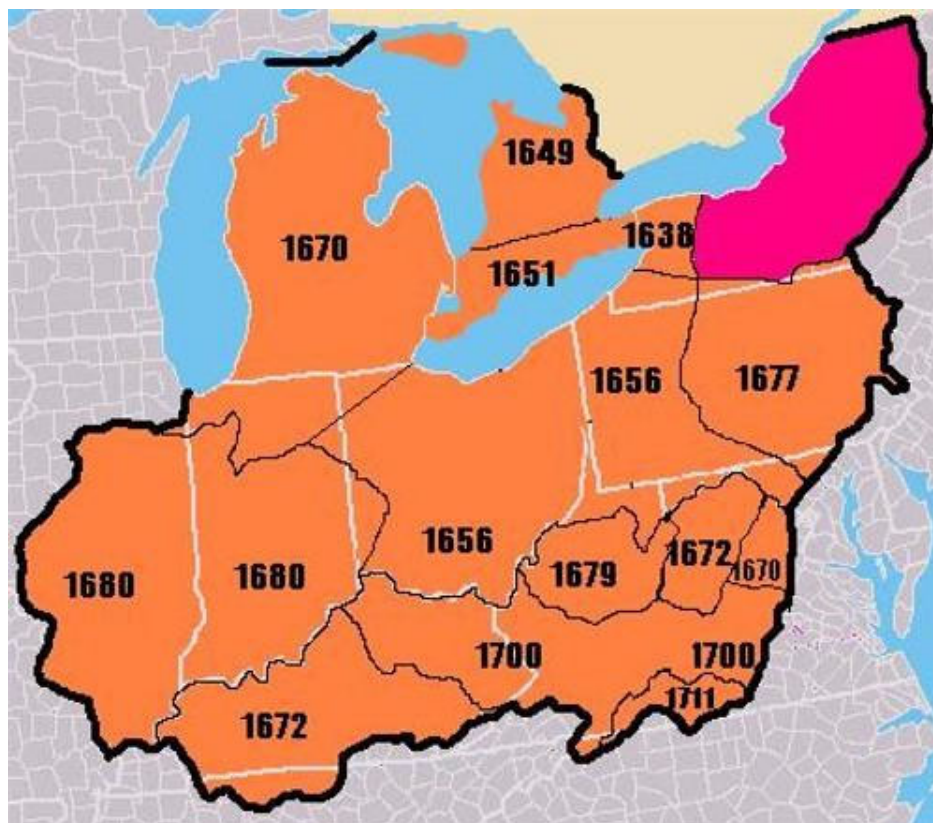


Note: As printed in Garrett (1884, p. 3, see also p. 13).

The Iroquois Confederacy (aka Haudenosaunee, Five Nations, and later the Six Nations), seeking to monopolize the fur trade with Europeans, also colonized westward in the seventeenth century and drove flows of Indigenous refugees into and beyond the Great Lakes (Figure 2). Military and trade alliances among refugee Algonquin speaking groups – Potawatomi, Miami, Delaware, Winnebago and others – and the French drove out the Iroquois by 1701 and across the next 60 years endured as a tumultuous force against British western expansion (White, 1991). Through the mid-1700s a variety of French allied pan-Indian networks controlled the region spanning what would become Illinois and surrounding states (Figure 3).

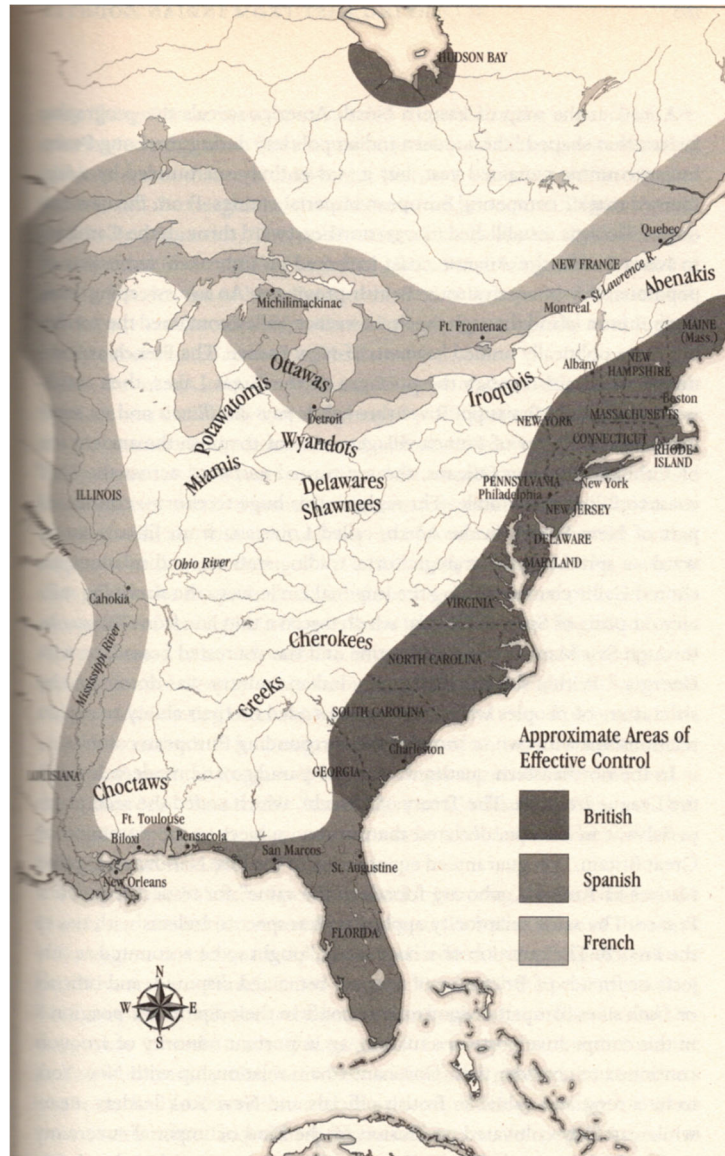
This chapter concerns processes by which revolutionary settlers would eventually succeed in overthrowing British authority in, and its strategic enforcement of, the Indian Country's eastern territorial boundaries. Settler violence and conquest advanced an essential White over Indian racial understanding. New pan-Indian agency and identity, guided by spiritual leaders like Neolin, cohered against a despised British kind of whiteness (Richter, 2009). Warriors like Pontiac led attacks against British forts around Detroit while others attacked frontier Pennsylvania and Virginia. Settler policing, I argue in the chapter, would constitute principal labors of imposing a *new* kind of White settler racial order across western Indian lands.

Figure 2. Haudenosaunee (Iroquois Confederacy) conquests by year



Note: As printed in Belshaw (2016, Ch. 5).

Figure 3. Map of contending Indigenous, French, and British forces in mid eighteenth-century North America



Note: As printed in Richter (2001, p. 165).

Many settlers moving onto Ohio, Indiana, and Illinois territory brought with them Virginia's traditions of policing, land claims authorized by Virginia officials, and legal codes derived from Virginia law (Davis, 1998). Settlements, land claims, and law were reinforced with

lay and official military conquests prior, during, and after the Revolutionary war. The 1812 battle among Potawatomie and US soldiers and civilians at Fort Dearborn at Chicago (Chapter 3; Keating, 2012) became an iconic reference point for boosters, industrialists, politicians, and newspapers constructing the city's identity as a victory of civilization, as spectacularly communicated in the 1893 Columbian Exhibition and by monument in 1894 (La Pier & Beck, 2015). Colonial conquests, settlements, and assertions of law captured the vast natural resources long cultivated and protected by Indigenous people – resources that fueled the processing and capitalization that drove the later city's historic growth (Cronon, 1991). These processes of conquest and later settler enforcement of territorial boundaries, land claims, and legal systems all depended on labors of policing, often carried out by self-organized settlers. The chapter opens a view on how such police labors of territorial, property, and legal assertion also communicated Whiteness as racial mark of colonial belonging, legal and political standing, and propertied entitlement. Inquiry into seventeenth and eighteenth-century processes of conflict and colonization flowing from Virginia and Pennsylvania thus provides a view on the historic development of police labor practices and ideologies available to Chicago city planners and workers in the 1800s. To understand how settler colonial uprisings in the late 1600s innovated policing into a technology of racialization and political authorization, it is necessary to briefly contextualize policing within the political, economic, and social milieu of the Virginia Colony.

Anglo North American colonial policing and its adaptation as means of settler uprising

The 1676 Baconite rebellion in Jamestown, Virginia united indentured servants and small farmers, both of whom sought Indian land as means to escape class control and poverty (Rice, 2014). The Virginia Colony operated as both imperial and commercial venture, founded by the Virginia Company, a chartered English trading enterprise. After revocation of the charter,

consolidated land ownership empowered local elites over systems of labor and indenture (Morgan, 1975). The colony fed trans-Atlantic trade in hides, agricultural goods, and Indian slaves and advanced British attempts to control North America against France. Capitalist and imperial powers contended with multiple local Indigenous alliances such as the Powhatan and Iroquois confederacies. Production of the commercial colony, since at least 1609, relied on elite-led militia violence intensely focused on destruction of Indian villages, food, and killing non-combatants (Grenier, 2005). The resulting form of domination was not Indian elimination but, with the treaty of 1646, a subjugation “whereby the remaining members of the former Powhatan confederacy and others of the coastal plain paid tribute to the English government in exchange for protection, land, and trade” (Shefveland, 2016, p. 4).

In addition to trade and personhood protections, the treaty also defined boundaries between Indian and settler zones which official militia enforced. Militia violence concentrated on non-tributary tribes, then referred to as “foreign Indians” (Shefveland, 2016, p. 2), but also regulated the movement of allied Indians. Under this tributary system, Indians suffered in multiple ways such as direct violence and being forced to provide hides – and children as slaves – to the English. The system also compelled Indians to build trade networks with inland tribes. Albeit rarely scrutinized in the literature, militia policing constituted a necessary labor force for the induction of Indian land, bodies, and trade networks into processes of capitalization centered on the Virginia colony. These labors involved militia in the management of imperial territorial boundaries but also the boundaries of real estate, agricultural, hide, slave, and labor markets. Before Bacon’s revolution, policing by militia already constituted a labor force for the violent inscription of boundaries fundamental to imperial and commercial systems of colonial rule.

The rebellion's militia performances introduced a new racial division of settlerness against *all* Indians, not merely "foreign Indians." These revelations of new purpose and personhood emerged through creative innovations on English and European police labors (Morgan, 1975; Gourevitch, 2015) long involved in communication of law and identity. Grégoire Chamayou's (2012) philosophical history of manhunts includes colonial conquest and policing among operations of capture and exclusion that defined territorial boundaries as well as the "boundary line between those who have to be protected and those who can – or rather must – be excluded from this protection" (p. 115). Colonists enacted those lines by adapting a European performative ritual of the hunt, or *la chasse*, in which violent acts performatively communicated roles of human predator and prey that authorized hunter as *master*. Rituals of the hunt violently communicated authority over territory as human mastery over animal lawlessness.

In addition to signifying human and community belonging, acts of colonial policing also shaped understandings of legal right and authority. Built into the idea of 'policing' that colonists imported from the Old World was an ambiguity between enforcing and setting rules, following and giving laws. According to the *Oxford English Dictionary* (Police, noun, verb, 2019), from 1450 into the 1600s the term "police" shifted from referring to the measures governing social life ("policy") to additionally refer to the body within a community that enforced those rules. The change shows linguistic reference to acts of law enforcement blurred the difference between standing *with* the law and *as* the law. Colonial Policing involved its laborers in the enforcement of territorial divisions but also in enforcing divisions of labor, politics, morality, and economy. Policing of these boundaries were the responsibility of all able-bodied persons, especially males. As historians Johnson & Wolfe (1996) write, "every colonist was a policeman" (p. 79). In this context of locally organized, collective rule-setting and enforcement and defense of group

interests, mobbing also stood as “an important form of political action” that became “common in colonial America” (Walker, 1998, p. 27). As adapted to the unique conditions of Anglo North American colonies, policing combined tasks of land acquisition with land administration, setting the geographic boundaries of the community with regulating labor and morality within it. In concept and practice, Anglo North American colonial policing broadly involved colonists in the application of rules but also in the claim to rule. As I explain next, the events of Bacon’s Rebellion mark a moment of emergence when settler agents seized established colonial police capacities that enforced rules of the tributary system to instead assert a new system of rule based in violent expansion of racial caste.

Analysis of the Case of Bacon’s Rebellion: The emergence of ‘settler policing.’

Bacon’s Rebellion, in seventeenth century Virginia, is a common topic of racial formation studies, known as the so-called ‘Origins Debates,’ (e.g. Handlin & Handlin 1950; Allen 1975, 2014; Wolfe 2001). In North America, ‘White’ had yet to gain dominant usage by 1610, as shown by census documents in which residents instead identified by nationality, such as English, Scottish, and African (Perry, 2010). Only at the closing decades of the seventeenth century did the word ‘Negroe’ shift to become synonymous with ‘slave’ (Vaughan, 1989). By 1619, ‘Indian’ was not yet used as a term essentializing Indigeneity across tribal differences (Thomas, 1968). Origins studies debate ways our familiar binaries of racial difference – White v. Indian and White v. African – came into meaning through late seventeenth century conflicts over class, land, labor, and law in the Virginia area. New representations of gender difference, including paternalism as a new technology of male power, also emerged through these struggles. As historian of gender and race, Kathleen Brown (1996) argues, “It was not until Bacon’s challenge to [Governor] Berkeley in 1676, however, that questions about what it meant to be a

Virginian and to constitute political authority in a colonial society came to a head” (p. 321).

Given that the uprising intervened into the very social signification of colonial belonging and the organization of political authority, I ask what were the labors, and who were the laborers, that performed the uprising?

Bacon’s Rebellion famously involved a Virginia alliance of bonded English, European, and African servants and planters who attacked Indians and colonial elites. The events gained iconic importance in nationalist narratives of US independence struggles but also in left and critical studies recalling a moment of cross-race class solidarity (e.g. Zinn, 1979 [2003], Alexander & West, 2012). Another view is offered in studies of the events by historian James Rice (2014) who finds the “real struggles” of that conflict took place “over primacy among the numerous Indian nations of the East and, simultaneously, over whether Indians or colonists would be the dominant power” (p. 729) in North America. Rice’s account is a partial corrective to dominant scholarly accounts of the rebellion, according to political theorist and scholar of Indigenous Studies, Kevin Bruyneel (2019).

Bruyneel argues that scholarship habitually uses the events of Bacon’s Rebellion to first recall, then disavow, Indian agency and settler violence in the development of North American colonial order. Scholarly “disavowal is reflected in the dearth of arguments that make the case for the long-term implication and meaning of Indigenous presence and settler actions during Bacon’s Rebellion” (p. 15). Rice (2014) finds Bacon’s Rebellion an expression of surrounding crises that shifted political, economic, and military practice and relations. “[T]he rebellion appears to have been a manifestation of a much broader transformation, even a fundamental restructuring, of patterns of war, exchange, society, and diplomacy throughout eastern North

America” (p. 729). Bruyneel adds, the rebellion *contributed* to that “fundamental restructuring” by popularizing racialized animosity by colonists against Indians *writ large*.

The uprising took place as small farmers and landless colonists, notably indentured servants, sought Indian land as alternate means of subsistence and potential social rise. Some, like Bacon himself, already traded in Indian slaves and sought Indian bodies as well as their lands (Shefveld, 2016). However, various Indian groups and colonial governments of Virginia and Maryland maintained strategic treaty agreements to advance their own interventions into the larger Euro-Indigenous military alliances controlling Eastern North America. The Susquehannock Indians allied with colonial officials to manage their century long conflict with nearby Five Nation and Piscataway people. Though colonial officials and lower order colonists alike wanted to eliminate the Susquehannocks and take their land, the Governors of Maryland and Virginia pursued that outcome slowly through strategic alliances rather than the expense and uncertainty of direct war. Planters and militiamen seeking land and Indian slaves forced that war.

The ensuing conflict was a moment of emergence of the characteristic two-part labor performance I term *settler policing*. The first part of settler policing communicates essential white-Indian racial difference and associates that difference with geographic boundaries. Settlers initially performed this essentialism by attacking *Susquehannock* Indians in response to conflict with *Doeg* Indians. Settler agency from below, in the form of creative interpretation of orders and political pressure, brought forth a group of about a thousand to attack the Susquehannock fort. The Susquehannocks bested the colonists and led reprisal attacks. Bacon, already caught in a cycle of violence with the tribe, then acted in defiance of the orders of the Governor by leading a further armed assault, this time against *all Indians* in the area. Rice concludes,

as the Occaneechees, Pamunkeys, and other neighbor Indians could attest, there was a major difference between the governor and the rebel. [Colonial Governor] Berkeley wanted to fight only Susquehannocks, while the Baconites wished to rid Virginia of all Indians. The Susquehannock War was crucial to bringing out this rift among the colonists, for it mobilized anti-Indian sentiment throughout Virginia . . . (p. 736)

The passage points to a violence driven communication process that resignified Indians, settlers, and government forces and their relations to land. Baconite murder and kidnapping distinguished a racialized *settleness* against the essentialized category of “all Indians” as well as against government authorities. The violent removal of Indians from rightful ‘belonging on the land’ signified *land possession* as a quality – a property – of the racialized settler subject.

The growth of “anti-Indian sentiment throughout Virginia,” and Bacon’s immediate subsequent election to a county office, showed support for this new racialized sense of settleness and its desire for Indian bodies and lands. Common identification with those desires, Bruyneel (2019) argues, cohered settleness as whiteness: “settler desires and aims are . . . constitutive of this whiteness, of what I call white settler-ness” (p. 20). Calling the uprising a demonstration of “*white settler-ness*” is perhaps premature, as the armed formation allied ‘white’ skin English with dark skin Africans. I agree the Baconites performed a new racialized anti-Indian settleness but suggest the term *proto-whiteness* to clarify it as preceding additional white settler differentiation from Blackness – which I discuss later on. For now, my point is that visibility of this proto-white settler subjectivity necessarily depended on enactment of its “desires and aims” through acts of violence against Indians writ large. My account thereby locates Baconite militia policing as a specific relation connecting anti-Indian settler “desires and aims” to their labors of *performance*. I also clarify the Baconite uprising gained necessary social force

by attracting agents to militia police labors of racial and geographic differentiation that performed proto-Whiteness as a new basis of settler colonial cultural belonging and entitlement to Indian land and bodies.

I locate the second aspect of settler policing in Baconite mob acts that referenced the newly performed racial-spatial boundaries to politically authorize the racialized settler subject as sovereign. Those mob performances transformed acts of ‘law breaking’ into acts of ‘law making.’ “Symbolic of his rejection of the entire tributary system and his effort to dehumanize Native people writ large, Bacon marched to Jamestown with his *captive Indians on display*” (Shefveld, 2016, p. 54, emphasis added). Like the prize from a hunt (Chamayou, 2000) the display of captured Indians cited and celebrated the labors of capture that revealed the captors as *masters*. The performance thus further presents a *labor process* centered on essential anti-Indian militia policing as means to produce the racialized social order of ‘settler mastery over Indian land and bodies.’ Acknowledged *violations* of tributary law here transformed into legitimizing assertions of a new system based on total capture of Indian land and bodies. The performance culminates with identification of colonial territory – and Indian presence upon it – as *jurisdictions* subject to settler police authority claimed by the Baconites.

Baconite mobbing further sought to extend that police authority over governing elites and again did so by use of settler policing. In July 1676, Bacon led an armed crowd of English and Africans to the colonial governor with written demands to command Royal troops against all Indians. In that *Declaration* (Bacon, 1676 [1871]), Bacon spoke for “the Assembly” of armed persons and listed various “crimes of the oppressors” committed by Governor Berkeley and his allies.

For haveing, protected, favoured, and Imboldned the Indians against his Majesties loyall subjects, never contriveing, requiring, or appointing any due or proper meanes of sattisfaction for their many Invasions, robbories, and murthers comitted upon us.

For *protecting* and trading with Indians and for multiple failures to use or provide means to punish Indians, the *Declaration* raised “demand that the said Sir William Berkeley with all the persons in this list be forthwith delivered up or surrender themselves within four days”. The *Declaration* argued that the governor’s failure to carry out violence against Indians writ large, or to empower settlers to do so, constituted “crimes” that delegitimized his authority over the colony. On this basis, the Baconites then took up additional tasks recognizable then, and today, as those of the police (i.e., criminal charge, pursuit and arrest, use of deadly force) to act upon Royal governors now named as “confederates and traitors to the people”. The insurrectionary “Assembly” and proclamation performed Baconite police authority over ruling officials and colonial interior space.

The above analysis uncovers the historically consequential emergence of the two-part labor performance of settler policing as a social technology of power. Settler *militia* policing imposed racial and land boundaries that acts of settler *mob* policing used as a basis to demonstrate a new system of racial subjugation of Indians and political subjugation of former rulers. Baconite labors of violent racial-spatial bounding performed a new proto-White settler subject entitled to Indian land and bodies. Baconite mobbing of imperial and economic elites then performed the sovereignty of that subject. The events mark expansion of proto-White settler aims from control over Indian lands and bodies to *self-rule*. While colonists throughout the area reperformed Baconite militia and mob labors into the early 1700s, their aims shifted to replacement of particular officials and policies rather overthrow of British rule (Powell, 1989).

Put simply, seventeenth-century settler policing did not consolidate rule under a proto-white Afro-English political bloc. The Baconites failed in part due to Bacon's death by the bloody flux but also because of police labors that Royal officials and ruling class elites used to harness the racializing power of settler policing to their own strategies.

Colonial government policing acted on the Baconites, initially, through direct military repression by Royal troops. However, a more productive mode of colonial government policing emerged as wealthy colonial landowners introduced African lifetime inherited bonded labor laws that divided the Baconite alliance (Morgan, 1975; Allen, 1975, 2014). Black chattel slavery demanded non-African able-bodied males throughout the colony to take up new labors of *slave patrol* that differentiated themselves from the Black bodies they policed. In sum, anti-Indian settler violence directed toward strategic Indigenous enemies by British troops and slave patrol duties of Black chattel slavery constituted two interlocking practices by colonial government policing that maintained British and wealthy control of the colony.

Allen (2014) argues that under these new conditions of White-Black antagonism the *White* settler colonialist subjectivity first emerged as an elite means of social control. Bruyneel (2021) narrowly critiques that conclusion for its disavowal of prior settler violence as force of racialization against Indigenous presence. My above analysis builds on Bruyneel's argument, first, by specifying settler policing as the labor form necessary to perform racialized settler desires and aims. Second, I show, settler police labors themselves acquired new social significance as performatives of White settler-colonial belonging. As constrained under the new system of Black chattel slavery, settler policing lost utility as a means of revolutionary political authorization. Settler policing did not begin fulfillment of its revolutionary potential until the 1760s when struggles for frontier defense, Indian elimination and land acquisition contributed to

the historic alliance of ‘White’ frontier settlers with eastern elites against British rule, which I analyze next.⁴¹

Analysis of the Case of the Paxton and Black Boys and ‘the white nation’ project: The descent of settler policing

Anglo North American’s revolutionary sense of independent nationalism in the 1770s arose not only from opposition to the Stamp Act but from the 1760s frontier struggles of lay-militia like the Paxton Boys and Black Boys who enforced local authority over land and Indian legal policy in defiance of the British supported government (Silver, 2008; Spero, 2018). Revolutionary nationalism developed in part, I argue, through such settler police labor performances in which violent enforcement of White over Indian racial difference communicated settler police authority over territorial space and law. As settler policing itself gained meaning as right and duty of white men, its labors performed racialized settler-citizenship above governmental, even Royal, legal authority. Against the analysis I present below one may object that Paxtonite anti-Indian violence lacked the concern with territorial borders that I name as characteristic of settler policing. One might also argue that since the Black Boys’ violence focused on colonial officials and settlers, and not on Indians, their acts did not connect

⁴¹ Prosecutions after the conflict also focused on several white English settler women who eagerly aided Bacon’s plans (Shefveland, 2016, pp. 51, 59). Berkeley sought their punishment but despite their prominent labors as “propagandists and purveyors of secret intelligence for the public relations campaign needed by Bacon to whip the countryside into a [genocidal] frenzy” (Shefveland, 2016, p. 59), the investigating commissioners ruled such acts “indiscreet tattle” and “the speaking of some foolish words by a simple woman” (as quoted, p. 56). Following Bacon’s defeat, women and Black males endured new denigration, the former as ‘children’ and the latter as slaves under a newly consolidated White-masculine domination.

The reaction against white women and the repudiation of black masculinity provided the basis for a fragile alliance of white men and the assertion of an authentic colonial identity. In this sense, Bacon’s Rebellion was the crucible for colonial masculinity. (Brown, 1996, p. 321)

“Women were at the heart of the social, economic, and political machinations of Bacon’s Rebellion. As noted above, white English women played the role of propagandists and purveyors of secret intelligence for the public relations campaign needed by Bacon to whip the countryside into a frenzy of support for his genocidal Indian campaign” (Shefveland, 2016, p. 59).

geographic boundaries with essential racial difference, another definitive trait of settler policing. Yet I will show Paxtonite performance of the racial boundary also spectacularly violated established geo-political boundaries. I will then show how the Black Boys violence against ruling officials did indeed seize the White over Indian color line to perform White settlerness above state legal authority. Finally, I will show ways the Black Boys and other frontier settler militia leaders institutionalized settler policing as means of founding and rule, and as *patriotic right and duty of white men*, in founding documents of the US state system.

Virginia, Maryland, and Pennsylvania settlers rose-up in violent response to the *King's Proclamation of 1763* which codified personhood and land protections for allied tribes and sought to connect trans-Atlantic and interior Indian trade networks.⁴² The Proclamation also defined a geographic boundary barring western expansion and dividing the colonial interior into Indian and settler zones. Since the 1750s, frontier communities demanded, as a right of English subjects, state led militia and arms to fight Indians. In spite of Royal opposition, by the mid-1760s frontier lay-militia asserted a system of local white sovereignty and complete Indian removal. One such frontier organization, the Paxton Boys, organized such local sovereignty through adaptations of characteristic settler police labors: violent militia and mob imposition of racial-spatial boundaries to communicate White settler sovereignty above Indigenous people and governmental authority.

Explicitly performed as law enforcement, Paxtonite violence communicated the white-Indian racial boundary in ways that essentialized all Indigenous people as 'Indians.' Just as the Baconites punished *Susquehannock* people in response to *Doeg* attacks on settlers, the Paxton

⁴² "Trade with the said Indians shall be free and open to all our Subjects whatever" (para. 21); "the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds . . ." (para. 17)

Boys killed *Conestogas* as retribution for *Iroquois* reprisals on land-grabbing settlers. In pamphlets, the Paxtonites extolled their violence as just and necessary retribution to atrocities and other ‘criminal’ acts by ‘Indians’ (Olsen, 1999). As Jeremy Engels’s (2005) analysis of Paxtonite rhetoric finds, “the Paxton Boys collapsed all Native Americans into a fictional category of savage ‘Indians,’ and within this framework’s logic, violence committed by one nation of Native Americans could be revenged against any other” (p. 365). In speech and physical violence, the Paxton Boys articulated the racial category of ‘Indian’ as an “always already guilty” subject. Labors of punishing that guilt constituted a domain under local settler police authority. Characteristic of settler policing, Paxtonite labors focused on racial and spatial boundaries to perform white settlerness as sovereign.

Paxtonite performances drew a racial boundary that encompassed Native Americans across tribal and treaty differences in ways that erased treaty boundaries around Indian lands. In December of 1763, the Paxtonites murdered Conestoga people and burned their village despite its designated protection under treaty and its location amid settlements supportive of that treaty (Silver, 2008). Government officials moved the Indian survivors of the attack to a guarded and locked brick annex of the Lancaster jail under protection of the sheriff. Ten days later, in broad daylight, some 50 Paxtonite horsemen rode into town toward the annex. The sheriff reported he “prevail[ed] with them to stop” (as quoted, p. 180) but they smashed in the door and brutally murdered and scalped the Conestogas before “hopping and hallowing . . . rode [horseback] round the Courthouse in an inglorious triumph.” The Paxtonites’ temporary encirclement of the official building climaxed a series of violations of spatial borders. Violation of Indian treaty zones, the jurisdictional authority of the Lancaster sheriff, and the doors of the jail annex all led to the physical violation of Indian bodies. The Paxtonite performances communicated the familiar

white-Indian racial boundary but also enacted the ‘right’ to police Indigenous and official bodies within official and treaty protected geographic zones.

The bold acts provoked questions about the ability of government to respond and so revealed the uncertain social relations undergirding official authority to set Indian policy at all. Government officials scrambled for means to demonstrate that authority, according to Silver’s (2008) reading of official correspondences. Officials’ talk centered on communication of “Power” and “Obedience” as the basis to determine who would “control . . . the Conduct of the Administration” (as quoted p. 182). Officials saw policing the Paxtonites as necessary to maintain governmental control: “If these Outrages are passed Over . . . all Civil Govt. is at an end”. A competition of settler policing and colonial government policing ensued. In February of 1764, Paxton Boys responded to official efforts of prosecution with an armed march of hundreds toward Philadelphia, intent on killing or driving away the Moravian Indians there under government protection. The city populace mobilized armed volunteers to defend established law, upending regular business. A standoff ensued between the competing forces of ‘law’ while their representatives debated in the ruling Assembly and in print pamphlets.

Those debates reveal legal political aims the Paxtonites pursued through their militia and mob actions. Like the Baconites, Paxtonite leaders issued a written *Declaration* (Smith & Gibson, 1764) to the government demanding increased frontier representation in the Assembly but also removal of all Indians, reinstatement of government payments for Indian scalps, and new military supports for frontier struggles against Indians. The document mockingly derided the governor’s bounty for arrest of Paxton Boys as “a liberal Reward . . . offered for apprehending the Perpetrators of that horrible Crime of killing his Majesty’s cloaked Enemies” (as quoted in Engels, 2005, p. 369). While the sarcastic quip proclaimed Indian killing as no real

crime, the *Declaration* articulated the larger aim of local control over the legal prosecution of such killings. The *Declaration* demanded that trials for frontier killings of Indians must be held in frontier provinces with frontier juries – who would never convict.⁴³ To hold such trials in eastern counties where juries respected Indian protections to life, the Paxtonites declared, was itself criminal: “contradict[ing] the well known Laws of the *British Nation*” (Smith & Gibson, 1764, p. 11, emphasis original). In short, the Paxtonite militia used their anti-Indian mob violence as means to assert unlegislated law. Also Like the Baconites, the Paxtonites claimed frontier land and Indian bodies as a jurisdiction of their police authority. Their march on Philadelphia sought to extend that jurisdiction over eastern settlers.

The Paxtonites ultimately withdrew without fight but attracted the Proprietary party into a new alliance that displaced the Quaker ruling bloc attempting to enforce established legal protections for Indians. To address the Paxtonite threat to any government

it was necessary to secure the support of frontier citizens . . . [I]nstead of attempting, as the Quakers did, to discipline the Paxton Boys, or even taking up arms to punish the flagrant murder of Native Americans, the Proprietary government appeased and encouraged them, thereby positively reinforcing the murder of Native Americans . . . (Engels, 2005, p. 375)

In my terms, the price of the new Paxtonite-Propertarian ruling alliance was informal acceptance of the police authority of local frontier lay-militia. It was Paxtonite police labors of racial and spatial differentiation that shifted the ruling order – and that shift affirmed the local racialized police authority performed by the Paxtonites. While initially struggling for fundamental ‘rights

⁴³ British governor John Penn, in 1768, wrote “I have found by experience it impossible to bring anybody to Justice for the Murder of an Indian, who takes shelter among our back (country) Inhabitants. It is among those People, looked on as a meritorious action” (as quoted in Silver, 2008, p. 154).

of British subjects,' the Paxtonites paradoxically succeeded in communicating the sovereignty of the White settler subject above British authority.

This capture of control over local space and law marked the apex of Paxtonite activity. However, the shift in the system of rule demonstrated the utility of settler policing as means to enact settler desires for land, community protection, and local sovereignty. It was Anti-Indian violence, the racially definitive mode of settler policing, that performed those desires and sustained new modes of feeling. As Benjamin Franklin observed in his pamphlet critical of the Paxtonite frontier movement: "the Spirit of killing all Indians, Friends and Foes, [has] spread amazingly thro' the whole Country" (as quoted in Engels, 2005, p. 357). Other groups rose in imitation of the Paxtonites including the Augusta Boys in Virginia (Richter, 2009), but also Pennsylvania's notorious Black Boys.

The Paxtonites and the Black Boys arose from counties already angry at the lack of representation in the Assembly and the lack of official arms, leadership, and funds to fight Indian reprisals. Many members of that community also regarded the open trade Proclamation policy to be illegal, as James Smith, the leader of the Black Boys, documented in his memoir. He recalled confronting one such trader, Robert Callender, an agent of the Royal government authorized to deliver a caravan of goods to Indians beyond the Proclamation Line, in keeping with treaty law. Smith and some dozens of armed local men told Callender that trade with the Indians "would be a kind of murder, and *illegally* trading at the blood and treasure of the frontiers" (p. 110, emphasis added). The logic here is that the trader would be guilty of the murder of frontier settlers presumed to result from his supply of Indians with powder or lead. Note also the designation of the trade act as "illegal" despite explicit guarantee of such *authorized* trade in the 1763 Royal Proclamation.

After the traders' rebuff, Smith led the Black Boys in their formative action of blocking the traders' path at gunpoint, burning his goods, but sparing his life. The group would follow with raids on fellow settlers' houses and the explosive destruction of gunpowder there discovered. Spero (2018) argues the acts aspired "to send a larger message to the authorities: they weren't a lawless mob that simply destroyed private property, but instead a lawful group that targeted specific items they considered illegal" (p. 62). British authorities arrest of several locals for participation in the action began another cycle of competing police performance by settler and colonial government agents.

The Black Boys' own reflections show awareness of their acts as legal transgressions that yet enforced a greater law. Smith recalls,

The king's troops, and our party, had gotten completely out of channel of civil law. . . .

This convinced me more than ever I had before of the absolute necessity of civil law to govern mankind. (p. 112)

James Smith makes sense of his groups' actions and the subsequent British arrests of his men as violations of *civil law*.⁴⁴ Smith regarded his group's acts as enforcement of constitutional legal rights against violations by official policy and agents (Donis, 2016⁴⁵). Like the Paxtonites, the Black Boys policed the official forces of order.

To authorize their police actions upon state officials, the Black Boys referenced essential White over Indian racial boundaries across the official notion of "mankind." Immediately following his new stated commitment to civil law, Smith fondly recalled a song authored by a

⁴⁴ Donis (2016) argues the Black Boys saw this as a strategy to temper British policy rather than articulate revolution: The "Black Boys' stated motivations . . . suggests that they did not seek an overthrow of royal rule. Instead, they sought a renegotiation of political power on the frontier, one in which local concerns and wishes tempered the exercise of imperial authority" (p. 68).

⁴⁵ As Donis (2016) argues, the Black Boys acted as a counter-police force on official agents and soldiers caught up in illegal trade of ammunition with Indians in order to cement treaty relations.

fellow Black Boy while en route to attack the British Fort Loudon and free their arrested fellows. The song first recounts the Black Boys attack on the traders as an “act for their king and country’s good” that resulted in their fellows confined in the fort. The song then provides a legal rationale for their imminent planned attack (which ultimately did not take place as the, above mentioned, Lt. Grant released the prisoners without a fight).

But men of resolution thought,
Too much to see their neighbors caught,
For no crime but false surmise
Forthwith they joined a warlike band,
And marched to Loudon out of hand,
And kept their jailers pris’ners there

...

Let mankind censure or commend,
This rash performance in the end . . .

‘Tis true no law to justify,
To burn our neighbors property,
But when this property is design’d,
To serve the enemies of mankind,

It’s high treason in the amount. (Smith, 1799, p. 114)

The acts of blocking legal travel and trade, armed coercion, destruction of government goods, imprisoning of British soldiers only constituted crimes to those who ‘falsely surmise,’ those who fail to reflect on the evidence of the question. The song names such decisive evidence in the final stanza. While “neighbors” lack legal justification to destroy each other’s property, providing aid

to “the enemies of mankind” – the essentialized racial body of ‘Indians’ – transforms ‘neighborly’ relations into police relations. Donis’s analysis supports this view, arguing the ensuing standoff at the fort constituted competing assertions of jurisdictional authority over territory, travel, and trade: “the jurisdiction of civil authority versus military authority” (p. 79).⁴⁶ Missing from that analysis is recognition that the Black Boys claimed that civil authority by acts of police enforcement not just of the trade boundary but also the racial boundary between “mankind” and its “enemies.”

By 1765, the Black Boys imposed this racialized trade boundary via a geographic boundary enforced through an inspection system across some 200 hundred miles of frontier geography (Spero, 2018). By 1768, the Black Boys continued to patrol roads, inspect wagons and goods, and regulate the flow of people and trade into Indian controlled zones – and raised local funds to do so. When officials again arrested men for those acts, this time the Black Boys followed through and attacked Fort Bedford and liberated the accused. James Smith later wrote this was “the first British fort in America . . . taken by . . . American rebels” (Smith, 1799, pp. 122-123). Official attempt to arrest Smith resulted in his involvement in a deadly shooting, which he said was self-defense but for which he was tried for murder. In defiance of pressure from British officials, a jury of locals rejected conviction and affirmed frontier understandings of Smith’s act as legal. They further affirmed their support for the larger Black Boys project by electing Smith and other Black Boys to local office.

The Black Boys’ too, like the Paxtonites and the Baconites, won control over local space by performing police labors of enforcement of territorial and trade boundaries as *right* of British subjects above the authority of government officials, policies, and police forces. Their acts drew

⁴⁶ The “Black Boys broke provincial law by shooting and destroying the property of others. However . . . the traders’ breach of the law constituted treason, which endangered the Cumberland County communities” (p. 78).

forth the political agency of local juries and voters who affirmed the racial, economic, spatial order policed by the Black Boys. As Cumberland area settlers united around this form of violent lay-policing they “formed a new civil society based on the exclusion of Indians” (Spero, p. 155) in defiance of Royal strategy and legal Proclamation. “As long as the Black Boys persisted, imperial officials would be unsuccessful in their attempt to integrate Native Americans into the Empire and maintain peace on North America’s frontiers.” Lay-militia policing enforced those geographic and trade boundaries that excluded Indians from territorial presence and economic participation and so nullified Indigenous rights defined in treaty law. Police labors produced those boundaries and performed the sense of racialized order that united settlers as ‘Whites’ and compelled performative recognition of White settler sovereignty by traders and even local British officials. The Black Boys acts demonstrate the adaptation of the settler policing labor performance technique emergent with the Baconites, albeit this time succeeding in founding a new political order that would institutionalize settler policing.

The governmental institutionalization of settler policing.

Settler policing as a labor performance of sovereignty would be defined in the *Pennsylvania Constitution of 1776*, drafted in part by a leader of the Black Boys, James Smith (Spero, 2018). That Pennsylvania constitution features the familiar de-legitimation of the King for “withdrawn . . . protection” and alignment with “savages and slaves” (para. 1). The language is quite similar to that of the *Declaration of Independence*, drafted only weeks earlier, which charges King George “endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions” (US, 1776, Sect. 2, Cl. 27). Both documents match the racially based discourse of authorization descended from Bacon, the Paxton Boys, and the Black Boys: 1) essentialist dehumanizing representations of “savage” Indians, divorced from the context of settler land theft

and violence, authorized settler violence as just retribution, 2) failure of state support for ‘retributive’ settler violence constituted a crime subject to, *and revelatory of*, white settler police authority as sovereign. The Pennsylvania constitution went so far as to define such settler police aims and labors as the fundamental purpose of government, with lay-police violence as the means to enforce that purpose.

all government ought to be instituted and supported for the security and protection of the community . . . whenever these great ends of government are not obtained, the people have a right [to] take such measures as to them may appear necessary to promote their safety . . . (para 1)

While frontier community defense imperatives against Indians here rose to the status of state purpose, settler police labors – lay-militia compelling state officials to provide arms and support against Indians – ascend to a constituted mechanism of state accountability.

The “Declaration of Rights” section further clarifies popular police sovereignty over the state and its officials as *system of rule*. “[A]ll power being originally inherent in, and consequently derived from, the people; therefore all officers of government, whether legislative or executive, are . . . at all times accountable to them” (para. 4). The labor means to perform that accountability is popular police control. “[T]he people of this State have the sole, exclusive and inherent right of governing and regulating the internal police of the same” (para. 3). The term “internal police” refers to state militia (Kozuskanich, 2009), which a subsequent state law, passed by a legislature overwhelmingly including active militia members, defined as obligation for “white male inhabitants” (as quoted p. 141). The resulting system thus depended on both labor modes of settler policing: militia policing of frontier lands and Indians and militia/mob policing of state officials. Militia policing now constituted official state purpose and obligation

of belonging in White patriotic settler manhood. Lay-policing of state officials then re-affirmed the sovereignty of the White settler figure, now over the independent *nation*.

This revolutionary organization of the state, I argue, exemplifies the development of settler police ritual violence into a racialized state system conferring local White control over land, markets, and law enforcement. Spero (2018) concludes that in drafting the Pennsylvania (and Kentucky) constitutions, frontier movements driven by militias like the Paxton Boys “were institutionalizing what they had already achieved in unofficial practice” (p. 188). I add that settler policing constituted foundational labors to perform that transformation of unofficial racial-spatial order into official *White nationalist* state system. The historic implications of their success did not end with the new constitutions nor with the new power they authorized in local alliances of lay-militia and elected sheriffs and justices. The Pennsylvania Declarations of Rights and militia law constituted a basis for the later drafting of the US Constitution and its Second Amendment right to own and bear arms (Kozuskanich, 2009) – a contemporary rallying point for white nationalism. The language of the Second Amendment and the model of the state militia would guide organization of militia-Army alliances during conquest of Illinois Territory (Chapter 3) and both would be cited by designers of the first Chicago Police Department in 1854 (Chapter 4).

Conclusion

The above chapter demonstrated the utility of Du Boisian theory and my labor genealogy method to rethink the role of colonial policing in the constitution of race, law, property, and power. I found colonial policing organized creative communicative and material force that altered outcomes at critical historical junctures in the struggles among Indigenous peoples, British governors and elite landowners, and lower order Anglo and African settlers. I arrive at

these findings by route of Du Bois's (1904; 1935; 1940) analytic focus on power formation through creative and communicative material actions, especially through a concept I refer to as *labor performance*. Du Bois (1935) described the ideological and material labors that transformed the Southern slave economy into "a new industrial imperialism" (p. 630) by 1876: a system of capitalist hegemony in which enforced representations of racial difference directed and authorized White labor to disenfranchise Black voters and exploit Black labor. Expanding Du Bois vantage, this chapter applied his ideas to the prior creative communicative material actions of violent 'law enforcement' by which frontier settlers (between 1676 and 1776) racially transformed the Royal tributary system of Indigenous subjugation into an independent nationalist system of Indigenous removal – acquiring the literal territorial grounds on which chattel slavery would flourish. Affecting that transformation, settler policing provided means of economic and political struggle that gained force through creation of racial difference as a basis of authority over land, law, and markets to ultimately cohere state sovereignty. My account showed the necessity of settler police labors in the entwined production of racial capitalism, white nationalism, and whiteness as dominion. I showed that White dominion consisted not merely in the desire for Indian lands or the experiential *perspective* of entitlement to land, markets, and the state – as Bruyneel (2021) and Myers (2019) rightfully argue – but also in the performance of those desires and perspective through violent labors enforcing White entitlement as 'legal right.'

The chapter began the larger dissertation's genealogy of labor performance by comparing police labor performance in Bacon's Rebellion in 1676 and the settler uprisings of the Paxton and Black Boys, 1763-1776. I uncovered characteristic functions of *settler policing* and *colonial government policing* in the articulation of racial division, the signification of law and authority, and the organization of Whiteness as criteria of colonial belonging. The chapter located settler

policing as an innovation on necessary labors of colonial territorial, market, legal, and state production that attracted political agency from below to performances of White settlerness. I showed how settler policing characteristically imposed, associated, and referenced racial and geographic boundaries to perform that White settler colonial figure as sovereign.

In the case of Bacon's Rebellion I find a moment of emergence of settler policing. Baconite militia policing of Indians seized the established means of enforcing colonial territorial order to violently perform belonging on the land as exclusive property of a new *proto-White* settler subject. Self-organized militia violence claimed Indian presence on the land as a jurisdiction of settler police authority and settler mobbing sought to extend that jurisdiction over elites and government officials. As a two-part labor performance, settler militia policing imposed and ordered racial spatial boundaries that settler mob policing then used as legitimizing basis to assert a new system of rule under the sovereignty of the nascent racialized *proto-White* settler subject.

Colonial government policing emerged as a complementary and competing form to harness settler policing to elite economic and remote imperial strategies. While colonial government policing also included labors of arrest and suppression of the Baconite uprising, I argue it also characteristically sought to constrain settler police labors to strategic violence against particular tribes. Under British and elite strategy, colonial government policing enforced a tributary system of Indian subjugation that distinguished *tributary* from *foreign Indians*. The system asserted by the Baconites aimed at immediate and complete containment of Indian colonial presence in slavery. Following the uprising, colonial government policing further directed settler policing against fellow lower order African colonists. Through introduction of lifetime indentured slave laws following the Baconite uprising (Allen, 2010), colonial

government policing used juridical processes to direct settler policing to labors of slave patrol that compelled lower order Anglo settlers to perform difference from their African counterparts – acts which shifted representation of settler colonial belonging from the proto to the more fully ‘White’ subject. Despite the subsequent widespread imitation of the acts of the rebellion (Rice, 2014), settler policing remained limited by the power of Royal troops and officials and elite landowners.

As I showed, it was not until the 1760s that settler policing, as adapted by groups like the Paxton Boys, Black Boys, and others attracted a historic bloc of racially identified ‘White’ frontier settlers to the revolutionary displacement of British sovereignty and its protections for Indian trade, personhood, and lands. The Paxton and Black Boys’ adaptations shifted the historic aim of settler policing from containment of Indians in slavery to their complete removal from colonial space – a necessary development enabling Black chattel slavery to expand. Documents such as the Pennsylvania and Kentucky constitutions, both drafted in part by Black Boys leader James Smith (Spero, 2018), institutionalized settler policing as means of state founding and accountability. Those documents also institutionalized the sovereignty of the White settler subject through racialized anti-Indian as well as anti-Black orders of law and land control *already enforced* by frontier settler police like the Paxtonites and Black Boys. Frontier control over government in Pennsylvania and Kentucky thereafter directed state support for settler violence to fulfill aims of Indian land acquisition through warfare and coercive land deals. The new organization of White settler domination over land, markets, law, and the state depended on the racially differentiating labors of militia/mobs and those labors depended on successful attraction of frontier settler agency. Settler policing in the 1760s-70s movements, I argued,

constituted creative means of political struggle, initially for state reforms but then for domination of the state itself.

However, as institutionalized in the Pennsylvania constitutional system, that domination was not assumed to be permanent. Instead, that system functioned by “permanent revolution,” to use Gramsci's (2000, p. 204) terms, between settler policing and colonial government policing. Revolutionary constitutions of Pennsylvania and Kentucky gave settler policing new institutional importance as official labor of state founding but also official right and obligation of White colonial manhood. As Indigenous people to the west demonstrated their own violent capacities to impose territorial boundaries against White settler advance and the new US Army, US state planners reverted to British policies of strategic alliances with Indigenous tribes (Richter, 2009). The state constitutional power of settler policing stood as ready means to contest nascent federal colonial government command and re-shape colonization of the Great Lakes region into the war of 1812, as I argue in the next chapter. These findings implicate new definitions of colonial policing, as I explain next.

New definitions of policing.

This chapter urged an expanded definition of colonial policing, first as a material practice of political struggle through the violent enforcement of land, market, and legal boundaries. Second, colonial policing also constituted a culturally significant performance of racial difference and political authority. I showed that settler policing needs to be recognized as a creative force of racial differentiation that also structured racial boundaries into state legal systems of property and political rights. The aim of colonial government policing to harness settler policing's capacities to communicate meanings about race, land, process, authority and belonging reveal the constitutive entwinement of racialization not only with structuration but

also with class. Policing was thus a labor of class conflict that acquired social force, in part, by its capacities to communicate racial difference and structure that difference into systems of land use and control. By identifying policing's defining participation in formation of race, state, and the idea of property, the chapter supports Du Bois's notion of White entitlement as a taken for granted horizon of perception. Settler policing constituted a creative force organic to that racialized cultural horizon and its structural enshrinement in legal, economic, and state practices. Settler policing, I showed, performed and enforced Whiteness as dominion as it violently signified Indian lands and bodies and colonial labor and trade processes as jurisdictions under White control. However, rather than finding chattel slavery as the sole site of emergence of this kind of whiteness, as Du Bois suggests (Myers, 2019), the chapter locates additional moments of such emergence, prior to and alongside chattel slavery, in the processes of Indigenous dispossession and elimination.

CHAPTER 4

Policing the Bounds of the Empire: Infrastructure, Race-Making, and Law-Making in the Colonization of the Northwest Territory

Introduction

This chapter continues the genealogical analysis of police labor performance begun in Chapter 3. Below I analyze the adaptation of police labor performances in the colonization of the region Indigenous people variously called *the country*, *Indian Country*, or *the pays d'en haut* – the area around Illinois where the city of Chicago would later emerge and which US policymakers called the Northwest Territory. The prior chapter identified two characteristic forms of colonial policing from the late 1600s to the Revolutionary War. As I showed, *settler policing* emerged as a labor performance lower order settlers used to organize local control over land, markets, law, and the state. Landed elites as well as Royal, then federal, officials collectively used *colonial government policing* to maintain their rule by strategically constraining settler police forces. I described the entwined relations of these two forms of policing and their necessity to struggles that transformed North American racial, economic, and political order. This chapter shows ways policing adapted prior colonial practices of rule in colonial struggles over the Northwest Territory that established fundamental conditions that enabled the rise of the city of Chicago over the following decades.

This chapter shows ways that, between 1795-1815 in what is now the US midwest, policing acquired new political importance. Policing by federal officials and Indian signatories acquired significance as labor means to enforce the new representation of Indigenous citizenship defined in the Greenville Treaty. Policing would also newly function to facilitate the distribution

of annuities and trade goods to Indian signatories and the demarcation of ceded land into saleable parcels, as defined in the treaty. Finally, police labors took on new significance as means to produce the hegemonic infrastructure that was the US fort network. The new political significance of policing rested on its century old characteristic capacities of enforcing boundaries across lands and markets but also on ideological representations of racial and political belonging. In the colonization of the Northwest Territory, federal officials, Indigenous signatories and their Métis allies, as well as settlers used policing for the same purpose as did settler insurrectionaries of the 1670s and 1770s, that is, to assert systems of rule. How did policing confer these antagonists such remarkable capacities?

Using a framework that theorizes power through Du Bois, and organizes inquiry through a labor performance genealogy method (Chapter 2), this chapter focuses on how competing groups used policing to organize structural and cultural force to different projects of sovereignty during colonization of the Great Lakes region by 1815. Police actions not only intervened into material conditions through acts of production and violence but simultaneously communicated and enforced particular representations of racial political order and identity. Policing thereby constituted an important labor not only to structure racial order into emerging infrastructures but to contest and shape those orders and systems. Chapter 3 found police communication of race through violence conferred means to groups from below to assert their authority over law and ultimately over the state. This chapter looks at how policing acquired new utility as means to structure racial representations and racial order into emerging modern systems of government, law, and markets.

Historical and postcolonial studies regularly make sense of the organization of federal sovereignty over the area that would become Illinois, Indiana, Michigan, Wisconsin, and Ohio

by focusing on the contentious, shifting, but ultimately allied relations of settler militia and the US Army and other federal agents (e.g. Silver 2008; Spero, 2018; Keating, 2012). Those forces struggled against the longstanding counter-alliance of pan-Indian and British forces (Stevens, 1904; White, 1991; Davis, 1998; Taylor, 2010). Largely unexplored in those studies is how federal agents, self-organized settlers, Indian groups, as well as Métis (mixed identity) persons shaped those struggles through various performances of *law enforcement*. Federal agents enforced criminal punishment for murder, kidnapping, theft, and land encroachment but also mediated local persons with remote federal government. Enforcement of treaty law obligations drew Indian signatories and federal agents into production and operation of the US fort network as an infrastructure for communication, trade, and enforcement of treaty law. Settlers too enforced laws as they asserted legal claims to land, property, and citizenship rights – including violent ‘retribution’ against Indians. Such enforcement actions by settlers imposed limits to federal capacity to enforce treaty and other laws. Even this cursory view of actions suggests overlooked ways early US colonial policing involved communicative performances of racial and political subjectivity and material labors productive of colonial systems of trade, communication, law, and government.

Yet the racial, structural, and political implications raised by understanding policing as a foundational force of US colonization of the Northwest Territory fall outside of consideration of most histories and postcolonial studies. Important studies of the racial functions of militia, US Army, and fort processes include Slotkin’s (1998) exhaustive review of the enduring frontier myth undergirding US racial order, Murolo’s (2011) analysis of the emergence of the *thin blue line* police ideology, and Nichols’s (2014) study of US treaty processes. All these excellent critical works begin their analyses after the colonial processes of state founding in the Chicago

area which I study in this chapter. Specific to communication studies, colonial policing remains a rich topic that the field has largely, if not entirely, ignored. My search of leading journals (*Journal of Communication*, *International Journal of Communication*, and *Communication Culture & Critique*) resulted in zero studies of US colonization in this period, let alone on the role of policing at the time.

The chapter addresses these gaps in scholarship by inquiring into the role of policing in the production of racial and legal orders and technical-bureaucratic systems fundamental to colonization of the Northwest Territory that also modelled techniques for later US westward expansion to the Pacific Ocean. Policing somewhat uniquely backs those claims with lethal force (Siegel, 2018) that compels affirmative performances from others. I show how federal and Indigenous performances of treaty law policing – such as enforcement of protections for Indian lands, persons, and their economic welfare – temporarily sustained representations of a racial paternalist mode of Indigenous belonging in the new Republic. At the same time, those labors of treaty law enforcement also productively expanded the US fort network into Indian Country. I also show how settler policing – self-authorized militia enforcement of claims on land, property, and law through encroachment and violence – advanced notions of political belonging and legal order that rejected treaty law. I trace this competition of police forces from the treaty of Greenville in 1795 through the pan-Indian uprisings of 1812 to the subsequent removal of Indian people from the Chicago area in 1815.

Map of the chapter

The chapter first provides background on the array of forces that racially, spatially, economically, and politically conditioned US strategy for westward colonization at the moment of formal British defeat and ceding of the Northwest Territory that came with the Treaty of Paris

in 1783. I explain how US federal officials found themselves caught between victorious self-authorizing land-seeking White settler citizens of the new nation and powerful pan-Indian military and trade alliances that controlled those western lands. To address that bind, US officials envisioned an expanded fort network as a legal, military, and communicative system to imbue new meanings and enforce new relations on the lands and peoples of the Northwest Territory. Finally, I provide background on how the US fort system fit into federal strategies and how Indigenous perceptions of that infrastructure affected their choice to negotiate in the Treaty of Greenville.

The first section of analysis then focuses on the fateful Greenville Treaty of 1795 and the ways performance of treaty obligations tasked federal officials, Indigenous groups and their Métis allies with police labors that transformed communicative and infrastructural conditions across Indian Country. I identify the labors demanded by that treaty, the notions of political and racial personhood those labors performed, and the how those labors helped produce and operate the expanded US fort network. I show the treaty accorded Indigenous treaty signatories with a racial paternalist recognition of political personhood and belonging in the emerging US national system. Treaty law defined a set of legal rights, protections, and obligations for both Indian and federal signatories that, I show, came to stand as ‘performatives of the peace.’ I find the fort infrastructure constituted a necessary common stage for the performance of those rights, protections, and obligations before the multiple audiences of local Indians, settlers, federal fort operators and their hired traders, as well as remote officials and newspapers.

I then analyze how the fort network also functioned as an infrastructure for flows of trade, delivery of treaty annuities, postal correspondence, governmental reports, and deployment of federal law enforcement. Looking closer, I show the fort network constituted a media system:

an apparatus for the production and transmission of official reports, for surveillance, and for the representation of geographic, racial, economic, and political boundaries. These communicative capacities, I explain, enabled the fort network to become a historically important police infrastructure for the enforcement of those boundaries and, ultimately, the enclosure of Indian agency under federal sovereignty. That apparatus, I show, systematized police labors necessary to impose geographic, economic, and racial-political boundaries. I describe the material and discursive functions of the fort system and how it accrued power by attracting competing agents to direct system development to their own political, criminal, and even subversive projects.

I find that production and operation of the fort system cultivated exchange relations that attracted and coordinated local agents of production and violence with remote federal bureaucrats. The allure for local Indigenous, Métis, and White signatories and traders to participate in fort policing processes included increased access to federal revenue and the means it could provide to influence remote command. Performance of local policing provided means to direct enforcement of treaty law toward particular historic aims and to influence remote policy making toward those aims. Fort network facilitation of these exchange relations – local labor for access to fort system capacities – created a jurisdiction for police management of colonial trade and market development. I show that these professional managerial processes, which regulated trans-regional real estate and market development and adjudicated legal disputes, also introduced aspects of modern policing into Indian Country.

I next turn to ways that fort system facilitated exchange relations attracted agents seeking to wield its capacities of policing and how their labor performances shifted material and discursive conditions, especially regarding race and law. Indigenous groups turned to fort policing agents to enforce treaty protections on land, life, and trade. A particular form of racially

different federal law enforcement resulted. High level officers, especially Territorial Gov. William Henry Harrison in coordination with remote bureaucrats and elected officials, violated treaty land protections and dispossessed Indians of hundreds of thousands of acres of land. Federal fort enforcement of treaty laws on trade succeeded in indebting Indian signatories to the federal government. Settler juries additionally rejected federal prosecution of whites for the murder of Indians, thereby upholding local settler-policing authority in defiance of treaty guarantees. Settlers yet turned to the fort system to police acts of violence and theft by Indians against Whites. The section opens a view on how production and operation of the fort infrastructure acquired hegemonic importance as it attracted the agency of Indigenous as well as local federal fort personnel and their remote managers all of whom, at times, sought accomplishment of competing political aims.

The final section then analyzes policing's necessary role in driving and managing the governance crisis that resulted from the massive in-flow of settlers after the 1809 Fort Wayne Treaty. Settler police practices violated treaty and other law as they boldly asserted legal claims to land as property and the right to kill Indians. Some Indians responded with violence, such as the struggles led by Main Poc (Potowatomie) and Tecumseh (Shawnee) that enforced land boundaries against settlers and against the 1809 treaty. To manage the crisis resulting from racially different federal and settler policing, local federal officials across the territories coordinated new racially different police practices. Indians, settlers and federal agents, increasingly scrutinized each other's police performances for shifts in 'the performatives of peace,' that is, indications of contrary military intentions and political alliance. Policing, I show, functioned as a way to determine whether federal treaty law or settler law was becoming

dominant – and thereby whether the treaty defined representation of Indigenous political belonging would stand or fall.

I reveal the centrality of police labor performances driving these racial political processes in my analysis of murder investigations managed through the fort system in which federal police responded to the growing governance crises driven by settler police practices. Intensification of racially different federal law enforcement accommodated settler rage but communicated new limits on Indian political belonging in the emerging US legal, racial, and national order. Federal-settler coordination in acts of strategic repression of Indian ‘criminals’ provoked the largest pan-Indian uprising in the history of North American colonization, that led by Tecumseh and Tenskwatawa (aka The Prophet) (Shawnee) in 1812 (Cozzens, 2020). Federal and settler police forces then united in labors of violence against Indians writ large – a change from established federal policy and its mode of racial paternalist White supremacy. I show how those genocidal federal-settler police labors performed Whiteness as the criteria of landed and legal belonging in the new colonial order. The shift was a victory for settler policing, whose decades long aim of Indian removal became enforced not just in local but national policy. Through its successful provision of local labors of violence against Indigenous people, I will show, settler militia won a new institutional role in US westward expansion, namely as means to coordinate local agents of violence with federal strategists. These new institutional relations, which endured through colonization to the Pacific, marked the rise of a new political function of policing, that is, as a social technology to coordinate local agents of violence with remote command. As I show, the function worked by transacting the exchange of labors of violence for influence over policy, in this case Indian policy.

Background: The array of military and ideological forces leading to the Greenville Treaty

With victory over the Crown in 1783, settler policing labor performances constituted means to attract and coordinate the new dominance of the (century old) movement of White frontier settlers with elite landowners and state officials of the independent nation. The events surrounding the overthrow of British rule demonstrated settler policing as means to organize local popular sovereignty through violent communication of racial, geographic, and market boundaries, as Chapter 3 showed. As I showed, settler policing constituted a communicative force necessary to forge unity and command order around a White identity. Settler policing also constituted a material force of labor to displace Indigenous neighbors and induct their lands and resources into colonial territory and markets. Settler policing thus constituted a fundamental force of both the White nation project (Omi & Winant 1993) and racial capitalism (Robinson, 2000; Gilmore 2007). Paradoxically, while settler policing was necessary for the establishment of the new US federal government, settler police agents also stood as a decentralized force ready and able to condition the policies and practices of its new elected officials (Selsam, 1936 [2016]).

Elite landowners turned state officials, like George Washington and Thomas Jefferson, shared the desires of frontier settlers for Indian lands and were keenly aware of the dangers of leaving unfulfilled the widespread aspirations for those western lands (Wallace 2009; Hogeland, 2017). After the Treaty of Paris in 1783, which formally ended British-US warfare, many in the US political class understandably saw colonial expansion as a survival imperative for the new nation. However, the near west formally claimed by the US as the Northwest Territory – including present day Ohio, Michigan, Indiana, Illinois, Wisconsin and parts of Minnesota (Figure 4) – lay within the geographic area of the *pays d'en haut* (White, 1991). As had been the case for some two hundred years, pan-Indian military and trade alliances with mixed identity

European-Indian traders, known as Métis people (Peterson, 1982), continued to exercise hegemony over that region (White 1991; DuVal, 2006). The initial solution pursued by US policy managers to compel treaty signings was force.

Figure 4. Map of the Northwest Territory, 1787.



Note: Indiana Historical Bureau, (The Indiana Historian, March 1999, p. 7).

Looking closely at that federal strategy of force reveals the initial ideological significance of the fort system for federal bureaucrats and policymakers. Forts represented military-managerial means to compel Indian groups to give up their land – or else. John Dickinson, US Constitutional signatory and top ranked state official in Pennsylvania, prescribed to Congress the

bind he and other strategists sought to impose on Indian people, in this case the Western Confederacy of the Iroquois. As he wrote, Congress should announce to all western tribes that

Peace has been made with Great Britain . . . the back country with all the forts is thereby ceded to us; [Indian people] must now depend upon us for their preservation and unless they immediately cease from their outrages we will instantly turn upon them our armies . . . and extirpate them from the land where they were born and now live . . . (Dickenson to Congress, 4/26/1783)⁴⁷

The passage expands the view on the fort system's meaning in the perspectives of US officials and Indigenous groups. In Dickinson's use, forts represented not only a military structure to carry out attacks on Indians but a basis *to communicate* US capacities of genocidal violence to Indians. Between 1784-86, US federal officials used forts to launch attacks on Ohio area Indians and force treaty signings. The figure of US forts on the face of Indian Country signified, to many Indian groups, their allies, and outside observers, that potential shift in the relationship between the land and its residents (Owens, 2015). The presence of the forts encroached on notions of Indians as sovereign people, bolstered legitimacy to US claims formalized through treaties with Britain, and posed the specter of genocide (Taylor, 2010).

In response, Indigenous people would soon communicate the limits of fort facilitated US Army violence to compel treaty signings and cessions of lands. Starting in 1790, a new line of US forts along the Ohio river served as bases to attack a series of Indian towns. A pan-Indian force of warriors led by Miami Chief Little Turtle and his Métis ally William Wells responded by delivering a series of historic defeats to Kentucky militia and US Army forces under Gen. St. Clair, killing some 600 federal soldiers (Keating, 2012; Heath, 2015). In the wake of those

⁴⁷ Pennsylvania Archives, (1874). 1st Series, Philadelphia: J. Severns & Co., p. 45.

losses, US policymakers and frontier federal agents entered into new negotiations with Indian groups – while continuing to expand the fort network.

Paradoxically, Little Turtle and Wells (leaders of those victorious pan-Indian forces) would take up prominent roles in the US fort network including helping to authorize and produce Fort Dearborn on the banks of Lake Michigan where the City of Chicago would later emerge. Wells and Little Turtle embodied the complex alliances and identities of the *pays d'en haut* which US forts, settlers, and Indigenous groups – as the chapter discusses – used the fort system to respectively to assimilate, eliminate, or preserve (Keating, 2013, pp. 34-39). Scholars of the *pays d'en haut* emphasize the porosity of its geographic borders as well as the “essentially nonexistent” (Gaff, 2006, p. 143) boundaries between ethnic groups.⁴⁸ Prior to the interventions of the US federal government and settlers, Europeans and Indians travelled through the *pays d'en haut* and made complex trade, social, sexual, familial, habitational, and military combinations (White, 1991⁴⁹). Wells and Little Turtle embodied such intermixing identity and interest. Son of a veteran of the Independence War and the Battle of Bunker Hill, Wells was a child settler abducted by Miami Indians who raised him as one of their own. Wells eventually married Little Turtle’s daughter with whom he fathered at least one child.

In late 1791, Wells and provided his labor and knowledge to US federal commanders (Heath 2015) in exchange for his captured Miami wife and child. Close engagement with federal officials gave Wells and Little Turtle a new view on the *interior* operations of the Army, the fort system, and distant federal managers (Keating, 2012). This experience altered the image of US

⁴⁸ “[I]f such ethnic boundaries did indeed exist, they often were of such porosity as to be essentially nonexistent, especially at the level of individuals rather than communities or tribes” (Gaff, 2006, p. 143).

⁴⁹ In the 1500s, “Europeans and Indians met and regarded each other as alien, as other, as virtually nonhuman . . . over the next two centuries, they constructed a common, mutually comprehensible world in the region around the Great Lakes the French called the *pays d'en haut*. . . . in this world the older worlds of the Algonquians and of various Europeans overlapped, and their mixture created new systems of meaning and of exchange” (White, 1991; pp. xxv – xxvi)

military force in the minds of the Miami leader and his mixed-identity ally. They now regarded federal capacities of violence as beyond the ability of then existing pan-Indian forces to defeat. Their transformation of perspective introduces an understanding of the federal fort system – which facilitated Army processes – as a communication media, an understanding which the chapter develops. The chapter will elaborate how the fort system’s network of roads combined with its labors of reporting, correspondence, and surveillance enabled new local and remote views on acts, groups, and forces; views that folded interior and exterior perspectives, and selectively illuminated and occluded emerging realities according to political and other interests. The new perspective Wells and Little Turtle acquired from participation in such federal Army processes, to cite one important example, resulted in their advocating a shift in Indian strategy towards the US and the fort system.

Indigenous desires for alternatives to direct war, and US imperatives to escape a similar military stalemate to that fatal to British authority, found common ground after the surprise defeat of pan-Indian forces led by Weyapiersenwah, aka Blue Jacket (Shawnee), to Kentucky militia and the US Army at the 1794 battle of Fallen Timbers – a fight Wells and Little Turtle advised against (Heath, 2015). Afterwards, they encouraged Indian leaders to participate in new negotiations that resulted in the *Treaty of Greenville* in 1795. Historian Daniel Richter argues, Greenville represents an adaptation of British strategic attempts to negotiate out of the stalemate resulting from Pontiac’s War after 1763. The “Greenville Treaty became possible because the new republic, as the old empire had done after 1763, had rediscovered the superiority of diplomacy, treaties, and ceremonial protocol to brute force” (pp. 225-6). For elite federal officials, domination remained the goal of the treaty process. The form of domination pursued by

US strategists was a racialized adaptation of paternalism ascendant among settler colonists for more than a century.

Promises of federal trade and protections conjured an alluring ideological notion of White and Indian co-existence as farmers under the fatherly protection of the federal government. Paternalism, the White masculine form of domination sustained by that ideology, sprouted from Virginia's cultural soil from the seeds of Bacon's rebellion.

Eighteenth-century planters gentrified Bacon's legacy of masculinity, incorporating it into their mimicry of the material and emotional world of the English gentry. Domestic tranquillity [sic] became the ideal of planters who dreamed of hegemonic authority over compliant wives, children, and slaves and of unquestioned political leadership over less privileged men. (Brown, 1996, p. 321)

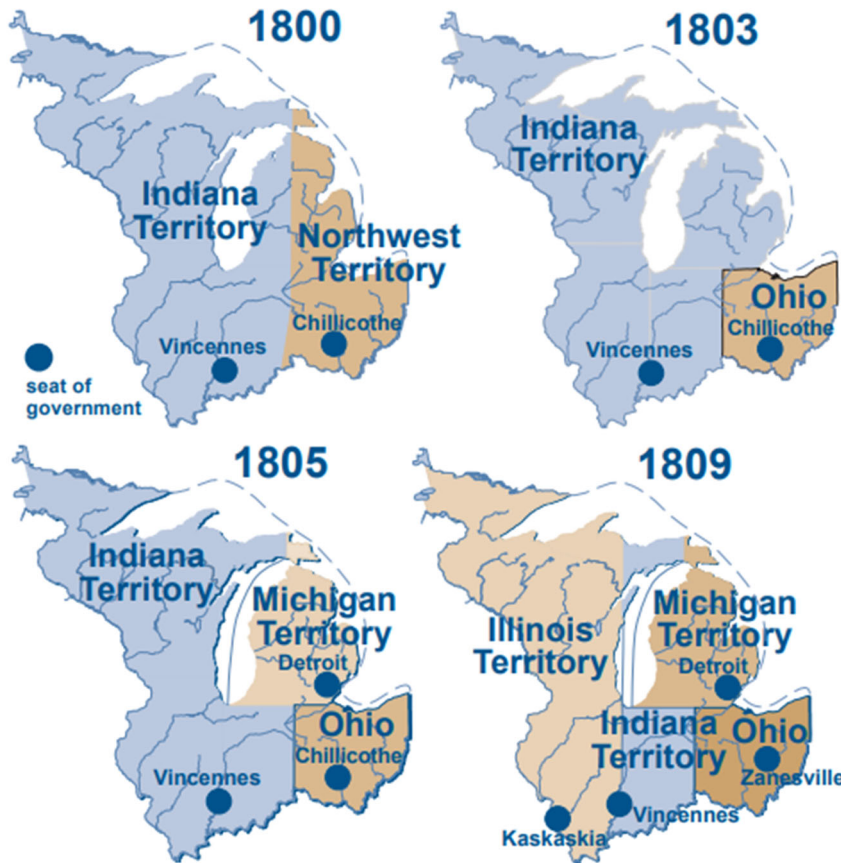
In dominant Virginia ideology of the time, workers and slaves figured as 'children' over whom wealthy landowners held a paternalistic responsibility. Virginian style paternalism involved landowners in labors of attention to the health of their workers and slaves but also to the policing of their subjects' personal, even sexual, activities. Successful performance of landowners' paternalistic role produced stability across distinctions of class, gender, and free white and Black slave labor – supposedly.⁵⁰ Through Greenville, the federal government would extend paternalism not only to pacify Indian resistance with welfare guarantees but also to fulfill a policy of *assimilation* that aimed to transform Indians into farmer citizens of the new republic.

President Washington, himself a product of Virginia's paternalistic 'tranquility,' chose a likeminded character to represent US interests at the negotiations. The principal negotiator for the US, William Henry Harrison, was son to a signatory of the *Declaration of Independence* but

⁵⁰ In my terms, Harrison grew up witness to paternalistic governance tasks that for some hundred years successfully harnessed Virginian settler policing to the hegemony of landed elites.

also, according to his cultural biographer Robert Owens (2007), “A Son of Virginia” (p. 3). Owens portrays Harrison as fruit and seed of the success and wealth produced by paternalistic exercise of land acquisition and its development with slave labor. Harrison would pursue both those ends in his ensuing position as Territorial Governor of Indiana, a zone encompassing all of what would become Illinois (Figure 5). For a time, he would also attempt to enforce federal protections and welfare obligations for Indian signatories, as defined in Greenville. The treaty thus put federal officials in the same position that provoked settler uprisings against their British counterparts after 1763: US federal officials, operating through an expanding fort system, would enforce law on Indigenous signatories as well as on White Virginia descended settlers ready assert their own law over frontier zones and the state.

Figure 5. Map of Indiana Territory and its sub-division by year



Note: The Indiana Historian (March 1999, p. 9).

In addition, the British had of course not fully left the stage. They remained the ruling power in Canada and continued to trade with Indigenous groups, including providing weapons to Indigenous groups maintaining control of the pays d'en haut. These Indian-Métis trading and military networks connected to British forts and fed the British dominated trans-Atlantic fur trade that connected to powerful mercantile allies in Ontario and London (Cronon, 1991). US federal officials sought to intervene into those trade and military alliances, above all breaking Indian-British relations (Taylor, 2010) but without provoking a northern and southern pan-Indian alliance fatal to US imperial plans. The Greenville treaty, and the expanded fort system it

authorized, constituted means to these ends but required the attraction of Indigenous signatories and participants who sought to use the system for their own ends.

At the time of the Greenville Treaty, a multipart array of federal, Indigenous, and settler forces contended over legal rights to the lands east of the Mississippi. Holding the north, the British fed trans-Atlantic economic and political interests, along with weapons, into the mix. As the chapter will show, those struggles proceeded by contending representations of political right and personhood grounded in notions of racial difference. Greenville intervened in those struggles by co-creating common definitions of the rights to and limits on land ownership and political belonging. The treaty also created specific obligations for Indian signatories, federal officials, and settlers to perform those rights and obligations. Obligations involved labors of expansion and operation of the US fort network, which would then adjudicate conflicts over rights. Competitive performance of those labors imbued political agency and hegemonic importance into the US fort network as an apparatus for inscribing geographic and legal boundaries but also for communicating the bounds of racial and political belonging. As part of the expanded fort network, the treaty also authorized construction of Fort Dearborn at Chicago. That fort would be the network node most deeply within Indian Country and a key site for settlers, federal officials, and Indians to judge, and respond to, each other's law enforcement performances.

Analysis of Policing in the US Colonization of Indian Country around the Great Lakes of North America

The labor performances and infrastructural product of the Greenville Treaty: Policing on the stage of the US fort system.

This chapter explores the otherwise obscured formative role of policing in the racial, legal, and infrastructural organization of US colonial hegemony. I begin with description of Greenville's laws and the enforcement practices they required. The 1795 Greenville Treaty

defined legal terms and practices for ‘peace’ among Indian signatory groups, federal officials, and US settlers. But these groups regarded the treaty as means to different aims. Indian signatories to Greenville hoped to use the peace agreement to protect their lives and preserve their lands (Keating, 2012; Ostler, 2015; Saler, 2015). Remote federal policymakers saw the treaty and the fort system it authorized as means to manage the inevitable conflicts of US westward colonization, notably through the racial-political program of assimilation (Wallace 1999). To Presidents like Washington, Jefferson, and Madison, but also federal officials like William Henry Harrison, Greenville offered means to expand the paternalistic social order such as these men grew up in and presided over in their home states of Virginia and Maryland (Dumond, 1960; Owens, 2007). Harrison would soon be appointed to the *federal* post of Territorial Governor of Indiana⁵¹ which then also encompassed Illinois. Fort and treaty processes also provided means Harrison, and later Illinois Territorial Governor Ninian Edwards, would employ to acquire Indian lands, convert land into speculation commodities, pursue slave economies, and gain wealth and political position in the process.⁵²

This section explores how the fort system accrued political importance by the attraction of the competing agency of Indigenous signatories and US territorial officials as well as soldiers and traders. As I argue, the cumulative labors of those agents produced the fort network as an infrastructure to enforce the processes, obligations, and rights of treaty law. Enforcement

⁵¹ The position of Territorial Governor was not the prestigious office one may suppose. Indiana, and especially, Illinois were sparsely populated and far from emerging national centers of elite power. There was little competition for such positions and in 1806 federal officials actually forgot to appoint anyone to the Governorship of Illinois Territory. Ninian Edwards continued in that position without formal approval or pay for some time, during which he additionally personally paid militia for services (Ferguson, 2012). In contrast, Wells as Indian Agent was the highest paid federal official in Northwest Territory and perhaps in a more visible role to federal policymakers.

⁵² Settlers would upend those plans by performance of their own policing acts that rejected Greenville and compelled a shift in the operation of the fort system and the federal police processes it enabled, as I will explain. To understand the mediating role of the US fort network in the coordination of this shift in federal policy – from assimilationist white supremacy to white nationalist white supremacy – discussion must begin with a close description of the fort network as an infrastructure enabling particular social-material processes.

processes required the network to function as a media system and political stage but also as an apparatus to communicate geographic, racial, economic, and political boundaries. Enforcement of those boundaries, through a variety of police labor performances, transformed the social representations of Indian people and their lands.

That transformation of meaning began with the signing of Greenville as the basis of ‘peace’ and the law of the land (Owens, 2003). With Wells acting as interpreter, Little Turtle, Blue Jacket, Little Chief and other Indian leaders signed the Greenville Treaty (Keating, 2012) at Fort Greenville in what is now the state of Ohio. Tribal signatories to Greenville include “Wyandots, Delawares, Shawanees, Ottawas, Chippewas, Pattawatimas [sic], Miamis, Eel Rivers, Weas, Kickapoos, Piankeshaws, and Kaskaskias” (Greenville, 1795).⁵³ Leaders of these groups signed the agreement surrounded by armed settler militia forces from Kentucky led by General Anthony Wayne and including then lieutenant Harrison (Owens, 2007; Ostler, 2015). Despite the coercive presence of the Army and militia at the signing, many Indian signatories saw the treaty as useful means to shape emerging legal definitions of the land and its ownership.

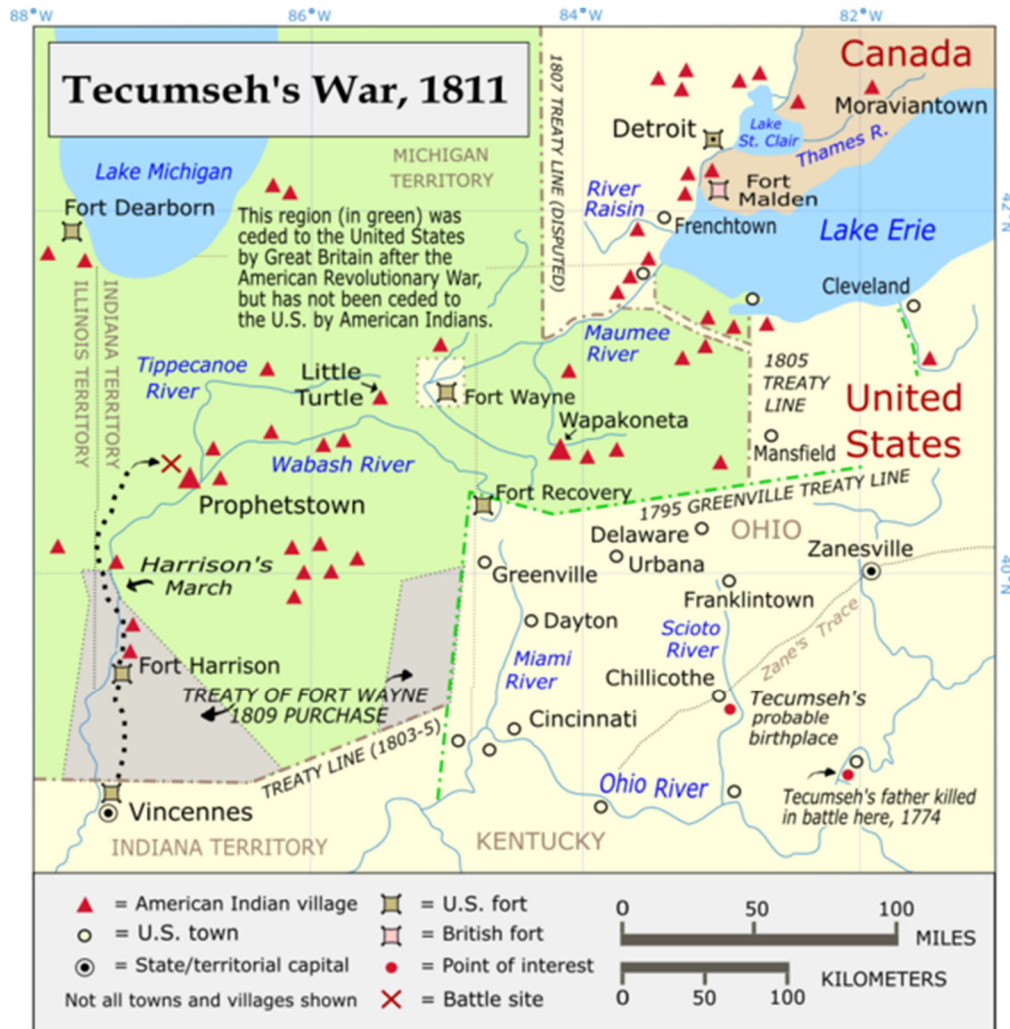
Greenville established a boundary, commonly referred to as the *Greenville line*, dividing lands acquired for settlers and lands retained by Indians (Figure 6). The treaty ceded some 5 million acres of Indian land comprising most of Ohio and parts of Indiana but also promised to “relinquish all [US] claims to other Indian land”⁵⁴ (Greenville treaty, 1795) specifically including those west and south of Lake Michigan, except for the six mile zone where Fort Dearborn would be located. While Greenville “confirmed squatters’ rights, Indians retained the

⁵³ Greenville Treaty, 1795, https://avalon.law.yale.edu/18th_century/greenvil.asp

⁵⁴ “In consideration of the peace now established, and of the cessions and relinquishments of lands made in the preceding article by the said tribes of Indians, and to manifest the liberality of the United States, as the great means of rendering this peace strong and perpetual, the United States relinquish their claims to all other Indian lands northward of the river Ohio, eastward of the Mississippi, and westward and southward of the Great Lakes and the waters” (Greenville Treaty, 1795, https://avalon.law.yale.edu/18th_century/greenvil.asp)

remainder of Illinois” (Davis, 1998, p. 103). Though Greenville provided some rights to white squatters, the treaty’s promised land protections for Indians contradicted parts of the earlier Northwest Ordinance of 1787 that also articulated federal legal claims and aspirations to colonize the entire Northwest Territory. The contradictory statements on future claims to land created opportunities for Indian groups to press for the promises of Greenville over the threats of the Northwest Ordinance. I am not suggesting there was unified Indigenous support for Greenville. Many Indian groups contested the legitimacy of treaty from the start and later called it “pen and ink witchcraft” (Mann, 2004, p. 135).

Figure 6. Map of land-property boundaries required for enforcement by treaties 1795-1805, with the Greenville Line dividing Indian from White settler territory in 1795.



As published in Myers (2020).

My argument instead is that the treaty established *terms and practices* that many Indian groups and leaders committed to in hope of the treaty's sincerity and establishing an enduring peace. Evidence suggests that the Indian signatories sought such peaceful accommodations with the Americans. Blue Jacket, the leader of the lost battle of Fallen Timbers, signed the treaty only after "obtaining a promise that [Gen. Wayne's] peacemaking was sincere" (Ostler, 2015, p.

615).⁵⁵ From that perspective, performance of signing can be understood as an effort to make the treaty sincere, that is to make its promises *real*. As a consequence of the signing, performance of treaty roles and obligations constituted a basis to socially assess the commitment of signatories and their affiliated groups – a crucial communicative practice that the chapter finds recurrent in the period to 1812. In other words, I argue performance of treaty roles became a social focus to judge the sincerity of commitment to Greenville and thus to ‘peace.’ The fort network provided necessary sites to perform treaty roles and to judge the sincerity of those acts.

Forts as material infrastructure for the performance of treaty law.

The US federal fort system constituted the central infrastructure to coordinate the performances of Indian signatory groups, federal agents and soldiers, and area settlers. As a transregional network for performance of Greenville rights and obligations, and for the production and transmission of official reports surveilling and assessing those performances, the fort system constituted a basis for participating groups to make social judgments on each other’s treaty performances. As a media system, the fort network offered means to communicate and coordinate with distant agents. As a political stage, the network offered multiple vantages on the actors performing the terms and practices of Greenville and on the larger acts producing the new colonial order. The utility of the fort network as media system and political stage stood among many features that attracted the participation of remote and local laboring agents. Production and operation of the fort network *required* attraction of such laboring agents. Perhaps above all other alluring features, the fort network offered systematic means to police boundaries on land, property, and racial-political personhood. Capacity to impose those boundaries was fundamental

⁵⁵ “Given that the British had betrayed Indians [at Fallen Timbers], Blue Jacket and other leaders hoped that they could curb the Black Snake’s [Gen. Wayne’s] destructive tendencies by agreeing to cede substantial portions of their lands and entering into a formal treaty relationship with the Americans, as they did in signing the Treaty of Greenville in 1795” (Ostler, 2015, p. 615).

to the competing historic aims of Indian signatories, Métis allies, remote elite federal managers and their aspirational frontier counterparts.

From the perspective of Indian leaders, boundary policing capacities of the fort network offered means to protect Indian land from White encroachment. Keating (2012) argues the need to inscribe those boundaries was a basic incentive for Indian leaders to sign Greenville. “These warriors hoped that settling a boundary line with the United States would resolve relations with Americans into the future” (p. 40). This hope was supported by the explicit treaty promises to protect Indians from settler encroachment: “the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same” (Greenville Treaty, 1795). For a time, Harrison seems to have actively supported such boundary enforcement, for example by issuing a Decree (5/9/1801⁵⁶) “Forbidding Settling, Hunting, and Surveying On Indian Lands.” Such boundaries and protections required systematic labors of enforcement that the fort system facilitated. That Indian groups regarded the fort system as means to restrain White settler advance shows its recognized importance, at the time of Greenville, as an apparatus to inscribe and enforce borders defending Indian land, bodies, and cultural practices *from whites*.

US federal officials too saw the fort system as systematic means to impose (and manage) geographic as well as racial and cultural borders. Fort system capacities to draw boundaries were crucial both to divide Indian land into saleable parcels but also to organize Indian physical and *cultural* containment necessary to manage the federal policy of assimilation.⁵⁷ Historian and critical theorist Robert Nichols (2014) argues that through treaty and assimilation processes

⁵⁶ In Essaray, 1922, p. 24.

⁵⁷ Note the rich paradoxes and divisions: the policy sought to divide Indian bodies from Indian identities by dividing their practices from their culture to ultimately *assimilate* (consume) them into White agrarian culture and identity.

federal policymakers sought to eliminate the problem of Indian *agency* by enclosing Indian practices and identities within the horizons of the colonial imaginary.⁵⁸ Conversion of Indian hunting practices to farming would, in the minds of strategists like Washington and Jefferson, convert hunting grounds into farms and Indians into farmers. Assimilation, rather than the cost and uncertainty of violent elimination, enabled a united Indian policy among Enlightenment Republicans like Washington and Jefferson as well Federalist opponents (Marienstras, 1999; Wallace, 1999).

Federal policy of assimilation, as developed by President Washington and his Secretary of War Henry Knox, aimed at ‘civilizational’ progress by fixing Indian treaty signatories to plots of land and thereby terminating nomadic hunting practices. Washington directly negotiated with leaders of the Creek Indians to produce the Treaty of New York which “established a policy and process of assimilation called ‘civilization,’ aiming to attach tribes to permanent land settlements” (Harliss, 2019, p. 1). Washington’s Indian policy of assimilation rather than outright removal demonstrated a strikingly different kind of White supremacy than that pursued by frontier settlers such as the Paxton and Black Boys (Chapter 2) whose earlier anti-Indian/anti-government insurrections led to his presidency. Assimilation by ‘civilizing’ remained policy under the administrations of presidents Adams, Jefferson, and Madison. Their administrations presided over the colonization of the Great Lakes region through 1815, the end point of the War of 1812.

Jefferson’s administration governed a crucial period of rapid settlement expansion from 1803-1809 (Owens, 2007) which attempted to follow a

⁵⁸ “If assimilation can properly be said to be a tool of settler colonialism . . . then the state of nonfreedom that assimilation introduces is properly understood to be one of usurpation” (Nichols, 2014, p. 114)

dual policy of obtaining land ('voluntarily') and restricting the Indians to reservations administered by a Bureau of Indian Affairs, while at the same time attempting to civilize as many as possible in preparation for admission to the republican family (Wallace, 1999, p. 19).

The Civilizing Policy categorized 'civilized' Indians as those fulfilling Enlightenment ideals of the farmer citizen in contrast to those whom officials described as "in the hunter state" (Wallace, 1999, p. 19) suitable only for removal. Indian hunting performances communicated primitivity in the elite white racist imaginary of the time. However, US strategic military planners also recognized that hunting fed an economy of animal fur and skin trade that further produced pan-Indian and British military alliances (White, 1991; Nichols, 2013). The policy of 'civilization,' as organized through the fort system, needed to divide Indians from British influence, goods and weapons, and from traditional practices of hunting and war. As means to accomplish those policy priorities, the fort network would systematize longstanding police duties (Chapter 3) of drawing and enforcing land, trade, and racial-political boundaries, in this case as defined in Greenville.

Fort system's capacities to enforce *divisions* (Indian land from federal and settler land, owners of land from non-owners, Indian rights from federal and settler rights, etc.) depended on its additional capacities to produce *connections* among Indians, local and remote federal agents, and settlers. The fort system cultivated those connections as it communicated revenue (such as annuity payments for ceded lands) and trade goods (especially alcohol and arms) into Indian Country (Gernhardt, 2006) and communicated reports and agents among remote garrisons and the federal capital (Heath, 2015). Systematic and ultimately selective enforcement of boundaries and circulations of goods and annuities enabled federal officials to compel a series of 15 treaties from 1803 to the Fort Wayne Treaty of 1809 that ceded huge areas ostensibly protected by

Greenville. These creative police performances that selectively enforced annuities and other treaty laws but refused to enforce land protections facilitated the conversion of Indian land into federal property, the first step in commodification to real estate property. Two crucial new understandings of policing arise from the discussion. First, police labors, systematized through the fort infrastructure, were necessary to organize *exchange relations* of Indian lands for annuities and protections. Second, performance of those labors re-signified standing law. By that I mean, selective enforcement communicated which aspects of treaty law were to be respected, that is, made real in social practice.

The fort network expanded its communicative capacities by introduction and management of postal services in the Northwest Territory (Prucha, 1953 [1995]).⁵⁹ Forts facilitated correspondence locally as well as to distant places to the east. Postal delivery through the fort system carried reports to publishers, newspapers to readers, and constituted important new means to draw local persons into regional and national processes commonly interpreting frontier events (Marienstras, 1999). Put more simply, the US fort media system facilitated flows of post and correspondence, commodities and annuities and credit, and people to connect remote managers and policy makers with local fort agents and area habitants. This circulatory infrastructure extended federal policy and policing processes across Indian Country. Yet that infrastructure, and the remote command it facilitated, depended on local Indian signatory groups and federal agents to perform their different roles in its labors of production and operation.

⁵⁹ “the first postal lines in the upper Mississippi Valley were those leading to the frontier posts, and the first post offices were at the garrisons or in the shadow of them, the post sutler often functioning as postmaster. To the citizens clustered about the garrisons the army mail service was an untold blessing, representing as it did the only link between the old home and the new. In the early days the expenses of mail delivery were borne chiefly by the military. Indirectly, as the channels of transportation deepened because of army business, the military was responsible for the greater frequency and regularity of mail deliveries throughout the community. . . . *In the early days of Fort Dearborn the mail was carried by soldiers from Fort Wayne, the nearest post office, through the unsettled country of northern Indiana*” (p. 186).” (Prucha, 1953 [1995], p. 186).

Exploration of the ways the fort system attracted and coordinated its laboring agents provides a view into how it came to be a central object in struggles for sovereignty over the area. Certainly, some fort participants were attracted to the network's flows of revenue and goods which they directed to personal enrichment. However, fort system capacities to communicate spatial, racial, and political boundaries and to influence command over the policing of those boundaries constituted alluring means to organize the emerging colonial political order. As I show next, remote and local agents used their creative labors to influence enforcement of spatial, economic, and racial-political boundaries through the fort infrastructure as means to further shape that emergent political order.

Labor performances of Greenville and the rise of the fort network

One of the first performances demanded of Indigenous signatories of Greenville was that as 'children' in the federal system of racial-paternalism. This shift in ontological performance relating Indians and federal officials after Greenville can be seen in explicit changes in expressions of personhood performed by Indian signatory groups and federal agents:

Near the end of the Greenville negotiations, tribal representatives announced they would no longer address the president – and the U.S. government by extension – as “older brother” but would hereafter acknowledge him with the more reverential title “father.” . . . the meaning of “father” for Northwestern Indian peoples had acquired a complex set of expectations of European colonial authority, most fundamentally that of generous gift-giving, protection, and material support. (Saler, 2015, p. 71)

The change also communicated the shifting allegiance of Indian signatories from the British to the US as the expected force of “gift-giving, protection, and material support.” Greenville then tasked fort officials and soldiers to perform the labors organizing flows of gift and trade goods and the enforcement of physical, land, and welfare protections for Indian signatory groups.

Federal and Indian roles of racial paternalism, and the exchange of land for protections they facilitated, constituted a lasting common basis to cite rightful federal and Indian performances of the labors of Greenville's 'peace.' After the signing, in various conversations into 1811, Indian Chiefs and federal officials prominently referenced the treaty's terms and practices as those upholding peace (e.g. American State Papers, 1807, p. 745-746; Edwards et al., 1870, pp. 45-52). For example, in 1807, more than ten years after the treaty, Potawatomie chief Nanaume pointed to just such performance obligations in his conversations with federal officials: "We live in your country: we are under your protection. You feed us when we are hungry: you clothe us when we are naked: we receive every year money and valuable goods from our Great Father, the President" (American State Papers: Indian Affairs, 1807, p. 745). Widespread sincere performance of the treaty, though not universal, is also implied in the common conclusion of many scholars that the "Greenville Treaty established a general peace between Americans and Indians in the Old Northwest that held until 1811" (Owens, 2003, p. 64; See also Kappler, 1972, Sword, 1985; White, 1991).⁶⁰ In addition, Ostler (2015⁶¹) finds the decline, after Greenville, of a critical Indian discourse concerning the genocidal intent and capacity of European imperial powers that proliferated since the 1600s. From these understandings, I suggest many Indians and Métis allies, as means of survival, performed Greenville treaty processes in ways that sought to make Greenville's treaty promises real in social practice.

⁶⁰ Saler also points to the cultural political significance the treaty held in the minds of many area peoples as a new racial-paternalist basis for the conduct and expectations of 'peace.' "[T]he Treaty of Greenville symbolized a fresh start in this paternalistic relationship between federal officials and Northwestern Indian peoples, mending the rocky beginnings of the 1780s" (Saler, 2015, p. 71).

⁶¹ p. 614.

Another way Indian signatories performed their immediate commitment to Greenville was by fulfilling its obligations to determine ownership of lands to be ceded to the federal government (Flinn & Wilkie, 1888; Quaife, 1913; Keating, 2012). Determination of tribal ownership of the Ohio lands – a simultaneously discursive, economic, and juridical act not undertaken previously – articulated borders within the transferred territory. Those divisions of land ordered division of federal annuities to respective tribes and that divided Indian recipients from non-recipients. Enactment of Greenville treaty process thus not only initiated new pronouns for US-Indian relations but also re-defined Indian land as fungible property, identified Indian groups with those land divisions, associated persons of those groups with federal annuity flows, and established Indian entitlements to protection and welfare. Greenville also called for shifts in Indian performances of gender in relation to the land. Repertoires of Greenville's peace called Indians away from hunting performances staged on the open land to annuity and trade acts at US forts. Greenville demanded that warrior manhood and sovereignty should no longer be enacted in hunting and violent repulsion of encroaching white farmers and poachers but in appeals to federal police to enforce treaty law through the expanding US fort network. Greenville also demanded new performances from remote and local federal officials and soldiers on the frontier. The fort network constituted the mediating infrastructure to connect Indians and local and remote federal agents to collectively perform the rights and obligations of Greenville.

Federal policing as labor performance of Greenville.

One individual who prominently performed federal labors under Greenville was Miami ally William Wells. Wells, in his new prestigious position as Indian Agent, stood in a position to influence performance of federal enforcement processes that were especially vulnerable to Indian agency the deeper the fort system extended into Indian controlled zones. Fort Dearborn, on the shore of Lake Michigan, constituted the remote western frontier end of the system and the fort

most dependent upon Indian cooperation and protection. Fort Dearborn “would be far removed from the borders of civilization, and the safety of its defenders would depend to a great measure on the friendship of the Illinois and Potawatomie Indians” (Flinn & Wilkie, 1888, p. 7). As Flinn & Wilkie recount, creation of new forts, such as Fort Dearborn, required local provision of timber, water, food, and labor to construct its buildings and determine the paths connecting it to the larger network.

Métis people such as William Wells and John Kinzie, both ardent advocates for protection of Indian Country, took up many tasks to physically produce Fort Dearborn and maintain its needs for food and other resources. In addition to Wells’s extensive labors as Indian Agent, he also determined the land routes connecting Fort Dearborn to the larger network of US forts (Heath, 2015). Kinzie, like other Métis traders in the pay d’en haut, shifted his primary business from fur trade to selling needed provisions to soldiers and commanders (Keating, 2012). Wells and Kinzie worked alongside Captain Whistler and other US Army professionals who lacked roots among Indian people and instead sought to build military and bureaucratic careers. US Army soldiers came from nearby and distant locations and sought the chance to find opportunity and money for the subsistence of themselves and sometimes their distant relations (Taylor, 2010; Owens, 2015). Local militia laborers also helped build roads and garrisons and were at times paid in “land script” (Harrison to Hargrove, 6/20/1807) which represented future claims on land ceded from Indians.

Fort soldiers and professional military personnel labored to organize *command and control* processes across the fort infrastructure. Command and control is a modern term referring to the historical refinement of US military processes dating back to 1775 that attempt to centralize capacity to coordinate actions of distant forces to achieve “mission accomplishment”

(Chambers, 2019, p. 1). Command and control refers to *processes* rather than the *technological systems* those processes may utilize and depend on.⁶² C2 processes ostensibly enable managerial power to set and attain policy aims. But expanding the fort network across Indian Country required broad participation that enabled local frontier forces to influence command and policy aims.

As documented in the correspondences of Governors Edwards (Edwards et al., 1870) and Harrison (Esaray, 1922), labors of Army soldiers and local militia involved them in processes physically producing the fort infrastructure and its circulation of lateral and central flows of goods and communication. Development of strategic actions and their implementation through C2 processes required labors of carriage and correspondence centralizing communication to the network's remote commanders – first in Philadelphia, later in Washington DC (Prucha, 1964; Lightfoot, 2019). Labors of correspondence and carriage laterally among the fort nodes provided redundancy for delivery of commands from the eastern network center. Given that correspondence moved at the speed of horse, lateral connectivity enabled local nodes to respond to rapidly unfolding events more swiftly than fully relying on central command for information and authorization. Remote command decision making further depended on production of intelligence reports by local fort agents who, as noted, acted in pursuit of competing historic aims (see also Heath, 2015). For actors like William Wells and William Henry Harrison, daily labors to influence remote officials and policymakers consisted in production of such correspondences reporting on local trading activity (especially in ammunition and alcohol), surveillance of area settlers and Indians including by communication with spies in Indian groups

⁶² “In the military, the term command and control (C2) means a process (not the systems, as often thought) that commanders, including command organizations, use to plan, direct, coordinate, and control their own and friendly forces and assets to ensure mission accomplishment. Command and control of U.S. armed forces today is the result of a long historical evolution [from] 1775.” (Chambers, 2019, p. 1).

(e.g. Clark to Sec. of War, 9/12/1810; see also Owens, 2007; Heath, 2015). Federal officials like Harrison also coordinated survey labor with bureaucratic production of deeds as part of conversion of Indian land into parcels sold at auction or exchanged for military services. Such work at times required militia or Army defense. C2 processes enabled local-remote collaboration and capacity for remote coordinated force deployment but also extended across Indian Country other law-enforcement practices characteristic of modern policing.

Modern repertoires of fort policing.

Fort Dearborn personnel enacted a repertoire of recognizable policing duties such as investigating murders and theft, land disputes, issuing and executing arrest warrants, taking depositions, and issuing licenses (Flinn & Wilkie, 1888; Quaipe, 1935; Keating, 2013). Yet in contrast to the contemporaneous local self-organized rural policing by sheriff, posse, and settler militia (Greenberg, 2005), policing through the fort network introduced particular modern practices. Forts introduced into local sites the presence of uniformed professional officers⁶³ connected to a trans-regional infrastructure coordinating their activities with new federal legal and policy bureaucracies. Officers of Fort Dearborn patrolled exterior zones, surveilled settlers and infiltrated Indian groups, and communicated resulting reports to distant managers (Flinn & Wilkie, 1888; Heath, 2015). In communication with federal agencies to the east, Fort Dearborn's officers represented US civic authority and mediated local access to US law. These traits of fort policing – a uniformed professional officer class, local patrol, reporting to remote governing authority, with local agents politically mediating access to that remote authority – all prefigure aspects of modern urban policing, including in Chicago, whose officers built careers by similarly

⁶³ Keating (2012) documents graduates of new military universities such as West Point among those deployed to frontier forts including Fort Dearborn (p. 90).

mediating neighborhood social and economic life with city government and political machines (Richardson, 1974; Monkkonen, 1981).

Fort Dearborn officers selectively and creatively mediated disputes among fort residents, and among settlers, Indians and traders (Keating, 2012) much as did US fort officers in other areas and later times (Lightfoot, 2019). In the Northwest Territory, mediating local disputes over property and land were necessary practices of fort personnel that would become explosively contested by settlers and Indians. These ‘piece-keeping’ practices combined the cultivation of consent with the enforcement of borders and property rights to enmesh locally performed meanings of land and personhood with those of federal treaty law. The wide discretion over enforcement received by federal officers, soldiers, and traders reveals another alluring basis that attracted agents to performance of those labors: the fort system offered means to organize criminal and subversive projects.

Fort labors as means for criminal and subversive projects.

The chapter already showed ways Indigenous groups, federal officials and soldiers pursued competing political projects by participating in fort system processes, above all concerning Indigenous political recognition and protections for Indian land and bodies. However, the case of Métis trader John Kinzie expands understanding of the kinds of projects the fort system could enable. With construction of Fort Dearborn in 1803, Kinzie’s new business of suttlng (selling goods to fort commanders and personnel) enabled him to trade for federal cash but also created extremely lucrative access to federal credit. Kinzie’s federal connections also ultimately enabled him a privileged position in post-1815 treaty and land sales processes through which he gained, and transferred to his descendants, land, wealth and social position in the village of Chicago, with one son gaining election to its highest policing and political offices

(Flinn & Wilkie, 1888; Quaife, 1913; Mitrani, 2013).⁶⁴ Kinzie also utilized the fort system in subversive and criminal ways.

Kinzie took advantage of Fort Dearborn's dependence on his sutling business to continue to trade with Britain and sell alcohol to Indians in violation of federal laws (Keating, 2012⁶⁵). Federal agents at Fort Dearborn reported those violations to their remote managers. Yet fort soldiers never executed the resulting arrest warrant for Kinzie nor did they execute a later warrant against him for the murder of a federal agent (Jean Lalime) on the fort premises. The local protection Kinzie organized against enforcement of those warrants derived from his local trade and personal relations with soldiers, Indians, and others. The marriage of his daughter to a Fort Dearborn soldier enmeshed local relations and interests to support selective and creative responses to federal laws and commands. His own marriage to Margaret McKenzie – a Shawnee affiliated Métis woman – connected his fort allies with trans-regional Indigenous networks. That Wells's niece too married a Fort Dearborn soldier helps clarify not only the importance of local relations to soldiers under remote federal command but also the role of the fort system in producing sites that cultivated mixed loyalties and subversive creativity. The examples show ways that contribution of local labors enforcing remote federal authority resulted in increased personal discretion over such enforcement but also potential capacity to use the fort apparatus for personal or even criminal projects. This dynamic in which increased control over fort and treaty processes resulted from contribution of labor to fort system production is revelatory of broader police exchange relations beyond the explicit transaction of annuities for land discussed earlier. I

⁶⁴ One of Kinzie's sons would be elected Chicago's first official head of police and the second Village President (Flinn & Wikie, 1888).

⁶⁵ See pp. 54, 112.

explain next how these exchange relations were fundamental to the ways that the fort system policing attracted agency and shaped the resulting form of hegemony.

The fort system as media for the exchange of controls

I argue that the fort system functioned as a media for the exchange of labors, especially police labors, for degrees of control over the system. Indians and Métis allies contributed labors of participation to increase control over federal policy and policing, specifically the setting and enforcing of borders. In fact, Greenville conferred to Indian signatories the authority to police their land boundaries directly in the case of White encroachment.

If any citizen of the United States, or any other white person or persons, shall presume to settle upon the lands now relinquished by the United States, such citizen or other person shall be out of the protection of the United States; and the Indian tribe, on whose land the settlement shall be made, may drive off the settler, or punish him in such manner as they shall think fit; (Greenville, 1795)

This new local Indian police power, even though recognized by federal authority, could not contend with the danger of massive new flows of White settlers over large areas. Only the systematized trans-regional fort network could potentially address that threat.

Through their participation in the fort network, Métis defenders of Indian Country William Wells and John Kinzie increased their ability to coordinate the policing of land boundaries across the territories and so restrain the flow of white settlers (Smith, 2006; Heath, 2015). Keating (2012) argues this was a priority for both men. “The military at Chicago [Fort Dearborn] would protect the local Potawatomis and their allies from the incursions of American settlers. These were activities that Wells supported” (p. 54). Kinzie similarly corresponded his desire for a lasting solution where “the citizens of the United States were to be kept at such a distance from those tribes” (as quoted, Keating, 2012, p. 197). Through their participation in fort

and treaty processes, Wells, Little Turtle, and other Indian leaders personally visited with Presidents Washington, Jefferson, and Madison from whom they secured promises *to maintain existing borders* (Keating, 2012⁶⁶).

Participation also provided access to official positions of control within the fort system. Wells's labors as intermediary increased his stature with Indians and with federal officials. By 1802, Jefferson appointed Wells to the prominent office of Indian Agent⁶⁷ with jurisdiction over all territory west from Fort Wayne to the Mississippi, an area encompassing all of what would become Illinois. "Wells distributed annuity payments, regulated Indian trade, and handled relations between the US government and area tribes" (Keating, 2012, p. 53). He also surveilled Indian activities and authored intelligence reports through which he also attempted to influence state and federal managers (Heath, 2015). This position and its powers rewarded Wells for treaty participation by Indian groups. Whereas Kinzie acquired means to access federal revenue flows, expand his trade business and protect it and himself from prosecution for the laws he violated, Wells used his increased influence to enforce land boundaries, annuity payments, and other promises of Greenville.

A reinforcing relationship comes into view: while these exchange relations depended on the fort system, that system depended on widespread labors of production and operation attracted to its exchange relations. The exchange relations facilitated through the fort system constituted an important political function that attracted agency and then enabled its coordination and subjugation. Such exchanges of labor for increased control enabled the subversive alliances among Kinzie, the fort soldiers, British traders, and area Indians whose political vision seemed limited to local autonomy and self-benefit. Fort facilitated exchange relations also enabled an

⁶⁶ See pp. 83-85.

⁶⁷ Wells drew the highest salary of any federal official in the territory (Keating, 2012).

alliance of remote federal officials – at times including Presidents Washington, Adams, and Jefferson – with Wells’s faction of pan-Indian signatory groups seeking to preserve the order defined in Greenville. President Jefferson’s alliance with Harrison subverted the authority of that interpretation of Greenville.

After leaving the Army in 1798, Harrison aggressively acquired and speculated in western lands (Owens, 2002). “Like his Virginia gentry forbears, William Henry Harrison saw land as the most noble and reliable form of wealth” (Owens, 2007, p. 74). Upon appointment to position of Territorial Governor of Indiana in 1800, Harrison set out to acquire vast estates from Indians for the federal government. He earned the enmity of Indians for land ceding treaties in 1803 and 1806 that settlers and the emerging wealthy class of landowners, in contrast, greatly valued. His efforts at reconstructing Virginia style political and class controls and instituting Black slavery drew angry settlers to raise multiple legal petitions against his governance (Owens, 2002). Provision of Indian lands cheaply available for settlers became key to draw angry constituents to his political support.⁶⁸ Harrison’s use of the fort apparatus to advance White boundaries westward served his project of building local political authority while reinforcing his alliance with remote federal officials under the Jefferson administration. Key to managing rising Indian resentment, Harrison turned to the fort system’s capacities to police economic boundaries.

Policing trade and annuity law through the fort network.

Policing trade and annuity laws involved federal agents in labors facilitating flows of goods and revenue but also in performances that divided Indian economic activities from the larger relations of the region. Like many other garrisons, Fort Dearborn became a site to perform

⁶⁸ “His proslavery efforts, political appointments, and aristocratic leanings all engendered acrimony and controversy, which no doubt gave the governor many a headache. But when it came to Indian affairs, few Hoosiers complained. The governor wanted to acquire Indian lands quickly and cheaply, and so did they.” (Owens, 2002, p. 412)

the delivery of annuities for lands ceded at Greenville and for trade between Indians, the federal government, and authorized agents (Flinn & Wilkie, 1888). The fort network, prominently including Fort Dearborn, sustained and connected a series of trading posts that collectively constituted the *US factory system*. US policy makers created the factory system as means to fulfill Greenville's welfare promises, but also to impose boundaries dividing Indian trade relations from the British and from unauthorized US traders. Quaife (1913) uncritically describes federal policy rationale: "The maintenance of peace on the frontier . . . could best be accomplished by rendering the Indian contented, and by freeing him from the influence of foreigners" and from domestic "private traders" who sought to "exploit him outrageously" (pp. 301-2). The factory system cultivated boundaries on Indian economic life by providing higher quality goods at federally subsidized prices that attracted Indians away from British and other area traders.

Policing trade at factory system sites then drew Indians and federal agents into performances of paternalistic roles that communicated US-Indian alliance and reciprocity. The strategic importance of factory process performances to cultivate the emotional attachment of Indians to the federal government and its agents can be seen in correspondences such as to Fort Dearborn's 'government trader' from his remote federal manager which specified "Instructions which are to govern your conduct" (John Mason to Matthew Irwin, 9/9/1808). As Mason ordered, transactions must "be so conducted as to inspire [Indian traders] with full confidence in [US] honor Integrity and good faith, and in that of its agents; let no imperfect goods be passed on them without a previous notice of an allowance for such imperfection". Indians should be pressed to match this mode of performance: "strictly require from them & encourage them to the same conduct". In the case of Indian deception or fraud, "they should be reprov'd in the most

instructive & dignified manner”. These prescriptions describe a repertoire for performing trade where the quality of goods and rate of exchange demonstrates a commensurable relationship and ‘good faith.’ Policing Indian trade – detecting fraud and deception – simultaneously performed paternalistic authority through ‘instructive reproof.’ Successful performances would facilitate an ideological exchange, as Mason articulated through explicitly acquisitive terms: “demean yourself toward them . . . as to *obtain & preserve* their Friendship & to *secure* their attachment to the United States” (emphasis added). In Mason’s view, policing of trade through the factory constituted means to “secure the Friendship of the Indians” as “the principal object of the Government”.⁶⁹ While federal trade performances attempted to signify US fulfillment of Greenville’s welfare promises, the larger economic bureaucratic relations ultimately organized through the fort network strategically undermined Indian welfare and land protections.

Through trade with US posts and US licensed traders like Kinzie, the federal government extended credit to ultimately draw Indians into debts they were unable to repay. Debt then provided further leverage to extract Indian land as repayment (Gernhardt, 2006). As early as 1803, Harrison corresponded his approval for such outcomes to Pres. Jefferson.

we shall push our trading houses, and be glad to see the good & influential individuals among [the Indians] run in debt, because we observe that when these debts get beyond

⁶⁹ “The principal object of the Government in these establishments being to secure the Friendship of the Indians in our country in a way the most beneficial to them & the most effectual & economical to the United States, you will avail yourself of every proper means and opportunity of impressing these People favourably toward the Government let every transaction with them be so conducted as to inspire them with full confidence in its honor Integrity and good faith, and in that of its agents; let no imperfect goods be passed on them without a previous notice of an allowance for such imperfection . . . you will strictly require from them & encourage them to the same conduct, all attempts on their part at Fraud Trick or deception should be discountenanced & prevented if possible & when such things do happen, they should be reproofed in the most instructive & dignified manner you will nevertheless be conciliatory in all your intercourse with the Indians & so demean yourself toward them generally and toward their chiefs in particular as to obtain & preserve their Friendship & to secure their attachment to the United States” (printed in Carter, 1939, p. 586).

what the individuals can pay, they become willing to lop th[em off] by a cession of lands.
(Jefferson to Harrison, 2/27/1803⁷⁰)

This process was the reversal of that involving Kinzie and Wells, who acquired revenue and greater degrees of control over fort processes through their labors of participation. While Indian signatories too performed labors driving fort processes (trade and annuity receipt but also ‘peace’ with White settlers), they instead received debt and, as explained more fully in the next section, reduced control over the system. Economically hindered by federal indebtedness, divided externally from British forts and traders, and geographically constrained to ever smaller territory, the kind of Indian subjugation coming into organization through fort processes of exchange could fairly be characterized as *enclosure*.

The fort network as apparatus of enclosure

Domination through enclosure, I argue, depended on the fort network’s systematization of characteristic police labors, specifically the enforcement of geographic, trade, military, and racial-political boundaries. In some ways, trading posts like that of Fort Dearborn contributed to policing practices that enforced the protections of Greenville. Historian Phyllis Gernhardt (2006) finds the US fort factory system “provided a regulated means of trade” that also “limited American access to the frontier region prior to 1812 and thereby maintained peace with the original inhabitants” (p. 181). Trade through US forts drew Indians away from trade with US citizens and reduced incentive for trade-minded settlers to migrate onto Indian Country. At the same time, policed trade through the forts also undermined Greenville protections. US forts and factories enforced boundaries defining controlled substances, in this case alcohol, and did so to coerce treaty signings and reduce Indian resentment to treaty violations (Flinn & Wilkie, 1888;

⁷⁰ Retrieved 5/4/2022 from <https://founders.archives.gov/documents/Jefferson/01-39-02-0500#TJSJN-01-39-02-0500-kw-0002>

Owens, 2007). The continuation of annuity and factory processes through the fort infrastructure advanced US borders and farmlands. Indian access to fur trapping areas shrank, wildlife declined, and much of what was left of the trade shifted to White settler control dominated by the Astor Fur Company (Quaife, 1913; Cronon, 1991).

Performance of fort and treaty labors also inadvertently encouraged divisive cultural and political differences across Indian groups. Fort Dearborn called Indians into new self-definitions as land sellers and annuity recipients that conflicted with their prior roles as sacred protectors of their lands and people (Edmunds, 1978; Richter, 2009). The labors of travel to the fort to claim annuities and trade for goods also made visible to local habitants just who benefitted from the unequal flow of resources distributed through treaty processes. For example, Little Turtle's support for the Greenville Treaty involved his ongoing participation in fort processes that also provided him with goods and annuities which "came to be seen as complicity with the Americans" (Gaff, 2006, p. 149). Attacks on Little Turtle's Anglo-European possessions, such as the killing of his cow, became a channel for younger Miami warriors to cast his participation as corrupt betrayal.

Increasingly hemmed in geographically and economically, especially after 1809, some Indians performed their objections to federal failures to fulfil land, physical, and welfare promises by refusing to accept annuities. Pan-Indian leader Tecumseh (Shawnee) exemplified this mode of performance when he informed Harrison that signatories under his leadership would refuse annuity payments: "When you speak to me of annuities I look at the land, and pity the women and children. I am authorized to say that they will not receive them" (Tecumseh to

Harrison, 8/21/1810, p. 469).⁷¹ The federal trade agent at Fort Wayne also reported performances of annuity refusal by Indian signatories as enactments both public and rich in meaning.

I found that all the Miamies except the Massassineway [sic] Chiefs and Charley were willing to receive their annuity. I accordingly gave out that I would deliver them to those who would come forward and receive them as I was determined not to yield to the opposition of a few . . . when the Massassinway chiefs found themselves deserted by all the others Charley excepted, they set off to Detroit . . . (Johnson to Harrison, 10/14/1810)⁷²

In these two scenes, performances around annuity receipt communicated Indian interpretations of federal labors of treaty enforcement, signaled alliances among Indians, and affirmed or rejected treaty roles.

As re-interpreted among larger Indian social groups, performances of annuity receipt and farming made visible Indian differences of wealth and sentiment toward the Americans as well as deepened generational and gender divisions. Farming drew warriors into agricultural tasks traditionally associated with women and away from those of hunting and war associated with manhood (Richter, 2009, p. 226). In rejection of the complicity of Chiefs in the fort treaty system, young warriors began to take over decision making processes, including through participation with Tecumseh's growing resistance movement. Harrison reported to Sec. of War Eustus (8/28/1810) on surveillance received from an "old Winebago [sic] chief" who said "that himself and all the village chiefs had been divested of their authority and that everything was

⁷¹ Essaray, 1922, p. 469. See also: "Do not believe that I came here to get presents [annuities] from you if you offer us anything we will not take it. By taking goods from you you will hereafter say that with them you purchased another piece of land from us." (Tecumseh to Harrison, 8/20/1810) p. 466.

⁷² Essaray, 1922, p. 478. Federal agents also reported feeling anxious about the presence of Indian signatories at forts for days or weeks at a time awaiting delivery of annuities or trade goods.

managed by the warriors, who breathed nothing but war against the United States.”⁷³ The growing divisions among Indians responded to growing land divisions that further limited their cultural and subsistence activities. A crucial takeaway is that fort enforcement of boundaries across land, trade, military, and hunting increasingly enclosed Indian travel, alliances, and warrior identity within spaces and performatives subject to command through the fort infrastructure.⁷⁴

The fort network also materially and culturally enclosed federal agents but in different ways from Indians. Forts insulated their personnel from the surrounding space controlled by hostile others. Descriptions of fort interiors show additional enclosure as it spatially ordered its residents by class, rank, gender, occupation, and race (e.g. Flinn & Wilkie, 1888; Lightfoot, 2019). The garrisons’ architecture also aligned perspectives of personnel with the containing horizon of colonial order by lifting its operators into detached but overseeing vantages upon the land that complemented their duties of land management focused on dividing that landscape into a grid of salable parcels (Gernhardt, 2006). The network of roads regularly patrolled by Army and militia provided protected corridors for fort officials and settlers travelling laterally between fort nodes or to new settlements (Harrison to Hargrove, 5/12/1807, 7/12/1807; see also Prucha, 1953 [1995], 1964). Harrison at times even ordered the arrest of settlers who refused to reside inside nearby forts and garrisons during settlement construction.

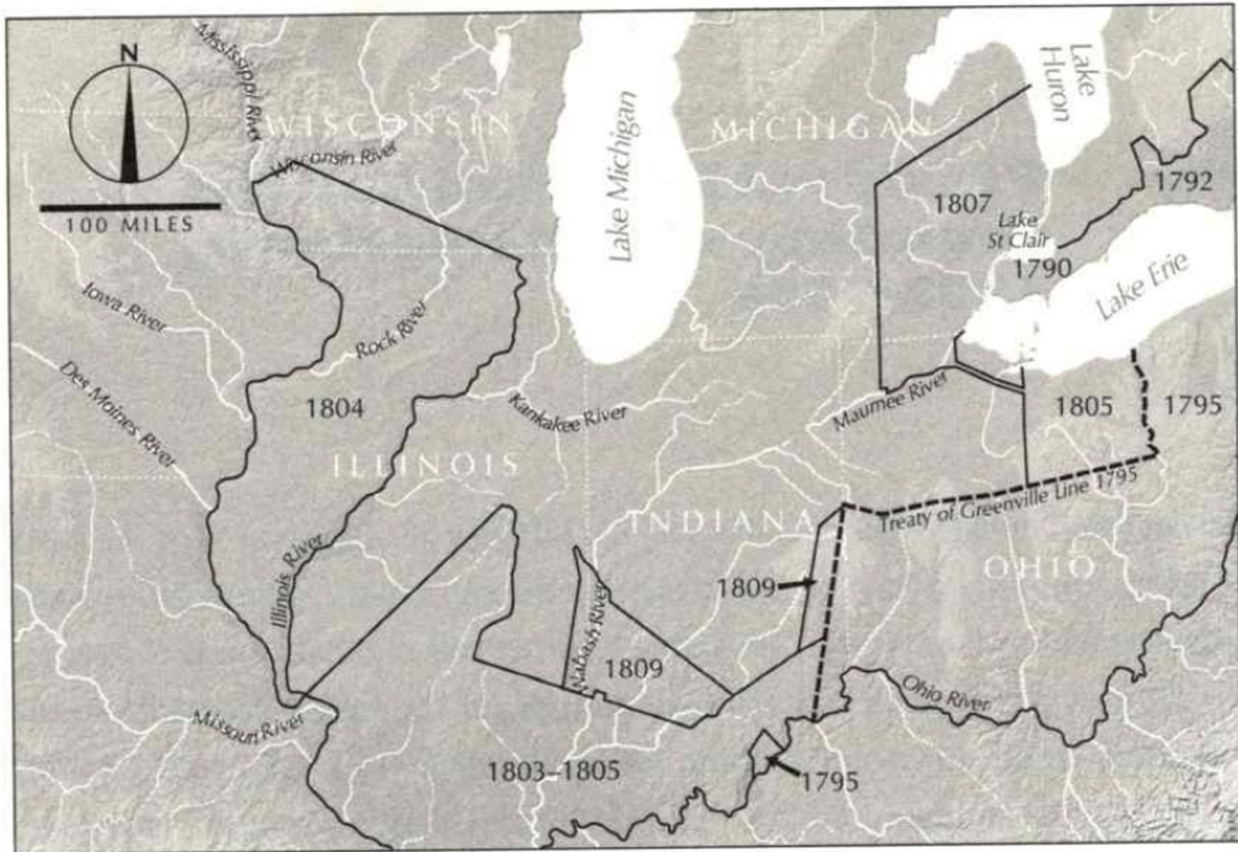
Finally, command and control processes, performed across the fort network, additionally imposed bounds on the actions, words, and movements of frontier federal agents. By 1809, Harrison’s reports persuaded President Madison to fire Wells to prevent him from interfering in

⁷³ Essaray, 1922, p. 471. See also, Tecumseh to Harrison, 8/20/1810, pp. 463-466.

⁷⁴ Historian and theorist Robert Nichols (2013) described similar processes operating years later in conquest of the prairie Indian groups as that of *contract and usurpation*.

an aggressive push for new land ceding in treaty negotiations at Fort Wayne. Wells found himself pushed outside the fort systems that he himself had helped create. The resulting 1809 Fort Wayne treaty gained signatures of an older generation of leaders of Delaware, Miami, Potawatomie, and other people and authorized cession of over 3 million acres of lands far beyond the Greenville boundary, including lands not actually held by Indian signatories (Sugden, 1999; Taylor, 2010; see Figure 7). Wells's labors in the fort system had not, as he perhaps hoped, manifested permanent boundaries protecting Indian land, bodies, trade, and cultural practices. Instead, his efforts contributed to production of an infrastructure for policing geographic, economic, military, and racial-political boundaries. Systematic policing of those boundaries organized a system of material and cultural enclosure fundamental to a different (and not yet fully determined) mode of hegemony than the racial-paternalism defined in Greenville.

Figure 7. Greenville Treaty and Further Cessions to 1809.



Note: The map shows the boundaries promised by Greenville with subsequent treaties violating that promise by year. As published in Keating 2012, p. 52.

Harrison's increased control over the fort infrastructure, by 1809, resulted in multiple shifts in the relations of political force within and around the fort system. Through his removal of Wells, Harrison consolidated his political alliance with remote federal officials. Through fort facilitated treaty processes Harrison expanded access to cheap Indian lands to consolidate his alliance with territorial settlers. These outcomes of federal policing under Harrison undermined Indian belonging in the political order that he and federal officials sought to maintain. As mentioned above, some Indian groups resisted the emerging mode of federal policing by refusing

to perform trade and annuity protocols. More consequential, Harrison and Jefferson's acquisition of land for settlement attracted massive flows of settlers, especially after 1809. Defiant acts of settler policing by those White newcomers, as I discuss next, imposed new limits on the ability of Harrison and other federal officials to govern territorial order through the paternalist model of assimilation.

Consequences of Harrison's control over the fort network: increases in White settlements and settler policing practices.

Harrison's successful efforts to push the 1809 treaty altered local conditions on the fort network and on the agents tasked with using that system to enforce ever changing treaty law. First among those new conditions, the 1809 treaty massively increased flows of white settlers into Illinois Territory. Second, as I detail below, settler policing labors by those newcomers often openly violated Greenville, which largely endured as the standard terms and practices of peace. Third, settler police acts of anti-Indian violence and land encroachment provoked the growth of the largest pan-Indian resistance movement to ever pose military force against US western advance (Cozzens, 2020). That movement grew around Shawnee leader Tecumseh and his spiritual visionary brother Tenskwatawa, aka the Prophet (Dowd, 2015), who led response to the 1809 treaty by focusing their labors on enforcing the standing geographic boundary against whites, now far west of the old Greenville line – in defiance of Gov. Harrison's demands. After the 1809 Treaty, "Tecumseh and the Prophet's plan to mass Indians along the Wabash [river] to protect the existing boundary suddenly became a top priority" (Sugden, 1999, p. 179). Harrison and his federal managers long sought to repress the movement around Tecumseh and The Prophet yet also desired "that peace with all the Indian tribes should be preserved" (Sec. of War

to Harrison, 11/1809⁷⁵). In short, White settler violence and land encroachment, and Indian resistance to those acts, challenged federal capacity to govern Illinois, Indiana, as well as Louisiana territories.

Settler policing and the governance crisis across the territories

Settlers paid little mind to Greenville's authority as the terms and practices of peace, as this section investigates. Settler practices of policing contended with Federal law enforcement practices and aims as well as with those of pan-Indian forces. Especially after the devastating 1809 treaty of Fort Wayne, the violent enforcement of competing claims to land, property, rights, and law in the territories posed a serious governance crisis to federal officials seeking orderly colonization. The situation was even worse for Indian groups who bore the brunt of intensifying violence. As the prior section makes clear, federal interpretations of Greenville increasingly contended with those of Indians, many of whom also disagreed with each other about legitimate responses to treaty violations, settlement growth, and settler violence. Maintenance of federal rule required new strategies to police the mounting violence between White settlers and Indians. This crisis reveals an antagonism between colonial government policing and settler policing that continues prior characteristic competition between these groups over the prior 150 years (Chapter 3).

Like the prior strategy the British used to manage colonization to the east, federal policing attempted to constrain Illinois area settler police violence to strategic attacks on "guilty" Indians. As Harrison put it in a correspondence to Sec. of War Eustis (7/2/1811).

the minds of the people have become so irritated in consequence of the depredations which they constantly suffer from the Prophet's party that unless measures are speedily

⁷⁵ 1809, November Secretary of War to Harrison, 'Recommending severe measures against Tecumseh and the Prophet', in Essaray (1922, p. 387).

taken to ensure their own safety and the safety of their property they will fall upon the Indians indiscriminately wherever they meet them and punish the innocent with the guilty.⁷⁶

In the above fort network mediated correspondence, Harrison called on his remote federal manager for authorization to organize forces, ultimately including volunteer settler militia, to strategically attack the pan-Indian resistance movement centered on Tecumseh and his brother The Prophet. Though the attack is rarely regarded as policing, it undeniably emerged as an effort to punish Indians accused of murder and to *prevent* that groups from carrying out imminent attacks on settlers (see also Heath, 2015; Owens, 2015; Cozzens, 2020).⁷⁷ In Harrison's above report, settler policing, what he referred to as the looming potential for "the people" to "fall upon the Indians indiscriminately", constituted a compelling force of violence that only increased government policing *of Indians* could contain. The racially different form of policing Harrison would propose diverged from the prior strategies he attempted to execute.

That new form of colonial government policing needed to constrain anti-Indian settler police violence to target strategic enemies. The events from the 1809 treaty to the 1811 'preventive' police action targeting Prophetstown, analyzed below, reveal ways colonial government and settler policing continued their traditional rivalries over issues of any legal protections for Indian bodies, lands, and political belonging. Eventual unification of federal and settler police forces, the chapter concludes, gained performance in acts of essential rather than strategic anti-Indian violence. This transformation of federal policy marked the success of settler

⁷⁶ In Esaray, 1922, pp. 526-528.

⁷⁷ This strategy also specifically sought to end Tecumseh's own enforcement of land boundaries overturned by the 1809 treaty and to preserve assimilation policies and protections for Indians obeying Greenville and other laws. That is, federal policy intended to maintain divisions of land, race, and law – concerns I have already shown to be characteristic of federal policing through the fort system.

policing to compel shifts in government policing practices and in law – a point I detail in the concluding section. To understand the necessary role of policing in driving that transformation requires analyzing how settler police practices in the Illinois area created new conditions on federal officials and the racial paternalist sovereignty imagined in treaty law.

Settler policing in the Illinois territorial area.

Operation of the federal fort network, especially under the increased control of Harrison and Jefferson, expanded acquisition of Indian lands and White settlements. More settlers means more settler police practices that fed cycles of violence across the territories. In the Illinois area, many settlers employed practices of racially differentiating violence to claim land and property, establish legal orders, and eliminate Indians. Those practices share traits with settler policing in Virginia and Pennsylvania from the 1670s to 1770s (Chapter 3). Illinois area settlers overwhelmingly migrated from Virginia and its colonies and brought with them Virginian traditions of law and policing. Settlers adapted those traditions and laws to meet the legal ambiguities of Illinois and Indiana territories. Those territories, prior to 1815, featured a host of multiple conflicting legal codes, especially concerning land ownership. Since the 1600s, White migrants imported Virginia laws to their frontier settlements (Davis, 1998). Settler allies in congress added verbatim Virginia laws protecting settlers' land claims to the 1787 Northwest Ordinance, the federal law which opened the area for colonization after the War of Independence. Greenville's promises to prohibit white encroachment on Indian land contended not only with the Ordinance but also with the variety of other laws defining ownership imported by British, French, and Spanish residents. In addition, the federal government claimed for itself

sole authority to buy Indian land and to issue deeds of ownership and sale of those lands (Ferguson, 2012).⁷⁸

Amid these legal ambiguities Illinois settlers at times claimed and farmed so-called ‘uncultivated’ lands with little concern over ownership, as Davis (1998) amply documents.⁷⁹ “Much land, they saw, was uncultivated, its ownership often tangled. British bungling and war’s chaos muddied ownership, encouraging some Americans to farm without worrying about ownership” (p. 80). Some settlers “boldly intruded on Indian soil . . . foolishly believing that grants awarded them by officials in the name of Virginia would protect them against Indian efforts to prevent encroachment of their lands” (n 8, p. 83). Development of such ‘wasted’ lands itself constituted a basis to claim to ownership in contemporaneous Enlightenment thinking and contract theory derived from John Locke (Wood, 1984; Nichols, 2014). As a result of legal and illegal settler migration, “Non-Indian population [in Illinois] jumped from 2,458 in 1800 to 12,282 ten years later,” (Davis, 1998, p. 113) and grew faster after the 1809 treaties. Settlement growth also increased the number and viability of roads and ports, enabling easier passage for later settlers and increasing conflicts among settlers and Indians.

Exceeding legal reach of federal and territorial institutions, the rapid growth of Illinois settlements ‘outstripped law,’ to use Davis’s (1998, p. 83) phrase. Yet, these very acts of violent policing – self-authorized acquisition of Indian land, lethal defense of its bounds as property – enforced longstanding settler notions of lawful land ownership and community security in characteristically similar ways as in settler uprisings in greater Virginia going back a hundred

⁷⁸ In the period leading to open warfare in 1812, settlers in the Northwest Territory enforced legal claims and rights in common ways with settler police of the Virginia and Pennsylvania frontier in the period leading to the War of Independence in 1776.

⁷⁹ “Squatters dogged Illinois. They occupied public land before survey or sale, sometimes never filing claim. . . . In Illinois, over time customs and laws expanded squatters’ rights, especially for those intending to settle” (p. 93). See also Saler, 2015, p. 60.

years (Chapter 3). The prior Revolutionary generation of frontier settlers adapted Virginia and Pennsylvania settler policing practices to perform a White settler subject authorized to take land, make law, and found a new nation. For their children and grandchildren settling in Illinois area territories in the first decade of the nineteenth century, the act of killing Indians took on additional meanings. Early post-Independence settlers regarded Indians as traitors who sided with Britain in the War of Independence. From their view, killing the ‘savage’ enemies of the Revolution, specifically referenced as such in the *Declaration of Independence*, mattered as basic labors needed to expand and secure the nation’s rightful control of its hard won western territories.

But colonists’ violence also combatted the threat that Indian violence posed to settler ideological stability. Attacks by Indians gained special significance for how they disrupted aspects of the white settler colonial subjectivity grounded in post-Independence Enlightened principles of rationalism as a fundamental aspect of civilization. “Indian warfare’s close-up killings could change the way the world looked. Its special power to unnerve and stun disordered people’s faith that they understood how things around them worked” (Silver, 2008, p. 96). Against physical and psychological threat, killing Indians *performed certainty* about how the world worked. Anti-Indian violence by Illinois area settlers acted out community defense that united settlers across differences of British, Scotch-Irish, and European background (Marienstrass, 1999). The ‘certainty’ aspired to in acts of settler police violence also functioned ideologically to obscure settlers’ own role in driving conflicts with Indian groups – what Silver (2008) calls *violent self-pity*. As tools of discourse used by publishers and politicians, ‘traitorous Indian treachery’ helpfully narrated and mobilized a national subjectivity to the tasks of making the US empire appear certain and secure. As publishers, and local agents, depicted anti-Indian

violence as justified labors of punishment and survival, ethnically and linguistically diverse migrants commonly gained representation as the White settler subject. And that subject became the new figure of civilizational struggle in the emerging national culture and press discourse (see also Slotkin, 1999).

Comparing policing by federal policymakers as well as settlers shows they shared common aims of expanding and strengthening the newly independent United States but diverged in their narratives of national order and their practices for expanding national territory and economies. To federal elites like Harrison and Jefferson, enforcement of Indian treaty protections marked legitimate rule and legitimate means of acquisition of lands – especially when ignoring issues of Indian dispossession and economic coercion – and so also represented patriotic acts of nation building. Federal and settler policing further differed in the way they organized markets. Federal policing acquired land through fort and treaty processes, commodified it into parcels, and then exchanged it for money or military service. Settler policing acquired land by encroachment and armed defense. Both forms of policing enforced boundaries that inducted Indian lands into real estate markets. However, while federal enforcement of Indian treaty protections assimilated Indians into civilizational and national belonging (at least ostensibly), settler policing violently enforced the elimination of Indians from the nation’s political, economic, and geographic spaces. Federal attempts to use the fort infrastructure to organize “impartial” enforcement of law, especially regarding murder, brought their differences with settler ideology and practice into bold performance.

Forts, federal law, and Indians from the perspective of White settlers.

As extensions of federal law into the frontier, and as garrisons charged with enforcing the peace, forts “symbolized federal commitment” (Davis 1998, p. 114) to protect settlements and

settlers. But settlers often did not respect the authority of forts to enforce law, especially when it came to Indians.

Settlers on the early nineteenth century Illinois frontier – far from exhibiting deference to law – easily lost faith in formal legal procedures and institutions and resorted to extra-legal violence. (Smith, 2006, p. 163)

American settlers venturing onto Indian lands in the Northwest Territory boldly organized local self-organized violence as means to enforce legal, land, and property claims. Boundary enforcement practices of settler policing included encroachment, forming posses, chasing and attempting to capture Indians, attacking Indian trespass on claimed land, and of course retributive violence with various Indian groups (Davis, 1998; Sugden, 1999; Owens, 2015). Indians responded to settler encroachments and attacks with retributive theft and violence. Indians also at times attacked and killed settlers attempting chase and capture or in retaliation for past violence. Indians in Illinois territory were far more often the victim of attack or murder by white settlers than the other way around (Gaff, 2006).

Harrison and other federal authorities sought to prosecute Whites for killing Indians but settlers acted to thwart those prosecutions. As late as 1807, Harrison publicly continued to pursue and prosecute Whites accused of murder, encroachment, and other crimes against Indians. Harrison and Secretary of War William Eustis conducted such prosecutions in the face of widespread criticism by area settlers and militia who sometimes assisted in the escape of accused Whites. Such was the case of James Red in 1806, a White settler who escaped from jail while facing federal prosecution for murder of a Delaware Indian. Federal officials privately corresponded their dedication to his recapture and prosecution, which they saw as an important

political performance (Secretary of War to Harrison, July 17, 1806⁸⁰). Even when such cases reached the courtroom White Settler juries consistently acquitting White defendants regardless of evidence.

Harrison bemoaned the lack of federal legal justice for Indian murder victims and their families as a cause of Indian political unrest.

Whilst we rigorously exact of [Indians] the delivery of every murderer of a white man, the neglect on our part to punish similar offences committed on them forms a strong and just ground of complaint, for which I can offer no excuse or paliation. . . . I do not know, gentlemen, whether it will be in your power to remedy the evil complained of, as the defects seems to be not so much in the laws as in the execution. (Harrison to Legislature, 8/17/1807⁸¹)

Harrison's above cajoling of legislators for expanded laws supporting prosecution of White killers of Indians pointed to the serious problem settler agency posed to enforcement of such laws. A year earlier, Harrison likewise complained of the "wide difference in the execution of those laws" (Harrison to Legislature, 11/06/1806⁸²) in regards to Whites versus Indians and urged "review of our penal code" to promote "more impartiality."

However, Harrison ended his plea with reference to a counter force limiting legislative agency to fully address the problem of racially different law enforcement.

But should you suppose it *dangerous* to make any discrimination in their [Indians'] favor,

I pray you to lose no opportunity of inculcating, among your constituents, an abhorrence

⁸⁰ "May it not be proper to apply to the Govt of Kentucky for aid in apprehending this murderer. No means in our power ought to be neglected for bringing him to condign punishment. The honor of the Government is involved, especially, as it relates to our engagements with the Indians. It is excessively mortifying that our good faith, should so frequently be called in question by the natives who have it in their power to make such proud comparisons in relation to good faith." (Secretary of War to Harrison, July 17, 1806, as published in Carter, 1939, p. 367).

⁸¹ in Esaray, 1922, pp. 233-234.

⁸² in Esaray, 1922, p. 199.

of that unchristian and detestable doctrine which would make a distinction of guilt between the murder of a white man and an Indian. (Harrison to Legislature, 11/06/1806, emphasis added)

The clear implication of the passage is that threats of violence *from settler constituents* discouraged legislators from strengthening legal consequences for killing Indians. Pleading, on the basis of Christian morality, offered a safer route for officials to try to bridge federal policy aims and treaty law with agentive settlers and their aims of Indian elimination.

Harrison cast his own aim of “impartial” prosecution of murder as part of a paternalist vision of White supremacy demonstrated through transforming a ‘pitiable inferior race’ (while also transferring their lands to the federal government). As he told the legislators, “A powerful nation rendering justice to a petty tribe of savages is a sublime spectacle, worthy of a great republic” (Harrison to Legislature, 11/06/1806). Settler policing organized a contrasting form of White supremacy, namely the violent removal of Indians from national territory and its economic and political institutions.

Federal officials and settlers differed in their police practices, diverged in the laws they enforced as well as in their racial and economic aims for national development. However, widespread perception of looming war with Britain and accompanying fear of pan-Indian forces allied with the Crown made plain the military vulnerabilities of frontier settlements and the importance of cooperation between federal and settler forces. Federal officials communicated their commitment to angry settlers by intensifying racially different policing of Indians.

Racially different federal policing: the fort network as symbol of enclosure and war.

The cycle of frontier racial violence, and its depiction as ‘Indian savagery’ in emerging newspaper systems (Owens, 2015), pressured federal officials to prioritize investigation and prosecution of the murders of various settlers by Indians despite glaring failures by federal

officials to hold Whites accountable for killing Indians. Two particular attacks by Indians drew consequential official and unofficial response: the killing of four settlers at Portage du Sioux in Louisiana Territory in July, 1810 (Edwards et al., 1870, pp. 38-40) and the killing and kidnapping of settlers at Shoal Creek in Illinois Territory a month earlier (Harrison to Sec. of War, 6/6/1811⁸³). The killings occurred in areas where some Indians, such as those following Potawatomi Chief Main Poc, contested the legitimacy of White ownership of the land: Portage du Sioux ceded to the federal government with the treaty of 1804 and Shoal Creek ceded with the widely disrespected 1809 treaty. As Main Poc and other Indians argued, the cessions violated Greenville's explicit land protection promises.

To manage that governance crisis, Harrison and governors Edwards and Clark turned to federal law enforcement to perform accountability to settlers. The resulting federal murder investigations of Indians sought to compel various chiefs to enforce law in ways that differed from Greenville's performatives. Those investigations show ways that local actors regarded police performance as revelatory of politics. By that I mean, selective and creative acts of policing performed through the investigations signaled particular representations of 'justice' and 'law' under Greenville. Acts of policing affirmed or denied specific legal rights and obligations and so legitimated particular representations of racial personhood, political belonging, and rightful 'ownership' as law. Police labors communicated ideological understandings that sustained particular versions of law.

Performance of those labors simultaneously reinforced the importance of the material infrastructure for command and control enforcement of those legal interpretations. The fort infrastructure enabled coordination of the federal murder investigations across Illinois, Indiana,

⁸³ In Esaray, 1922, pp. 512-17.

and Louisiana territories. Harrison, along with Illinois Territorial Governor Ninian Edwards, and Louisiana Territorial Governor William Clark collaborated on processes of investigation and prosecution of Indians accused of the crimes.⁸⁴ As part of that process, Illinois Governor Edwards commanded a group of state and federal agents, led by Capt. Levering from the Illinois militia, to meet with Chief Gomo and other Indian leaders in Peoria to press for their assistance in capturing the accused Indians.⁸⁵

Remarkably, Edwards issued orders and threats to the assembled Indian by way of a pre-written speech read by Levering. That is, Edwards attempted to literally command the Indians through the voice of the settler militiaman. The federal-settler alliance suggested by that performance was reinforced with the words of the speech. Edwards demanded the assembled Indians leaders to perform particular acts of policing, calling on them “to do an act of justice . . . perform what justice itself calls for” (Edwards et al., 1870, p. 45), namely to capture and transport the accused to federal authorities. He backed the demand with the threats. If the Indian leaders did not comply, Edwards suggested settler rage would exceed his capacities of restraint.⁸⁶ Performance of the required police act, he warned, would determine the political personhood of the assembled Indians: “you must find [the accused] and deliver them up, or we must consider you as approving their horrid deeds and as being our enemies.” Through multiple such

⁸⁴ An exchange from Clark to Sec. of War Eustis reveals the complex local to remote policing processes facilitated by the fort infrastructure to organize the investigations. “as soon as I was informed of the Murder I dispatched expresses to Mr Johnson at Fort Madison, Mr Blundoe our Agent, Mr Boilvin at Prarie de Chien (and employ'd Spies in the Indian Towns toward the lakes where I had some reasons to suspect improper Conduct) with instructions to use every exertions in their power to find out the tribe, and individuals if possible who Comt this horid murder . . .” (Clark to Eustis, September 9, 1810)

⁸⁵ Edwards commissioned Captain Levering from the Illinois militia of Randolph County (James, 1901, pp. 15, 30) to lead that meeting.

⁸⁶ “I have found it almost impossible to prevent the white people from rushing to your towns, to destroy your corn, burn your property, take your women and children prisoners, and murder your warriors. But I told them that those who have done the mischief were bad men; that you would disapprove their conduct, and deliver them to me as enemies both to you and your white brethren.” (p. 46)

statements,⁸⁷ Edwards threatened that the “friendly” status of the addressed Indians – their very standing as “Children” accorded to them with their signing of the Greenville Treaty – would be transformed to “enemy” if they refused to perform this act of policing.

Chiefs Gomo and Little Chief, both Greenville signatories, disapprovingly compared the act demanded with Greenville’s practices. Gomo stated,

At the treaty of Greenville . . . should any white man murder an Indian, he should be delivered up to the Indians; and we, on our part, should deliver up the red men, who murdered a white person, to the Americans . . . (as published in Edwards et al., 1870, p. 48)

Little Chief argued the same point,⁸⁸ adding, “We have delivered up offenders; the Americans have delivered none.” In addition to racially different enforcement of Greenville, the chiefs argued against the growing presence of fort organized enclosure (“blockade”) across the land. The chiefs explained, these acts by settlers and federal agents fed “a lurking dissatisfaction in the breasts and minds of some of our young men” that made compliance with Edwards command impossible. Under these conditions, the chiefs explained, they could not perform the police act demanded by Edwards because other Indians would simply not carry out the required labors. Younger warriors would not capture and deliver the accused, nor would Chiefs of other villages

⁸⁷ As Edwards argued, “The red people have enjoyed their forests and pursued their game in peace; and the white people have cultivated the earth without fear. . . . while we trusted to treaties with you -- while we believed our red brethren to be *friendly* -- some of our people, fearing no danger, have been plundered of their property and deprived of their lives by some of your bad men.” (emphasis added) The one sided portrayal cast Indians alone as violators of treaty law and ignored federal violations of land and personal protections for Indians. The passage also built on the prior mention of “friendship” with the status of “friendly” Indians, accorded to Gomo, Little Chief, and others by signing the Greenville treaty.

⁸⁸ Little Chief argued the same point: “At the conclusion of the American and Indian wars [Greenville] the Americans asked us to remain at peace and in quietness. I and my warriors have always observed the advice. One of the promises of the Americans to the Indians, at that time, was that whenever murders should be committed on either side, the murderers should be delivered up to the opposite party. We have delivered up offenders; the Americans have delivered none. . . . At the peace of Greenville, it was agreed on both sides to deliver up all the prisoners” (p. 49).

command such acts.⁸⁹ In my terms, the two Chiefs claimed inability to attract sufficient local political agency to carry out the demanded police labors.

Unable to attract the agency of Indians to carry out the arrest of the accused, Harrison sought and gained federal authorization to attack the Indians at Prophetstown whom we suspected of harboring the fugitives. Harrison toured the frontiers to attract settler volunteer agents into militias under his command. He publicly argued for the attack as strategic punishment of the Indians at Prophetstown for harboring the accused murderers but, just as importantly in the minds of many frontier residents and newspapers, “a preemptive blow” (Owens, 2015, p. 192) at pan-Indian forces who might ally with Britain and attack White settlements. American press and politicians – not least of all Harrison himself – celebrated the November, 1811 attack on Tippecanoe as a great victory. It certainly contributed to Harrison’s wider public recognition which he drew on in his later successful presidential campaign. Some studies conclude the attack on Tippecanoe failed to inflict debilitating harm on the targeted Indians and came at a great loss of life to soldiers and settler militia (Cave, 2002; Cozzens, 2020). Counter to his aims of ‘pacification,’ the attack by Harrison and the militias produced “a feeling of revenge in the hearts” (Keating, 2012, p. 94) of the movement led by Tenskwatawa and the Prophet who then turned to strategize open war to eliminate the American presence on their country (Tanner, 1987).

In contrast to newspaper coverage of Tippecanoe and Harrison’s self-adulation, many Indians perceived the attack as a failure. The poor performance of federal and settler forces

⁸⁹ “You hear what the chiefs in council say; they cannot interfere in the demand you have made” (p. 50). Edwards also reports that a few days earlier, “It was said that Gomo would advocate [for delivery of the accused], but he abhorred the pusillanimous appearance of attempting that which he could not accomplish . . . if he presented himself to the chiefs and demanded the surrender of the murderers, they would say to him that he was a chief on the Illinois River, and that he had better attend to his own tribe” (p. 40).

indicated not only their weakness but that of the fort system. “Tippecanoe put Fort Dearborn at great risk as it gave the Potawatomie confidence to go to war against Americans” (Keating, 2012, p. 96). Potawatomie warriors burned Fort Dearborn to the ground in August 1812 and killed William Wells who defended retreating civilians from the fort. The attack expanded a second front in the War of 1812 weeks after the US declared war against Britain and invaded British-Canada. Attacks by Indians, including but exceeding Tecumseh’s movement, enabled British control of forts at Mackinac and Detroit and laid siege to Fort Wayne – the “only surviving major fort on the frontier of the Old Northwest” (Tanner, 1986, p. 117).⁹⁰ Indian forces were unable to take Fort Harrison and Fort Wayne, “not because the US Army sent needed replacements, but because western [settler] militia rose up to fight against the Indian attacks” (Keating, 2012, p. 184). Settler agency in defense of the forts marked the emergence of a institutional role for settler policing, and a new relationship with colonial government policing.

The institutionalization of settler policing and its aims of Indian removal

Settler militia demonstrably adapted modes of policing descended from the Baconites and the settlers’ revolt against British colonial governors to the surprisingly more modern scene enclosed and connected by the fort infrastructure. A month after the destruction of Fort Dearborn, Harrison again travelled into Kentucky and Ohio territories and successfully called together a small army composed of settler volunteers and militia (Edmunds, 1978). Harrison’s formation of settlers attacked and burned down Miami and Potawatomie villages. Making “little distinction between friend and foe” (Keating, 2012, p. 177). Harrison’s forces burned the crops of Potawatomie groups whom had protected white survivors of the Fort Dearborn battle. The

⁹⁰ Frontier settler militia took up familiar labors of violence in response. Unlike at Tippecanoe, settlers and federal agents in the Great Lakes region directed their police violence against Indians writ large and in the process contributed to the institutionalization of white settler racial ideology and its aspirations of white nationalism.

federal-settler forces further destroyed the village of Little Turtle, “one of the most loyal supporters of the United States” (p. 176).

Samuel Wells, brother of the late William Wells, led Kentucky militia in revenge attacks on Potawatomie villages that, perhaps unbeknownst to him, protected and provided medical care to his own daughter injured during the Fort Dearborn attack. Self-directed Illinois militia attacked and destroyed the Peoria villages of US allies and treaty signatories Gomo and Little Chief and drove out all inhabitants – not only Indians but also white French and American settlers. Members of that militia later explained that the town had become too “intimate and friendly” (as quoted in Smith, 2006, p. 170) with area Indians. While Illinois Gov. Edwards released the US citizens taken prisoner in that raid, his own actions also showed little concern for Indian loyalty to the US. Since 1811, Edwards led newly formed Illinois militia, like the Indiana and Kentucky settler forces under Harrison and Samuel Wells, in attacks on Indian villages regardless of their alliance with the US. In 1812, Edwards and Illinois settler militia also targeted the village of Chief Black Partridge (Potawatomi), who prominently protected US personnel during the battle at Fort Dearborn. That Edwards claimed to lead the assault “to avenge the massacre of troops at Fort Dearborn” (as quoted in Keating, 2012, p. 179) suggests either broad confusion or general disregard for questions of actual culpability of Indians.

However, a variety of sources show a shift, by the end of 1811, among federal and territorial officials toward broad, rather than strategic, application of violence against Indians. For example, late in 1812, Illinois “Territorial Legislature established a bounty of fifty dollars for the scalp of any Indian – man, woman, or child – who entered an American settlement with murderous intent” (Faragher, 1987, p. 32). Harrison’s private correspondences with the Secretary of War concerning additional murders of Whites show him openly considering general war of

Indian extermination by April 1812, months before the attack on Fort Dearborn.⁹¹ This shift in racial-national aims of federal officials – from assimilation to legitimization of war against Indians *writ large* – emerged as part of policing performances prior to the start of war. As part of the war, these same kinds of violent performances – marking boundaries of national territory and racial-national belonging – unified the historic aims of colonial governors and settlers.

Unification of federal and settler forces resulted in a white nationalist rather than assimilationist colony and helped raise settler historic aims of Indian elimination into federal policy. While federal policy did not shift openly to Indian elimination from the land until the Indian Removal Act of 1830, “Indian removal was already under way in Ohio, Indiana, and Illinois as a result of post-War of 1812 treaties” (Tanner, 1986, p. 123). Keating finds that, at least in regards to the Potawatomis, the removal “process began almost immediately after the War of 1812” (Keating, 2012, p. 198), that is, *prior* to the signing of new treaties. The case above shows local Indian removal policy around Chicago in 1815 preceded federal adoption. Local frontier federal-settler police enforcement of Indian removal policy in 1815, I argue, modelled policy aims later taken up as national policy in 1830. As a result of the successful performances defending the fort infrastructure and US sovereignty over the territories, settler policing too acquired new federal institutional importance.

Forts would continue to constitute the infrastructure facilitating Indian removal into the 1880s (Tanner, 1985; Bruyneel, 2007; Nichols, 2018) but local settler militia would constitute

⁹¹ “A colonel [John] Small has just arrived from the Settlement on the Embarras River five miles west of this place with the information of the murder of another family by the Indians about 8 o'clock this evening. A gentleman who arrived last evening informs me that a number of Winebagos, Sacs, Kickapoos etc. are now with Governor Edwards in council at Cahokia. What faith in future can be placed in the promises of these scoundrels or what other course is there left for us to pursue but to make a war of exterpatation [sic] upon them? If some offensive operations are not soon commenced against them we shall loose more of our citizens than the most bloody battle would cost us. I have dispatched a party of Rangers and militia in pursuit of the Indians and I think there is a great probability that they will be overtaken.” (Harrison to Eustis, April 22, 1812, <http://1812now.blogspot.com/2012/04/april-22-1812-harrison-calls-for-war-of.html>)

the labor force of violence reinforcing the fort system. After the War of 1812, Congress authorized expansion of the fort system but yet dramatically reduced the size of the US Army from 62,000 to 10,000 officers and men. Federal planners anticipated that gap to be filled by settler militia providing locally organized forces of violence coordinated through the fort system. This new role of settler militia in federal planning marks partial integration of settler policing into the emerging professional system of federal sovereignty. The hegemony of the white colony on the Great Lakes, I argue, features the integration of settler racial representations and policing practices with those of federal command processes. That suture enabled emergence of a new ideological representation of settlers and federal officials and soldiers. Newspaper accounts, dime novels, the Chicago Columbian Exhibition of 1893, and other media into the twentieth century, cast settler and Army personnel as common rather than contesting forces whose violent labors of Indian removal, though at times disavowed (Bruyneel, 2007; 2019), conferred heroic standing as founders of civilization and modern progress which industrialization then appeared to naturally extend (La Pier & Beck, 2015; Owens, 2015; e.g. Flinn, & Wilkie, 1888 [1972]).

Conclusion

New definitions of policing.

The above chapter showed ways policing constituted a necessary and creative structural and cultural force in the colonization of the area of Indian Country known to the US as the Northwest Territory. In the above chapter, acts of ‘law enforcement,’ by settler and colonial government police agents, mattered as means to impose boundaries across Indian lands and to divide Indian military alliances. But policing also was a necessary labor to manage the boundaries of markets as well as the bounds of citizenship. Federal policing of treaty law through the US fort network initially constituted means to perform affirmation of a racial-paternalist mode of Indian belonging in the expanding US political order. Federal policing, I showed, later

enabled legal and racial resignifications that contrarily marked Whiteness as a necessary criteria of belonging on colonial territory and politics. Just as policing used bounding practices to divide and enclose, policing also expanded boundaries by connecting pan-Indian alliances with remote federal agents, and those agents with frontier settlers. The ability of police labors to accomplish these boundary and alliance making tasks, I showed above, lay in their performative capacities to communicate meanings about land, people, and their relations through material acts of productivity and violence. The US fort infrastructure was one such product of police labors that, as it attracted competing agency to its alluring political and economic capacities, acquired central importance in the struggles among Indigenous groups, local and remote federal officials, and settlers.

The prior chapter showed ways that colonial policing, perhaps uniquely, used performances of violence to perform self as representative of law but also as maker of law. Settler police labors of violence, as the prior chapter showed, performed 'The People' as the figure of White settlerness that created law and founded the state. This chapter looked at the systematization of policing through, and against, the US fort infrastructure and how those police labors communicated cultural and policy representations of Indian legal and racial-national belonging. I looked at acts of policing such as the prioritized federal investigations of white murders, beginning 1811, and subsequent attacks on Indian villages regardless of affiliation or complicity. I showed how those police labors functioned to suture enduring settler-federal divisions through performances of anti-Indian violence. Those acts of violence against Indians writ large rejected the racial assimilationist governmental policy that sought to usurp Indigenous agents into subjugated belonging in the nascent US colonial order. The resulting shift in elite federal policy from assimilation to Indian removal constituted the new basis joining settler

militia with federal officials defending but also reshaping the form of US sovereignty on the territories.

My account explains ways that the US fort network became a necessary means, and object, of those struggles. The fort infrastructure attracted local agents to labors of treaty law policing that directly enforced boundaries on land, trade, and racial-political personhood and thus conferred discretion over the mode of sovereignty they sustained. Policing through the fort system, I showed, constituted the labor means to coordinate remote agents of violence with remote commanders. Policing enabled this coordination of settler militia with federal officials by cultivating exchange relations. By contribution of their police labors, local agents derived degrees of control including influence on remote commanding officials and discretion over enforcement enabling criminal and political projects. The fort system's political function as what I call a 'media for the exchange of controls' seems likely to be a necessary and thus endemic characteristic of police infrastructures. By that I mean, while participation in the infrastructure inherently confers degrees of discretion over system use, management repression of misuse cannot exceed the point at which lower level police workers withdraw their labor. Policing thus works as a technique to coordinate local agents of violence with remote command by regulating forces of violence and system development according to the aims and interests of both groups. Policing during the colonial dispossession of the Miami, Potawatomie, Shawnee, and other Indigenous peoples of the Great Lakes area thus shows continuation of the characteristic importance of policing as a means of class conflict, initially between Indian signatories and the federal government but later settler police agents and the federal government. The exchange relations of policing functioned as a site of struggle and negotiation that shaped resulting infrastructures and racial orders of US colonial sovereignty. In the case examined above, what

attracted remote settler agency to federal command were police labors that enforced essential White Indian difference and eliminated Indian political belonging defined in treaty law. Subsequent federal policy and practice of western colonization institutionalized that successful coordination of force.

I make these arguments in the above chapter by tracing the transformative relations of police performances, infrastructural development, and racial-national representation during colonization of the Great Lakes region in North America. Using a Du Boisian theory of power formation and a genealogy of labor performance method, I focused on acts of law enforcement as a starting point to investigate the co-constituting forces of production of structural systems of technology, law, and policing and of cultural and racial systems. This chapter inquired into the ways performances of policing contributed structural and cultural force to determine which of two systems of White supremacy would organize US sovereignty over the colonized territories.⁹² The story I tell traces the rise and fall of a limited mode of assimilationist Indigenous citizenship-belonging, first founded in the Greenville Treaty laws of 1795 with the support of remote federal officials such as Presidents Washington and Madison and local federal agents like Governor Harrison and Indian Agent William Wells. Subsequent elimination of US Indian citizenship representation came by the violent unification of remote and local federal officials with White settler militia forces. Through the entire process, policing constituted means of struggle but also a site of struggle. By that I mean, as policing constituted a basis of agency to direct enforcement to different political aims and representations of racial political belonging, competing acts of policing sought to condition and direct the police actions of others. The fort system acquired

⁹² Creative meaningful actions by those agents, in Du Bois's accounts, organized competing social forces that defeated the confederacy and Reconstruction and shaped the political, racial, and economic order of the south.

historic importance as a political material infrastructure and media apparatus to coordinate and contest performances of police labors across the territory. Indigenous signatories sought to direct federal police agents to enforce Greenville's various protections by restraining settler police acts of encroachment, theft, and murder. Federal agents, at times, sought to both to prosecute settler police for those actions but also to deny Indigenous signatories the police rights promised under treaty law. Settlers, in turn, sought to draw federal police into enforcement acts that rejected treaty law protections for Indians and instead effect their removal. Rather than usurping (Nichols, 2013) Indigenous allies into the new nation through processes of racial assimilation, violent police performances of Indian *removal* became the basis to ally distant federal policymakers with local White settler agents of violence and thereby cohere US sovereignty.

Section 1 showed the emergence of that limited mode of Indian political belonging and its performance in labors enforcing the Greenville Treaty of 1795. I analyzed how such labors of treaty enforcement joined Indians and federal officials in processes of federal assimilation policy. Police labor, in the story I told, performed central roles in those processes and in producing the material infrastructure they required, the US fort network. Policing, through that infrastructure, sustained exchange relations such as of Indian land for annuities and rights to trade as well as to physical and territorial protection. To manage assimilation, the fort system harnessed the performative capacity of police labors to communicate new meanings of land, people, and their relations. As the fort network systematized the signification of lands and persons belonging to the expanding nation it constituted an apparatus to communicate and manage geographic, racial, and political boundaries as part of its police function.

As I showed, the fort network systematized these performances of policing first by connecting remote agents of enforcement with remote federal officials via production and

circulation of reports, goods, revenues. Second, federal and state law and policies provided common definitions for labors of fort operation and law enforcement. Third, those daily labors performed command and control processes and reinforced the utility, importance, and allure of the infrastructure. These networked trans-regional processes introduced elements of modern police practice into frontier relations. Federal forts interjected into Indian Country a uniformed professional officer class who coordinated their regular local patrol, surveillance, and decision making with remote governing authorities. Fort officers politically mediated access to remote state and federal governmental authority. These functions prefigured urban police, such as in Chicago, who likewise built careers by creatively connecting economic and social activity of ward jurisdictions with a network of police stations and remote political machines. From this new system of law enforcement through the fort infrastructure, police labors acquired new functions for the organization of power beyond what is normally thought of as policing.

For example, police labors sustained a new network for creation and distribution of knowledge of frontier actions and events. By sustaining trans-regional perception and interaction, police labors on the fort system maintained a political stage for actors to influence future actions and events. These alluring capacities attracted more laboring agents, which increased the political importance of the network and attracted still more laboring agents. This reinforcing cycle increased the infrastructure's hegemonic importance, that is, its social centrality to the accomplishment of competing political aims. In addition, access to federal revenue and ability to selectively influence prosecution enabled policing agents to pursue a variety of personal, political, business, and criminal projects. Fort system capacities to create and manage boundaries, and to enable access to command and policymaking processes, attracted persons desiring to influence emerging systems of territorial rule. The early alliance by federal

agents William Wells and Miami Chief Little Turtle with local and remote officials resulted in greater enforcement of treaty legal protections for Indians. The later alliance of Gov. Harrison, Pres. Jefferson, and their growing numbers of land-hungry settler constituents directed law enforcement in ways that violated those protections and increased flows of settlers whose own policing practices fueled a violent governance crisis.

Section 2 analyzed the role of competing forces of policing in that crisis of settler-Indian violence, especially after 1809. Settler, federal, and Indian groups competitively enforced geographic, economic, and racial-national boundaries to advance incommensurable orders of land, property, law, and racial-national belonging backed by lethal police force. Settler policing in Illinois and nearby territories adapted settler law enforcement practices descended from prior generations of Pennsylvania and Virginia frontier communities and settler uprisings of the prior century (Chapter 2). Illinois area settlers enforced their own claims to land, often through violent acts against Indians regardless of treaty status. Those labors of policing enacted standing within and beyond legal codes imported from Virginia that conflicted with prior French and English law as well as federal ordinances, treaty law, and Indian practices. Labors of encroachment, land boundary and property right enforcement, forming posses and local militia, attacking, pursuing, and killing Indians, and acquitting settlers accused of murdering Indians regardless of treaty status stood among the characteristic performances that united settlers across ethnic and linguistic difference in common sense of self and national purpose. Those settler police performances, I showed, adapted the century long figure of the White settler subject to the struggles of making the new Republic, and ‘civilization’ itself, certain on the territories.

To manage the ensuing crisis, federal officials turned again to the fort system’s capacities of trans-regional policing to maintain alliances with Indians through ‘impartial’ enforcement of

law, including prosecution of Whites. Addressing the failure of that effort, due largely to settler police and jury practices, federal police shifted to greater accommodation of White settler violence. These federal efforts modified the established relations of colonial government and settler police. Federal police strategy initially sought to constrain settler police violence to strategic attacks on “enemy” Indians.⁹³ Federal officials also sought to command the police labors of Indians. All sides scrutinized each other’s performance of policing as revelatory of political allegiance, political aims, and political personhood. Federal officials and settlers interpreted Indian police acts as performative indication of their inclusion in – or exclusion from – categories of “friendly” “children” of the expanding nation, or its “enemies.” I show that Indian leaders, such as Gomo and Little Chief but also Tecumseh, similarly regarded racially different police acts by federal officials and settlers as violations of the performatives of peace, that is, as acts that revealed the decline of established treaty law and the rise of “war.” This widespread perception by Indians gained performance in their withdrawal of labor from federal fort and treaty processes.

Unable to attract Indian agency to join the federal police action, Gov. Harrison attracted settlers to a special militia to punish Tecumseh’s movement for sheltering the accused murderers. The act failed both in its aspiration to capture the fugitives – Cave’s (2002) deep review of evidence finds they were not with Tecumseh’s forces – and to preventively police the movement’s galvanization of pan-Indian resistance fighters. Tecumseh’s resistance movement *thereafter* built new military alliances, including with Britain, and attacked the fort system in August of 1812. The alliance of federal commanders and settler militia responded with genocidal

⁹³ This strategy extended traditional power relations among colonial government policing and settler policing, as I argue in Chapter 2.

attacks on Indigenous friend and foe alike. The attacks specifically targeted Indians protected by Greenville – Gomo, Little Chief, Black Partridge, and others – who in many ways cooperated with the murder investigations and above all who stayed loyal to the US during the war. The acts again violated Greenville’s legal promises and communicated Indianness as excluded from federal “friendship” and law. The acts also united federal agents and settlers in performance of White settlerness as the sole figure of belonging in national territory and politics. Federal institutionalization of White settler police, as the remote force of violence defending westward expansion of the fort infrastructure thereby also institutionalized performances of White settlerness and its racial national aims. These findings, and those of Chapter 3, detail an adapting set of characteristic police practices that various competing agents used to intervene into the discursive and structural organization of colonial power. The next two chapters reference this set of material-discursive police traits, and their relations with other determining forces, to analyze ways industrial policing adapted colonial policing to struggles over industrial sovereignty.

CHAPTER 5

Policing Chicago's 1867 General Strike Part One: Practices of Industrial Rule, the CPD, and the Logic of the White Male Lawmaker

Introduction: Performing Determined White Manhood: Police Labors and Industrial Order

The next two chapters search for the descent and adaptation of colonial police labor performances in the period of Chicago's industrialization. As I show, capitalist processes, labor movement strategies, strike mob uprisings, and CPD repression of peaceful strikers alongside mobs all showed traits of settler colonial practices of rule, including settler and colonial government policing. I understand that the presence of colonial practices in Chicago's industrial struggles may be at first difficult to see. Many scholars of early industrial Chicago conceptualize social struggles as contests of the class of laboring workers against the class of owners (e.g. Montgomery, 1967; Jentz & Schneirov, 2012). Critical studies of policing in Chicago largely frame industrial struggles in terms of class struggles over emerging systems of modernity (e.g. Donner, 1990; Mitrani, 2013). Abu Lughod (2007), Balto (2019), and Jefferson (2017) are rare exceptions that analyze ways CPD activities ordered land and racial boundaries but these works examine later time periods starting in 1919 without considering colonial context. By exploring how Chicago's early capitalist developers and labor movements creatively innovated practices of domination, I show ways research can contextualize class struggles within the then salient colonial discourses, actions, and memorial narratives that imbued action with meaning.

The chapter expands dominant class centered scholarly perspectives on policing and labor struggle in Chicago by additionally looking for traces of what Kevin Bruyneel (2021) calls *settler memory*, the often disavowed discursive practices enduring from colonization. Discursive

practices⁹⁴ consist not merely in written, spoken, and visual ‘languages’ but also in the communicativity of embodied practices (Du Bois, 1905, 1935, 1940; Hall, 1997; Gramsci, 2000). The dissertation previously identified distinctive colonial policing labor forms necessary to perform practices of colonial rule (Chapter 2, 3). Those findings provided a set of characteristic traits and functions of colonial policing that this chapter draws on as criteria to identify practices of industrial rule. As I show, practices of industrial struggle acquired meaning from memories of past settler colonization documented in popular narratives (e.g. Kinzie, 1855), legal codes written during colonization (Section 20 Illinois 1805), an industrial culture of paternalism (Higham, 1955 [2002]), but also from contemporaneous processes of western imperial colonization that Chicago’s market processes *uniquely* linked to eastern networks of economy and political command (Cronon, 1991).

I first explore the descent and adaptation of colonial practices of rule in the development of industrial and market systems centered on Chicago. Widely documented conditions of increasing industrial consolidation, economic inequality, and business domination over government (Einhorn, 1991), I show, depended on boundary enforcement practices by which owners of capital organized Chicago’s historically unprecedented economic and population expansion into a political order I call *commercial-imperial rule*. Against those conditions,

⁹⁴ The scholarly concept of *discourse* refers to all forms of language, whether spoken or written or gestural or visual, etc. As Hall (1997) explains, the concept of discourse offers starting points to distinguish the multiple kinds of representational work put into play through any practice of ‘language.’ Discourses include “a cluster (or formation) of ideas, images and practices, which provide ways of talking about forms of knowledge and conduct associated with, a particular topic, social activity or institutional site in society” (p. 6). Discourses ‘fix’ dominant meanings onto events, objects, persons by selectively emphasizing and repressing different aspects of representation.

These *discursive formations*, as they are known, define what is and is not appropriate in our formulation of, and our practices in relation to, a particular subject or site of social activity; what knowledge is considered useful, relevant and ‘true’ in that context; and what sorts of persons or ‘subjects’ embody its characteristics. ‘Discursive’ has become the general term used to refer to any approach in which meaning, representation and culture are considered to be constitutive. (emphasis original)

I separate ‘logic’ from ‘discourse’ to distinguish and relate the imagined *logical process* of social determination from the specific linguistic *terms* used to sustain that logic.

strikers and their leaders articulated contrary theory and practices of *workers' rule* which similarly focused on the enforcement of boundaries across the geographic space of industrial production but also across racial and national belonging. As I explain next, to identify these competing boundary enforcement practices and analyze how they asserted systems of rule, I am guided by a Du Boisian theory of labor performance and an original method that traces how creative significant acts organize discursive and material force.

Over the next two chapters, I inquire into four dimensions of police labor performances (practice, discourse, structure, and hegemony) to shed light on the material and discursive forces they imposed on political-economic development. 1. Analysis of *practice* requires identification of the characteristic labors of policing actually enacted by each of the antagonistic groups. 2. Analysis of *discourse* consists in defining and describing the contemporaneous narratives and terms through which industrial policing agents and observers gave meaning each other's observed practices. 3. The *structural* dimension of industrial policing is informed by identifying ways police labor performances impacted particular social-technical systems, such as economy, law, or the state. 4. A view on police contributions to *hegemony* requires re-examining the prior three dimensions of labor performance for their material and ideological contributions to the organization of a historic bloc.

Analysis of *practices* provides means to describe and compare the performatives and tasks of industrial policing among the competing groups as well as to investigate how those acts concerned social and geographic boundary inscription. *Discursive* analysis of antagonists' written and spoken narration of the conflict enables comparison of the representations of land, persons, and authority communicated through practices. I gain insight into the contemporaneous meanings of the discourse used in the primary sources by consulting definitions of key terms in

the leading dictionaries of the time (Richardson, 1855; Chambers, 1876) and the Oxford English Dictionary, perhaps the leading etymological resource for the English language. Analytic vantage on *structures* comes into view as I attend to how policing performances impacted systems such as industrial production, labor and commodity markets, as well as legal and state development. Key to gaining insights into the structural dimension, I look for ways that policing intervened in the performances of others, such as workers and managers and officials involved in organizing labor markets, industrial production, city government, and the CPD itself. *Hegemony* comes into view by analyzing the labor performance organization of discourse and practice (levels 1 and 2) in the production (and destruction) of structures (level 3) to organize orders of command and domination. Analysis of industrial police labor performances across these levels creates a new research basis to inquire into the genealogical adaptation of colonial police performances to industrial conflict.

To focus on these adaptations, I now build on Bruyneel's (2007) theorization of the practices of colonial rule as consisting in imposition of *spatial* and *temporal* boundaries. Spatial boundaries demarcated colonized land as White territory, barring Indigenous access. Temporal boundaries demarcated legal, economic, and state institutions as domains of modernity alien to Indigeneity as backwardness and vestige of the past. The chapter innovates on these concepts to describe how industrial antagonists enforced boundaries regulating access to geographic space and modern institutions of law, economy, and the state. Struggles over commercial-imperial rule, I show, hybridized colonial boundary practices to regulate industrial domains. *Spatial-structural* boundaries demarcated the physical processes and sites of industrial production and transport. *Structural-temporal* bounds regulated the hours of labor and production. *Narrative-temporal* boundaries regulated social representations of which groups 'rightfully belonged' in political,

legal, and industrial decision making. Racial, ethnic, and gender representation constituted criteria to enforce narrative-temporal boundaries and thereby mark rightful inclusion/exclusion of groups from politics.

This question of the rightfulness of any being to participate in politics – to have the right to act to hold any other being to account – is a central concern of the political theorist Jacques Rancière (2000). To identify narrative-temporal boundaries in the data, I follow Rancière’s attention to *pre-political* struggles over which groups gain representation as “speaking beings” (p. 27). Rancière points to the division of speaking and non-speaking beings as the boundary to political life. For politics to begin requires a struggle to break from the established

symbolic distribution of bodies that divides them into two categories: those that one sees and those that one does not see, those who have a logos-memorial speech, an account to be kept up-and those who have no logos, those who really speak and those whose voice merely mimics the articulate voice to express pleasure and pain. (p. 22)

The discernment of whether one’s voice makes speech or “noise” is a social judgment reflecting the discourses that gain dominance. Rancière describes that discursive discernment as part of the “partition of the perceptible” (p. 24), a concept that shares with Bruyneel’s concern with boundary inscription practices as means to regulate access to political life. Politics cannot begin with the moment of argument and the weighing of claims but in the struggle against a prior judgment that distinguishes speech from noise. The conflict that initiates politics is the fight to account participants as speaking parties and thereby create a common stage for discussion. The metaphoric accusation of others as animals “serves to rigorously reject as animals those speaking beings with no position who introduce trouble into the logos” (p. 22). These concepts helpfully provide ways to recognize accusations of non-sense, animality, and barbarity – as expressed by

strikers and labor leaders as well as the newspapers – as strategic discursive practices to impose narrative-temporal boundaries that regulate racial and political belonging.

Data and time range

Data consists of newspaper coverage of the strike from April 30, 1867 to May 6, 1867. I analyze content from three newspapers: *The Chicago Tribune*, *The Chicago Times*, and *The Chicago Republican*. Research for the chapter could have benefitted from inclusion of the German daily *Illinois Staats-Zeitung* and the skilled strikers' own press, *The Workingman's Advocate*. Unfortunately, issues of *The Advocate* covering this crucial week remain missing from all archives I could locate and time to translate the *Staats-Zeitung* from German exceeds my currently available resources as well as the limited scope of a dissertation chapter project.⁹⁵ All three of the newspapers I analyze were ardently pro-business but diverged by position on the eight-hour law, which only *The Republican* supported. The papers also diverged by party alliance (*The Times* was Democrat aligned and the others Republican). *The Chicago Tribune* and *Chicago Times* also advanced a largely free-trade ideology (business freedom from state regulation) whereas *The Republican* supported free-labor (labor freedom from state regulation) and the development of workers' cooperatives (Jentz & Schneirov, 2012). None supported radical notions such as communism or abolition of private property.

This chapter analyzes the day of the start of the eight-hour law, May 1, 1867. The following chapter then analyzes the next five days of conflict which largely resolved by May 6, 1867. The chapters examine this time period as it marks a critical juncture affecting the form of institutional policing in Chicago and the role of the Chicago Police Department in organizing

⁹⁵ In the future when I transform this chapter into a peer review article or book chapter, I will seek a means for translation services .

alliance between the ownership class and elected officials (Mitrani, 2013⁹⁶). The week of strike and strike-repression performances resolved important contemporaneous social questions, such as whether the CPD could attract sufficient agents of violence to repress large crowds or if militia or private forces would be required to defend commercial interests. The data sources within the specific time range provide descriptions of particular public acts constituting the strike conflict as well as narrative constructions of those acts by the various antagonists. Theory and method, matched with these appropriate data sources, enable chapters 5 and 6 to raise multiple arguments for critical redefinition of modern policing in Chicago as a lay and official practice that in some ways continued colonial practices of rule, especially by imposing spatial, economic, and racial-national boundaries. I think of racial-national boundaries as the representational criteria for belonging in American political participation. In the US colonial and industrial periods Whiteness, masculinity, and possession of property constituted the markers of rightful inclusion in politics (Brown, 1996; Higham, 2000). The next section explains how I organize the chapter.

Map of the chapter

The chapter presents 3 sections respectively analyzing the adaptation of colonial practices, systems, and imaginaries in the founding of the Chicago Police Department, the organization of industrial commercial rule in Chicago, and in the discourses and practices of skilled strikers and labor leaders at the start of the May 1, 1867 strike for 8 hours as a legal days work. In short, I present colonization as blindspot in scholarly understandings of the rise of the CPD and its role in constituting industrial sovereignty. The first analytic section describes the emergence of the Chicago Police Department in context with the general rise of modern US

⁹⁶ pp. 70-71

police. I review relevant literature to show a dominant scholarly perspective emphasizing the differences between emerging departments of police, including the CPD, from prior colonial forms of law enforcement. I complicate and challenge that idea of modern departmental policing as a clear break from colonial policing. I do so in the first section by presenting primary source documents that instead show that elite city planners drew on colonial structures and narratives to articulate the CPD's founding and key reforms. The following section turns to the organization of industrial capitalism in Chicago to reveal additional colonial processes that shaped official police labors.

The second section explores the similarity of colonial practices of rule to those organizing the commercial empire centered on Chicago. This section situates the police department's emergence within larger *commercial imperial* practices of the city's economic development. I use the term commercial imperial practices to refer to the boundary imposition practices by which Chicago's developers, entrepreneurs, and boosters envisioned and organized territory and production processes by drawing on prior practices that organized colonial rule over conquered Indian territory. Colonial-imperial practices of rule concerned the imposition of boundaries across territory and narrative in ways that divided Indigenous people from economic, legal, and political institutions. The section identifies particular practices of commercial-imperial rule and the spatial, economic, and racial-political boundaries they imposed. I uncover ways that police labors mattered in those practices.

The third section uncovers a widespread ideology in the form of a cultural logic of determination. Successful performance of that logic communicated manhood and right to rule. As I show in this and the following chapter, acts of policing attracted hegemonic importance as a material labor basis to collectively perform, and thereby authorize, this manhood right. This

section introduces that logic as found in the acts, displays, speeches, and antagonistic news coverage of the 1867 May Day demonstration to inaugurate a new Illinois legislated eight-hour law. I analyze historic newspapers as primary sources for observations of actions and narrated descriptions of those acts and their consequences. In those diverse and antagonistic sources I find a common understanding of the social processes that created legal, industrial, and civilizational order.

As I show, this logic referred to a widely recognized paternalist social form of conduct that connected multiple contemporaneous meanings of “determination.” In our current moment, the various forms of “determination” can refer to a judicial ruling, “the resolving of a question by . . . reasoning,” and “firm or fixed intention to achieve a desired end” (“determination,” n, 2022⁹⁷) but also “to fix the boundaries of,” “to limit . . . end,” or “bring about the determination” of legal or other social disputes (“determine,” v, 2022⁹⁸). As used in the newspapers and speeches I analyze, “determination” connected those familiar meanings with specific individual-private and collective-social practices seen as necessary to resolve popular conflicts. Performance of those practices, through bold public actions including violence, communicated a mode of masculine personhood perhaps hard to recognize in contemporary meanings of determination. Determination, I show, then referred to the ‘preparation of self’ required to commit the acts that “determine” social outcomes, the successful performance of which demonstrated that “determined” selfhood. Properly determined men (those who successfully perform their determination) stood as those who rightfully make laws and organize orders of rule. Successful performance of ‘determined manhood’ character thus revealed which laws

⁹⁷ “Determination.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/determination>. Accessed 27 Jun. 2022.

⁹⁸ “Determine.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/determination>. Accessed 27 Jun. 2022.

deserved social respect and, retroactively, whose violence was legitimate to compel that respect. I introduce the term *Determined White Male Lawmaker* to refer to the figure of rightful violence and sovereignty expressed in the words and acts of strikers, labor leaders as well as the capitalist newspapers.

I will show ways that all parties to the conflict adapted this determined White male lawmaker figure from practices and relations from both the Civil War and colonial contests over land and personhood. Strikers and their leaders referred to the Civil War “conquest” of the south, to the War of Independence, but did so in terms that also invoked images of colonial struggles to assert claims over land, persons, and law. Capitalists, especially in *The Times*, articulated a similar logic of determination but by more explicitly referencing settler colonial struggles against Indigenous people. As used both by strikers and capitalists, the logic and discourse pointed to demonstrations of ‘manly determination’ as a force that created ‘law’ and rightful authority but also distinguished “free” men from “African” and “negroe” slaves. For strikers, determined men acted to ‘vindicate’ the rights of the working class to legislate and democratically command industry. For owners of capital, manly determination defended industry as a zone of manly liberty from legislatures corrupted (effeminized and racially degenerated) by the democratic participation of labor movements. One newspaper, *The Chicago Times*, explicitly cast the struggle to defend ownership control over industry as a struggle to defend “civilization” from attack by forces of “barbarity” akin to “primitive” Indian “tribes.” Strikers and owners used this discourse to rationalize competing theories for their own political authority over industrial production and capital.

Policing, as the following chapter makes clear, acquired social importance as means for official and lay agents to perform manly determination but also to enforce the specific

boundaries organic to their competing orders of rule. Policing, as chapters 3 and 4 showed, constituted culturally recognized and historically demonstrated labor means to construct sovereignty by enforcement of racial, property, market, and colonial territorial boundaries. Strikers and capitalists in 1867 Chicago struggled over the boundaries that divided labor-time from the larger day, that divided worksites from public streets, private from common property, owners from workers, and which demarcated markets and industry from the authority of state law. Successful enforcement of those industrial boundaries demonstrated inclusion within the racial and gender boundaries that marked belonging in political life.

Determined manly policing of industrial boundaries adapted colonial practices of rule to enforce partitions across physical, productive, and cultural space and violently compel affirmative performance of social roles, processes, and orders of authority. Business elites used this logic to represent themselves as settlers of the industrial frontier who stood beyond the reach of law and above the authority of the tyrannical state. The next chapter builds on these understandings to show how strikers, owners, and the CPD took up labors of policing to perform the kind of ‘determined manhood’ authorized to settle public disagreement over the rightfulness of boundaries and related orders of domination. These larger arguments require understanding of how the CPD functioned to enforce the boundaries of commercial-imperial rule.

Colonization as a blindspot in studies of the rise of the Chicago Police Department

Scholarly research into the particular development of the CPD largely draw on dominant explanations of the general rise of modern police departments across the US between 1830-1890. The dominant view focuses on the efforts of industrial economic and political elites to impose *social order* (Silver, 1967) on historically new conditions of population growth, migration, crime, and urban unrest (e.g. Critchley, 1970). Elite search for new means of order culminated in

the founding of police departments, according to the usual story, as the wealthy broke with colonial republican practices of order by taxing themselves to fund a standing armed uniformed force under ‘public’ (governmental) control. Explanatory variations displace local elites from the lead role by arguing that national forces of bureaucratization divided the new police departments from older republican traditions of law and morality (Monkkonen, 1981, 1992) or that the new agencies stood less as expressions of elite machination and more as, often nativist and majoritarian, “popular will” (Walker, 1998, p. 6). Obert (2018), writing against the grain of the general trend, concludes, “the emphasis in most accounts of both the US and the English experience is on the ways this demand for policing engendered new organizational forms rather than reflect[ed] traditional practices” (p. 831).

Research inquiring into the development of the CPD similarly focus on ways that elite demands for social order responded to and resulted in historically new modes of discourse and systems of coercion. Accounts by Einhorn (1991), Lindberg (1991), Mitrani (2013), and Balto (2021) emphasize the very real struggles by city officials and Protestant and business elite to impose social controls on rapidly expanding immigrant, especially Catholic German and Irish, worker populations. Scholarly inquiry into the development of the CPD focuses on elite attempts to impose social order against a variety of new historical conditions: eight-hour strikes in 1853, 1867, 1886 and 1894; rising levels of violent crime and larceny; and an 1854 street battle over Protestant nativist efforts to repress Catholic leisure and political agency (the so-called ‘Lager Beer Riot’). The literature documents how transformations of the CPD responded to contesting drives not only to impose and manage crises of national and religio-civilizational belonging but also to protect private property and commercial interests and regulate access to government and law. Yet, these scholarly investigations continue the dominant pattern of narrowly exploring the

rise of the CPD for its difference from prior and contemporaneous colonial practices and systems of domination. I do not argue that industrialization did not involve new kinds of social conflicts or that elites did not break with practice by creating large standing forces of official police to impose social controls in the name of order. I instead make the case that colonization stands as an additional culturally significant model of social order that elites and lay-agents drew on to organize official and lay police forces as to impose ‘industrial order.’

Hidden colonial forces in the emergence of the CPD

Following Flinn and Wilkie’s 1888 book, historian Sam Mitrani (2013) offers the only in-depth critical study of the constituent forces of the 1853-55 emergence of the CPD.⁹⁹ Mitrani distinguishes the creation of a modern police department in Chicago from slave patrol traditions that gave rise to military style city policing such as in New Orleans (See also Dulaney, 1996). In Mitrani’s account, to design Chicago’s police department, city leaders drew on the model of New York’s 1845 department, itself modeled on the London Metropolitan Police Service founded in 1829. Mitrani writes, these modern “departments were distinct from the older [colonial inherited] system of constables and night watchmen because they consolidated their respective cities’ municipal forces in one military-style organization” (2013, p. 19). Mitrani contextualizes emergence of Chicago’s police department – like that of London, New York, Boston, and Philadelphia – within forces of capitalist development between the 1840s and 1880s that made the maintenance of order perceptible as a specific social function separable from economics, politics, and family life. As a standing agency uniquely concerned with domestic order, Mitrani argues, modern “development of police forces marked something entirely new in human history”

⁹⁹ Lindberg’s (1991) book focuses on the role of institutional police in the organization of machine politics, graft and corruption and makes no analytic consideration of the constituent forces of the 1853-55 department.

(p. 2). With the creation of modern police, “government acquired the possibility of assuming an entirely new role in reshaping society” (p. 4).

Mitrani contrasts the new police against earlier American “constables [who] were part of a broader paternalistic system of social control inherited from the colonial era” (p. 2).¹⁰⁰

Distinguishing features of modern policing include disciplined practice, military style organization, capacities of patrol especially enabling control over urban areas, and uniforms that marked officers from the general population. Mitrani concludes that modernization of the Chicago constabulary into a disciplined, military style, uniformed, professional (rather than paternalist) agency took place iteratively from 1853 to at least 1894. Creative adaption of the department to meet emerging crises – especially crises posed by pan-worker agency – marked the clear pattern of the CPD’s iterative expansion.¹⁰¹ The social aim elites tasked the CPD to fulfill, Mitrani argues, was the enforcement of “Businessmen’s order” (p. 14) of commercial authority over labor as well as the protection of property and persons of the commercial-investor class.

Yet within and beyond Mitrani’s study of the CPD’s incremental process of emergence, evidence I present below suggests colonization endured as a force affecting the practices and imaginaries of Chicago’s institutional police and their elite organizers. Mitrani richly details how the very crisis that united business elites with the City’s Common Counsel and mayor to strengthen the CPD resulted from Protestant nativist Mayor Levi Boone’s use of the CPD as means of Catholic immigrant repression. Historian of nativism John Higham (1955 [2002])

¹⁰⁰ “In sum, the police were transformed from an unorganized, undisciplined, and poorly defined group of citizens into a well-ordered hierarchy organized along military lines and clearly differentiated from the rest of the population by their uniforms.” (p. 28)

¹⁰¹ “In a pattern that would be repeated time and again, a crisis of order prompted a major reform of policing in the city. These reforms amounted to the founding of the Chicago Police Department” (p. 16).

reminds that those very nativist movements emergent in the 1830s-50s built upon traditions of narrated memories that “date back to the first Indian resistance to white intruders” (p. xi). Colonial narratives of Indigenous terror attracted popular Chicago readerships at the very moment of the nativist capture of the mayor’s office and the founding years of the CPD, notably including 2 memoirs of the Fort Dearborn battle of 1812, one authored by Juliette Magill Kinzie (1856) the daughter in law of John Kinzie, and the other by Major John Richardson 1856), a British veteran of the War of 1812 (See Chapter 4). Nor did police enforcement of Protestant paternalism end with creation of the new CPD. Mitrani’s account shows that factions of Chicago’s political and economic elites continued to use the new department of police to enforce paternalism at least into the 1870s.¹⁰² Colonial narratives and identities referenced by movements of nativism and paternalism in the industrial period need to be recognized as among the contextualizing forces affecting the CPD as a ‘modern’ police force.

Additional colonial narratives and structures outside Mitrani’s analysis also conditioned organization of the new CPD. As my review of relevant primary documents shows, the 1853 Common Counsel ordinance creating the CPD (PCCCC, May 12, 1853, doc. 409A) repeatedly also describes the duties and aims of the department in terms of “preservation of the peace” (Sections 2, 3, 4, 5, 8), a turn of phrase characteristic in US-Indigenous treaties to refer to the duties and aims of federal fort agents (Allen, 2000;¹⁰³ e.g. Greenville, Treaty, 1795). The ordinance also codifies policing, in moments of crisis, as a widely shared obligation (Section 12¹⁰⁴) in common with traditions of colonial lay policing (Greenburg, 2005). In addition, while

¹⁰² pp. 112-133.

¹⁰³ Allen presents multiple examples, see especially p. 86, n24.

¹⁰⁴ "It shall be the duty of all persons, in the City, when called upon by any Police Officer, or another member of the Police Department [including the mayor or aldermen], to promptly aid and assist him in the execution of his duties" (Section 12).

Mitrani recognizes the likely involvement of the Illinois Central Railroad in drafting the specific 1855 reforms that “amounted to the founding of the Chicago Police Department” (p. 16, pp. 25-28), he does not notice that those elite planners drew inspiration from the ideal of the settler militia and its structural legacy, the state militia.

That drafting document, “Reorganization of the Police Department” written by the Common Counsel’s Committee on Police (PCCCC April 30, 1855, doc. 294a), specifically rationalizes the legitimate basis for the CPD by adapting the iconic US Constitution Second Amendment terms “a well regulated militia” into “a well regulated police.” The Second Amendment officially authorized the power of settler and state militia (Dunbar-Ortiz, 2018, 2022) and was itself a product of settler militia struggles. The Amendment’s drafters drew from a 1776 Pennsylvania militia law, passed by a legislature largely composed of Revolutionary settler militiamen, which intended to compel “white male inhabitants” (as quoted in Kozuskanich, 2009, p. 141) to armed readiness against Indians (see also Chapter 2). The Committee on Police document itself clarifies the militia as a model for new version of the CPD, writing prescriptively that the new “department stands in a somewhat similar relation to the City that the militia do to the state” (p. 1). The specific state-militia relations in force during the drafting of that document were legally codified in Section 20 Illinois 1805, a set of laws passed under the territorial governorship of William Henry Harrison as part of military/police organization of colonization.¹⁰⁵ In addition, the Illinois and Indiana militia of the mid 1800s itself continued to be a relic of colonial times, unreliable, insufficiently manned and poorly trained (Van Slyke, 2016).

¹⁰⁵ See p. 221-223.

Finally, even looking to the police models of New York and London, Chicago's leaders still drew on colonial models. Sir Robert Peel designed the London Metropolitan Police Service based on his prior police organization, the Dublin Metropolitan Police department – an organization explicitly created to facilitate British colonization of Ireland (Dukova, 2016). Put succinctly, there is ample evidence that Chicago's business and governmental elites founded their new institutional police force not only by reference to colonial treaty language but also on the model of colonial militia structures authorized in the Second Amendment, codified in Illinois territorial law, and which constituted the armed forces of colonial conquest across the Great Lakes region. It is thus undeniable that city planners founded the new CPD in part by adapting colonial language, relations, and institutions. In addition, as the next section shows, elites designed and founded the CPD amidst surrounding capitalist processes that referenced and adapted colonial-imperial ideas and practices.

Hidden colonial forces organic to Chicago's commercial development and its mode of policing

This section reveals the often-overlooked neo-colonial underpinnings of Chicago's commercial development and how they contributed to the crisis of 1867 that culminated in the strike conflict. Early literature on the rise of the city (e.g. Hoyt, 1933; Quaife, 1933; Pierce, 1957a, 1957b, 1957c) generally regard colonialism as a precondition of the city's rise, not an enduring force guiding imagination and practice.¹⁰⁶ More recent studies that critically analyze the city's economic and political development (e.g. Einhorn, 1991; Schneirov, 1998; Jentz & Schneirov, 2012) also tend to regard industrialization and modern policing as part of a historic

¹⁰⁶ The 1888 book by John J. Flinn, *History of the Chicago Police*, stands out for its understanding of colonial identities and civilizational aims as bases for 'modern' policing. Flinn's book, however, does not critically analyze policing in Chicago but sacralizes the institution by reference to colonial narratives.

break from colonial practices. These more recent critical histories prioritize capital and market growth, immigration, labor movements, republicanism and nativism as forces shaping the city's political-economy and orders of rule. In short, most of the literature on the organization of the city and its institution of police regards colonization as a prior condition transformed and eliminated by industrialization. Yet, as I show next, a variety of agents developing the city and its economic networks consciously drew on models of imperial conquest to envision the form of the metropolis as well as to organize its material practices and systems of production.

The boundary inscription practices of colonial and industrial rule

Industrial order in Chicago arose on literal grounds acquired by colonial conquest and which offered a vantage on continued westward colonization (Tanner, 1987; Smith, 1995; Nichols, 2014; See also Chapter 2). This section shows that commercial development of the former Indian Country around Chicago adapted colonial practices of rule into what I term commercial-imperial practices of rule. Political theorist and indigenous studies scholar Kevin Bruyneel (2007) identifies practices of *spatial* and *temporal* boundary enforcement as constitutive practices of colonial rule. As he explains, colonial spatial boundaries mark out geopolitical territory but also regulate access to “legal and political institutions” (p. xiii) by enforcing bounds of national belonging that “demarcate the terms of inclusion and exclusion” (p. 2) for political and cultural communities. Colonial temporal boundaries are found in “economic, political, and cultural narratives that place limitations on the capacity of certain peoples to express meaningful agency” (p. 2) by marking them as primitive (incompatible with modern life), incapable of drawing their own boundaries, and ‘dependent’ on federal processes. The characteristic colonial interaction of spatial and temporal boundaries nullifies notions of

Indigenous sovereignty as archaic because prior to US national history¹⁰⁷ at the same moment it also denies Indigenous access to modern institutional and legal agencies. “[T]he imposition of these spatial and temporal boundaries mark out the practices of colonial rule” (p. 2).¹⁰⁸

Drawing on Bruyneel’s understandings helpfully enables the remainder of the chapter to offer a new view on the ways commercial-imperial practices of rule adapted colonial-imperial practices of rule. I will show that as commercial-imperial processes imposed boundaries across territory and production they also distanced workers from access to economic, legal, and governmental agencies. I use the term *structural-spatial* boundaries to refer to the territorial and production demarcations of early Chicago capitalism. I use the term *narrative-temporal* boundaries to refer to ways that early Chicago capitalism unequally structured access to economic, legal, and democratic participation. Organization of commercial-imperial rule involved enforcement of structural-spatial boundaries that also enforced narrative-temporal boundaries in ways that increasingly threatened workers belonging as citizens in the White nation. Applying the terms to the eight-hour struggle, however, involves recognition that practices of commercial-industrial rule also imposed temporal boundaries across structural processes of production and further shaped wage boundaries on labor markets. Competitive enforcement of the *structural-temporal* boundary of labor-time was central to the eight-hour conflict because control of that line further conferred control over wages and over workers’ economic and political inclusion.

¹⁰⁷ Bruyneel cites this kind of usage of spatial temporal boundaries in the contest over division of Cherokees lands immediately after the Civil War (p. 52-54).

¹⁰⁸ In other words, Bruyneel points to a particular White over Red ordering of land, structure, and narrative boundaries as part of the labors organic to colonial-imperial hegemony. While some in the business press of 1867 Chicago cast strikers in parallel position to Indigenous persons, I argue that strikers and owners competed to impose spatial and narrative-temporal boundaries to constrain each other.

My approach rejects at the start any idea that we should theorize early industrial workers as Indigenous persons. I further reject attempts to understand the situation of exploitation and agency of the early proletariat in Chicago as a counterpart to the complex self-activity of native people responding to genocidal dispossession. In contrast, my theory framework enables an investigation of ways that industrial antagonists cast themselves as White colonial conquerors and their opponents as threats to civilization. What I offer, in part, is an approach to analyze the role of lay and institutional policing in the making of Whiteness by structuring settler colonial roles and practices into institutions of capitalism and urban government. I build this argument next by reviewing how practices of commercial-imperial rule adapted colonial practices of rule grounded in enforcement of narrative and spatial boundaries.

Analysis of commercial imperial practices of bounding

Empire, the conquest of land and resources and the subordination of conquered peoples, served both as a narrative resource for Chicago's boosters but also as a practical model of organization (Cronon, 1991). Chicago's early promoters, like those of other cities, called out to investors and would-be farmers with a story of inevitable westward imperial advance that envisioned the rise of ever greater cities stretching from Rome to London to New York. This vision drew the opportunistic eye searching for the site of the next great city that would economically mediate newly opened regions and even potentially eclipse centers to the east. As Cronon writes, "*Empire*: its metaphors form the very core of booster rhetoric" (p. 41, emphasis original). The danger of empire to its subjects – especially republican minded ones – was ideologically negated by the replacement of the tyrannical remote state with the neutrality of *commerce*. In such visions, the commercial empire centered on the metropolis would of course draw tributes from the countryside but in a system of exchange that benefitted all. The erection

of the market-metropolis – the *emporium*, in terms of the time – would not terminate colonial-imperial frontier relations but advantageously connect them with commercial imperial processes.

In practice, the links and divisions of market territorialization enabled orderly function of the metropolitan industrial economic empire at Chicago (Cronon, 1991; Keating, 2002). The system facilitated military-economic connections that enmeshed and fed agricultural-market connections (such as in grain, lumber, meat) to ultimately connect frontier processes for the first time into a larger national economy centered on New York and an international system centered on London. National market integration took form through “the expansion of a metropolitan economy into regions that had not previously been tightly bound to its markets, and the absorption of new peripheral areas into a capitalist orbit” (Cronon, 1991, p. xviii). The commercial empire literally connected market processes with state imperial processes while also integrating local economies and land into a regional and national system.

Many observers made sense of capitalist territorial expansions and development by reference to immediate and past processes of imperialism. As one writer put it in 1846, “a commercial people using only pacific means, have gained an empire whose breadth and wealth might satisfy the ambition of even a Napoleon” (as quoted, Cronon, 1991, pp. 44-45). Systematic linkage of hinterland regions to Chicago and the east further encouraged these processes of commercial-imperial bounding. Over the course of the second half of the nineteenth-century these exchange relations shaped frontier land usage, differentiating geographic zones of production according to profitability predicted by durability of materials and proximity to transport and delivery to metropolitan markets. The resulting system “drew every local ecosystem into the web of its markets, so the environmental dynamics of western places eventually had as much to do with their hinterland status [in the metropolitan economy] as with

ecology” (p. 265).¹⁰⁹ Commercial divisions of land enabled the commercial empire to systematize production across the vast tributary zones of the middle west and beyond. These structural-spatial boundaries as I explain next, also sustained narrative-temporal boundaries, that is, they ordered and regulated access to municipal law-making, policing, and other services.

Commercial imperial segmentation of space, economy, and government

Commercial imperial bounding practices aligned division of the lands of the city of Chicago with division of government legislative process, organizing a system of government rule known as *segmentation* (Einhorn, 1991, p. 76). From the 1840s-60s, Chicago locally reproduced national trends organizing government politics by avoiding conflict among economic interests. While the Missouri Compromise separated north-south geographic economic and political zones, Chicago’s 1847 charter drew ward map boundaries to group common industrial sectors and align them with common elected city council representatives and elected police constables. These constables, elected by corporate real estate owners, did not carry out ‘modern’ police duties of patrol or crime control but served civil warrants, issued licenses, and collected city fees. The resulting policed division of space enabled division of city government policy to encourage “parallel laws” (p. 78) and avoid political conflict.¹¹⁰

These geopolitical-police practices further divided and aligned taxation and city services. Industrial sectors took initiatory agency for public works in their ward via “Special Assessment” (Einhorn, 1991, pp. 99-101). They paid taxes narrowly according to those projects and acquired

¹⁰⁹ Chicago’s economic system also drew boundaries across materials. To refine commodification of traded goods and related financial products such as futures, the Chicago Board of Trade (CBoT) introduced standard grades for materials, such as grain and livestock. The CBoT and mediating agents enforced graded pricing often in corrupt and self-serving ways via sites of inspection and measurement. Grading of raw materials constituted new market boundaries but also neo-colonial spatial boundaries as they defined terms of inclusion and exclusion to markets for area farmers. Commercial bounding practices also regulated access to other key modern structures, especially including the state.

¹¹⁰ “The idea of parallel laws found geographic expression in the ward map Chicagoans introduced with the 1847 charter” (Einhorn, 1991, p. 78).

what Einhorn calls “property owner sovereignty” (p. 100). The arrangement “segmented the provision of police services” (p. 146) to the needs of the real-estate holding companies. The charter put into practice ideals of ‘privatism’ that held “only the property owners whose real estate would be affected by a particular [city government] decision had a right to participate in making that decision” (p. 76). In short, the commercial-imperial metropolis at Chicago turned colonial-imperial boundary practices inward to demarcate and align markets and government and to differently regulate access to those institutions.

The structural-spatial boundaries of the 1847 ward map reinforced narrative-temporal boundaries barring non-property holders from accessing city government legislative processes and public services. By 1863, however, new economic power by meat packers and the dissolution of the traditional political parties due to the Civil War resulted in a new ward map. Struggles over economic and political exclusions of the non-propertied took discursive form in new debates over the “public interest” (Einhorn, 1991, p. 188). Workers remained excluded from dominant representations of the public interest advanced by the city’s contending political parties and commercial elites. Republican efforts to create a new political-electoral ruling bloc led to the party’s alliance with the Eight-Hour League and the subsequent passage of the eight-hour law at the center of the 1867 strike (Jentz & Schneirov, 2012, ch.3). The eight-hour struggle constituted a serious threat to established practices of commercial-imperial rule by partially breaking the narrative-temporal barrier to worker access of government and law. The movement’s aim of imposing a new structural-temporal boundary across wage-time offered potential means to expand worker access to political power. However, ethno-religious discrimination constituted another more complicated narrative-temporal boundary that cut across labor movements as well as divided immigrant workers from modern institutions. To understand how anti-Irish and anti-

Catholic prejudice functioned as part of commercial-imperial rule, I next discuss how Chicago's business elites sought to control immigrant laborers by creation of the Chicago Police Department.

Immigration and population growth and the rise of the CPD

In 1843, just before local production of railroads, the city's population stood at just under 8,000 with 70% native born and 30% foreign born, with about 10% Irish and 10% German born in their respective countries (Pierce, 1957a¹¹¹). In a mere seven years, the number of city residents increased three-fold with native and foreign born making up about half the population each. Irish and German born persons comprised nearly 40% of the city residents.¹¹² That relative balance of native and foreign born maintained across the next twenty years to 1870 during which time the city's population grew from about 29,000 to nearly 300,000 (Pierce, 1957b¹¹³). Immigrants performed over 80% of wage jobs in Chicago by 1860. Even as late as 1880, a majority of native-born skilled workers had foreign born fathers (Jentz & Schneirov, 2012, p. 18). Germans brought with them a variety of skills that enabled more of their number to take higher paying master craft positions or to found workshops than did the Irish who more often filled low paying unskilled jobs.

The CPD emerged as one means for elites to maintain Irish and German immigrant workers within established moral and political bounds. Elite re-organization of the CPD in 1855

¹¹¹ see Cowan, (2015) pp. 248-249

¹¹² The early booster elites promoted railroads and canals that sought immigrant laborers who would also settle and become transport customers (Cowan, 2015, pp. 15-17). Irish and German workers especially responded and many settled in what would become neighborhoods of Chicago, such as Bridgeport that would be home to many strikers in 1867. Chicago and its commercial empire did not arise after settlement but, well into the 1850s, expanded settlement as part of market construction. Railroads enabled new access to remote places where new settlers took up production of wheat and corn for sale to distant buyers and consumers (North, 1961, pp. 151-153). The influx of labor from Ireland, Germany, and other places to Chicago in the early 1860s brought large numbers of highly needed workers at the exact period that capitalized industrial production became a permanent feature of US life – and with it the specter of a permanent class of wage workers (Jentz & Schneirov, 2012, pp. 1-7).

¹¹³ see Cowan, (2015) pp. 248-249

purged the foreign-born and the Irish-Americans, the latter of whom constituted a majority of the constabulary in 1854, from the force entirely and replaced them with all native-born Protestant officers (Flinn, 1888, pp. 71-72; Einhorn, 1991, p. 147) with close ties to the city's businessmen (Mitrani, 2013, p. 10). Regular patrol officers "were largely drawn from the city's working class. They were poorly paid and expected to work long, dangerous hours, like other workers in the city" (Mitrani, 2013, p. 11). Flinn (1888, pp. 475-480) documents some examples of Irish and German born men who served on the force between 1854 and 1867. Despite some presence of Irish and Germans among the lower ranks, the CPD focused most of its labor on criminalization of Catholic – mostly Irish and German – drinking practices as a means of social control (Mitrani, 2013, p. pp. 31-33).¹¹⁴ Business elites hoped the CPD's ethnic and religiously different enforcement of moral and political boundaries would enable greater control over growing worker resentment at the new wage hour system as part of the explosion of capitalized production and its facilitation of inequality. Capitalized production drew new boundaries across labor and pushed many workers deeper into poverty. As I describe next, these conditions set the stage for new alliances of unskilled Irish and German workers to contribute force to the eight-hour struggle led by skilled workers and state legislators.

The immediate conditions of the 1867 strike: Capitalization of industry and the rise of economic inequality.

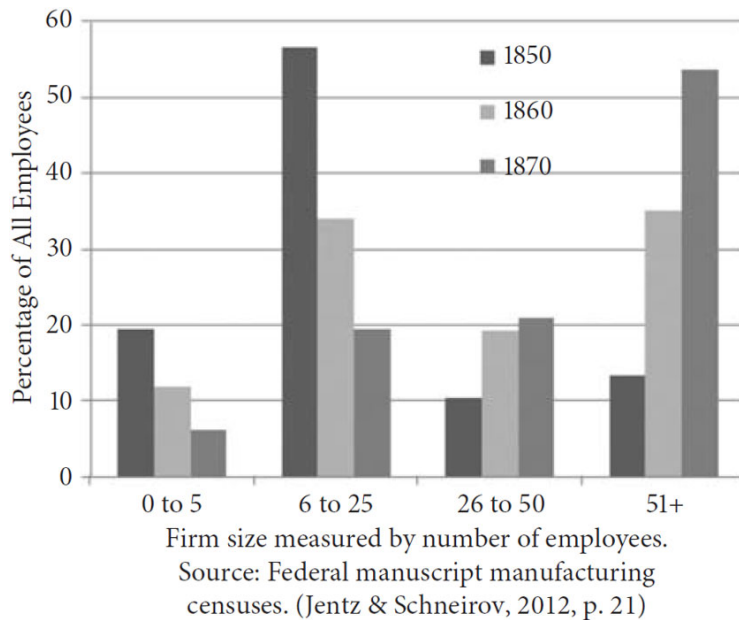
As Civil War federal subsidies flowed, production and markets boomed and profits became concentrated. Capitalization of industry expanded steam and machine-based production

¹¹⁴ "Policemen on patrol arrested a large number of working-class Irish and German immigrants for drinking. They forced these immigrants to pay a fine, and then released them. They also enforced order on the city streets among the multitude of carts and wagons driving and parking in a disorderly manner. And they occasionally harassed prostitutes, without putting a serious dent in the trade overall. While the police investigated a small number of serious crimes, the bulk of their activity consisted of patrolling the everyday activity of the immigrant working class" (Mitrani, 2013, p. 32).

that reduced demand for certain skilled labors and lowered prices for manufactured goods, driving out small proprietors (Jentz & Schneirov, 2012, pp. 21-22¹¹⁵). Between 1850-70, the “growing proportion of capital invested by the largest firms was a precondition for the transformation of production and the growth of the workforce” (p. 19). Skilled artisan workers declined in number as capitalized firms increased in number and size (p. 18-20). A small portion of firms came to control the majority of capital in manufacturing even as overall number of firms increased. The number of firms in 1850 was 246; in 1870: 1,355. In 1850, the top 5% of firms held 6% of all capital invested in manufacturing. In 1870, the top 5% held 39% of capital. Capital investment shot up 500% between 1850-60 and another 700% between 1860-70. Cash value of Chicago’s capital investments stood at \$1M in 1850 but at \$37M in 1870. Total manufacturing employees jumped over 2400% during that same time (from just under 4,000 to about 92,000). Many small and mid-sized companies expanded business across the 1860s-70s, to the benefit of some German and Irish businesses. However, the small number of heavily capitalized firms came to employ the majority of workers in a given sector and so overdetermined wages (Table 1).

¹¹⁵ Between 1850-70, “the growth of the capitalist sector of the manufacturing economy transformed the nature of traditional craft labor. Within that sector, craft labor became more specialized as manufacturers hired unskilled workers to perform simpler tasks. . . . The growth of large-scale enterprises also put intense pressure on skilled workers remaining in small artisan shops, primarily through lowering prices” (p. 22).

Table 1. Employees in Manufacturing by size of firm: Chicago, 1850-1870



A new inequality took shape between 1850 and 1870, with more skilled workers falling into the ranks of the proletariat and many unskilled workers falling into destitution and criminality. Even the hope of escape to homestead opportunities in the newly opened western territories began to collapse, especially after the Civil War, as industrialists also increasingly took control of frontier lands away from small farmer settlers (Slotkin, 1985). Workers' resentment bubbled over into strikes in Chicago and other cities (Montgomery, 1967). Ethnic divisions did not stop workers from allying together and raising demands. But skilled workers in Chicago largely refused to organize with the unskilled (Mitrani, 2012, pp. 59-60). By 1867, skilled workers largely included native and foreign-born persons from England, Scotland, and Wales with some inclusion of Germans. Unskilled workers still largely comprised of the Irish. Between 1864-1867, skilled and unskilled pan-ethnic workers contributed to the 'Eight-Hour League' and its aim of winning eight-hours as a day labor.

Commercial-imperial boundary practices stood among the primary forces against which workers allied in eight-hour struggle. “Eight hours had a wider constituency” than other labor movement aims like cooperative ownership “because of the large numbers of new unskilled wageworkers experiencing the transformation of production, particularly by the subdivision of tasks and mechanization” (Jentz & Schneirov, 2012, p. 85). Workers widely resisted new divisions of labor increasingly pushing them into repetitive menial labor tasks for long hours at low pay (Montgomery, 1967, 1993). AC Cameron, labor unionist and founder of Chicago’s Grand Eight-Hour League, referred to workers’ experience of despair as the “lost ownership of self” (as quoted in Jentz & Schneirov, 2012, p. 84) produced by the wage system. Eight-hours laws, he and others argued, would partially protect workers from this loss. Lobbying activism by the League and its allies paid off with passage of a Chicago city council eight-law in September of 1866 that became the basis for the Illinois state law passed shortly following. The Illinois Eight-Hours Workday Act (820 ILCS 145/0.01) went into effect on May 1, 1867 and workers “inaugurated” the law with a general strike for its observation.

The goal of this section was to shed light on the ways in which commercial-industrial organization in Chicago gained form through geographic, material, labor, and political boundary inscription practices. As I showed, these boundaries ordered market-frontier relations with production processes to sustain a national economy for the first time, and regulated local popular access to markets, law, and government. As “segmentation” of city spaces and divisions of labor, commercial-imperial boundaries also removed workers from accumulated capital and the possibility of small proprietorship that enabled republican political belonging. As I also showed, commercial-industrial boundary practices adapted colonial-imperial boundary inscription practices that city boosters and planners consciously referenced as models – explicitly so in the

case of the founding of the CPD as enforcer of those boundaries. Seen as part of the practices of commercial-imperial rule, increased divisions of labor also imposed physical boundaries across sites of production and demarcated new occupational categories that reduced workers' control over working conditions, reduced their income, their basis to negotiate, and dimmed their future hopes of social rise. Capitalist labor-time boundaries of ten hours or more per day created additional limits on wages and time to participate in political and family life. The nascent CPD enforced moral boundaries on Catholic leisure that even further constrained German and Irish political agency.

Early CPD practices that enforced these structural-spatial boundaries, I thus argue, also enforced narrative-temporal boundaries that impinged workers' belonging as political-citizens, and as 'real men,' in paternalist and republican political ideology. From this perspective, I suggest workers' historic aim of eight-hours as a legal day's wage constituted a struggle to enforce a new structural-temporal boundary across wage-time as means to shift the additional spatial-structural and narrative-temporal boundaries that upheld the larger commercial-imperial system. Demonstrators at the May Day March inaugurated the law and related strike by boldly gathering and moving in mass through the city's territory, thereby presenting practices and discourses to enforce a re-ordering of the bounds of industrial order.¹¹⁶

May Day 1867: Common Logics of Social Determination, Competing Theories of Rule

The very first public actions accompanying the starting day of the Eight Hour Work Day Act (820 ILCS 145), May 1, 1867, prominently included a demonstration that put on display

¹¹⁶ As the next chapter explains, the method some workers employed, especially the unskilled, to control those boundaries was to take control over the spaces of industrial production, that is, to enforce structural-spatial boundaries. Competitive enforcement of spatial and labor-time boundaries – by workers, owners, and the CPD – required police labors of violence.

practices and discourse strikers used, to compel social observation of the new law, that is, to make that law real. I show below that the physical acts of the marchers, their banners and flags, floats and displays, and the words of the rally speakers constructed logics of social determination and law-making that informed strikers' conjoined cultural (gendered, racial) and structural (economic, legal, political) aims for the ensuing strike. The speeches and scenes of the demonstration also revealed practices that strikers and their leaders saw as means to achieve those aims. On that first of May 1867, strikers associated with the Illinois Eight-Hour league, the main public force successfully lobbying passage of the Illinois Eight Hour Work Day Act, organized a demonstration marking the inauguration of the law and the start of a general strike for its adherence. The skilled workers pursued a strategy of power building through election of legislators and passage of laws, with the Eight Hour Work Day Act as prime exemplar. Yet, as I will show, some of those marching in the demonstration and some on the speakers' stage also advanced the radical notion of "conquest" as a means of power beyond winning electoral battles to shape legislation.

Workers demonstrate their roles in labor and in the paternalist nation

Strikers demonstrated their political strength and endurance with a long march across the city's landscape. This initiatory act of the event demonstrated striker capacity to collectively mobilize agents across the geographic space of the city, connecting its industrial production zones with city hall and the lakefront. The march, over a mile in length, communicated the breadth of alliances supporting the eight-hour cause. The march consisted in multiple scenes of public display. The procession of some 6,000 to 10,000 workers marching across an arduous range of city-space displayed popular support as well as eight-hour movement capacities of

strength and endurance (Jentz & Schneirov, 2012).¹¹⁷ The march involved roughly equal numbers of some thousands of demonstrators and observers, the latter mostly fellow wage-earners.

Five pre-organized divisions largely featured artisan workers performing their craft activities, many standing upon the rolling stages of horse-drawn truck beds. Marching at the very front of the procession, however, was a formation of Chicago Police Department officers.

As described by a *Chicago Tribune* reporter,

the procession was preceded by a detachment of forty [CPD] policemen, under the direction of Drill Sergeant Thomas Moore. The men were all in full dress, wearing white gloves. . . . they marched in four extended lines, stretching across the whole street, every man moving with the precision of a machine.¹¹⁸

This performance of the city's institutional police offered means for contemporaneous observers to draw contending conclusions about the relation of the CPD to the actual enforcement of the new law. Institutional police 'heading' or 'leading' the march may have seemed to herald the formal legal legitimacy of the Eight Hour Work Day Act into public space or to associate CPD bodies as 'representatives of the law' with the bodies of eight hour marchers whose banners and shouts proclaimed, "obey the law". The institutional police "full dress" visual display combined with precision march also conveyed the formal authority of city government and its ability to complexly deploy force. The reporter, employed by the business aligned *Tribune*, associated

¹¹⁷ 'The Demonstration Yesterday', *Chicago Tribune*, 5/2/1867; 'A Chicago Mayday', *Chicago Times*, 5/2/1867; 'Demonstrations Yesterday', *Chicago Republican*, 5/2/1867.

"The exhausting route of the march demonstrated visually the central purpose of the parade: to show the city that the eight-hour men were an expression of the majority will" (Jentz & Schneirov, 2012, p. 102).

¹¹⁸ 'The Trades Unions in Procession', *Chicago Tribune*, 5/2/1867

those synchronized forces with those used by increasingly capitalized industrial firms to de-skill and de-grade artisan workers: precision machinery.

The CPD's impressive uniforms, complete with white gloves and shining stars, certainly distinguished state forces of violence from civilian dressed onlookers. Yet the activist eight-hour marchers flowing in line with the CPD also adorned themselves variously with "gilt stars," "silk badges," and "sashes" that conveyed formal belonging, and even rank, in various workers unions, termed as "Associations."¹¹⁹ Mayor Rice may have hoped the formal police presence warned strikers and employers of the need to obey the legislated law's prohibition on interference. Nonetheless, contending worker agents remained free to interpret the CPD display as formally imbuing the new law with police authority or even lending authority to some strikers' own planned acts of law enforcement. After all, the incomplete government monopoly on policing as a social activity in 1867 Illinois (Mitrani, 2013, Ch. 6), and the lack of expressed enforcement measures in the Eight Hour Work Day Act itself, left undefined the entities responsible for enforcement of the new legal protocols. The mayor's participation in the march – himself a fellow Republican who only a year before voted against a worker supported eight-hour law in the Chicago Common Counsel (Jentz & Schneirov, 2012, p. 91) – added to the ambivalent position of formal authority regarding the new law.

The banners of strikers show their awareness of the competing interpretations of the law in play. The banners also express strikers' understanding that social acts of law-obedience and law-enforcement were means to affect which interpretation prevailed. Banners reading "We

¹¹⁹ Trades Assembly marchers, to cite one example, marched in the second division and wore badges emblazoned with their Association (union) as well as their "Delegate" standing. So too, "Chicago Laboring Men's Benevolent Organization . . . wore green scarfs, each bordered with yellow and ornamented with gilt stars"; Marble cutters "wore silk badges on the coat collar with the words, 'Journeymen Marble Cutters' Association of Chicago,' and in the centre the representation of a raised arm holding a mallet." 'The Trades Unions in Procession', *Chicago Tribune*, 5/1/1867.

respect the laws of our state” announced obedience to the new law as an act distinguishing lawful persons. Other banners suggest that strikers understood in advance that such acts of ‘law-abidance’ may put them in conflict with *the city’s* law-enforcers: “We respect our officers, but we must obey the law.” A group of railroad car shop apprentices made more clearly apparent that performance of law-obedience also referenced republican cultural authority to found, that is, *make law*. Their banners read, “Obedient to the law, we work only eight hours a day” but also “We shall receive the full benefit of the Eight Hour Work Day Act.” This cadre of strikers juxtaposed their commitment to law-abiding behavior with a cannon they rolled with them. The weapon bore the label, “Spirit of ‘76”, and so legitimized their cause and their acts as extensions of the self-authorizing insurrection of the nation’s founding. The example shows striking workers preparing to perform themselves as *subjects* and *agents* of law, as law abiding citizens but also as founders of law. The example introduces a pattern repeated not only at the demonstration but throughout the conflict over the next week: as acts of law obedience became dramatic contests of law enforcement as competing police performances enacted authorial cultural figures from the War of Independence and the Civil War to legitimate divisions and command over spaces and persons.

Some strikers during the demonstration referenced acts of violence to signal a sense of self as lay-administrator of criminal justice. One float displayed a lynched figure holding a copy of the *Chicago Times*, a staunchly pro-business Democratic party publication ardently opposed to unions and the new law (Walsh, 1963). Other strikers later shouted “Hang them!” in reference to ten-hour workers. These citations of lynching show some strikers embraced the spirit, at least, of the racial and class frontier republicanism particular to the US west of the Alleghenies. Lynching, according to a historian of the practice in the late 1800s mid-West (Pfeifer, 2011),

asserted that “communal violence . . . offered the surest path to *performance* of criminal justice” (pp. 4-5, my emphasis).¹²⁰ Marchers also referenced other forms of violence to imagine the task before them. The papers report multiple flags reading, “Conquer we must, for our cause is just!” and “United we Conquer”.¹²¹ Banners, march displays, and shouted slogans combined images of conquest with practices of law-obedience and vigilante justice as social techniques to win rights seemingly represented in the Eight Hour Work Day Act.

Multiple banners proclaiming “State Sovereignty” boldly named the form of authority, *state legislated law*, that striker conquest needed to extend over territories of labor and production then held under “property owner sovereignty” (Einhorn, 1991, p. 100). Yet workers’ banners also made clear their perception that tasks to make state law authoritative remained in their hands: “We will fight it out on this line if it takes all summer.” The law set a boundary upon labor-time and workers saw their own, potentially violent, role in making that “line” socially respected. Many labor leaders, such as AC Cameron, actively worked to keep the strike peaceful (Jentz & Schneirov, 2012, pp. 108-109; Mitrani, 2013, p. 64) but clearly the banners and acts of many marchers also identified a role for strikers as violent law-enforcers essential to make law.

The march arrived at the shores of Lake Michigan in downtown Chicago. There, speakers addressed the crowds from a stage. However, marchers did not then become mere spectators. The *Chicago Times* reported the slow departure of tired marchers throughout the speeches as indication that “the enthusiasm had vanished”.¹²² However, the *Tribune* and the *Chicago*

¹²⁰ “the emergence of the extralegal group murder of lynching was shaped with reference to particular American conditions, most notably the violent libertarian tradition bequeathed by the Revolution and the mobile, fractious social settings of the early to mid-nineteenth century cotton, mining, and agrarian *frontiers*. . . . in the regions of the United States south and west of the Alleghenies [including Chicago], skepticism of legal change combined with *racial and class republicanism* to assert that the communal violence of lynching and vigilantism offered the surest path to the *performance of criminal justice* that would sustain racial and class prerogatives over slave, free black, Hispanic, and white miscreants whose resistance and criminality threatened the social order” (Pfeifer, 2011, pp 4-5).

¹²¹ ‘The Trades Unions in Procession’, *Chicago Tribune*, 5/2/1867

¹²² ‘On the Grounds’, *Chicago Times*, 5/2/1867.

Republican reported the persistent call and response form of the speeches, with the striker ‘audience’ adding their own statements in agreement *and disagreement* with speakers.¹²³ In short, while the speeches portion of the rally gave prominence to labor leaders, regular strikers here demonstrated themselves as agents fully capable of speech – a fundamental mark of humanity (Rancière, 1999) that *The Tribune* and especially *The Times* would work hard to obscure, as the chapters discuss. A variety of speakers engaged with the crowd to authorize the strike as a religious and moral movement for the improvement of workers especially through electoral legislative work. However, speakers also expressed cultural logics of extra-legislative law-making.

Strikers’ logic of social determination: police labors perform determined White manhood

Speaker US Representative AJ Kuykendall (R-IL) introduced the importance of workers as law-enforcers by way of theorizing workers’ political authority over wealth (capital). The first part of his logic involved a racial-national understanding of political belonging that conferred to workers the authority to command capital *as a right*. Kuykendall advanced this logic by a two-part criterion of study and physical work as necessary for belonging among the “the people” required for “enlightened Government”.¹²⁴ Long labor hours imposed by owners encroached on workers’ time to “study the principles of their Government,” thus threatening worker standing as political citizens. Yet while owners of capital threaten the citizenship standing of workers, capitalists themselves lacked a necessary quality of political citizenship: “Capitalists labor not.” These differences mark out command rights: “If all wealth is produced by labor it ought to be

¹²³ ‘Mayor Rice,’ *Chicago Tribune*, 5/2/1867; ‘Demonstrations Yesterday,’ *Chicago Republican*, 5/2/1867.

¹²⁴ “to have an enlightened Government we must have an enlightened people. For this the people must have time to study the principles of their Government. Study is just as necessary as physical labor. . . . Capitalists labor not.” ‘AJ Kuykendall’, *Chicago Tribune*, 5/2/1867

subservient to labor”. Jentz & Schneirov (2012) gloss over the notions of command authority (and racial order) in Kuykendall’s speech and comment merely that this quote emphasized that the “eight-hour workday was the next step in labor’s fight for emancipation” (pp. 102-103).

I argue his speech posits nothing less than that *ownership of labor power* – not *ownership of capital* – confers authority to command workers and workspaces. This logic goes a long way to authorizing workers’ political command over industrial production itself. If capital “ought to be subservient to labor” then capital lacks legitimate authority to command laborers who, in contrast to owners, are the essential force of production. If owners lack standing to command capital then they lose authority to command *forms of capital*, namely workspaces and machines. The radical potential of this thinking, and the police tasks of its realization, come more fully into view when Kuykendall argues capital must be *forced* to relinquish its dominance and that begins “[w]hen capital *is made to recognize* the right of the laboring man to one third of his time”.¹²⁵ Put into my terms, workers’ successful social inscription of the wage-time boundary is the first step to securing workers’ rightful command over capital.¹²⁶ Kuykendall further suggests that imposition of the structural-temporal labor-time boundary was also a necessary task to enforce narrative-temporal boundaries to include workers within the bounds of Whiteness.

Inscription of the eight-hour line across wage-time, Kuykendall explains, was a racial imperative, as the expanded above quote makes clear: “If all wealth is produced by labor it ought to be subservient to labor, otherwise labor is as completely the slave as the African ever was. We must not stop with freeing the African and allow ourselves to be slaves”. As capital always attempts to control labor, labor’s struggle to control wealth (capital) is a struggle to

¹²⁵ Workers’ enactment of that command requires tasks of enforcing boundaries to work space (geo) and wage-hours (temporal-structural) that confer political personhood (temporal-narrative boundary) to its actor.

¹²⁶ Kuykendall succinctly stated that the task of labor is to “control capital”: “A contest is now going on between capital and labor. If they [laborers] do not control capital it will own labor as slaves.”

become/remain free-men in contrast to “African slaves”.¹²⁷ Put the other way around, capitalist expansion of labor-time removes workers *from* belonging among the “enlightened people” *to* the African’s zone of non-freedom. Kuykendall’s consistent division of workers as “we” and “ourselves” from “Africans,” who were in legal reality fellow Americans, shows his distinction of White/Black simultaneously distinguishes American/non-American, that is, citizen/non-citizen. Kuykendall’s speech makes clear that tasks successfully inscribing workers’ structural-temporal boundary on labor-time was seen as necessary to maintain workers’ economic standing, their racial-national standing, and their rightful political authority over capital – including the machines and spaces of production.

Richard Trevellick’s speech that same day expanded workers’ social range of authority as he broadened the view on the essential creative power of labor, not only for industrial production, but for *defense of the nation*. He too identifies tasks for organizing workers’ rightful authority. “They [workers] must determine the portion that belonged to themselves, and no one, if they did this, could contradict them, for they were the creative power.”¹²⁸ Trevellick’s speech introduces the first of a set of important recurrent terms I identify in the discourse of strikers, owners, and the newspapers. These terms reference struggles over land, personhood, and law and took prominence in discursive construction of industrial cultural logics of social determination and law-making.

His call for workers to take up acts of “determination” (“determine” v, 1854, 1876) introduces the first and perhaps most important of the recurring terms. Trevellick uses the term to reference 1) acts “to put an end to . . . resolve” (Chambers, 1876, p. 123) legal and lay dispute

¹²⁷ The cultural temporal boundaries of political personhood and racial personhood mutually depended on structural temporal boundaries of labor-time.

¹²⁸ ‘R. Trevellick’, *Chicago Tribune*, 5/2/1867

over eight-hour labor-time, 2) acts defining a social jurisdiction (“fix or settle the form”) under workers’ command, and 3) acts that also make clear the authoritative “character” of workers (“firm resolve”, “purpose”) to legitimately command that domain. These multiple acts of *social* determination, Trevellick argues, prove workers’ *self*-determination as the mode of personhood rightful to claim ownership and command over the domain of industrial production. In Trevellick’s words, workers “must determine” *a boundary* marking a domain that they thereby make their own property, in his words, “the portion that belonged to themselves”. Through this performance of bounding workers acquire social authority over that social jurisdiction. As he put it, “no one, *if they did this*, could contradict them”. Authoritative personhood and its jurisdiction of command thus both come into significance through successful performance of ‘determination.’

Determination could only be demonstrated through particular kinds of acts, Trevellick informed the crowd. ‘Conquest,’ as in the recent Civil War, modelled the capacities workers already possessed, namely labors of violence, to accomplish the aim of determining labor’s command over particular jurisdictions.

Who conquered the late rebellion? Was it the man who fought against them today? (Cries of “No.”) Then that man was a traitor to their cause. It was the laborer that had defended the country through war, and created power through peace. Labor was the creative power of wealth.

Participation in past acts of conquest distinguish persons of respect (“the laborer that . . . defended the country”) from those of infamy (“traitor”, “rats”). This division of laborer-soldier-citizens from non-laboring-traitors simultaneously built on Kuykendall’s basis of worker

political authority and informed new, widely spoken,¹²⁹ divisions of political personhood: “eight-hour men” from their opponents. With this statement Trevellick also makes the important argument that the special “creative power” enacted by workers consisted not merely in peacetime labors of production but wartime labors of violence. This argument identified *labors of violence* in addition to *labors of production* as fundamental constituent forces of the “creative power” of both national integrity and industrial wealth. This creative power, enacted in labors of violence and production, is a special capacity of workers but not owners.

Trevellick’s imagined form of conquest necessary to win the eight-hour struggle explicitly referenced the Civil War but also described acts recognizable from settler colonial conquest, like those regularly appearing in Chicago’s newspaper coverage of ongoing westward expansion.¹³⁰ Such practices can be seen in Trevellick’s discussion of rumors that, to escape the Eight-hour Law, ten-hour employers (like certain railroad companies) would move to Indiana.

Let them [ten-hour businesses] be taken there, and when they were removed there the laboring men would go there too and build up the eight-hour system in Indiana. And if they were taken from there they would follow it up until the opposition should be driven into the Gulf.

In this vision of worker conquest over ten-hour employers, Trevellick calls for tasks of migration, importation of (eight-hour) system of (worker) rule, overturn of local (ten-hours) system of (capitalist) rule, territorial expansion of (state law) sovereignty, and the removal and

¹²⁹ The papers and the strikers used terms of “eight-hour men” and “ten-hour men”. In addition, CPD officers as well as strikers employed violence to force public self-identification as such subjects, ‘Meeting of the Illinois Central Railroad Employees [sic].’ *Chicago Tribune*, 5/4/1867. For additional examples of usage of these terms of personhood, see ‘R. Trevellick’, *Chicago Tribune*, 5/2/1867; ‘The Eight-Hour Question,’ *Chicago Republican*, 5/3/1867; ‘West Division,’ *Chicago Times*, 5/3/1867;

¹³⁰ ‘The Indian War,’ *Chicago Tribune*, 5/1/1867; ‘Untitled beginning, The Indian war in the west,’ *Chicago Republican*, 5/1/1867; ‘The Indians – Latest from Gen. Hancock’s Expedition,’ *Chicago Tribune*, 5/5/1867; ‘[Illegible, Annals?] of an Indian Massacre in Arizona,’ *Chicago Republican*, 5/5/1867.

ultimate elimination of opponents (ten-hour companies). The tasks he lays out bear striking similarity not only to Civil War conquest of the south but of settler colonization (Chamayou, 2012; Saler, 2015; Dunbar-Ortiz, 2018). The final task of *removal* from the nation especially matched settlers' mode of conquest over Indigenous Americans but not that of the Civil War, which did not require elimination but re-assimilation of opponents.

Immediately following, Trevellick argued that performance of these tasks made visible ('demonstrated') the historic aims they made possible to achieve. "What was their demonstration? It was *the outpouring and uprising of the laboring classes*. They intended to *vindicate* their rights, and would have them" (my emphasis). "Vindicate" (v, 1854, 1876), another important recurring term in the speeches and newspapers, at that time meant "to lay claim to; to defend; to maintain by force" (Chambers, 1876, p. 550). Trevellick used 'vindicate' to refer to the historic aims of laboring people to win rights. But in his use 'vindication' also named the culmination of a process whereby violations of established boundaries ("uprising"), boundary transgression ("outpouring"), and geographic conquest constitute means to make certain claimed rights under law *socially real*. Vindication thereby referred to a victorious struggle to replace one set of boundaries with another.

Trevellick connected acts of industrial conquest with a fundamental settler terror: elimination (Owens, 2015). The terror posed to workingmen by the corporate opponents to eight-hours, Trevellick told the crowd, entwined multiple kinds of elimination: from geographic place, political life, and even humanity. Immigrant workers "came [to the US] because there [Europe] labor had been oppressed. . . . What had disenfranchised so many millions in Europe? The same cause was at work among them [in Chicago] and would, if it could, grind them into the dust."¹³¹

¹³¹ He goes on to identify the movement's corporate opponents as "men that would deprive the workingman of the common blessings of humanity".

These existential perils especially rang true for the crowd's many immigrants who came to Chicago to escape poverty and political exclusion in the UK and Germany but also starvation in colonized Ireland. Trevellick cited the particular exclusions experienced by working people in the UK and Europe to represent the immediate threat of the capitalist control in Chicago but also to unite the diverse crowd behind common labors of struggle modelled by the Civil War and, implicitly, colonization.

Trevellick's solution to the terror posed by private capital and the wage system was for "the workingman [to] leave his labor, learn to think and legislate for himself." The emphasis on law-making through democratic legislation fits the larger strategy by which the skilled workers built the Eight-Hour League to "move the local political system" (Jentz & Schneirov, 2012, p. 93)¹³² and pass the Eight Hour Work Day Act. However, the collective acts Trevellick posited as essential for past struggles to institute "improvement" (another colonial term for tasks initiating property right over land, as I explain below) invited visions of workingmen taking direct action to force employers' obedience. "Was it the free will of employers that had made an improvement? It was by [workers'] unity and determination that they had effected an improvement, *and they could hope for help nowhere but from themselves.*"¹³³ The unified *collective* "determination" he valorized was a demonstration of character that conferred power to command employers and 'effect improvement,' that is, *shape social outcomes*. And, as he described, workingmen themselves must be ready to employ that power on their own.

¹³² "The Grand Eight Hour League's grassroots organizing in [Chicago's] wards had paid off in an independent organization that could move the local political system." (Jentz & Schneirov, 2012, p. 93)

¹³³ One wonders how these words fell upon unskilled Irish, German, Skandinavian, and Bohemian workers, including child laborers, who suffered the most at the harassment of the CPD (Mitrani, 2013) and whose positions were most easily replaced by other workers. These workers could hope for little help from the Eight-Hour League who refused their alliance and, as Trevellick did in this very speech, cast as negating their standing as men and Americans. "[S]even tenths of all those arrested in the city are too lazy or proud to work. . . . [I] believe in labor of the brain as well as the hand, but those who will not work with either, are no more value to the community than so many bull-frogs, and are not wanted in America."

Self-authorizing violence symbolized workers' power to determine outcomes in one spontaneous interaction during the speech. Trevellick laughed with the crowd over lynching images displayed in the march. He said, "well might the opposition tremble" at "men hung up in effigy by the neck" to which some in the crowd responded with "Laughter," as reported by *Tribune*.¹³⁴ In imagining capitalists' fear of workers' violence, Trevellick and the strikers' may have sensed the pleasure of their own agency to compel outcomes, to eliminate their opponents. The settler policing¹³⁵ act of lynching aptly symbolized the collective from-below ability Trevellick cited as necessary to impose the eight-hour law as, in his words, "divine law" in industrial life. In sum, Trevellick argued that labors of production and violence demonstrated worker character and constituted acts that cause ("effect," "determine") social improvement and social deference to particular laws. As the creative force of those laws, labor would also gain new authoritative standing over industry through successful eight-hours enforcement. While "laborer" and "worker" stood as the central agentive figure enacting determined authority over law, industry, and wealth, the labors that performed legitimate 'determination' were those of men: conquest, such as modelled in the Civil War and by frontier settlers.

Other speakers clarified that demonstrations of *manhood* distinguished which laws were actually to be obeyed. The speeches of Mayor Rice and Civil War General MRM Wallace offered contradictory advice to the workers but both reinforced the idea that demonstration of White manhood determined law. Republican Mayor Rice offered ambivalent positions on the actual standing of the Eight Hour Work Day Act and on the role of workers in its enforcement. Republican Party support for the law drew workers' support and necessary votes. A protracted,

¹³⁴ 'R. Trevellick', *Chicago Tribune*, 5/2/1867

¹³⁵ The events discussed here occurred at the beginning of Reconstruction and before the uprising of former slave owners who made lynching such an iconic practice of the southern White supremacy system.

possibly violent, conflict between workers and owners could easily undermine the coalitions upholding the party and the mayor. Mayor Rice's words attempted to balance these contradictions and to urge workers' restraint.

Paradoxically, the mayor's speech resulted in demonstration of workers' agentive capacity to speak and disagree with his calls for deference. In his exchange with demonstrators, he appealed to them as manly agents who should demonstrate their power, the power to selectively demand law, through deference to business owners:

I do not see that is absolutely necessary that you should have the whole benefit of the law to-day. . . . if it is going to work any hardship to employer or employed—to men, women or children . . . then waive it a little, and do not insist upon the full law ([a demonstrator calls out:] 'Eight Hours').¹³⁶

Insist (v, 1854, 1876) is another recurring term involving boundary making ("to persist in pressing", Chambers, 1876, p. 264)¹³⁷ as a demonstration of character. The mayor's apt use of the term referenced acts that demonstrated *manly* character. To 'insist' on law in ways to avoid family hardship and conciliate compromise with employers, as the mayor prompted, called on workers to set demands below their perception of the law's full protections. By differently 'insisting' on law to keep order, as the mayor urged, the "earnest" workingman would demonstrate himself as a "true man."¹³⁸ Respectable manly distinction, by the mayor's logic, would be demonstrated by workers' own strategic (*different*) demands for law. Manhood, in this

¹³⁶ 'Adjournment,' *Chicago Tribune*, 5/2/1867.

¹³⁷ The term also figuratively references landed embodiment, "to stand upon; to dwell on in discourse" (Chambers, 1876, p. 264).

¹³⁸ Gov. Oglesby speaks differently from Rice by seeing no basis to act differently from the written law: "friends of the law" are those who "adhere to an honorable purpose and seek no advantage not fairly given by . . . the law"; not those "insisting upon doubtful rights [to gain] technical advantage to which, in justice, they could lay no claim". 'Letters,' *Chicago Tribune*, 5/1/1867.

case, would be demonstrated by workers' strategically protecting their families through acts of legal deference to employers.

While he urged the strikers to deference, he did so by appeal to their manly obligation to creatively and strategically perform their interpretation of law.

When you have read, reflect: talk the matter over with your wives—and I would say that there is no one better able to give you advice than a wife is—then make up your minds as to what will be right, and then when you have found out what is right, in God's name do it. (my emphasis).

His comments point to informed, reasoned, and private acts (“read, reflect, talk the matter over with your wives”) that reveal proper gendered roles for social action: wives offer consult within the private domestic realm; men enter the public realm to perform “what is right.” Legitimate performance of manly *self*-determination authorizes husbands (the proper paternalist figure of manhood) to publicly perform their ‘earnestness’ in tasks of *social*-determination, in this case to influence the larger social observation of law.

Wallace's speech, as paraphrased by the *Tribune*, articulated in simple and direct terms the essence of this paternalist republican notion of manly lawmaking. The General recognized the strikers before him as “honest men” of whom “a man might be proud”, men ready to show themselves as “the people.”¹³⁹ In Chicago, as in the enlightened republic, “the laws came from the men. Power and sovereignty came from the people, and they say what laws should exist.” In the speeches of the mayor and the general, the cultural figure representing workers' manly agency is the same as referenced in the speeches of the labor leaders examined above: a male law-maker distinguished by legitimately determined acts.

¹³⁹ ‘General Wallace,’ *Chicago Tribune*, 5/2/1867

Based on the above statements of speakers and the acts of the marchers, it seems unmistakable that these eight-hour advocates did not regard the passage of the Eight Hour Work Day Act by the Illinois legislature as sufficient to make the law widely obeyed, that is, socially real. The acts and speeches instead articulated a common logic for making law real in which successful performances of ‘determination’ demonstrated manhood that would *compel* – morally and by force – broad social respect for workers’ interpretation of the law. As the composite of those traits, the figure of history making agency that the strikers and their leaders performed, and which the mayor sought to restrain, was what I call the *determined White male lawmaker*. That figure came into social visibility, I show above, by citation of the performatives of past figures: the Revolutionary founder, the settler vigilante, the paternalist provider-husband, and the Civil War hero. All these tropes, with the exception of the last, were iconic symbols of domestic, local, and national authority in colonial narratives. The Civil War hero also extended definitive qualities of those figures: authoritative manhood expressed through determination to sacred national cause. Strikers and strike leaders adapted these multiple aspects of the White settler colonial subject to imagine the authoritative role they needed to perform to re-order industrial sovereignty.

Performance of the strikers’ resolution: A show of ‘respectable manly determination’

In accordance with the logic of “determination,” the next step the strikers took toward making the new eight-hour law real in social practice was to literally perform such “determination” through a collective act of “resolution.” Strikers’ performed formal passage of a parliamentary style ‘resolution,’ an act which employers would later also perform. The strikers’ resolution displayed common traits with earlier settler colonial self-authorizing discourses such as Baconite’s *Declaration* of 1676 and the Paxtonite’s *Declaration and Remonstrance* of 1767

(see Chapter 2). All three consisted in a pre-written statement, publicly delivered, to authorize acts of resistance to ruling forces as performances of law obedience or law enforcement. The 1867 strikers' resolution invoked the Illinois law, condemned employers "determined to destroy the effect and original intention of such a law," and corrected those who "grossly misrepresented" workingmen. As "Workingmen of Chicago" (emphasis added) the 'audience' and speakers resolved "we will maintain, at all hazards, the principle that eight hours shall constitute a legal day's work, under the sanction of law".

Collective 'resolution' (v, 2021, OED¹⁴⁰) descended from fifteenth century European terms that referred to the separation of forms but also distillation into a basic irreducible, 'true,' form. Acts of resolution could dissolve existing forms but also "determine, decide upon" new forms. Passage of the resolution also introduced two more recurring terms, *principle* (n, 1854, 1876) and *maintain* (v, 2021, OED), used by the actors of the conflict to reference the operative cultural process that determined the realness of law. The resolutions' use of "principle" referred to a pre-social vital force that caused law and distinguished that force from the resulting social making of law through legislation. The latter is the kind of "cause" lobbied by collective movements while the former is the natural, spiritual, or moral source that 'causes' human action.

But the resolution also complicated that order of dependency. As used, "principle" referred to the natural, pre-social primary force that caused the legislated law. Yet that principle also required post-legislative social actions by workers to "maintain" it, and thus the law it was supposed to uphold. 'Maintain' was a term that referred to acts of defense but also practices of upkeep or improvement. These specific practices constituted a Lockean basis for claims of property ownership, especially over land, that rationalized settler colonist takeover of Indigenous

¹⁴⁰ See also <https://www.etymonline.com/word/resolution>

territories (Arneil, 1996; Dahl, 2018; Witgen, 2019). ‘Maintain’ referenced such struggles, such as in its common idiomatic use, “to maintain one’s ground” (“maintain” v, 2021, OED). While the Eight-Hour League formally condemned violence, acts of maintenance allowed for *just* use of violence “[t]o hold, keep, defend (a place, position, or possession) against hostility or attack, actual or threatened.” However, the discourse also enabled competition over claims of just violence. As Chambers (1876) defines, acts to maintain are both those “to keep possession” (p. 306) but also acts “to make good” on property and rights claims. Maintenance is thus also a means to assert claims, to encroach on others’ claims and overturn them – the precise means by which many settlers ‘made good’ their claims to Indian lands. Acts to maintain were also inherently labors that marked land, property, and legal rights within the possession of particular individuals and groups, namely those who performed their maintenance successfully.

Successful performance of maintenance, including through violence, resulted in the vindication of one’s claim to that place or property, as this 1821 example makes clear: “Prevention of intrusion upon private property is a right which every proprietor may act upon, and use force to vindicate” (as quoted in “vindicate” v, 2021, OED). Vindication referred to the moment in which violent performances *succeeded* in making real the claimed legal right of possession. The moment of vindication thus constituted a shift in social representation of claimant to “owner,” of contended object to “property,” and of claim to “right.” Labors of maintenance organized the larger process of ‘determination,’ as previously described by Trevellick, with vindication marking its successful ‘resolution.’ In this case, vindication referred to the culminating moment of social adherence to the eight-hour law but also the moment in which the identity category of ‘worker’ acquired right and authority to carry out *prior* successful acts of maintenance, even of violence. ‘Resolve,’ ‘maintain,’ and ‘determine’ overlapped with

another crucial term that the strikers avoided: *enforce*. Striking workers at the rally did not resolve to enforce the Eight Hour Work Day Act themselves but ‘to make good’ the law’s principle, that the eight-hours labor-time boundary across industrial production rightfully aligned workers’ belonging within racial-national boundaries. Nonetheless, successful acts of maintenance, resolution, and determination required strikers to compel fellow workers, managers, and owners to performatively affirm the eight-hour labor-time boundary as law. That meant affirming strikers’ additional claims of determined White manly standing.

Businessmen’s theory of political rule, the racial and manly failings of strikers

The Chicago Tribune and *The Chicago Times* rejected strikers’ for lacking manly, reasoned, and civilizational authority to raise claims at all. Yet both papers expressed that rejection using terms (i.e., determine, maintain, assert, insist, principle) in common with labor leaders, the mayor, and the strike resolution. Also in common with the strikers, the owners relied on terms evocative of landed struggles over claims and bounds to construct a logic of social determination centered on a White male figure who distinguished ‘real’ law from that merely legislated. What excluded strikers from belonging in that racial-political category were their collective acts of self-determination and their degeneration from “men” into “slaves” to the labor movement but also into Indian-like “barbarous” threats to civilization.¹⁴¹

Collective acts of “fellowship”¹⁴² violated the individualistic, detached, and reasoned qualities of legitimate manly self-determination and de-legitimated the resulting social action of

¹⁴¹ Using the same terms that the Mayday demonstrators’ used to cast their acts as defense of law, The Times cast as asserting new legal rights. “Some predicted yesterday that as many as 20,000 men would be in procession ready to assert what they claim to be their rights, and asserting to maintain.” Assert, a term important enough to be stated twice in the sentence, defined acts persistently pressing for a noble cause (“grant or ensure liberty, to protect”) but also acts of claiming: “to maintain practically, insist upon, or vindicate”. Both papers’ use of the term in this way acknowledged that strikers claimed standing as principled determined men. However, the papers argued that striking workers who marched on May 1 failed to fulfill the racial and manly criteria of White determined manhood.

¹⁴² ‘The Eight Hour Demonstration,’ *Chicago Tribune*, 5/1/1867.

the strike. For *The Times*, as for the mayor, legitimate self-determination must be an *individual* process of rational reflection and conscious decision making prior to action.¹⁴³ Legitimate choices, *The Times* wrote, arise from “decided individuals, uninfluenced by any persons, other than those of their own home and family.” Workers’ acts of collective action and public decision making, such as at the rally of May 1, corrupted that private process of proper manly self-reflection. The paper here drew a boundary across the workers, dividing those fulfilling proper paternalistic manhood and those not. As the majority of workers aspired to proper manhood, *The Tribune* reported in advance, the strike could not win broad social support for eight-hours regardless of the numbers merely marching.¹⁴⁴ Among the “able bodied men in the procession to-day”, the article distinguished “a very large proportion . . . not in favor of a strike [and] anxious to work as many hours per day as nature will permit.” In accordance with “nature,” these men are responsible protectors (“Men of families”), saving for homesteads or home expenses. Their homes are “happy homes” apparently not wrought with anxieties over declining wages and social position. These respectable men were hindered and damaged by their literal bondage (“tied hand and foot by fellowship”) to other selfish kinds of workers. Workers’ “fellowship” – their unity and combination – was itself a degrading bond that subjugated respectable workingmen to degenerate others with “no heart promptings and no such home incentives to work”.

Still more dangerous are strike leaders, “intense advocates of extreme measures,” who “unfortunately direct and control the trades organizations.” Responsible workingmen, “even to get food for their families, must obey the trade pronouncements or be branded . . . traitors to their fellow workmen.” This imagery of hard-working family-minded men “tied hand and foot,”

¹⁴³ As the mayor pleaded to workers, “Let him candidly examine the whole matter; and when he has reached a conclusion, an honest dispassionate conclusion, let him act according to his convictions.” (‘A LAST WORD TO WORKINGMEN,’ *Chicago Times*, 5/1/1867)

¹⁴⁴ ‘The Eight Hour Demonstration,’ *Chicago Tribune*, 5/1/1867.

“branded,” and forced to “obey” evocatively casts the practice of striking as an emasculating fall into slavery to the labor movement. Striking constituted a practice that signified its actor’s exclusion from the bounds of proper paternalistic manhood to the category of ‘slave.’ Collective action, especially the labor movement, drew workers into a form of subjectivity undermining their standing not only as real men (who provide for their families) but also as *free-men*.

Unlike the strike demonstration and its performed resolution, the papers’ version of the logic of ‘determination’ restrained the bounds of free White manhood to exclude those who practice collective action and decision making. *The Times* clarified this point:

We are convinced that in case every workingman will think for himself in this matter, and act upon his conviction, the paralysis which threatens business in Chicago will be averted. It is every man’s duty to think and act for himself. If he allow himself to be controlled by the demagogues who are pulling the wires of the trades unions, he is a worse slave than were the southern negroes.¹⁴⁵

Like the mayor’s speech, the passage boldly invokes the duty of workers to demonstrate manly integrity through private acts of ‘reasoning’ (“think for himself”) and public performance of their convictions. But it is not merely the worker’s manhood that depends on his choice of action but also his standing in contrast to enslaved “southern negroes.” The contrast of ‘reasoning’ and ‘acting on principles’ to the personhood of African American slaves expressed the civilizational racism that *The Times* especially would employ not only to draw strikers and their leaders’ outside of White manly belonging but, as I show, into the realm of civilizational threat.

According to *The Times*, critics of commercial rule constituted threats to civilization itself. The paper represented those threats by reference to Indigenous people, the very figures of

¹⁴⁵ ‘A LAST WORD TO WORKINGMEN,’ *Chicago Times*, 5/1/1867.

terror against whom ‘true’ white men of ‘determination’ historically defined themselves.¹⁴⁶

Labor leaders and strikers acquired Indigenized traits through a rhetoric of degeneration, similar to that which Slotkin (2000) finds pervasive in the period after 1871. In *The Times* such degeneration began with speech acts that degrade human speech to noise, “principle” – a central term in the strikers’ resolution – to “sentiment.” Mayor Rice, in the *Times*’ view, begins this process of transformation from speaking and reasoning native-born (White) man by stating that he did not believe the interests of capital and labor were mutual.¹⁴⁷

If Mr. Rice had been a careful thinker . . . if he relied more upon his native common sense, and given less heed to the clamor of some men, or the allurements of some offices, he might not have said so dogmatically, ‘I do not believe it.’

The phrase “native common sense” referred not to knowledge held by Indigenous-Americans but to the political ideology of the contemporaneous movement of native born Whites united against immigrants (Flinn & Wilkie, 1888; Higham, 1955 [2002]). Lack of belief in labor-capital harmony constituted loss of nativist intellectual superiority. Loss of faith in capitalism, from the nativist perspective, eroded the mayor’s standing as reasoned White man and signaled his submission to those whose speech is not speech but “clamor.”

Rice stands mid-way in a transformational process between “civilization” and “barbarism,” to use the terms of *The Times*. Intersecting that colonial binary, and its anxieties, was the similarly perilous male-female binary that, in *The Times*, also threatened the mayor’s racial-national belonging: “‘The mayor talks again.’ Mares generally whimper at this time of

¹⁴⁶ opens a view on owners’ self-perception as settler-like governors of industrial and market frontiers beyond state law and power.

The explanation offered in *The Times* for how strike action threatens the very foundation of civilization opens a view on the symmetrical cultural figures through which owners and strikers asserted competing principles of law.

¹⁴⁷ ‘Labor and Capital,’ *Chicago Times*, 5/3/1867.

year.”¹⁴⁸ Here, the mayor is a non-male non-human animal, chattel property, subject to the whip, whose words signify only what a female horse begs for in season: the mayor was literally ‘asking for it.’ The image thus multiply represented the mayor as *rightfully* subject to propertied White male violence and sexual domination. The article yet left open the possibility that, depending on the mayor’s future words and actions, he could regain his White-native-born-manly belonging. Others cannot be redeemed.

No one is surprised that Mr. A. J. Kuykendall should talk nonsense, or that he should proclaim sentiments which, in practice, would transmute civilization to barbarism.

Civilization . . . has never been able to convert him from the instincts, characteristics and practices of barbarism.¹⁴⁹

The racial and civilizational significations of the passage are explicit. Kuykendall ‘talks’ but makes only “nonsense.”¹⁵⁰ He ‘proclaims’ mere “sentiments” against the “*principles* which constitute the foundation of civilization”. This is the precise form of ‘principle’ contemporaneously used to invoke racist distinction of ‘civilization’ over the ‘savage’ or ‘barbarous.’ The OED (“principle” n, 2021) cites that racist usage, such as in this example from an 1854 scholarly history of Turkish-Christian relations: “The barbarian lives without principle and without aim.” In *The Times* usage, ‘principle’ categorized systems of law, reason, and morality as exclusive properties of White western civilization.

The Times made this civilizational narrative more specific by casting the eight-hour movement’s own reasoned claims for inclusion in lawmaking (and thus industrial rule) as attacks

¹⁴⁸ ‘The Humors of May 1,’ *Chicago Times*, 5/3/1867

¹⁴⁹ The quote continues, “Ignorant and ill-bred . . . He is what nature, ignorance and brutish propensities have made him, a proper person to proclaim sentiments of the worst agrarianism, and to avow a wish to bring all men down to his own low level.” ‘Labor and Capital,’ *Chicago Times*, 5/3/1867.

¹⁵⁰ *The Times* reinforced Kuykendall’s non-speaking status by leaving unreported his actual arguments from the rally.

by racial Others on the very vital forces (“principles”) that created civilization: private concentrated control over capital, industry, and labor markets.

[I]f there be an antagonism, founded in any *principle of right*,¹⁵¹ between capital and labor, then civilization, which is wholly the result of labor, is at war with itself, and to end that war, must be destroyed. All that accumulated labor, or capital, is or has accomplished, must be pulled down, and the world brought back to that primitive state in which a few of its barbarous tribes are still found.¹⁵²

This is an adaptation of contemporaneous US colonial-imperial discourse to rationalize commercial-imperial rule in Chicago. The passage borrowed from “the post-Civil War discourse of . . . ‘advancing civilization’” (Bruyneel, 2007, p. 69), that “linked articulations of progress, rule, rationality, and the state” to authorize political and territorial expansions of the US colonial empire. The passage adapted that colonial-imperial discourse by linking civilizational progress with rationality to authorize capitalist rule over industry and to divide strikers from state law.

The passage acknowledged labor as well as capital as creative forces of wealth and civilization. However, the precise portions each contributed differentiated their racial and command roles. As the ending sentence makes clear, minus the accomplishments of capital and Chicago *regresses* to *Indigeneity*. In other words, labor produces civilization but only as labor accumulates into capital. Capitalists hereby perform the special political role of stewards whose command of accumulated labor, and thereby industrial production, alone ensures civilizational

¹⁵¹ The “principles of right” put in contention by Kuykendall’s and Trevellick’s speeches prominently included a) private ownership of wealth vs. ownership of labor-power as rightful basis to command industrial production, b) the related right of owners vs. workers to determine the hours of a days’ labor, and c) the wage system as just distribution of the wealth of industrial production.

¹⁵² I notice a general refusal in *The Times* to refer to the arguments and ideas raised by labor leader and strikers as “principles”. The article in question reveals racist meanings also conveyed with the term “principle”. The 1854 example of the term’s use noted by the OED (“principle” n, 2021) reflects this racist form: “The barbarian lives without principle and without aim.” This use of the term constructed law, reason, or moral systems as bases for racist claims of white western civilizational superiority over Others supposedly lacking those capacities.

progress.¹⁵³ The narrative-temporal boundary dividing White-capitalism over Indigeneity here rationalizes capitalist sovereignty over industrial production. I suggest this strategic ideological move of ‘seeing’ the scene of pan-ethnic strike as pan-Indian threat can be understood as ‘colonial superimposition’ (drawing on Bruyneel, 2007, p. 6-11).¹⁵⁴ From that ideological view, the spatial-structural boundaries of industrial production (the physical boundaries of worksites and processes) and owners’ ten-hour structural-temporal labor-time boundary gain significance as the existential boundaries of the White nation on the frontier. As creators of that precarious civilization on ‘the industrial frontier,’ capitalists took on heroic aspects of the White settler colonial subject – including defending their local sovereignty against the unjust authority of state law.

Capitalists on the industrial frontier: White male liberty versus ‘legislated demagogism’

The Times and *Tribune* used the notion of the industrial-colony-civilization as a place of *law* against the *lawless* barbarity of strike-mob agency. Prior to the violent days of conflict, the papers advanced owners’ view of industry and markets as zones beyond the legitimate reach of legislated law and instead governed by ‘natural laws of trade’ – but also by capitalists fulfilling

¹⁵³ Certain especially unskilled wage workers, in contrast, possessed only ‘his’ individual labor and accumulated only wages spent for existence (“men who . . . accumulated nothing”). While the capitalist becomes the maker of civilization, members of the permanent wage class become something like the racist trope the article uses to represent Indians. For Indians, the article states, “to satisfy the demands of nature was the sum of his ambition”. For workers, “to satisfy the demands of [civilization/capitalism]” becomes “the sum of his ambition”. Even in this defense of capitalism as civilization there remains the implied denial of full belonging for wage earners in the white colony/commercial empire.

¹⁵⁴ Superimposition is the technique of laying one thing over another so that both remain evident (‘superimposition,’ Wikipedia, 2022). Bruyneel’s concept of “colonial imposition” refers to the ways alliances of regular citizens and institutional elites restrained the agency of Indigenous people. “American political actors often . . . justify the coherence of repressive spatial boundaries by invoking temporal boundaries characterizing Indigenous people as too far behind the times to be active agents within the territorial, legal, and/or political space of modern life” (pp. 6-7). In the adaption of this logic to the 1867 strike, business elites (non-governmental agents) narratively used these precise temporal boundaries to restrain strikers and their leaders lack of belonging in Chicago’s legal and political space, superimposing the role of pan-Indian threat onto pan-ethnic labor struggle.

the role of ‘determined’ and wise men.¹⁵⁵ As part of the discursive work constructing industrial production as a frontier for capitalist liberty, the papers represented *all* laws like the Illinois Eight Hour Work Day Act as socially and economically dangerous: “Wherever and whenever legislation seeks to direct the industry of men it produces disorder and loss.”¹⁵⁶ Such laws also lacked political legitimacy because they encroached on male liberty as right: “Legislative action . . . as respects the labor of adults . . . is a restriction upon the inalienable rights of man”. While the term ‘man’ at times in common use often stands for ‘human-kind,’ the article specified the sort of men whose rights are threatened by laws on commerce: such law “seeks to regulate the private industry of adult male citizens, of sound mind . . . competent to manage their own affairs.” Thinking of industry as a ‘domain of freedom’ beyond rightful legal intrusion lends it appeal as an open frontier, at least for all competent men.

But some men are more competent than others and it is they who rightfully should govern the industrial frontier.

Proceeding on the presumption that each man needs a guardian to manage his private affairs, and that a few politicians selected at random by a ward caucus are wiser in all business matters than business men in their own special vocations, such laws necessarily tend to chaos.¹⁵⁷

The quote identifies “business men” gaining from “their own special vocations” the wisdom uniquely qualifying them to govern, that is, set industrial policy ultimately accountable to “the laws of trade”¹⁵⁸ not laws of state. *The Tribune’s* reference to elections as “politicians selected at random by a ward caucus” hints at how some owners saw the democratic participation of wage-

¹⁵⁵ ‘A Chicago Mayday,’ *Chicago Times*, 5/2/1867.

¹⁵⁶ ‘Industrial Legislation,’ *Chicago Tribune*, 5/1/1867.

¹⁵⁷ ‘Industrial Legislation,’ *Chicago Tribune*, 5/1/1867.

¹⁵⁸ ‘Industrial Legislation,’ *Chicago Tribune*, 5/1/1867; ‘A Chicago Mayday,’ *Chicago Times*, 5/2/1867.

earners as itself de-legitimizing resulting legislated laws. Wage-workers' participation created dangerous new grounds for populist leaders and movements to *claim* legal protections and rights. As *The Tribune* explained, legislation on industry, such as the Eight Hour Work Day Act, "constitutes a rallying point for demagogues, who *talk about* 'violating a law of the State' . . . and its effect has been to band one class of people against another" (emphasis added).¹⁵⁹

The suggestion was that passage of any legislated regulation on industry (even when unenforceable) created a basis for class motivated actors from below to raise claims.¹⁶⁰ The *Tribune* found this corrupt involvement of wage-earners in state lawmaking to be "the objection which lies against all class legislation". *The Times* defined it "legislative demagogism."¹⁶¹ Industrial legislation, for both papers, was illegitimate practically for it created disorder, economically for it created loss, and politically for it enabled wage-earners to assert new authority over zones of work and trade already claimed as owners' domains of manly right. In short, the papers divided laborers from inclusion in the bounds of men rightful to make real law but also from the competent reasoned men rightful to govern the industrial frontier.

In coverage leading to the strike, the papers reinforced the notion of industrial freedom from the law by largely refusing to refer to the Eight Hour Work Day Act as "law." *The Times* preferred terms of "eight-hour system", "eight-hour movement", "effort", "demand",¹⁶² and

¹⁵⁹ The Republican aligned CT does not specify which groups are the demagogues, but does describe an example of such activity: "A demagogue who subsists by inciting animosity against employers, and making workingmen believe that capital is the enemy of labor" (Unheaded, passage starting "A demagogue who subsists", *Chicago Tribune*, 5/6/1867.

¹⁶⁰ *The Tribune* later charged that was exactly what labor leaders were doing: "The 'central committee' of the workingmen . . . lay considerable stress upon the eight-hour law, as though it had altered, in some respect, the previous condition of things. In point of fact the law alters nothing. It was passed with the full understanding that it did not seek to abridge, by a hair's breadth, the working time of any adult citizen." Unheaded passage starting "The 'central committee' of the workingmen", *Chicago Tribune*, 5/6/1867.

¹⁶¹ 'Chicago Requested to Blush,' *Chicago Times*, 5/4/1867. *The Times* earlier described this as form of corruption by Republican leaders who are "unprincipled . . . willing to plunge workers into distress . . . in order to make votes" (my emphasis). 'A LAST WORD TO WORKINGMEN,' *Chicago Times*, 5/1/18767.

¹⁶² 'The Police Disperse the Crowds at the Depots,' *Chicago Times*, 5/3/1867.

“terms proposed by workingmen”.¹⁶³ In lieu of calling the Eight Hour Workday Act law, *Tribune* articles largely used terms “eight-hour rule”, “eight-hour system”, and “new system”.¹⁶⁴ For example, “The intention of the majority of the workmen in the various trades, is to insist, after to-day, on the *eight-hour rule*, and where employers refuse to pay on that basis, to strike”.¹⁶⁵ With few exceptions,¹⁶⁶ reference to the law *as law* came almost entirely from eight-hour advocates.¹⁶⁷ The *Tribune* writers at moments seemed to take a pleasure in assailing the law while avoiding reference to its actual legal standing: “The act of the Legislature declaring that, in the absence of any contract, eight-hours shall be a legal day’s work . . . is not obligatory upon anybody . . . merely a sentiment”.¹⁶⁸

In the papers, multiple entwined boundaries come into view: one dividing workers from access to state law, the other dividing industry from the authority of state law. These boundaries entwined with bounds of White manhood that included owners as manly stewards of “civilization” and excluded workers as incomplete men, that is, corrupted, unreasoning, “barbarous.” Strikers’ set out to extend the bounds of state law over industrial places, processes, and persons. That boundary was necessary to further enforce racial national borders that included pan-ethnic laborers among “the enlightened people,” in contrast to African slaves and ‘traitorous’ capitalists. Strikers and owners struggled to rationalize competing racial, gender, and political boundaries as means to organize competing orders of legal authority. As the competing political theories of capitalist and worker rule made clear, successful enforcement of those

¹⁶³ ‘A Prominent manufacturing firm in this city,’ *Chicago Times*, 5/1/1867; see especially ‘A Last Word to Workingmen,’ *Chicago Times*, 5/1/1867.

¹⁶⁴ i.e. ‘The Demonstration Yesterday,’ *Chicago Tribune*, 5/2/1867; ‘The Eight Hour Movement,’ *Chicago Tribune*, 5/4/1867.

¹⁶⁵ ‘The Eight Hour Movement,’ *Chicago Tribune*, 4/30/1867.

¹⁶⁶ ‘Industrial Legislation,’ *Chicago Tribune*, 5/1/1867; ‘The Mayor’s Proclamation,’ *Chicago Tribune*, 5/4/1867;1

¹⁶⁷ e.g. ‘North Division,’ *Chicago Tribune*, 5/3/1867; ‘The Railroads,’ *Chicago Tribune*, 5/3/1867;

¹⁶⁸ ‘Industrial Legislation,’ *Chicago Tribune*, 5/1/1867

boundaries constituted necessary labors to determine authority over industry and capital, that is, over the spaces, machines, processes, and resulting wealth of production. Enforcement of those boundaries would require embodied acts which, both sides argued, must be evaluated for their demonstration of White manhood belonging. Neither side yet explicitly referred to such labors as policing. In the ensuing bloody conflict, as the next chapter shows, police labors uniquely mattered to enforce physical boundaries of industrial production but also to perform the distinction of legal from illegal, and properly determined men from “demagogues” or “tyrants.”

Conclusion

The chapter uncovered the adaptation of colonial practices of rule in contests between capitalists and workers in Chicago 1854-1867. Capitalists established their political and economic domination over industrial development, I showed, through what I call practices of commercial-imperial rule. Protestant nativist political campaigns created the CPD to politically contain and economically subjugate unskilled Catholic Irish and German workers. Workers contested that ruling system by legislative organization. To make their new eight-hour law real in social practice, I showed, strikers and labor leaders articulated practices of workers rule that drew on colonial struggles as well as that of the Civil War. The chapter contextualized the founding of the CPD with commercial land, market, and state development in Chicago. Those processes, I showed, depended on enforcement of structural, spatial, and narrative boundaries. Commercial-imperial practices of boundary enforcement, I argued, cited the processes, practices, and paternalist culture fundamental to the colonization of the area around Chicago. Emerging practices of workers’ rule, I showed, also focused on enforcement of structural, spatial, and narrative boundaries in ways that adapted colonial practices. All the antagonists of the 1867 strike conflict seemed to understand that mere legislation would be insufficient to make law real

in social practice. Acts to enforce preferred versions of law were required. The general strike constituted an arena to demonstrate standing as the cultural inheritor of the lawmaking and state founding figure iconic to colonization: the White settler colonial subject. To attract agency and organize social force, strikers and businessmen alike sought to demonstrate their standing as a figure I call *the determined white male lawmaker*. In the discourses of labor leaders and strikers, but also the capitalist newspapers, police labors took on importance as means to perform that figure.

The chapter exposed ways police labor performances organized social force at four levels: practice, discourse, structure, hegemony (see Chapter 2). The first analytic section uncovered ways entrepreneurs and boosters adapted colonial practices of rule to commercial-imperial practices of rule. The free-trade newspapers constructed industry as a kind of frontier, beyond the reach of law, under the rightful sovereign paternalism of businessmen who inherited the duty of preserving the civilization founded by settlers. The second section analyzed ways that organized skilled strikers articulated theory and practices for workers' rule. Workers and labor leaders too cited colonial practices but also drew on the Civil War as a model for struggle against privatized capital and its attending form of oppression, wage-slavery, which threatened the entwined representations of workers as political participants and as free White men.

As the first analytic section showed, business developers and boosters consciously drew on past and ongoing colonial imperial practices to integrate vast hinterland regions into Chicago's processing and transport systems. Those systems connected markets eastward to sustain a national economy for the first time. Boosters and business developers regularly envisioned Chicago as a great empire over commercial activities across the western hinterland, then undergoing colonization by US Army and settler police forces. Practices of colonial

imperial rule enforced spatial boundaries that physically divided Indigenous people from presence on colonial territory and narrative civilizational boundaries that regulated access to modern institutions of economy, law, and the state (Bruyneel, 2007). Organization of Chicago as commercial 'Emporium,' in the terms of the time, adapted colonial practices first by creating spatial-structural boundaries across land to align distinct market sector processes with city government processes (what contemporaries called, "segmentation"). Mechanization imposed new labor divisions that deskilled many workers. Enforcement of those boundaries across labor created new representations of who rightfully participated in which work processes and in which ways. Capitalized firms consumed smaller rivals and expanded their control over market sectors and related spaces of production. Structural-temporal boundaries expanded to increase the time of labor and production. Workers not only lost time to spend with families but time to participate in political life. Workers found themselves increasingly on the outside of paternalist narrative-temporal boundaries as they lost standing as property holders and family providers. Where settler colonial enforcement of land boundaries conferred right of ownership and local political authority, commercial-imperial boundaries aligned land control with market sector interests, and land ownership with political constituency in city government. Different laws emerged as needed by particular sectors that further excluded workers' access to government.

As means to control the growing governance crisis resulting from commercial-imperial rule, the founding of the CPD, I showed, sought to extend neo-colonial boundary practices across jurisdictions of morality and labor organizing. Business and government elites created the CPD as a standing local force of violence to control crime largely by enforcing ethno-religious divides among workers and distancing increasingly organized workers from industrial and governmental policy making, various historical studies show (Flinn, 1888; Mitrani, 2012; Balko, 2018). I

contributed a new view on ways elites modelled the CPD on settler colonial militia, amid a culture of settler nostalgia, for the purpose of adapting colonial paternalist practices of rule to capitalist control of industrialization. Against that backdrop, I argue, the strike constituted a workers' uprising against these structural, spatial, narrative, and political boundaries that sustained what Einhorn (1991) described as ownership sovereignty.

The strike march of May Day 1867 displayed practices for workers' rule that also focused on the setting of structural, spatial, narrative, and political boundaries. To compel their inclusion within the bounds of political and economic life, strikers focused their collective agency on the commercially enforced ten (or more) hours labor-time boundary. In my terms, enforcement of the structural-temporal labor-time boundary acquired importance as means for workers to also control narrative-temporal boundaries regulating workers' presence within bounds of gendered, racial, national, and political belonging. Put simply, strikers seem to have perceived control of the labor-time boundary as means to compel their political inclusion in decision making over law and industry. The embodied labor practices to impose the eight-hour line needed, I argued, to cite and adapt established cultural processes of *lawmaking* in order to properly perform workers as rightful political authorities. Only through such successful performances could workers realize their authority over industry – the subservience of wealth to labor, as Kuykendall put it. Only through successful performances could workers real-ize the eight-hour law. Strikers and their leaders boldly defined such practices through the signs, scenes, and speeches of the May 1, 1867 demonstration to inaugurate the new eight-hour law.

My analysis of that strike march identified practices including mass mobilization of laboring bodies, collective movement through industrial and government zones of the city. Flags raised above eight-hours worksites marked the geographic expansion of what the newspapers

fearfully called “eight-hour rule.” Strikers on horse drawn floats enacted the master crafts of the various labor sectors. These performances signified the strength of popular support, the stamina to endure a long strike. They also put on display the very labors that industrial production depended on, which strike leaders identified as the basis of labors’ “creative power” of national wealth – which the strike threatened to withhold. The demonstration of large numbers of strikers to collectively visit sites of production also signaled their capacity to deploy force and interfere in production, which strikers and strike-mobs would indeed do in the following days (Chapter 5).¹⁶⁹ Marching ‘for the law’ through the zones of industry with banners proclaiming “State Sovereignty” over industry, the demonstrators publicly performed alliance with the local Republican party over and against the claimed authority of business owners. While the strikers’ asserted the subjugation of capital *and industrial policy* to the authority of state law they also legitimized their own role in realizing that order of authority.

The scene of eight-hour demonstrators led by the CPD ambivalently invited competing interpretations of whether the city authorized, or promised to contain, strikers seeking to enforce the new law themselves. Demonstrators enacted scenes and bore banners that showed their awareness that strike practices of ‘law-obedience’ and ‘law-enforcement’ mattered as means to shape broader social interpretations and actions towards the law. Acts and banners also pointed to practices of violence as labors to liberate strikers from the “tyranny” of “wage-slavery.” Banners and skits cited workers as rebels against the tyranny of Britain but also as settler vigilante police ready to lynch their ‘criminal’ opponents. Demonstrators identified their own practices of “conquest” as potentially necessary to make the new law real in social practice. As I

¹⁶⁹ The march also expressed the roles of workers within labor sectors and unions. Workers expressed and displayed paternalist roles as workers and husbands and wives but as imaginatively fulfilled through workers’ aim of eight-hours as a day’s labor.

showed, striking workers prepared to perform themselves as *subjects* and *agents* of law, as law abiding citizens but also as patriotic founders of law. While the demonstrators never explicitly cast strike actions as “policing,” they undeniably legitimized strikers’ role in enforcing broad social observance of the law.

The strike leaders speaking at the rally contextualized the above practices within a theory of workers’ political authority over capital. Rep. AJ Kuykendall identified labor as creative of all wealth and thus the basis of workers’ political authority over capital and industrial production. *Ownership of labor power* – not *ownership of capital* – conferred command authority over *capital*, including workspaces and machines and resulting wealth. To right the denial of laborers’ authority over capital, workers’ practices must *force* capital “to recognize the right of the laboring man” to eight-hours. Practices of eight-hour enforcement were racial as well political imperatives for workers. Lacking acts to compel capitalist submission to labor would leave workers in the position of ‘African slaves.’ To workers living in the postbellum moment of Black slaves transforming into US citizens, the shrinking bounds of economic and political inclusion revealed anxieties about the shrinking boundaries of White racial belonging.

To labor’s unique “creative power,” which authorized worker control over industry and inclusion in political life, labor leader Richard Trevellick added acts of national defense: labors of “conquest.” While at moments explicitly referencing practices of the recently ended Civil War, Trevellick described labors of boundary transgression, territorial expansion, and elimination of opponents as means to authorize law. Such acts evocatively resembled practices of settler colonial imperialism – by settler police and federal forces – that founded Chicago and continued at that moment across the western plains. Self-authorizing settlers who ‘brought law’

to the wilderness aptly matched the Civil War hero as patriotic figures, one who founded ‘law and order’ on the wild frontier and the other who restored law over the southern traitors.

The strike leaders connected their valorized practices and theory of workers’ rule to a discourse and logic of social “determination.” Through the performative process of ‘determination’ workers would rightfully take command over the spaces, machines, and persons of industrial production and the wealth (capital) resulting from production. Multiple practices of *social* determination (labors of production and violence that inscribe boundaries and create jurisdictions of authority), Trevellick argued, would prove workers’ *self*-determination as the mode of personhood rightful to claim ownership and command over the domain of industrial production.¹⁷⁰ ‘Vindication,’ as used by Trevellick, named the culmination of that process whereby violations of established boundaries (“uprising”, “outpouring”) and geographic conquest imposed new boundaries that made claimed legal rights *socially real*. Put more simply, determination – when legitimately performed – wins vindication as it compels social respect for the boundaries it enforces. Where Kuykendall saw eight-hour struggle as determining workers’ economic, political, and White racial standing, speeches by Mayor Rice and Gen. Wallace clarified that ‘determination’ required successful demonstration of manhood character.

Strikers leaders, I thus argue, regarded inscription of the eight-hour line across labor-time as means to signify workers’ belonging within the bounds of manhood and Whiteness as essential marks of rightful belonging in politics. Understood as practices of rule, workers’ successful enforcement of the eight-hours structural-temporal boundary on labor-time simultaneously enforced narrative-temporal boundaries that regulated workers’ economic, racial-

¹⁷⁰ Mayor Rice’s comments affirm this process but starts it with workers’ *private* and *reasoned* acts of self-determination which then guide social acts that determine law and affirm legitimate manhood character.

national belonging and their rightful political authority over capital. As suggested in the strike leaders speeches, that struggle also required labors of geographic conquest to align the spatial-structural boundaries of industrial production (the worksites, machines, and processes of production) with the new eight-hours structural-temporal boundary. Vindication would result only as strike labors fulfilled the cultural criteria of authority and rightful lawmaking. The figure strikers needed to perform through their labors, the *determined White male lawmaker*, was a composite of prior iconic colonial figures of domestic and national authority: the Revolutionary founder, the settler vigilante, the paternalist provider-husband, and the Civil War hero. The pan-ethnic strike movement, as imagined by striker leaders and demonstrators, cited these aspects of the White settler colonial subject to represent their laboring acts enforcing workers' sovereignty over industry.

Owners sought to maintain property right as the right to command industry. They offered a contrary political theory to rationalize their continued commercial-imperial rule but they relied on a similar, though not identical, logic of manhood demonstration as the basis to determine the authority and reach of law. In owners' political theory, industry constituted a domain of manly liberty limited to the reasoned adult male. State regulation, especially when corrupted by the participation of workers in legislation, could only bring disorder to a zone ordered by "the laws of trade" not the laws of government. Businessmen alone possessed the acumen for this position of governance. *The Times* constructed the property right to rule industry in racial terms. Owners of capital were stewards of progress who guided the productivity of labor power to accomplish "civilization." Any resistance to that command authority of capital over labor, *the Times* warned, threatened civilizational degeneration.

Practices of striking, in both newspapers but especially *The Times*, demonstrated workers' failure to act as reasonable civilized men and so marked a process not only of manly but also racial degeneration. Collective acts of self-determination, as exemplified by strikers' formal passage of resolution, violated the necessary *private* performance of reasoned reflection that enabled proper *public* performance of principle. Acting without properly organized reason marked manly failing. Acts of "fellowship," united struggle by workers, degenerated racial as well as manly standing. Bonds of unity and struggle, as regarded in *The Times*, symbolized workers degeneration into a slave bondage to the labor movement, a position "worse than . . . southern negroes." The paper employed a discourse of civilizational advance to cast any struggle to hold capital to account as an even more dangerous form of racial degeneration, namely the slide into "barbarism," an Indian-like threat to civilization itself. The process of degeneration included the shift from human to less-than-human form and from speech to "clamor" and "nonsense." I see this depiction of strikers as non-speaking beings as a strategy to return workers to the ideological zone of those who are of no-account, whose claims cannot be heard, of Indigenous persons and slaves and chattel animals.

Depiction of industrial production as a zone of manly White liberty, beyond the authority of the state, governed by 'natural' laws (of trade), and threatened by Indian-like degenerates multiply evoked the image of the frontier colony. Owners, within that racist imaginary, played the role of the White settler colonial subject who brought law and civilization to the wilderness (Slotkin, 2000). The practices of commercial-imperial rule, I showed, sought to impose boundaries dividing industry from the reach of law and dividing the law from workers' reach. In dramatic contrast, the depiction of strikers as akin to "primitive . . . barbarous tribes" began a process of distinguishing workers suitable for extirpation, that is, complete removal from

industrial space. This process of representing strikers through binaries of civilizational/tribal, White/Indian, principled/unprincipled would rationalize businessmen's calls for their violent elimination over the following days, as the next chapter explains. Practices of workers' rule would also require labors of violence. Only through control over the spaces of production could strikers enforce boundaries on the time of production. Labors of policing, as the next chapter shows, would become necessary means – performed by strike-mobs, owners, and the CPD – not just to physically control the bounds of worksites and impose their preferred boundary on labor-time but to demonstrate standing as the determined White male figure authorized to make law.

CHAPTER 6

Policing Chicago's 1867 General Strike Part Two: Adapting Colonial Policing to Struggles of Industrial Sovereignty

Introduction

The work of a few heartless demagogues and unprincipled newspapers culminated [sic] yesterday in a riot or rather a series of riots in which a number of men and boys variously estimated at from five hundred to two thousand virtually took possession of the machine shops, planing mills, lumber yards, car shops, railroad depots and other places where laborers carried on in the city, driving out the men employed in them; in some cases using violence and in others only threatening it. The rioters claimed to be 'Enforcing the Eight-Hour Law.' . . . One man has no more right to dictate to another how long and for what sum he shall labor than has the Legislature. The tyranny of a Government which would force men to work fourteen hours daily for a fixed sum, would not be a whit more revolting and infamous than for one hundred laborers of Chicago to dictate to another hundred the hours of work, and the wages . . . Such conduct is an assumption of mob authority which must be put down and will be put down at all hazards.

'The Eight-Hour Riots,' *The Chicago Tribune*, May 3, 1867.

The above passage is from a pro-business newspaper editorial on Chicago's violent May 1867 strike conflict between workers and owners. That contest concentrated around a new Illinois state labor-time law but became a struggle over industrial sovereignty. The editorial helpfully introduces the chapter's concern with policing as a *creative technique* lay and official agents used to intervene in the articulation of structural and cultural order. Such creative use of policing appears in the editorial's depiction of the self-organized acts of strike-mobs but also in the way the business class used the editorial to police city officials. In different ways, unskilled strikers and business owners took up police violence to compel respect for their particular interpretations of law. The passage shows that the strike-mobs not only claimed to be law-enforcement but that they enacted characteristic police labors: the use and threat of violence, to

enforce geographic boundaries (around worksites), within which they repressed and removed ‘criminal’ actors (ten-hour workers) and shut down ‘criminal’ operations (ten-hour businesses), pursuant to a particular interpretation of law (eight-hours as a legal day’s work).

Owners, speaking through the narrating voice of the *Chicago Tribune* (itself an industrial capitalist employer), demanded the city’s department of police repress the strike-mobs. The final sentence backs that demand with a threat: “mob authority . . . must be put down and *will be put down* at all hazards.” If city officials failed to act, owners threatened to deploy their own forces to police the mob – a threat made explicit in other editorials.¹⁷¹ Other ways owners enacted police labors involved the use of armed force to control worksite boundaries, remove ‘criminals’ (strikers), secure the travel of ‘legal’ (replacement) workers, pursuant to a legal principle (ten-hours as a legal day’s work). The passage thus reveals a symmetry: both the strike-mobs and the business owners took on similar kinds of police labors, including use and threat of violence. Owners legitimized their claimed right to *extra-legal* violence not in the authority of official institutions but against the “tyranny” of “Legislature” and “Government.” Strike-mobs’ own acts of police violence also violated laws, even the very law they claimed to enforce, the Illinois Eight-Hour Workday Act. It seems that this paradoxical ‘unlawful’ unofficial technique to enforce ‘law’ worked: strike-mobs temporarily succeeded in compelling obedience to their eight-hour principle and owners succeeded in compelling city officials and police department officers to repress not only the unskilled strike-mobs but peaceful skilled strikers as well, thereby upholding owners’ ten-hour interpretation of law.¹⁷²

¹⁷¹ “The right of every employer in Chicago to manage and control his own property and to make and carry out such bargains with his employees as he and they may agree to, must and will also be protected. If the authorities fail to give such protection, it will be provided for in another way.” “Shall Mobs Rule Chicago?” *Chicago Times*, 5/4/1867.

¹⁷² The strike proved to be a critical junction, which Mitrani (2013) points to as a “milestone in police-labor relations” (p. 70) as it established an anti-strike police policy that cohered the department and the city government

The chapter explores how the technique of policing enabled these interventions into the constitution of law and thereby the larger organization of industrial sovereignty. I argue that strike-mobs and owners took up policing for its special capacity to *materially* intervene into the social *representation* of law. Policing enabled unskilled strikers and business owners to perform themselves as ‘representatives of the law’ while simultaneously compelling others to obey their interpretation of lawful conduct and the boundaries of state law and property right those interpretations upheld. The passage thus introduces two entwined historical political functions of policing that the chapter elucidates. First, policing mattered as a technique to communicate which interpretations of law were ‘actually to be enforced and obeyed.’ In other words, policing provided creative material and communicative means to intervene in the social constitution of law itself. Second, successful performance of the policing technique revealed its actors as the group authorized to make law – even against the authority of the state, its elected officials, and legislated law, as the threats of massive and disproportionate violence by the business owners makes clear.

Other critical studies of the strike overlook that the violent labors carried out by owners and strike-mobs shared traits with the violent labors of the CPD (e.g. Montgomery, 1967; Schneirov, 1998; Jentz & Schneirov, 2012; Mitrani, 2013). By not recognizing the competition of police forces enacting the conflict, those studies also overlook the common ways policing constituted widely deployed practices of rule not just within the state, as Neocleous (2000) observes, but beyond and against the state. I address these gaps by comparatively analyzing the creative actions of owners, strike-mobs, and the CPD to identify their varied acts of policing. I

with the business class in a new ruling alliance. Owners now sought to selectively strengthen forces of policing (the CPD but also the army and state militia) as necessary “institutions committed to defending their power.”

then describe ways those police labor performances commonly functioned as *practices of rule*, to use the terms of political theorist Kevin Bruyneel (2007), by enforcing spatial, structural, and cultural boundaries. By attending to policing enforcement of boundaries I address another gap in critical studies of the strike, and in police studies generally. As discussed in the Introduction and Chapter 4, studies of policing and of the 1867 strike tend overwhelmingly to conceptualize ‘modern’ industrial policing as a total break from colonial practices of law enforcement (e.g. Vollmer & Wilson, 1936; Walker, 1998; Mitrani, 2013; Robertiello, 2017). Chapters 2 and 3 showed how colonial policing acquired importance as a practice of rule by its characteristic capacity to communicate cultural or narrative boundaries through enforcement of geographic, legal and economic boundaries. Violent enforcement of those spatial and structural boundaries simultaneously made visible the racial and gender boundaries of White propertied manhood that regulated access to colonial political rulership. This chapter shows that strikers, owners, and the CPD took up police labors to acquire a strikingly similar characteristic capacity: to physically control the geographic boundaries of factories and worksites and thereby set structural boundaries across production/labor-time, capital and labor markets, as well as between government legal authority and industry. Control of those boundaries revealed (determined) whether White propertied manhood referred to ownership of labor power or capital.

Recent scholarship shows a longstanding defining characteristic of modern policing is its capacity for state legitimized violence that remains potential in every encounter (Seigel, 2018). In the early colonial period, policing also characteristically involved violence to defend colonial territorial boundaries and signify racial and national belonging (Walker, 1998; Slotkin, 1998; Greenburg, 2015; Dunbar-Ortiz, 2016) – acts that helped to found the state (Kozuskanich, 2009). At critical junctures in colonization, violent acts of policing performed White settler subjectivity

as the authorial figure authorized to make law and found the state, as Chapters 2 and 3 reveal. During industrialization in Chicago, I argue below, policing performatively and discursively adapted the White settler colonial subject into a figure I term the *determined White male lawmaker*. As I show, strike leaders as well as capitalist free-trade papers repeatedly invoked the determined White male lawmaker as the subject authorized to distinguish encroachment from defense, legal right from tyrannical rule, and thereby *determine* (in the operative discourse of the time) sovereignty over the industrial community.

I orient these arguments around a Du Boisian focus on the creative actions that animated violent conflict in Chicago across 6 days starting May 1, 1867. This chapter builds on the genealogical findings of prior chapters that traced the emergence and descent of characteristic traits of police labor performance. The concept of *labor performance*, which I derive from Du Bois, enables me to focus on police actions for their physical and communicative interventions into social determination. In this chapter, I identify the specific police labors that drove the conflict and their representation in the newspaper narratives. By analyzing the subjects, rights, and social order those labors signified, I show how ‘law enforcement’ organized structural and cultural force necessary to intervene in the larger ‘determination’ of law and industrial sovereignty. In common with previous chapters, analysis attends to the particular ways that acts of law enforcement simultaneously directed the material force of labor (such as selectively attacking human bodies to shut down or maintain production). I also continue to reveal how those labors performed meanings (such as authorizing legal practices and particular political authorities). I operationalize theory using the same method as prior chapters: I analyze the labor performances of the strike conflict at four levels: practice, discourse, structure, and hegemony. In short, I identify the characteristic embodied acts of the conflict (practice), the meanings they

referenced and communicated (discourse), and the systems of production, law, government, and economy they impacted (structure). The fourth level, hegemony, comes into view as I describe the ways that particular acts and significations came to direct system development as they compelled performances of affirmation by others.

Map of the chapter

The chapter first analyzes ways that performances of ‘law abidance’ constituted a basis workers and owners used to appeal for social respect for particular legal interpretations. Workers took up acts of ‘lawfulness’ to make the new law in social practice. Owners’ acts of ‘obedience’ to the law claimed a new right to mark “special” labor contracts beyond the reach of law. I then describe the turn from acts of law obedience to acts of law enforcement. Unskilled workers violently blocked access to ten-hour sites. Owners (with armed workers and security guards under their command) used violence to move replacement workers across those lines. I describe how those acts of violence enforced competing principles of legal labor-time but also enacted competing claims to determined manhood as a basis to *compel* respect for those principles. Those acts of policing worked by attempting to enforce geographic, market, and manhood boundaries in ways that compelled others to perform their affirmation of the given eight or ten-hour legal principle.

I describe ways police practices by the CPD and strike-mobs displayed common traits with colonial policing by militia and federal fort personnel. The chapter closes with examination of how the free-trade newspapers, especially the *Chicago Times*, represented strike-mobs’ law-breaking use of violence as a bestial, barbaric, and despotic threat to civilization akin to that posed by Indigenous people in the settler colonial imaginary of the time. In contrast, the papers represented owners as own use of violence as brave civilizing performances that demonstrated

determined White manhood. Represented through that authorial figure, owners additional threats of disproportionate, even genocidal, violence against strikers, disobedient workers, and even elected city officials gained meaning not as acts of lawlessness (despite the illegality of such threatened acts) but as acts that courageously *imposed law* on effeminate officials and ‘barbaric tribal’ strikers. I argue that peaceful strikers as well as strike-mobs, owners and the CPD sought to perform themselves as determined White male lawmakers. Only strike-mobs, owners, and the CPD succeeded to compel social respect for their principles of legal labor time – strike-mobs merely for a matter of days. Policing was the social technique necessary to their successes. Those techniques of industrial policing worked by violent enforcement of geographic and structural boundaries in ways that socially realized boundaries to gender, racial, and political belonging – just as policing functioned for settler colonial militia and federal fort officers 50 and 150 years prior (Chapters 3, 4). Where colonial policing enacted and made socially visible the White settler colonial subject, policing in Chicago’s 1867 strike enacted and made visible a strikingly similar determined White male subject as the ultimate authority above legislated law and elected government. I close by explaining how the CPD’s defeat of the strike-mob police forces cohered a new hegemonic alliance of city officials and capitalists, all of whom shared standing as that determined racial-gender authority of, *and above*, the law.

Analysis of competing police practices in Chicago’s general strike of 1867

From law-abidance to law-enforcement: lay strategies of law-making

The initial performances of law making, by both owners and strikers, consisted in acts of law abidance, that is, acts referencing their own standing as obeying law. Law abidance enabled owners and strikers to claim rights and attract others into performances affirming preferred principles of law. Owners’ actions reflected their paradoxical need to present themselves as law abiding citizens while actively defending the autonomy of industry from legislated law. To do so

they enacted their freedom from the eight-hour state law as a performance of law-abidance. I show, however, that many employers also defied the very protocols of the law which they simultaneously used to symbolize their lawfulness.

From the start, the large capitalized firms rejected the eight-hour boundary on labor-time. The *Chicago Times* reported, “It may as well be understood at once that there is no intention on the part of the employers to yield to the demand of the eight-hour rule.”¹⁷³ Some, like the railroads and many planing mills, stated their intent to refuse to follow the new law’s limits on work hours in printed circulars and in statements to workers and newspapers. The Chicago & Northwestern Railroad Company circulated the following:

On and after May 1, 1867, all employees of this company . . . not employed by year or month, or by *special contracts*, will be . . . paid by the hour at a rate equal to one tenth of the rate day heretofore paid . . . The same number of hours will be required. (my emphasis) ¹⁷⁴

The above circular uses “special contracts” to refer to *non-standard contracts* authorizing ‘special’ eight-hours labor-time. The circular enables a view on an important slippage in the meaning of the phrase “special contract” that owners used to disguise their violation of the precise wording of the new law, as I now explain.

Comparing the usage of the phrase in the circular with that of the new law reveals contradictory meanings. As the law states,

¹⁷³ ‘An Extensive Strike,’ *Chicago Times*, 5/3/1867; See also ‘A Prominent manufacturing firm in this city,’ *Chicago Times*, 5/1/1867; ‘The Demonstration Yesterday,’ *Chicago Times*, 5/2/1867. “Proprietors [of the Eagle Works] are determined not to engage men at eight hours.” ‘The Eight-Hour Question,’ *Chicago Republican*, 5/3/1867.

¹⁷⁴ ‘Railroads,’ *Chicago Tribune*, 5/1/1867; Other employers’ policies that refused to follow the law reported in ‘The Tanners,’ *Chicago Tribune*, 5/1/1867; ‘The Planing Mills,’ *Chicago Tribune*, 5/1/1867.

On and after the first of May, 1867, eight hours of labor . . . shall constitute a legal day's work, when there is no special contract or agreement to the contrary. (820 ILCS 145/ Eight Hour Work Day Act)

Jentz & Schneirov (2012) interpret this passage to mean “any company could set up another arrangement” (p. 100). Mitrani (2013) argues this loophole “stated that a longer workday was legal if it was agreed to in a work contract” (p. 62; see also Foner, 1986, p. 13). Those historical studies overlook the multiple meanings of the term “special contract” and how owners used that polysemy to claim a new legal right. The law’s use of “special contract” explicitly referred to *non-standard* contracts “to the contrary” of the eight-hours legal standard. In contrast, the railroad circular used the phrase to refer to non-standard eight-hours contracts contrary to the ten-hour standard.

A third meaning of “special contract” was introduced by owners in their Resolution calling for an expanded force of the CPD to violently repress the strike.

Resolved, that we recognize eight hours as a legal day's work, and at the same time we claim the right under the [Eight-Hour Law] to work ten hours or more under special contract, and under present circumstances we deem it . . . utterly impossible to restrict a day's labor to eight hours.¹⁷⁵ (emphasis original).

At first it may seem this is the same meaning as the railroad circular; “special contract” denotes non-standard contracts contrary to the ten-hours standard. Looking more closely reveals that owners used the term “special contract” to claim what they called “the right” to designate a category of *standard* agreements special only in that they were exempt from the new law. Owners claimed from the new law the power (“the right”) to create a boundary dividing their

¹⁷⁵ ‘The Resolutions,’ *Chicago Tribune*, 5/3/1867.

standard ten or more hours wage-hour contracts from the reach of law.¹⁷⁶ Through this strategy, owners presented themselves as ‘obeying’ the law even as they claimed exemption from the law.

All the railroads enforced the same special-as-standard contract policy, which one firm tellingly referred to as “its old regulations.”¹⁷⁷ “In all of the railway machine-shops there reigned a perfect quiet, the various railroad companies having determined to employ none who will not work ten hours”.¹⁷⁸ In addition to the railroads, most if not all of the large employers enforced this policy. Some employers went further and immediately began firing workers who “expressed dissatisfaction” with ten-hours policy.¹⁷⁹ A smaller number of employers negotiated agreements with strikers for eight-hours or settled on close variations.¹⁸⁰

Some employers fired workers who seemingly enacted the very form of workers’ liberty idealized in the free-trade papers:¹⁸¹ direct negotiation of labor-hours with owners. *The Times* reported one such instance. “The firm . . . refused any concessions. They believed that the pretensions of the men [to negotiate] were a *ruse* to inaugurate the new system, and were

¹⁷⁶ An 1899 ruling affirmed owners’ claimed right by stating that the eight-hours maximum stipulation defined whether a contract “comes within the terms of the statute” (*Sanitary Dist. of Chicago v. Burke*, 88 Ill. App. 196, 198, Ill. App. Ct. 1900), a phrasing that suggests other contracts exist beyond the terms and thereby reach of the statute. The law was not tested by courts until 1897, meaning no caselaw existed in 1867 to resolve the competing interpretations of the law.

¹⁷⁷ ‘The Eight Hour Law,’ *Chicago Republican*, 5/1/1867;

¹⁷⁸ ‘The Eight-Hour Question,’ *Chicago Republican*, 5/3/1867.

¹⁷⁹ “The Chicago & Great Eastern Railroad Company adopted the same [ten-hour] rules some days ago and twenty-seven men who expressed dissatisfaction . . . were at once discharged”. ‘The Railroads,’ *Chicago Tribune*, 5/1/1867; See also ‘Eight Hour Riots,’ *Chicago Tribune*, 5/3/1867; ‘In the Morning,’ *Chicago Tribune*, 5/3/1867; ‘The Railroads,’ *Chicago Tribune*, 5/3/1867)

¹⁸⁰ A meeting of Journeymen Painters reported achieving nine hours pay for eight hours work. ‘Meeting of Journeymen Painters,’ *Chicago Republican*, 5/1/1867. See also . One report shows strike mobs disallowing ten-hours work on “special terms,” with those terms not specified. (‘The Railroads,’ *Chicago Tribune*, 5/3/1867). ‘The Eight-Hour Question’ (*Chicago Republican*, 5/3/1867) reports workers and employers agreeing to eight hours pay for eight hours work and conducting production on that basis. See also, ‘COMPROMISES,’ *Chicago Times*, 5/3/1867.

¹⁸¹ ‘Labor and Capital,’ *Chicago Times*, 5/3/1867; ‘The Railroads,’ *Chicago Tribune*, 5/3/1867; ‘Demagogism and Mob Spirit,’ *Chicago Times*, 5/4/1867

determined that it should not be accomplished” (emphasis original).¹⁸² Such *collective* attempts at negotiation of course violated the individualism free-trade newspapers regarded as a necessary mark of self-determination. However, collective negotiation was not what the article identified as the de-legitimizing factor prompting rejection by owners. Employers perceived workers’ performances of law-abidance as dangerous means to “inaugurate” the Eight Hour Work Day Act, that is, to make workers’ version of the law real in social practice. So too, workers’ saw employers’ enforcement of ten-hours policies as means to unmake the new Illinois law. Resolutions from the strikers aptly made this charge: “employers . . . to destroy the effect and intention of this law insist upon the adoption of the ten-hour system”.¹⁸³ Owners and strikers recognized that ‘performances of law-abiding’ stood as labor means to determine which *principle* (ten-hours or eight-hours) would gain social meaning as *real law*, that is, actually to be enforced and followed. The mutual anxieties over competing acts of ‘obeying the law’ reveal the utility of those acts to usher competing interpretations of the law into social performance.

Events quickly showed a shift in practices of strikers and owners from law-abidance to law-enforcement, that is, policing. Employers’ tasks of firing and refusal to employ except at ten-hours (or more) lacked the use or threat of violence characteristic of policing (see Seigel, 2018). While owners did not yet engage in violent social and geographic boundary inscription characteristic of policing, owners’ acts constituted collective performances of *enforcement* (‘enforce’ v, 2021, OED) that used threatened loss of income to compel adherence to the ten-hour principle. The Chicago, Rock Island and Pacific Railroad Company, for example,

¹⁸² ‘An Extensive Strike,’ *Chicago Times*, 5/3/1867; see also workers’ workers “presented a petition to the proprietor requesting a compliance with the eight-hour law, but he refused to comply, and they quietly resumed their work as usual.” ‘North Division,’ *Chicago Tribune*, 5/3/1867.

¹⁸³ ‘General Wallace,’ *Chicago Tribune*, 5/2/1867; ‘Action of Employes [sic],’ *Chicago Tribune*, 5/4/1867. The *Chicago Republican* alone cast the hiring policies of employers as intended to fight the law: “Barnum & Williams . . . will resist the Eight-Hour Law.” ‘The Eight-Hour Law,’ *Chicago Republican*, 5/3/1867.

announced that for all persons employed in certain shops “work shall be ten hours . . . this shall be strictly enforced.”¹⁸⁴ *The Chicago Republican* reported this practice of enforcement was widespread: all railroads “adopted substantially the same rule; men must work ten hours or not at all.”¹⁸⁵ Skilled strikers presented a different set of practices than owners to maintain the eight-hours principle, namely, public meetings, demonstrations, and speeches to persuade more workers to withdraw their labor power through strike.¹⁸⁶ Such labor-withdrawal actions also did not constitute policing but they did ‘enforce’ in one sense of the term: they “urge[d] (a demand)” with “moral force.” But only with the successful attraction of sufficient workers could the strike organize sufficient acts of labor-withdrawal to enforce in the fuller sense, to “compel the observance of” eight-hours by employers – an aim that non-violent skilled strikers would not accomplish.

It would be strike-mobs of unskilled and unemployed workers who first organized violent lay-policing performances that directly compelled replacement workers to withdraw their labor and thereby compelled most ten-hours employers to close. Owners would take up policing labors in response, and call for expanded personnel and powers of violence for the CPD to enforce the ten-hour principle. I next analyze those competing performances of police labor to explore how their enforcement of boundaries (structural-spatial, structural-temporal, and narrative-temporal) referenced and signified modes of gender and racial personhood and organized orders of command.

¹⁸⁴ “The Chicago, Rock Island and Pacific Railroad Company gave notice that all persons employed . . . will be employed by the hour with the exception of those who have special agreements made by the month and that the day’s work shall be ten hours . . . The officers say this shall be strictly enforced.” ‘The Eight-Hour Law,’ *Chicago Republican*, 5/3/1867.

¹⁸⁵ ‘The Eight-Hour Law,’ *Chicago Republican*, 5/3/1867.

¹⁸⁶ This is largely the way *The Times* described the strategy of the skilled workers. An “attempted inauguration of the 8 hour reform” by “profound impression on the imaginations of their employers” that could only succeed where enough workers chose not to work. ‘The Police Disperse the Crowds at the Depots,’ *Chicago Times*, 5/3/1867.

Unskilled strikers: Lay policing and the determined white male law-maker

On the surface, it might be hard to recognize the May 1867 strike-mob acts as policing, given they also violated laws. Unskilled workers and unemployed men formed multiple crowds that picketed and blocked ten-hour worksites. As I show below, these strikers acted to create geographic boundaries preventing the movement of replacement workers into ten-hour worksites. These tasks explicitly violated the Eight Hour Work Day Act's prohibition of interference but made strategic sense:

Unlike the skilled workers who could withdraw their labor without fear that they would be easily replaced, these unskilled workers had to bar others from taking their places in order for the strike to be effective. . . . As soon as they struck and tried to picket, the police [the CPD] intervened to stop them. (Mitrani, 2013, p. 66)

Unmistakably, strike-mob acts of geographic boundary inscription and control quickly became labors of violence in contest with CPD labors of violence to control those same boundaries. Through these acts, strike-mobs, in their own reported words, asserted themselves as fulfilling the role of the police: "The rioters claimed to be 'Enforcing the Eight-Hour Law.'"¹⁸⁷ What kind of police force did the strike mobs perform?

Strike-mobs pursued the aim of enforcing the Eight Hour Work Day Act through specific tasks of lay-policing that shared common concerns with settler-policing (Chapter 3, 4). Strike-mobs directed their agency to tasks of social and geographic differentiation as well as the

¹⁸⁷ 'The Eight-Hour Riots,' *Chicago Tribune*, 5/3/1867.

The antagonism between the CPD and the groups in the mobs did not begin with the strike, as explained in the Background section. Unskilled and unemployed Irish, German, and Bohemian workers overwhelmingly composed the strike-mobs. These men were from the very groups most affected by ten-hour subsistence wage policies (Jentz & Schneirov, 2012) but also those most overwhelmingly targeted by CPD practices of ethnically different enforcement of drinking and vagrancy laws. "[M]ost of the real daily activity of the police [CPD] continued to consist of policing the behavior of the largely Irish immigrant population of unskilled workers and unemployed people" and the "next largest group [arrested] was German" (Mitrani, 2013, p. 62-63). In other words, the groups most harmed and ethnically stigmatized (at that time) by CPD violence took up violent police labors to claim authority over their employers and replacement workers.

removal of their rivals from geographic spaces of work and thereby from economic life. *The Tribune* reported strike-mobs “driving the workmen” out of workspaces at multiple sites across the next two days.¹⁸⁸ Owners reported “The mills in the southern part of the city had been all cleared out.”¹⁸⁹ *The Chicago Republican* reported the “mobs” were “organized” around tasks “ridding the southern part of the city of all ‘ten-hour’ men”.¹⁹⁰ Through these acts, strike-mobs gained a large degree of control (“virtually took possession”) over the geographic space of worksites. As a *Tribune* headline put it, “Bridgeport and Westport in the Hands of the Malcontents.” Strike-mob acts of removal of rivals and perceived “possession” of the geographic zones of production display aspects of an unmistakable characteristic practice of settler-policing, *occupation*.

In addition to violence, strike-mobs extended their control through authoritative acts of human speech, specifically command. Strike-mob representatives commanded workers to cease labors¹⁹¹ and owners to abide by eight-hours labor-hours or close.¹⁹² In many instances, workers and owners affirmed the authority of strike-mobs by performing obedience to those orders.¹⁹³ Some workers additionally affirmed the authority of strike-mobs by publicly joining and leading them.¹⁹⁴ This form of attracting participants stood in common with settler-militia who policed the Old Northwest frontier prior to Chicago’s emergence (Saler, 2015; Chapter 3) as well as

¹⁸⁸ ‘In Bridgeport,’ *Chicago Tribune*, 5/3/1867; ‘In the Morning,’ *Chicago Tribune*, 5/3/1867; ‘AT THE LUMBER YARDS,’ *Chicago Tribune*, 5/3/1867;

¹⁸⁹ ‘Meeting of Employers,’ *Chicago Tribune*, 5/3/1867;

¹⁹⁰ ‘The Eight-Hour Question,’ *Chicago Times*, 5/3/1867.

¹⁹¹ Meeting of Strikers,’ *Chicago Tribune*, 5/3/1867;

¹⁹² Meeting of Employers,’ *Chicago Tribune*, 5/3/1867

¹⁹³ “They [striker mob] entered the lumber yard of King Brothers . . . where a number of men were at work. These laborers they commanded, using threats of violence, to quit their work, and the command was obeyed.” ‘The Eight-Hour Question,’ *Chicago Republican*, 5/3/1867

¹⁹⁴ The mob’s “numbers increased largely by those who . . . not unwillingly, had left work”. (‘In Bridgeport,’ *Chicago Tribune*, 5/3/1867). “[N]o great effort was required” to induce ten and twelve hour workers to quit; “nearly all on leaving work, joined the mob and accompanied it in its work.” (‘In Bridgeport,’ *Chicago Tribune*, 5/3/1867).

Paxtonite and Baconite mobs of prior centuries (Rice, 2013; Silver, 2018; Chapter 2): regular able-bodied men joined to pursue their perceived interests and to show their belonging as free-men (Greenburg, 2005).

Rather than hiring members through a formal bureaucratic system characteristic of emerging urban police departments (Walker, 1998; Mitrani, 2013), the strike-mobs assembled from the larger community of workingmen acting in the immediacy of conflict to join in recognizable acts of policing.¹⁹⁵ For example, workers at Parker & Stearns planing mills, “enraged” at their employers’ refusal to hire them at eight-hours, took “possession” of the worksite and incarcerated (“locked him up”) at least one replacement worker. The group of workers,

mostly the old men employed in the establishment . . . declared their determination to work no more than eight hours. The proprietors refused to accede to their demands and proceeded to fill their places with other men. The old workmen, enraged at this, seized a man, who offered to go to work, locked him up and for a time held possession of the premises. Upon hearing the approach of the police [CPD], however, the crowd dispersed.¹⁹⁶

The report shows the contesting but symmetrical efforts by strike-mobs, employers, and the CPD to control geographic space and respectively *remove* replacement workers, eight-hour strikers, and arbitrary others from worksites and thereby from economic life.

¹⁹⁵ “Thirty men were . . . compelled to join the ranks of the rioters. No violence was used, for the reason that there was no occasion for it.” ‘HF ELDRED’, *Chicago Republican*, 5/3/1867; “Out of all the men employed . . . only ten or twelve remained. It is believed, and by some positively asserted, that a great portion of these strikers were contained in the mob which subsequently ruled for a brief period that part of the city.” ‘An Extensive Strike,’ *Chicago Tribune*, 5/3/1867; See also ‘AFRAID OF INTERFERENCE,’ *Chicago Tribune*, 5/3/1867; ‘In Bridgeport,’ *Chicago Tribune*, 5/3/1867.

¹⁹⁶ ‘AGAIN DRIVEN BY POLICE,’ *Chicago Times*, 5/3/1867.

In addition to police labors of violence, social and geographic differentiation, removal of rivals, and occupation, striking workers also carried out labors of *patrol* characteristic of the police form of the slave south (Hadden, 2003), settler-militia (Greenburg, 2005) as well as of the US frontier fort police (Prucha, 1953 [1995], 1964; Owens, 2015; Chapter 3). In all these police systems, acts of patrol consisted in repeated and systematic travel to enforce boundaries selectively prohibiting and protecting the movement of certain bodies. In this case, strike mobs selectively prohibited ten-hour bodies from worksites and did so through regular repeated visits. “[T]he leaders of the mobs . . . stated it was their intention to make visits twice a day, at eight a.m. and five p.m., wherever men were employed.”¹⁹⁷ Multiple reports confirm strike-mobs’ repeated travel to worksites of railroads, planing mills and lumber yards to interrupt ten-hour work.¹⁹⁸

The mobs of unskilled and unemployed men carried out these tasks of geographic and social differentiation, command, removal, and patrol in surprisingly systematic larger processes in common with US federal fort networks and emergent city police departments.

a body of about 200 men, ‘strikers’ . . . appointed committees to visit the different shops, factories &c., where men were employed and ascertain whether they were working at eight or at ten hours a day. If at ten hours the committee were to warn them to cease labors at once, with an intimation that if they did not of their own will they would be compelled to do so.¹⁹⁹

¹⁹⁷ “the leaders of the mobs . . . stated it was their intention to make visits twice a day, at eight a.m. and five p.m., wherever men were employed to prevent by force, if necessary, their working outside the periods embraced by those hours.” ‘The Future Intention,’ *Chicago Tribune*, 5/3/1867;

¹⁹⁸ “visited in turn all the planing mills and lumber yards,” ‘SOUTH AND WEST,’ *Chicago Tribune*, 5/3/1867; “the work men were twice in succession visited by gangs of men,” ‘The Railroads,’ *Chicago Tribune*, 5/3/1867; “lumber yards were visited in quick succession, and a notice served on the men, which was heeded”, ‘A THREATENED RIOT,’ *Chicago Times*, 5/4/1867; See also ‘The Police Disperse the Crowds at the Depots,’ *Chicago Times*, 5/4/1867; ‘The Work of the Mob,’ *Chicago Tribune*, 5/3/1867;

¹⁹⁹ ‘Meeting of Strikers,’ *Chicago Tribune*, 5/3/1867.

The passage, and others like it, reveal police processes of intelligence gathering (ascertainment of labor-hours policies of specific shops) and strategic *force deployment* (division of labor to impose line of force). Albeit using crude equipment (rocks, bricks, bats, etc.) and under collective command, the coordinated strike-mobs fulfilled US Army principles of force deployment: “rapidly combine and integrate arriving elements of personnel, equipment, and materiel into combat power that can be employed by the combatant commander” (US Army Field Manual 3-35, 2010). Mitrani (2013) argues that the modern police “departments were distinct from the older system of constables and night watchmen because they consolidated their respective cities’ municipal forces in one military-style organization” (p. 19). The central committee organizational form I identify above shows strike-mobs enacted those specific traits of military style consolidated command that Mitrani identifies as definitive of modern policing.

This formation itself (central command coordination of remote deployed units of force) constitutes a *command and control* (Chambers, 2019) process in competition with that of the CPD. Command and control processes are characteristic of colonial and modern military organizations in the US. Strike-mob leaders themselves announced the larger central committee meeting had authorized them to issue commands and use force.²⁰⁰ Armed use of force to impose a border and regulate the different movement of bodies was a fundamental practice of US federal fort police to enforce treaties such as Greenville (Chapter 4). Those federal fort police agents also characteristically conducted surveillance and intelligence gathering, strategic force deployment, and organized C2 processes. All those traits of policing, I show above, were also characteristic of the strike-mobs.

²⁰⁰ Strike-mob leaders “stated that they were a committee sent from a meeting held on the Lake shore, and that a force of one thousand men were ready to enforce their command. The men employed in the shop fearing these threats left their benches and the shop was closed for the remainder of the day.” “The Railroads,” *Chicago Tribune*, 5/3/1867.

Finally, strike mob violence also displayed police traits by constraining their violence to enforce the eight-hours legal principle rather than simple total domination. What I mean is, strike mobs carefully applied police tactics of geographic enclosure, securing of command, and removal at worksites hiring workers at ten-hours but not at those hiring at eight-hours or by the week or month. For example, strike-mob committees, according to *The Tribune*, first sought to confirm the labor-hours status of worksites prior to issuing orders to cease work. “If at ten hours the committee were to warn them to cease labors at once”.²⁰¹ Other articles in that newspaper reinforce that strike-mobs selectively targeted ten-hour workers and sites for enforcement. “[A]bout 200 men . . . [made] threats of summary punishment *to all who worked ten hours*” (my emphasis).²⁰² “Wherever, in fact, a man seemed disposed to continue his work *beyond the shorter period* he was forced to suspend” (my emphasis).²⁰³ The *Chicago Republican* reported that at least one worksite standoff between the CPD and a strike-mob lasted “until [the mob] learned that the laborers were employed by the job and not by the day”.²⁰⁴ Other articles document strikers’ resolutions grandfathering compromises for contracts predating the new law²⁰⁵ and even leaving a ten-hour man to continue work after his plea of abject poverty.²⁰⁶ *The Times* also reported a strike-mob compelling ten-hour workers to quit but leaving monthly paid workers to continue at that same site.²⁰⁷

²⁰¹ ‘Meeting of Strikers,’ *Chicago Tribune*, 5/3/1867;

²⁰² ‘PITTSBURGH AND FORT WAYNE DEPOTS,’ *Chicago Tribune*, 5/3/1867.

²⁰³ ‘LABOR EVERYWHERE INTERRUPTED,’ *Chicago Tribune*, 5/3/1867.

²⁰⁴ ‘The Eight-Hour Question,’ *Chicago Republican*, 5/3/1867.

²⁰⁵ “Resolutions were adopted pledging the maintenance of the eight-hour system against all opposition; rebuking master mechanics and contractors, who say they will not submit to it, as defiers of the law, but to contractors who do not approve the law but who made contracts before its passage, they recommended a compromise by dividing, the loser giving eight hours labor per day and accepting ten(10) per cent reduction of wages.” ‘The Labor Movement,’ *Chicago Tribune*, 5/2/1867.

²⁰⁶ ‘In the Morning,’ *Chicago Tribune*, 5/3/1867.

²⁰⁷ The rioters did not come into [Eldred & Platt’s] yard. Their array in the street so demoralized the nine men who were at [ten-hours] work that they surrendered unconditionally and were seen no more during the day. Four men, employed by the month, remained at work, unmolested.” ‘Eldred & Platt,’ *Chicago Times*, 5/3/1867.

I found only three reports of injudicious enforcement by the strike-mobs. In the first, the mob attacked a person who did not speak English or understand the nature of the conflict.²⁰⁸ The second incident involves strikers' removal of presumably ten-hour replacements working on "special terms," although it was not clear whether 'special' referred to non-standard ten-hours contracts or contracts marked by owners as beyond reach of law.²⁰⁹ Third, some workers won eight-hours work but additionally insisted on ten-hours pay²¹⁰ – a position unmentioned in the law and rejected by the Eight-Hour League and the strikers' resolution.²¹¹

Despite those exceptions, the overall pattern of work resulting from the strike-mob's interference, even as reported in the hostile pages of *The Times*, affirms a *principle* of eight-hours rather than a general attack on all sites of work:

The railroad work-shops were closed; most of the manufacturing establishments were either closed, or running for the mere show of it, while a few shops where the proprietors had decided to concede to the demands of workmen were running with their full complement of men.²¹²

While a May 3, 1867 *Tribune* headline went so far as to proclaim the strike produced a "General Suspension of Labor", reporting in that same paper clarified suspension only of ten-hour shops: "The missions of these [strike-mob] committees seem to have resulted in a general suspension of work in most of the places that were visited."²¹³ As I showed previously, the places patrolled and 'visited' by the mobs were ten-hours businesses. As the newspaper reports documented, the strike-mobs successfully 'determined' the eight-hours labor-time boundary on production in

²⁰⁸ 'An Extensive Strike,' *Chicago Tribune*, 5/3/1867.

²⁰⁹ 'The Railroads,' *Chicago Tribune*, 5/3/1867.

²¹⁰ 'The Elevators,' *Chicago Tribune*, 5/3/1867.

²¹¹ 'MEETING OF THE ILLINOIS CENTRAL RAILROAD EMPLOYES', *Chicago Times*, 5/4/1867.

²¹² 'Scenes and Incidents,' *Chicago Times*, 5/3/1867.

²¹³ 'Meeting of Strikers,' *Chicago Tribune*, 5/3/1867; See also 'A Warehouse Entered,' *Chicago Times*, 5/3/1867; 'Police Disperse the Crowds,' *Chicago Tribune*, 5/3/1867; 'Effects on Shops,' *Chicago Tribune*, 5/3/1867.

Chicago and thereby made their eight-hours principle of law *real in social practice* – for a day or two.

Strike-mob police performances constituted practices of rule (Chapter 5) as they aligned the eight-hours structural-temporal boundary with workers' narrative-temporal and spatial-structural boundaries. Strike-mob violence organized narrative-temporal boundaries through acts that compelled others' to recognize the difference of replacement workers from strikers in specific terms as "ten-hour men" vs. "eight-hour men" and to associate that difference as signifying 'belonging' within the geographic boundaries of the worksites, within the 'respectable' and 'honest' community of workers, and within industrial economic life. The words of one strike-mob leader, in the physical context of his removing ten-hour men from a worksite, makes clear this communication and association of geographic and social difference: "Eight hours or no work . . . This is not an eight-hour house".²¹⁴ Through their performances of adherence to these orders, workers and owners temporarily affirmed the strike-mob's principle of law as well as the police authority of strike-mobs to enforce it. Strike mobs managed spatial-structural boundaries by enforcing workers' command over worksites and thereby marked worksites and equipment as forms of *collective* rather than *private* capital.

As examined above, police labors of the industrial strike-mobs employed violent practices to enforce a set of discursive and structural boundaries to determine the standing of the eight-hours principle of law. Those acts displayed certain traits in common with police labors of settlers and federal fort agents and industrial institutional police. Also like the police labors of colonial conquest, strike-mob labors of violence demarcated private from collective property and

²¹⁴ 'A WAREHOUSE ENTERED,' *Chicago Times*, 5/3/1867. A skilled striker meeting called for this same differentiation of worker subjects: "A person moved that the men in the Vulcan iron works, who are not working eight-hours, be requested to cease work, or *acknowledge themselves ten-hour men.*" 'AC Cameron,' *Chicago Times*, 5/4/1867.

aligned those zones with the boundaries of legal authority. In attempts to negotiate, in the serving of notices to replacement workers and owners, strikers and strike mobs also demonstrated themselves to be rational speaking actors who stated their authorization from their own collective bodies of deliberation. Strike-mobs also successfully compelled general social observation of their principle.²¹⁵ In all these ways, strike-mobs seemed to fulfill the logical criteria of ‘determined manhood’ authorized to designate which laws stood as real laws, that is, actually to be respected (Chapter 5). A closer look at CPD labors in the conflict in the following section reveals a variety of practices in common with strike-mobs and with settler-policing that also display characteristic performatives of the determined white male law-maker.

The CPD: Institutional policing and the determined white male law-maker

CPD labors during the general strike of 1867, like those of the strike-mobs, displayed some common characteristics with settler-policing. The CPD prominently carried out tasks of geographic and social boundary inscription through defense of ten-hour worksites, protection of ten-hour replacement workers, and the removal of strike-mobs *and others* from worksites and public space. These tasks engaged CPD officers with symmetrical concerns as the strike-mobs, as the following example shows.

At the freight depot of the Pittsburgh and Fort Wayne railroad, where about a dozen men were employed [under the ten-hour system], a serious riot was threatened . . . Nearly two hundred men [enforcing the eight-hour system], many of whom were armed with clubs and stones, rushed toward the depot . . . yelling and threatening violence. But they were

²¹⁵ Opposition to the strike-mobs by the business press consisted in large part in de-legitimizing that image of determined manly standing (along with that of peaceful strikers, eight-hour legislative allies and the labor movement generally). Yet even as the business press railed against the unmanly and “lawless” violence of the mobs, they advocated for the city’s deployment of extra-legal violence by the CPD. A key understanding to draw from the situation, I will continue to show, is that strike-mobs, the CPD, and owners of capital all engaged in different enforcement of law.

met by a police [CPD] force of twenty men, well armed . . . who ordered them away.

After some parleying, the mob retired. The police force [CPD] were stationed at the depot during the entire day, but there was no need for their services, save in ordering away loiterers.²¹⁶

The example above, and others,²¹⁷ show the competing labors of the CPD and the strike-mobs to associate the geographic boundaries around workspaces with different orders of authority and different rights of physical presence on that land. In the above instance, strike-mobs and the CPD aimed to establish control over the geographic boundaries of the worksite and did so through tasks of violence and speech. Strike-mobs sought to remove ten-hours workers. The institutional police succeeded in removing strike-mobs but also “*loiterers*,” a widely discretionary category covering otherwise lawful presence (Walker, 1998).

The adherence of workers to the ten-hour principle and the retreat of strike-mobs then affirmed the success of the CPD’s performance of police violence and aligned workspace boundaries with the authority of owners. Production enacted under these conditions of physical contest distinguished the belonging of ten-hour from eight-hour laboring bodies in the spaces and processes of labor and production necessary for participation in economic life. All social activity in the surrounding geography became subject to CPD evaluation as ‘loitering’ and the risk of bodily removal from public space and into spaces of incarceration. In these scenes, determination of ruling legal principle depended on successful violent policing as affirmed by subsequent performances of abidance by workers and owners.

²¹⁶ ‘The Eight-Hour Question,’ *Chicago Republican*, 5/3/1867.

²¹⁷ ‘The Eight-Hour Question,’ (*Chicago Republican*, 5/3/1867) reports multiple encounters such as above. See also ‘The Elevators,’ *Chicago Tribune*, 5/3/1867; ‘The Railroads,’ *Chicago Tribune*, 5/3/1867;

Another trait of the CPD in common with strike-mobs and settler-policing was that of immediate dependence on attracting local agents of violence to participate in their ranks. In moments of crisis like the 1867 strike, the CPD like the strike-mobs – and the settler militia in prior crises (Greenburg, 2005; see Chapter 2) – expanded their numbers by immediate induction from the larger population of able-bodied men. The 1853 ordinance founding the CPD codified a prior cultural expectation, enduring from colonization, of widely shared obligation to participate in the police role when so needed: “It shall be the duty of all persons, in the City, when called upon by any Police Officer, or another member of the Police Department, to promptly aid and assist him in the execution of his duties.”²¹⁸ The spontaneous addition of men to institutional police tasks seemed still in operation during the 1867 crisis. As reported at “a largely attended” meeting of employers “the Superintendent of Police . . . said that a police officer could always call on bystanders to act as special policemen.” Owners’ choice to select men to join the CPD as ‘special officers’ further revealed the differently porous boundary between institutional, lay, and private police during the crisis. Criteria for CPD hiring excluded men who may have ever participated in striking but not those serving as private police for employers.²¹⁹ At the time of the 1867 general strike, lay and institutional police forces *continued* to draw as needed from the larger able-bodied population of like-minded men as had sheriff’s posses and settler-militia forces in the Great Lakes area for the prior seventy years.

Selection of which principle to legitimize, if either, constituted an act of agency on the part of the CPD, especially given the lack of clear policy by the mayor and the lack of case law interpreting the new law. From our view more than a century later, it may seem obvious that the

²¹⁸ “An Ordinance Creating and Regulating the Police Department,” PCCCC, May 12, 1853, doc. 409A.

²¹⁹ Owners selected for CPD employ, “specials for the Illinois Central Railroad . . . the lumber yards” and other work sites. Pinkerton agents too stood ready to coordinate action with CPD and the “Special Police.” (‘SEVENTY FIVE SPECIAL POLICEMEN APPOINTED,’ *Chicago Times*, 5/4/1867)

CPD would take up the duty of protecting owners' workspaces from lay-policing by workers. However, the strike of 1867 posed the first major test of whether the city's police force would directly contend with armed working-class strikers, who also stood among the mayors' constituents (Mitrani, 2013).²²⁰ The year of the CPD's founding, less than 15 years earlier, officers did break an eight-hour strike (Flinn, 1888 [1979]). But 8 years following the 1867 strike a different mayor strategically avoided directing the CPD to those same tasks. "By 1885, the unwillingness of [Chicago Mayor Carter] Harrison's police to protect strikebreakers had become notorious" (Jentz & Schneirov, 2012, p. 239).

Regarding the 1867 conflict, Mitrani argues, there "was no possibility that the police [CPD] would go from workplace to workplace and order work to stop after eight hours to enforce the state law" (p. 70). However, at least one reported incident illustrates the ambiguity some institutional police officers in the 1867 crisis felt about their role as defenders of owners' principle of law over that of workers.

Mr. Bateman [a proprietor] . . . sent for a squad of police. Sixteen came down, looked at the rabble and walked away again without doing anything. He himself, with the aid of one man, had kept them [a strike-mob] at bay for two hours.²²¹

The incident shows the institutional police surveying a conflict between the contending forces of owners and workers maintaining claims to space, authority, and rights through armed acts of lay-policing. That these officers of the institutional police saw no job for themselves to perform in that scene suggests social acceptance of the roles and actions in play for the past century: some conflicts would be resolved through the encounter of armed groups (Ryan, 1998). The incident

²²⁰ "This strike was also the first time that the Chicago Police Department confronted large crowds of angry workers organized as such" (Mitrani, 2013, p. 70).

²²¹ 'MEETING OF EMPLOYERS,' *Chicago Tribune*, 5/3/1867.

also shows the discretion CPD officers enjoyed in selectively enforcing law included the choice of whether to intervene in the early stages of the strike.

The overwhelming pattern of CPD enforcement during the crises, in contrast to the above exception, affirmed the authority and command of owners (Mitrani, 2013; see also Gourevitch, 2015). Following orders, the CPD protected arguably illegal labor-hours policies of employers and repressed legally protected free-speech, travel, and association activities of strikers. As the *Times* reported, “the police had been ordered to *quell any disturbance and disperse any crowd* which might assemble for *improper* purposes” (my emphasis).²²² As any crowd “might” gather for improper purpose, the order directed officers to act before a crime occurred. In addition, “improper” did not necessarily mean illegal. The Police Board meeting of May 2, 1867, publicly defined CPD tasks of “suppression of all outbreaks” *in addition to* “preservation of the laws of the city”.²²³ This assignment of extra-legal duties is consistent with the 1853 city ordinance founding the CPD that identified tasks of maintaining “order” beyond “enforcing the laws” (PCCC, May 12, 1853; see also Mitrani, 2013, pp. 19-20). Enforcing the policy of the mayor and the police commissioners, but under their own discretion in the streets, the CPD suppressed otherwise legal strike actions as well as enforced laws against mobbing. In addition to the removal of “loiterers,” the CPD acted without prior knowledge of criminal activity to drive crowds from public space. As a *Times* article covering a CPD repression of one such striker group stipulated, “the outrages” allegedly committed by the crowd “was not known to the officers”.²²⁴ One worker reported being assaulted by CPD for self-identification with eight-hour

²²² ‘The Police Appear,’ *Chicago Times*, 5/3/1867.

²²³ ‘Special Meeting of the Board of Police,’ *Chicago Times*, 5/3/1867.

²²⁴ ‘The Police Appear,’ *Chicago Times*, 5/3/1867.

movement. “[H]e had . . . been shaken by a policeman, because he had avowed himself to be an eight-hour man”.²²⁵ Other articles report the CPD arrested men as selected by employers.²²⁶

A variety of articles across the following week document a pattern of institutional police suppression not of only strike-mob action but nearly all public enactments of free speech, assembly, and demonstration *by strikers*. As Mitrani (2013) concludes,

For the next few days, the police patrolled the city vigorously, breaking up *any crowds* that began to assemble and arresting *incendiary speakers*. The strike continued on the railroads and among the skilled workers, but the *police kept crowds off the streets*. This made it impossible for the unskilled workers to force compliance with the strike. Most employers succeeded in maintaining the ten-hour day, though a few gave in. (p. 69, my emphasis)

It is clear that the CPD differently enforced law in ways that maintained owners’ principle of ten-hours against the eight-hour principle of strikers and strike-mobs. It is also clear that, rather than review and rule by the court system, the CPD’s expanded capacities of violence to dominate strike mobs was the determining force authorizing employers’ ten-hour principle as the correct (that is, real) interpretation of the legislated law. However the CPD officers themselves left no accounts of their labors and sense of self and purpose. Owners filled in this gap through their narration of the conflict that evaluated which performances demonstrated ‘determined manhood’ and thus rightfully enforced law.

²²⁵ ‘Meeting of the Ill. Central Railroad Employes [sic],’ *Chicago Times*, 5/4/1867.

²²⁶ ‘Recommencing,’ (*Chicago Tribune*, 5/3/1867) reports on a meeting of owners in which, “it was especially insisted on that every man [owners] should mark the disturbers that they might be subsequently arrested and taken before the Grand Jury.” Another report suggests that process in action: After the CPD dispersed a crowd, “leaders . . . who were pointed out as such, were arrested” (‘The Police Appear,’ *Chicago Times*, 5/3/1867). See also, ‘Recommendations,’ *Chicago Tribune*, 5/3/1867

Capitalists police the bounds of industry against strikers and legislated law

The confluence of competing police forces created a basis for the newspapers to evaluate the manliness of the performances in question. The free-trade papers cast owners in the role of the determined White male law-maker standing above even the city government's authority. The papers saw owners' labors of policing as demonstrations of such manly authority. Owners, like strikers, took up tasks of assembling and forming deliberative bodies where they shared intelligence, coordinated policies on labor-time, and passed resolutions.²²⁷ Owners, unlike the strike-mobs, did not openly claim to act as police.²²⁸ Nonetheless, I show that owners, like the strike-mobs, performed police labors. At times owners consciously planned for the possibility they would perform or organize lay-policing through armed protection of workspaces and replacement workers in the case that the institutional police refused these tasks.

One business man . . . said that those of his workmen who remained with him, working ten hours a day, should be protected. In case they were disturbed he should first apply for protection to the police [CPD]; and if this were not afforded he should take the matter into his own hands, arming his workmen for defence.²²⁹

The report shows, first, that it was not yet clear whether the city's institutional police would take up labors of violence 'maintaining' sites of ten-hour production. Amid this lack of clarity of the new police department's role in defending ownership rule, owners themselves would organize the labors of "protection" otherwise assigned to the CPD.²³⁰ In instances where owners took on this role, their tasks consisted in keeping physical control of worksites, protecting replacement

²²⁷ i.e. 'MEETING OF EMPLOYERS', *Chicago Tribune*, 5/3/1867; 'MEETING OF THE ILLINOIS CENTRAL RAILROAD EMPLOYES', *Chicago Times*, 5/4/1867.

²²⁸ Ibid; 'The Resolutions,' *Chicago Tribune*, 5/3/1867.

²²⁹ 'The Railroads,' *Chicago Tribune*, 5/3/1867.

²³⁰ For another example of owners acting as lay-police, also discussed above, see, 'MEETING OF EMPLOYERS,' *Chicago Tribune*, 5/3/1867.

workers across and within those bounds, and respectively removing eight-hour strikers and strike-mobs.²³¹ As in the above example, owners at times drew replacement workers into these physical tasks of armed boundary defense against strike-mobs.²³² Some railroads, for example, assigned replacement workers to guard spaces overnight.²³³ Other examples show armed employers, such as at the Chicago Burlington & Quincy Railroad Co., guarded workplace boundaries with guns, ultimately inducing strike-mobs to “disperse”.²³⁴ Police labors by owners aligned spatial-structural boundaries of worksites with narrative-temporal boundaries excluding eight-hour workers from production as well as the ten-hour structural-temporal boundary across labor-time. Such acts defended owners’ claims of political authority over industrial production. Owners envisioned these physical scenes of conflict as struggles over their rightful authority over production but also contests over workers’ manhood standing and to command boundaries of law that restrained workers.

In their May 2nd meeting, owners made sense of performances to maintain control over spaces, persons, and processes of production through notions of manly determination and authority to command. Owners, for example, regarded workers’ acts of submission to ten-hours as a distinguishing mark of respectability. “Mr. Stearns said . . . the respectable portion of the mechanics, without exception, were willing to work as heretofore.”²³⁵ Other proprietors differentiated strikers as low and unreasonable persons whose acts sought to claim owners’ high position of command over the operation of business itself. “Mr. Parker . . . did not propose to let a rabble ride *over* them. There was no use in submission unless [owners] intended to let the

²³¹ ‘THE CHICAGO DOCK CO.,’ *Chicago Times*, 5/3/1867.

²³² Other examples show replacement workers physically contesting strike mobs, although it is not clear whether they did so on owners’ behalf. (‘WOOD & LAWRENCE – A SERIOUS AFFAIR,’ *Chicago Times*, 5/3/1867.)

²³³ ‘THE CHICAGO DOCK CO.,’ *Chicago Times*, 5/3/1867.

²³⁴ ‘The Eight-Hour Question,’ *Chicago Republican*, 5/3/1867; ‘N. B. Bradley & Co.,’ *Chicago Times*, 5/3/1867.

²³⁵ ‘Meeting of Employers,’ *Chicago Tribune*, 5/3/1867

[strikers] run their business for them” (my emphasis).²³⁶ The term “rabble,” used by numerous proprietors, contemporaneously referenced “the lowest class of people” (Chambers, 1876, p. 414) and so marks the incongruity of “submission” to such ‘low’ authority.²³⁷ Proprietor Allen Clarke’s comment, “he did not propose to be run by other men,” blurs distinction between self and business to suggest a personal manhood anxiety at stake in struggles over control of worksites. Other employers echoed that gender anxiety in comments referring to strikers as “youth”, “boy rioters”, and “loafers”, that is, as children and non-working people who are not real men by paternalist standards. Owners here sought to enforce barriers between low and high standing that Trelvellick, above, called to be trammelled in a great “uprising” of the working class.

In owners’ statements, lowly strikers’ violent attempts to ‘rise’ encroached on zones claimed by owners. Attorney Charles Walker said, “he had no idea of *allowing* [strikers] to *ride over law*, and would call for something official”²³⁸ (my emphasis). Walker saw a role for himself in organizing the restraint of workers ‘under law.’ The sentiment was shared by other proprietors, even as they yet saw it within their liberty to exempt themselves from the bounds of the Eight Hour Work Day Act. “Mr. Parker, of Parker & Stearns . . . proposed to recognize the [eight-hour] law, but not allow any set of boys to dictate to them [owners] that they shall not run ten hours if they want to.” As owners then planned their direct coordination with the CPD Superintendent and Police Commissioners,²³⁹ (and personally selected members of their private police to become Special Officers of the CPD²⁴⁰) some envisioned themselves commanding a process of *removal* of all strikers. “Mr. Walker would like to be Mayor or Superintendent of

²³⁶ Ibid.

²³⁷ Stearns expressed a similar sentiment, “The employers ought not to be intimidated by a rabble”.

²³⁸ Ibid.

²³⁹ ‘MEETING OF EMPLOYERS’, *Chicago Tribune*, 5/3/1867.

²⁴⁰ ‘SEVENTY FIVE SPECIAL POLICEMEN APPOINTED,’ *Chicago Tribune*, 5/3/1867.

Police for twenty-four hours; he would have force enough to pick up all the rioters and carry them before the courts. This done one day, there would be no riot the next.” The resolution produced through this meeting of employers, then defined the duties of the city government “to furnish an adequate force to protect our property and employees . . . from the lawless *depredations of the mob*”²⁴¹ (my emphasis). Depredation (depredation n, 2021, OED)²⁴² is a term for human-bestial combat; an act of carnivorous predation but also the “masterful force of armed persons” driving off beasts.

Workers’ escape from confines of the law (“lawless”) challenged owners and city officials to align human-bestial order by aligning the bounds of workspaces and labor-time as needed to maintain property rule. Owners cast themselves as the lawful men in this conflict but also as men beyond reach of law who could rightfully perform police violence and rightfully should command the institutional police. In the narratives of the free-trade papers over the following days, owners of property stood as ‘legitimately determined men’ defending civilization as a zone of law from the threat of mob-rule. This narrative drew on the ‘determined White male lawmaker’ logic to additionally communicate the criteria for rightful use of violence: men who showed reason (not old men or boys, failed men, non-Whites, or non-humans) and courage (not cowards or the weak) rightfully used violence.

Free-trade newspapers: ‘determined White male’ personhood as criteria for the right to use violence

Both *The Times* and *The Tribune* evaluated rightful use of violence by strikers and owners based on proper performances of manhood ‘determination.’ As narrated in the newspapers, demonstration of ‘manly determination’ required performances of reason and

²⁴¹ Employers’ Resolution as quoted in ‘The Resolutions’, *Chicago Tribune*, 5/3/1867.

²⁴² "depredation, n." OED Online, Oxford University Press, March 2021, www.oed.com/view/Entry/50430. Accessed 7 May 2021.

courage that connoted ‘civilization.’ Lacking those qualities, striker violence demonstrated bestial and barbarous character, that is unmanly and un-White. In short, reason and courage constituted the criteria to represent belonging in the cultural category of ‘determined men’ authorized to use violence and make law.

Both papers used this criteria to authorize violence by owners and the CPD but never strikers. The following example shows *The Tribune* representing acts of violence and loss of reason as factors conditioning and undermining strikers’ standing as ‘determined’ men.

During the early part of the day these bodies [of strikers], though showing determination in every case, were orderly and seemed disposed to effect their object without offering any violence. But . . . during the afternoon, their numbers increased largely by those who . . . not unwillingly, had left work, they evinced more of a turbulent disposition, and whenever obstacles were offered to their progress showed plainly that they would suffer none to defeat their purpose.²⁴³

The quote above distinguished two kinds of strike performance, the first “orderly,” “without violence,” and displaying a “determination” that disappears as the crowd attracted men of “turbulent disposition” and threatened violence. This pattern,²⁴⁴ where violence or passion negated standing as ‘civilized determined men,’ held for both papers. *The Times*, for example, in coverage of workers whose rejected attempt to negotiate with owners sparked their shift into mob action, *initially* reported “the old men employed in the establishment . . . declared their determination to work no more than eight hours.”²⁴⁵ ‘Determination’ here is but the self-declared

²⁴³ ‘In Bridgeport,’ *Chicago Tribune*, 5/3/1867.

²⁴⁴ An almost identical selective representation of ‘determination’ appears again in the same article: “those bodies which had gone about to the different scenes of labor in the morning, making their demands firm, but respectfully, insisting with determination, but with no demonstration, in the afternoon became noisy, stubborn and unreasonable in proportion as they swelled their number.” ‘In Bridgeport,’ *Chicago Tribune*, 5/3/1867.

²⁴⁵ ‘AGAIN DRIVEN BY POLICE,’ *Chicago Times*, 5/3/1867.

manly character to which the workers aspired. Marking the failure of their performance, the article reports the men's advanced age, their impassioned state, their use of violence against replacement workers, and finally their cowardly retreat at the mere sound of the approaching CPD. Cowardice, which here connoted strikers' abandonment of determination to control that workspace, stood alongside violence and loss of reason as traits of failed 'manly determination.'

The label 'determination' in the newspapers' coverage, with a single exception,²⁴⁶ accompanied successful performances of respectable manhood. *The Tribune's* coverage of the Bridgeport area conflicts, for example, withheld that 'determined' label in reporting on workers who willingly joined crowds interfering with production²⁴⁷ despite that they *succeeded* in shutting down most ten-hour operations.²⁴⁸ Actual determination of social outcomes by strikers still did not evidence their standing as 'determined men.'

The strikers could not be 'determined men' because they were not really men. *The Tribune* indicated they were not men because they were unemployed "vagrants" rather than familial providers.²⁴⁹ Of the many in the mob that the *Tribune* acknowledged were employed at the mills, they were not real men but "boys." Or they were "drunk" (lacking sobriety, reason) and "*lack courage to go anywhere unless led.*"²⁵⁰ Belonging to the "genus 'loafer,'"²⁵¹ they were not even human. Numerous articles fulfilled this narrative pattern emphasizing strike-mobs' cowardice and loss of reason and labelling them as unmanly.²⁵² This pattern of reporting

²⁴⁶ 'The Work of the Mob,' *Chicago Tribune*, 5/3/1867. The single outlier identified a mob policing lumber yards and flour mills as "lawless and determined" but also included the now established pattern of non-reasoning violent qualities degrading respectable manhood: "a great, disorderly rabble made up of fierce, unreasoning and unreasonable men . . . heated with liquor" who show cowardice by retreating from the CPD.

²⁴⁷ 'In Bridgeport,' *Chicago Tribune*, 5/3/1867.

²⁴⁸ 'Labor Everywhere Interrupted,' *Chicago Tribune*, 5/3/1867.

²⁴⁹ 'Labor Everywhere Interrupted,' *Chicago Tribune*, 5/3/1867.

²⁵⁰ 'The Eight-Hour Movement,' *Chicago Tribune*, 5/4/1867.

²⁵¹ 'Eight-Hour Riots,' *Chicago Tribune*, 5/3/1867.

²⁵² 'Eight Hour Riots,' *Chicago Tribune*, 5/3/1867; see also 'The Railroads,' *Chicago Tribune*, 5/3/1867; 'The Work of the Mob,' *Chicago Tribune*, 5/3/1867.

sustained a binary of non-strikers as ‘determined’ working men against strikers as dangerous opponents of hard work, family, temperance, and honest social rise. The papers, especially *The Times*, would turn to racially charged civilizational narratives to further depict strikers as existential threats to everyone in the city.

The Times coverage painted strike and strike-mob actions as dangerous processes of *degeneracy* that demonstrated failed manhood and loss of humanity. Rank and file workers who engaged in strike actions, as depicted in *The Tribune* and *The Times*, appeared as semi-human subjects of strike leaders who loomed as dangerous figures of harm to respectable workers. As *The Times* put it, a majority of reasoning men “determined to go to work as usual” stood in antagonism with “leading spirits of this revolutionary movement . . . determined not to allow this state of things.”²⁵³ With determined qualities reserved to respectable workers and strike leaders (“demagogues”), striking rank and file workers lacked ‘determination’ despite their own embodied commitment to acts of picket, protest, blockade, etc.²⁵⁴ *The Times* observed strike-mob actors mid-transformation, degenerating from humanity into animality. “The dangerous mob spirit was rampant and the reasoning powers of the persons engaged in it seemed to have given place to the fierce frenzy of wild beasts [and] wild shouts of the madmen”.²⁵⁵ Striking literally altered the “place” of workers from among “reasoning . . . persons” to the domain of beasts and madmen, those who lack speech or speak only gibberish. Failing to demonstrate belonging as civilized speaking beings, strikers failed to demonstrate themselves as properly determined men.

²⁵³ ‘Police Disperse the Crowds,’ *Chicago Times*, 5/3/1867. “In the very early hours of the morning while thousands of men were balancing in their minds the reasons for and against work, a body of bad men assembled . . . to, enforce by intimidation or by violence”. The article specifies a minority of strikers among working men.

²⁵⁴ *The Times* suggests exactly that participation in striking expresses workers’ transformation into “desperate characters” through their errant faith in labor leaders. “It would not be fair to charge that all the men engaged in the riots are desperate and bad characters. Honest and peaceful workingmen have been misled by demagogues and intimidated by bullies.”

²⁵⁵ ‘SOUTH DIVISION,’ *Chicago Times*, 5/3/1867.

Lacking belonging among those who make law, strike-mobs should not logically succeed in compelling social respect for their eight-hour labor-time principle. The temporary success of the strikers to do just that constituted a problem for the newspaper narratives.

The Tribune urged workers not to perceive law-making potential in mob violence. “The workmen, as a rule, even those who wish for the success of the eight-hour movement, do not expect to gain it by means of intimidation of mob violence.”²⁵⁶ Such ‘observations’ advised people who sought to see themselves as real workingmen – respectable self-determined workingmen – not to “expect to gain” the eight-hour law through strike-mobs performances. In direct contradiction, both papers feverishly reported the existential danger of the mobs’ capacity to make law and establish sovereignty. “Mob Law Instituted,” ran one *Tribune* headline²⁵⁷ while *The Times* went with “Shall Mobs Rule Chicago?” *The Times* avoided referencing strike-mobs as enforcers of law but specifically cast them as illegitimate makers of law: “mobocrats,”²⁵⁸ “self-constituted law-makers,”²⁵⁹ and “regulators,”²⁶⁰ “setting the laws at defiance.”²⁶¹ Even as *The Tribune* warned of strike-mobs’ imposition of their own form of law, the same article depicted them as “lawless youth” both lacking law and manhood. The papers represented the strike-mobs as unreasoning forces of chaos – who yet constructed a dangerous system of rule. *The Times*, for example, portrayed the unions as a tyrannical force approaching the status of government. The “Trades Assembly” is “a supervisory body . . . as fully organized as is the city government”, gathering intelligence on violators, and deploying “men who regulate matters by

²⁵⁶ ‘The Eight Hour Riots,’ *Chicago Tribune*, 5/3/1867; see also ‘The Railroads,’ *Chicago Tribune*, 5/3/1867.

²⁵⁷ The article reinforced the headline: “mob law certainly threatened yesterday to reign supreme among that body of lawless youths who were bent upon driving out every body who thought they had a right to labor on such terms as he and his employer might agree upon.” ‘Eight-Hour Riots,’ *Chicago Tribune*, 5/3/1867. See also, ‘DEMOGOGISM AND THE MOB SPIRIT,’ *Chicago Times*, 5/4/1867.

²⁵⁸ ‘THE ROCK ISLAND SHOP INVADED,’ *Chicago Times*, 5/3/1867.

²⁵⁹ ‘WOOD & LAWRENCE – A SERIOUS AFFAIR,’ *Chicago Times*, 5/3/1867.

²⁶⁰ ‘The Police Appear,’ *Chicago Times*, 5/3/1867.

²⁶¹ ‘Shall Mobs Rule Chicago?’ *Chicago Times*, 5/4/1867.

intimidation.”²⁶² *The Tribune* also likened striker’s rule to governmental tyranny. “The tyranny of a Government . . . would not be a whit more revolting than for one hundred laborers of Chicago to dictate to another hundred the hours of work”.

That tyrannical system of “unmitigated despotism” grew not merely from the acts of strike-mobs and strikers but also from the legislators willing to pass any regulation of labor-time. Laws impinging on the “right” to ‘choose’ one’s labor-time threatened the democratic order but also the racial belonging of all workers.

One man has no more right to dictate to another how long and for what sum he shall labor than has the Legislature. . . . The right of each man to labor as much or as little as he chooses is the very foundation stone of free government. . . . Take this right from the workingman and he is as completely enslaved as the negro was five years ago.²⁶³

The Tribune painted democratic legislation and its strike-mob agents of enforcement as threats to workers’ standing as free-White-men. The regulatory system then emerging through the alliance of workers and legislators, the article proclaimed, was that Southern Confederate form of tyranny, “the voice of the slave power.” Workers’ belonging in economic and political life and their racial belonging in Whiteness, the article argued, could not be protected through state legal sovereignty. It was thus not return to the rule of *legislated* law that would save all Chicagoans from the existential threat of workers-rule but return to commercial-imperial rule.

Commercial-imperial rule over industry thus required owners to compel respect for their command not only over industry but over government and its new forces of institutional violence, the CPD. Owners enacted their authority over government in the pages of both papers

²⁶² ‘Scenes and Incidents,’ *Chicago Times*, 5/4/1867

²⁶³ ‘Eight Hour Riots,’ *Chicago Tribune*, 5/3/1867. The article reiterates the point, calling strike-mob actions “the voice of the slave power crying out—“You shall work only when, where and on what such terms as we dictate.”

by issuing commands backed by the threat of extra-legal violence. As *The Tribune* wrote, “Such conduct [strike-mobbing] is an assumption of mob authority which must be put down *and will be put down* at all hazards” (my emphasis).²⁶⁴ The article demanded the city expand police labors of violence, backed that demand with the pledge that unnamed others would take up tasks of violence, and so constituted a *command* upon city officials. Owners signaled their ‘determination’ to compel violent repression by use of the phrase “at all hazards,” taken from the strikers’ resolution to maintain their legal principle. Owners of property, through such public pronouncements in both papers,²⁶⁵ performed ‘determined manly standing’ to command government and use its forces of violence to define which interpretations of law stood as real law.

Capitalists and the CPD: ‘determined’ manhood performance and the right to violence

Responding to such pressure from owners, the city ordered the CPD to repress the strike. The free-trade papers represented themselves and the CPD as determined men rightful to use violence to make law. The turning points of the conflict occurred as strike-mobs obeyed CPD command and thereby affirmed owners’ legal and political claims. As CPD officers performed the violence needed to restore ownership-sovereignty, the department demonstrated its own necessity to maintain the alliance of capitalists and city government over organized labor and state law. Authorization of CPD violence, in the aptly titled article ‘The Police Appear,’ derived from their visual and physical demonstration of determined manhood character.

the bright uniforms . . . the heavy hickory batons, the shining stars and above all the evident determination of the officers to not only combat but capture the bold and lawless

²⁶⁴ ‘Eight Hour Riots,’ *Chicago Tribune*, 5/3/1867

²⁶⁵ ‘The Mayor’s Proclamation,’ *Chicago Times*, 5/4/1867.

crowd caused [the strike-mobs] courage to ooze out of their fingers' ends, and instead of brandishing weapons and using threats . . . the whole bunch of rioters took to their heels and A GENERAL SKEDADDLE ensued.²⁶⁶ (emphasis original)

Bearing phallic hard wooden hickory clubs, the brave officers contrasted with the strikers' impotency, as symbolized by 'oozing fingers,' idle threats, and failure to raise fight and maintain control over space. The passage clarified that the superlative ("above all") importance of CPD "determination" was a sensuously perceived ("evident" when "the police appear") character trait, a trait that literally "caused" the mob to flee. This notion of "determination" combined courage with intent and *capacity* (potency) to violently remove ("combat" and "capture") opponents and thereby perform authority over space and persons. With courage and manhood potency for violence as its bases of legitimation, this social enactment of "determination" unmistakably constituted a *cultural* rather than legal authority. The CPD compelled recognition of themselves as 'men who rightly use violence' by their successful performance of 'determined' masculinity through acts of threat and violence that successfully controlled social space.

Other articles similarly described acts of violence by owners and their loyal ten-hour workers as manly performatives that determined outcomes and again represented the strike-mobs as failures of manhood. Here is an example from *The Times*:

The strikers made their appearance at this yard, but . . . it is said on account of a display of courage and firearms, [the strike-mob] went away *without accomplishing what they intended and desired to do*. . . . If the report is true, it is the only instance in the whole day . . . in which *the rioters were deterred from their purposes*.²⁶⁷ (my emphasis)

²⁶⁶ 'The Police Appear,' *Chicago Times*, 5/3/1867.

²⁶⁷ 'N. B. Bradley & Co.,' *Chicago Times*, 5/3/1867.

The owners' commitment to violence demonstrated courage and determined his continued control over the worksite. The retreat of the mob and their failure to achieve their intent and desire demonstrated weakness and, like the prior example, impotency. *The Tribune* narrated an almost identical account where a loyal ten-hour dockmaster "stood his ground firmly, and told the [mob] leaders that they entered the premises at their peril. His manner had a good effect, for the mob withdrew without persisting in its demands."²⁶⁸ Even the *Chicago Republican*, which supported the strike and the Eight Hour Work Day Act, reinforced this image of owners defending the bounds of their property bravely with firearms as a model for controlling strike-mobs.²⁶⁹ The reports are not unique, multiple articles in both papers celebrated the 'courageous' manly violence of owners and replacement workers in contrast to 'cowardly' violence by strikers.²⁷⁰ The business papers affirmed the successful performances of determined manhood by owners and their agents, including through headlines like "Determined Stand Assumed by a Large Majority of Employers."²⁷¹ The logic of both free-trade papers was the same: owners' use of violence was just and right because they successfully performed the courageous and reasoned standard for 'determined' manly conduct.

'Lawfulness' was an additional characteristic the papers used to construct owners as properly 'determined men.' Paradoxically, owners used that characteristic to legitimize their own threats of illegal acts of violence and to demand CPD practices that likewise violated laws and

²⁶⁸ 'AT THE LUMBER YARDS,'

²⁶⁹ "a large body of [striker] men made their appearance, and surrounded the place. The foreman of the yard thereupon made his appearance at the gate, revolver in hand, and threatened to shoot the first man that should attempt to force an entrance. The crowd evidently came to the conclusion that they were barking up the wrong tree, and shortly after dispersed." 'The Eight-Hour question,' *Chicago Republican*, 5/3/1867.

²⁷⁰ Replacements/10 hour workers are "men" whose acts of violence rightly "showed fight" against "doing what they did not want to do". These acts of violence show courage (a "brave Irishman" who "could not be coerced by threats") and manliness, qualities which the articles connect with loyalty to employers. ('WOOD & LAWRENCE – A SERIOUS AFFAIR,' *Chicago Times*, 5/3/1867). See also 'THE ROCK ISLAND SHOP INVADED,' *Chicago Times*, 5/3/1867; 'Eight Hour Riots,' *Chicago Tribune*, 5/3/1867.

²⁷¹ *Chicago Times*, 5/3/1867.

legal rights. Leading to the strike, the free-trade papers represented owners' ten-hour policies as following the law, a point which I challenged earlier in the chapter. Days into the violent conflict, the free-trade papers used this representation of owners as men 'determined to follow the law' to rationalize owner demands on city officials for increased forces of protection for ten-hour workers. *The Times* wrote, "There cannot be imagined a more impudent and lawless demand than that made by the 'eight-hour strikers' in Chicago *against the laborers who refuse to join in the movement.*"²⁷² The quote erased distinction between the mobs and peaceful strikers but also divided both from ten-hour replacement workers. While the article called strikers "madmen," striking as well as strike-mobbing signified not just loss of reason but *criminal acts*.

Strikers were "more despicable than . . . burglars" as their acts attacked workers' standing as respectable family providers and forced "idleness" and family "starvation."²⁷³ Respectable workers, the papers argued, "have a right" to "pursue their employments without fear of . . . intimidation." Standing against the existential threat of criminal, irrational, anti-family strikers, owners cast themselves as defenders of workingmen's belonging among the reasoned men rightful to participate in industry free from mob *and state* interference. The papers represented this social division of owners and respectable (ten-hour) workers vs. strikers and strike mobs using the binary of law-abiding people against the enemies of law and civilization. *The Times* dramatized the stakes of the antagonism using the familiar settler terror of removal. "If rioters are to rule Chicago, law abiding citizens must leave it."²⁷⁴ The papers cast the struggle to restore property-rule as not just over labor-hours and manly right but over the right of civilized people to remain on the geographic territory of Chicago. This narrative invoked the longstanding colonial

²⁷² 'Demagogism and the Mob Spirit,' *Chicago Times*, 5/4/1867.

²⁷³ Strikers and mobs sought "to prevent honest and hard-working men from earning necessary wages to support their families."

²⁷⁴ 'Shall Mobs Rule Chicago?' *Chicago Times*, 5/4/1867.

terror of White removal (Owens, 2015) to organize popular pressure on the city and the CPD to join with owners' police forces against the challenge raised by pan-ethnic police forces over industrial sovereignty. The CPD had indeed increased their violence against strike-mobs but owners sought a higher intensity of violence.

In the cause of defense of respectable workers and their families, of reason, of law, of civilization itself, owners of property threatened *to themselves* take up mass violence against strikers.

The right of every employer in Chicago to manage and control his own property and to make and carry out such bargains with his employees as he and they may agree to, must and will also be protected. *If the authorities fail to give such protection, it will be provided for in another way.*²⁷⁵

The passage can be read superficially as strongly worded demand for governmental protections against illegal strike interference. But the words clearly articulate a declaration: the “right” of employers “to manage and control” the jurisdictions of capital, industry, and production (the spaces and machines of production as “his own property”) supersedes authority of the government and legislated law. Owners possess authority over industry and capital, and ‘share’ authority over the conditions of labor with “employees.” Neither the state legislators nor organized workers have any authority in those processes. The declared right, the passage specified, “must and will also be protected,” clearly by violence if necessary. This was much more than a demand for legal protection but a demand for state forces of police violence to protect capitalist liberty from legislators as well as strikers.

²⁷⁵ Ibid.

Owners' cast their explicit threats of violence as labors the city government and the CPD lacked the courage to carry out. Speaking in the voice of "the law-loving people of Chicago," the article told the mayor and police officials "do their whole duty, *or get out of the way*" (emphasis original). Through such threats and declarations, owners – like settler police forces – performed their authority over governmental officials. Delays in deployment of violence against mobs by the mayor and police commissioners ("dallying"), *The Times* boldly announced, would deauthorize those officials, and owners of property would then take that authority: "it will become the instant duty of the law abiding and property holding citizens to take the preservation of order into their own hands."²⁷⁶ Owners, now under the mantle of 'law abiding property holders,' expressed their determination to carry out *extra-legal* labors of violence against strikers and in so doing claimed their own authority as above the state.

Threats would not be enough to determine outcomes. Actual performances of police violence remained necessary to 'vindicate' owners' multiple entwined claims of cultural, political, and legal authority.²⁷⁷ In the pages of *The Times*, performances of institutional police violence against strikers became the precise criteria necessary to demonstrate the mayor and police commissioners' belonging as 'men' fit to rule. Lamenting the lack of greater police violence against strikers, the paper asked, "Why does not Mayor Rice not abdicate his office in favor of somebody's grandmother? . . . And why do not the three nonentities [the police commissioners] send their wives to perform their official duties for which they are themselves incompetent?"²⁷⁸ The paper even went so far as to state, "The mayor and the police

²⁷⁶ 'THE MAYOR AND THE POLICE COMMISSIONERS,' *Chicago Times*, 5/4/1867.

²⁷⁷ Forces of violence by the institutional police and/or the state militia, the paper made crystal clear, constituted necessary means not only to put down this particular insurrection but to establish cultural conditions needed to maintain ownership sovereignty over industry.

²⁷⁸ 'THE MAYOR AND THE POLICE COMMISSIONERS,' *Chicago Times*, 5/4/1867.

commissioners are in league with the rioters,” a charge that drew the officials into the category of those marked for violence and elimination.

With owners established as “lawful” in the narratives of the free-trade papers, and strikers as violent criminal threats to civilization, owners could threaten and demand direct violence far beyond the limits of law. *The Times*, for example, marked strike-mobs as ‘those to eliminated’ and did so in dramatic terms that celebrated the ‘rule of law’ through gross violations of legal protections against extra judicial mass murder.

It were better a thousand times that a thousand rioters should be swept out of existence by a discharge of artillery than that the lawlessness which characterized yesterday and the preceding day should be suffered . . . a day longer.²⁷⁹

The genocidal proportion imagined by the paper’s rationalization of a million dead rioters comes into view as one considers the total population of Chicago in 1867 stood at 250,000 (Pierce, 1957b). Recall that the strike-mob violence killed *no one* and that the penalty for combined interference with production was a fine and small jail time, not summary execution. Even charges of disorderly conduct, trespass, and assault could not be punished with execution. Owners direct threats of mass violence and their demands for the city to carry out mass killings clearly violated constitutional rights, the legal punishments for interference, and standing laws against murder. Owners did not follow the law here but used violence to bring new law into social practice. This form of lawmaking that owners performed was that of settler-police who ‘brought law’ to the frontier against the weakness, criminality, and tyranny of the state.

As owners raised demands for institutional police violence in the pages of *The Times*, they emphasized its necessity to *violently* intervene in embodied social processes of self-

²⁷⁹ ‘Shall Mobs Rule Chicago?’ *Chicago Times*, 5/4/1867.

valuation and agency in relation to multiple claims on space, identity, and order. As the paper proclaimed, “Every rioter must be made to feel and know that unless the law is preserved his life is not worth the value of ten minutes labor.”²⁸⁰ Preservation of the laws of ownership rule required destruction of those other laws of the city, the state, and the constitution that upheld democratic rule. Notice also that the imagined police act valued the lives of striking workers according to the wage time of their execution. CPD labors, as imagined by owners, drew a boundary dividing striking from non-striking workers represented as those-to-be-killed from those-not-to-be-killed. Owners here demanded a form of institutional policing capable of aligning sensuously experienced awareness of the immediate boundary between life and death with owners’ asserted boundaries over workspaces, labor-time, industry, and law.

Owners valued institutional policing by the CPD as a labor performance of violence especially capable of ‘compelling’ by the feudal power of killing and the colonial power of removal rather than the modern biopolitical power to withdraw the means of life (Foucault, 1982). The kind of institutional policing demanded by the *Times* determined the realness of law not by reference to law but to the power of the sword exercised by capital. As the same article complained, the CPD “failed . . . to shield citizens who have an absolute right . . . to be vindicated under the law.”²⁸¹ This is again the logic of ‘White manly determination’ (Chapter 5) where ‘vindication’ of owners’ standing “under the law” required forces of extra-legal violence to compel competing groups to perform their affirmation of a particular principle of law, in this case that of owners. By successfully compelling those performances of affirmation, the CPD demonstrated their own new and necessary place in the historic alliance of owners and city government. The ideology of that alliance imagined the CPD alongside owners and officials as

²⁸⁰ Ibid.

²⁸¹ Ibid.

‘determined White men,’ ready and able, potent and rightful, to impose law upon the space of industrial production but also to defend that space as a jurisdiction of capitalist sovereignty from the ‘savagery’ of labor movements and the tyranny of legislated law.

Conclusion

Performing the cultural logic of Determined White Male Law-making. The last chapter found – in the discourse and actions of strikers, labor leaders, and the free-trade newspapers – a popular contemporaneous cultural logic for the authorization of law and rights in social practice. That logic centered on performances of “determination” that demonstrated a culturally recognizable mode of White male personhood legitimized to impose force and settle social contests. Through this logic, public performances of manly determination (including through violence) compelled distinction of which laws and rights required social respect. Acts of courageous, principled, manhood that successfully demonstrated *self-determination* then acquired significance as a legitimate authority to *socially determine* contests over property, rights, and their related boundaries. I analyzed the terms and narratives that labor leaders, strikers, and the newspapers used to articulate this logic and its central figure. I found the discourse referenced embodied struggles over position, territory, property, character, and right. The discourse cited and valorized reasoned, manly, assertions of principle, against effeminate, bestial, and ‘savage’ forces as a basis to compel respect for particular rights of property and principles of law. In that way, the discourse cited settler colonial processes whereby “courageous” “maintenance” of landed position transformed collective Indigenous land into private real estate and made visible the racialized White settler colonial subject as bringer of law and civilization. The Determined White Lawmaker figure articulated by strikers, labor leaders and newspapers prior to the strike (Chapter 5) constituted, this chapter showed, a central criteria

to judge the creative performances of police labors by workers, owners, and the CPD during the strike.

This chapter continued analysis of Chicago's May, 1867 strike conflict over the new Illinois state law, the Eight Hour Workday Act. Where in the prior chapter I focused my Du Boisian lens on the creative and significant actions leading to the strike conflict, this chapter focused on the creative and significant actions that enacted the violent strike conflict itself. Enactment of the conflict consisted in no small part in the creative performance of police actions of official and lay agents. Du Bois's focus on creative actions as both meaningful and manifest guided my inquiry into the role of policing in the discursive and material articulation of industrial rule. Approaching policing as a 'labor performance' enabled me to observe how acts of law enforcement by official and lay agents directed material forces of production and violence as well as communicative forces that differentiated persons, roles, rights, laws, and authority. Police labors determined outcomes, I showed above, by physically organizing control over worksites and labor-time in ways that also compelled broader social performances that affirmed orders of political authority and manhood. Those labors of police violence referenced a particular cultural logic and performed a particular cultural figure of authority.

Police labors, this chapter showed, gained importance to owners and workers not just as a technique to violently impose boundaries on worksites and labor-time but to determine the larger contest over who was rightful to make law as well as to command industrial production and its resulting property: capital. The prior chapter compared the practices of colonial rule (Bruyneel, 2007) with the practices of commercial-imperial rule in Chicago; both of which functioned by the imposition of geographic, structural, and narrative/temporal boundaries. This chapter showed how the acts of policing that performed the strike conflict also functioned as practices of rule

commonly characterized by enforcement of geographic, structural, and temporal boundaries. Where colonial practices of rule depended on police labors to perform the White settler colonial subject as the maker of law, industrial policing used characteristically similar practices to perform determined White manhood as the cultural figure authorized to make law.

Practice, discourse, structure, hegemony.

I ground these findings in an analysis of the creative and significant acts of the strike conflict at four levels: as identifiable *practices*; that referenced and intervened in larger *discourses*; that impacted *structural* process of industrial, market, legal, and state development; which organized *hegemony* as political agency at the three prior levels reinforced a particular order of domination. At the level of practice, I showed that strike mobs, owners, and the CPD carried out characteristically similar labors. All three groups violently enforced geographic boundaries around worksites and did so in ways that also enforced other structural, cultural, and political boundaries which cumulatively imposed different orders of rule. These are all traits of colonial policing, as the prior chapters showed. Strike-mobs and the CPD enforced boundaries of worksites to competitively regulate flows of workers and thereby enforce their additional labor-time boundary as law. In the absence of the CPD at the start of the strike, owners and ‘deputized’ workers also used violence and threat to enforce worksite boundaries in ways that enabled flows of replacement workers and enforced ten-hours labor-time as law.

Strike-mobs too, I showed, enacted a variety of practices characteristic of settler and modern policing. Practices of *removal* and *occupation* continued settler colonial policing practices: strike-mobs removed ten-hours workers from places of production and thereby from economic participation; strike-mobs took possession and command over the industrial sites they policed. Like modern police forces, strike-mobs systematically patrolled industrial zones under remote central command authority, the committee gathered by Lake Michigan. This military-like

central command configuration fulfills the basic of model of force deployment defined by the US Army Field Manual (2010) and presents the traits Mitrani (2013) finds definitive of modern policing. The committee organization of centrally organized strike-mobs also constituted a basic command and control structure such as used by the US military, modern police, as well as colonial police in the US fort system. Strike-mobs, I also showed, policed industrial worksites in a principled way that selectively deployed violent threat in accordance with the principle of eight-hours strikers interpreted from the Illinois state law. Use and threat of violence, geographic and social boundary enforcement, patrol, command and control organization all constitute traits in common with colonial and modern policing. Strike-mob and CPD continued colonial militia policing recruitment practices of calling on laymen to join forces in pursuit of perceived self-interests and identities.

At the level of discourse, strike-mobs pronounced their labors as law enforcement while owners claimed merely to be following the law. Nonetheless, as the labors of both groups (and the CPD) violently policed boundaries across geographic space, across labor and production processes, they differentiated which bodies had a right to presence in those places, and did so to compel respect for particular policies as law. As striker, owner, and city police forces regulated the flow of workers into production, their acts communicated a cultural division of workers – “eight-hours men” from “ten-hours men,” “honest” from ‘traitorous’ men, ‘degenerate’ from “respectable,” “civilized” from “wild” and “barbarous” men. These signifiers marked the bodies rightful to work and those not, thereby drawing boundaries to inclusion in economic life. Police violence, lay and institutional, functioned to communicate these various boundaries and compel performances of related roles, processes, and orders of command.

At the level of structure, police performances by all groups directly impacted forces of industrial production, labor and capital markets. As strike-mobs entered and took command of worksites and machines and production processes, they shifted the boundaries of capital markets. As the chapter revealed, successful police acts of command by strike mobs demarcated *workspaces and machines* as within the domain of collectively held rather than privately held property. Owners failed police efforts to maintain those two important forms of capital within the bounds of private control required an expanded CPD with superior capacities of violence. Successful command of worksite boundaries enabled command of labor-time (structural-temporal) boundaries that set the supply of produced commodities and affected the related value of required labor. In the case of the 1867 strike, policing constituted the labor form necessary to order command over those production and market processes and thus directly affect the form and representation of industrial sovereignty. But, as the following discussion of hegemony explains, industrial policing not only mattered in organizing industrial domination but in organizing the balance of power between industry and government.

Regarding the case of the 1867 strike, the chapter shows ways modern industrial policing, by lay and official agents, acquired hegemonic importance through characteristically similar processes as did colonial policing. Settler and colonial government policing, as I showed in Chapter 3, characteristically imposed and associated geographic and cultural boundaries by violent physical removal of opponents. In the case of the Baconites and the Paxton and Black Boys, policing constituted means from below to violently perform belonging on the land as exclusive property of a White settler lawmaking subject above the state. I showed ways strike-mobs similarly took up labors of policing as means from below to communicate labor and

industry as jurisdictions subject to worker-police authority above ownership and above laws to the contrary.

What may be hard to see in strikers' adaptation of colonial policing is the racial element explicitly performed by settlers and federal officials. After all, strikers did not represent owners as 'Indians' but as would be *slave masters*. Skilled strikers at the May Day protest articulated their refusal to become slaves to the capitalist wage system in terms that distinguished American workers from "Africans." The unskilled Irish and German immigrants who made up the strike mobs already faced racialized attacks on their economic, political, and leisure activities. Those attacks came from US nativist movements (Higham, 1955 [2000]) that played key roles in founding the CPD as a force of Catholic immigrant political and economic repression (Flinn, 1888; Mitrani, 2013). The chapter showed ways unskilled workers took up police labors as means to communicate their own standing as forces of law and authority over the spaces, processes, and persons of industrial life. Their acts asserted inclusion in manhood, politics, and economic life against both wage-slavery and state ethnic repression. Policing enabled the unskilled strikers to enforce their inclusion in the racial-national bounds of *Americanness*.

Owners too drew on paternalist representations of manhood and economic participation but to narrow the boundaries of racial-national belonging and to distance industry from state authority. In their reported discussions²⁸² and declarations²⁸³ owners envisioned their struggle as one to maintain authority over industry and over obedient respectable workers who worked for them but also over the "rabble" who opposed them: men who were not really men but "boys," and "loafers" who failed to perform their paternalistic role as family provider through acquiescent labor. As I showed, owners saw their rule challenged by "impudent" workers who

²⁸² 'Meeting of Employers,' *Chicago Tribune*, 5/3/1867

²⁸³ Employers' Resolution as quoted in 'The Resolutions', *Chicago Tribune*, 5/3/1867.

dared to enforce their own interpretation of law but also against the authority of state law itself. Owners performed police violence in order maintain their sovereignty over industry as a frontier-like zone *beyond law* but they saw that struggle as a test of their manhood against that of the strike mobs and strikers.

Owners also saw it as their right to direct institutional police activities, even to directly command total removal/elimination of all strikers.²⁸⁴ In these ways, owners adapted colonial paternalist roles and relations to meet workers' challenge to capitalist sovereignty over industry. Colonial paternalism of the late 1700s to early 1800s centered on the figure of the male property holder as a 'provider' and 'father' over workers, slaves, and wives – a figure who rightfully wielded “unquestioned political leadership over less privileged men” (Brown, 1996, p. 321). Industrial business owners of 1867, I showed, saw themselves as the propertied males whose cultivation of business provided wealth and civilization and thereby a right, even a duty, to exercise political leadership above lesser men who worked for them and the less-than-men who challenged them. One way owners articulated their right to govern industry by reference to the moral order of paternalism, the characteristic system of colonial elite domestic rule.

The free-trade newspapers additionally articulated capitalist rule over industrial life by reference to colonial struggles against native people. *The Tribune* and *The Times* narrated the struggle between owners and strikers as a battle between civilization and the forces of savagery, with owners cast in the starring role as the White settler colonial subject whose just use of violence imposed law on the lawless frontier. In the vantage of the crisis through *The Times*, the city increasingly faced the same peril as that of the white-nationalist colony: elimination by forces of unmanly, non-speaking, bestial, barbarity. In contrast, the violent acts of owners

²⁸⁴ 'SEVENTY FIVE SPECIAL POLICEMEN APPOINTED,' *Chicago Tribune*, 5/3/1867.

defended manhood, rationality, law, ‘civilization’ and thus constituted the rightful form to determine social crises. Donned in that mantle of determined White manhood, owners declared their readiness to violate law in the name of law. They threatening mass *genocidal* violence against strike-mobs and strikers if city government did not obey owners’ demands.

This task of violence exceeded the bounds of law. Yet if we see this as a task of *extirpation*, the violent elimination of dangerous forces resisting ‘civilizational’ development, then we can see owners drawing on definitive performatives of the settler militia and federal agents who co-established law on the Great Lakes frontier (Chapter 3).²⁸⁵ Owners, I argue, adapted the familiar performatives of settler policing to impose their own law on ‘the industrial frontier’ in the face of the weak *effeminate* city government and the ‘criminal’ *tyranny* of state legislated law. The ensuing class-different police violence performed by the CPD functioned to “vindicate,”²⁸⁶ in the operative terms of the discourse, owners’ claims to property and legal right. By that I mean, the performance of police labors against the strikers represented owners’ principle of law as law actually to be enforced and obeyed and thus ‘real’ in social practice. CPD enforcement of owners’ principle of law, which included arguably illegal repression of peaceful strikers and related speech and association rights, also affirmed owners racializing representations of strikers as forces of anti-civilizational barbarity. In carrying out such acts, the CPD signified itself in the role of White civilizational defense, a defining trait of settler policing.

New definitions of policing.

These findings sustain a new view on policing as a hegemonic technology for racial transformation. Owners were not the only ones who used the police technology to affect racial representations. Irish and German Catholic strike-mobs took up police labors to expand the

²⁸⁵ The act also referenced ongoing processes of westward expansion taking place at the very same time as the strike

²⁸⁶ Ibid.

boundaries of racial and political inclusion. Put differently, the strike mobs enacted police labors to prevent their fall into the racial political category of wage slave to business owners. Police labors mattered as means to transform their standing from the racial-national category of immigrant ‘other’ undeserving of political participation to the category of White propertied American rightful to participate in political rule. Owners, in contrast, took up policing in part to maintain the narrow boundaries to racial-national belonging that kept all workers, but especially unskilled insurrectionary immigrants, under the industrial and state political leadership of propertied White men. For workers, property in labor conferred the right to political authority over industry. For owners, property in capital conferred the right to rule.

The role of the CPD in the new form of hegemony.

I argue that under these conditions, the CPD acquired a degree of jurisdictional authority over the bounds of racial-national belonging. Institutional policing became means to transform one’s own racial standing *in exchange* for performance of violent labors marking others’ racial and political exclusion. This racially transformative feature of institutional policing attracted the agency of men willing to commit violence to gain access to political processes – as did labors of federal policing during colonization. As Chapter 4 showed, policing took on importance in the colonization of the Northwest Territory as a social technology to coordinate local agents of violence with remote federal strategic command. As strike mobs sought to establish their new role as enforcers of state legislated law, they too constituted a new labor basis to coordinate local violence with state legislatures. The CPD, through successful repression of the strike, demonstrated the necessity of their labors to the realization of the strategic aims and alliance of capitalist owners and city government. As in the case of the Northwest Territory, CPD successfully enabled that coordination by creating exchange relations. In addition to discretion in enforcement, opportunity for corruption, and access to government, the capacity to shift social

representation (Bowling, et al., 2019) – in this case in political economic and racial status – constituted a key value officers received in exchange for their labors of policing as commanded by city officials and, at times, directly by business owners.

By the end of the 1800s, Irish and German men – the very racial categories repressed by the CPD during the strike – came to dominate the ranks of the CPD (Flinn and Wilkie, 1888). Through their police labors, these groups acquired powerful positions in the emerging political machines, with the Irish rising to Mayoral power nine times starting in 1893. The CPD's 1867 conquest of the strike-mobs and strikers united city officials with the propertied class. As labor means to that historic bloc, the CPD gained increased hegemonic importance marked by increased revenue flows, career benefits to officers, and their enhanced social standing as manly defenders of civilization against barbarous others. Yet lay policing also flourished in the following years as ethnic-political militia proliferated as a counter force to the CPD (Smith, 1995).

The process of police modernization in Chicago, as organized through the events analyzed above, involved the structuring of colonial practices, roles, and racial narratives into the identities and central tasks of the new department. These exchange relations mark a continuation of such characteristic functions of prior forms of policing I examined in chapters 3 and 4, which entwined class conflict with organization of racial/ethnic order. The rise of the CPD, in other words, shows how the exchange of labors of violence and production for degrees of control over emerging systems enabled Otherized working class persons in Chicago to gain access to government and party resources as well as revenue flows and degrees of local autonomy. Policing constituted labor means for Irish and German Catholic workers to transform both their position in class order but also their position in racial/ethnic order. Policing acquired hegemonic

importance as a labor technique to enact class conflict but by taking partial control over the means of racialization.

CHAPTER 7

Conclusion

Fulfilling the dissertation purposes.

The dissertation staged a variety of purposeful interventions into communication studies. The first purpose of the dissertation was to produce communication studies on race, race making, structuration, and power. This purpose began my engagement with specific issues called for by recent academic organizations and scholars concerned with racial equity and decolonization of the academy, most notably those affiliating with #CommunicationSoWhite. The dissertation fulfilled this purpose by inquiring into the practice of policing – a force of violence and social order widely recognized as ‘rooted’ in slavery (Dulaney, 1999; Davis, 2017) but less understood for its fundamental role in colonization (Greenberg, 2005). The dissertation provides a new view on the role of policing in constituting, not merely reinforcing, US racial caste culture as well as its economic, legal, and political systems.

The second purpose was to rethink normative communication theory, especially by through the perspectives, ideas, and experiences of non-White scholars and communities. I accomplished this purpose, first, in Chapter 2 where I drew on the explicit and operative concepts of WEB Du Bois (1905, 1920, 1935, 1940) to re-examine Gramsci’s (1971, 2000) theory of hegemony as well as its later adaptation by Laclau & Mouffe (1985 [2000]). The resulting Du Boisian model of power formation meets 5 criteria that transcultural communication literature emphasize (Chapter 2) as needed analytics of historic and ongoing processes of racial and economic inequality and oppression: 1) it enables analysis of the constitutive forces and resulting forms of power, 2) it directs attention to the mutual formation of racial and other identities with that of infrastructures and institutions of economy, law, and the state, and material

transformations of land, population, and environment, 3) it contextualizes racial and structural development with antagonism, 4) it prioritizes the body as both a basis of labor and a basis of experiential knowledge of structural and cultural limits to realization of self and purpose, and 5) it recognizes labor as a basis to perform meanings (about self, other, land, process, purpose, and reality) and to productively and destructively intervene into cultural and structural systems.

This Du Boisian theory of power first expands Gramsci's vantage to include the processes of racialization, to pluralize the worker/owner binaries of capitalism power with those of colonizer/colonized, master/slave, and White/non-White. Second, it expands recognition of discursive force as *part of* rather than, as Gramsci argued, *prior to* the domain of military relations. To Laclau & Mouffe, the Du Boisian theory of power challenges conceptualization of social formation as an "essentially discursive" (Savage, 2011, p. 171; Torfing, 1999; Laclau, 2005) process. The Du Boisian material-discursive model of power observes through the "second sight" (Du Bois, 1905/1999, p. 10) perspective of persons subjugated under racialized and colonized systems. This vantage perceives ways that discourse forms limits on practices and resulting systems but also ways concrete facts of infrastructure, economy, police, military, law, and the state impose additional *formative material limits* to discursive realizations such as of self-identity and purpose. For these reasons, the model of power formation I derive from Du Bois is aptly suited to the academic, epistemological, structural, and activist research aims of transcultural communication studies.

My third purpose was to use this theory to inquire into historical processes from which racial caste emerges and thereby gain a basis to search for the continuation of colonial and White heteropatriarchal processes. The dissertation investigated the emergence of Anglo North American racialized structures and ideologies by analyzing policing at critical junctures in the

development US colonial rule that violently acquired Indigenous lands as the literal grounds for development of capitalist slave, real estate, agricultural, and military economies (Chapter 3). I then traced adaptations of colonial policing that contributed to the founding of the US state system as an economic, legal, and political jurisdiction of White (male) settler colonists (Chapter 3). I showed how adaptations of colonial policing rejected federal assertion of even a limited racial-assimilationist mode of Indigenous citizenship and how White male settler militia labor became institutionalized in the military economy of western expansion (Chapter 4). Chapters 5 and 6 found further adaptations of colonial policing in struggles over industrial sovereignty that determined urban territory as a jurisdiction of settler-capitalist police authority and the spaces and machines of industrial production as private, rather than collective, capital.

My case studies of those events also accomplished my fourth purpose of demonstrating the efficacy of my labor performance genealogy method for transcultural political economic communication studies and performance studies. As I showed, genealogy of labor performance offers means to analyze and compare the characteristic traits of police labors and thereby their historical emergence, descent, and adaptation. The method's identification of the characteristic practices and discourses of policing and their impacts on structures further relates the genealogical development of police labors to the ways they shape social relations and organize of power. The approach enabled my case studies to produce insights into policing's role as a collective technique to impose and contest cultural and structural systems of racial, gender, and class domination.

The method offers new means for performance studies to analyze the citation and adaptation of performatives across time while also attending to the ways those deployments contribute to shifts in system development and power. As such, the method offers an alternative

to the dominant performance studies treatment of policing which follows dominant critical conceptions of the practice as an exclusively top-down disciplinary force compelling performances of subjugation (e.g. Hall, 2015; Vrăbiescu, 2020). My method opens up performance studies to the potential ways that policing is additionally a means to replace or escape disciplinary systems and performative repertoires. Chapter 3 showed how police labors constituted means the Baconites used to perform a desires for Indian lands and local sovereignty under a new racialized mode of (proto) White settlerness. The Paxtonites adapted those police labor performances to establish White settler local sovereignty. Performed adaptations of settler policing by the Black Boys and others realized White settler colonial desires in the founding of the new Republic. Chapter 4 showed how settler police labor performances restrained federal policy from recognizing even limited representations of Indigenous citizenship. I also bring forward the new understanding that officer performances of discretion over which laws are enforced (Sykes, 1985) is a basis of agency to shape the social sense of the ‘realness’ of any given law, to Fischer-Lichte’s (2008) terms. Police performances thus protect ‘illegal’ performances of self and purpose, such as when US soldiers chose not to enforce murder warrants against fort sutler John Kinzie in Chapter 4. Similarly, Chapters 5 and 6 found police labors were a basis for economically and ethnically subjugated Chicago immigrant workers to perform the ‘realness’ of their interpretation of a contested eight-hour labor law. I showed how those precise labors also asserted social representations of factories and railroads as collectively held rather than private capital. Each of the case studies showed that policing can be analyzed as a performance from below as well as above that essentially aspires to control, not eliminate, the constitutive material and ideological boundaries of White heteropatriarchal supremacy.

The dissertation's fifth and final purpose consisted in interventions into scholarship from communication and performance studies, police studies, abolition feminism, and Black Marxism. Having above described my interventions in communication and performance studies, I turn to my interventions into the other fields of study.

My intervention into police studies: new definitions, relations of power, and colonial continuations.

I first intervene in police studies by addressing one of the enduring gaps in mainstream and critical law enforcement research, namely the lack of effort to formally define the fields' fundamental object of analysis: 'policing' (Neocleous, 2000). I use that definitional work to address a second gap in police studies consisting in scant research on the role of policing in power formation (Seigel, 2018). Finally, I contribute to a growing body of research uncovering continuities between colonial and modern contemporary practices of policing by official and lay agents (Reichel, 1992; Obert, 2018). I describe my three way intervention as follows. Neocleous finds the dominant critical mode of inquiry into policing since the 1970s is by Foucaultian studies that conceptualize policing as little different from governmentality, discipline, and biopolitics. By far the most common mainstream police research approach is administrative and such studies commonly treat 'police,' 'policing' etc. as taken for granted terms without need of definition. As a result, the general field of police studies lacks clarity on "the extent of the variety of forms policing can take and . . . the connection[s] between these forms, the police institution, and the state" (Neocleous, 2000, p. x). Addressing this lack of formal definition of policing and its relations with power, the dissertation chapters prominently provide direct investigation of the historical emergence and descent of characteristic police forms, the connections between them and the state, and how political and racial antagonism shaped the cultural meaning and political functions of both lay and official policing. On the basis of these

empirical findings, the chapters inferred definitions of policing and its importance in organizing power.

Looking at the cases of the Afro-Anglo Baconite settler uprising in 1676 Virginia, Chapter 3 finds two characteristic forms of colonial policing: settler policing and colonial government policing. Chapter 3 introduced settler policing and defined it as a two-part labor performance in which “settler militia policing imposed and ordered racial spatial boundaries that settler mob policing then used as legitimizing basis to assert a new system of rule under the sovereignty of the nascent racialized proto-White settler subject,” (pp. 95-96). Settler policing can thereby also be defined as a social technology for the communication of racial and geographic boundaries that also demarcate the jurisdictional boundaries of settler police authority. Settler policing constituted labor performance means to introduce and refine the White settler subject as exclusively authorized to own and be present on the land in contrast to tributary Indigenous groups *whose presence was otherwise authorized by Britain*. In relation to settler policing, the chapter defined colonial government policing as a dependent counter-practice that sought not to simply eliminate settler policing and its powers to violently communicate boundaries and authority but to harness that force to the strategies of governmental and economic elites.

This harnessing of settler policing to elite strategies directed Anglo labors to the violent enforcement of new lifetime bondage laws on African descended persons. As settler policing added labors of slave patrol to those of strategic Indian elimination, the practice performed a more fully ‘White’ settlerness over Indigeneity and Africanness. Colonial government policing was explicitly a force of discipline and subjugation shaped by the strategies and bureaucratic power of state officials and the economic power of the wealthy. Settler policing by lay agents,

the chapter showed, was definitively different. Settler policing was a readily performable social technology to shape racial, legal, and state development at times used by lay agents against established orders of rule.

Policing also can be defined as a labor means to communicate racial and political personhood and to order those differences into orders of command and practices of rule. As I showed with the case of the Paxton and Black Boys uprisings in 1760s-80s Pennsylvania, settler police labors of anti-Indigenous violence constituted means to adapt representation of White settlerness into 'The People' as the figure authorized to create law and found the state. Where early settler police insurrectionaries announced themselves as that sovereign figure in their declarations, some of their Revolutionary era descendants institutionalized that figure and its practices of militia/mob violence as labors of legal and state founding, I showed, in the Pennsylvania Constitution of 1776. They reinforced those notions and practices in Pennsylvania laws defining settler militia as a duty of White male citizens that then became a basis for the 2nd Amendment of the US Constitution. This demonstrated power to shape both cultural and structural limits of racial performance introduces the idea of settler policing as a technology of racial transformation and political authorization.

Chapter 4 traces the modernization of policing's definitive capacities of racial representation during organization of US colonial political order at the end of the eighteenth century. Colonization of the area around Illinois introduced new modes of policing and new racial political representations of Indigenous-Americans. Enforcement of the laws of the 1795 Greenville Treaty by federal agents and Indigenous signatories, I showed, defined new police duties, the performance of which communicated the legitimacy of the treaty and its assimilationist racial-paternalist representation of Indigenous citizenship in US colonial order.

As laboring acts that sustained the shared perception of treaty law as legitimate alternative to war, these police labors can be understood as *performatives of the peace*. Policing through the federal fort network performed modes of racial and political belonging such as by referring to Indian signatories and settler colonists as ‘siblings’ under the US President as ‘father’ but especially by enforcing treaty legal protections on Indian lands, property, and lives.

Treaty enforcement duties also included new definitive police roles of infrastructural and institutional production. Here, government policing acquired new modernizing traits as local agents, federal fort personnel, Indians, and Métis traders, took on duties of building network infrastructure, in this case the fort system. These coordinated forms of police labor built on the racial, spatial, economic, and political boundary communicative work of settler and colonial government policing (Chapter 3) by adding labors of media production (official reports on conflicts, surveillance, licensing, trade, commodification of Indian lands, etc.) and facilitating distribution of postal correspondences and newspapers across its networks of roads centered in the remote east. These capacities enabled the fort network to systematize the policing of new representations of land (such as from Indian hunting grounds to real estate) and persons (such as from enemy Indians to ‘sibling’ citizens).

Upon this transregional media infrastructure, federal policing demonstrated definitive political functions. First, policing acquired importance as a modern social technique to coordinate local agents (especially of violence) with geographically remote command. This function depended on attracting police agency to exchange relations where local agents derived degrees of control including influence on remote commanding officials and discretion over law enforcement that enabled business, criminal, and political projects. Infrastructuralized fort policing functioned as what I term a ‘media for the exchange of controls’ that, I suspect, is

inherent in police infrastructures and command control systems. As I found, police labors through the fort system initially enabled coordination of local federal and Indigenous agents with remote federal command. However, migrating White colonists brought settler police traditions from Virginia and Pennsylvania. Their violent violations of treaty law created a governance crisis ultimately resolved as settlers provided labors of violence in exchange for the elimination of federal representations of Indigenous-citizenship. As I find, “what attracted remote settler agency to federal command were police labors that enforced essential White Indian difference and eliminated Indian political belonging defined in treaty law. Subsequent federal policy and practice of western colonization institutionalized that successful coordination of force” (p. 162). Like the cases of the Paxton and Black Boys analyzed in Chapter 3, settler policing by lower order US migrants in the Northwest Territory constituted labor performance means to shift geographic, racial, and political boundaries and thereby create material limits on the emerging form of colonial sovereignty.²⁸⁷

This definitive importance of policing as means to organize systems of rule by enforcement of racial, spatial, and structural boundaries is also found in Chapters 5 and 6, which concern Chicago’s 1867 general strike. In that struggle, owners and workers as well as the CPD adapted colonial police labors to determine the form of industrial sovereignty. Chapter 5 presented new primary source evidence that Chicago’s business and governmental elites founded their new institutional police force in part by reference to colonial treaty language and on the model of colonial militia structures authorized in the Second Amendment, codified in Illinois

²⁸⁷ Policing, at this point, can be understood to include labors of infrastructural production and operation but also of exchanges in control over emerging racial, political, land, and market orders. Given the explicit federal police task of assimilating Indigenous people into the roles of ‘farmer-citizens’ and that the struggles performed by the various police agents explicitly sought to uphold or overturn that mode of racial political belonging, Chapter 4 again finds the social transformation of racial representation to be a characteristic utility of policing.

territorial law, and which constituted the armed forces of US colonial conquest across the Great Lakes region.

The violent conflict centered on a newly passed Illinois State eight hour workday law and whether workers' or owners' interpretation of that law would be realized in social practice. To gain authority to determine law, the antagonists articulated a discourse referencing scenes of struggle over land and right that adapted the law-bringing state-founding White settler colonial subject to an industrial figure I termed, 'the Determined White Male Lawmaker.' Analyzing capitalist newspapers and labor movement rallies, I described how both sides cast themselves in the role of the 'determined lawmaker' through competing practices of rule. I showed how the practices of commercial-imperial rule in Chicago built on the practices of colonial rule (Bruyneel, 2007); both of which functioned by the imposition of geographic, structural, and narrative/temporal boundaries. Practices of commercial imperial rule involved divisions of land, labor, trade, and government modeled on colonial practices that facilitated exploitation on natural resources and labor power. Those practices centered property authority over city and state policy development and distanced workers from such access. Owners cast themselves as determined masters of the commercial frontier, a zone beyond the reach of legislated law. Understood as part of workers' practices of rule, their successful enforcement of the eight-hours structural-temporal boundary on labor-time would simultaneously enforce narrative-temporal boundaries that regulated workers' economic, racial-national belonging and their rightful political authority over capital.

Chapter 6 showed how police labors to enforce boundaries around worksites and urban space constituted a technique to claim authority as that White lawmaking figure and thereby enforce industrial citizenship belonging. This chapter showed how police performances in the

strike conflict functioned as practices of rule characterized by enforcement of geographic, structural, and temporal boundaries. In finding that policing constituted a necessary practice that strike-mobs and owners performed as well as did the CPD, the chapter offers a new perspective on the role of policing as a creative technique of industrial political order practiced within but also beyond the state. Antagonists turned to policing, and thereby imbued hegemonic importance into the practice, as they sought to wield its material-discursive capacities. Competing agents (unskilled strikers, owners, CPD officers) took up labors of policing to creatively direct material and cultural force towards the larger organization of power over industrial, legal, and state development.

Realization of either interpretation of the law required enforcement of the eight-hour or ten-hour labor time boundary, and that required violent labors to enforce worksite boundaries and so differentiate the flow of laboring bodies and the operation of businesses. Policing, I showed, constituted necessary labors of violence to enforce those boundaries, the success of which ‘vindicated’ claims to stand as the Determined White Male Lawmaker. The CPD’s eventual deployment of force determined the outcome of the crisis to the benefit of owners and city officials. The CPD’s 1867 conquest of the strike-mobs and strikers united city officials with the propertied class. As labor means to constitute that historic bloc, the CPD gained increased hegemonic importance marked by increased revenue flows, career benefits to officers, and their enhanced social standing as manly defenders of civilization against barbarous others. The events mark the ascension of policing as necessary labor performance means to manage the spatial, racial, gender, labor, and market boundaries required by the new industrialized White hetero-patriarchal form of power.

In sum, the dissertation introduced a new definition of policing as a labor performance necessary to the constitution and adaptation of racial capitalism and colonial imperialism. Policing should be understood as a social technique to assert as well as reinforce racialized systems of rule. Policing thus is also a means of transforming racial representations – at one moment (1850s-70s) marking Irish Catholics beyond the bounds of rightful political citizenship, at another moment (1870s-90s) affirming them as rightful leaders of city police and government. The events return discussion to the defining role of policing, and its capacities of racial representation, as enduring means of class conflict.

Policing, class, and race. Policing must be understood as a labor of class conflict that proceeds by violently performing meanings of race, land, process, and authority. In the Anglo North American colonial context (Chapter 3) settler policing enabled bottom up agency against ruling class power by performing a new mode of proto-White Indigenous difference. Colonial government policing then responded by harnessing that race making power to further distinguish a more full whiteness through anti-black labors of slave patrol and overseeing. The period of conquest of the Great Lakes region (Chapter 4) shows continuation of policing as a mode of class conflict. The specific objects of that conflict were whether Indigenous people would retain any land or any right to belong in colonial economic, legal, and political order. White control of all land, long pursued by settlers from below, required police labors to signify it as White property and that task involved conflict over federal significations of White-Indigenous difference and related citizenship rights. White settlers, Indigenous and Metis peoples, and federal officials struggled over the meanings of land, race, and citizenship that would be structured into emerging federal infrastructures of control, above all the US fort network. In that context of antagonism and racial, economic, infrastructural and political development, policing organized exchange

relations. Federal dependence on local labors of violence and production conferred to local agents degrees of control over the system and over the emerging form of colonial dominance.

In the industrial moment of conflict, policing labors demarcated specific class and ethnic racial others to be excluded from politics. Policing, as the acts of the unskilled strikers in 1867 exemplified, also constituted means to contest those orders and assert alternate orders of rule. But official policing in Chicago during industrial development also was means that some of those class and ethnic others, such as the Irish and German Catholics in Chicago, used to gain access to city government and escape nativist imposed stigma and share power in the historic bloc of capitalists and the emerging Democratic machine. For these reasons I argue that policing should be understood as one of the techniques by which the Irish and the Germans altered social representations of their belonging in whiteness and in industrial political economy. The above discussion on policing, race, and class leads to the following definition of policing. Within the historic practices emerging from Virginia and Pennsylvania to the area of Chicago, policing characteristically consisted in violent labors of enforcement over spatial, racial, class, gender and work boundaries that acquired social importance as a technique to make law and found government; to compel performances of role, identity, and process of production; and thereby to contribute to the material and ideological constitution of cultural and structural racism. Lay and official policing of today inherent these capacities and thus maintain political importance as techniques to maintain and assert systems of rule. The question remains as to whether policing is a potential means for non-White *collectivities* to dismantle White supremacy or whether police labors, given their defining trait of actual and potential violence (Siegel, 2019) inherently involve the dehumanization and subjugation required by White supremacy.

Introducing my findings on policing to Black Marxist and abolitionist scholarship and activism.

My case studies present a genealogy of police labor performance that identifies specific material and cultural processes through which police contributed to the constitution of Whiteness as dominion, the White nation project, and the structuring of racial meanings into territorial, legal, economic, and political systems. My findings stand as a complementary parallel to the genealogical work that Angela Davis, Gina Dent, Erica Meiners, & Beth Richie carry out in *Abolition. Feminism. Now.* (2022). They do more than the needed work of tracing out the political lineages of abolition feminist movements but also to reveal how the endurance of past collective practices shape and connect institutions of oppression. “We attempt here to distinguish between a purely analogical relation between slavery and imprisonment and one that acknowledges a genealogical connection . . . highlighting the historical influence of the slave system” (p. 53). Against these inherited systems, their genealogy of abolition feminism identifies not only foundational groups, such as the Combahee River Collective (See also Taylor, 2017b), but the discourses and practices that sustained abolitionist political praxis across many generations and offer “living, generative, and rigorous frameworks” (p. 1) for scholarly inquiry but most of all for transformative political movements. The dissertation’s labor performance genealogy reveals contrary collective forces of policing (by settlers, government officials, land owners, frontier traders, and sometimes by Indigenous and African descended persons) shaped and produced not only hegemonic racial meanings but also the practices and infrastructures of spatial, market, and legal controls as modern institutions of racial, class, and gender subordination.

My detailed definition of policing as a principal form of cultural and structural racism emergent in lay and official practices of colonial conflicts prior to and during slavery expands

the viewpoints not only of Davis et al. (2017, 2022) but for other scholars of race, policing, and abolition. For example, Keeanga Yamahtta-Taylor (2016a), in a full chapter on the development of policing, offers an excellent analysis of how police violence enforces racially repressive modern legal, economic, and political orders that align institutional practice with racist depictions of African Americans. However, an engagement with policing's role in the creation of prior colonial legal, economic, and political orders would expand her vantage and strengthen her otherwise apt analysis. Taylor observes rightly that policing and racism developed through mutually informing processes of domination. "Racism and modern policing were . . . mutually constitutive in reinforcing the subjugated status of Blacks" (p. 109). That is an accurate statement forecloses a view on possible ways that policing was necessary to constitute Blackness as a subjugated status, namely through labors that produced the chattel slave system. Also left out of consideration is the prior mutual constitution of policing and anti-Indigenous racism. The latter omission amounts to what Bruyneel (2021) would call a *disavowal* of settler colonial violence in the creation of modern orders of political domination. Overlooking the role of policing in colonial scenes of anti-Indigenous murder and dispossession contributes to an incomplete understanding of how policing functions as a racializing force.

Lack of engagement with colonial policing also troubles Taylor's argument that policing acquired racializing force as a result of its official authorization by state officials and local political elites. "The racism of the police is not the product of vitriol; it flows from their role as armed agents of the state. The police function [is] to enforce the rule of the politically powerful and the economic elite" (p. 108). Lost here is the additional understanding of policing as a racializing practice taken up to contest governmental and elite authority. I found such from-

below use of policing to be characteristic of settler uprisings against royal and chartered government and propertied elites in the 1670s and 1770s (Chapter 3).

It is understandable that Taylor would overlook those seventeenth and eighteenth century processes because she relies on the dominant story of the development of the police that emphasizes nineteenth century policing as a break from colonial practices. Building a racial analysis on those histories, Taylor writes that “The political economy of the modern policing state was created in the opening moments of Black freedom. Historians have identified multiple origins of the modern American police, including nineteenth-century slave patrols. After emancipation, the purpose of racism, like the purpose of the police, was transformed” (p. 108).²⁸⁸ The particular transformation Taylor points to was the new use of policing by southern states to reject federal rights and protections for Black American, “to re-create slavery ‘by another name.’” (p. 109). As Taylor explains, this was a struggle by “a white planter class . . . militarily defeated but not quite economically and politically destroyed” (p. 109) to assert legal orders that rejected those imposed by the Reconstruction government.

By her own description, this was a struggle by a weakened local political class against the stronger remotely commanded federal government. I find the use of policing by relatively weak local agents to remake laws and create autonomy from remote government to be a defining aspect of policing in the colonial struggles already mentioned. Also like the postbellum situation, those colonial struggles even included official police (justices of the peace and local sheriffs) alongside lay-police militia and mobs. Similarly, the new southern police Taylor investigates protected, coordinated with, and overlapped with vigilante police groups like the KKK, whom I

²⁸⁸ Taylor does not cite the historians to whom she refers.

showed Du Bois (1935) defined as police (Chapter 2). Attention to prior colonial struggles provides a view on the practices and political functions policing provided to lay and official agents to assert, maintain, and contest racialized systems of rule. In light of past colonial techniques of policing, the racism of the police flows not merely “from their role as armed agents of the state” but also from armed agents seeking either local sovereignty and/or transformation of the racial policy of the state. The Southern alliance of aristocrats and poor whites pursued and achieved both aims and did so not merely through lay and official performances of policing. Only with a view on the techniques by which colonial policing contributed to the constitution of fundamental systems of Indian dispossession and chattel slavery does it become impossible to observe the continuation and adaptation of those techniques in later police performances after the Civil War.

Final thoughts.

The dissertation presents a research framework consisting in a Du Boisian theory of power and a labor performance genealogy method. The framework can enable research to draw together all too often divided modes of research into processes of cultural and structural racism. The approach I detail and demonstrate opens up to research the question of precisely how practices of policing are ‘rooted’ in slavery and colonialism and how the contemporary forms of those practices specifically continue colonial relations and techniques of racial and gender subordination. My re-definition of policing as a creative force of racial capitalism and colonial imperialism can help scholarship and activists expand their historical vantages and strategic praxis to the complex questions of abolition of lay policing as well as state policing. Policing, I show, cannot be reduced to an agency of the state or an expression of class control. Policing must be recognized as a historic means of collective agency that shaped both racial capitalism

and the settler colonial state. Policing must also be recognized for its role as a means to found and adapt the racial colonial state in the name of White male rights to expropriate, exploit, and subordinate others. Policing also constituted historic means used to adapt colonial practices of rule to the capitalist-CPD-city government historic block characteristic of urban industrial power in Chicago in large part enduring to this day. Policing remains a readily performable technique to make or reject law, to enforce the spatial, racial, economic, and narrative-temporal boundaries that construct forms of domination. These insights empower scholarship and abolition movements to escape the epistemological confines that blind us to the contemporary ways vigilantism, militia, mobbing, and official policing daily create material and ideological limits on racial equity and democracy.

Future research.

My future research will create additional case studies on the 1886 general strike in Chicago – the so called Haymarket Affair. My pilot study suggests the increase of colonialist narratives used by newspapers and police, the growth of workers and capitalist militias (at times engaging in gunfights over spaces and labor time), mutual acts of self-identification by police and elites as well as anarchists as inheritors of the White settler colonial founding figure, and the coherence of a new sacred representation of official police officers in the US national imaginary. Other case studies will focus on the cooperative performances of White street gangs and CPD officers in Chicago's 1919 'red summer,' in which Whites sought to eliminate Black presence in the city. African-American performances of defense of neighborhoods, communities, and lives offer a basis to search for the potential performance of police labors and their potential citation or adaptation of established modes of lay-police identity. I also will finish chapters originally begun for the dissertation that focus on the relations surrounding the creation of the city's first digital

police infrastructure, the Office of Emergency Management and Communication. Those later chapters will engage ways that CPD labors continued to communicatively and materially demarcate persons of color from legitimate employment and neighborhoods of color as outside the bounds of city government investment, social services, and viable real estate markets. Future research will search these spaces and relations for the continuations – and hopeful disruptions – of violent boundary enforcement as neo-colonial means of organizing racialized hegemony.

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