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The Unexceptional State: Rethinking the State in the Nineteenth Century (France, United States)

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Abstract: In the past thirty years, historians have deeply renewed our understanding of the state in the early republic period of the United States as much more powerful, deep reaching, and proactive than the traditional image represented. In France, too, new work has revised our vision of the state in the early nineteenth century, which looked different from the triumphant, Napoleonic leviathan that often appears in discourse. Yet both historiographies, having evolved separately, still base their conclusion on implicit comparisons, with an imagined "European" state or with a later "modern" state. This article uses the new historiographies on both countries to go beyond those unstated exceptionalisms to propose a reconstruction of the state in that period. Pulling those studies together, and mobilizing insights from one to shed light on the other, it recovers a common repertoire of statecraft that emerged in the revolutionary era. It hinged on fostering consent of key segments of the population and therefore organized the work of the state in mostly nonbureaucratic forms. States in that period reflected a particular enmeshing of public and private forms that needs to be analyzed for itself, especially if we want to understand the specificity of today's practices.

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The history of the state is alive and well. In the United States, in the past thirty years, a variety of studies have renewed our understanding of the state, at both the federal and state levels.[1] Although these works still have to make their way to mainstream American historiography, they provide us with a better understanding of the way power was distributed, institutionalized, and wielded.[2] In the study of the early republic, a burst of new scholarship has seriously challenged the old assumption that Americans only experienced a small and remote government. The new work argues that the central state (or "general government") was much stronger than previously assumed and much more interventionist. It "acquired territory through treaty, purchase, annexation, and military conquest. It explored, surveyed, and sold off its acquisitions, turning public lands into private property. In the territories it guaranteed property rights, maintained law and order, pacified and removed Indians, provided access to markets by building roads and clearing waterways, and subsidized education."[3] It also managed an extensive postal system, as well as a network of marine hospitals. It levied taxes. It guaranteed intellectual property through a patent office. For forty crucial years it organized the nation's monetary and banking system through two consecutive central banks. And it upheld the institution of slavery.[4] Americans' experience of state power was not confined to the federal government. States had a pervasive presence in their daily lives, regulating them sometimes invasively and coercively.[5] All in all, nowhere could the United States pass as a "stateless" society.

Cumulatively, this amounts to a major reassessment of early US society. Our understanding of the twentieth-century US government, both scholarly and lay, has relied heavily, if often implicitly, on the assumption that it was built on the foundation of a nineteenth-century society of voluntarism, localism, and a strong civil society that kept a weak government in narrow check. As

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[1] For the call to arms, see Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol, eds., *Bringing the State Back In* (Cambridge, UK, 1985). For recent syntheses, see Brian Balogh, "The State of the State among Historians," *Social Science History* 27, no. 3 (2003): 455–63; Desmond King and Robert C. Lieberman, "Ironies of State Building: A Comparative Perspective on the American State," *World Politics* 61, no. 3 (2009): 547–88; Ariel Ron and Gautham Rao, "Introduction: Taking Stock of the State in Nineteenth-Century America," *Journal of the Early Republic* 38, no. 1 (2018): 61–66; Richard R. John, "The State Is Back In: What Now?," *Journal of the Early Republic* 38, no. 1 (2018): 105–18.

[2] See, for instance, their telling absence from the last edition of Eric Foner and Lisa McGirr, eds., *American History Now*, 2nd ed. (Philadelphia, PA, 2011).

[3] Max M. Edling, "'A Mongrel Kind of Government': The U.S. Constitution, the Federal Union, and the Origins of the American State," in *State and Citizen: British America and the Early United States*, ed. Peter Thompson and Peter S. Onuf, (Charlottesville, VA, 2013), 150–77, here 153–54.

[4] Richard R. John, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge, MA, 1995); Don Edward Fehrenbacher and Ward M. McAfee, *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery* (Oxford, UK, 2001); Steven W. Usselman and Richard R. John, "Patent Politics: Intellectual Property, the Railroad Industry, and the Problem of Monopoly," *Journal of Policy History* 18 (2006): 96–125; Gautham Rao, *National Duties: Custom Houses and the Making of the American State* (Chicago, 2016); Eric Lomazoff, "Turning (Into) 'The Great Regulating Wheel': The Conversion of the Bank of the United States, 1791–1811," *Studies in American Political Development* 26, no. 1 (2012): 1–23.

[5] William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill, NC, 1996); Gary Gerstle, *Liberty and Coercion: The Paradox of American Government from the Founding to the Present* (Princeton, NJ, 2015), 55–86.

the story goes, a modern state only started emerging during the Progressive Era, when it set to create the bureaucracies that would effectively give it the means of action. Before then, the United States seemed to be but a stunted form of a "state of courts and parties" that was "the great anomaly among Western states." The new revisionist literature rightfully contests such a view, asserting that "the 'weak' American state is . . . a fiction . . . [that] should be rejected." State institutions—federal and local—did have means to govern that reached deep into civil society from the start, and they hardly refrained from using them. In its first century, "the United States governed *differently*, but did not necessarily govern *less*." These findings cast in a new light the turn toward more bureaucratic forms of governance at the dawn of the twentieth century.[6] Yet they still need to find a wider audience, both scholarly and lay.[7]

The problem, we suspect, is that they replace one nineteenth-century "anomaly" with another, but do not displace the common sense of what a state is.[8] Often this core thinking most closely aligns with what German sociologist Max Weber theorized in the early twentieth century.[9] His normative definition of the state was an attempt to make sense of the bureaucratization he was observing, especially in Prussia. His ideal type, thus, emphasized the strength and impersonal character of bureaucracy. This "particular subset of insights," however, "calcified into a received wisdom about what the state is": "a weaponized filing cabinet fixed on the rails of 'progress.'" This remains today a powerful normative view of the state, however implicit. Understandably, recent studies on the nineteenth-century American case question its validity. If indeed state institutions in the United States were both powerful and active, then we need another theoretical apparatus to understand them.[10]

Yet the assumption that the US state was an anomaly that needs its own theory only reinforces a sense of exceptionalism. It assumes (most often implicitly) that Europe did look close enough to the Weberian image to make it valid there. "Centralization, rationalization, and bureaucratization" were "European and Weberian attributes," hence the need to "loo[k] at the American state differently—anew—from within rather than from without."[11] And in this story,

[6] Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877–1920* (Cambridge, UK, 1982), 6; William J. Novak, "The Myth of the 'Weak' American State," *American Historical Review* 113, no. 3 (2008): 751–72, here 771; Balogh, "The State of the State among Historians," 2.

[7] Most textbooks and syntheses written for the larger public, even those authored by professional historians, still ignore this major reinterpretation.

[8] Stephen Skowronek, "Present at the Creation: The State in Early American Political History," *Journal of the Early Republic* 38, no. 1 (2018): 95–103.

[9] William Novak clearly shows Weber's often indirect influence on US historians in "Beyond Max Weber: The Need for a Democratic (Not Aristocratic) Theory of the Modern State," *Tocqueville Review / La Revue Tocqueville* 36, no. 1 (2015): 43–91.

[10] James T. Sparrow, William J. Novak, and Stephen W. Sawyer, eds., introduction to *Boundaries of the State in U.S. History* (Chicago, 2015), 1–15, here 4; Novak, "The Myth of the 'Weak' American State"; William J. Novak, Stephen W. Sawyer, and James T. Sparrow, "Toward a History of the Democratic State," *Tocqueville Review / La Revue Tocqueville* 33, no. 2 (2012): 7–18.

[11] Novak, "The Myth of the 'Weak' American State," 761–62.

France often figures as the epitome of the Weberian state.[12] It seems self-evident that the type of central control exercised in the early American state "stood in stark contrast to the kind of unmediated relationship that revolutionary France, for instance, created between citizen and state." Had not Karl Marx already perceived that the "gigantic broom of the French Revolution [had] cleared the social soil of its last hindrances to the superstructure of the modern state edifice"?[13]

In fact, the new historiography on France, though less abundant, seriously undermines this view. It paints a state very different from the triumphant Napoleonic leviathan that so often appears in discourse: small Parisian bureaucracies eager to communicate with local elites to access their expertise and foster their consent, and local officials carrying out diverse experiments in the relational building of their authority, with limited means.[14] This suggests not that a Weberian state could only exist in continental Europe, but that concepts designed to make sense of the reality of the early twentieth century cannot easily account for statecraft in earlier periods.

To fully reconsider the early nineteenth-century state not as prelude to a wholly realized modern state, but as a historical phenomenon for its own sake, we suggest replacing the teleological comparison with a confrontation between contemporaneous experiences of

[12] This fixation on France probably has to do with the rediscovery of Tocqueville after World War II: Lynn L. Marshall and Seymour Drescher, "American Historians and Tocqueville's *Democracy*," *Journal of American History* 55, no. 3 (1968): 512–32.

[13] Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (Cambridge, UK, 2009), 32; Karl Marx, *The Civil War in France* (London, 1871); Bernard S. Silberman, *Cages of Reason: The Rise of the Rational State in France, Japan, the United States, and Great Britain* (Chicago, 1993).

[14] Compare with the repeated assertions on centralization and bureaucracy in Malcolm Crook, ed., *Revolutionary France, 1780–1880* (Oxford, 2002), e.g., on the law of 1800 creating prefects "which effectively reduced local government to a rubber stamp" (132). The new historiography was notably developed in a string of dissertations that often drew, in addition to political history, on political science, economic history, or the sociology of organizations: Claire Lemercier, *Un si discret pouvoir: Aux origines de la chambre de commerce de Paris, 1803–1853* (Paris, 2003); Igor Moullier, "Le Ministère de l'Intérieur sous le consulat et le premier empire (1799–1814): Gouverner la France après le 18 Brumaire" (PhD diss., Université Lille-III, 2004); Pierre Karila-Cohen, *L'état des esprits: L'invention de l'enquête politique en France, 1814–1848* (Rennes, France, 2008); Jean Le Bihan, *Au service de l'état: Les fonctionnaires intermédiaires au XIX^e^ siècle* (Rennes, France, 2008); Aurélien Lignereux, *La France rébellionnaire: Les résistances à la gendarmerie (1800–1859)* (Rennes, France, 2008); Frédéric Graber, *Paris a besoin d'eau: Projet, dispute et délibération technique dans la France napoléonienne* (Paris, 2009); Marie-Cécile Thoral, *L'émergence du pouvoir local: Le Département de l'Isère face à la centralisation (1800–1837)* (Rennes, France, 2010); Émilien Ruiz, "Trop de fonctionnaires? Contribution à une histoire de l'état par ses effectifs (France, 1850–1950)" (PhD diss., EHESS, 2013). For an overview of this historiography, see Alain Chatriot, "The Political History of Administration: Forms of the State in France in the Nineteenth and Twentieth Centuries," *Tocqueville Review / La Revue Tocqueville* 33, no. 2 (2012): 19–42; Sarah Gensburger, "Historical Contributions to a Renewed Sociology of the State: Crossed Franco-American Perspectives," *Tocqueville Review / La Revue Tocqueville* 33, no. 2 (2012): 43–70; Emmanuel Fureix and François Jarrige, *La modernité désenchantée: Relire l'histoire du XIX^e^ siècle français* (Paris, 2015), chap. 6. It has made its way to some syntheses, notably Aurélien Lignereux, *L'Empire des Français, 1799–1815*, vol. 1, *Histoire de la France contemporaine* (Paris, 2012).

statecraft.[15] And in this spirit, comparing two cases traditionally viewed as complete opposites—the American and French states—and confronting two historiographies dominated by their own exceptionalism forces us to reassess features that only look specific in a single national framing. Suddenly, what emerges looks less like the essential traits of enduring political cultures and more like patterns of state practice that might be typical of a period and its political economy.[16]

We believe many pairings could yield such insights. Bringing together the United States and France, which both were undergoing state reconstruction after a revolution, has some benefits, however. When breaking with monarchy, both countries severed the traditional link between a person (the king) and the state, and based legitimacy on popular sovereignty (even if France returned to monarchical regimes afterward). Both proclaimed a radical break with past laws (from the United Kingdom, from the *ancien régime*). And if this discontinuity was far from complete, the claim itself, and its practical consequences, constitutes an illuminating point of observation. Both experienced institutional transformations and constitutional creations, facing similar questions about citizenship, the rights and liberties it afforded, and participation in the political system. The latter moved, at a commensurate pace, from being based on property to being based on notions of universal male suffrage, making glaring exceptions for slaves and their descendants. In both cases, there was considerable experimentation, suggesting that we consider both states not on a path toward a modern state, but rather as the results of new initiatives, past experience, social demands, and historical practices. These characteristics were not specific to those two countries, but they serve as a good basis for a comparison.

Today, the new historiography is at a stage where we can build on it to explore such experimentations in a new light. We use these new works for their insights, of course. But as they overwhelmingly study the state in a single country, we also use the confrontation of their analyses with one another, and sometimes of their empirical elements, to draw further insights and suggest new directions of research. Our purpose is not to assess the comparative strength and weakness of the US and French states—something many historians of the state agree we need to move away from—nor is it to tease opposing models out of those historical experiences.[17] It is, on the contrary, to start mapping out the different forms and patterns of the state in their own historical development. Putting in dialogue historiographies that strangely ignore each other helps us understand state building in the US early republic and in postrevolutionary France in a very different light.

Methodologically, this approach requires remaining agnostic as to what the state *should* be and do, to stay as far away as possible from any ex ante normative view. As a working definition, we consider the state as the institutions endowed with public authority (i.e., an exercise of the

[15] As Jean-Frédéric Schaub advocated, for earlier periods, in "La notion d'état moderne est-elle utile? Remarques sur les blocages de la démarche comparatiste en histoire," *Cahiers du monde russe*, no. 46 (2005): 51–64.

[16] We are most interested in identifying such patterns, and therefore privilege the view of the whole period rather than the changes within the period, although we take them into account.

[17] Comparisons are often used to contrast, even oppose: see Ian Tyrrell, "American Exceptionalism in an Age of International History," *American Historical Review* 96, no. 4 (1991): 1031–55. Yet all studies often are implicitly comparative, and an explicit framing may guard against those hidden biases: Susanna Delfino and Marcus Gräser, "Writing American History from Europe: The Elusive Substance of the Comparative Approach," in *Historians across Borders: Writing American History in a Global Age*, ed. Nicolas Barreyre, Michael Heale, Stephen Tuck, and Cécile Vidal (Berkeley, CA, 2014), 95–117.

sovereign power in furtherance of the common good). In actuality, most such institutions were loosely assembled, with boundaries more often blurry than clear-cut. [18] Their daily actions could create spaces of contestations and cooperation, where we can make the most telling observations. It is in those daily actions, the *practices* of the state—sending letters, selecting staff, chartering corporations, etc.—that we are more interested here.[19] It makes it possible to look past the normative discourses that sprung from the heated constitutional and political debates. Not to dismiss them, of course, but to make sense of them as embedded attempts to shape the state, not descriptions. The focus on practices allows for the kind of reconstruction we are looking for, which will hopefully allow, in the future, to recontextualize an intellectual history of the state.

This focus on practices first, rather than on discourses that often carried exceptionalist undertones, also helps move away from the idea that the United States and France exemplify distinct *models* of state. On the contrary, we can start mapping patterns from the overlapping, though different, experiences of state in both countries as they emerge from the recent historiography. First, we revisit the old issue of a central state to illuminate how, in both countries, matters of consent (especially of the elites) and the local exercise of power were at the very heart of statecraft. This allows us to question the identification of the state with bureaucracy. In fact, what characterized the state in that period was its heterogeneity, and the wide array of forms and manners to organize and do the work of the state. This leads us to suggest new ways to understand the state as specific methods of enmeshing public and private forms. What has been the conclusion of some of the most recent books should be, we argue, the start of new historical definitions of the state—and new, highly needed, research.

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At first glance, one fact, incontrovertibly written in constitutions, makes it very tempting to contrast France and the United States: one country had a unitary state, while the other was a federation. This legal reality has often been explained in terms of national cultures. While the French were heavily invested in their state, Americans would be deeply wedded to keeping their governments close by and in check. Yet this dichotomy was found more in discourses than in the practices of statecraft. In both countries, there were severe practical limits to the power of the central states. But more importantly, statecraft itself was focused on obtaining the consent of the local population, especially elites at the beginning of the period, which left considerable leeway to local variations and autonomy.

Both France and the United States experienced spirited debates about the power of the state and its limits, and in this context we should understand discourses on the state more as political weapons than historical descriptions. Both revolutions had expressed opposition to arbitrary, unaccountable government. In France, the word *bureaucratie* was popularized precisely to criticize any administrative apparatus prone to abuse. The Declaration of the Rights of Man and the Citizen served as a bulwark against this. As in the American Revolution one decade earlier, the rapid succession of events pushed most to change tactics, improvise, and adapt their thinking on their feet. In both countries, while the first constitutions put a tight leash on the executive branches,

[18] Timothy Mitchell, "The Limits of the State: Beyond Statist Approaches and Their Critics," *American Political Science Review* 85, no. 1 (1991): 77–96; Sparrow, Novak, and Sawyer, *Boundaries of the State in U.S. History*.

[19] We do not refer to the philosophical meaning of "praxis" in that our "practices" do not have to be traditional or institutionalized but could be more discrete, isolated actions.

problems arising pushed many to call for a rebalancing of state power—toward the executive, toward a central government. That "revolution in favor of government" took place by less violent means in the newly independent states than in France, but both nations experienced similar debates on the proper role of the state as an expression of popular sovereignty.[20]

In the French case, a host of discourses aimed to legitimize the centralized, top-down action of the state. As the political expression of a unified nation, it issued orders that were to be carried out across the country by prefects, while judges had to restrict themselves to "speaking the law," not interpreting it. Yet this view, however forcefully argued, never went unchallenged. "Ultra" royalists, for instance, dreamed of an organic society with an important role for local communities. Liberals—Alexis de Tocqueville among them—indicted "centralization," a word that became popular in 1830s politics.[21]

In the American case, the ratification debates charted a wide array of views, from advocating a forceful government with strong means of action to expressing deep concern about the ability of a distant state to coerce citizens. Neither Thomas Jefferson's nor Andrew Jackson's tenures at the White House—both anti-central state in discourse, if not always in practice—should obscure the fact that many Americans continued to advocate for a strong, activist central government. More important, maybe, is the fact that Americans more rarely expressed similar distrust for their local governments, which could wield much more coercive power than the central state.[22] Their "police powers"—ranging from eminent domain to prescription of moral behavior, and from the enforcement of slavery to extensive economic intervention and discrimination between Americans—were formidable, yet rarely contested.[23]

To understand those debates, the principles they brandished, and the politics they pursued, it is necessary to revisit the specific contexts that gave rise to them. In a period of political (re)construction in both countries, debates on the state were far from settled. The constitutional arrangements to which they gave birth diverged but remained contested and often got rearranged.

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[20] Catherine Kawa, *Les ronds-de-cuir en Révolution: Les employés du Ministère de l'Intérieur sous la première république (1792–1800)* (Paris, 1996); Ralph Kingston, *Bureaucrats and Bourgeois Society: Office Politics and Individual Credit in France, 1789–1848* (New York, 2012), 1–3; Pierre Rosanvallon, *The Demands of Liberty: Civil Society in France since the Revolution*, trans. Arthur Goldhammer (Cambridge, MA, 2007); Max M. Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State* (Oxford, UK, 2003).

[21] Rudolf von Thadden, *La centralisation contestée: L'administration napoléonienne, enjeu politique de la Restauration (1814–1830)* (Arles, France, 1989); Michel Biard, *Les lilliputiens de la centralisation: Des intendants aux préfets, les hésitations d'un "modèle français"* (Seyssel, France, 2007), chap. 2; Rosanvallon, *The Demands of Liberty*; Pierre Larousse, "Centralisation," in *Grand dictionnaire universel du XIX^e^ siècle*, 17 vols. (Paris, 1867), 3:23–28.

[22] Pauline Maier, *Ratification: The People Debate the Constitution, 1787–1788* (New York, 2011); Edling, *A Revolution in Favor of Government*; John Lauritz Larson, *Internal Improvement: National Public Works and the Promise of Popular Government in the Early United States* (Chapel Hill, NC, 2001).

[23] Political scientist John W. Burgess gave a classic definition of "the police powers of the commonwealths [as] the 'dark continent' of our jurisprudence. It is the convenient repository for everything for which our juristic classifications can find no other place." John W. Burgess, *Political Science and Comparative Constitutional Law* (Boston, 1891), 2:136. Gerstle, *Liberty and Coercion*, 55–86; Novak, *The People's Welfare*.

With hindsight, it has been too easy to see them as the expression of a dominant political culture. In reality, they remained unsettled because they were recent but also often at odds with the daily routines of the state itself. As soon as particular actions raised political oppositions, it translated into conversations about the legitimacy of the state in its constitutional form.

So a closer look into the practices of the state can potentially tell us a lot about those discourses as well as how we could characterize the state in that period. And those practices, if clearly inflected by their different constitutional arrangements, also had other components. Here the newer historiography in each country can help us tease out those practices and raise transverse questions. In particular, two key features emerge: the local embeddedness of state power and the central concern for fostering consent.

France, a famously unitary state, allowed for important local variations and even experimentations well after the legal unification and rationalization undertaken during the French Revolution. The most infamous case is slavery: after a brief period where the French Antilles were considered *départements* exactly like those of metropolitan France (1795–1800), the reinstatement of slavery by Napoleon created large legal differences in those territories, even though the French Civil Code was supposed to apply there. Even routine tasks, such as birth registrations or censuses, used different forms in the colonies, thus maintaining status and color boundaries.[24]

Even in metropolitan France, local arrangements also differed enough to qualify the idea of centralization. For example, Lyons saw the birth of *conseils de prud'hommes* in 1806, at the same time as codes were supposed to make civil and commercial law nationally uniform. These *prud'hommes* were courts for labor disputes, settling matters of labor relations between workers and masters, such as unpaid wages, broken contracts, and uncompleted work, where the judges were themselves skilled workers and masters elected by their peers. The experimentation was successful enough to be repeated in other places, with important variations. This created an original labor jurisprudence, attuned to local conditions. In Lyons, the *prud'hommes* and the municipal council actually regulated prices, hence wages, for the silk industry, with the tacit acceptance of prefects, even though price fixing and trade organizations were illegal. It took the July Revolution of 1830 and local worker riots to trigger a clampdown. And yet *prud'hommes* were so well established that they continued regulating the local industry in other ways.[25] So, even a centralized system allowed for local variations and experimentation. Prefects, officially the eyes and voice of the government, often acted as a buffer between local conditions and central intentions.

This could shed new light on what was happening at the same time in the United States. There, too, the federal government gave significant autonomy to the local implementation of its own policies by its own agents, even within its uncontested, direct jurisdiction. Customhouses and marine hospitals were administered by local elite members who took local realities and social relations into account as much as their mandate. This led to considerable variations, for instance

[24] Myriam Cottias, "Esclavage, assimilation et dépendance: Essai sur une relation coloniale," *Les Cahiers du Centre de recherches historiques*, no. 40 (2007): 143–61; Dominique Aimé Mignot, "Le premier conseil général de Guadeloupe (1827–1832)," *Bulletin de la Société d'Histoire de la Guadeloupe*, no. 161–62 (2012): 123–42. See also the forthcoming research by Fanny Malègue on censuses.

[25] Alain Cottereau, "Droit et bon droit: Un droit des ouvriers instauré, puis évincé par le droit du travail (France, XIX^{e} siècle)," *Annales: Histoire, Sciences Sociales* 57, no. 6 (2002): 1521–57; Pierre Vernus, "Relations contractuelles, tarifs et usages dans la fabrique lyonnaise de soierie au XIX^{e} siècle," in *Le travail contraint en Asie et en Europe XVII^{e}–XX^{e} siècles*, ed. Alessandro Stanziani (Paris, 2010), 147–78.

in access to the care of marine hospitals, or to the type of credit customshouses would extend to merchants. Even in the 1820s and 1830s, when the Treasury started to enforce tighter, more uniform regulations, those differences never disappeared.[26]

Thus, local variations were less the sign of the limited power the central government could wield than accepted practice, as the example of the US Post Office suggests. Even when political tensions erupted—when some local communities protested against mail running on the Sabbath, for instance, or Charlestonians blocked the circulation of abolitionist newspapers through the mail—the solutions found all involved negotiations between the national duties of the federal government and local conditions.[27]

All this points to a practice of state power deeply embedded in local social relations. This suggests that we consider local variations in the implementation of national policies not as a bug but as a feature of the early nineteenth-century state. Of course, tensions arose and played out in highly political contests. Those often showed that the central state rarely had the means to compel unalloyed obedience. More importantly, however, it rarely sought to. The importance of the local was part of statecraft itself, for Napoleon and François Guizot as much as for Alexander Hamilton and Jackson. In France, the invention of the *notable* (the elite member recognized as such by the administration) was as much a cornerstone of Napoleonic reforms as the creation of the prefect. The latter had extensive leeway in implementing national edicts, in part because he could not impose much without at least local elite acceptance. To be respected, he needed to socialize with the notables as much as embody national authority. *Sous-préfets*, the next-ranking officers, were deliberately chosen among the local elites so they could advise the rotating prefects. Mayors, though appointed until the 1830s, acted as spokesmen for their communities; they could also regulate the price of bread, a critical exception to economic liberalism and the foundation of a distinctly local, paternalistic legitimacy.[28]

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[26] Rao, *National Duties*; Gautham Rao, "The Early American State 'In Action': The Federal Marine Hospitals, 1789–1860," in Sparrow, Novak, and Sawyer, *Boundaries of the State in U.S. History*, 21–56.

[27] Rao, *National Duties*; Rao, "The Early American State 'In Action'"; John, *Spreading the News*; Richard R. John, "Taking Sabbatarianism Seriously: The Postal System, the Sabbath, and the Transformation of American Political Culture," *Journal of the Early Republic* 10, no. 4 (1990): 517–67.

[28] Stefano Mannoni, *Une et indivisible: Storia dell'accentramento amministrativo in Francia*, vol 1, *La formazione del sistema (1661–1815)* (Milano, Italy, 1994); Biard, *Les lilliputiens de la centralisation*, 69, 295–99, 310–11; Pierre Karila-Cohen, "La masse et la plume: Essai sur le charisme préfectoral dans la France du XIX[e] siècle" (Mémoire d'habilitation à diriger des recherches, Université de Paris I, 2014); Igor Moullier, "Une révolution de l'administration? La naissance de la science administrative impériale (1800–1815)," *Annales historiques de la Révolution française*, no. 389 (2017): 139–60 (showing that Napoleon himself sanctioned prefects who abused their authority vis-à-vis mayors); François-Xavier Martischang, "Construction professionnelle et interactions sociales: Le cas des préfets et des sous-préfets lorrains au XIX[e] siècle (1800–1870)," *Page19*, no. 7 (2018): 12–23; Tiphaine Le Yoncourt, *Le préfet et ses notables en Ille-et-Vilaine au XIX[e] siècle, 1814–1914* (Paris, 2001); Thoral, *L'émergence du pouvoir local*. On mayors, William B. Cohen, *Urban Government and the Rise of the French City: Five Municipalities in the Nineteenth Century* (London, 1998); Nicolas Bourguinat, *Les grains du désordre: L'état face aux violences frumentaires dans la première moitié du XIX[e] siècle* (Paris,

Local actors were equally crucial in the implementation of *national* policies in the United States. Merchants were a key group, partly because so much of government revenue depended on customs duties. But this was true more generally. Postmasters were often prominent members of the community, even when Jacksonian politics made them into the recipients of political patronage. In many rural localities they were the only representative of the government, and although they rarely *looked* like local French notables, they served a similar function of representation, while issuing from, and caring for, their local communities. In port cities, marine hospital doctors, much like customhouse officers, were also prominent members of society, to whom a federal appointment brought income and prestige. They enforced local customs as much as federal regulations.[29]

This importance of the local elites points to one aim that, in both countries, got incorporated in the very fabric of the state: the manufacturing of consent. Both states were quite new and had to work hard at building and maintaining their legitimacy. One object symbolizes this: the letter. In France, Parisian ministries spent most of their time sending thousands of letters to prefects and local actors—"keep paperwork moving."[30] This flow was to irrigate the nation, metaphorically considered as an organism. More often than orders and regulations, they dispatched requests for information. Prefects devoted a lot of time to monitoring public opinion, with dubious results, but with the explicit aim to make central offices aware of it and have them act accordingly. It was even more true in the intermittent administrations in charge of commerce. With little means, they had to secure the participation of local economic elites to implement anything. Rather than regulations, they aimed to incentivize (through industrial prizes), as well as collect expertise (through advisory bodies) and information that could serve entrepreneurs.[31] In this light, the US federal government followed similar patterns. Hamilton had famously hoped for the pomp and circumstance that would impress the population into respect for the government, and obtained little of it.[32] Yet, here again,

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2002); Shota Fujihara, "Les maires et le système administratif napoléonien: Le cas des Hautes-Pyrénées," *Annales historiques de la Révolution française*, no. 392 (2018): 59–85.

[29] Mark Schmeller, "The Political Economy of Opinion: Public Credit and Concepts of Public Opinion in the Age of Federalism," *Journal of the Early Republic* 29, no. 1 (2009): 35–61; Rao, "The Early American State 'In Action'"; John, *Spreading the News*. In France, chambers of commerce had a heavy hand in devising the procedures of customhouses; local merchants even provided the buildings: Jean Clinquart, *L'Administration des douanes en France sous la restauration et la Monarchie de Juillet, 1815–1848* (Neuilly-sur-Seine, France, 1985), 280–82.

[30] Kingston, *Bureaucrats and Bourgeois Society*, 29.

[31] Karila-Cohen, *L'état des esprits*; Claire Lemercier, "Statistiques et 'avis divers': L'état, les chambres de commerce et l'information des commerçants (vers 1800–vers 1845)," in *L'information économique, XVI^e^–XIX^e^ siècle*, ed. Dominique Margairaz and Philippe Minard (Paris, 2008), 335–69; Igor Moullier, "Administration et Öffentlichkeit: La reconfiguration des savoirs à l'époque napoléonienne," in *Grenzen und Kontakzonen*, ed. Regina Dauser and Lothar Schilling (Paris, 2012); Gaïd Andro, "Le projet administratif et territorial de la première Constitution (1789–1790): Historiciser des concepts politiques révolutionnaires; Fédération et territoire," *Annales historiques de la Révolution française*, no. 389 (2017): 39–56; Moullier, "Une révolution de l'administration?"

[32] Balogh, *A Government Out of Sight*. This impulse never disappeared, and the federal government did build some grand buildings to suggest its sovereign majesty in many places, including the US Capitol: Stephen W. Sawyer, "The French Foundations of the American Capital: Eighteenth-

thousands of letters circulated, a prime technology to manufacture adherence and consent. Congress was a formidable publicity machine, recording and disseminating its debates from the start, subsidizing the circulation of newspapers, and sending material and information to local communities across the country. It also received thousands of petitions—a circulation so important that southerners resorted to a gag rule, igniting a fierce political storm, when an abolitionist campaign kept the slavery issue in front of legislators daily. The administration also relied on this large circulation of letters, such as the Land Office corresponding with its regional bureaus as well as with individual claimants and congressmen. A veritable network of letters created a visible relation between citizens and the branches of government, inflecting policy and its implementation probably as much as elections.[33]

This direct engagement of citizens with the state, and the local modalities of state practices, suggests that we move beyond a simple vision of statist versus antistatist political cultures. Their revolutions had bequeathed the French and the Americans with sets of idioms. Yet it does not entail that they had a fixed position on the state. If, in France, the crucible of the revolution identified the new state with the nation, there remained powerful discourses advocating strict limits to the exercise of popular sovereignty over individuals. In the United States, fear of distant government never was an undebated issue. Many Americans lobbied for energetic action by their government on various fronts, including internal improvements. Even southerners, the most reluctant to let Washington act for fear it could threaten the institution of slavery, often did not hesitate to use the strong arm of the United States when it benefited them.[34]

So, politics played a large role in the contests on expanding or curtailing state action. And it is through those politics that states got shaped and reshaped, with mismatching parts sometimes behaving quite differently. Some parts went uncontested, as all seemed to benefit, even if specific policies could be disputed.[35] The most salient example was the postal service, which drew strong

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Century French Political Theory and the Creation of Washington D.C.," in *La France en Amérique*, ed. Susanne Berthier-Foglar (Chambéry, France, 2009), 187–295.

[33]Malcolm J. Rohrbough, *The Land Office Business: The Settlement and Administration of American Public Lands, 1789–1837* (New York, 1968); Susan Zaeske, *Signatures of Citizenship: Petitioning, Antislavery, and Women's Political Identity* (Chapel Hill, NC, 2003); Nicolas Barreyre, "Administration et franchise: La Poste, le Congrès et les formes de l'état au XIX^{e} siècle," *Revue française d'études américaines* 112, no. 2 (2007): 52–64; Daniel Carpenter and Colin D. Moore, "When Canvassers Became Activists: Antislavery Petitioning and the Political Mobilization of American Women," *American Political Science Review* 108, no. 3 (2014): 479–98; John Robert Van Atta, *Securing the West: Politics, Public Lands, and the Fate of the Old Republic, 1785–1850* (Baltimore, MD, 2014); Daniel Peart, *Lobbyists and the Making of US Tariff Policy, 1816−1861* (Baltimore, MD, 2018). In France, receiving petitions was also part of parliament's duties. Between 1814 and 1848, 40,000 were addressed to the Chamber of Deputies: Benoît Agnès, "Pétitions françaises, pétitions britanniques: Des sources incomparables?," *La Revue administrative*, no. 372 (2008): 77–85.

[34] Gautham Rao, "The Federal Posse Comitatus Doctrine: Slavery, Compulsion, and Statecraft in Mid-Nineteenth-Century America," *Law and History Review* 26, no. 1 (2008): 1–56; Matthew Karp, *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy* (Cambridge, MA, 2016).

[35] Brian Balogh talks of the "uncontested state" in *A Government Out of Sight*, chap. 6.

support across the board.[36] Other parts of the state drew fire not only at the level of policy but, more forcefully, at the level of legitimacy. The army, especially a standing professional army, was the object of protracted debates: in France, republicans resented the privilege afforded the nobility in the officer ranks (before 1830), and many preferred a national guard supplemented by conscription in case of war. In the United States, a large standing army was also seen as oppressive and unrepublican, although few objected when it was sent to conquer territories. Though France ended with a much larger army (in a very different geopolitical context), it was not a consensual part of the state. In political economy, too, the state never went unquestioned. In the United States, internal improvements triggered such debates at the level of legitimacy of the federal state. In France, the Ministry of Commerce only existed intermittently precisely because its legitimacy remained shaky.[37]

To buttress their legitimacy, states drew from a repertoire that was familiar on both sides of the Atlantic. Invisibility was part of it. Keeping out of sight was one of the strategies deployed by the US government to minimize resistance to some of its policies and actions. Basing revenues mostly on customs, for instance, was seen as a good way to discreetly finance central authority, because the direct burden was borne by a limited number of citizens in a limited number of places.[38] The French state also tried to minimize visibility to help consent in fiscal policy. For example, property taxes were defined on the basis of publicly available information, such as the number of doors and windows, because they could be assessed from the outside, without any intrusive inspection of people's homes. Rumors of a new tax based on furniture or clothes, which would have led tax collectors to inspect the households, fueled a revolt.[39]

Sometimes, however, even bureaucratization (a more visible form of state) was part of the repertoire of tools used to foster consent—when it was seen as a solution to existing contestations or corruption. This is what happened in France under Napoleon, when establishing administrations with clear rules was seen as the path away from clientelism, ostensibly displaying impartiality, foreseeability, and self-restraint. In the United States, also, it sometimes happened: the State of New York built the Erie Canal directly, instead of chartering a private corporation, for precisely this reason.[40]

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[36] John, *Spreading the News*; Benoît Oger, "Les mutations de la Poste de 1792 à 1990, entre ruptures et continuités," *Flux* 16, no. 42 (2000): 7–21.

[37] William Serman, "La noblesse dans l'armée française au XIX[e] siècle (1814–1890)," *Publications de l'École Française de Rome* 107, no. 1 (1988): 551–58; Annie Crépin, "La Garde nationale, les gauches et l'idéal de la nation armée sous la monarchie de Juillet," in *La Garde nationale entre nation et peuple en armes: Mythes et réalités, 1789–1871*, ed. Serge Bianchi and Roger Dupuy (Rennes, France, 2006), 451–62; Lemercier, "Statistiques et 'avis divers'"; Francis Paul Prucha, *The Sword of the Republic: The United States Army on the Frontier, 1783–1846*, (New York, 1968); Larson, *Internal Improvement*.

[38] Robin Einhorn, "Institutional Reality in the Age of Slavery: Taxation and Democracy in the States," *Journal of Policy History* 18, no. 1 (2006): 21–43; Romain Huret, "The Contested State: Revenue Agents, Resistance, and Popular Consent in the United States from the Early Republic to the End of the Nineteenth Century," *Tocqueville Review / La Revue Tocqueville* 33, no. 2 (2012): 87–113.

[39] Nicolas Delalande and Alexis Spire, *Histoire sociale de l'impôt* (Paris, 2010); Jean-Claude Caron, *Un été rouge: Chronique de la révolte populaire en France (1841)* (Paris, 2002).

[40] Grégoire Bigot, "Le Conseil d'État, juge gouvernemental," in *Le prince, le peuple et le droit: Autour des plébiscites de 1851 et 1852*, ed. Frédéric Bluche (Paris, 2000), 171–88; Moullier,

The action and power of the state, which was being reshaped after a revolution both in France and in the United States, was thus the result of fierce contests about its boundaries. Those did not oppose unified, totalizing visions of what the state ought to be, but took the form of piecemeal negotiations. Some areas of the state settled early while others kept being hotly debated. The politics of state building, coupled with the local rootedness of state action, explain in large part the results of many experimental, pragmatic decisions. Conflicting political demands, local embeddedness, and the need to constantly buttress legitimacy all shaped the endeavors of the states in the early nineteenth century, and the institutional forms they took.

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The classic account of the US state as a weak state had been predicated on the quasi-absence of bureaucracy as we now know it. That also was the basis of the pervasive opposition to the French case. The recent historiography has broken this equation between bureaucracy and strength. There was indeed, at the turn of the twentieth century, a definite evolution toward the construction of such bureaucracies in Western countries.[41] This does not imply, however, that bureaucracy should be the model against which historical realities need to be measured. Examining the cases of France and the United States together is a good way to dispel this perspective. And once we discard the notion that shunning bureaucracy was the expression of a peculiarly American antistatism, we can start to consider heterogeneity and experimentalism as fairly typical of statecraft in that period. Full-fledged bureaucracies existed, but they were small and clustered in specific areas of the state. More generally, the work of the state was not done by full-time state employees (there were few) but in a variety of statuses and arrangements. It is on that variety that we would like to insist here.

This is not to say that there was no bureaucracy in the early nineteenth century. Indeed, the administrative reforms spawned by the Enlightenment partly aimed at what was conceived as a more rational, efficient form of state action.[42] Maybe the most spectacular example is the *grands corps* who served the French state. The *corps des Ponts et Chaussées*, created in 1716 to manage the strategic roads of the realm, is paradigmatic: a small cadre of two hundred or three hundred officers, recruited through a difficult entry exam, with well laid-out career scales and obligations, internal hierarchy and procedures, and a capacity for initiative. In comparative treatments of internal improvements, they are often heralded as the quintessence of the bureaucratic, autocratic French state.[43]

"Administration et Öffentlichkeit"; Jerry L. Mashaw, *Creating the Administrative Constitution: The Lost One Hundred Years of American Administrative Law* (New Haven, CT, 2012); Brian Phillips Murphy, *Building the Empire State: Political Economy in the Early Republic* (Philadelphia, PA, 2015). This new form in turn bred its own problems of corruption and fed a backlash.

[41] Skowronek, *Building a New American State*; Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, MA, 1992); Silberman, *Cages of Reason*; Françoise Dreyfus, *L'invention de la bureaucratie: Servir l'état en France, en Grande-Bretagne et aux États-Unis, XVIII^{e}–XX^{e} siècle* (Paris, 2000).

[42] The phrase *sciences de gouvernement* was coined to this effect in 1792, with rapid success. Olivier Ihl, Martine Kaluszynski, and Gilles Pollet, eds., *Les sciences de gouvernement* (Paris, 2003).

[43] Frank Dobbin, *Forging Industrial Policy: The United States, Britain, and France in the Railway Age* (Cambridge, UK, 1994); Graber, *Paris a besoin d'eau*, chap. 3.

There was professional prestige, and indeed power, in those *grands corps*. Other groups of French high-ranking civil servants lobbied to be reorganized in the same way. Interestingly, the US Army Corps of Engineers was explicitly created in 1802 with its French counterpart as its basis. It recruited its officers from the graduates of a professional school created by the state for the state: West Point (based on the French military academy École Polytechnique). That the spearhead of state administrative construction was so linked to the military in both countries opens a host of questions on the relation between imperialism and state building. Public works, and especially roads, canals, and later railroads, were seen both in France and the United States as essential means to unify and administer the national territory, to bind a diverse country together.[44]

The *corps des Ponts et Chaussées* and the US Army Corps of Engineers constitute a good example of the circulation of institution building. The Founders, although wary of European states, were keen on importing what they saw as good features in them. In this instance, French engineers, including Pierre Charles L'Enfant (who designed the city of Washington), were instrumental in the (halted, disputed) creation of the US Army Corps of Engineers, and its adaptation to the American political and institutional context.[45]

Yet neither in France nor in the United States was this highly bureaucratic form considered as the only, nor systematically the best, way to organize state action. What is most telling, in fact, is how *little* it represented the norm. If the hallmarks of a bureaucracy are a structured civil service, with set procedures for hiring, career scales, specific expertise, and precisely defined tasks, then it mostly did not exist in either country. Hiring was often done through acquaintance, nepotism, or clientelism. The starkest form of this is the American spoils system that became more widespread during Jackson's presidency. In France, there was no overhaul after each election, yet politics factored in civil service. Judges, for instance, were famously victims of purges when regimes changed. In both countries, most appointments were the result of previous acquaintance, even in the limited sectors where exams were instituted: in the 1850s in the United States for clerks in some technical central offices; before 1850 in France for a few specific positions in the fiscal administration, the telegraph, and roadworks. Not until the last third of the nineteenth century would serious efforts be pursued to reform the civil service, separate the administration from party politics, and organize careers along professional standards, with competitive examination as the preferred mode of hiring. Both countries followed similar chronologies here, even though the content and workings of such reforms varied.[46]

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[44] Fabien Cardoni, Nathalie Carré de Malberg, and Michel Margairaz, eds., *Dictionnaire historique des inspecteurs des finances, 1801–2009* (Paris, 2012); Marc Bouvet, *Le Conseil d'État sous la monarchie de Juillet* (Paris, 2001); Theodore M. Porter, *Trust in Numbers: The Pursuit of Objectivity in Science and Public Life* (Princeton, NJ, 1995); Todd A. Shallat, *Structures in the Stream: Water, Science, and the Rise of the U.S. Army Corps of Engineers* (Austin, TX, 1994); Bernard Lepetit, *Chemins de terre et voies d'eau: Réseaux de transports et organisation de l'espace en France, 1740–1840* (Paris, 1984).

[45] Sveinn Jóhannesson, "The Scientific-Military State: Science and the Making of American Government, 1776–1855" (PhD diss., University of Cambridge, 2018).

[46] Jean-Pierre Royer, Renée Martinage, and Pierre Lecocq, *Juges et notables au XIX^e^ siècle* (Paris, 1982); Maurizio Gribaudi, "Le savoir des relations: Liens et racines sociales d'une administration dans la France du XIX^e^ siècle," *Le Mouvement Social* 228, no. 3 (2009): 9–38; Kingston, *Bureaucrats and Bourgeois Society*; Leonard D. White, *The Jacksonians: A Study in Administrative History, 1829–1861* (New York, 1954), 347–75; Ari Arthur Hoogenboom, *Outlawing the Spoils: A History of the Civil Service Reform Movement, 1865–1883* (Urbana, IL,

Beyond the differences and similarities between the two state apparatuses, what is striking is the heterogeneity of arrangements within each system. The organization of administrative offices was highly fluid. When the *Almanach* in France and the *Federal Register* in the United States published the list of state officers, they seemingly depicted a rational, hierarchical structure. But perusing them edition after edition shows that many offices came and went, beyond the core structure involving diplomacy, the army and navy, and finances. The *Almanach* and the *Federal Register* show that most of the administration was not thought of in terms of anonymous bureaucratic entities performing the will of the state like cogs of a machine. Both were lists of *names*. Only the officers commissioned or appointed to complete the functions of government were thus listed, as well as their main deputies. How they went about doing their jobs, and how many anonymous small hands they needed to hire to help them do it, was part of their prerogatives.[47] Tellingly, neither publication was concerned with the number of people doing the state's work. Counting these people would only become possible with the kind of bureaucratic apparatus that did not appear before the end of the century.

This explains why it is so difficult for historians to get figures—a sign that this was not much of an issue for contemporaries. Yet the size of the early nineteenth-century US state has been used as an argument for its exceptionalism, as it was supposedly so small compared to European powers. There is no systematic statistical study, however, to buttress such a claim. Neither is there for France.[48] And the available sources are indirect at best, and biased. Despite their limitations, it is worth trying to use those sources to get a rough idea of how many people worked for the state in both countries, less to settle what John Murrin called the "midget versus leviathan" contest than to evaluate the presence of the state in the lives of inhabitants.[49] The 1840s are the earliest when we can reasonably reconstruct such figures in comparative perspective.[50]

1961); Dreyfus, *L'invention de la bureaucratie*, 171–87; Christophe Charle, *Les hauts fonctionnaires en France au XIX^e^ siècle* (Paris, 1980), 33–51, 215–51. In 1844, a law that would have generally regulated access and promotion to official positions was narrowly defeated in parliament; there would be no such uniform law for one more century: Marcel Pinet, ed., *Histoire de la fonction publique en France*, vol. 3, *Les XIX^e^ et XX^e^ siècles* (Paris, 1993), 76.

[47] Pioneering research on these sources includes Bruno Delmas, Dominique Margairaz, and Denise Ogilvie, eds., "De l'ancien régime à l'empire: Mutations de l'état, avatars des archives," *Bibliothèque de l'École des chartes* 166, no. 1 (2008); Edling, "'A Mongrel Kind of Government.'"

[48] Émilien Ruiz, "Quantifier une abstraction? L'histoire du 'nombre de fonctionnaires' en France," *Genèses*, no. 99 (2015): 131–48; Edling, "'A Mongrel Kind of Government.'"

[49] On John Murrin's characterization of the US state as a "midget" and the problems with the claim, see Jeffrey L. Pasley, "Midget on Horseback," *Commonplace* 9, no. 1 (2008), http://commonplace.online/article/midget-on-horseback/.

[50] For the nineteenth-century US, historians can only use the *Federal Register*, which only included the federal state and which underrepresented how many people did invisible work in Washington, DC, or elsewhere. This is the source in John Joseph Wallis, "Government Finance and Employment," chapter Ea, in *Historical Statistics of the United States, Earliest Times to the Present: Millennial Edition*, ed. Susan B. Carter and Richard Sutch, 5 vols. (Cambridge, UK, 2006), 5:3–140; Edling, "'A Mongrel Kind of Government.'" For France, reformers produced numbers in the 1890s, but they had an agenda (trim down the state). Victor Turquan, whose numbers we use here, compiled his estimates for the 1840s mostly from budgets, not lists of persons, and deliberately excluded workers, servants, and soldiers. Victor Turquan, *Essai de*

For the central state, some domains were present on both sides on similar footing. Diplomats, for example, numbered 400 for France and 200 for the United States—commensurate figures at a time when France had a population twice as large as the United States. Postmasters were ubiquitous, maybe the best distributed state presence: 19,000 in France and 14,000 in the United States, a higher ratio to cover a much larger territory. On the army and navy side, France had around 35,000 men in service, but by 1837 the United States had 23,000, catching up very fast after the War of 1812. Although both countries had different empires, there is little doubt imperialism had a major role here. Much more significant, it seems, was the difference in the personnel dealing with state finances: the French Ministry of Finance had a staff of 52,000 in 1846, compared to the 1,500 officers in the 1837 US Treasury Department. This looks like the army of tax oppression many Americans seemed to fear and many French representatives kept moaning about—over the years, between 1825 and 1914, they would manage to halve that number. Yet the retrospective reconstruction of the French numbers from budgets meant it encompassed much more personnel that can be inferred from nominal lists in the US case. The seemingly evident gap also obscures the fact that, on the American side, federal figures show nothing about the numbers of state tax collectors (who were more numerous).[51]

This is an important point. Federalism made the US state different from the French state in important ways, but it also obscures to historians the importance of state presence for Americans, and thus artificially bolstered the claim of exceptionalism. The 160 or so federal judges seemed no match for the 11,000 French judges, but of course most courts belonged to the states, while in France the largest part was made of justices of the peace, who were only part time and appointed from local elites. Similarly, while France counted 40,000 teachers, most were schoolteachers mandated by law but hired and paid by municipalities: their numbers showing up in the retrospective statistics did not say more than not showing in American statistics. In terms of division of authority and distribution of power, federalism was a tangible reality. In terms of what states did and how they did it, and of their general presence in people's lives, it hides more than it explains. All levels of government thus need to be taken into account.

Finally, there were domains where the French state intervened while the US federal state did not. France had a Ministry of Agriculture with some 4,000 staff (but almost no desk job at all), while the United States would only create one in 1862. More strikingly, the French state subsidized four "recognized religions": Catholic priests, Lutheran and Calvinist ministers, and later Jewish rabbis, were salaried by the state, who confirmed their nomination, and the *Almanach* listed their highest ranks.[52] This total of 40,000 clergymen stood in stark contrast with the disestablishment that ruled in the United States (except in a few states).[53]

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recensement des employés et fonctionnaires de l'état, suivi d'une statistique des pensions de l'état (Paris, 1899), 4–11; Ruiz, "Trop de fonctionnaires?," 125–55. This makes comparisons tricky. Recognizing all this, all numbers are rounded.

[51] Einhorn, "Institutional Reality in the Age of Slavery"; Jean Le Bihan, "Fonctionnaires et mobilité géographique au XIX^{e} siècle: L'exemple des percepteurs des contributions directes," *Travail et Emploi*, no. 127 (2011): 15–27.

[52] Patrick Cabanel, "L'Église catholique et l'état: Concordats et séparations en France et en Europe," in *Religions, pouvoir et violence*, ed. Patrick Cabanel and Michel Bertrand (Toulouse, France, 2004), 153–73.

[53] Disestablishment was the constitutional rule at the federal level, but several states practiced church support or even had religious requirements for public office. For the example of

What to make of such numbers? First, that opposing the American and French states on the basis of aggregate numbers (18,000 versus 145,000 civilians around 1840) tells us very little. The frugality of central offices in Washington, all the more manifest that the city itself did not yet exist, did not mean it worked differently in that respect: if 5 percent of federal employees were actually in the capital, only 2.5 percent of French state employees worked in central ministries. If the pomp and circumstance was ostensibly shunned in the United States, it was more a matter of republican image than bureaucratic weakness.[54] Certainly a republican federal system did not mean *less* state for Americans.

Second, discussing difficulties in comparing numbers makes it apparent that there was a wide variety of people working for the state. Among them, only part of those we would today consider state agents were counted, and some who were look nothing like our current conception of bureaucrats. It is this insight, equally true for France and the United States, that should lead us, we believe, to attempt a reconceptualization of the state that is historically meaningful for the nineteenth century.

In France, only high- and middle-ranking state employees were called *fonctionnaires*; they had no common legal status, although they had been gradually defined by specific duties and rights. Meanwhile, the mere clerks (*employés*) came and went, without censuses, exams, or precise career prospects. These were sometimes unpaid jobs used to get a recommendation for a higher position afterward. The American state had similar practices, even though historians have made little note of it. The *Federal Register* overlooked a mass of transitory workers, and only passing remarks give us clues of the existence of "extra clerks" hired temporarily when the need arose.[55]

More interestingly still, the *Federal Register* listed other people who did work for the state without being employees. Members of the board of the Bank of the United States, a chartered private institution, and elected members of Congress appeared alongside clerks of the Treasury, ambassadors, and officers of the navy. The same is true in the French *Almanach*, which included the Bank of France (a private corporation) and members of Parliament. This strongly suggests that there was no separate category of state employees with a hard-and-fast definition, but a wide range of people doing the work of the state in many capacities. For example, a good deal of the

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Massachusetts, see Johann N. Neem, *Creating a Nation of Joiners: Democracy and Civil Society in Early National Massachusetts* (Cambridge, MA, 2008).

[54] Balogh, *A Government Out of Sight*, 152; James Sterling Young, *The Washington Community, 1800–1828* (New York, 1966); Jeff Dickey, *Empire of Mud: The Secret History of Washington, DC* (Guilford, CT, 2014). In France, the midsized city of Grenoble alone had more employees than the prefect of the *département* (who had a staff of twenty). This world of local employees has rarely been studied because of the assumption of a strong, centralized bureaucracy: Marie-Cécile Thoral, "Naissance d'une classe sociale: Les fonctionnaires de bureau, du Consulat à la Monarchie de Juillet; Le cas de l'Isère," *Revue d'histoire du XIX^e siècle*, no. 32 (2006): 93–110.

[55] Le Bihan, *Au service de l'état*; US Secretary of State, *A Register of Officers and Agents, Civil, Military, and Naval, in the Service of the United States, of the Thirtieth Day of September, 1817; Together with the Names, Force, and Condition, of All the Ships and Vessels Belonging to the United States, and When and Where Built* (Washington, DC, 1818), 3. White mentions them in *The Jacksonians*, 396. This invisible temporary workforce was even more prevalent at the state level. See Massachusetts Office of the Secretary of State and John A. Bolles, *List of Officers: With Their Deputies, &c., Who Have Been in Commission, in Massachusetts, since 1833* (Boston, 1843), 17: "The service of the extra Clerks has been rendered by a very large number of individuals employed for brief periods, and during the pressure of occasion labors."

communication of the US federal government was performed by congressmen, who used the franking privilege to send the many documents compiled and printed by the state to their constituents. Very often, representatives and senators hired their own clerks to do this job, out of their compensation as elected officials. Postmasters, who were remunerated by the commission, also paid their own clerks. In the few lucrative post offices, they bought and sold their positions. In the vast majority of cases the post office supplemented other activities, such as keeping a store or a tavern, or running a newspaper.[56]

Such practices blur the line we so easily take for granted today between state work and private business. At all levels of government, many people doing state work were not salaried but paid by fees. They ran the gamut from court clerks filing official documents for a fee (performing a purely administrative task) to pilots ushering vessels in and out of Boston harbor (performing a regulated business). Some, such as a number of Massachusetts temporary commissioners, "received no pecuniary return for their services." France also had salaried bureaucrats (such as prefects) as well as agents remunerated by fees (such as bailiffs, the very agents of legitimate state violence), and unpaid, voluntary officers (such as the elected judges in the labor and commercial courts).[57]

Those who acted as part of or on behalf of the state and those who were paid by the state were overlapping but distinct groups. This wide array of work arrangements points to the pragmatism and experimentalism of state building in that period. This is all the more striking as it was a time when strong normative discourses strove to separate the public from the private. A structured bureaucracy was but one possible organization. Once we start to see this heterogeneity of form as a feature rather than the product of exceptionalism, new ways to historically conceptualize the state open up. The social history briefly sketched here forces us to reckon with the deep imbrication of the public and the private in the organization of state action. And approaching together the French and American states allows us to start acknowledging how typical it was to deeply enmesh public authority in what we consider today as private arrangements.

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In practice, there is no self-evident separation between the public and the private.[58] At the heart of both revolutions were redefinitions of legitimate power that hinged on new understandings of public and private, and especially the depatrimonialization of public office.[59] Those political changes were important and had a considerable impact on the ways the state worked. Even institutions inherited from the eighteenth century were redefined by the shifting line between what

[56] John, *Spreading the News*, 121–26; Barreyre, "Administration et franchise."
[57] Nicholas R. Parrillo, *Against the Profit Motive: The Salary Revolution in American Government, 1780–1940* (New Haven, CT, 2013); Massachusetts Office of the Secretary of State and Bolles, *Massachusetts List of Officers*, iv; Claire Lemercier, "Un modèle français de jugement des pairs: Les tribunaux de commerce, 1790–1880" (unpublished manuscript for Lemercier's *habilitation à diriger des recherches*, Université de Paris 8, 2012).
[58] Timothy Mitchell proposed to take the distinction between state and society seriously, but to radically historicize it: "producing and maintaining the distinction between state and society is itself a mechanism that generates resources of power." Mitchell, "The Limits of the State," 90.
[59] Rafe Blaufarb, *The Great Demarcation: The French Revolution and the Invention of Modern Property* (New York, 2016).

was considered public and what was considered private—a political debate that was ongoing in the nineteenth century.

This did not mean, however, that the state henceforth eschewed working through private means. Such a "pattern of government by indirection and delegation" has long been heralded as "a nationally distinctive style of American legal statecraft that stretches back to the founding and beyond." Yet it is also easily found elsewhere, even in nineteenth-century France, where a growing body of scholarship has identified diverse and influential "intermediary bodies"—Tocqueville notwithstanding.[60] Let us build on this insight: enmeshing the public and the private was, in fact, *typical* of the state in that period—not the product of national models but of a shared political economy. If this is true, how can we characterize the ways the state did its work then, and what does it mean for our *historical* perspective on the state?

As we have seen, state building only rarely involved setting up bureaucracies staffed with salaried civil servants. The other ways of setting up rules and processes to deal with public matters involved tapping private capacities for the public good, by delegating tasks or conferring authority to individuals, groups, or institutions. State action thus often implied the circulation of money, persons, legal capacity, and legitimacy across the boundary between the state and civil society, in the areas where such a boundary was recognized. The result was sometimes called public, sometimes private: a difference that is worth investigating in its own right. There are two ways to help characterize the state in that period: First, the state did not deal with all parts of civil society equally. In other words, the enmeshing of public and private differentiated between groups. Second, there emerged a privileged repertoire of ways the work of the state could enmesh the public and the private.

The first point aims to specify what the private comprised when we talk about the work of the state. It is not indifferent to know from which part of civil society the state borrowed capacity. The US state has been associational for a long time, well before the twentieth century. But in doing so, public authorities *chose* between groups or organizations they recognized, and others they did not.[61] Voluntary associations were more easily created and less often victims of police repression than in France, but state legislatures systematically discriminated against Catholic churches, labor unions, and antislavery groups (even in northern states); they rewrote the statuses of chartered women's associations to limit the role of married women. Fewer associations were officially recognized in France, but similarly, those had charitable aims and boards drawn from local and

[60] Quotations from Elisabeth S. Clemens, "Lineages of the Rube Goldberg State: Building and Blurring Public Programs, 1900–1940," in *Rethinking Political Institutions: The Art of the State*, ed. Ian Shapiro, Stephen Skowronek, and Daniel Galvin (New York, 2006), 187–215, here 188; William J. Novak, "Public-Private Governance: A Historical Introduction," in *Government by Contract: Outsourcing and American Democracy*, ed. Jody Freeman and Martha Minow (Cambridge, MA, 2009), 27. On France, Alain Chatriot and Claire Lemercier, "Les corps intermédiaires," in *Dictionnaire critique de la République*, ed. Vincent Duclert and Christophe Prochasson (Paris, 2002), 691–98.

[61] "Tocqueville and many later commentators erred in viewing such associations as primarily a civil society alternative to organized statecraft. In fact, early American associationalism was a mode of governance—a method of distributing public power and regulating the allocation of personal rights and duties." William J. Novak, "The Legal Transformation of Citizenship in Nineteenth-Century America," in *The Democratic Experiment: New Directions in American Political History*, ed. Meg Jacobs, William J. Novak, and Julian E. Zelizer (Princeton, NJ, 2003), 85–119, here 98.

national elites.[62] Like the vote, which gave a political voice only to a privileged part of the population (gradually extended to most of the white male citizenry, but only them, by the end of the period), state work also privileged some segments of the population over others.

The second point relates to the manner a boundary between the state and society was drawn or not when public authority was concerned. In the current historiography, we can find three main cases: when the state ostensibly withdrew, seemingly leaving civil society to its own devices; when it endowed an organization, such as a company or association, with public authority, stating its general goal and establishing some controls over it, but relinquishing day-to-day monitoring; and when it ostensibly tapped private resources in the public interest, for example by appointing individual merchants or philanthropists to official committees. Those cases had practical consequences, but they also influenced the way state action was labeled private or public, and thus made more or less visible.

Household government is the most representative instance of the first case. Michel Foucault already remarked that the state defined the boundaries of its own power when it codified the power of the head of the household on its other members. Doing so clearly separated the private from the public, restricting its own reach. For all their different legal cultures, both systems of government relied heavily on a powerful paterfamilias. US states famously made him responsible for the property and welfare of the whole family, with his wife, children, and dependents (including slaves) under his personal jurisdiction. The French Civil Code gave him extensive duties and powers, and the courts deferred to him in domestic affairs, including slaves in the colonies. France's first law on child labor, in 1841, was very much delayed and diluted so as not to interfere with the rights of fathers. It was a far cry from the liberal view of the face-off between the individual citizen and the state—something that only took more legal meaning in the second half of the century. Here we find a solid boundary, with the state deferring to the paterfamilias's authority, thus excluding itself from affairs of the household. In fact, the power of the paterfamilias was historically an explicit alternative to institution building.[63]

Of those institutions being built, many were organizations where representatives of specific parts of society enjoyed some state authority and were supposed to work for the common good.[64]

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[62] Johann N. Neem, "Civil Society and American Nationalism, 1776–1865," in *Politics and Partnerships: The Role of Voluntary Associations in America's Political Past and Present*, ed. Elisabeth S. Clemens and Doug Guthrie (Chicago, 2010), 29–53; Ruth H. Bloch and Naomi R. Lamoreaux, "Voluntary Associations, Corporate Rights, and the State: Legal Constraints on the Development of American Civil Society, 1750–1900," in *Organizations, Civil Society, and the Roots of Development*, ed. Naomi R. Lamoreaux and John Joseph Wallis (Chicago, 2017), 231–90; Chloé Gaboriaux, "Gardien de l'intérêt général? Le Conseil d'État et l'utilité publique des associations (1870–1914)" (unpublished manuscript for Gaboriaux's *habilitation à diriger des recherches*, Sciences Po Paris, 2020).

[63] Stephen W. Sawyer, "Foucault and the State," *Tocqueville Review / La Revue Tocqueville* 36, no. 1 (2015): 135–64; Carole Shammas, *A History of Household Government in America* (Charlottesville, VA, 2002); Lee Shai Weissbach, *Child Labor Reform in Nineteenth-Century France: Assuring the Future Harvest* (Baton Rouge, LA, 1989); Stephen Sawyer and William J. Novak, "Emancipation and the Creation of Modern Liberal States in America and France," *Journal of the Civil War Era* 3, no. 4 (2013): 467–500.

[64] The few precise scholarly discussions of these cases use the German concept of *regulierte Selbstregulierung*. On Germany and France, see Peter Collin and Sabine Rudischhauser, "Autorégulation régulée: Analyses historiques de structures de régulations hybrides," trans.

Some of these organizations (e.g., chartered companies) were still considered as private, as part of the civil society, even if they had been conferred some privileged rights, including self-government. Other chartered organizations (e.g., advisory committees) were regarded as public. Yet the distinction, though it had some practical consequences, was more symbolic than essential.

Chambers of commerce are a case in point. American chambers were deemed private since their creation in the late eighteenth century, even though they were inspired by their European counterparts, generally considered public. They strove to be granted charters, however. For the New York chamber, this status meant prestige and more regulatory powers over the harbor. Even though it held meetings in coffeehouses, it tried to establish a publicly funded commercial court. A charter gave rights, but also distinction within civil society. In a sense, it would be apposite to describe such status as spanning the private-public divide. Meanwhile, the lighting and heating for the French chambers' meetings were paid for by local taxes, and prefects were their nominal presidents from 1802 to 1832. In this respect, they were clearly more public than their American counterparts, even though all their members were elected businessmen. This restricted their autonomy: as mere advisory committees inside the administration (and even though many chambers managed customs houses and harbors), they could not, for example, buy buildings in their collective name. Decades of complaints and proposals about this lack of legal personhood led to the granting of the public utility (*utilité publique*) status to the French chambers: it allowed them to own property in their names, as chartered associations did.[65]

From a functional point of view, American and French chambers of commerce essentially did the same thing: they provided a place for merchants to meet, to lobby the local and occasionally national governments, and to offer services to fellow merchants. It is important to recognize this similarity in practices. In both countries, merchants gained power and status while the state obtained relatively cheap information and could exhibit respect for (an extremely specific part of) civil society. Yet legally and symbolically, chambers were presented very differently. American states ostensibly did nothing more than grant collective organizations the right to exist in exchange for specific commitments to act in the public good, as stated in their charters. In France, the state created a new public organization. But instead of hiring civil servants to run it, it used amateur volunteers—persons who did work for the state without being paid for it.[66]

Scholars of postrevolutionary France present the expansion of advisory committees and other instances of amateur volunteers invited to perform official functions as a consequence of something specifically French: the ban on guilds, business associations, and trade unions, which extended from 1791 to 1884, and the general defiance against political associations. Officials

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Laurent Cantagrel, *Trivium*, no. 21 (2016), https://doi.org/10.4000/trivium.5305; for an application to the early twentieth-century US, Edward J. Balleisen, "Rights of Way, Red Flags, and Safety Valves: Regulated Business Self-Regulation in America, 1850–1940," in *Regulierte Selbstregulierung in der westlichen Welt des späten 19. und frühen 20. Jahrhunderts*, ed. Peter Collin, Gerd Bender, Stefan Ruppert, Margrit Seckelmann, and Michael Stolleis (Frankfurt am Main, 2014), 75–126.

[65] There is no general study of nineteenth-century US chambers of commerce. On New York, Claire Lemercier, "From Atlantic to All-American: New York Experiments in Judicial Transplant" (presentation, OAH Conference, Providence, RI, April 2016). On France, Lemercier, *Un si discret pouvoir*.

[66] The phrase "amateur volunteer" actually comes from Frank Dobbin, who coined it to characterize the US state. Dobbin, *Forging Industrial Policy*, 32. Tellingly, however, it captures quite well one of the main findings of the recent French historiography.

considered it necessary to use the individual expertise of some members of the elite, but ostensibly refused to encourage, or even recognize, interest groups.[67] It resulted in a pattern of bits of civil society inside the state.[68] Conversely, historians of the United States tend to underline that "so much [was] arranged outside the state." The charter is seen here as a quintessentially American legal device that allowed for public recognition of private collective bodies, such as churches, towns, universities, and chambers of commerce, made "bodies politic" and endowed with a "regulatory character"—even though courts imposed limits to their private governance over their members.[69]

We need more political histories on the reasons for such differences in ostensible preferences. However important, they should not obscure that the state was being built by continuously mobilizing parts of civil society in a variety of configurations we can find in both countries—and mapping these configurations is a promising research avenue.

Amateur volunteers were not a French specialty, and charters were not unique to the United States. Administration in the early nineteenth century was often performed by persons who were not state employees. The states and the federal state also borrowed the capacity of individuals without turning them into public servants. For example, justices of the peace (inherited from the English judicial system) still officially decided on thousands of petty cases (mostly small debts). They were lay, elected judges paid only by judicial fees.[70] Representatives of the state—legislators or bureaucrats—conferred on those persons the legitimacy to act for what they defined as the common good. Once the ubiquity of this delegation is recognized, it is possible to investigate who benefited from it: which parts of the population and for what aims. This would complement studies of access to political power based on the extension of suffrage.

Conversely, the charter, so ubiquitous in the United States, was also present in France. Business corporations were routinely chartered in both countries—the main difference being that French charters were mostly granted by the central state (although some were municipal), and US charters were mostly granted by the several states. And as new public services, especially infrastructures of transportation and communication, were developed, charters became a favorite way of organizing them. This did not only apply to railroads and canals: private turnpike bridges still existed, and the Bank of France as well as the two Banks of the United States were private corporations.[71]

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[67] Rosanvallon, *The Demands of Liberty*.

[68] Igor Moullier, "La société civile dans l'état: Organismes consultatifs, expertise et représentation de la société civile sous le Consulat et l'Empire," in *La société civile organisée aux XIX^e^ et XX^e^ siècles: Perspectives allemandes et françaises*, ed. Jay Rowell and Anne-Marie Saint-Gille (Villeneuve-d'Ascq, France, 2010), 261–74.

[69] Peter Baldwin, "Beyond Weak and Strong: Rethinking the State in Comparative Policy History," *Journal of Policy History* 17, no. 1 (2005): 12–33, here 15; Novak, "The Legal Transformation of Citizenship," 100; see generally Novak, *The People's Welfare*; Kevin Butterfield, *The Making of Tocqueville's America: Law and Association in the Early United States* (Chicago, 2015).

[70] There are almost no studies on nineteenth-century American justices of the peace, but see Laura Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill, NC, 2009).

[71] Dominique Margairaz, "L'invention du 'service public': Entre 'changement matériel' et 'contrainte de nommer,'" *Revue d'histoire moderne et contemporaine* 52, no. 3 (2005): 10–32; Claire Lemercier, "La construction d'un modèle français de service public avant 1914," *Regards croisés sur l'économie*, no. 2 (2007): 47–54; Pierre Gervais, "L'empire du crédit: Profit et pouvoir

The revolutions drew different boundaries, however, on the legitimacy of chartered organizations. In France, guild-like associations, such as trade or business unions, were specifically banned. The chartered corporation as a tool in the repertoire of the state, inherited from the *ancien régime*, was nonetheless frequently used for public utility associations, a category that included hundreds of reputable charitable organizations. In the United States, the use was more widespread, and under political pressure opened up even more. In both countries, this tool, inherited from earlier times, evolved after the revolutions for political reasons: the boundaries of its uses diverged, but the rationale of endowing private organizations with public authority, under public supervision, was shared and made it a central instrument of statecraft.[72]

If we understand household government, charters, and amateur volunteers as common configurations, a shared repertoire used in both countries (and certainly elsewhere), then it becomes important for historians to map out more precisely in which domains they were adopted and for what specific reasons. The current historiography gives us tantalizing clues, especially on public utilities and improvements. For instance, in both countries the post was public, but the status of gas distribution differed from town to town. Debates on public ownership generally ran along the lines of fiscal interest and the protection of (political) order. Political circumstances, more than deep-rooted preference, would thus account for outcomes. In France, issues of public order legitimized the state monopolization of the telegraph, just like the mail, as the rapid diffusion of military or stock exchange information could spread panics or damage public credit. In the United States, a monopoly of the US Postal Service was contemplated for similar reasons, but in the end political circumstances ended with a private, (pseudo-)competitive model.[73]

This is only a first step in identifying a repertoire of configurations of the state that defined the period. This allows us to account for specific instances of organizing the work of the state, as well as a more general painting of the state in each country without resorting to an exceptionalist or a teleological reading. Differences, just like similarities, expressed ongoing political debates and shifting power balance. But on a more general level, it was clear that some hybrid modes of organizing state action were the most prevalent.

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What is striking when we consider together the practices of the American and French state systems is that they worked with a common toolbox. The state could not be easily defined as a separate entity from civil society, but was deeply enmeshed in an array of ways with (parts of) society. In both countries, even under autocratic regimes, the states relied heavily on the population, or at

économique à l'âge du commerce, XVIII^{e}–XIX^{e} siècles" (unpublished manuscript for Gervais's *habilitation à diriger des recherches*, Université Paris 1 Panthéon-Sorbonne, 2012), 296; Niko Bowie, "Corporate America: A History of Corporate Statehood Since 1629" (PhD diss., Harvard University, 2018), chap. 3.

[72] Gaboriaux, "Gardien de l'intérêt général?"; Kevin Butterfield, "Law and Voluntary Association in the Early United States," in *Organizing Democracy: Reflections on the Rise of Political Organizations in the Nineteenth Century*, ed. Hank te Velde and Maartje Janse (New York, 2017), 91; Eric Hilt, "Early American Corporations and the State," in *Corporations and American Democracy*, ed. Naomi R. Lamoreaux and William J. Novak (Cambridge, MA, 2017).

[73] Margairaz, "L'invention du 'service public'"; Lemercier, "La construction d'un modèle français de service public avant 1914." On the US telegraph, see Richard R. John, *Network Nation: Inventing American Telecommunications* (Cambridge, MA, 2010).

least a privileged population (white elite men, especially merchants, progressively opening to all white males, though always with different access) for enforcement. Heterogeneous arrangements of statecraft stemmed from the pragmatics of state building. There was no French model clearly opposed to an American model, even though many contemporaries believed it. Even statism and antistatism as discourses only focused on specific parts of state action, whereas others went uncontested. Where debates happened, final decisions did not systematically differ between the two countries; they were rather the product of the local, momentary balance of political forces.

Some patterns, however, seem specific to that period. Afterward, the careers of civil servants would be formalized and the boundaries of their status would become clearer. Merchants would arguably become less prominent among those whose capacities the state borrowed, and public services would somewhat less often be provided by chartered firms and charitable or philanthropic associations. The states would certainly still try to foster the consent of populations, but they would define the relevant population differently and make different choices regarding the invisibility of their actions. All these evolutions should not be construed as moves toward a next stage in state building: what we have described are not imperfect states, but states of a specific political economy, characterized by some historians as an "age of commerce," with some practical and ideological commonalities.[74] Our toolkit for description should be well suited to allow further comparisons between countries and policy domains in our period—comparisons that would not take early twentieth-century Prussia (or an imagined Napoleonic France) as a normative reference.

Such a history is particularly relevant in the context of contemporary neoliberalism. Current hybrid organizations that mix public and private ownership, funding, operation, and management have often been construed as something new, or sometimes newly exported from the United States to other countries. We have shown, on the contrary, that "creating something that looks more private than public [as] a way of avoiding political blockage" and mitigating antistatism is nothing new, nor specifically American.[75] Recognizing that it is generally part of modern statecraft is important, but in order to better assess the peculiarities of countries or periods, it is important to specify what private and public means in each case. Neoliberalism is clearly no return to the nineteenth century: its rhetoric of efficiency and cost-benefit calculations was nowhere present at the time, nor were the large bureaucracies of the twenty-first century (be they ostensibly public or private). Yet the neoliberal state would benefit from being seen through the same lenses, by distinguishing which parts of the private actually work with it, and how exactly the private and the public are enmeshed. This is only possible if we move from a study of the state as a single institution, more or less equivalent to the state bureaucracy, to research on statecraft (practices and the accompanying discourses) as specific means of governance.

[74] Pierre Gervais, Yannick Lemarchand, and Dominique Margairaz, eds., *Merchants and Profit in the Age of Commerce, 1680–1830* (London, 2014); John Lauritz Larson, *The Market Revolution in America: Liberty, Ambition, and the Eclipse of the Common Good* (Cambridge, UK, 2010).
[75] Linda Weiss, *America Inc.? Innovation and Enterprise in the National Security State* (Ithaca, NY, 2014), 18.