INTRODUCTION

A SYSTEM OF VIOLENCE: LIBERAL SOCIETY IN THE UNITED STATES

On the night of March 5, 1770, a British sentry and a local apprentice traded insults along Boston's King Street. The soldier smacked the working man with his rifle butt and a crowd formed in the man's defense. Soon, after the sentry summoned assistance, nine red-coated soldiers faced an angry mob of several hundred men. "'You lobster,' 'You bloody back,' 'You coward,' 'You dastard,'" shouted members of the throng as they flung spit and threw rocks and ice-laden snow.[1]

Seemingly panicked, the British troops fired their guns. Most of the victims in what soon became known as the Boston Massacre were boys, young workers, and sailors – individuals whose experiences reflected migrations and connections across three continents. Crispus Attucks is the best remembered of those who died on the spot. A child of a Natick Indian and a colonial British African (and himself a former slave), Attucks was only in the city temporarily. He had been set to work a ship headed to North Carolina. Instead, two shots tore through his chest as he leaned on a stick about fifteen feet from the soldiers (Fig. 0.1).[2]

The seaman James Caldwell was also shot twice in the chest. Ropemaker Samuel Gray had his hands in his pockets when he was shot through the head. An apprentice in a wood construction trade, seventeen-year-old Samuel Maverick rushed to King Street out of curiosity; he died slowly from musket shot over the next twenty-four hours. The leatherworker Patrick Carr was more hotheaded as he rushed to the scene. Friends insisted he leave behind a sword that he had tucked in his overcoat. His musket wound took ten days to kill him. Bullets from the nine soldiers' muskets also injured a half-dozen others, including a merchant, a sailor, and apprentices.[3]

As was typical among European militaries, the British soldiers of the 29th Regiment in Boston likewise presented a diverse group from society's margins. Of the six hundred or so fighters in the unit, 33 percent were English, 50 percent were Irish, and a little over 5 percent were Scottish. Notably, Irishmen and Scotsmen appeared alien to those who identified as Englishmen in the eighteenth century. Even more outlandish to many

Fig. 0.1 "Crispus Attucks, the First Martyr of the American Revolution, King (now State) Street, Boston, March 5, 1770." In William Nell, *The Colored Patriots of the American Revolution* (Boston: R. F. Wallcut, 1855). From the Schomburg Center for Research in Black Culture, New York Public Library.

White people in Boston were the seventeen young men marked as "Foreign" in the regiment report. This designation likely indicated Afro-Caribbean drummers, the bulk of whom were "procured" during the British capture of Guadeloupe in the Seven Years' War (1756–1763).[4]

The violence in 1770 in Boston, New England – often portrayed as a uniquely American experience – was thus forged in an eighteenth-century matrix of global markets, colonization, slavery, and imperial force. Colonial Americans hardly stood alone when they questioned why and how the violence of the state touched their lives. But the European worldview they shared focused on hostile regional prejudice. British colonists commonly viewed those in France or Spain (or in French- or Spanish-occupied territories) as enemies, and they viewed Indigenous peoples who allied with the French or Spanish as enemies too. (If the soldiers in the Boston Massacre had "slain a hundred Frenchmen a piece," argued a lawyer in the soldiers' defense, "the English law would have considered it as a commendable action.") Experiencing the world through the lens of such regional affiliation and prejudice, many White colonials of Boston thus failed to connect their plight with that of communities in the West Indies, Africa, South America, and South Asia.[5]

Bostonians focused instead on their local and British experiences to navigate the violence in their city. Patriot physician Joseph Warren marked the Boston Massacre as the "BLOODY CONSEQUENCES OF PLACING AN ARMED FORCE IN A POPULOUS CITY." Indeed, in 1770, the British had stationed enough troops in and around Boston to nearly equal the resident number of adult White males. One in three of all adult men in the city was a soldier. Such figures proved, a Boston committee believed, that the killings resulted from "taxing America," a policy started in 1765 that provided support for the soldiers and included subsequent British political and military abuse. Attorney Robert Treat Paine, when prosecuting the British soldiers involved in the March event, shared a similar sentiment: "The inhabitants, for a long time, had been fully sensible of the evil disposition and abusive behaviour of many of the soldiers towards them."[6]

Most British leaders and their advocates rejected the notion that imperial policy fostered violence. They highlighted unlawful colonist behavior and civil disorder in Boston's streets. A 1770 London pamphlet, *On the Late Unhappy Disturbance in Boston*, complained that "it has been deemed a crime [by Bostonians] to affirm that the authority of the British parliament was supreme in all respects throughout all the dominions of the crown of Great Britain." As to responsibility for the March incident, a letter to former Prime Minister George Grenville left no doubt: "The Townsmen were guilty of several outrages before the military Fired."[7]

The Boston Massacre – and, more broadly, the late British colonial era in North America – highlights a great struggle over the boundaries of violence in society. This struggle shaped institutions and individuals, the subjects of this book. *Born in Blood* is about government force (state violence) and acts of violence by individuals and communities in the United States. It tracks violence as a national tradition, one created by an assortment of persons from the Revolution and Civil War to the Gilded Age. In the following pages, accounts of well-known figures are often featured: Robert E. Lee, for example, whose marines killed and captured members of John Brown's band, and Rutherford B. Hayes, who authorized the domestic use of nearly four thousand troops in 1877. These examples show how state violence can uphold unjust systems – although it does not follow that all uses of state violence are unjust.

Told here, too, are tales of the likes of Rufus Putnam, witness to heartless forms of soldier punishment in upstate New York; Deborah Sampson, who passed as a male soldier in the American Revolution; Robert Smalls, the enslaved man who stole a ship and his freedom from the Confederacy; and Lee Walker, a Black man lynched by White men in

Memphis. These individuals navigated the limits and lies of violence in a liberal state. They remind us how people created, tested, resisted, and maintained American violence and its institutional expressions. Men and women in the nation's past built and rebuilt a violent nation.

A focus on the American nation-state is useful, although it is also problematic. Using terms such as *America*, *American*, or *United States* suggests a uniformity of region, race, class, gender, and viewpoint that does not exist among such diverse places and peoples. Moreover, the uniformity suggested by these terms often assumes White, middle-class men to be the center of the story – or at least the most representative of the whole. While a nation of imagined homogeneity helps forge communal ideas and goals, it also forges communal blind spots. In a society seemingly without "antagonistic differences," the centrality of violent acts – particularly those committed by the state – is obscured. Similarly, the lexicon of the nation can strip humanity from individuals – specifically those who reside within national borders but are largely unrecognized by authorities, like members of Native groups and homeless communities. While nation-based words like "America" and "American" are used in this book, please remember the challenges they raise.[8]

Nations themselves are likewise social and political constructs – a fact that is important to engage in a history of violence. To many elite European theorists, the New World was a crude, organic place. Here, the White settler uncovered a regressive expanse – one devoid of a more advanced ethical and political practice. The preferred term these theorists used for it was a "state of nature." And in this state of nature, Thomas Hobbes explained, "the life of man" was "solitary, poore, nasty, brutish, and short." Such conditions rendered "men apt to invade, and destroy one another." According to classic theory, the liberal state of the eighteenth century arose in response to this supposed chaos.[9]

Violence was, indeed, part of the North American human experience before the European invasion. Indigenous individuals and societies used violence to meet a variety of political and cultural undertakings. Yet life was not a perpetual, aimless fight. So, when Hobbes's description of the so-called state of nature depicted Native violence as frenzied and constant, it served an ideological end: to justify Indigenous dispossession and replacement. Hobbes and other Anglo thinkers helped develop the idea of "confident ascendency," the notion that Europe and Europeans stood superior to Native America and Natives (and Indigenous peoples around the world). This ascendant mindset was not innate to White Europeans, however, and took centuries to construct. Its emergence over time is critical for understanding modern state formation and violence within modern states.[10]

To live in a society where property and persons were protected, European theorists proposed that the violence inherent in the "state of nature" be transferred to liberal government. Thus, the idea of the pre-European state of nature was an important part of what earlier scholars called "colonization" – the process of seizing land and labor from Native communities. Today, we have an updated lexicon that better describes this phenomenon: "settler colonialism" or "settler colonization." Settler societies developed in several British colonial sites: Australia, Canada, New Zealand, South Africa, and the United States. In these places, the aggressive movement of (mostly) White settlers displaced, enslaved, and killed Indigenous populations. In North America, where Spanish, French, and English colonists enslaved Indigenous and African persons, settler colonialism also closely aligned with slavery, another form of exploitation and labor extraction. Through these violent processes, Anglo settlers – and the institutions they created – laid their claim as the land's rightful occupants, with the framework of liberalism responding to and acting on their demands.[11]

Although some scholars designate colonization and slavery as the foundation of American violence, they often fail to do more than briefly identify the existence of these two horribly violent processes. Since Indigenous displacement and human enslavement are found throughout history, simply highlighting their existence in North America does not explain much of anything. The question to understand is how colonization and slavery functioned within the greater political economy of the eighteenth century – the context in which the United States was founded – and how their function transformed in the nineteenth century. Changes and challenges to this broadly defined system from the American Revolution to the Civil War changed, challenged, and reformulated American violence.[12]

A common mistake when confronted with the terms "colonization" and "slavery" is for the reader to map these words on to rather limited spaces and times. "Colonization" is often assigned to the American West and "slavery" to the American South – both are frequently imagined as nineteenth-century phenomena (albeit with seventeenth- and eighteenth-century roots). However, these processes worked together. And counter to such common assumptions about their regional scope and timeframe, colonization and slavery stood as part of a global economic system.

This interconnection can clearly be seen in a case from eighteenth-century Rhode Island. In 1707, Thomas Mumford (eventually the grandfather of Samuel Seabury, the first Episcopal bishop in the United States) lived on a Rhode Island plantation in Kingston. This land had once been occupied by the Wampanoag and Narragansett. On a May day when

Thomas was travelling to Newport, his wife, Abigail, "had some words" with one of the three or four Black persons the family owned as property. While it is unclear whether the enslaved man was whipped by Abigail or by a proxy on Abigail's command, a family record notes that during or soon after the whipping, "he [the enslaved man] struck her down and brutally murdered her." The man quickly ran from the scene and apparently drowned in his attempted escape. When the recovered body of the enslaved person was brought to Newport, the General Assembly ordered "that his head, legs, and arms be cut from his body, and hung up in some public place, near the town, to public view, and his body be burnt to ashes, that it may, if [it] please God, be something of a terror to others from perpetrating of the like barbarity for the future."[13]

Exemplary violence – the performance of a public, violent act in belief that bearing witness to and stories of the act would inhibit future violent activity, in this case slave resistance – was a central means of violence prevention within settler populations in New England in the early eighteenth century. However, current research demonstrates that de-escalating violent settings is key to disrupting cycles of violence. In choosing to dismember and display the enslaved man's corpse, the slaveholding settlers of Rhode Island therefore escalated the stakes. Instead of opting for tolerance and restraint – personal qualities that theorists deem necessary for the success of liberal government – the settlers chose the opposite course of action. And by furthering the violence, they perpetuated a violent system of racialized human slavery.

In early New England, exemplary violence bridged colonization and slavery. Some thirty years before the dismemberment of the unnamed Rhode Island man, settlers in the Narragansett region captured and killed Metacom (whom many Whites called King Philip) near the end of Metacom's Rebellion (King Philip's War). The settlers quartered and beheaded Metacom's corpse and displayed the Wampanoag sachem's head on a pike in the center of New Plymouth. They kept it there for years. In such gruesome displays, the British settler slaveholders made their priorities clear. They supported, developed, and sustained two of history's most violent enterprises, colonization and slavery – systems that packaged together land, race, labor, and violence. The profits of one – slavery and the Atlantic slave economy – helped fund the other: Indigenous dispossession and removal.[14]

These enterprises were global and local, as lethal in other regions of the world as they were in North America. In the eighteenth century and beyond, they worked as part of a specific economic arrangement. Historian Sven Beckert calls this arrangement "war capitalism." In the sixteenth,

seventeenth, and eighteenth centuries, global and local hierarchies of land, labor, race, and empire shaped the European perspective. Traditionally known as "mercantilism" or "merchant capitalism," the term "war capitalism," Beckert argues, best shows the "rawness and violence" of a system intimately connected to European imperial expansion. It was a form of capitalism "characterized just as much by massive expropriations as by secure ownership." In other words, we should understand this moment of globalizing economic development less in terms of "contracts and markets" (which were central to industrial capitalism) and more in terms of "violence and bodily coercion."[15]

In 1707 in Rhode Island, the Mumford family profited from the land of killed and displaced Natives. They forced Black persons to clear the fields and labor over stone walls, wheat, peas, corn, and cows, as well as to clean their homes. Slave labor and colonized lands thus provided two essential elements for the Mumfords' participation in market exchange: time (which allowed Thomas to engage in business activities) and surplus goods (crops, cheeses, and livestock to sell). Furthermore, the Mumfords' use of the local and regional markets made available through Newport, especially those in the West Indies, linked the family to a thriving network of trade built on settler agricultural produce and human enslavement.[16]

While the violence of war capitalism often took place on an interpersonal or private level, such as between Abigail Mumford (or her delegate) and the enslaved man, it was also performed and supported by the governments that the settler slaveholders built. The government-ordered corpse desecration and display in 1707 exemplified a trend, with the private–public synergy of violent activity empowering colonizers and enslavers in the colonies. This power led many White colonists to believe that they were central actors in the British empire.[17]

Their perspective was not shared, however, by their counterparts across the Atlantic. A burgeoning industrial sector in Great Britain assigned the producers of raw materials a secondary status. After the Seven Years' War, British leaders signaled this status to North American colonists in a variety of ways, including restrictions on settler movement, the levying of taxes, and the deployment of troops. Faced with an imperial government they could not control, an increasing number of American settlers expressed concern. They demanded that modern political and economic rights extend to settlers in British colonial possessions. Notably, many colonists had celebrated the Redcoats when they countered French and Spanish settlers, Native peoples, slaves, debtors, and the poor. But these Anglo celebrants – by virtue of their alignment with the British empire, Whiteness, wealth, or

some combination of factors – considered themselves superior to these groups and wanted the imperial government to respect and reflect what they viewed as their unique role as settler colonial subjects.[18]

By the mid-eighteenth century, questions of legitimacy and violent acts thus lay at the core of the Boston colonists' disputes with imperial governance. British settlers in general – and especially those in North America – had ample reason to view Britain's forces with suspicion. In the 1750s, British troops had forcibly removed seven thousand French Acadians from Nova Scotia, New Brunswick, and Prince Edward Island, and, in the decade starting in 1765, army regulars had acted against protesters in civil disputes throughout Great Britain. In May 1768, a soldier shooting a young boy dead in London's St. George's Fields left a particularly strong impression: Benjamin Franklin referenced it in a piece published two years later in January 1770. Then, in February 1770, just one month following Franklin's publication, a Boston customs official killed a twelve-year-old named Christopher Seider. Following the Boston Massacre in March of that same year, Bostonians' suspicion turned to outrage. In their view, the violence of the imperial state had developed a logic of its own: the government that was supposed to safeguard citizens was instead killing them.[19]

Who bears the responsibility for murderous government policy? In 1770, many colonists believed that the soldiers in the Boston Massacre bore legal guilt for shooting people dead. To John Adams, this was dangerous thinking. Then thirty-five years old, the lawyer and future American president was no supporter of British rule. He was, however, confident in the mechanisms and justice of the liberal state. He knew that government depended on the law, he knew that the law authorized certain individuals to act with homicidal violence, and he knew how social and cultural difference marked select persons as dangerous – and thus worthy targets of violent acts.

As defense attorney for the British military men involved in the Boston Massacre, Adams believed that a fundamental duty of government was to quell raucous demonstrations. In his view, such uprisings were inevitable. "No form of government, and perhaps no wisdom or virtue in the administration," he said, "can at all times avoid riots and disorders among the people." Citing legal precedent in his trial notes, Adams marked the words of famed legalist William Hawkins: "in some Cases wherein the Law authorizes Force, it is not only lawful, but also commendable to make use of it." On the night of March 5, Adams argued, nine British soldiers followed the law. And the law, he said, indicated a charge of murder if the soldiers

attacked without provocation, manslaughter if the protesters had in some way provoked the attack, and acquittal if the shootings were warranted.[20]

To demonstrate the lawfulness of the soldiers' actions, Adams opened his defense with a candid review of state violence. "If an officer, a sheriff, execute a man on the gallows, draws and quarters him, as in case of high treason, and cuts off his head, this is justifiable homicide, it is his duty." And Adams understood that duty – the obligation of the individual to act in accord with command, regulation, and tradition – is the lifeblood of state violence. To Adams, it did not matter that the British government jeopardized the lives of both civilian and soldier by stationing ever more troops in the city. "Soldiers quartered in a populous town," he said, "will always occasion two mobs, where they prevent one." He likewise believed it unimportant to the soldiers' job that the protesters "thoroughly detested" the "statutes, instructions, mandates and edicts" of the British. Implementers not analysts, soldiers were not in Boston to assess the quality of the policy they enforced. Adams thus argued that the violence of empire did not necessarily impart guilt on the empire's agents for the violence they committed.[21]

Adams then asked the courtroom audience to put themselves in the soldiers' place on the night of March 5. By doing so, he suggested, they would see that the military men operated in self-defense. In addition to duty, the individual right to act with violence in defense of person or property offered the possibility that the military members had justly killed five men. "A man is authorised, therefore, by common sense, and the laws of England, as well as those of nature to love himself better than his fellow subject." Self-preservation, said Adams, "is the first and strongest principle in our nature" and the basis of liberal government. "We talk of liberty and property," he told the court, "but, if we cut up the law of self-defence, we cut up the foundation of both, and if we give up this, the rest is of very little value." He then settled his self-defense argument with an example from philosopher Francis Bacon: "If two persons are cast away at sea, and get on a plank . . . and the plank is insufficient to hold them both, the one hath a right to push the other off to save himself."[22]

However, here is the promise and illusion of liberalism. In an equal setting, two persons grappling over the right to survive aboard a plank highlights the sanctity of self-preservation. But theoretical liberalism differs from the liberalism of real life. Widespread equality in liberal societies is pledged but rarely achieved. What happens if one of the plank persons is armed by the government and the other is an unarmed civilian? If one is rich and the other poor? If one is Black and the other White? Who then gets to survive?[23]

The answers to these questions reveal an age-old debate over the character of liberal society and the role of violence within it. For a traditionalist such as political scientist Francis Fukuyama, the liberal state, with its tenets of tolerance, is not responsible for the creation of race and racism. It is "simply a pragmatic tool for resolving conflicts in a diverse society." The liberal state, in this view, establishes and maintains a public sphere where diverse opinions can thrive. Here, diversity is not generated by factors such as religion or race (though they can play a role). Rather, this model upholds that diversity is generated by widespread individual expression. According to John Stuart Mill, a "diversity of tastes and talents, and variety of intellectual points of view" develops as individuals learn from each other in a collision of ideas and respectful debate.[24]

Following this conventional view of liberal society, liberal government must protect individual freedoms (such as the freedom of speech, religion, and press) to establish the public sphere and ensure that conflicts generated as a product of diverse perspectives and beliefs are resolved through conversation. The public sphere is thus a neutral meeting ground for individuals. And in the public sphere, liberal individuals are responsible for practicing self-restraint and toleration to ensure the peaceful exchange of opinion. In turn, these nonviolent exchanges secure a foundational liberal belief: that people have a "right to be convinced rather than coerced." Within this standard understanding of liberalism, therefore, violence should not be part of public life. Indeed, the liberal state is responsible for creating and protecting an impartial space where citizens can peaceably interact. In this space, the public sphere, differences of race, class, gender, and sexuality (to name a few) may exist, but they are not created or fostered by the liberal state. Rather, the seeds of division and conflict around such differences are created and fostered by bigoted individuals. Thus, for traditionalists observing the workings of liberal society, differences of class or race or religion *may* influence the result of the two people battling on Bacon's plank, but the liberal state bears no responsibility for the unequal terms of the plank battle.[25]

By contrast, liberalism's critics often look beyond the individual and push for a more systemic view of the role of tolerance and the fact of difference in a liberal society. They find that tolerance of others (and the self-restraint required for it) is not the same as equality, and they note that the many differences cultivated within society are central to liberal life. "In our era, it is not enough to be tolerant," explains Pulitzer Prize-winning journalist Isabel Wilkerson. "You tolerate mosquitoes in the summer, a rattle in the engine, the gray slush that collects at the crosswalk in winter.