

Review Essay: **Expanding Settler Colonial Theory**

**Adam Dahl. *Empire of the People: Settler Colonialism and the Foundations of Modern Democratic Thought*. University Press of Kansas, 2018. 272 pp. ISBN: 9780700626076. <https://kansaspres.ku.edu/978-0-7006-2607-6.html>**

This is a thought-provoking book that probably makes an important contribution to Dahl's specialist field of political science, but it is neither an intervention in American Studies nor Critical Indigenous Studies and so may be of limited usefulness to readers of *Transmotion*—with the decided exception of the final chapter (published as an essay in *Polity* in 2016), devoted to William Apess. This chapter is of general interest both for its innovative approach, which brings together the arguments developed throughout the book, and for the successful pairing of unexpected texts, which is a consistent strength of Dahl's method. Elsewhere, Dahl overwhelmingly addresses settler political theorists in the interests of illuminating the central contradiction of US settler colonialism: that settler *political* sovereignty, grounded in the right to self-government based on labor devoted to the “improvement” of expropriated Native land, requires the disavowal of the violence of dispossession and also the denial of Indigenous land rights based not on political reasoning but inherited racialized *cultural* prejudices. I am reminded of Peter Fitzpatrick's quite brilliant philosophical treatment of similar legal contradictions in *Law as Resistance: Modernism, Imperialism, Legalism* (2008), in a review of which I described how Fitzpatrick

addresses the imperial Western claim to universal jurisdiction, a ‘self-universalizing’ claim that promotes European power especially in relation to ‘discovery’ and colonization. However, this self-proclaimed universality depends upon the categories of civilization versus savagery in order to enact the constitutive exclusion of the ‘savage’ and ‘barbarous’ which, if included in the category of the ‘universal’ would destroy it (Madsen 573).

Such constitutive paradoxes are central to Dahl's project, particularly the tension between assertions of logically stable political reasoning and the destabilizing impacts of cultural reasonings, the ultimate source of which is, of course, the definition as *terra nullius* of all Indigenous territories unclaimed by Christian nations under the Doctrine of Discovery. In his address to the Eleventh Session of the United Nations Permanent Forum on Indigenous Issues (May 2012), Seneca Elder Oren Lyons made clear the ongoing obstacle to the active realization of the 2007 United Nations Declaration on the Rights of Indigenous Peoples represented by the Doctrine of Discovery: “The ‘Doctrine of Discovery’ initiated from the papal bulls of the fourteenth and fifteenth centuries are responsible for over six centuries of crimes against humanity, setting a standard of exploitation that nation states now call ‘international law’” (Lyons 1).

International law, or at least theorizing of the legal rights possessed by American colonists in relation to British imperialism, forms the basis of Dahl's central historical argument, and yet the foundational Doctrine of Discovery receives very cursory treatment. Indeed, Dahl's omissions dramatize most clearly his settler focus: in a book about constitutionalism in the US, there is no mention of Native constitutions, not even those that fit the restricted historical scope of his study. On the Chickasaw Constitution of 1856, nothing. Cherokee Removal and the Marshall decisions—yes—but the Constitutions of the Cherokee Nation (1827 and

1839)—no. The Choctaw removal Treaty of Dancing Rabbit Creek (1830)—yes—but the Choctaw Constitution of 1834? So, it seems a little disingenuous, in the closing discussion, to make a claim to contribute to the decolonizing of democracy by promoting historic Native influence on constitutional thought without taking into consideration what Indigenous nations have historically already achieved. The portrait of Native America that emerges from the book as a whole might be described using Gerald Vizenor’s term, “Native victimry.” And—a relevant point for scholars with an interest in Vizenor’s work—there is no mention at all of his constitutional writing. As I will explain later, the absence of any attention to Gerald Vizenor’s political writings on democracy, Native sovereignty, and constitutionalism is both highly conspicuous to a reader of *Transmotion* and regrettable. Consequently, I have found the primary value of Dahl’s book in the linkages that I make with the work of other scholars outside the rigorous limits that he has imposed. With all due respect for the principle that reviewers should not criticize a book for failing to be the one they themselves would write, I have to say that Dahl offers little to readers from scholarly fields peripheral to his own. At the same time, his book offers fertile ground for building a network of allied ideas based on each reader’s particular interests. The intertextual network forming in my mind as I read seemed important enough not only to keep me reading but to keep reaching for other books as I made my way through *Empire of the People*. The remarks that follow essentially map out my route, in a kind of dialogue between Adam Dahl’s main arguments (which, in fairness to him, are presented in some detail) and my “yes, but what about...?” responses.

The title of the dissertation from which the book originates, *Empire of the People: The Ideology of Democratic Empire in the Antebellum United States* (2014), is much more accurate than the book title in terms establishing readerly expectations of the historical period under discussion. Dahl addresses the period that encapsulates the Revolution, from the mid-eighteenth century to the mid-nineteenth. The inclusion of Walt Whitman’s 1871 *Democratic Vistas* extends the timeline, but otherwise discussion is rigorously confined to this period. This temporal focus is both an advantage in terms of coherence and precision but it also creates significant weaknesses, especially when Dahl could very profitably look back from his location in the early republican period to American colonial models and influences that would supplement his overwhelming use of British and European political theorists (more about that shortly). Provocatively, Dahl shifts discussion away from the documents of the “American Creed” in his meticulous readings of texts that are unexpectedly chosen and quite surprising in the relevance that he exposes: the Northwest Ordinance (1787) in his first and second chapters, the opening of Alexis de Tocqueville’s *Democracy in America* in the third chapter, Ralph Waldo Emerson’s writings of the 1840s in the fourth chapter, and Whitman’s poetry and prose in the fifth. William Apess is the less surprising subject of the final substantive chapter. The book is organized into three Parts: two introductory theoretical chapters set out Dahl’s central arguments concerning federalism and empire; US settler colonialism and democratic culture occupy the following three chapters (on dispossession, Manifest Destiny, and slavery, respectively); the final Part consists of a single chapter on Apess’s Indigenous critique of the basis of settler sovereignty, and an “Afterword” that offers some thoughts on the potentials for decolonizing democratic theorizing.

Motivating these chapters is the central argument that federalism is not, in fact, antithetical to empire but rather organizes a certain kind of settler colonial empire (46); that is to say, US federalist, democratic theory is mutually constitutive with settler colonialism and, like the US empire, is equally grounded in colonial violence and the disavowal of Native dispossession. This line of argument allows Dahl to shift his account of dominant modes of democratic political thought away from the concept of popular sovereignty encapsulated in the notion of

“the People” and its consequent erasure of Native presence. Rather, using writings by Richard Bland, Virginia delegate to the First Continental Congress, and Thomas Jefferson’s “A Summary View of the Rights of British America” (1774), Dahl explains the theory that internal colonial autonomy derived from the idea of equality between settlers and metropolitan subjects. Consequently, settler birth-rights transferred in the process of migration—together with “contractual colonization” or “the labor theory of empire” (32)—produced an understanding of settler sovereignty as grounded in the performance of colonizing labor: the work required to create permanent settlements. He points out, perceptively, that this set of ideas created the notion of a “federal empire” (32) based on what he calls “federative replication”: the principle of both settler colonial *action* and its organizational *form* (Dahl 25, 72). A surprisingly marginalized presence in this discussion is Craig Yirush’s important 2011 book, *Settlers, Liberty, and Empire: The Roots of Early American Political Theory, 1675-1775*, which makes the same basic argument: that

[i]n the wake of the Glorious Revolution, then, a view of Empire crystallized in English America which was based on the equal rights of all of the King’s subjects; the grounding of those rights outside the realm in the efforts and risk taking of the settlers themselves; the confirmation of these rights in charters and other royal grants; the subsequent acquisition of territory from the natives by purchase or conquest; and the transformation of what the settlers saw as a ‘wilderness’ into flourishing civil societies (77).

Yirush also devotes an entire chapter to one of Dahl’s chosen texts, Richard Bland’s *The Colonial Dismounted: Or the Rector Vindicated. In a Letter Addressed to His Reverence Containing a Dissertation upon the Constitution of the Colony* (1764). However, Yirush’s book is not cited in connection with *The Colonial Dismounted* and, indeed, Yirush’s work is relegated to a few isolated endnotes. This is unfortunate, because Yirush offers a detailed and nuanced account of the period between the Glorious Revolution and the American Revolution to show how these guiding ideas emerged. This is important because, certainly in Puritan apologies for migration and tracts that promoted migration to New England, as well as documents like the 1691 Massachusetts Charter, the notion of equality and equal rights between metropolis and colony is not obvious. Focusing on republican figures like Benjamin Franklin, John Adams, and Thomas Jefferson, Dahl does not consider the issue of conceptual provenance, which would seem to be key to his assertion that such ideas had lasting cultural as well as political impacts. As Yirush observes, “Most histories of early American political thought ... begin ... with the looming imperial crisis in the aftermath of the Seven Years’ War, as if the ideas that drove opposition to imperial reforms from the mid-1760s on had no antecedents” (4).

This is where Dahl’s first Part begins, with a discussion of democracy in relation to empire, constitutionalism, and federalism, in the context of the Imperial Crisis of the 1760s and 70s. He argues that contradictions within the theory of empire allowed settlers to interpret their right to self-rule as being entirely consistent with and equal to their status as citizens of the British Empire (34). In this balancing of imperial and provincial/settler sovereignties, Dahl finds the settler colonial roots of US federalism: the idea of a central federal government that is combined with protections for each colony. Out of the associated debates and conflicts over the location of the imperial center—Westminster or North America, the metropolis or the colonies—the concept of colonial equality emerged as crucial to the discourse of democratic sovereignty, but this debate over “equality” was complicated by diverse interpretations of the meaning of equality in the context of colonial dependency. General

resistance to the notion of dependency motivated a new idea of empire, a vision of federal imperialism that distributed authority equally across “constituent units of empire” (27)—i.e. the American colonies—as shown in such documents as Benjamin Franklin’s “Observations Concerning the Increase of Mankind” (1751) and his Albany Plan of 1754. Franklin proposed that on the basis of continual demographic expansion (the trope of *translatio imperii*), based on unlimited access to free land, eventually more British subjects would live on the US side of the Atlantic than in Britain, thus shifting the balance of power to a new western empire. Added to this, the settler allegiance to a notion of social mobility tied to spatial mobility and property ownership underpinned the idea that the stability of republican institutions must depend on the availability of land to support an agrarian populace, and so the removal of Indigenous peoples to make land available was an integral part of this American idea of empire.

Royal prerogative versus settler sovereignty provides the context for Dahl’s analyses in chapter one concerning the central role of land and settler attitudes towards land in the aftermath of the Seven Years War and the Royal Proclamation 1763. Dahl focuses on the Northwest Ordinance (1787) and the question it sought to answer: will the Northwest Territory be governed by the Continental Congress or by Virginia via its royal charter? Thomas Paine’s views, set out in *Common Sense* (1776) and *Public Good: An Examination into the Claims of Virginia to the Vacant Western Territory* (1780), confirmed the notion of *terra nullius* and opposed the influence of corporate land companies, promoting instead the argument that possession of the western land must serve the “common good” as a common right of all citizens. As Dahl points out, these arguments serve as the logical complement to the idea that, after the Revolution, both political and territorial sovereignty will be transferred to “the People.” The mechanisms by which settled territories would be incorporated as republican states into the federal Union are discussed through the 1780 land resolution, Jefferson’s 1784 land ordinance, and James Monroe’s Northwest Ordinance (1787). The latter determined that new territories would start as colonies, dependent on federally appointed governors until the population reached 5,000 inhabitants—Dahl refers to this as a period of “imperial tutelage” (37)—and then would be incorporated with the same rights as all other states in a process that Dahl calls the “embodiment of imperial federalism” (37). The most important element of this model was the mechanism for an ongoing process of colonization, which could be extended to distant territories (and Dahl notes that Jefferson had his eye on South America). This structure offered a mechanism of colonization that was no longer organized around colonial dependence on a metropolitan center. But despite appearances to the contrary, Dahl perceptively argues, this mechanism did not eschew colonial violence; on the contrary, the Northwest Ordinance institutionalized the expropriation of Indigenous lands despite avowed equality between Indigenous peoples and settlers. Dahl notes that Henry Knox acknowledged Native land rights and proposed a policy of land acquisition based on Native consent via purchase and treaty or peaceful assimilation, with dispossession through military conquest as a last resort (for Knox, the avoidance of military conquest distinguished US colonization efforts from the brutality practiced by Spain and Britain). As Dahl rightly emphasizes, though, settlement itself was seen as a strategy of Native dispossession rather than federal incorporation. The chapter ends with an interesting comparison with features shared by other British settler colonies of the nineteenth century, through the theories of Edward Gibbon Wakefield concerning what Hegel termed “systematic colonization” (Dahl 41), in order to propose that the status of the Northwest Ordinance, as the model for the British concept of “an empire of settlement,” is a kind of “Magna Carta of the Colonies” (45, 46). Here, Dahl could have taken into account, or at least gestured towards, much earlier English theorizing of American colonization. During the Elizabethan period, for

instance, the arguments made by Richard Hakluyt in his *Principal Navigations* (1598-1600)—and also by his contemporaries—established many of the points that are highlighted in Dahl’s treatment of Wakefield’s theories.

The second chapter explains Dahl’s central concept of “constituent power,” as opposed to “constituted power,” by borrowing Andreas Kalyvas’s conceptualization of the difference between authority delegated by “the People” to institutionalized representatives (constituted power) and the “constituent power” of popular authority “to begin, end, or modify those institutionally delegated powers” (Dahl 48). The “coloniality” of this constituent power lies not only in the authority to establish new republics but additionally to eliminate existing regimes of sovereignty. In this, Dahl locates the settler justification to expropriate Native lands by disavowing Indigenous governance that is found to be in a “savage” state and on “vacant lands,” and via the “Vanishing American” trope. Through John Locke and Thomas Paine, Dahl reads the intersectionality of the “sovereignty clause” and “emigration clause” of the 1777 Vermont Constitution as an instance of this constituent power: in the context of the Vermont Republic’s erasure of both British imperial sovereignty and that of New York. He then analyzes justifications for the establishment of new republics along the Trans-Appalachian frontier in the 1770s and the following decade, highlighting concrete examples of the use of colonization (on the vacant land that enabled the claim to settle in “a state of nature”) as the basis for the exercise of constituent power through democratic consent. This discussion makes excellent use of Jean O’Brien’s concept of “firsting” (colonial settlement as the “first” civilized occupation of land) and “lasting” (the discourse that casts Indigenous inhabitants as the last of a vanishing race) to apply the concept of constituent power to the Wataugan claims to settler sovereignty. Dahl argues that the threat of imperial disintegration implicit in the exercise of this constituent power—the settling of new republics independent of congressional authority—was mitigated by the Northwest Ordinance, which redefined self-determined settler expansion as a mechanism of consensual incorporation into an expanded territorial federal empire by prescribing the republican form of new settler states. This argument is elegantly summarized in Dahl’s quotation from Antonio Negri: constituent power is “absorbed, appropriated by the constitution, transformed into an element of the constitutional machine” (*Insurgencies*, qtd in Dahl, 64). The power of representation to instantiate a settler regime and to erase Native presence is conveyed in Dahl’s treatment of Jefferson’s famous concept of the US as an “empire of liberty.” Dahl engages this concept in the context of Jefferson’s 1785 Land Ordinance, which divided land into square-mile parcels and created a territorial geography that both commodified land and also rooted democratic sovereignty in the land. As Dahl explains, this reconceptualization of land was a powerful counterpart to historical colonization, achieved through Jefferson’s use of the mythology of the pre-modern, “Vanishing,” Indian. The erasure of Indigenous relationships to land, fundamental to this process, Dahl clarifies through an account of Native opposition to the settler concept of land commodification articulated by Tecumseh (Shawnee) and Black Hawk (Sauk), and their critical exposure of the treaty system as a form of colonial violence that is representative of corruption and inequality rather than expressive of popular consent.

Here, Dahl’s focus on republican democratic thought neglects the settler colonial actions of the Founders as land speculators. For example, Benjamin Franklin was a major investor in the Grand Ohio Company (1769), which notably petitioned King George III for 2.4 million acres in the Ohio Valley (Franklin n.p.). And George Washington’s career as a surveyor of the Ohio Valley would provide relevant context for the discussion of the Northwest Ordinance: Washington’s half-brothers were among the organizers of the Ohio Company (1747), formed to obtain royal grants to lands in the Ohio Valley, and “[b]etween 1747 and 1799 Washington

surveyed over two hundred tracts of land and held title to more than sixty-five thousand acres in thirty-seven different locations” (Lehrman Institute, n.pag.). Such details are particularly relevant in view of the motif that runs throughout Dahl’s book concerning the role of land surveying as a conceptual mechanism of settler colonial remapping of territory. Even more conspicuous in Dahl’s exclusive emphasis on democratic relations of consent is neglect of what Philip Gorski, in *American Covenant: A History of Civil Religion from the Puritans to the Present* (2017), calls the American tradition of “prophetic republicanism,” which Gorski traces back to New England Puritan reliance on apocalyptic biblical rhetoric to justify the expropriation of Indigenous lands through the theology of sacred covenant relations. At this point, it may seem that I am asking for an entirely different kind of book but Dahl repeatedly gestures towards covenant-regulated communal relations—in connection with the Watauga Compact and the Cumberland Compact, for instance, in this chapter. Here, too, reference to (studies of) earlier colonial models of federation could be more than alluded to and more fully integrated into Dahl’s discussion. The Mayflower Compact is briefly mentioned in the introduction but John Winthrop’s “A Model of Christian Charity” (1630) and, significantly, Puritan justifications for colonial settlement—such as John Cotton’s sermon addressed to the departing Winthrop fleet, “The Divine Right to Occupy the Land,” later published as *Gods Promise to His Plantation* (1630)—would seem to be very relevant, given the unremarked references to the “providential gift” of vacant land found, for example, in Dahl’s quotations from the *Federalist Papers* also in this chapter. Although Gorski’s project differs significantly from Dahl’s, focusing more on an analysis of the intersections among American traditions of religious nationalism, civil religion, and radical secularism that have produced “prophetic republicanism,” I found reading the two books in conjunction very rewarding.

In Part Two, Dahl turns from discussion of democracy in constitutional contexts to cultural forms and democracy as a social state, with specific reference to the emergence of the ideology of Manifest Destiny and the controversies surrounding slavery. Focused primarily on the nineteenth century, this section could have made profitable reference to studies like Alyosha Goldstein’s essay “Colonialism, Constituent Power, and Popular Sovereignty” which, appearing in 2014 would have been unavailable for inclusion in Dahl’s 2014 dissertation but could easily have been incorporated into his 2018 book (he does reference Goldstein’s 2008 essay on “Proprietary Regimes, Antistatism, and U.S. Settler Colonialism”). I have opted to highlight this essay because Goldstein covers the same period and much the same conceptual ground, arguing that “[t]hroughout the long nineteenth century, it was precisely the fraught and unsettled relations among the practices of constituent power, popular sovereignty, colonialism, and slavery that conveyed the spuriousness and impossible grandiosity of US claims to sovereignty as absolute, exclusive, and indivisible” (150). Where Goldstein’s essay goes on to “suggest some specific ways in which indigenous [sic] peoples challenged and disrupted US settler claims to constituent power and national coherence while also reimagining their own terms of political belonging” (149), Dahl is concerned with showing how settler expansion provided coherence to emergent democratic theorizing. Thus, he begins in chapter three with Tocqueville’s *Democracy in America* (1835, 1840; unfortunately, the bibliography does not provide details of the translator or editor) to show Tocqueville’s erasure of colonial violence and Indigenous erasure through his constructivist mapping of the natural environment that—as Dahl explains with reference to Patrick Wolfe’s work—functions as a “container” for US democratic politics. Tocqueville’s privileging of American over Spanish and Russian colonization depends on this disavowal of American violence, Dahl argues, in favor of an account of the treaty basis of American colonization in contrast to colonial militarism in the South (Spain) and Northwest (Russia). He references Tocqueville’s appeal to “Providence”—“his imagery of indigenous [sic] absence in

*Democracy* reinforces the notion that North American land *providentially* belongs to white settlers” (Dahl 83, emphasis added)—and notes Tocqueville’s dating of the origins of US democracy with the founding of the original colonies, quoting Tocqueville’s identification of Puritan congregationalism with the model of consensual self-government (see my point above). Rather than developing these ideas, Dahl uses them to exemplify the arguments he has already established concerning the destructive and constructive powers of constituent settler sovereignty. There is a certain repetitiveness in the discussion of Tocqueville, which is marked by continual returns to earlier points, suggesting to me that tighter editing may have created space for a much more expansive discussion of the ways in which Tocqueville’s text intersects with those analyzed in Part One, to sketch a specifically American tradition of democratic thought: with roots in New England congregationalism, its peculiar styles of rhetorical thinking, and its Elizabethan imperial origins. A related omission that illustrates this repetition is the cursory treatment of Tocqueville’s use of the Doctrine of Discovery—which is not defined until fifty pages later in the context of slavery, and then exclusively in terms of Lockean political theory and the infamous US Supreme Court decisions of Chief Justice Marshall—that leads immediately to an account of *terra nullius* that simply repeats the discussion in the preceding chapter. Instead, Dahl could have drawn on Joanne Barker’s account of Marshall’s powerful role in introducing the Doctrine of Discovery as the foundation of US federal Indian law; as she writes: “Marshall invoked [the Doctrine of Discovery] as though it were a well-founded legal principle of international law. It took on the force of precedence because Marshall invented a legal history that gave it that status” (Barker 2005, 14; see also Oren Lyons, quoted above). Rather, in this section of the book Dahl reorients existing interpretations through the lens of settler colonial studies. Chapter three treats Tocqueville’s observations about race and race-based slavery in relation to the erasure of Native political formations to argue that the difference between settler colonialism and chattel slavery as systems of domination lies in the settler desire for Native land as opposed to black labor, and consequently this difference emphasized black bodies as an obstacle to assimilation into white settler social structures, which was not the case for proponents—like Tocqueville—of Native “vanishing” through acculturation. More interesting to me is Dahl’s discussion of Tocqueville’s writings about French colonial expansion in Algeria, for which US settler colonialism provided the precedent.

On the subject of precedents, chapter four’s analysis of Manifest Destiny displays the results of Dahl’s neglect of a deep historical account of the American “mission” and the claim to be a “redeemer nation.” A single endnote gesturing to Ernest Lee Tuveson’s 1968 book, *Redeemer Nation: The Idea of America’s Millennial Role* inadequately fulfills this function. Instead, Dahl approaches Manifest Destiny in relation to the “safety valve” theory of colonization, where bountiful available western land provided an outlet for escape from eastern urbanization and industrialization, and as a necessary ideological component of US democratic empire, which situated itself against both European feudalism and Indigenous tribalism. He illustrates this mechanism firstly through a reading of John O’Sullivan’s coinage of the term in the context of the annexation of Texas (1845) and the Treaty of Guadalupe Hidalgo (1848); secondly through the logic of “consensual colonization” exhibited in key documents related to Indian Removal in the 1830s (Dahl 114); and, finally, through Ralph Waldo Emerson’s romanticization of expropriated “nature” as a source of democratic impulses in his political writings of the 1840s. In all three groups of texts, “consensual colonization” relies on an intersection of interests, on the parts of both of settlers and Natives, which facilitates agreement that reconciles—and promotes—US expansion, Native elimination, and the principles of popular democracy.

Expropriated Native land is at the center of Dahl's treatment of American slavery in chapter five and his account of the conflict between the "survey" system that favored elites, and so encouraged a kind of aristocracy reminiscent of feudalism, and the "homesteading" system that promoted free labor and free soil policies. The first, which served federal financial interests by raising revenue, is opposed to the latter, which situates the federal government's use of land in the interests of popular sovereignty. Through this opposition, Dahl develops his arguments concerning chattel slavery. Very provocative in this connection is his link between Abraham Lincoln's racialized vision of the western territories as a "safety valve" for poor whites leaving slave-holding states and the arguments about Manifest Destiny in his preceding chapter. The political views of Galusha A. Grow (Speaker of the House of Representatives, 1861-1863 and supporter of the Homestead Act of 1862), Lincoln, and Lincoln's Secretary of State William Henry Seward preface the chapter, which then engages in detail with Walt Whitman's poetry and his essays in *Democratic Vistas*. The relation between free labor (i.e. neither chattel nor wage slavery) and settler colonialism is highlighted by the enabling assumption of the availability of sufficient free land for ownership and cultivation by settlers, and Dahl's point that land is rendered "unfree" by both the restrictions of an aristocratic plantation society and Native ancestral rights, in contrast to settler labor that renders land "free." In this context, Dahl makes a powerful case for Whitman's centrality to ideologies of settler colonialism as resultant of "how he attached radical-democratic principles of popular sovereignty to broader frameworks of settler expansion" (Dahl 143). His interpretation of Whitman's theory of the US democratic "empire of empires" is a point of conjunction for many of the terms Dahl has analyzed in previous chapters. To this, he adds Whitman's perception of the performativity of language—exemplified by the power of the words of the Declaration of Independence to create the US nation—put into the service of settler colonialism in a number of ways: most particularly, Whitman's own "personification of the settler-citizen as the force of democratic expansion" (146) and his deployment of Indigenous languages (notably through the use of Native names) that are assimilated to a democratic settler identity within Whitman's use of the "Vanishing American" myth. Thus, in this chapter, Whitman represents the apotheosis of settler-colonial thinking in his theorizing of territorial expansion as not just a political and economic necessity to the nation but also the moral and cultural source of the American democratic ethos that has global implications for the future direction of history.

Dahl's project shifts gears in Part Three, titled "Unsettling Democracy," which deals with counter-narratives and comprises the final chapter, devoted to a lengthy consideration of William Apess and "the paradox of settler sovereignty." Dahl defines this paradox in terms of "attempts to draw the boundaries of popular sovereignty [that] can never be done by purely democratic means, [so] law and sovereignty always rest on violence and exclusion" (157): illustrated by his account of Daniel Webster's "Plymouth Oration" (1820). To my mind, and probably for most readers of *Transmotion*, this is the most interesting section of the book. Here Dahl turns his full attention, and all of the arguments that have been developed throughout, to a Native political theorist. His account of Indian nullification develops an interpretation based on Apess's fundamental opposition to settler sovereignty, and provides a political-theoretical reading that would be nicely complemented by Philip F. Gura's detailed biographical narrative of the Mashpee Revolt in his *Life of William Apess, Pequot* (2015). Dahl's treatment of the text is nuanced; he offers an intelligent and well-documented response to David J. Carlson's view that Apess sought a compromise solution—based on "Indian liberalism"—to the issue of Mashpee desire for territorial sovereignty and an end to the imposed paternalistic "overseer" system that deprived them of control over their ancestral lands. Pointing out that liberal conceptions of "rights" do not recognize the foundational

violence of settler colonialism, Dahl uses Fanon to particularly good effect (echoing his earlier references to French-colonized Algeria) as a basis for his argument that colonialism creates a binary conception of political space (liberal settler versus occupied Native space) that generates the subject category of “the settler,” defined by “notions of equality and popular sovereignty” (Dahl 159). However, it is also here that the settler focus of the book is most clearly revealed, when Dahl writes: “This chapter extrapolates [Fanon’s] point to suggest that the political subjectivity of settlers – marked by notions of equality and popular sovereignty – are similarly produced through practices of settler conquest” (159). I confess that I had to read this sentence more than once. Happily, in this chapter, Dahl in fact fails to show how settler conquest produces settler political subjectivity. Rather, in a detailed and persuasive account of prevailing debates about states’ rights and federal constitutionalism, he argues that Apess’s interventions in *Indian Nullification of the Unconstitutional Laws of Massachusetts Relative to the Marshpee Tribe; or, The Pretended Riot Explained* (1833) and *Eulogy on King Philip* (1836) must be read through the concept of “nullification” as at once a refusal of US settler sovereignty and a powerful narrativizing strategy that performatively exposes “democracy’s constitutive exclusions” (160). “As a result,” Dahl concludes, “nullification becomes an indigenous [sic] concept that marks the limits of settler authority and asserts the political autonomy of Indian communities” (160). In this chapter, significant argumentative traction is provided by Native political theorizing, represented by the work of Robert Nichols, Audra Simpson’s *Mohawk Interruptus* (2014), Joanne Barker’s *Native Acts* (2011), and Glen Coulthard’s *Red Skin, White Masks* (2014). However, these voices are muted by the stylistic habit (here and throughout the book) of acknowledging sources with an endnote that simply provides the author’s name and title; there is little effort to contextualize references and so there are few opportunities to engage substantively with complementary arguments, and I was disappointed that the usefulness of the notes as a resource is further weakened by the fact that they are not indexed. Having said that, this chapter is a tour de force, presenting nuanced and insightful readings of Apess’s texts that leave no doubt concerning their exceptional revolutionary power.

In the absence of this chapter, one would be hard pressed to agree that the book achieves Dahl’s ambition to furnish “the basis for a decolonial theory of democracy that de-normalizes settler experiences as the unsurpassable horizon of democratic politics” (184). Certainly, it is with insight that Dahl offers contexts within which to situate the foundational role of settler conquest in discourses of US democracy and to theorize possibilities for decolonization. The Afterword, subtitled “Decolonizing the Democratic Tradition,” where he explicitly addresses this latter issue, is especially disappointing for a reader of *Transmotion* who, presumably, has an interest in the works of Gerald Vizenor. The absence of any reference at all to Vizenor’s crucial interventions around the concepts of Native sovereignty and tribal constitutionalism is, to me, quite shocking. Dahl makes two primary points related to his concept of decolonized democracy. Incidentally, one might ask whether this is a misleading issue; given Dahl’s interest in relations between democracy and constitutionalism, a decolonized concept of constitutionalism may have been a more productive problematic to engage. To develop his first point, that of “a nonsovereign conception of democracy that sheds the desire to define self-rule in terms of control and mastery” (Dahl 187), he bases his discussion on Joan Cocks’s book, *On Sovereignty and Other Political Delusions* (2014), and her account of Taiaiake Alfred’s idea of Indigenous counter-sovereignty. His second point concerns “a relational conception of democratic identity that avows the constitutive influence of indigenous [sic] political ideas on the Western democratic tradition as well as the productive role of relations of colonial domination in shaping democratic thought and culture” (Dahl 189). He relies primarily on the work of the Argentine-Mexican philosopher Enrique Dussel,

and the American feminist political theorist Iris Marion Young to develop his discussion of “transmodernity” as a world-system of democratic federalism. Here, Vizenor’s concept of transmotion is a very notable absence but more egregious is Dahl’s secondhand description, via Young’s account, of Iroquois federative governance as a constitutional model. There are two further problems here: first, Dahl explicitly refuses to acknowledge well-documented critiques of the so-called “Haudenosaunee influence theory,” like Philip Levy’s meticulous interrogation of the work of Donald Grinde and Bruce Johansen in “Exemplars of Taking Liberties” (1996). This refusal to take account of opposing viewpoints weakens the power of Dahl’s arguments. Secondly, and much worse, is Dahl’s recourse to abstract speculation about potentials for the “constitutive influence of indigenous [sic] political ideas on the Western democratic tradition” (189) when the example of the new Constitution of the White Earth Nation, for instance, would provide fertile material for concrete analysis. Granted, the theory of the influence of the Haudenosaunee Confederacy’s Great Law of Peace on the US Founders fits well with his timeframe, but I had expected to find at least an abbreviated discussion in Dahl’s endnotes of *The White Earth Nation: Ratification of a Native Democratic Constitution* (Vizenor and Doerfler 2012), Vizenor’s remarks in his 2013 interview with James Mackay about the circumstances of his writing of the Constitution and the historic documents that provided his model, as well as Vizenor’s theoretical discussions of Native sovereignty, for example in *Fugitive Poses* (1998), and some of the scholarship inspired by Vizenor’s work on the White Earth Constitution, such as Joseph Bauerkemper’s essay “The White Earth Constitution, Cosmopolitan Nationhood, and the Fruitful Ironies of Relational Sovereignty” (published in this journal in 2015), as well as the essays by David Carlson and Lisa Brooks in the 2011 special issue of *Studies in American Indian Literatures* devoted to “Constitutional Criticism,” edited by James Mackay. Indeed, Alyosha Goldstein’s 2014 essay, cited above, does precisely this in the conclusion where Goldstein proposes:

Against the numerical weight and majority rule of settler popular sovereignty, indigenous [sic] sovereignty exposes the US nation-state as perpetually fragmented and incomplete, if nonetheless preponderant and lethal. The White Earth Nation’s decision to draft and, in 2013, adopt a new constitution – which deliberately enacts indigenous [sic] sovereignty in a manner distinct from the Native national constitutions written under the auspices of the Indian Reorganization Act of 1934 – provides one form that indigenous [sic] democratic constitutional self-making might take (152).

Comparison with this essay highlights the extent to which Dahl is not interested in Indigenous issues in any fundamental way, except to lend traction to his analyses of settler political theory and settler colonial history. Two elements of Goldstein’s work offer particularly striking contrasts. First, Goldstein positions Indigenous sovereignty in relation to “the unruliness of [settler] constituent moments [Jason Franks’s “enactments of ‘the people’ that ‘invent a new political space and make apparent a people that are productively never at one with themselves’”] that assemble multiple dispossessions and their provisional resolution on behalf of the greater good of ‘the people’” (149). Secondly, and linked to this destabilizing effect of Native sovereignty, Goldstein explicitly refuses the narrative of settler triumphalism and corresponding Native victimry; for example, his concise and cogent interlinking of the major legislative and judicial moves that followed the Northwest Ordinance of 1785, culminating in the Indian Appropriation Act of 1871, serves the argument that “rather than indexing the historical triumph of settler sovereignty, this act, and legislation that followed in its wake (such as the Major Crimes Act of 1885, the General Allotment Act of 1887, and the Indian Citizenship Act of 1924), can be understood as *failed measures to extinguish indigenous [sic] sovereignty*, whose ongoing exercise and remaking instead illuminates the

perpetual frustration of US aspirations” (151, emphasis added). To my mind, along with the Vizenorian resources mentioned above, this essay—together with Goldstein’s introduction to *Formations of United States Colonialism* (2014), and his 2008 essay, “Where the Nation Takes Place: Proprietary Regimes, Antistatism, and U.S. Settler Colonialism”—is among the essential contextualizing resources alongside which Dahl’s book is best read.

In concluding, I have to admit that Dahl’s book has got inside my head and under my skin—how else to explain the sheer length of this review? Even though the prose is sometimes theoretically dense to the point of opacity and can get bogged down in abstract terminology, the ideas and arguments provoke thought and productive connections with complementary scholarship. One of the questions that has haunted me since reading *Empire of the People* is: when is a doctoral dissertation not a doctoral dissertation? The simple answer: when it is published as a scholarly monograph. The more complicated subsidiary question then arises: how is a monograph different to a dissertation? According to the oft-quoted authority on this question, William Germano, a good dissertation is an original contribution to knowledge. No one would disagree with that. But he goes on to explain: “From a publisher’s perspective, the good dissertation is a work of intellectual substance that makes a contribution to the author’s field and that can *reach enough readers* to support the investment necessary for publication” (Germano 9-10, emphasis added). Although I am not a political scientist, I am sure that Dahl’s book makes an important contribution to his field; as an informed but more general reader, coming to this book from a literary-historical-cultural environment, I am not convinced that Dahl really opens up his arguments to the wider academic readership to which Germano refers. That work of generalization, of finding hooks to allied scholarship that extends, enriches, and complicates Dahl’s contribution, has been left to his readers. That is rather unfortunate for the wider relevance of Dahl’s project but it is quite fortunate for those like myself who can find in this book threads with which to weave a greater intertextual network—comprised of each reader’s own conceptual connections. Dahl has provided fertile ground for this kind of exploration and expansion.

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