Boston University School of Law

Scholarly Commons at Boston University School of Law

Faculty Scholarship

2017

Review of Bind Us Apart: How Enlightened Americans Invented Racial Segregation by Nicholas Guyatt

Robert L. Tsai

Follow this and additional works at: https://scholarship.law.bu.edu/faculty_scholarship

Part of the Law Commons

National Duties: Custom Houses and the Making of the American State. By Gautham Rao. (Chicago: University of Chicago Press, 2016. xiv, 273 pp. $45.00.)

Gautham Rao, the author of eight articles about the early national U.S. government, has now published *National Duties,* about U.S. customs houses during that period. Customs revenues were essential for government operations, and customs officers were also responsible for carrying out federal trade regulations that were part of the nation's foreign policy.

Colonial American merchants routinely sought to avoid customs taxes and evade British trade controls. Many customs officers cooperated with them because they wanted to foster local commerce, were co-opted by merchants, or feared mobs. Resistance to stronger British customs controls helped spark the American Revolution. Given this colonial heritage, it is remarkable that postrevolutionary Americans adhered to the nation's customs system as much as they did. Rao cites John Joseph Wallis's federal revenues chart showing that over 82 percent of the national government's revenues during the period from 1789 to 1836 came from customs collections (pp. 2–3).

The Washington administration created a reasonably effective customs system by increasing the number of customs houses; by appointing highly respected local officers (often colonial customs officers) who held revolutionary commitments to the nation's success; and through Alexander Hamilton's customs directives and his requirements for customs office reports. To be sure, some officers sympathized with merchants, letting them postpone payments or reclassifying valuable cargoes into lower value categories. Hamilton tried to control these practices but eventually concluded that allowing customs officers enforcement flexibility helped build support among influential merchant-investors for the new government.

Customs issues became more complex when the federal government increasingly used trade controls as part of foreign policy. Many early nineteenth-century merchants ignored regulations affecting commerce with Britain and France or forbidding trade with Haiti, and sympathetic customs agents legitimatized their voyages. Only the increased volume of commerce carried by neutral American vessels during European wars let the Jefferson administration collect sufficient duties for the government to function, and revenues plummeted during the embargo (1807–1809), subsequent trade restrictions, and the War of 1812. Merchants and officers increasingly ignored the trade laws.

After the war, American manufacturers wanted accurate collection of customs duties on imported products, and supporters of Henry Clay's American System of protective tariffs sought greater revenue collections. Congress displayed its concerns about customs house operations by establishing term appointments for customs officers. The Monroe administration required customs officers to collect bond payments and hired auditors to ensure proper valuations of cargoes. Andrew Jackson consolidated most customs houses into the largest seaports, pursued lawsuits for overdue bond payments, and further politicized customs office appointments. Despite the customs officer Samuel Swartwout's commission of large-scale embezzlement during the 1830s, the general autonomy of customs officers was greatly reduced.

Rao's well-researched monograph combines many primary and secondary sources, and it greatly strengthens our understanding of the roles played by customs houses and their officers for the early U.S. government. This insightful book should be read by all scholars of the early national period.

Jeffrey P. Brown, *Emeritus*
New Mexico State University
Las Cruces, New Mexico

doi: 10.1093/jahist/jax030

Bind Us Apart: How Enlightened Americans Invented Racial Segregation. By Nicholas Guyatt. (New York: Basic, 2016. xii, 403 pp. $29.99.)

Nicholas Guyatt's argument in *Bind Us Apart* is at once simple and far-reaching: the principle of racial separation was originally devised not by enemies of equality after Reconstruction, but rather by friends of equality decades earlier as a means of limiting the practical consequences of egalitarianism. In elegant prose Guyatt traces the justifications for separation in abolitionist literature as well as in texts associated with the nation's management of Indian affairs. In both cases, he shows that early interest in complete integration of nonwhite populations into the political community ultimately gave way to strategies of exclusion. Guyatt's narrative toggles between accounts of slaves and those of native peoples, sometimes to successfully draw incisive parallels (for example, he notes that William Lloyd Garrison saw similarities in the plight of both populations and opposed removal for both), but occasionally in ways that are disruptive to the explication of central arguments.

Guyatt does a wonderful job exploring what separation meant for liberals. To some, colonization presented the cleanest solution to the problem of a diversifying polity. Resettlement of slaves or Indians in new lands might ease the tension between constitutional principles and actual experience. Once out of mind, nonwhites would no longer threaten the ideal of self-governing equals. For others, who expected nonwhites to live among white Americans and be taught the ways of self-governance, proequality arguments could be accompanied by sharp denunciations of intermarriage, interbreeding, or other forms of social interaction. Presumably, a major goal of retreating to separationist rhetoric was to blunt a parade of horribles that opponents claimed might be unleashed by slavery's demise. More radical reform proposals, such as one that would have forcibly transported freed female slaves to northern states to promote race mixing, merely heightened fears that emancipation would destroy white civilization.

Guyatt does not distinguish between separationist tactics taken by liberals as temporary, strategic choices to ward off even worse outcomes from the articulation of more stable philosophical positions. But this would matter if readers wish to draw conclusions about what was morally or legally justifiable given the state of politics at the time.

Uncertain, too—if a similar dynamic was at work with both populations—is why the paths of native peoples and slaves took such radically different turns. One possibility is that the strength of the native population's claims to self-governance and their claims to territory proved to be major obstacles to full integration. On this view, the slaves' deeper cultural integration in plantation life, though without a matching amount of experience in self-governance, rendered some degree of civic integration more palatable than expulsion. Another explanation, rooted in differences in each group's relative position within the political economy, might emphasize the desire to maintain black Americans as a viable labor force after emancipation. Meanwhile, the seemingly unquenchable thirst for valuable land, rather than the perceived economic utility of native people, drove U.S. policy regarding Indian people beyond separation and toward annihilation. Guyatt's account does not give us enough by which to judge why Americans might have preferred one type of separationist policy over another.

Robert L. Tsai
American University
Washington, D.C.

doi: 10.1093/jahist/jax031

Planters, Merchants, and Slaves: Plantation Societies in British America, 1650–1820. By Trevor Burnard. (Chicago: University of Chicago Press, 2015. x, 357 pp. $45.00.)

In this provocative and insightful book on the British American plantation system, Trevor Burnard weaves together the long history of colonial development in North America and the Caribbean, tracing the evolution of the "large integrated plantation" from the late seventeenth century through the decades immediately following the American Revolution, emphasizing the terrible violence and inhumanity at the heart of British colonial success (p. 1). Building from his own research and an impressive synthesis of a vast historiography, Burnard not only details the maturation of plantation slavery but also illuminates the economic significance of the plantation enterprise to the state, wealthy planters, and "ordinary white people," whose bargain with "great planters" played a significant role in the growth of the plantation enterprise (p. 264). He argues that the plantation system created

Electronic copy available at: https://ssrn.com/abstract=3049887