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Josep M. Fradera, *The Imperial Nation: Citizens and Subjects in the British, French, Spanish, and American Empires*. Translated by Ruth MacKay. Princeton: Princeton University Press, 2018. ix + 416 pp. Notes and index. \$39.50 U.S. ISBN 9780691167459.

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In the last decade, the history of pan-European imperial crisis in the second half of the eighteenth century and the rise of imperial nation-states in the nineteenth century has gained renewed attention.<sup>[1]</sup> With Josep M. Fradera's *The Imperial Nation*, this history takes a comparative turn. An updated translation of his two-volume *La nación imperial: Derechos, representación y ciudadanía en los imperios de Gran Bretaña y Estados Unidos (1750-1918)*,<sup>[2]</sup> this book chronicles the collapse of the early modern British, French, and Spanish colonial empires during the Age of Revolutions and their—and the United States's—metamorphosis into imperial nations in the nineteenth and early twentieth centuries. Rejecting the older claim that empires gave way to nations, Fradera weaves together a political history of the intertwined processes of nation-state formation and imperial expansion. With a focus on constitutions and the rights of citizens and subjects, the main thrust of the book tackles what Fradera sees as the single-most important logic underpinning modern imperial nations: the expansion of political rights among white male communities in the metropolises and the colonies alongside the exclusion of indigenous populations and freed slaves from such rights through “special laws.”

To explain how this transformation occurred, Fradera proposes a typology of empires which historical manifestations followed sequentially. The first type, the “monarchical empires,” were dominant in the early modern period. Similar to “composite monarchies,” monarchical empires were territories accumulated by means of conquest and marriage, ruled through legislative pluralism, and inhabited by subjects who enjoyed particular privileges and rights. As the monarchical empires entered a period of crisis between the Seven Years War and the American Revolution and then collapsed during the Age of Revolutions, several of them gave way to “national empires” which held the promise of equal and universal rights for all. Unlike their predecessors, national empires were subject to an “imperial constitution” that applied to all subjects and citizens within the territorial spaces of the former monarchical empire. According to Fradera, examples of these include the US Constitution immediately after independence, the French constitutions of 1793 and 1795, the Spanish Constitution of 1812, and the Portuguese constitution of 1822. They were, however, inherently unstable, not least because they disallowed the preservation of slavery. Their dissolution paved the way for “imperial nations” with “colonial constitutions” that included regimes of “special laws” for the colonies. The most important example of a colonial constitution was Napoleon's constitution of 1799, which inspired

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subsequent French, Spanish (and Portuguese), British, and US colonial constitutions in the nineteenth and first half of the twentieth centuries.

The nine chapters of the book offer the arc of this centuries-long transformation. Chapter one chronicles the fall of the French, British, and Spanish monarchical empires at the hands of warfare and fiscal pressures on metropolitan and colonial subjects. It also highlights the latter's growing demands for representation and autonomy. Chapter two continues with a focus on the revolutions that swept across the Atlantic and the demands for rights, representation, and sovereignty that reverberated across metropolises and colonies. While this led to independence for the United States, Haiti, and parts of Spanish America, Fradera's point is that it also allowed for the continuation of empire in a different form. New imperial constitutions grew out of revolutionary demands. So did colonial constitutions such as that of France in 1791 and in 1799, Holland in 1798, and Spain and Portugal in 1837 and 1838. Chapter three narrates the genealogy of Napoleon's regime of special laws for the colonies which suppressed the First Republic's imperial constitution. With the introduction of "special laws," Napoleon successfully reversed the abolition of slavery and republican unity (however limited it had been in practice) and restricted the promise of rights and political representation. This idea of "specialness," according to Fradera, would subsequently be adopted by other European liberal empires who endeavored to expand their colonial territories while building up their sovereign nation-state.

In these three opening chapters, Fradera brilliantly depicts the multifaceted causes of imperial crisis and revolutionary turmoil. Yet in his eagerness to get to the topic of "specialness" alongside nation-state formation, he does not acknowledge possible longer lineages of this political construct. The claim that Napoleon's "special laws" emerged to reverse the abolition of slavery and end the newly-proclaimed French imperial constitution is certainly true. However, "special laws" carries an interesting resemblance to the special law for slaves and slave holders that was introduced in old-regime French colonies in the late seventeenth and early eighteenth centuries. This *Code Noir* was a special set of colonial directives, meant to govern a society in which the use of slaves was not permitted in the metropole. The code, moreover, was inserted into colonial societies whose legal framework was an extension, if not a universal application, of the metropolitan *Coutume de Paris*, the civil law that governed large parts of metropolitan France as well.<sup>[3]</sup> This resemblance is left unexplored. Though Fradera is careful not to emphasize complete rupture between monarchical empires and imperial nations, the book's three initial chapters do not consider possible connections between old-regime legislation and the emergence of "special laws" in the aftermath of the French Revolution. A less hasty move through the legal history of monarchical empires might have opened opportunities for Fradera to dwell on a number of continuities that accompanied imperial transformations.

Pausing the comparative emphasis of the book, chapters four, five, six, and seven examine the emergence of "specialness" within each of the four empires under study. Chapter four focuses on how Britain strove to recover and expand as a colonial empire after the loss of the thirteen colonies. The challenge Britain faced was to find a way to balance its embrace of abolitionism and liberty with the search for domestic order and imperial expansion. The chapter illuminates the quest for such a balance, analyzing domestic reform, as well as the expansion and reduction of rights among different peoples in British-conquered Canada, the British West Indies, Ireland, and British India. Chapter five returns to France between the Restoration and the Third Republic, looking at the erosion and return of rights in older and newly-acquired colonies. Its analysis of the rule of special laws in Algeria and the arrival of the *Code de l'Indigénat* in 1881

alongside processes of assimilation and representation supports Fradera's view of the imperial nation especially well. Chapter six focuses on the Spanish empire. In it, Fradera shows how, after a brief liberal period with an imperial constitution, the Spanish colonies regressed toward a regime of "special laws." The power of the captain general was strengthened in Cuba, Puerto Rico, and the Philippines in 1834. In 1837, the Spanish lifted sections from the Napoleonic Constitution of 1799 into their own. This form of special rule, Fradera argues, would endure until the end of Spanish colonization in Puerto Rico and the Philippines and continue under US rule.

The focus on the United States in chapter seven allows Fradera to expand his analysis beyond evolving European empires to include an analysis of "specialness" in a new nation-state engaged in internal and external colonization. Similarly to the use of "specialness" in the other empires, Fradera shows how the US imperial constitution and the promise of universal rights proclaimed in the Declaration of Independence gradually combined with a range of exclusionary policies and naturalization laws that allowed for the expansion of "special laws." In 1820, with the Missouri Compromise, the country was manifestly divided between free states and slave states. Electoral rolls moved from being relatively inclusive to being increasingly exclusive, limiting the elector-citizen to "European men of a certain age and with families" (p. 159). The growing presence of inclusion alongside exclusion is clearly represented in the Louisiana Purchase that expanded the union while maintaining a repressive slave regime. It is also captured in the creation of Indian Country in Oklahoma which turned Indian nations into societies subject to US wardship. After the Civil War, these internal processes of exclusion continued as the imperial nation-state solidified not only within the United States, but also in its conquered territories overseas (such as Hawaii, Samoa, Guam, Puerto Rico, the Virgin Islands, the Philippines, and Panama).

Chapters eight and nine return to comparison and bring together Fradera's broader case for the rise of imperial nations in the nineteenth century. More than in previous chapters, he lays out his evidence for the dual processes of national development in the metropole and in the colonies. As he shows, European descendants in the colonies, whether French settlers living in Algeria or Britons in Oceania (minorities in both countries), increasingly came to enjoy rights equal to and sometimes beyond those enjoyed by members of the same nation in the metropole. Simultaneously, the number of subjects excluded from representation and participation continued to grow as new territories were occupied in Africa and Asia. To Fradera, these diverging expansions—the expansion of political rights among the predominantly white male middle and upper working classes alongside the suppression of rights among a rising number of marginalized communities justified through "special laws," racist norms, segregation, violence—constituted the pillars of nineteenth-century liberal empires.

With his comparative analysis, broad temporal focus, and attention to similarities among the four empires under study, Fradera has written an original and stimulating book. *The Imperial Nation* is not without its problems and will surely find its critics. Throughout the book, Fradera develops his case studies hastily, though that is to be expected from a book that covers four empires and nearly two hundred years in 242 pages. He is, however, admirably careful not to flatten historical particularities, judiciously reminding readers of institutional differences among the empires that he explores. That said, his argument assumes a lot of prior knowledge from his readers and would certainly be hard to digest for undergraduate students. Some may question the tentative processes of emulation and mirroring that Fradera claims occurred among the different empires. For instance, while the borrowing of Napoleon's special laws for the colonies as expressed in the

1799 constitution is clear in the case of Spain and Portugal, emulation in Britain is less obvious. Specialists will probably also stumble upon factual errors within each case study. Fradera notes, for instance, that the French colonies in Africa were included in the process of departmentalization during the French Revolution (p. 63). They were not. Another issue that weakens the analytic power of his argument is his interchangeable use of the terms “special laws,” “special norms,” and “special formulas,” which leaves at least this reader to ponder if they are all one and the same.

Such criticisms notwithstanding, Fradera has written a masterful book that is rich in ideas, analytically complex, and imposing in scope. His command and integration of historiographies of colonial empire in at least five different languages is equally commendable. The book’s broader argument about the rise of the imperial nation out of the ashes of the monarchical empires, as well as the numerous historiographical interventions he makes along the way, merit careful attention from scholars of early modern and modern empires. Sensitive to the differences and variations within each imperial nation, and the non-linear trajectories that undergirded their evolution, Fradera’s *The Imperial Nation* is an impressive book that deserves a broad, engaged audience.

#### NOTES

[1] See, for instance, Jeremy Adelman, *Sovereignty and Revolution in the Iberian Atlantic* (Princeton: Princeton University Press, 2006), and his “An Age of Imperial Revolutions.” *The American Historical Review* 113: 2 (2008): 319-40. The claim that empires gave way to nations has been problematized by Krishan Kumar, “Nation-states as empires, empires as nation-states: two principles, one practice?” *Theory and Society*, 39:2 (2010): 119-143.

[2] Josep M. Fradera, *La nación imperial: Derechos, representación y ciudadanía en los imperios de Gran Bretaña y Estados Unidos (1750-1918)* (Barcelona: Edhasa, 2015).

[3] On the introduction of the Code Noir and the Coutume de Paris in the French Atlantic colonies, see Guillaume Aubert, “To Establish One Law and Definite Rules”: Race, Religion, and the Transatlantic Origins of the Louisiana Code Noir” in Cécile Vidal (ed.), *Louisiana: Crossroads of the Atlantic World* (Philadelphia: University of Pennsylvania Press, 2014), pp. 21-43; Vernon Valentine Palmer, “Essai sur les origines et les auteurs du Code Noir,” *Revue internationale de droit comparé*, 50:1(1998): 111-140; and Edith Géraud-Llorca, “La Coutume de Paris outre-mer: l’habitation antillaise sous l’Ancien Régime,” *Revue historique de droit français et étranger*, 60 (1982): 207-259. On the complicated history of metropolitan France as a territory without slaves, see Sue Peabody, *There Are No Slaves in France: The Political Culture of Race and Slavery in the Ancien Régime* (New York and Oxford: Oxford University Press, 1996).

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