

Weighing Petitioning in the Balance

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This fascinating book illuminates a democratic practice that was very important in nineteenth-century politics but has disappeared almost entirely from view: the petition to Congress and other legislative assemblies. The First Amendment right to petition government for redress of grievances is today construed informally, almost as merely an extension of the rights to speech and assembly. But for much of the nineteenth century, the right to petition Congress had a more judicial character.

In the nineteenth century, individuals or groups could bring petitions to Congress in a manner analogous to a petitioner's complaint in court. One could file a petition and actually expect a response from Congress, just as one expects a response from a judge. As Carpenter explains, petitions had a formal structure. Congress set aside specific times to hear petitions. On each of the first thirty days of a session of Congress, the House would call the roll of states for the presentation of petitions. After that, every other Monday was designated a petition day. Petitions would be read on the floor, entered into the *Congressional Record*, and be tabled or taken up for further consideration.

In other words, petitioning in the nineteenth century was a way to actually have an effect on Congress's agenda. It's amazing to imagine outside groups and interests having this kind of agenda influence on Congress or a state legislature today. Petitions constituted a large share of the workload of the nineteenth-century Congress. Carpenter estimates that petitions were on the agenda on 30–50% of the days Congress was in session. Petitioning activity grew over the first half of the nineteenth century, peaked on a population-adjusted basis in the 25th Congress (1837–1839), and then declined. The petitioning era comes to a close with the 1946 Legislative Reorganization Act, which banned the private bills often used to resolve petitions and transferred jurisdiction over the most common topics of petitions to the courts and the executive.

Carpenter's book investigates how petitioning was used in the nineteenth century, with a particular focus on the democratizing potential of this form of political participation. Importantly, the right to petition was available to those who could not vote, including enslaved people, women, and Native Americans. Some of the most important and famous petitioning activity occurred around the effort to abolish slavery. Readers who don't know much about petitioning generally are probably familiar with the gag rule that the House of Representatives adopted in 1836 to bar the consideration of petitions involving slavery.

As a fascinating example of how petitions could empower those otherwise excluded from the political system, Carpenter memorably recounts Angelina Grimké's 1837 speech before the Massachusetts General Court in support of her petition of 20,000 black and white women to end slavery in the District of Columbia. Not only did she have an opportunity to make her case on the merits

of the petition, but the act of doing so had democratizing implications beyond her argument. This was the first time a woman had addressed a state or national legislative assembly in the U.S. Carpenter details that Grimké's address was received respectfully, a breakthrough for women's participation. Grimké herself recognized the importance of petitioning for women's voices to be heard. At a speech in Philadelphia's Pennsylvania Hall in 1838, she urged women to avail themselves of this right. "Especially let me urge you to petition," she said. "Men may settle these and other questions at the ballot box, but you have no such right" (326).

Carpenter recounts numerous political battles around petition campaigns for the rights and interests of freemen, enslaved people, indigenous people, and other causes. In many cases, he shows that petitioners were able to accomplish at least some of their aims. Carpenter emphasizes that petitioning was important beyond the specific causes at issue. Like Grimké, petitioning afforded a platform and an institutionalized role for people with no other voice in the system. It also served as a focus of political organizing. The task of canvassing connected supporters together in organized networks. In that way, petitioning campaigns could leave behind an organizational legacy.

The book offers an encyclopedic treatment of its subject. Carpenter shows how petitioning was deployed in numerous causes and controversies. Reading this book, one gets a new sense for the vibrancy of nineteenth-century American politics and the capacity of the disenfranchised to affect their own political fates. The book is also notable for examining petitioning beyond the nineteenth-century United States. It examines contemporaneous petitioning in Canada, the Caribbean, and parts of Mexico. These investigations give the book a wider lens and set U.S. petitioning efforts in a broader context.

A key question left unaddressed in the book is how one should weigh the effect of petitioning in the balance. Petitioning was a tool that had special value to the disenfranchised, but petitioning could be and was used by anyone. Petitioning, like most forms of political participation, is not a level playing field. To bring petitions effectively, one needs education and literacy. One needs a sense of political efficacy, a belief that one can be heard and can make a difference. One needs leisure time to organize. One needs resources to canvass. The book focuses on how petitioning could be used by the disadvantaged and marginalized to enable a fuller democratic participation than was possible via the franchise.

If one added up all the petitions brought to Congress during this era what proportion of them would be democratizing in the ways Carpenter emphasizes? Clearly, a very great many petitions were brought in the cause of slavery abolition. This was the cause of the high peak in petitioning activity in the 1830s. Nevertheless, I would have liked more detail on how many petitions – and with what effect – were brought by settlers seeking western lands, land speculators disputing claims after Indian Removal, petitions for canals and roads, and to charter banks. Carpenter includes a chapter on these non-democratizing, in some cases, anti-democratizing petitions. But, overall, they get very little attention in this book. Tantalizingly, Carpenter observes that "there was no more common subject of petitioning in North America than . . . land" (89).

The book focuses on how petitioning could be used to expand democracy and to create a more inclusive polity before slavery was abolished, before women had the right to vote, and at a time when the franchise was the nearly exclusive province of white men. But the question left unanswered is the relative balance for the different types of petitions in Congress's petition-driven workload. Informed by Verba, Schlozman, and Brady (1995) and other important work on political participation, we know the depressing data on the share of letters to Congress written by the well off, the share of campaign contributions donated by the rich, the overall class imbalances in who participates in democratic politics overall. Was the balance in nineteenth-century politics more favorable?

With the amazing data that Carpenter has put together for this project, future scholarship can explore more about what the overall distribution of nineteenth-century petitioning efforts looked like with respect to democratization. What share of petitions had an inclusive effect on democracy? Which petitions aimed at more restrictions on democracy? And which had nothing to do with expanding or contracting democratic participation at all?

By focusing so heavily on the ways in which petitioning expanded US democracy in the nineteenth century, the book somewhat underplays the contradictory story of nineteenth-century democratization. One gets a relatively optimistic portrait of how disadvantaged peoples could make their voices heard. But one doesn't get the ironic perspective offered by David Bateman in his marvelous book, *Disenfranchising Democracy* (2018), in which at the same time as democratic rights were being extended to all white men in the Jeffersonian era, one state after another was amending its constitution to withdraw the franchise from free Blacks. Carpenter's book does not lay out a teleology of ever-expanding democracy, but it devotes relatively scant attention to petitions that would deny, withhold, or even roll back democratic rights.

None of the above should be taken as criticism of Carpenter's kaleidoscopically rich book. It's a plea for even more work on the subject. Carpenter opens up vistas for new work on nineteenth-century politics. *Democracy By Petition* enriches our understanding of political history and democratic politics. It deepens our appreciation for the varied forms of effective political participation that were possible even in a restricted polity.

References

- Bateman, David A.** (2018) *Disenfranchising Democracy: Constructing the Electorate in the United States, the United Kingdom, and France*. Cambridge, UK: Cambridge University Press.
- Verba, Sidney, Kay Lehman Schlozman, and Henry E. Brady** (1995) *Voice and Equality: Civic Voluntarism in American Politics*. Cambridge, MA: Harvard University Press.

Frances Lee is professor of politics and public affairs at Princeton University. Her most recent book is *The Limits of Party: Congress and Lawmaking in a Polarized Era* (coauthored with James M. Curry), which received the American Political Science Association's Gladys M. Kammerer Award for the best publication in the field of American national policy. She is also the author of *Insecure Majorities: Congress and the Perpetual Campaign* and *Beyond Ideology: Politics, Principles, and Partisanship in the US Senate*.