



*Border Law: The First Seminole War and American Nationhood* by Deborah A. Rosen.

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Review by Richard Byington, University of South Florida (rchbying@aol.com).

In her Bancroft Prize-winning work, *Border Law*, historian Deborah Rosen (Lafayette College) elevates the historical significance of Florida in not only the development and defense of American sovereignty and self-preservation during the early republic, but the “U.S. integration into the family of European nations” (209). More specifically, she traces the evolution of legal justifications for the invasion of Spanish-held Florida and the Seminole Wars that helped define American principles of citizenship, class, and privilege. For Rosen, US military actions in Florida in the 1810s defined American diplomacy at home and abroad. Exoneration for the invasion of a sovereign nation, in this case Spanish Florida, set precedents for defining “physical boundaries and cultural lines” (218) that would secure American nationhood against a perceived tide of would-be enemies<sup>1</sup> seeking to thwart the republican experiment. The Seminole Wars thus set legal and cultural precedents for the extension and promulgation of what Rosen calls white republican rule in an era of imperialist expansion (157).

The constitutional justification for the invasion of Spanish Florida depended on popular support for military action. In 1810, proponents and opponents of the Florida campaign seemed roughly equal in number. Rosen’s overarching goal is to explain why most Americans ultimately came to support the use of military action to seize power from Spain in Florida. To that end, she focuses on the preeminent influence of the Swiss jurist Emer de Vattel’s *Law of Nations*<sup>2</sup> in justifying the Seminole Wars as efforts to defend residents on the border of Spanish Florida rather than as acts of aggressive imperialism. Rosen sees this emphasis on self-defense and military necessity as anticipating the Monroe Doctrine. Thus began the reliance on Vattel to circumvent the law of nations and other potentially inconvenient restrictions on the early republic.

Rosen maintains that closing the ideological gap between Jeffersonian and Jacksonian America, required a strong core of cultural values in a perilously weakened state. Fear of existential threats to the republic motivated military actions in Florida. The apparent absence of Spanish control in Florida led to the US occupation and development of the “Negro Fort” at Prospect Bluff beginning in 1816. The fort had represented the dreaded possibility of pan-colored uprisings and international alliances threatening American sovereignty. Rosen contends that this fear of internal rebellion increased the popular appetite for military incursions into Florida and concomitant exclusion and limitation of citizenship. In short, the American assault at Prospect Bluff is a gauge of public support for further actions against established property and the individual rights associated with natural and international laws (167).

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1. Namely Native Americans, blacks, and the Spanish.

2. Subtitle: *Principles of Natural Law, Applied to the Conduct and Affairs of Nations and Sovereigns* (London, 1797).

Spanish Florida's social and racial diversity played a key role as well. International law doctrines were interpreted as justifying US conduct in Florida. Rosen correctly stresses that legal interpretation of the law was fluid, especially on the frontier: "Americans put forward their own legal interpretation, emphasizing ideas that best served national interests" (46). Less clear is the change in standards for citizenship. Rosen casts Andrew Jackson's "constituents" as favoring an expansion of executive power as a means to an end. Waging war against the Seminoles, thus, spoke more generally to the popularity of American empire building.<sup>3</sup>

The author is less concerned with leading republicans' opposition to military action in Florida. Her sources for this are mostly syntheses of other works that build the case for Jacksonian Doctrine. She uses military and diplomatic correspondence to document changes in American jurisprudence regarding military excursions (111), but the evidence is thin concerning how the United States redefined the Law of Nations to accommodate the use of race in granting or denying citizenship, whether full or limited.

Rosen treats the executions of Hillis Hadjo and Homathlemico (8 Apr. 1818), ordered by Andrew Jackson, as evidence of the "malleability" of border law and in designating who was living outside the law. The summary executions of Native Americans foreshadowed future acts of violence and distinctions between "savage" and "civilized": "Creek and Seminole savagery absolved the US for conducting warfare against Florida Indians in a humanitarian way in accordance with the rules of war" (139). In effect, Native Americans were deemed outlaws and, thus, vassals under US sovereignty and protection. The legitimizing of dispossessing Native Americans of their land opened the door for future US extraterritorial expansion. For Rosen, the institution of border laws in Florida helped pave the way for nation-building under the aegis of the Monroe Doctrine and manifest destiny.

The treatment of Creeks and Seminoles during the Florida campaigns not only presaged U.S. dealings with other Indian tribes but also influenced U.S. conduct towards other groups. The executions of Hillis Hadjo and Homathlemico reinforced a conceptual framework that justified violence and arbitrary treatment not only of Indians but also of other people believed to be uncivilized, whether at home or abroad, as the United States extended its empire to distant parts of the world. Other countries, too, have limited the coverage of law in their own ways. But because Americans tend to take pride in being a nation of laws, the disparity between the ideal and the practice is particularly significant. (157)

*Border Law* will appeal to academic audiences interested in the development of the early American republic as well as a general readership interested in the role Florida played in the creation of quintessential ideologies in early American history and legal studies.

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3. Almost three-fourths of Congress voted to grant executive power to invade Spanish Florida (94).