

## *A Constitutionalism of Territorial Expansion*

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### **The author:**

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### **The paper:**

The U.S. Constitution's guarantee of liberty was both a means to, and depended almost wholly on, its scheme for fostering territorial expansion. This document combined two ancient practices in an utterly new and unique amalgam: the association of preexisting states in a federation for collective security and the plantation of colonies in uninhabited territory by a colonizing power. Indeed, the Framers' most important constitutional innovations aimed at regularizing their planned Union's hybrid method of overland expansion. First, the strengthened Union would enable its members to jointly plant colonies in the western territories. And then, after a transitional period, these new colonies would be admitted as legally equal members to the federation. The idea was new. The original thirteen states would not invite already preexisting states to join their federation. That is how Montesquieu had understood a "federative republic." The Framers parted company with Montesquieu on this point. They were designing an entirely novel type of federation for an entirely novel continent. Instead of inviting previously existing countries to join their association, they planned to seize sparsely populated terrain, expel its previous inhabitants, and re-people it with their own descendants, flesh of their flesh, bone of their bones. They called these descendants "our posterity."