

ISSUE 7



Was the Constitution of the United States Written to Protect the Economic Interests of the Upper Classes?

YES: Howard Zinn, from *A People's History of the United States* (Harper Collins, 1999)

NO: Gordon S. Wood, from "Democracy and the Constitution," in Robert A. Goldwin and William A. Schambra, eds., *How Democratic is the Constitution?* (American Enterprise Institute for Public Policy Research, 1980)

Learning Outcomes

After reading this issue you should be able to:

- Gain an understanding of the political, philosophical, and social differences between the Federalists (Cosmopolitans) and the Anti-Federalists (Localists).
- Gain an understanding of economics as a force in history and whether or not economics was the primary motivating force in writing the Constitution.

ISSUE SUMMARY

YES: According to radical historian Howard Zinn, the Founding Fathers were an elite group of northern money interests and southern slaveholders who used Shays' Rebellion in Massachusetts as a pretext to create a strong central government, which protected the property rights of the rich to the exclusion of slaves, Indians, and non-property-holding whites.

NO: Professor of history Gordon S. Wood views the struggle for a new constitution in 1787–1788 as a social conflict between upper-class Federalists who desired a stronger central government and the "humbler" Anti-Federalists who controlled the state assemblies.

The United States possesses the oldest written constitution of any major power. The 55 men who attended the Philadelphia Convention of 1787 could scarcely have dreamed that 225 years later the nation would venerate them as the most “enlightened statesmen” of their time. James Madison, the principal architect of the document, may have argued that the Founding Fathers had created a system that might “decide forever the fate of Republican Government which we wish to last for ages,” but Madison also told Thomas Jefferson in October 1787 that he did not think the document would be adopted, and if it was, it would not work.

The enlightened statesmen view of the Founding Fathers, presented by nineteenth-century historians like John Fiske, became the accepted interpretation among the general public until the Progressive Era. In 1913, Columbia University professor Charles A. Beard’s *An Economic Interpretation of the Constitution of the United States* (Free Press, 1913, 1986) caused a storm of controversy because it questioned the motivations of the Founding Fathers. The architects of the Constitution supported the creation of a stronger central government, argued Beard, not for patriotic reasons but because they wanted to protect their own economic interests.

Beard’s research method was fairly simple. Drawing upon a collection of old, previously unexamined treasury records in the National Archives, he discovered that a number of delegates to the Philadelphia Convention and, later, to the state ratifying conventions held substantial amounts of continental securities that would sharply increase in value if a strong national government were established. In addition to attributing economic motives to the Founding Fathers, Beard included a Marxist class conflict interpretation in his book. Those who supported the Constitution, he said, represented “personalty interests which had been adversely affected under the Articles of Confederation: money, public securities, manufactures, and trade and shipping.” Those who opposed ratification of the Constitution were the small farmers and debtors.

Beard’s socioeconomic conflict interpretation of the supporters and opponents of the Constitution raised another issue: How was the Constitution ratified if the majority of Americans opposed it? Beard’s answer was that most Americans could not vote because they did not own property. Therefore, the entire process, from the calling of the Philadelphia Convention to the state ratifying conventions, was nonrepresentative and nondemocratic.

An Economic Interpretation was a product of its times. Economists, sociologists, and political scientists had been analyzing the conflicts that resulted from the Industrial Revolution, which the United States had been experiencing at the turn of the twentieth century. Beard joined a group of progressive historians who were interested in reforming the society in which they lived and who also shared his discontent with the old-fashioned institutional approach. The role of the new historians was to rewrite history and discover the real reason why things happened. For the progressive historians, reality consisted of uncovering the hidden social and economic conflicts within society. In the years between the world wars, the general public held steadfastly to the “enlightened statesmen” view of the Founding Fathers, but Beard’s thesis became the new orthodoxy in most college texts on American history and government.

The “enlightened statesmen” interpretation reasserted itself during the cold war in the 1950s and 1960s with the methodological critiques of Beard’s work by Robert E. Brown in *Charles Beard and the Constitution* (Princeton University Press, 1956) and Forrest McDonald’s many works, the earliest of which *We the People* (University of Chicago Press, 1958) argued that numerous interest groups in the states ratified the Constitution for a variety of political and economic reasons. The best summary of this scholarship is the widely reprinted article by Stanley Elkins and Eric McKittrick, “The Founding Fathers: Young Men of the Revolution,” in Jack P. Greene, ed., *The Reinterpretation of the American Revolution 1763–1789* (Harper & Row, 1968), 378–395, which argues that the Federalists were broad-minded nationalists, and the less well-organized Anti-Federalists were small-minded localists, an interpretation influenced by Cecilia Kenyon in “Men of Little Faith: The Anti-Federalists on the Nature of Representative Government,” *William and Mary Quarterly* 12 (1955), 3–43.

In the “Founding Fathers: A Reform Caucus in Action,” *American Political Science Review* (December 1961) John P. Roche also stresses the political reasons for writing a new Constitution. In a widely reprinted, spirited essay that reflects great admiration for the Founding Fathers as enlightened politicians, Roche describes the Constitution as a “triumph of architectonic genius; it was a patch-work sewn together under the pressure of both time and events by a group of extremely talented democratic politicians.”

Roche narrates the events of the convention of 1787 with a clarity rarely seen in the writings on this period. He makes the telling point that, once the dissenters left Philadelphia, the delegates were able to hammer out a new Constitution. All the Founding Fathers agreed to create a stronger national government, but differences centered around the shape the new government would take. The delegates’ major concern was to create as strong a national government as possible that would be acceptable to all states. Had the ratifying conventions rejected the new Constitution, the United States might have disintegrated into 13 separate countries.

In recent years the Anti-Federalists have received positive evaluations from both conservatives and leftists who reject the excessive accumulation of power by the national government. See conservative Herbert J. Storing, *What the Anti-Federalists Were For* (University of Chicago Press, 1981), an influential effort to analyze Anti-Federalist ideas, and Alfred F. Young, “The Framers of the Constitution and the ‘Genius’ of the People,” *Radical History Review*, 42 (1988). Earlier, Jackson Turner Main revived the Beardian conflict interpretations between agrarian localists and cosmopolitan elitists in *The Anti-Federalists: Critics of the Constitution, 1781–1788* (University of North Carolina Press, 1961), which has been superseded by Saul Cornell, *The Other Founders: Anti-Federalism and the Dissenting Tradition in America, 1788–1828* (University of North Carolina Press, 1999), a sympathetic and comprehensive analysis buttressed by research into the primary writings and secondary accounts of the Anti-Federalists. The most recent sympathetic account of the Anti-Federalists is Woody Holton’s *Unruly Americans and the Origins of the Constitution* (Hill and Wang, 2007).

Readers can gain a sense of the debates over ratification of the Constitution by reading some of the original texts. Two of the most convenient

anthologies are Michael Kammen, ed., *The Origins of the American Constitution: A Documentary History* (New York, 1986) and Bernard Bailyn, ed., *The Debate on the Constitution*, 2 Vols. (New York, 1993).

In the first essay that follows, the late Howard Zinn offers a neo-Beardian interpretation of the Constitution of the United States from his best-selling text *A People's History of the United States* (Harper Collins, 1999). An avowed Marxist and radical leftist, Zinn was a political activist who served in a bombing squadron in the Army Air Corps in World War II, was an early member of the Student Nonviolent Coordinating Committee (SNCC), and a staunch peace activist opposing the U.S. foreign policy in Southeast Asia, Central America, and the Middle East. He believed that history should be studied and written primarily for the purpose of eliminating America's violent past and moving it in a more peaceful, equitable direction. In this context, Zinn argued that Shays' Rebellion, an uprising of western Massachusetts farmers who were unable to pay their taxes to the Massachusetts' government, was the catalyst that inspired the men at Philadelphia in 1787 to draft a new constitution.

How does Zinn explain the support for the new government if it favored the well-to-do? "The Constitution," he says, "illustrates the complexity of the American system; that it serves the interests of a wealthy elite, but also does enough for small property owners, for middle-income mechanics and farmers, to build a broad base of support. The slightly prosperous people who make up this base of support are buffers against the blacks, the Indians, the very poor whites. They enable the elite to keep control with a minimum of coercion, a maximum of law—all made palatable by the fanfare of patriotism and unity."

In the second essay, Professor Gordon S. Wood agrees with the class conflict theories of Beard and Zinn regarding the supporters and opponents of the Constitution, but he stresses social and ideological, not economic, motivations. Wood argues that the Federalists were upper-class aristocrats who believed that the national government, which they controlled, provided a more cosmopolitan and enlightened outlook than the local and provincial interests of the "humbler sort" who ran the state assemblies. According to Wood, the Federalists at both the Philadelphia and the state ratifying conventions employed "democratic" language to argue cleverly and falsely that the new national government was as democratic as the Confederation government it would replace.

In some ways, Wood's scholarship helped to change the focus of the debate over the purposes of the Constitution. His *The Creation of the American Republic, 1776–1787* (University of North Carolina Press, 1969), which sought to recapture the conflicting views of politics in the eighteenth century, became a new starting point for scholarship on this topic. The bicentennial celebration of the Constitution and its ratification spawned several works considering the literature of this document, the most important of which are Richard Beeman et al., eds., *Beyond Confederation: Origins of the Constitution and American National Identity* (University of North Carolina Press, 1987); Peter S. Onuf, "Reflections on the Founding: Constitutional Historiography in Bicentennial Perspective," *William and Mary Quarterly*, 30 Ser., 46 (1989), 341–375; and Richard D. Bernstein, "Charting the Bicentennial," *Columbia Law Review*, 87 (1987), 1565–1624.

A People's History of the United States

To many Americans over the years, the Constitution drawn up in 1787 has seemed a work of genius put together by wise, humane men who created a legal framework for democracy and equality. This view is stated, a bit extravagantly, by the historian George Bancroft, writing in the early nineteenth century:

The Constitution establishes nothing that interferes with equality and individuality. It knows nothing of differences by descent, or opinions, of favored classes, or legalized religion, or the political power of property. It leaves the individual alongside of the individual. . . . As the sea is made up of drops, American society is composed of separate, free, and constantly moving atoms, ever in reciprocal action . . . so that the institutions and laws of the country rise out of the masses of individual thought which, like the waters of the ocean, are rolling evermore.

Another view of the Constitution was put forward early in the twentieth century by the historian Charles Beard (arousing anger and indignation, including a denunciatory editorial in the *New York Times*). He wrote in his book *An Economic Interpretation of the Constitution*:

Inasmuch as the primary object of a government, beyond the mere repression of physical violence, is the making of the rules which determine the property relations of members of society, the dominant classes whose rights are thus to be determined must perforce obtain from the government such rules as are consonant with the larger interests necessary to the continuance of their economic processes, or they must themselves control the organs of government.

In short, Beard said, the rich must, in their own interest, either control the government directly or control the laws by which government operates.

Beard applied this general idea to the Constitution, by studying the economic backgrounds and political ideas of the fifty-five men who gathered in Philadelphia in 1787 to draw up the Constitution. He found that a majority of them were lawyers by profession, that most of them were men of wealth, in land, slaves, manufacturing, or shipping, that half of them had money loaned

From *A People's History of the United States* by Howard Zinn (HarperCollins, 1999). Copyright © 1980 by Howard Zinn. Reprinted by permission of HarperCollins Publishers.

out at interest, and that forty of the fifty-five held government bonds, according to the records of the Treasury Department.

Thus, Beard found that most of the makers of the Constitution had some direct economic interest in establishing a strong federal government: the manufacturers needed protective tariffs; the moneylenders wanted to stop the use of paper money to pay off debts; the land speculators wanted protection as they invaded Indian lands; slaveowners needed federal security against slave revolts and runaways; bondholders wanted a government able to raise money by nationwide taxation, to pay off those bonds.

Four groups, Beard noted, were not represented in the Constitutional Convention: slaves, indentured servants, women, men without property. And so the Constitution did not reflect the interests of those groups.

He wanted to make it clear that he did not think the Constitution was written merely to benefit the Founding Fathers personally, although one could not ignore the \$150,000 fortune of Benjamin Franklin, the connections of Alexander Hamilton to wealthy interests through his father-in-law and brother-in-law, the great slave plantations of James Madison, the enormous landholdings of George Washington. Rather, it was to benefit the groups the Founders represented, the "economic interests they understood and felt in concrete, definite form through their own personal experience."

Not everyone at the Philadelphia Convention fitted Beard's scheme. Elbridge Gerry of Massachusetts was a holder of landed property, and yet he opposed the ratification of the Constitution. Similarly, Luther Martin of Maryland, whose ancestors had obtained large tracts of land in New Jersey, opposed ratification. But, with a few exceptions, Beard found a strong connection between wealth and support of the Constitution.

By 1787 there was not only a positive need for strong central government to protect the large economic interests, but also immediate fear of rebellion by discontented farmers. The chief event causing this fear was an uprising in the summer of 1786 in western Massachusetts, known as Shays' Rebellion.

In the western towns of Massachusetts there was resentment against the legislature in Boston. The new Constitution of 1780 had raised the property qualifications for voting. No one could hold state office without being quite wealthy. Furthermore, the legislature was refusing to issue paper money, as had been done in some other states, like Rhode Island, to make it easier for debt-ridden farmers to pay off their creditors.

Illegal conventions began to assemble in some of the western counties to organize opposition to the legislature. At one of these, a man named Plough Jogger spoke his mind:

I have been greatly abused, have been obliged to do more than my part in the war; been loaded with class rates, town rates, province rates, Continental rates and all rates . . . been pulled and hauled by sheriffs, constables and collectors, and had my cattle sold for less than they were worth. . . .

. . . The great men are going to get all we have and I think it is time for us to rise and put a stop to it, and have no more courts, nor sheriffs, nor collectors nor lawyers. . . .

The chairman of that meeting used his gavel to cut short the applause. He and others wanted to redress their grievances, but peacefully, by petition to the General Court (the legislature) in Boston.

However, before the scheduled meeting of the General Court, there were going to be court proceedings in Hampshire County, in the towns of Northampton and Springfield, to seize the cattle of farmers who hadn't paid their debts, to take away their land, now full of grain and ready for harvest. And so, veterans of the Continental army, also aggrieved because they had been treated poorly on discharge—given certificates for future redemption instead of immediate cash—began to organize the farmers into squads and companies. One of these veterans was Luke Day, who arrived the morning of court with a fife-and-drum corps, still angry with the memory of being locked up in debtors' prison in the heat of the previous summer.

The sheriff looked to the local militia to defend the court against these armed farmers. But most of the militia was with Luke Day. The sheriff did manage to gather five hundred men, and the judges put on their black silk robes, waiting for the sheriff to protect their trip to the courthouse. But there at the courthouse steps, Luke Day stood with a petition, asserting the people's constitutional right to protest the unconstitutional acts of the General Court, asking the judges to adjourn until the General Court could act on behalf of the farmers. Standing with Luke Day were fifteen hundred armed farmers. The judges adjourned.

Shortly after, at courthouses in Worcester and Athol, farmers with guns prevented the courts from meeting to take away their property, and the militia were too sympathetic to the farmers, or too outnumbered, to act. In Concord, a fifty-year-old veteran of two wars, Job Shattuck, led a caravan of carts, wagons, horses, and oxen onto the town green, while a message was sent to the judges:

The voice of the People of this county is such that the court shall not enter this courthouse until such time as the People shall have redress of the grievances they labor under at the present.

A county convention then suggested the judges adjourn, which they did.

At Great Barrington, a militia of a thousand faced a square crowded with armed men and boys. But the militia was split in its opinion. When the chief justice suggested the militia divide, those in favor of the court's sitting to go on the right side of the road, and those against on the left, two hundred of the militia went to the right, eight hundred to the left, and the judges adjourned. Then the crowd went to the home of the chief justice, who agreed to sign a pledge that the court would not sit until the Massachusetts General Court met. The crowd went back to the square, broke open the county jail, and set free the debtors. The chief justice, a country doctor, said: "I have never heard anybody point out a better way to have their grievances redressed than the people have taken."

The governor and the political leaders of Massachusetts became alarmed. Samuel Adams, once looked on as a radical leader in Boston, now insisted people act within the law. He said "British emissaries" were stirring up the

farmers. People in the town of Greenwich responded: You in Boston have the money, and we don't. And didn't you act illegally yourselves in the Revolution? The insurgents were now being called Regulators. Their emblem was a sprig of hemlock.

The problem went beyond Massachusetts. In Rhode Island, the debtors had taken over the legislature and were issuing paper money. In New Hampshire, several hundred men, in September of 1786, surrounded the legislature in Exeter, asking that taxes be returned and paper money issued; they dispersed only when military action was threatened.

Daniel Shays entered the scene in western Massachusetts. A poor farm hand when the revolution broke out, he joined the Continental army, fought at Lexington, Bunker Hill, and Saratoga, and was wounded in action. In 1780, not being paid, he resigned from the army, went home, and soon found himself in court for nonpayment of debts. He also saw what was happening to others: a sick woman, unable to pay, had her bed taken from under her.

What brought Shays fully into the situation was that on September 19, the Supreme Judicial Court of Massachusetts met in Worcester and indicted eleven leaders of the rebellion, including three of his friends, as "disorderly, riotous and seditious persons" who "unlawfully and by force of arms" prevented "the execution of justice and the laws of the commonwealth." The Supreme Judicial Court planned to meet again in Springfield a week later, and there was talk of Luke Day's being indicted.

Shays organized seven hundred armed farmers, most of them veterans of the war, and led them to Springfield. There they found a general with nine hundred soldiers and a cannon. Shays asked the general for permission to parade, which the general granted, so Shays and his men moved through the square, drums banging and fifes blowing. As they marched, their ranks grew. Some of the militia joined, and reinforcements began coming in from the countryside. The judges postponed hearings for a day, then adjourned the court.

Now the General Court, meeting in Boston, was told by Governor James Bowdoin to "vindicate the insulted dignity of government." The recent rebels against England, secure in office, were calling for law and order. Sam Adams helped draw up a Riot Act, and a resolution suspending habeas corpus, to allow the authorities to keep people in jail without trial. At the same time, the legislature moved to make some concessions to the angry farmers, saying certain old taxes could now be paid in goods instead of money.

This didn't help. In Worcester, 160 insurgents appeared at the courthouse. The sheriff read the Riot Act. The insurgents said they would disperse only if the judges did. The sheriff shouted something about hanging. Someone came up behind him and put a sprig of hemlock in his hat. The judges left.

Confrontations between farmers and militia now multiplied. The winter snows began to interfere with the trips of farmers to the courthouses. When Shays began marching a thousand men into Boston, a blizzard forced them back, and one of his men froze to death.

An army came into the field, led by General Benjamin Lincoln, on money raised by Boston merchants. In an artillery duel, three rebels were killed. One soldier stepped in front of his own artillery piece and lost both

arms. The winter grew worse. The rebels were outnumbered and on the run. Shays took refuge in Vermont, and his followers began to surrender. There were a few more deaths in battle, and then sporadic, disorganized, desperate acts of violence against authority: the burning of barns, the slaughter of a general's horses. One government soldier was killed in an eerie night-time collision of two sleighs.

Captured rebels were put on trial in Northampton and six were sentenced to death. A note was left at the door of the high sheriff of Pittsfield:

I understand that there is a number of my countrymen condemned to die because they fought for justice. I pray have a care that you assist not in the execution of so horrid a crime, for by all that is above, he that condemns and he that executes shall share alike. . . . Prepare for death with speed, for your life or mine is short. When the woods are covered with leaves, I shall return and pay you a short visit.

Thirty-three more rebels were put on trial and six more condemned to death. Arguments took place over whether the hangings should go forward. General Lincoln urged mercy and a Commission of Clemency, but Samuel Adams said: "In monarchy the crime of treason may admit of being pardoned or lightly punished, but the man who dares rebel against the laws of a republic ought to suffer death." Several hangings followed; some of the condemned were pardoned. Shays, in Vermont, was pardoned in 1788 and returned to Massachusetts, where he died, poor and obscure, in 1825.

It was Thomas Jefferson, in France as ambassador at the time of Shays' Rebellion, who spoke of such uprisings as healthy for society. In a letter to a friend he wrote: "I hold it that a little rebellion now and then is a good thing. . . . It is a medicine necessary for the sound health of government. . . . God forbid that we should ever be twenty years without such a rebellion. . . . The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure."

But Jefferson was far from the scene. The political and economic elite of the country were not so tolerant. They worried that the example might spread. A veteran of Washington's army, General Henry Knox, founded an organization of army veterans, "The Order of the Cincinnati," presumably (as one historian put it) "for the purpose of cherishing the heroic memories of the struggle in which they had taken part," but also, it seemed, to watch out for radicalism in the new country. Knox wrote to Washington in late 1786 about Shays' Rebellion, and in doing so expressed the thoughts of many of the wealthy and powerful leaders of the country:

The people who are the insurgents have never paid any, or but very little taxes. But they see the weakness of government; they feel at once their own poverty, compared with the opulent, and their own force, and they are determined to make use of the latter, in order to remedy the former. Their creed is "That the property of the United States has been protected from the confiscations of Britain by the joint exertions of all, and therefore ought to be the common property of all. And he

that attempts opposition to this creed is an enemy to equity and justice and ought to be swept from off the face of the earth."

Alexander Hamilton, aide to Washington during the war, was one of the most forceful and astute leaders of the new aristocracy. He voiced his political philosophy:

All communities divide themselves into the few and the many. The first are the rich and well-born, the other the mass of the people. The voice of the people has been said to be the voice of God; and however generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changing; they seldom judge or determine right. Give therefore to the first class a distinct permanent share in the government. . . . Can a democratic assembly who annually revolve in the mass of the people be supposed steadily to pursue the public good? Nothing but a permanent body can check the imprudence of democracy. . . .

At the Constitutional Convention, Hamilton suggested a President and Senate chosen for life.

The Convention did not take his suggestion. But neither did it provide for popular elections, except in the case of the House of Representatives, where the qualifications were set by the state legislatures (which required property-holding for voting in almost all the states), and excluded women, Indians, slaves. The Constitution provided for Senators to be elected by the state legislators, for the President to be elected by electors chosen by the state legislators, and for the Supreme Court to be appointed by the President.

The problem of democracy in the post-Revolutionary society was not, however, the Constitutional limitations on voting. It lay deeper, beyond the Constitution, in the division of society into rich and poor. For if some people had great wealth and great influence; if they had the land, the money, the newspapers, the church, the educational system—how could voting, however broad, cut into such power? There was still another problem: wasn't it the nature of representative government, even when most broadly based, to be conservative, to prevent tumultuous change?

It came time to ratify the Constitution, to submit to a vote in state conventions, with approval of nine of the thirteen required to ratify it. In New York, where debate over ratification was intense, a series of newspaper articles appeared, anonymously, and they tell us much about the nature of the Constitution. These articles, favoring adoption of the Constitution, were written by James Madison, Alexander Hamilton, and John Jay, and came to be known as the *Federalist Papers* (opponents of the Constitution became known as anti-Federalists).

In *Federalist Paper #10*, James Madison argued that representative government was needed to maintain peace in a society ridden by factional disputes. These disputes came from "the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society." The problem, he said, was how to control the factional

struggles that came from inequalities in wealth. Minority factions could be controlled, he said, by the principle that decisions would be by vote of the majority.

So the real problem, according to Madison, was a majority faction, and here the solution was offered by the Constitution, to have “an extensive republic,” that is, a large nation ranging over thirteen states, for then “it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other. . . . The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States.”

Madison’s argument can be seen as a sensible argument for having a government which can maintain peace and avoid continuous disorder. But is it the aim of government simply to maintain order, as a referee, between two equally matched fighters? Or is it that government has some special interest in maintaining a certain kind of order, a certain distribution of power and wealth, a distribution in which government officials are not neutral referees but participants? In that case, the disorder they might worry about is the disorder of popular rebellion against those monopolizing the society’s wealth. This interpretation makes sense when one looks at the economic interests, the social backgrounds, of the makers of the Constitution.

As part of his argument for a large republic to keep the peace, James Madison tells quite clearly, in *Federalist #10*, whose peace he wants to keep: “A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it.”

When economic interest is seen behind the political clauses of the Constitution, then the document becomes not simply the work of wise men trying to establish a decent and orderly society, but the work of certain groups trying to maintain their privileges, while giving just enough rights and liberties to enough of the people to ensure popular support.

In the new government, Madison would belong to one party (the Democrat-Republicans) along with Jefferson and Monroe. Hamilton would belong to the rival party (the Federalists) along with Washington and Adams. But both agreed—one a slaveholder from Virginia, the other a merchant from New York—on the aims of this new government they were establishing. They were anticipating the long-fundamental agreement of the two political parties in the American system. Hamilton wrote elsewhere in the *Federalist Papers* that the new Union would be able “to repress domestic faction and insurrection.” He referred directly to Shays’ Rebellion: “The tempestuous situation from which Massachusetts has scarcely emerged evinces that dangers of this kind are not merely speculative.”

It was either Madison or Hamilton (the authorship of the individual papers is not always known) who in *Federalist Paper #63* argued the necessity of a “well-constructed Senate” as “sometimes necessary as a defense to the people against their own temporary errors and delusions” because “there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of

interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn." And: "In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind?"

The Constitution was a compromise between slaveholding interests of the South and moneyed interests of the North. For the purpose of uniting the thirteen states into one great market for commerce, the northern delegates wanted laws regulating interstate commerce, and urged that such laws require only a majority of Congress to pass. The South agreed to this, in return for allowing the trade in slaves to continue for twenty years before being outlawed.

Charles Beard warned us that governments—including the government of the United States—are not neutral, that they represent the dominant economic interests, and that their constitutions are intended to serve these interests. One of his critics (Robert E. Brown, *Charles Beard and the Constitution*) raises an interesting point. Granted that the Constitution omitted the phrase "life, liberty and the pursuit of happiness," which appeared in the Declaration of Independence, and substituted "life, liberty, or property"—well, why shouldn't the Constitution protect property? As Brown says about Revolutionary America, "practically everybody was interested in the protection of property" because so many Americans owned property.

However, this is misleading. True, there were many property owners. But some people had much more than others. A few people had great amounts of property; many people had small amounts; others had none. Jackson Main found that one-third of the population in the Revolutionary period were small farmers, while only 3 percent of the population had truly large holdings and could be considered wealthy.

Still, one-third was a considerable number of people who felt they had something at stake in the stability of a new government. This was a larger base of support for government than anywhere in the world at the end of the eighteenth century. In addition, the city mechanics had an important interest in a government which would protect their work from foreign competition. As Staughton Lynd puts it: "How is it that the city workingmen all over America overwhelmingly and enthusiastically supported the United States Constitution?"

This was especially true in New York. When the ninth and tenth states had ratified the Constitution, four thousand New York City mechanics marched with floats and banners to celebrate. Bakers, blacksmiths, brewers, ship joiners and shipwrights, coopers, cartmen and tailors, all marched. What Lynd found was that these mechanics, while opposing elite rule in the colonies, were nationalist. Mechanics comprised perhaps half the New York population. Some were wealthy, some were poor, but all were better off than the ordinary laborer, the apprentice, the journeyman, and their prosperity required a government that would protect them against the British hats and shoes and other goods that were pouring into the colonies after the Revolution. As a result, the mechanics often supported wealthy conservatives at the ballot box.

The Constitution, then, illustrates the complexity of the American system: that it serves the interests of a wealthy elite, but also does enough for small property owners, for middle-income mechanics and farmers, to build a broad base of support. The slightly prosperous people who make up this base of support are buffers against the blacks, the Indians, the very poor whites. They enable the elite to keep control with a minimum of coercion, a maximum of law—all made palatable by the fanfare of patriotism and unity.

The Constitution became even more acceptable to the public at large after the first Congress, responding to criticism, passed a series of amendments known as the Bill of Rights. These amendments seemed to make the new government a guardian of people's liberties: to speak, to publish, to worship, to petition, to assemble, to be tried fairly, to be secure at home against official intrusion. It was, therefore, perfectly designed to build popular backing for the new government. What was not made clear—it was a time when the language of freedom was new and its reality untested—was the shakiness of anyone's liberty when entrusted to a government of the rich and powerful.

Indeed, the same problem existed for the other provisions of the Constitution, like the clause forbidding states to "impair the obligation of contract," or that giving Congress the power to tax the people and to appropriate money. They all sound benign and neutral until one asks: Tax who, for what? Appropriate what, for whom? To protect everyone's contracts seems like an act of fairness, of equal treatment, until one considers that contracts made between rich and poor, between employer and employee, landlord and tenant, creditor and debtor, generally favor the more powerful of the two parties. Thus, to protect these contracts is to put the great power of the government, its laws, courts, sheriffs, police, on the side of the privileged—and to do it not, as in premodern times, as an exercise of brute force against the weak but as a matter of law.

The First Amendment of the Bill of Rights shows that quality of interest hiding behind innocence. Passed in 1791 by Congress, it provided that "Congress shall make no law . . . abridging the freedom of speech, or of the press. . . ." Yet, seven years after the First Amendment became part of the Constitution, Congress passed a law very clearly abridging the freedom of speech.

This was the Sedition Act of 1798, passed under John Adams's administration, at a time when Irishmen and Frenchmen in the United States were looked on as dangerous revolutionaries because of the recent French Revolution and the Irish rebellions. The Sedition Act made it a crime to say or write anything "false, scandalous and malicious" against the government, Congress, or the President, with intent to defame them, bring them into disrepute, or excite popular hatreds against them.

This act seemed to directly violate the First Amendment. Yet, it was enforced. Ten Americans were put in prison for utterances against the government, and every member of the Supreme Court in 1798–1800, sitting as an appellate judge, held it constitutional.

There was a legal basis for this, one known to legal experts, but not to the ordinary American, who would read the First Amendment and feel confident

that he or she was protected in the exercise of free speech. That basis has been explained by historian Leonard Levy. Levy points out that it was generally understood (not in the population, but in higher circles) that, despite the First Amendment, the British common law of “seditious libel” still ruled in America. This meant that while the government could not exercise “prior restraint”—that is, prevent an utterance or publication in advance—it could legally punish the speaker or writer afterward. Thus, Congress has a convenient legal basis for the laws it has enacted since that time, making certain kinds of speech a crime. And, since punishment after the fact is an excellent deterrent to the exercise of free expression, the claim of “no prior restraint” itself is destroyed. This leaves the First Amendment much less than the stone wall of protection it seems at first glance.

Are the economic provisions in the Constitution enforced just as weakly? We have an instructive example almost immediately in Washington’s first administration, when Congress’s power to tax and appropriate money was immediately put to use by the Secretary of the Treasury, Alexander Hamilton.

Hamilton, believing that government must ally itself with the richest elements of society to make itself strong, proposed to Congress a series of laws, which it enacted, expressing this philosophy. A Bank of the United States was set up as a partnership between the government and certain banking interests. A tariff was passed to help the manufacturers. It was agreed to pay bondholders—most of the war bonds were now concentrated in a small group of wealthy people—the full value of their bonds. Tax laws were passed to raise money for this bond redemption.

One of these tax laws was the Whiskey Tax, which especially hurt small farmers who raised grain that they converted into whiskey and then sold. In 1794 the farmers of western Pennsylvania took up arms and rebelled against the collection of this tax. Secretary of the Treasury Hamilton led the troops to put them down. We see then, in the first years of the Constitution, that some of its provisions—even those paraded most flamboyantly (like the First Amendment)—might be treated lightly. Others (like the power to tax) would be powerfully enforced.

Still, the mythology around the Founding Fathers persists. To say, as one historian (Bernard Bailyn) has done recently, that “the destruction of privilege and the creation of a political system that demanded of its leaders the responsible and humane use of power were their highest aspirations” is to ignore what really happened in the America of these Founding Fathers.

Bailyn says:

Everyone knew the basic prescription for a wise and just government. It was so to balance the contending powers in society that no one power could overwhelm the others and, unchecked, destroy the liberties that belonged to all. The problem was how to arrange the institutions of government so that this balance could be achieved.

Were the Founding Fathers wise and just men trying to achieve a good balance? In fact, they did not want a balance, except one which kept things as

they were, a balance among the dominant forces at that time. They certainly did not want an equal balance between slaves and masters, propertyless and property holders, Indians and white.

As many as half the people were not even considered by the Founding Fathers as among Bailyn's "contending powers" in society. They were not mentioned in the Declaration of Independence, they were absent in the Constitution, they were invisible in the new political democracy. They were the women of early America.



Democracy and the Constitution

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The Debate over the Constitution

The historical debate over the Constitution and democracy continues, for the debate is rooted in the original controversy that surrounded the creation of the Constitution in 1787–1788. In fact, all the historical debates over the democratic nature of the Constitution are essentially reverberations of this original dispute at the time of the framing. The creators and supporters of the Constitution, the Federalists as they called themselves, argued strenuously that the Constitution was a fulfillment, not a repudiation, of the Revolution and that it provided for a thoroughly republican and popular government. The opponents of the Constitution, the Antifederalists, charged that the Constitution was a denial of the principles of 1776 and that it was an aristocratic document calculated to create an undemocratic government benefiting the few at the expense of the many. It is essentially these two contrasting viewpoints of 1787–1788 that have been echoing through our historical writing on the origins of the Constitution ever since. We are forever trying to decide in these debates who was more right in their interpretation of the Constitution, the Federalists or the Antifederalists.

Cast in this way, the question will inevitably force us to take sides and argue that either the Federalists or the Antifederalists had a more “correct” view of the “real” Constitution. But there was and is no “real” Constitution against which we can measure the conflicting statements of the Federalists and Antifederalists. The only Constitution that existed in 1787–1788 was the one men at the time believed in and described; and these beliefs and descriptions were very different. Instead of asking whether the Constitution was democratic, we should be asking what the historical participants were up to and why they described the Constitution in such different ways. When the questions are posed in this way, the answers will show that neither the Federalists nor the Antifederalists were more right in their interpretation of the Constitution; both had good reason to think as they did about the Constitution.

From the vantage point of 1776, which was generally the perspective of the Antifederalists, the Constitution of 1787 looms as an extraordinary, even unbelievable, creation. None of the revolutionary leaders at the time of independence even contemplated, let alone suggested, the possibility of erecting

From *How Democratic is the Constitution* by Gordon S. Wood (American Enterprise Institute for Public Policy Research, 1980). Copyright © 1980 by American Enterprise Institute for Public Policy Research. Reprinted by permission.

over all America such a strong, overarching national government as the Constitution provided. Such a powerful central government operating directly on individuals was diametrically opposed to all the principles of the Revolution. More than anything else, the Revolution intended to reduce the overweening power of the government, particularly far-removed central government associated with the British imperial system. Any revolutionary in 1776 suggesting a national government resembling the one eventually created by the Constitution of 1787 would have been branded a lunatic or, worse, a British monarchist.

The Articles of Confederation

Of course, some Americans in 1776 wanted a stronger central government than that provided by the Articles of Confederation. But even the most fervent advocates in 1776–1777 of a stronger confederation, like John Dickinson, never envisioned a national government like that of 1787. For most revolutionaries, the confederation was a simple political response to the need for union against Britain. They were interested less in creating an enduring nation-state than in legitimizing the resistance movement and the activity of the Continental Congress. At most, they wanted a strong union of the separate states that would have substantial authority over matters of general concern such as war, trade, interstate disputes, and western lands. However substantial such a confederation might be, it was still to be a confederation—a union of separate and remarkably independent states. The actual Articles of Confederation that emerged from the congressional discussions of 1776–1777 were weaker than some had wanted, but this limited union represented the views of most Americans at the time.

Given these American fears of far-removed central power, explaining the adoption of the Constitution in 1787–1788 becomes quite a problem. Indeed, the formation of the Constitution seems to be such an unexpected and unprecedented event that historians of all persuasions have felt compelled to rely on some version of a “great men” explanation to account for it. Some have followed Beard and stressed the conspiratorial character of the movement for the Constitution by a dynamic minority of nationalists who “conjured up” a crisis. Others writing against a Beardian view have also emphasized the youthful energy and political effectiveness of a small group of farsighted Federalist leaders. In fact, the adulation of recent historians for the Federalists’ élan and dash has become so great—one called them “giants in the earth”—that we may be returning to the nineteenth-century image of the Founding Fathers as demigods. Apparently the formation of the Constitution is so inexplicable that it cannot be accounted for except in terms of the heroic actions of a few great men.

Of course, many historians have described the accumulating problems of the confederation in order to explain the writing of the Constitution. Although no one today endorses John Fiske’s view that the decade of the 1780s was “the most critical moment in all the history of the American people”—a time of near chaos and anarchy—historians have pointed out that the confederation

was suffering from a number of visible weaknesses. In international affairs, the confederation was hard-pressed to maintain its territorial integrity. Great Britain refused to vacate the Northwest posts; Spain claimed a huge chunk of the Southwest and closed the Mississippi to traffic. The Barbary pirates were seizing American ships and crews because Congress had no money to pay the necessary tributes. Lacking any taxing power, the United States government could not even pay the interest on its debt to its creditors at home or abroad. Congress had no authority to regulate commerce and thus had no way of forcing any openings in the European mercantile empires for American traders. Efforts to get even limited taxing and commercial regularity powers foundered on the requirements for the unanimous consent of all the states for amendment of the Articles of Confederation.

Pressing and serious as these problems of the confederation were, they cannot by themselves explain the formation of the Constitution. The Constitution created a national government whose strength and character were out of proportion to the obvious and acknowledged weaknesses of the confederation. Indeed, by 1787 almost everyone recognized the debility of the Articles and was prepared to grant additional powers to Congress. They were not prepared for what came out of the Philadelphia Convention of 1787—a revolutionary transformation of the entire American political system including a radical diminishing of the independence and power of the states. This was no invigorated league of states that the Constitution created. This totally new and extraordinarily powerful national government operating directly on individuals went well beyond what the difficulties of credit and commerce and the humiliations in foreign affairs demanded in additional central powers.

The Problem of Democracy in the States

Something besides the obvious debility of the confederation lay behind such a radical political transformation. Only political conditions in the states—political conditions of the most threatening kind—can ultimately explain the creation of the Constitution. There in the states, the political entities the revolutionaries cared about most, the problem of democracy was revealed; and it is that problem the Constitution sought to solve.

The state republics created in 1776 were at the heart of the Revolution. Winning the war and forming the Articles of Confederation were crucial, no doubt, but creating new state constitutions, as Thomas Jefferson said in 1776, was “the whole object of the present controversy.” In their new commonwealths, Americans aimed to test all that they had learned about tyranny and liberty from their colonial experience and their debate with Britain in the 1760s and 1770s. Republicanism and popular government in America, and indeed in the world, would live or die by what happened in these individual states.

In 1776 Americans as yet did not call their new governments democracies; it is important for our understanding of the Constitution’s relationship to democracy to know why they did not. It is true that the new state governments were very popular, more popular surely than any other government in the eighteenth-century world. In the American states, a greater proportion

of people could vote and a greater proportion of government officials were elected than in any other country. The most popular part of the state governments, the lower houses of the legislatures, were given an extraordinary amount of power, including many prerogatives, like the granting of pardons and the appointment of judges, that were traditionally exercised only by magisterial authority in other countries. Still, these new governments were not called democracies because, as the eighteenth century commonly understood the term, they were not democracies.

Americans in 1776 thought of democracy in a traditionally classical manner. Democracy was not what it has become for us—a general set of values embracing popular government, equality, and liberty. It was still a rather technical term of political science used much as Aristotle had used it. It meant literally government by the people, referring in the strictest sense to political gatherings of the people in person in town meetings and the like. Since such pure democracy was impractical for most governmental affairs, Americans recognized as democratic the modern refinement of representation, which allowed elected agents to participate in government in place of the people. Representation was not yet equated, as it is now, with mere popular election. The representatives of the people were exclusively those elected members of the lower houses of the legislatures—the houses of representatives. The officials of the other branches of the government—whether governors or senators—even though elected by the people, were not yet considered to be in any way “representatives” of the people. They stood “for” the people but were not “of” them. Thus, any state that possessed a governor and a senate, although popularly elected could not be a democracy. Americans in 1776 therefore saw themselves creating mixed republics, with the democratic element, the lower assemblies, playing a very dominant role.

By the 1780s, many American leaders realized that these state assemblies were abusing their extraordinary powers. The annually elected legislatures, beset by hosts of various interests, were constantly changing their membership and were making legislation chaotic. As James Madison pointed out, more laws were enacted by the states in the decade following independence than in the entire colonial period. Many of these laws were unjust: paper money acts, stay laws, and other forms of debtor relief legislation hurt various creditor groups in the society and violated individual property rights. To some, the legislatures seemed more frightening than the former royal governors. It did not matter that the legislators were supposedly the representatives of the people and annually elected by them. “173 despots would surely be as oppressive as one,” wrote Jefferson. “An *elective despotism* was not the government we fought for.”

These legislative abuses, many American leaders believed, flowed from too much democracy. The legislators were too susceptible to various narrow and parochial interests and had become merely spokesmen for their local constituents. “A spirit of locality” in the state legislatures, said Madison, was destroying “the aggregate interests of the Community,” and this localist spirit was “inseparable” from elections by small districts or towns. Each representative, said Ezra Stiles, president of Yale, was concerned only with the special interests of his electors. At the reading of a bill in the legislature, “every one

instantly thinks how it will affect his constituents." In short, the representatives of the people—the democratic parts of the mixed constitutions—were responding too readily to the wishes of the people they represented. When the Federalists in 1787 came to complain of "the turbulence and follies of democracy," this is what they meant.

American leaders tried several approaches to these democratic abuses in the states. Some attempted to reform the revolutionary state constitutions by reducing the power of the popular assemblies and enhancing that of the governors and senates. The Massachusetts constitution of 1780 embodied many of these second thoughts, and during the 1780s other states sought to remake their constitutions in Massachusetts' image. Others tried to use the judiciary against what were thought to be unconstitutional acts of the legislatures; there were scattered and rudimentary expressions of what would become judicial review. Many leaders, however, thought such judicial overturnings of law enacted by popularly elected legislatures smacked of despotism and were contrary to republican government.

By the mid-1780s, men were increasingly disillusioned with these reforms and devices at the state level. Finally, when even Massachusetts with its supposedly model constitution experienced popular excesses, including Shays' Rebellion and the subsequent legislative "tyranny" of Shaysite sympathizers, many leaders were ready to shift the arena of constitutional change from the states to the nation. It seemed to many that only by modifying the structure of the central government could America find an answer to its democratically caused problems within the states.

What happened in 1786–1787, in brief, was the coalescing of two different and hitherto separate reform movements. The previously frustrated attempts of various groups—public creditors, merchants, and others—to amend the Articles of Confederation were reinforced by the efforts of those alarmed by majoritarian tyranny within the states. Heightened concern with the implications of state politics overwhelmed the state particularism and the fear of far-removed central power that had prevented earlier reform of the Articles of Confederation and forced a recasting of the terms of the problem facing Americans. Since the legislative abuses of the states flowed from the revolutionary aim of increasing the participation of the people in government, the very success of the revolutionary experiment in popular government was at stake. Thus, changing the central government was no longer a matter of standing firm in foreign affairs or of satisfying particular creditor or mercantile interests. It was now a matter, as Madison said, that would "decide forever the fate of republican government."

An Enlarged and Elevated Republic

No one saw this linkage between reform of the central government and reform of the states more clearly and used it more effectively than Madison. Nearly everyone is familiar with Madison's central role in planning for the Philadelphia Convention and in drafting the Virginia plan, which was the convention's working proposal. But not everyone is equally familiar with what

Madison wanted from the new central government and how disappointed he was with the final Constitution. Madison's proposals were truly radical; they were designed not to solve particular problems of the confederation but to remedy the deficiencies of republicanism itself. The evidence is strong that Madison and other nationalists who thought like him wanted greater consolidation and a correspondingly greater weakening of the states than they got. Madison wanted a national government that not only would have "a positive and compleat authority in all cases where uniform measures are necessary," as in commerce and foreign policy, but would have "a negative in all cases whatsoever on the Legislative Acts of the States as the King of Great Britain heretofore had." This veto power over all state legislation seemed to Madison "to be absolutely necessary, and to be the least possible encroachment on the State jurisdictions." Without it, he believed, none of the great objects which led to the convention—neither the need for more central authority nor the desire to prevent instability and injustice in state legislation—would be met. When the convention eventually set aside this national veto power, Madison initially thought that the Constitution was doomed to failure.

Although deeply disappointed with the Constitution Madison and other nationalists aimed to make the best of what they had, a greatly enlarged and elevated republic. All scholars now know how ingeniously Madison made theoretical sense of the new national system. Seizing on David Hume's radical suggestion that a republican government might operate better in a large territory than in a small one, Madison reversed the traditional assumptions about the appropriate size of a republic. Since experience in America from 1776 had demonstrated that no republic could be made small enough to avoid the clashing of rival parties and interests (tiny Rhode Island was the most faction-ridden of all), the republican state, said Madison in a series of notable letters, essays, and speeches climaxing with his *Federalist* No. 10, must be enlarged "without a departure from the elective basis of it." In this way "the propensity in small republics to rash measures and the facility of forming and executing them" by overbearing factional majorities would be stifled. "In a large Society," said Madison, "the people are broken into so many interests and parties, that a common sentiment is less likely to be felt, and the requisite concert less likely to be formed, by a majority of the whole."

All this may be common knowledge to scholars, but it has led to great misunderstanding of Madison's meaning. Some have pictured Madison "as the originator of what has come to be called an "interest-group" theory of politics. But Madison was not a forerunner of Arther Bentley, David Truman, or Robert Dahl. Despite his keen appreciation of the multiplicity of interests in a commercial society, Madison was not presenting a pluralist conception of politics. He did not envision public policy or the common good emerging naturally from the give-and-take of hosts of competing interests. Instead he hoped that these competing parties and interests in an enlarged republic would neutralize themselves, which in turn would allow rational men to promote the public good. It had worked that way in America's religious situation, which was a common analogy for Madison. The multiplicity of religious sects in America prevented any from dominating the state and permitted the enlightened

reason of *philosophes* like Jefferson and himself to shape public policy and church-state relations. Madison did not want the new national government to be an integrator and harmonizer of different interests in the society; instead he wanted it to be a “disinterested and dispassionate umpire in disputes” between these different interests. In other words, Madison was not as modern as we often make him out to be. He hoped the national government might play the same role the British king had been supposed to play in the empire.

Cosmopolitanism vs. Localism

If the new government were to be monarchlike with its own “dispassionate and disinterested” authority, how was it to work in republican America? “It may be asked,” Madison said, “how private rights will be more secure under the Guardianship of the General Government than under the State Governments, since they are both founded on the republican principle which refers the ultimate decision to the will of the majority.” What, in other words, was really different about the new federal Constitution from the state constitutions that would enable it to lessen the effects of tyrannical majorities and keep it from succumbing to the same popular pressures besetting the state governments in the 1780s?

The answer the Federalists gave to these questions cut to the heart of the new system and reveals clearly the problem of the Constitution’s relation to democracy. The Federalists, Madison included, were not as much opposed to governmental power per se as to the character and outlook of the people wielding it. They thought that the vices of the state assemblies in the 1780s flowed essentially from the kinds of people being elected to these assemblies. Such legislators were too often too much like the people they represented.

The Revolution had democratized the state assemblies by increasing the number of representatives and by altering their social character. Men of more humble, more rural origins, less educated, and with more parochial interests than those in the colonial legislatures became state representatives after 1776. These nongentry elements formed what Jackson Turner Main has called “localist parties” in all the state legislatures. Although the turnover of membership among these groups was perhaps too great to permit such a rigid classification as “party,” these legislative blocs took consistently localist positions on many issues that their cosmopolitan elite opponents criticized as “illiberal,” “interested,” and “unprincipled.” Madison and other gentlemen believed that these ordinary men lacked the “enlarged” and “liberal” outlooks of the more cosmopolitan “natural aristocracy” that Jefferson, for one, had expected to dominate government. These ordinary men were the ones winning elections to the state legislatures and enacting most of what the Federalists described as the confused, unjust, and narrowly based legislation of the 1780s. What the Federalists wanted from the Constitution was a structure of government that would inhibit such localist kinds of men from gaining power.

They proposed to do this by enlarging the arena of politics. Raising important governmental decision making to the national level would expand the electorate and at the same time would reduce the number of those elected.

This expanded electorate and elevated government would then act as a kind of filter, refining the kind of men who would become national leaders. In a larger arena with a smaller number of representatives, only the most notable and most socially established were likely to gain political office. If the people of a state, New York, for example, had to select only ten men to the federal Congress in contrast to the sixty-six they elected to their state assembly, they were more apt in the case of the few representatives in the national government to ignore obscure ordinary men with local reputations and elect those who were well bred, well educated, and well known. Election by the people in large districts would inhibit demagoguery and crass electioneering and would therefore, as Madison's closest ally in the convention, James Wilson, said, "be most likely to obtain men of intelligence and uprightness."

What was the meaning of all this Federalist talk of keeping out of government "men of factious tempers, of localist prejudices, or of sinister designs"? Who were the men possessing "the most attractive merit and most diffusive and established characters"? If anyone today used those terms to describe political leaders, we would be understandably suspicious. We might even say that these are "code words" for distinct social types. The Federalist diagnosis of the problems of state politics in the 1780s was at bottom social. Prior to the Revolution, the colonists, like all eighteenth-century Englishmen, had less need for such circumlocutions; they then talked more candidly about the distinction between gentlemen and ordinary people and were much more blunt in designating some as aristocrats and most as not. Since the Revolution, however, the distinction between gentlemen and common people was becoming blurred; aristocracy, even a republican "natural aristocracy," had become a pejorative term in many parts of the country. It is perhaps anachronistic and crude to refer to this gentry sense of difference from obscure ordinary people as a "class" distinction, for it was a distinction that belonged to the older hierarchically and vertically organized society of ranks and degrees and not to the economically based class and horizontally organized society of the future. Yet, it is surely more accurate to describe the controversy over the Constitution in these anachronistic and crude "class" terms than to suggest that it had no social implications whatsoever. The Federalists knew well the social significance of their enlarged republic. They had a shrewd sociological insight into American politics, and they aimed to use it in transforming the social character of American government.

It is a sociological insight that was exploited time and again in later American history. The Progressive period, for example, was marked by the reforming efforts of cosmopolitan types, often liberal, upper-income professionals and businessmen, to wrest the reins of government out of the hands of "corrupt" and "undesirable" localist elements. The Progressive reformers often did this by shifting the level of governmental decision making from wards, towns, and counties to the states and the nation. Commissions of "experts" at the state and federal level supplanted parochial politicians who could not see beyond their own neighborhoods. Changing the level of decision making continues to have social implications; much of our national politics still swirls around this cosmopolitan-localist dichotomy. What do we mean socially when

we refer to “establishment types,” “limousine liberals,” “Middle America,” or “Archie Bunkers”?

A Republican Remedy for Republican Diseases

Whether such cosmopolitan efforts to create political structures that deliberately excluded the ordinariness of ordinary people are undemocratic was precisely the issue raised at the framing of the Constitution. The Antifederalists, speaking for a populist localist tradition, certainly thought the Constitution was undemocratic. They immediately saw the social implications of the elevated federal government, where only certain “high-toned” and “great men” would hold office and consequently attacked it as “aristocratic” and contrary to the aim of the Revolution.

Yet, the issue has always been complicated by the fact that the Federalists did not allow themselves to be pictured as opposed to the people or republicanism. They had good reason to know that the Constitution would be seen as undemocratic. “When this plan goes forth,” John Dickinson warned the Philadelphia Convention, “it will be attacked by the popular leaders. Aristocracy will be the watch-word; the Shibboleth among its adversaries.” Precisely because the Antifederalists, as Alexander Hamilton observed in the New York ratifying convention did talk “so often of an aristocracy,” the Federalists were compelled in the ratifying debates and in their publications to minimize, even to disguise, the elitist elements of the Constitution. Much of *The Federalist*, for example, was devoted to demonstrating just how “strictly republican” the new system was. The Federalists emerged from the debates, if we take their public statements at face value, as the great defenders of the supremacy of the people in politics. They said over and over again that the new national government, unlike the old confederation, was fully derived from the people. The states could not stand in the way of what the people wanted, and the Constitution was only fulfilling at the national level what the Revolution in 1776 had begun. In effect, the Federalists usurped the popular revolutionary language that rightfully belonged to their opponents and, in the process, helped to further the extraordinary changes taking place in the American conception of politics and democracy.

By the end of the debate over the Constitution, it was possible for the Federalists to describe the new national government, even with its indirectly elected president and Senate, as “a perfectly democratical form of government.” Already by 1787–1788 democracy had come to be identified by some Americans simply as a representative government derived from the people. In other words, republicanism and democracy were becoming equated. The houses of representatives lost their exclusive connection with the people. Representation was now identified simply with election; thus, all elected officials, and, for some, even those not elected, such as judges, were considered somehow “representative” of the people. Consequently, the older classical ideas of democracy and mixed government that went back to Aristotle became irrelevant in describing the new American political system. Democracy rapidly became a generic label for all American government.

The changes in language and thought that made this new, more modern definition of democracy possible were not as easily reached as suggested here. Nor was the Federalist use of populism to defend the Constitution as self-conscious or calculating as here implied. Ideas and words are not manipulated or transformed quite that crudely. But, in sum, the Federalists did seek to cover their aristocratic document with a democratic mantle. The state problems of the 1780s they hoped to solve were those of excessive democracy; yet, the solution, they said, or felt compelled to say, was likewise democratic. As Madison, who was somewhat less willing than other Federalists to distort language and indulge the people, put it, the Constitution was "a republican remedy for the diseases most incident to republican government." Whatever the terms used, the Federalists in their public statements were not able to say candidly what at least some had said within the secrecy of the Philadelphia Convention: that the source of their difficulties came from too much local democracy, and that the solution was to limit this local democracy by erecting a more aristocratic structure over it.

In the end, the Federalists had little choice in their rhetoric. If they were to get the Constitution ratified, they had to work within the egalitarian and populist currents flowing from the Revolution. Despite the suggestion of disingenuousness, there is no denying their achievement. They thought and acted more creatively than any other generation in American history. They not only convinced the country to accept a national government inconceivable a decade earlier but they did so without repudiating the republicanism and the popular basis of government that nearly all devoutly believed in. The Federalists of 1787–1788 were not the Federalists of the 1790s; they were alarmed by the abuses of popular power, but they were not, like the later Federalist party, actually fearful of the people. They remained confident that, if only the people's choice could be undisturbed by ambitious local demagogues and crass electioneering, the people would "choose men of the first character for wisdom and integrity," men very much like themselves. It was an achievement that transcended their intentions and one that has rightly earned them the admiration of subsequent generations. Somehow for a moment they reconciled aristocracy with democracy and gave us, as John P. Roche has said "a classic example of the potentialities of a democratic elite."

Nevertheless, great as the Federalists' achievement was, the cost to the future of American politics was high. By using the most popular and democratic rhetoric available to explain and justify their aristocratic system, the Federalists helped to foreclose the development of an American intellectual tradition in which differing ideas of politics would be intimately and genuinely related to differing social interests. In other words, the Federalists of 1787 furthered the American disavowal of any sort of aristocratic conception of politics and encouraged the American belief that the ills of democracy can be cured by more democracy. From the creation of the Constitution, as the Federalist party of the 1790s eventually discovered to its dismay, democracy in America was no longer something to be discussed skeptically and challenged but a faith to which all Americans and all American institutions must unquestioningly adhere.

EXPLORING THE ISSUE



Was the Constitution of the United States Written to Protect the Economic Interests of the Upper Classes?

Critical Thinking and Reflection

1. Briefly state the theory of Charles A. Beard regarding the motivations of the Founding Fathers.
 - a. Why was Beard's theory so controversial at the time it was written?
 - b. What evidence did Beard use to substantiate his theory?
2. Critically analyze James Madison's argument in *Federalist Paper #10* that a Republican form of government functions better in a large territory rather than a small one.
3.
 - a. Distinguish between a republican and a democratic form of government.
 - b. Distinguish between what Professor Wood calls the modern form of democracy and the ancient Greek definition.
 - c. Is there a difference between a republic and a democracy in America today? Are the terms used interchangeably, or is there a real difference?
4.
 - a. Critically analyze Wood's argument that the new Constitution was written because of an excess of democracy in the state legislatures and the lack of taxing and commerce powers in the Confederation government.
 - b. Is Wood correct in arguing that the struggle for the new Constitution was between "localists" and "cosmopolites?"
 - c. Did the Federalists lie when they argued that the Constitution with its stronger central government was a fulfillment of the American Revolution?
5. Professor Zinn argues that there were and are structural difficulties with the Constitution that make it difficult to bring about changes. Critically discuss some of these difficulties.
6. Do you agree with Professor Zinn that the Constitution is inherently conservative? Discuss.
7. According to Zinn, the majority of the population were poor when the Constitution was written. If this was true and the Constitution allows the elite to control the masses, how did the states ratify it in the first place? Critically discuss.
8. Compare and contrast the differing interpretations of Wood and Zinn regarding the events that took place at the Philadelphia Convention in 1787. Is there any way in which the two interpretations can be blended together?

9. According to Professor Wood: “We are forever trying to decide in the debates who was more right in their interpretation of the Constitution, the Federalists or the Antifederalists.” Critically discuss.

Is There Common Ground?

The interpretations of Professors Zinn and Wood may not be as far apart as they first appear. Zinn stresses the economic differences between the classes while Wood focuses upon the political, social, and sectional differences. In his seminal work on *The Creation of the American Republic* (1961), Wood solemnly declared that Beard’s thesis was dead, and economic forces and classes were meaningless. Yet Professor Forrest McDonald has argued that “what Wood emerged with was Beard’s interpretation with the dollar signs removed: the Constitution was intrinsically an aristocratic document designed to check the democratic tendencies of the period.” Is it possible to argue that Zinn and Wood’s interpretations can be reconciled? Can economic and political motivations coexist?

The most recent work by Pauline Maier, *Ratification: The People Debate the Constitution 1787–1788* (Simon & Schuster, 2010) is a comprehensive state by state analysis that gives equal billing to the Anti-Federalist arguments against the Constitution and demonstrates the pressure tactics used by the Federalists to ram the Constitution through the state ratifying conventions. See Gordon Wood’s, “The Great American Argument,” *The New Republic* (December 30, 2010) for his analysis of Maier’s book.

Question: Could the United States have survived today under a revised Articles of Confederation? Are both Tea Party conservatives and leftist radicals correct in arguing against the pernicious influence of big government (though for different reasons)?

Additional Resources

Many books and articles proliferated in the 1980s celebrating the two hundredth anniversary of the Constitution. See the following review essays of the literature: Edmund Morgan’s review essay of 19 books on the Constitution in *The New Republic* (June 29, 1987); and Forrest McDonald, “A New Introduction” to Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (Free Press, 1986), a brilliant and critical analysis of the literature critiquing Beard. Additional bibliography includes discussions of the “originalist” interpretations of the Constitution and its effects on the modern-day Tea Party movement. Garret Epps, “Stealing the Constitution: Inside the Right’s Campaign to Hijack Our Country’s Founding Text—and How to Fight Back,” *The Nation* (February 7, 2011); Jill Lepore, “The Commandment: The Constitution and its Worshipers,” *The New Yorker* (January 17, 2011); and Gordon S. Wood, “No Thanks for the Memories: A Review of Jill Lepore, *The Whites of Their Eyes: The Tea Party’s Revolution and the Battle Over American History*,” *The New York Review of Books* (January 13, 2011), which is more critical of Lepore than expected and views the Tea Party movement as a legitimate grassroots protest movement.