

DISCUSSION QUESTION

The Founders were most concerned about the tyranny of the majority and the power to trample minority rights. Their response was to create a system that provided access to a variety of minority interests that would check each other. Do you think it is a strength or a weakness of our Constitution that those citizens and politicians—typically minority interests and often on the fringes of society—who espouse “paranoid” views about government policy receive public attention and often play a role in defining the government’s relationship to society?

NOTES

1. *Congressional Record*, 82nd Congress, 1st session (June 14, 1951), p. 6602.
2. Reprinted from Frank McVey, “The Populist Movement,” *Economic Studies*, I (August 1896), pp. 201–2.
3. *Texas State Times*, September 15, 1855.
4. Jedidiah Moore, *A Sermon Preached at Charlestown, November 29, 1798* (Worcester, Mass., 1799), pp. 20–1.

THE DEBATE: AN ECONOMIC INTERPRETATION OF THE CONSTITUTION

One of the longest-running debates over the Constitution focuses on the motivation of the founders in drafting the document. Was the motivation ideological, based on beliefs of self-governance, the nature of a social contract, and the role of representation? Or was the motivation purely economic, based on a perceived need to preserve economic interests that were threatened under the system of governance of the Articles of Confederation? And if the motivation was economic, what economic interests divided the Anti-Federalists from the Federalists in their opposition to or support for the Constitution?

One of the earliest and most controversial efforts to answer the question was written by Charles Beard in 1913. Beard argued that those who favored the Constitution and played the primary role in its drafting were motivated by the need to better protect their substantial “personality” interests—money, public securities, manufactures, and trade and shipping (or commerce)—in contrast to its opponents, who were primarily small farmers (with small real estate holdings) and debtor interests. Not only was its motivation less than democratic, Beard argued, but the Constitution was ratified by only one-sixth of the male population because voting was limited to property owners.

Robert Brown takes strong opposition to Beard’s thesis. His criticism focuses mainly on Beard’s use of historical data and its interpretation, leaving the door open for other interpretations of the motivations behind the Constitution as well as the base of public support for the document.

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From An Economic Interpretation of the Constitution of the United States

CHARLES A. BEARD

The requirements for an economic interpretation of the formation and adoption of the Constitution may be stated in a hypothetical proposition which, although it cannot be verified absolutely from ascertainable data, will at once illustrate the problem and furnish a guide to research and generalization.

It will be admitted without controversy that the Constitution was the

creation of a certain number of men, and it was opposed by a certain number of men. Now, if it were possible to have an economic biography of all those connected with its framing and adoption,—perhaps about 160,000 men altogether,—the materials for scientific analysis and classification would be available. Such an economic biography would include a list of the real and personal property owned by all of these men and their families: lands and houses, with incumbrances, money at interest, slaves, capital invested in shipping and manufacturing, and in state and continental securities.

Suppose it could be shown from the classification of the men who supported and opposed the Constitution that there was no line of property division at all; that is, that men owning substantially the same amounts of the same kinds of property were equally divided on the matter of adoption or rejection—it would then become apparent that the Constitution had no ascertainable relation to economic groups or classes, but was the product of some abstract causes remote from the chief business of life—gaining a livelihood.

Suppose, on the other hand, that substantially all of the merchants, money lenders, security holders, manufacturers, shippers, capitalists, and financiers and their professional associates are to be found on one side in support of the Constitution and that substantially all or the major portion of the opposition came from the non-slaveholding farmers and the debtors—would it not be pretty conclusively demonstrated that our fundamental law was not the product of an abstraction known as “the whole people,” but of a group of economic interests which must have expected beneficial results from its adoption? Obviously all the facts here desired cannot be discovered, but the data presented in the following chapters bear out the latter hypothesis, and thus a reasonable presumption in favor of the theory is created.

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The purpose of such an inquiry is not, of course, to show that the Constitution was made for the personal benefit of the members of the Convention. Far from it. Neither is it of any moment to discover how many hundred thousand dollars accrued to them as a result of the foundation of the new government. The only point here considered is: Did they represent distinct groups whose economic interests they understood and felt in concrete, definite form through their own personal experience with identical property rights, or were they working merely under the guidance of abstract principles of political science?

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The Disfranchised

In an examination of the structure of American society in 1787, we first encounter four groups whose economic status had a definite legal expression: the slaves, the indented servants, the mass of men who could not qualify for voting under the property tests imposed by the state constitutions and laws, and women, disfranchised and subjected to the discriminations of the common law. These groups were, therefore, not represented in the Convention which drafted the Constitution, except under the theory that representation has no relation to voting.

How extensive the disfranchisement really was cannot be determined. In some states, for instance, Pennsylvania and Georgia, propertyless mechanics in the towns could vote; but in other states the freehold qualifications certainly excluded a great number of the adult males.

In no state, apparently, had the working-class developed a consciousness of a separate interest or an organization that commanded the attention of the politicians of the time. In turning over the hundreds of pages of writings left by eighteenth-century thinkers one cannot help being impressed with the fact that the existence and special problems of a working-class, then already sufficiently numerous to form a considerable portion of society, were outside the realm of politics, except in so far as the future power of the proletariat was foreseen and feared.

When the question of the suffrage was before the Convention, Madison warned his colleagues against the coming industrial masses: “Viewing the subject in its merits alone, the freeholders of the Country would be the safest depositories of Republican liberty. In future times a great majority of the people will not only be without landed [property], but any other sort of property. These will either combine under the influence of their common situation; in which case, the rights of property and the public liberty will not be secure in their hands, or, which is more probable, they will become the tools of opulence and ambition; in which case there will be equal danger on another side.”

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It is apparent that a majority of the states placed direct property qualifications on the voters, and the other states eliminated practically all who were not taxpayers. Special safeguards for property were secured in the qualifications imposed on members of the legislatures in New Hampshire, Massachusetts, New York, New Jersey, Maryland, North Carolina, South Carolina, and Georgia. Further safeguards were added by the qualifications imposed in the case of senators in New Hampshire, Massachusetts, New Jersey, New York, Maryland, North Carolina, and South Carolina.

While these qualifications operated to exclude a large portion of the adult males from participating in elections, the wide distribution of real

property created an extensive electorate and in most rural regions gave the legislatures a broad popular basis. Far from rendering to personal property that defence which was necessary to the full realization of its rights, these qualifications for electors admitted to the suffrage its most dangerous antagonists: the small farmers and many of the debtors who were the most active in all attempts to depreciate personalty [private property] by legislation. Madison with his usual acumen saw the inadequacy of such defence and pointed out in the Convention that the really serious assaults on property (having in mind of course, personalty) had come from the "freeholders."

Nevertheless, in the election of delegates to the Convention, the representatives of personalty in the legislatures were able by the sheer weight of their combined intelligence and economic power to secure delegates from the urban centres or allied with their interests. Happily for them, all the legislatures which they had to convince had not been elected on the issue of choosing delegates to a national Convention, and did not come from a populace stirred up on that question. The call for the Convention went forth on February 21, 1787, from Congress, and within a few months all the legislatures, except that of Rhode Island, had responded. Thus the heated popular discussion usually incident to such a momentous political undertaking was largely avoided, and an orderly and temperate procedure in the selection of delegates was rendered possible.

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A survey of the economic interests of the members of the Convention presents certain conclusions:

A majority of the members were lawyers by profession.

Most of the members came from towns, on or near the coast, that is, from the regions in which personalty was largely concentrated.

Not one member represented in his immediate personal economic interests the small farming or mechanic classes.

The overwhelming majority of members, at least five-sixths, were immediately, directly, and personally interested in the outcome of their labors at Philadelphia, and were to a greater or less extent economic beneficiaries from the adoption of the Constitution.

1. Public security interests were extensively represented in the Convention. Of the fifty-five members who attended no less than forty appear on the Records of the Treasury Department for sums varying from a few dollars up to more than one hundred thousand dollars. [A list of their names follows.]

It is interesting to note that, with the exception of New York, and possibly Delaware, each state had one or more prominent representatives in the Convention who held more than a negligible amount of securities, and who could therefore speak with feeling and authority on the question of providing in the new Constitution for the full discharge of the public debt: [list of names]

2. Personalty invested in lands for speculation was represented by at least fourteen members: [list of names]

3. Personalty in the form of money loaned at interest was represented by at least twenty-four members: [list of names]

4. Personalty in mercantile, manufacturing, and shipping lines was represented by at least eleven members: [list of names]

5. Personalty in slaves was represented by at least fifteen members: [list of names]

It cannot be said, therefore, that the members of the Convention were "disinterested." On the contrary, we are forced to accept the profoundly significant conclusion that they knew through their personal experiences in economic affairs the precise results which the new government that they were setting up was designed to attain. As a group of doctrinaires, like the Frankfort assembly of 1848, they would have failed miserably; but as practical men they were able to build the new government upon the only foundations which could be stable: fundamental economic interests.

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Conclusions

At the close of this long and arid survey—partaking of the nature of catalogue—it seems worth while to bring together the important conclusions for political science which the data presented appear to warrant.

[1.] The movement for the Constitution of the United States was originated and carried through principally by four groups of personalty interests which had been adversely affected under the Articles of Confederation: money, public securities, manufactures, and trade and shipping.

[2.] The first firm steps toward the formation of the Constitution were taken by a small and active group of men immediately interested through their personal possessions in the outcome of their labors.

[3.] No popular vote was taken directly or indirectly on the proposition to call the Convention which drafted the Constitution.

[4.] A large propertyless mass was, under the prevailing suffrage qualifications, excluded at the outset from participation (through representatives) in the work of framing the Constitution.

[5.] The members of the Philadelphia Convention which drafted the Constitution were, with a few exceptions, immediately, directly, and personally interested in, and derived economic advantages from, the establishment of the new system.

[6.] The Constitution was essentially an economic document based upon the concept that the fundamental private rights of property are anterior to government and morally beyond the reach of popular majorities.

[7.] The major portion of the members of the Convention are on record

as recognizing the claim of property to a special and defensive position in the Constitution.

[8.] In the ratification of the Constitution, about three-fourths of the adult males failed to vote on the question, having abstained from the elections at which delegates to the state conventions were chosen, either on account of their indifference or their disfranchisement by property qualifications.

[9.] The Constitution was ratified by a vote of probably not more than one-sixth of the adult males.

[10.] It is questionable whether a majority of the voters participating in the elections for the state conventions in New York, Massachusetts, New Hampshire, Virginia, and South Carolina, actually approved the ratification of the Constitution.

[11.] The leaders who supported the Constitution in the ratifying conventions represented the same economic groups as the members of the Philadelphia Convention; and in a large number of instances they were also directly and personally interested in the outcome of their efforts.

[12.] In the ratification, it became manifest that the line of cleavage for and against the Constitution was between substantial personalty interests on the one hand and the small farming and debtor interests on the other.

[13.] The Constitution was not created by "the whole people" as the jurists have said; neither was it created by "the states" as Southern nullifiers long contended; but it was the work of a consolidated group whose interests knew no state boundaries and were truly national in their scope.

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From *Charles Beard and the Constitution: A Critical Analysis of "An Economic Interpretation of the Constitution"*

ROBERT E. BROWN

Conclusions

At the end of Chapter XI Beard summarized his findings in fourteen paragraphs under the heading of "Conclusions" (pp. 324-25). Actually, these fourteen conclusions merely add up to the two halves of the Beard thesis. One half, that the Constitution originated with and was carried through by personalty interests—money, public securities, manufactures, and commerce—is to be found in paragraphs two, three, six,

seven, eight, twelve, thirteen, and fourteen. The other half—that the Constitution was put over undemocratically in an undemocratic society—is expressed in paragraphs four, five, nine, ten, eleven, and fourteen. The lumping of these conclusions under two general headings makes it easier for the reader to see the broad outlines of the Beard thesis.

* * *

If historical method means the gathering of data from primary sources, the critical evaluation of the evidence thus gathered, and the drawing of conclusions consistent with this evidence, then we must conclude that Beard has done great violation to such method in this book. He admitted that the evidence had not been collected which, given the proper use of historical method, should have precluded the writing of the book. Yet he nevertheless proceeded on the assumption that a valid interpretation could be built on secondary writings whose authors had likewise failed to collect the evidence. If we accept Beard's own maxim, "no evidence, no history," and his own admission that the data had never been collected, the answer to whether he used historical method properly is self-evident.

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Finally, the conclusions which he drew were not justified even by the kind of evidence which he used. If we accepted his evidence strictly at face value, it would still not add up to the fact that the Constitution was put over undemocratically in an undemocratic society by personalty. The citing of property qualifications does not prove that a mass of men were disfranchised. And if we accept his figures on property holdings, either we do not know what most of the delegates had in realty and personalty, or we know that realty outnumbered personalty three to one (eighteen to six). Simply showing that a man held public securities is not sufficient to prove that he acted only in terms of his public securities. If we ignore Beard's own generalizations and accept only his evidence, we would have to conclude that most of the property in the country in 1787 was real estate, that real property was widely distributed in rural areas, which included most of the country, and that even the men who were directly concerned with the Constitution, and especially Washington, were large holders of realty.

Perhaps we can never be completely objective in history, but certainly we can be more objective than Beard was in this book. Naturally the historian must always be aware of the biases, the subjectivity, the pitfalls that confront him, but this does not mean that he should not make an effort to overcome these obstacles. Whether Beard had his thesis before he had his evidence, as some have said, is a question that each reader must answer for himself. Certain it is that the evidence does not justify the thesis.

So instead of the Beard interpretation that the Constitution was put

over undemocratically in an undemocratic society by personal property, the following fourteen paragraphs are offered as a possible interpretation of the Constitution and as suggestions for future research on that document.

1. The movement for the Constitution was originated and carried through by men who had long been important in both economic and political affairs in their respective states. Some of them owned personally, more of them owned realty, and if their property was adversely affected by conditions under the Articles of Confederation, so also was the property of the bulk of the people in the country, middle-class farmers as well as town artisans.

2. The movement for the Constitution, like most important movements, was undoubtedly started by a small group of men. They were probably interested personally in the outcome of their labors, but the benefits which they expected were not confined to personal property or, for that matter, strictly to things economic. And if their own interests would be enhanced by a new government, similar interests of other men, whether agricultural or commercial, would also be enhanced.

3. Naturally there was no popular vote on the calling of the convention which drafted the Constitution. Election of delegates by state legislatures was the constitutional method under the Articles of Confederation, and had been the method long established in this country. Delegates to the Albany Congress, the Stamp Act Congress, the First Continental Congress, the Second Continental Congress, and subsequent congresses under the Articles were all elected by state legislatures, not by the people. Even the Articles of Confederation had been sanctioned by state legislatures, not by popular vote. This is not to say that the Constitutional Convention should not have been elected directly by the people, but only that such a procedure would have been unusual at the time. Some of the opponents of the Constitution later stressed, without avail, the fact that the Convention had not been directly elected. But at the time the Convention met, the people in general seemed to be about as much concerned over the fact that they had not elected the delegates as the people of this country are now concerned over the fact that they do not elect our delegates to the United Nations.

4. Present evidence seems to indicate that there were no "propertyless masses" who were excluded from the suffrage at the time. Most men were middle-class farmers who owned realty and were qualified voters, and, as the men in the Convention said, mechanics had always voted in the cities. Until credible evidence proves otherwise, we can assume that state legislatures were fairly representative at the time. We cannot condone the fact that a few men were probably disfranchised by prevailing property qualifications, but it makes a great deal of difference to an interpretation of the Constitution whether the disfranchised comprised ninety-five per cent of the adult men or only five per cent. Figures which

give percentages of voters in terms of the entire population are misleading, since less than twenty per cent of the people were adult men. And finally, the voting qualifications favored realty, not personalty.

5. If the members of the Convention were directly interested in the outcome of their work and expected to derive benefits from the establishment of the new system, so also did most of the people of the country. We have many statements to the effect that the people in general expected substantial benefits from the labors of the Convention.

6. The Constitution was not just an economic document, although economic factors were undoubtedly important. Since most of the people were middle-class and had private property, practically everybody was interested in the protection of property. A constitution which did not protect property would have been rejected without any question, for the American people had fought the Revolution for the preservation of life, liberty, and property. Many people believed that the Constitution did not go far enough to protect property, and they wrote these views into the amendments to the Constitution. But property was not the only concern of those who wrote and ratified the Constitution, and we would be doing a grave injustice to the political sagacity of the Founding Fathers if we assumed that property or personal gain was their only motive.

7. Naturally the delegates recognized that the protection of property was important under government, but they also recognized that personal rights were equally important. In fact, persons and property were usually bracketed together as the chief objects of government protection.

8. If three-fourths of the adult males failed to vote on the election of delegates to ratifying conventions, this fact signified indifference, not disfranchisement. We must not confuse those who could *not* vote with those who *could* vote but failed to exercise their right. Many men at the time bewailed the fact that only a small portion of the voters ever exercised their prerogative. But this in itself should stand as evidence that the conflict over the Constitution was not very bitter, for if these people had felt strongly one way or the other, more of them would have voted.

Even if we deny the evidence which I have presented and insist that American society was undemocratic in 1787, we must still accept the fact that the men who wrote the Constitution believed that they were writing it for a democratic society. They did not hide behind an iron curtain of secrecy and devise the kind of conservative government that they wanted without regard to the views and interests of "the people." More than anything else, they were aware that "the people" would have to ratify what they proposed, and that therefore any government which would be acceptable to the people must of necessity incorporate much of what was customary at the time. The men at Philadelphia were practical politicians, not political theorists. They recognized the multitude of different ideas and interests that had to be reconciled and compromised before a constitution would be acceptable. They were far too practical,

and represented far too many clashing interests themselves, to fashion a government weighted in favor of personalty or to believe that the people would adopt such a government.

9. If the Constitution was ratified by a vote of only one-sixth of the adult men, that again demonstrates indifference and not disfranchisement. Of the one-fourth of the adult males who voted, nearly two-thirds favored the Constitution. Present evidence does not permit us to say what the popular vote was except as it was measured by the votes of the ratifying conventions.

10. Until we know what the popular vote was, we cannot say that it is questionable whether a majority of the voters in several states favored the Constitution. Too many delegates were sent uninstructed. Neither can we count the towns which did not send delegates on the side of those opposed to the Constitution. Both items would signify indifference rather than sharp conflict over ratification.

11. The ratifying conventions were elected for the specific purpose of adopting or rejecting the Constitution. The people in general had anywhere from several weeks to several months to decide the question. If they did not like the new government, or if they did not know whether they liked it, they could have voted *no* and there would have been no Constitution. Naturally the leaders in the ratifying conventions represented the same interests as the members of the Constitutional Convention—mainly realty and some personalty. But they also represented their constituents in these same interests, especially realty.

12. If the conflict over ratification had been between substantial personalty interests on the one hand and small farmers and debtors on the other, there would not have been a constitution. The small farmers comprised such an overwhelming percentage of the voters that they could have rejected the new government without any trouble. Farmers and debtors are not synonymous terms and should not be confused as such. A town-by-town or county-by-county record of the vote would show clearly how the farmers voted.

13. The Constitution was created about as much by the whole people as any government could be which embraced a large area and depended on representation rather than on direct participation. It was also created in part by the states, for as the *Records* show, there was strong state sentiment at the time which had to be appeased by compromise. And it was created by compromising a whole host of interests throughout the country, without which compromises it could never have been adopted.

If the intellectual historians are correct, we cannot explain the Constitution without considering the psychological factors also. Men are motivated by what they believe as well as by what they have. Sometimes their actions can be explained on the basis of what they hope to have or hope that their children will have. Madison understood this fact when he said that the universal hope of acquiring property tended to dispose

people to look favorably upon property. It is even possible that some men support a given economic system when they themselves have nothing to gain by it. So we would want to know what the people in 1787 thought of their class status. Did workers and small farmers believe that they were lower-class, or did they, as many workers do now, consider themselves middle-class? Were the common people trying to eliminate the Washingtons, Adamsses, Hamiltons, and Pinckneys, or were they trying to join them?

As did Beard's conclusions, these suggestions really add up to two major propositions: the Constitution was adopted in a society which was fundamentally democratic, not undemocratic; and it was adopted by a people who were primarily middle-class property owners, especially farmers who owned realty, not just by the owners of personalty. At present these points seem to be justified by the evidence, but if better evidence in the future disproves or modifies them, we must accept that evidence and change our interpretation accordingly.

After this critical analysis, we should at least not begin future research on this period of American history with the illusion that the Beard thesis of the Constitution is valid. If historians insist on accepting the Beard thesis in spite of this analysis, however, they must do so with the full knowledge that their acceptance is founded on "an act of faith," not an analysis of historical method, and that they are indulging in a "noble dream," not history.

DISCUSSION QUESTION

Judging from these readings, do you think the Framers were governed by self-interest or a commitment to principle, or some combination, when they drafted the Constitution? Explain your answer.

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CHARLES A. BEARD

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