

# THE DEMOCRATIC DEBATE

**American Politics in an  
Age of Change**

**Fifth Edition**

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# Introduction: The Democratic Debate

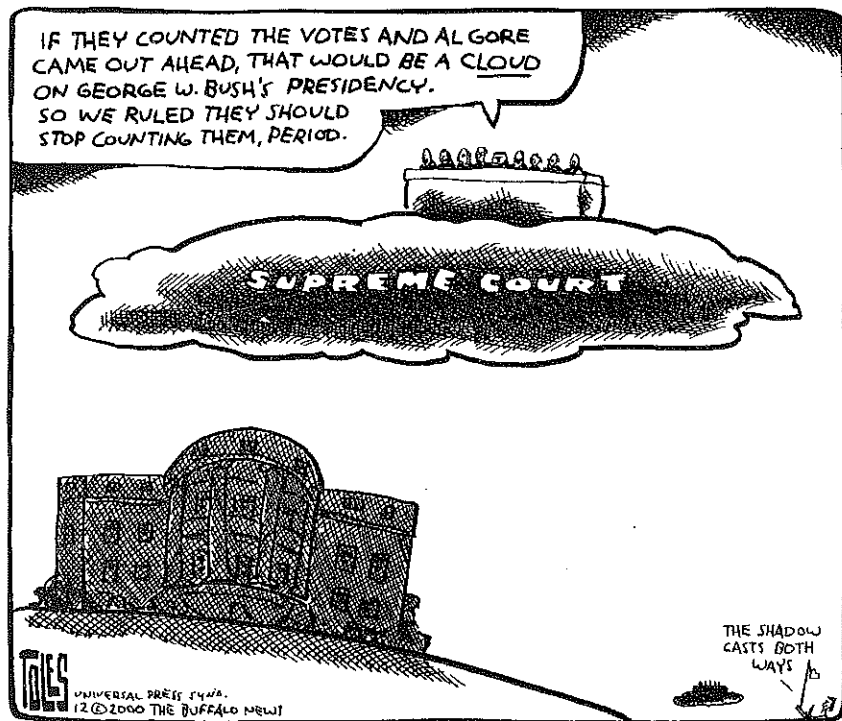
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Men, by their constitutions, are naturally divided into two parties: 1. Those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes. 2. Those who identify themselves with the people, have confidence in them, cherish and consider them as the most honest and safe, although not the most wise, depository of the public interests. . . . The appellation of Aristocrats and Democrats is the true one, expressing the essence of all.

Thomas Jefferson, *Writings*, vol. XVI, p. 73

Most Americans view the United States as a democracy, pure and simple. Sure, there are flaws in our government, but most people agree that the foundation for a democratic society was secured by the Constitution and later laws. The great debates about the rules of the game are settled. Consider elections. We began as a nation that excluded African Americans, women, and people without property from voting. But property requirements were struck down early in the nineteenth century, women got the vote with the adoption of the Nineteenth Amendment in 1920, and African Americans finally won full voting rights with the passage of the civil rights laws of the 1960s.

The path-breaking 2008 presidential election seems to confirm the idea that American democracy is now complete. A generation ago it was almost unthinkable that a black man or a woman could be elected president. For more than two hundred years, every president and vice president has been a white male. In 2008 Barack Obama, the son of a black man from Kenya and a white woman from Kansas, shocked the political world by capturing the Democratic nomination for the presidency. Obama changed the dynamic of the election by skillfully using the Internet to communicate with voters and raise record amounts of money from small contributors. His candidacy also attracted huge numbers of new young voters to the Democratic primaries and caucuses. Hillary Clinton skillfully fought Obama down to the wire in the closest primary battle in recent history. Clinton rightly claimed credit for putting "18 million cracks in the glass ceiling" that had previously prevented women from being seriously considered for the presidency. In a surprise move, Obama's Republican opponent, John McCain, chose little-known Alaska governor Sarah Palin as his running mate. Palin was only the second woman chosen as the vice presidential pick of a major party. (Geraldine Ferraro was Democrat Walter Mondale's VP pick in 1984 when he lost to Ronald Reagan.)





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The election of an African American as president of the United States suggests that there are few barriers to the realization of a fully democratic nation. But democracy is about more than free and fair elections. It is also about having a democratic society and economy. More than 200 years after the founding, we still lack many of the economic and social requirements of a fully developed democracy. Economic inequalities between rich and poor are greater than at any time since the Gilded Age of the late nineteenth century. More and more citizens find themselves trapped in dead-end jobs with low pay and few benefits. Working multiple jobs or struggling to care for children and aging parents, many citizens lack both the time and the resources to participate effectively in American democracy. Meanwhile, large corporations and wealthy elites exercise disproportionate power. Under the Bush presidency, the nation's energy policy was literally written by the oil companies and massive tax breaks were given to the wealthiest Americans, even as the budget deficit soared. For all their populist rhetoric, the 2008 conventions of both political parties gave wealthy donors special access to elected officials and candidates.

Our foreign policy has also violated basic democratic principles. Following the 9/11 terrorist attacks, President Bush stampeded the nation into invading Iraq based on false information. Cowed by the politics of fear, Congress failed to provide the checks and balances against a powerful executive that are so necessary in a democracy. Abuses of power in war contracting became rampant and the soaring costs of the war weakened the ability of the nation to respond to domestic issues, like our crumbling infrastructure and the millions of families lacking health insurance. Our go-it-alone military approach to foreign policy threatened to undermine the coalitions that had been the central feature of American foreign policy under both Republican and Democratic administrations since World War II. Finally, America's moral standing in the world was severely damaged by revelations of the use of torture at Abu Ghraib in violation of international treaties and the violation of the civil rights of prisoners at Guantanamo Bay in Cuba.

Most textbooks treat American politics as based on a consensus. According to the consensus interpretation, Americans agree on the basic rules of the game. What they disagree about is who will win and who will lose, that is, how to divide up the spoils in the "game" of democratic politics. We take a different approach. We present American democracy as a work in progress. Americans disagree not just about policy, but also about the fundamental rules of the game—about how far democracy should be extended into American society. Democracy means more than the ability to vote for president every four years. It means building a democratic society and economy that support the maximum possible participation by citizens in the decisions that affect their lives. The struggle for democracy is never ending. In the pages ahead, we introduce you to the democratic debate.

## What Is Democracy?

The central idea of democracy is quite simple. Democracy originated in the fifth century BCE in the small city-states of Greece. The word *democracy* comes from the Greek words *demos*, meaning "the people," and *kratein*, meaning "to rule." Therefore, democracy means simply "rule by the people." Defined as "rule by the people," democracy, Americans agree, is the best form of government. Americans disagree, however, about what democracy means in practice and how far democratic decision making should be extended.

One of the fundamental disagreements is over who is best suited for democratic decision making—the masses or political elites. *Elites* are small groups of people who possess extraordinary amounts of power. Throughout history, advocates of elite rule have argued that ruling is too difficult for ordinary citizens. Elites dominate many political systems—including communist, aristocratic, and even formally democratic ones. Elitism comes in various forms,

with different justifications for elite rule. A totalitarian regime, for instance, is ruled by an elite few with unlimited power to control the daily lives of the citizens; a theocracy is a system run by religious elites. Although these are among the most extreme forms of elitism, even U.S. democracy is seen by some as controlled by a group of highly educated and wealthy elites. This was C. Wright Mills's central argument in *The Power Elite* (1956).

Few Americans are classical elitists, however; a strong democratic impulse pervades American culture and politics. Anyone who argued that family background, religious training, or even wealth automatically qualified a person to rule would not be taken seriously in the United States. Americans believe in the democratic principle that political power should ultimately stem from the people. Americans also agree on certain basic principles of democratic government, including the importance of a written constitution, representative government, and basic rights such as freedom of speech and press. Throughout American history, political movements have risen to extend democratic citizenship to blacks, women, and other excluded groups. Political equality is a strong value in American politics.

A deep elitist strain, however, also pervades our politics. Americans support elitism not because they believe elites are inherently superior to the common people, but because they believe elites have the specialized knowledge and experience to make the best decisions. In a technologically complex and dangerous world, democracy must often defer to specialized expertise, whether in government or in private corporations. Democracy is a fine ideal, many people argue, but to be realistic and effective, "the people" must cede much of their decision-making power to elites. Americans, for example, often cede power over war and peace to an executive elite on the grounds that "the president knows best."

The thesis of this text is simple: American politics is characterized by a fundamental conflict between elite democracy and popular democracy. **Elite democracy** is a political system in which elites acquire the power to decide by a free and fair competition for the people's votes.<sup>1</sup> Once elected, elites are given the freedom to rule as they see fit. If the people do not like the results, they can vote these elites out at the next election and put different elites into office. Under elite democracy, the people are not expected to participate in the day-to-day affairs of governing.

Popular democracy has its roots in **direct democracy**, in which all citizens gather in one place to vote on important matters. In the Greek city-states, where democracy originated twenty-five hundred years ago, democracy meant face-to-face debate and decision making by all citizens, with offices rotating among the citizens. Some examples of direct democracy still exist in the United States, such as the New England town meeting, where all town citizens gather in one hall to debate and decide important issues.<sup>2</sup>

Popular democracy is the adaptation of direct democracy to a large country with a modern economy and society. **Popular democracy** can be defined as a political system in which the people are involved as much as possible in making the decisions that affect their lives.<sup>3</sup> Popular democrats maintain that ordinary citizens should be closely involved in governing and that, in the long run, they will govern more wisely than elites. In a large country, popular democrats admit, everyone cannot meet in one place to make decisions. Political representatives are needed, but they should remain as close as possible to the people who elected them, accurately reflecting their values and interests. Between elections, citizens should be involved in political affairs, holding representatives accountable and making sure that experts, who are necessary in a complex modern society, serve the needs of the people and not the needs of elites.

At the heart of American politics lies an essential tension between two different conceptions of democracy. We are not the first to present a conflict interpretation of American politics. Marxists have long focused on the "contradictions" of capitalism, particularly the conflict between workers and capitalists. Although class inequalities have often caused deep divisions in American politics, we believe that the fundamental conflict in American democracy has been between elite and popular democrats.

## Origins of the Democratic Debate: The Founding

Normally, the founding period is treated as a celebration of the American consensus on democracy as embodied in the Constitution. Chapter 2 shows, however, that the U.S. Constitution was born in conflict, not in consensus. The ratification of the Constitution did not end debate but began a new debate about the meaning of democracy. The terms of this debate, which were laid down over two hundred years ago, continue to influence American politics to this day.

Our Constitution was not written by lofty statesmen who offered their eternal truths to a grateful nation. The men who wrote the Constitution were practical politicians with pressing political objectives. The framers distrusted popular democracy, especially the power of the majority. (Read James Madison's *Federalist No. 10*.) The supporters of the Constitution in the late 1780s, known as **Federalists**, were the founders of elite democracy in the United States. The Constitution they wrote and ratified was mixed, containing elements of both elitism and democracy. The original Constitution placed severe limits on majority rule and contained many elitist elements; neither the president nor senators, for example, were to be elected directly by the people. (In the original Constitution, senators were chosen by state legislatures and presidents were elected by an elite, the Electoral College, appointed under procedures chosen by the state legislatures.)

The ratification of the Constitution was bitterly opposed by a group known as the **Anti-federalists**. The Anti-federalists were the founders of popular democracy in the United States.<sup>4</sup> The Anti-federalists denounced the proposed Constitution as a betrayal of the democratic spirit of 1776 and the American Revolution itself. The new Constitution, they protested, took too much power away from the states and localities and gave it to the central government. In the long run, they charged, the Constitution would erode the face-to-face participation necessary for a healthy democracy. The Anti-federalists were not a marginal group; many state conventions ratified the Constitution by only the narrowest of margins.

Federalists and Anti-federalists disagreed about the most basic questions of human nature, society, and politics (see Chapter 2). In the eyes of the Federalists, the mass of Americans were passionate and selfish creatures. In a small republic, where simple majority rule prevailed, nothing would stop this mass from taking away the rights or the property of the minority. The Anti-federalists had more faith in the common people. They believed that most people could be educated into civic virtue, overcoming their selfish inclinations and learning to pursue the common good. According to the Anti-federalists, the main threat to democracy came not from majorities but from selfish and powerful elites.

## Evolution of Popular Democracy: The Logic of Inclusion

The Anti-federalists are frequently viewed as losers who had little impact on American politics. This is false. Although the Anti-federalists lost the initial struggle over the Constitution, their perspective has had a tremendous influence on American politics.

If the founding document of elite democracy is the Constitution of 1787, the founding document of popular democracy is the Declaration of Independence of 1776. With its bold statement that "all men are created equal" and are "endowed by their Creator with certain unalienable Rights," the Declaration laid down the basic principles of popular democracy. The Declaration of Independence proclaimed a radical idea: if the government violates people's



rights, they have a right “to alter or abolish it.” This “Spirit of ’76”—based on political equality, rights, and rebellion—has inspired popular democrats ever since.

The democratic faith of Americans, as expressed in the Declaration of Independence, has given popular democrats an ideological advantage and has frequently placed elite democrats on the defensive. In 1791, for example, two years after the Constitution was ratified, the first ten amendments—the Bill of Rights—were added, mostly at the insistence of the Anti-federalists, who wanted to ensure protection of their political rights. (Chapter 16 discusses the importance of civil rights and civil liberties for popular democracy.) Nearly all the amendments to the Constitution since then have moved it in a popular democratic direction, including the Fifteenth Amendment (1870), which extended voting rights to African Americans; the Seventeenth Amendment (1913), which required the direct election of senators; the Nineteenth Amendment (1920), which extended the right to vote to women; and the Twenty-sixth Amendment (1971), which gave the vote to eighteen- to twenty-year-olds.

Popular democratic influence, however, has not been limited to amending the Constitution. It has also affected how we interpret the Constitution. Elected in 1800, Thomas Jefferson, who shared many of the beliefs of the Anti-federalists, was our nation’s first popular democratic president. As such, Jefferson could have proposed writing a new constitution. Instead, he decided to infuse democratic content into the Constitution of 1789 by expanding the participation of common people in governmental decision making.

Although politicians at the top of the political system, like Jefferson, sometimes championed popular democracy, more often such impulses came from ordinary citizens. Throughout



AP Images/Paul Sancya

A Muslim woman casts her ballot—her right to vote protected by the Constitution and the courts.

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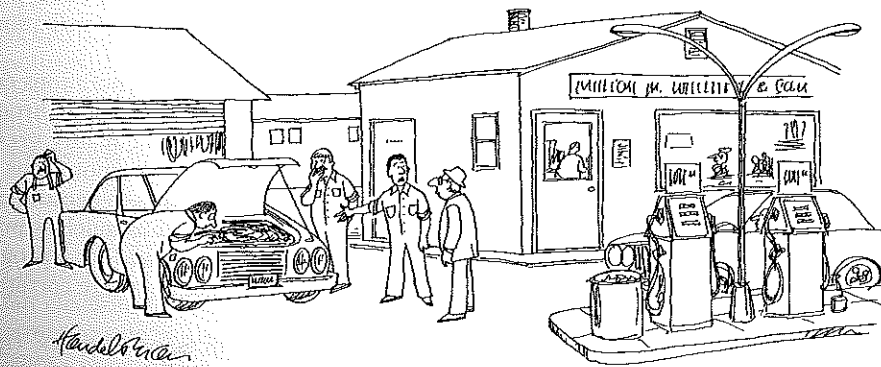
American history, popular democrats have mobilized the masses to expand democratic decision making. Periods of elite dominance have given way to periods of mass participation and popular democratic upsurge, such as the 1890s, the 1930s, and the 1960s–1970s.<sup>5</sup> Does the surge of electoral participation that led to the election of Barack Obama signal a new era of popular upsurge and democratic reform? Will President Obama use his community organizing background to make government more accountable to the people and enact reforms in response to the economic crisis that will empower people at the grassroots? Only time will tell.

In mobilizing people for mass movements, popular democrats have appealed to the ideas of political equality and rights found in the Declaration of Independence. In 1848, for example, Elizabeth Cady Stanton used the language of the Declaration of Independence to write a women's declaration of independence. Her Declaration of Sentiments is considered the founding document of the women's rights movement, which won the right to vote in 1920 and flowered into a modern feminist movement in the 1960s. In the 1950s and 1960s, Martin Luther King Jr. used the popular democratic language of rights and equality to energize the civil rights movement and appeal successfully to a broad white audience. The use of direct-action techniques to empower the powerless is discussed in Chapter 10.

## Evolution of Elite Democracy: The Logic of Expertise

Elite democrats have not stood still while popular democrats pushed for extending democracy. Throughout American history, elite democrats have been immensely resourceful, devising new arguments for limiting democracy. In the early years of the republic, many openly defended elite values. However, the democratization of American values soon rendered such naked appeals to elitism illegitimate. Elitism is no longer defended on the grounds that elites are inherently superior to the masses or that certain people are destined to rule. In contemporary American society, elites profess democratic values but maintain that elite rule is necessary in many spheres of modern society. Elite democrats would not admit they are elitist; they would simply say they are realistic.

The elite democratic position cannot be easily dismissed. When we ride on an airplane, for example, we do not take a vote to see how high the plane will fly or who will serve as



*Handwritten signature: Handelman*

*"We can't come to an agreement about how to fix your car, Mr. Simons. Sometimes that's the way things happen in a democracy."*

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pilot. Everyone acknowledges that democratic decision making must defer to rule by experts, or technical elites, in particular situations. But where do we draw the line? Elite democrats believe that in a rapidly changing, technologically complex, and dangerous world more and more power must be ceded to elites—elites whose power is justified not by birth or wealth but by their knowledge, expertise, and experience. Democracy is viewed as a kind of luxury that we cannot “afford” too much of, especially given our desire for economic growth and the necessity to compete with other nations for economic, political, and military advantage.

In the late nineteenth century, a popular democratic movement called *populism* emerged, challenging the control of corporate elites over the economy. In the crucial election of 1896, however, the populist candidate, William Jennings Bryan, was defeated by the candidate of big business, William McKinley. Drawing on huge corporate contributions, McKinley is credited with having pioneered the first modern campaign using mass-media techniques of persuasion. McKinley's victory ushered in a long period of weak party competition and declining voter turnout.<sup>6</sup> Chapters 6, 7, and 8 document the power that money can exert over the electoral process when parties decline and their functions are taken over by the mass media.

## The Federal Government and Popular Democracy

From the time of the founding, popular and elite democrats have reversed their positions on the importance of a strong federal government. At the time of the founding, elite democrats favored a strong federal government to protect the property of elites and filter the passions of the masses. Popular democrats feared an aristocratic federal government and wanted most power placed in the hands of the states that were closer to the people. Over time the positions have reversed: popular democrats now generally look to the federal government to protect common people from economic exploitation and elite democrats generally favor states rights and less government regulation of the economy.

At the time of the debate over the Constitution, few private corporations existed; those that did were small and family owned. Elite democrats like Alexander Hamilton favored a strong national government that could aid in the development of manufacturing and the accumulation of wealth. Popular democrats, like Thomas Jefferson, feared a strong federal government as too removed from the common man and likely to aid in the accumulation of large fortunes that could corrupt democracy. As president, Jefferson supported giving more power to the states, not as a general principle, but as a means to promote the wide distribution of productive property in the hands of small farmers and businessmen.

The process of industrialization and the creation of huge national corporations completely changed the attitude of popular democrats toward the federal government.<sup>7</sup> Throughout the nineteenth century, industrial fortunes swelled and economic inequality grew. A strong federal government was needed to rein in the power of national corporations and to ensure a minimum level of equality necessary for a vibrant democracy. It became clear to popular democrats that tyranny can come from private abuse of power as much as public abuse. Progressives passed the Sixteenth Amendment in 1913, which allowed for a progressive income tax, and enacted an estate tax to break up the huge fortunes that were corrupting democracy.

Over the same period elite democrats increasingly argued in favor of states' rights and against federal regulation of the economy. The principle of states' rights was used by Southern elites to prevent the federal government from intervening to guarantee African Americans the right to vote. Corporate elites have argued that economic regulations stifle

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the free-market competition that produces innovation and economic growth. Chapter 3 examines the argument for free-market capitalism that is so important for contemporary elite democrats, as well as the popular democratic response that corporations exert power over the marketplace and thus must be held democratically accountable.

It is too simple, however, to say that popular democrats favor the federal government and elite democrats favor state and local governments. Neither side is entirely consistent. Elite democrats, for example, support a smaller federal government—except in military and foreign affairs. In Chapter 18 we discuss the effort to insulate foreign and military policy making in the hands of an executive elite. Similarly, popular democrats have not uniformly supported federal power. The need to expand the federal government has placed popular democrats on the horns of a dilemma: although a more powerful federal government is necessary to address inequalities and curb the power of corporations, national laws too often remove government from popular democratic participation. Chapter 15 examines the effort of popular democrats to devise federal programs that help empower local citizens.

## Summarizing the Democratic Debate

This consensus view of American politics fundamentally distorts reality. Americans disagree about the rules of the game. In particular, Americans disagree about the meaning of democracy and how far democratic decision making should be extended into the economy and society. This text argues for a conflict, not a consensus, approach to American politics. American politics is best understood as embodying an essential tension, or conflict, between two different conceptions of democracy: elite democracy and popular democracy. The differences between these two approaches can be summarized in six points.

### ELITE DEMOCRACY

1. With the exception of an educated, largely white male elite, most people are uninterested in politics and uninformed about issues; most people are more interested in their own private lives than in politics.
2. When the masses do get involved in politics, they tend to be highly emotional and intolerant; ironically, the main threat to democracy comes from the masses, not from elites.
3. Democracy basically means free and fair elections in which elites acquire the power to rule by competing for people's votes.

### POPULAR DEMOCRACY

1. People are naturally inclined to participate in the decisions that affect their lives; if they don't participate, something must be wrong with the democratic system.
2. Through democratic participation people can overcome their parochial interests and become public-spirited citizens. When their powers and privileges are threatened, elites often respond by curtailing democracy; the main threat to democracy comes from selfish elites, not from ordinary citizens.
3. Democracy means more than fair elections; it means the participation of ordinary citizens in the decisions that affect their lives in an atmosphere of tolerance and trust.

(Continues)

**ELITE DEMOCRACY**

4. The main goal of democracy should be to protect the rights of individuals to pursue their own interests, especially the acquisition of property. Because of varying talents and ambitions, democracies must tolerate substantial inequality.
5. Political representatives should filter the views of the people through their superior expertise, intelligence, and temperament.
6. Reforms in America almost always come about gradually, through the actions of elites.

**POPULAR DEMOCRACY**

4. The main goal of democracy should be to strengthen community; inequalities that divide the community should be minimized.
5. Representatives should stay as close to their constituents as possible, accurately reflecting their views in the political system.
6. Meaningful reforms in American politics have almost always come about because of political pressure from below by ordinary citizens.

*What knowledge do you need to decide?*

## Interpreting Political Facts: The Problem of Participation

It is easy to become confused by the complexity of American politics. Magazines, newspapers, radio, and TV bombard us with facts about political negotiations in Congress, interest group bargaining, maneuverings of the political parties, the state of the economy and its effect on political fortunes, key decisions by the Supreme Court, and the actions of foreign countries. The sheer volume of political facts threatens to overwhelm our ability to comprehend them. Students of American politics need an organizing framework to make sense of these facts—to identify patterns, decide which facts are important, and evaluate political outcomes.

The ideas of elite and popular democracy can serve as an interpretive framework to help us make sense of American politics. To understand how this framework is used in the text, we apply it here to one example: the different ways that people interpret basic facts about political participation in American politics (a topic covered in Chapter 5).

The facts of political participation in the United States are well known. Voting is the most common political act, yet less than 60 percent of the eligible electorate votes in most presidential elections (the turnout in 2008 was about 62.5 percent); the turnout rate in off-year congressional elections is only about one-third.

Although these facts are straightforward, making sense of them is more difficult. For example, how do we assess the simple fact that only a little more than half of the eligible electorate normally votes in presidential elections? Is the glass half full or half empty? What you see depends as much on your interpretation of the facts as on the facts themselves.

For elite democrats, the glass of democratic participation is half full. According to this view, the fact that only about half the people participate in elections is a sign of a healthy democracy. People are not inclined to participate in politics; most prefer to spend their time in private pursuits: making a living, raising children, watching TV. The fact that many people do not participate in politics is a sign of satisfaction. After all, nothing is stopping them from voting—legal barriers to voting (property qualifications, poll taxes, literacy tests) have been eliminated. If the masses of nonvoters felt their interests were threatened by government, they could mobilize their slack resources, including the vote, and influence the system. Moreover, because we know that nonvoters tend to be less educated, we should be happy

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Figure 1.1 Do you see an old woman or a young woman?

that many do not participate in politics. As *Newsweek* columnist George Will put it, "The reasonable assumption about electorates is: smaller is smarter."<sup>8</sup>

Popular democrats contest the elite democratic interpretation of the facts of participation on every count. For them, the glass of democratic participation is at least half empty. They see low levels of political participation as a sign of a sick democracy. Popular democrats believe that people are naturally inclined to participate in the governance of their societies. When they don't participate, something must be wrong. Although there are no legal barriers preventing Americans from participating in the political process, popular democrats argue, many people feel so alienated from politics that they view their own participation as meaningless. They see the decisive role of money in elections and conclude that ordinary citizens have little influence. Moreover, when they see the limited choices on the ballot, they think that it doesn't matter who wins. In short, those who fail to participate in politics are not satisfied; they are *discouraged*.

Who is right? As the example of participation shows, political facts do not speak for themselves. The same facts can be seen from radically different perspectives. Interpreting the facts of American politics is like viewing Figure 1.1; what you see depends on how you look at it. Do you see an old woman or a beautiful young woman? You can see one or the other, but you cannot see both at the same time. As with this image, we must interpret the facts of American politics to give them meaning. Elite and popular views of democracy are the two frameworks we will use to interpret the facts of American politics.

There is an important difference, however, between interpreting Figure 1.1 and interpreting political facts. What you see in the figure does not affect anyone's interest. In politics, interpretations of the facts are hotly contested because they directly affect people's interests. Consider the different interpretations of nonvoting. If nonvoting is an expression of satisfaction, then the system is legitimate—those in power are viewed as having the right to rule. On the other hand, if nonvoting is an expression of alienation, then the government loses legitimacy and political protests outside of normal channels, such as street demonstrations and civil disobedience, are justified. Our interpretations of political facts shape our evaluations of right and wrong, and what should and should not be done.

## Conclusion: Joining the Democratic Debate

We must end this introduction with a warning: The authors of this text are not neutral observers of the democratic debate. Although we present both sides, we defend popular democracy and develop a popular democratic critique of American politics. We do so to redress an imbalance that is unconsciously embedded in most treatments of American politics, both in scholarly texts and in the mass media.

Finally, we invite readers not to accept our bias but to critically examine their own views toward democracy. In short, we invite you to join the democratic debate.

## Reader's Guide

### Critical Thinking Questions

1. The term "elite" has almost universal negative connotations but elites could be viewed simply as people who are better at something than ordinary people. Olympic athletes are elites, for example. Has American culture become too democratic and therefore unwilling to recognize special talents and abilities?
2. Does the invention of Internet favor elite or popular democracy? Why?
3. In your college or university, what decisions should be left to experts and what decisions should be made by the students? What distinguishes the two types of decisions?

### Key Word Definition

**elite democracy** A political system in which the privileged classes acquire the power to decide by a competition for the people's votes and have substantial freedom between elections to rule as they see fit.

**direct democracy** The face-to-face meeting of all citizens in one place to vote on all important issues.

**popular democracy** A political system in which the citizens are involved as much as possible in making the decisions that affect their lives.

**Federalist** Supporter of the Constitution during the Constitutional Convention of 1787 and the ratification debates of 1787–1788.

**Anti-federalist** Opponent of the Constitution during the ratification debates of 1787–1788.



## Chapter 2

# The Revolution and the Constitution: Origins of the Democratic Debate

FROM COLONIALS TO REVOLUTIONARIES  
FROM REVOLUTION TO CONSTITUTION  
THE CONSTITUTIONAL CONVENTION  
RATIFICATION STRUGGLE AND THE DEMOCRATIC DEBATE  
THE BILL OF RIGHTS  
CONCLUSION: BEGINNING THE DEMOCRATIC DEBATE

When modern American politicians hope to establish their noble aspirations and to provide their policies with the sanction of higher authority, they invariably turn to the founders of the republic—even to those whose ideas seem very different from their own. Proclaiming a new national beginning after the dark days of Watergate, President Gerald Ford, a conservative, quoted radical Thomas Paine on our revolutionary beginnings. President Bill Clinton, an advocate of an activist national government, was fond of citing Thomas Jefferson, who favored local action and feared national power. Republicans or Democrats, conservatives or liberals, American political leaders speak in hushed tones of the founders as our political saints.

Presidents draw on assumptions that most Americans hold: that the founders agreed among themselves about the fundamental premises of politics and government; that they believed in the same kind of democracy that we profess; and that they were above the desires for power and wealth that seem to drive most present-day political leaders. All of these assumptions are essentially false. The founders of the republic did not agree among themselves; they argued vehemently about fundamental issues of human nature, society, and government. Many were skeptical about democracy and its values, and held to an elitist



conception of government that no contemporary American politician would dare to profess openly. Struggles over power and wealth were as central to their politics as to our own.

This chapter demonstrates that the American political system was born not in consensus but in conflict. American political life at the time of our founding was characterized by a debate between popular and elite democracy—a debate that has driven our politics ever since. The two sides differed on six basic political issues:

1. Human nature
2. The proper scale of political life
3. Representation
4. Separation of powers and checks and balances
5. The purpose of government
6. Stability and change

Popular democratic answers to these questions produced a hopeful brand of politics that extended self-government to ordinary citizens. Elite democratic answers left ultimate sovereignty to the people but placed actual governance in the hands of a political and economic elite.

The American founding did not produce a final victory for either elite democrats or popular democrats. In studying the Revolution and the Constitution, we witness the origins of an ongoing democratic debate. Particularly in the argument over the new Constitution, which pitted Federalists against Anti-federalists, the democratic debate was launched with a depth and passion that still echo in today's politics.

## From Colonials to Revolutionaries

In 1763 the idea that the American colonies of Great Britain would declare their independence, start a revolution, and shape a political system unlike any then known would have seemed absurd. The colonists enjoyed their status as outposts of a glorious empire. England, their "mother country," was nurturing and permissive. The colonies flourished economically and possessed a considerable degree of liberty and self-government under the relatively lax British administration. Colonists not only thought of themselves as English people but also resembled them in many respects. Americans felt a strong allegiance to the king and liked to celebrate his birthday with rousing toasts.<sup>1</sup>

Beneath the surface, however, elements of a distinct American identity were detectable. Immigrants from many European countries—Scots, French Protestants, Germans, and others—made the colonies far more heterogeneous than their "mother country." And the emerging American brand of religious freedom gave the colonists a spiritual diversity found nowhere else in the world. Even as they continued to think of themselves as English, Americans were becoming a separate people.<sup>2</sup>

By 1763, the British had defeated the French and Spanish in the Seven Years' War and established their dominance in the New World. They needed revenues to pay off the debts incurred in this war. As beneficiaries of the British efforts, the American colonists seemed the obvious targets for new taxation. However, this assumption proved to be disastrous for the British. Colonial America responded to the first British tax levies, the Sugar Act and the Stamp Act, with spirited resistance. While American writers denounced taxes imposed by a Parliament in which the colonies were not represented, American "patriots" formed organizations known as the Sons of Liberty and mobbed stamp-tax collectors until they resigned their royal commissions.



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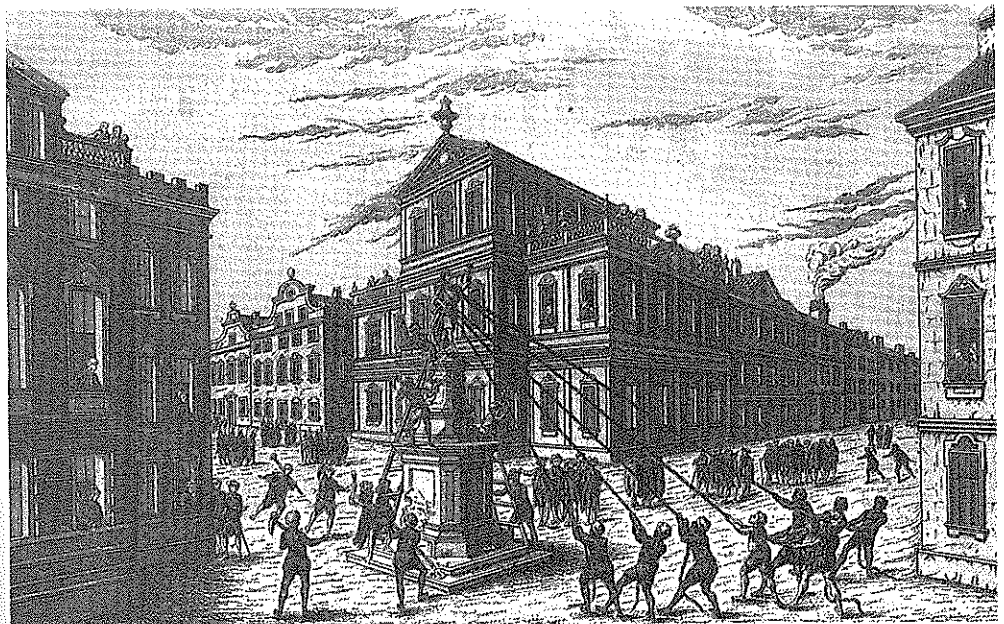
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After listening to a reading of the Declaration of Independence, a New York crowd of soldiers and civilians pulls down a statue of King George III. The picture dramatizes the overthrow of monarchism (rule by one) by republicanism (popular rule).

For the next decade, a political dynamic developed that led the Americans toward independence. When the British eased their attempts at taxation, peace returned. But every time they tried to reassert their authority, the American spirit of resistance grew stronger. The increasingly bitter conflict wore away old loyalties and crystallized an independent American identity.<sup>3</sup>

Two events epitomized the colonists' growing radicalism. One was the famous Boston Tea Party in 1773, where Boston patriots, disguised as Indians, dumped a shipload of tea into the harbor in protest of a tax on the beverage. Notable here was the colonists' militancy, their reliance on direct popular action to redress a grievance. Fascinated today by the handful of brilliant leaders whom we honor as our founding fathers, we too often forget that the American revolutionary cause required uncommon dedication from "common" people as well. As historian Gary Nash observes, it was the "backcountry farmers, urban craftsmen, deep-blue mariners, female camp followers, and food rioters . . . who did most of the protesting, most of the fighting, most of the dying, and most of the dreaming about how a victorious America might satisfy the yearnings of all its peoples."<sup>4</sup>

A second landmark event was the fiery rhetoric of the most widely read pamphlet calling on Americans to declare their independence: Thomas Paine's *Common Sense*, published early in 1776. Paine poured scorn on a monarch whom Americans had customarily revered. By sending his troops to enforce his taxes with bayonets, wrote Paine, George III deserved to be called the "Royal Brute of Britain." Monarchy itself, Paine thundered, was a crime; if we could trace the origins of kings, he wrote, "we should find the first of them nothing better than the principal ruffian of some restless gang. . . ." <sup>5</sup> A decade of resistance and protest had undermined much of the hierarchical thinking of colonial Americans; reading Tom Paine, many of them became filled with a bold and hopeful spirit that was ready to launch a grand revolutionary experiment in popular democracy.

## The Birth of Republicanism

To understand this revolutionary experiment, we need to look beneath questions of taxation and representation. Contemporary historians have identified a deeper level of thought that transformed loyal colonials into defiant revolutionaries. This body of thought shaped the political activities of Americans and infused them with the revolutionary "Spirit of '76." The name historians have given to this body of thought is **republicanism**. (The republicanism of the Revolution should not be confused with the ideas of the Republican Party, formed in the 1850s.<sup>6</sup>)

What were the central ideas of republican ideology, and how did they shape the thinking of the American revolutionaries? We focus on four interrelated ideas: liberty versus power, legislatures versus executives, virtue, and the small republic.

**Liberty versus Power.** Eighteenth-century republicans saw the struggle between liberty and power as the core of political life. *Power* meant dominion or control. Although necessary for the maintenance of order, power's natural tendency was to exceed legitimate boundaries and to invade the sphere of liberty. By *liberty*, republicans meant both private liberty—such as property rights—and public liberty—the right of the people to have a collective say in government.

**Legislatures versus Executives.** Republican theory identified power largely with executives. Executives were entrusted with enforcing the laws, but they had a natural inclination to arbitrary rule and self-aggrandizement. Thus, executives were seen as the most likely threats to liberty. Legislatures, on the other hand, were the most likely defenders of liberty. Closer to the people, mirroring the people's desires, cherishing the people's liberties, the legislature was the natural adversary of the executive.

**Virtue of the American People.** Why were republicans so optimistic about the people and their representatives in the legislature? Might not the people, under some circumstances, also prove dangerous? Republicans conceded that liberty could go too far and become anarchy. But they hoped for a people characterized by virtue rather than lawlessness. By *virtue*, they meant the willingness of individuals to subordinate their private interests to the common good. *Virtue* was a passion for the public good superior to all private passions: Americans believed that the British effort to introduce tyranny into the colonies showed that the British government and even the British people had become corrupt; selfishness had destroyed their traditional commitment to liberty. But America—peopled by those who had fled the Old World in search of liberty—was a land where virtue still resided.

**The Small Republic.** What conditions encouraged virtue? As good republicans, the American revolutionaries stressed such things as simplicity and frugality. But the single most important condition necessary for republican virtue was the small republic. In a large republic, diverse economic interests and dissimilar ways of life would produce factional conflicts, encouraging selfishness and eroding virtue. In a small republic, however, a genuine common interest could be found, for the people would be more homogeneous and united.

Thus, the revolutionary assumptions of 1776 were the danger of power and the need to safeguard liberty, the threat of executives and the confidence in legislatures, the hope for a virtuous people, and the stress on small republics and political decentralization. On the basis of these popular democratic assumptions, Americans began shaping their own independent governments in 1776. However, each of these assumptions would be challenged in the decade that followed and debated at length in the struggle over the Constitution.



## The Spirit of '76

The American Revolution exploded in 1776 with political energy and creativity. The institutions it first shaped were soon replaced by others, but the ideals it espoused were to form the base of America's democratic creed. Both the successes and the failures of revolutionary creativity are evident in the Declaration of Independence, the constitutions of the new states, and the Articles of Confederation.

**The Declaration of Independence.** When the Second Continental Congress finally decided that the moment had arrived for the definitive break between America and Britain, it appointed a small committee to prepare a justification for such a revolutionary act. This committee of five wisely turned to its best writer, the young Thomas Jefferson of Virginia. The **Declaration of Independence**, the document that Jefferson drafted and that the Congress adopted with some revisions on July 4, 1776, has become, along with the Constitution, the most hallowed of all American political texts. Its opening words are very familiar, so familiar that we usually do not read them with the care and reflection they deserve.

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

Scholars argue about the sources of Jefferson's ideas in the Declaration of Independence. The most common view is that he was influenced by an English philosopher, John Locke. Several of Locke's central themes are evident in the Declaration: that the primary objective of government is the protection of life, liberty, and property, and that all legitimate political authority derives from the consent of the governed and can be taken away from rulers who betray the will of the people. Locke's ideas are considered central to the political philosophy of liberalism.

If Locke's liberal philosophy is found in the Declaration, the democratic Jefferson gives it a more revolutionary interpretation than the English philosopher intended. The Declaration of Independence establishes equality as the basis for American political thought and makes "life, liberty, and the pursuit of happiness" universal rights. It dethrones government as a higher power and renders it subject to the consent of the people. In its argument, and even in its form, it transforms the nature of political life, supplanting the commands of a king with the discussion and debate suitable to a free people.<sup>7</sup>

Like most great documents, the Declaration of Independence bears the marks and limits of its time. Its words about equality and rights were not meant to include women or African Americans. The American revolutionaries used universal terms but restricted them in practice to white males. Still, the Declaration created a standard to which later popular democrats would appeal in efforts to include those who had originally been excluded from its promises. Battling the spread of slavery, Abraham Lincoln grounded his opposition on the words of the Declaration, proclaiming in 1859 that the "principles of Jefferson are the definitions and axioms of free society."<sup>8</sup> Feminist and African-American movements for emancipation have also rested their cases on the Declaration of Independence.<sup>9</sup>

**The Revolutionary State Constitutions.** The revolutionary ideas of 1776 were also embodied in the first state constitutions. In 1776, ten states established new constitutions to replace their old colonial charters. These constitutions reflected both the struggle with Britain and the core ideas of republicanism. They provided popular democratic answers to the basic questions at issue in the democratic debate—answers that would be rejected a decade later by the elite who drafted the U.S. Constitution.

Three features of the new constitutions were noteworthy: the inclusion of a bill of rights, the weakening of executive power, and the enhancement of legislative power.<sup>10</sup> After years of fighting against British invasions of their rights, Americans wanted to make it clear that these rights were sacred and inviolable, beyond the reach even of the governments that they themselves were establishing. So most of the new constitutions contained a bill of rights; several, including Virginia's influential one, began their constitutions with such declarations.

Colonial experience and republican theory had identified executive power as the chief threat to liberty. Therefore, the revolutionary constitution makers sought to guard against the return of executive despotism. Revolutionary executives were, by intention, weak executives. In the first state constitutions, executives were chosen by the legislature and held office for a term of only one year. They were stripped of the executive powers traditionally exercised by the British monarch and were left with only modest duties of law enforcement.

The revolutionary mistrust of executives did not extend to legislatures. In the eyes of the constitution writers of 1776, the legislature was not likely to threaten public liberty because it would be an embodiment of the people. The revolutionaries attempted to make the state legislature, particularly the more popular lower house, genuinely representative. This required annual elections so that legislators would frequently be returned to live among the people and feel the effects of the laws they had passed. It also required a large and equal representation so that all areas of a state would be fairly reflected in legislative deliberations.

**The Articles of Confederation.** The states, not the nation, were seen as the centers of political life in 1776. More than a holdover from colonial experience, the primacy of the states reflected the belief that republics were workable only in a small territory. Consequently, the first American system of national government was a confederation, a loose association of states that agreed to join in a compact for common ends (especially foreign relations and the conduct of war). In a confederation, the individual units remain sovereign, so each state had supreme power within its borders. The **Articles of Confederation**, adopted by the Continental Congress in 1777 but not finally approved by all thirteen states until 1781, put little power in the hands of a centralized authority.

Congress under the Articles of Confederation was an assembly of delegates from the states, each of which had one vote. It had the authority to levy taxes and raise troops but had to requisition each state to supply its assigned quota; should a state fail to meet its duty, the central government could do little about it. The suspicion of the states toward national authority was displayed most dramatically in the provision of the Articles of Confederation regarding amendments: No alterations in the Articles could be made until the legislature of *every* state agreed to them. There was no provision in the Articles for either an executive or a judiciary. All of this government's limited and closely watched powers were left in the hands of the Congress.

The deficiencies of the Articles of Confederation became apparent once it was put into practice. Supporters of the 1787 Constitution based their strongest arguments on the inadequacy of the Articles of Confederation to meet America's need for an effective national government. Yet it should be remembered that the Articles of Confederation were not designed to create a strong national government. The framers of the Articles, adhering to the revolutionary spirit of '76, believed that local liberty—and not national power—was the true source of republican strength and virtue.



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## A CLOSER LOOK

### A Revolutionary Experiment in Popular Democracy

All of the state constitutions written in 1776 reflected the revolutionary desire to restrict the power of rulers and to place government more directly in the hands of the people. No state carried this impulse further than Pennsylvania. The Pennsylvania Constitution of 1776 was the boldest revolutionary experiment in popular democracy.

In most states, the struggle for independence created a coalition between the social and economic elite and “common” folk. In Pennsylvania, however, the elite clung to the hope of reconciliation with Britain. Encouraged by champions of independence in the Continental Congress, middle-class and working-class Pennsylvanians—small merchants, shopkeepers, and artisans—shouldered aside this elite. Aiming to shift political control to the people and to prevent wealthy “gentlemen” from resuming their traditional rule, they drafted a constitution whose character was, for its day, remarkably democratic.

The principal institution in the new government was a unicameral (one-house) legislature. Pennsylvania democrats saw no need for an “upper” house, which would be dominated in any case by the elite. To ensure that this legislature would represent all the people, the constitution established the easiest suffrage requirement in any of the states. To ensure that it did what the people wanted (and did not become a new elite with interests of its own), it provided for annual elections and prohibited any representative for serving for more than four years out of every seven. Even more fearful of executive despotism than constitution writers in the other states, popular democrats in Pennsylvania eliminated the office

of governor, putting in its place an Executive Council of twelve, elected directly by the people and holding very limited powers.

Critics complained that this simple form of government placed no checks on the power of the unicameral legislature. Defenders of the constitution responded that it was designed to make the people themselves the check. The constitution made government in Pennsylvania more open to public knowledge and involvement than in any other state. It required that the doors of the legislature be open for public attendance and votes be published weekly for public scrutiny. Once the legislature passed a bill, it could not become law until the next session, allowing the people time to consider it and, if they chose, to reject it through their election of new representatives.

Was this popular democratic experiment in government workable? What makes the question hard to answer is that the experiment never had a clear trial. Opponents of the constitution, many from the old social and economic elite, fought from the beginning to obstruct and overturn it. Their powerful resistance gained ground as the revolutionary spirit of 1776 faded. In 1790, Pennsylvania adopted a new constitution, setting up a government similar to those in other states, and ended its revolutionary experiment in popular democracy.

Sources: The Pennsylvania Constitution of 1776; David Hawke, *In the Midst of a Revolution* (Philadelphia: University of Pennsylvania Press, 1961); Gordon S. Wood, *The Creation of the American Republic, 1776–1787* (New York: Norton, 1972).



## From Revolution to Constitution

Why did the spirit of '76, the hopeful experiment in liberty and virtue, give way to a more somber spirit a decade later, as reflected in the Constitution and in the arguments that upheld it? To answer this question, we must look at the years between the Declaration of Independence and the Constitution, some of the most fateful years in American history.

In 1776 the American revolutionary cause attracted a broad coalition. The struggle for independence and self-government united wealthy merchants, slave-owning planters, and lawyers with yeoman farmers, urban artisans, and unskilled laborers. But during the war for independence, and even more so in the years immediately following the war, major economic and social tensions emerged in the revolutionary coalition. The result was a sense of crisis in the new American republic that engendered a move to reconstitute American politics on a different footing than that of 1776.

Conflicts within the revolutionary coalition that had begun during the war with England grew much worse after the fighting stopped. As a depression spread from commercial areas to the countryside, prices for both manufactured and agricultural goods fell. Money became scarce, especially specie or "hard money" (gold and silver). Hardest hit during this depression were the small farmers, who constituted the majority of Americans at the time. With falling prices and a shortage of specie, farmers could not pay off their creditors. Because many states were levying taxes to pay off wartime debts, the farmers also faced demands for payments from the tax collector. The combination of debt and taxes threatened many small farmers with foreclosure—the loss of their tools, livestock, or land. Some faced prison, for in this period one could be jailed for a failure to pay debts.

Not surprisingly, small farmers faced with such dire losses became the main source of political agitation in the mid-1780s. They wanted their state legislatures to relieve their distress. They petitioned for "stay laws" to postpone foreclosures and "tender laws" to allow payment of debts and taxes in agricultural commodities. Most of all, they sought paper money—a new and inflated currency that would make paying their debts and taxes easier.

In Massachusetts the legislature, dominated by the merchants and moneylenders of the coastal cities, ignored the debtors' pleas. By the fall of 1786, conditions were ripe for rebellion. Under the leadership of Daniel Shays, a former revolutionary army officer, farmers in the western counties banded together to close down the local courts and prevent further foreclosures. When Shays and his followers marched on the state armory in Springfield, they were dispersed by the state militia. **Shays's Rebellion**, as this event came to be called, was hardly a revolution; it was a disorganized campaign by desperate farmers who felt they were losing everything that the American Revolution had promised them.

To the more conservative and propertied American republicans, Shays's Rebellion was a disturbing yet familiar phenomenon. Just as republican theory had warned that power, if not properly checked, led to despotism, so it had also maintained that liberty, if not properly contained by power, led to lawlessness. But in the 1780s, what most troubled the conservative and the propertied was not the people's rebellions against the state governments. Rather, they were troubled that the majority of the state governments, with their strong legislatures and weak executives, *were* responding to popular grievances. For example, seven states passed paper-money legislation; stay and tender laws were also put into effect.<sup>11</sup>

Why were the legislatures in the majority of the states so responsive to mass grievances? One reason was the popular democratic nature of these revolutionary governments. With annual elections and with large and equal representation, the legislatures were quick to grant their constituents' requests. A second reason was the character of the representatives themselves. Before the Revolution, colonial assemblies had been dominated by an upper class of merchants, lawyers, and large landowners. But the Revolution had brought new men into

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Republicans, Shays's Rebellion was a warning that power, if not properly checked, could threaten liberty. It most troubled the conservative state governments. Rather, with their strong legislatures, for example, seven states passed laws to effect.<sup>11</sup>

so responsive to mass grievances in revolutionary governments. The legislatures were quick to respond to the character of the representatives. It was dominated by an upper class. It had brought new men into

politics from the middle class, and the composition of the legislatures had changed. Now, when yeoman farmers petitioned their state legislatures, they were heard in many states by people like themselves.<sup>12</sup>

To conservative and propertied republicans, the new state laws (such as paper-money legislation) and the new state legislators called into question the assumptions about politics that had been shared by all republicans in 1776. These men, looking fearfully at developments in the states, no longer believed the core ideas of 1776. Condemning the "Vices of the Political System of the United States," the young James Madison, soon to play the leading role at the Constitutional Convention, placed them at the doorstep of "the representative bodies" and "the people themselves." To Madison, the heroes of 1776 had become the culprits of 1787.<sup>13</sup>

The Constitutional Convention of 1787 assembled largely in response to these developments in the states. The delegates who came to Philadelphia agreed that efforts in the states to block what was happening had been unsuccessful. They also agreed that the weak national government under the Articles of Confederation, with its dedication to state sovereignty, provided no recourse. These delegates were still republicans, but they no longer hoped to base the American republic on the virtue or public spirit of the people. As they saw it, if republicanism was to survive in America—without subverting either order or property—only a proper constitution could save it.

## The Constitutional Convention

The Constitutional Convention of 1787 was a lengthy affair, lasting from May 25 to September 17. For nearly four months of a sweltering Philadelphia summer, fifty-five delegates from twelve states (Rhode Island refused to send a delegation) orated, debated, and negotiated the creation of a new American political system. Their proceedings were secret, and our knowledge of what took place rests mainly on notes of several delegates—particularly James Madison.<sup>14</sup>

### A Strong National Government

Forging a new national government was a complex process whose eventual outcome no one really anticipated. Many of the principal figures at Philadelphia—the delegates who took leading roles—wanted a far stronger national government than the Articles of Confederation provided. Some, however, were tenacious defenders of state interests. The actual features of the new government emerged gradually through the debates, votes, and compromises of four months.<sup>15</sup>

As the debates commenced, the delegates were subject to conflicting pulls. On one hand, these mostly propertied and conservative men were representatives of the tradition we call elite democracy, and they were eager to end the upsurge of popular democracy that had been manifested in paper-money legislation and Shays's Rebellion. Furthermore, they hoped that a new national government, elevated high above local democracy, would be dominated by people like themselves rather than by the more ordinary folks who had gained prominence in the state legislatures. On the other hand, they knew that whatever they might consider the best plan of government, the new Constitution would have to obtain the approval of the American people. Frequent references were made during the proceedings to the values or "genius" of the American people, which could not be ignored or overridden.<sup>16</sup>

The initial agenda for the convention was set by the **Virginia Plan**, introduced on May 29 by that state's governor, Edmund Randolph, but principally the handiwork of James Madison. This plan envisioned the United States as a large republic—the kind of centralized



The Architect of the Capitol.

An artist's rendition of the Constitutional Convention.

political order that the American revolutionaries had opposed as inconsistent with liberty. Under the Virginia Plan, representation for each state in *both* houses of the bicameral legislature was to be based on either taxes paid to the national government or the number of free inhabitants—provisions that would favor the large states. The provision that most strongly indicated how authority was to be shifted from the state governments to the national government was one crafted by Madison that empowered the national legislature to veto state legislation.

Although the Virginia Plan dominated the initial debate, it leaned so far in the direction of the large states that the smaller states took alarm. On June 15 they countered with an alternative framework, introduced by William Paterson of New Jersey and thus known as the **New Jersey Plan**. The New Jersey Plan was essentially a reform of the Articles of Confederation rather than a wholly new constitutional order. It retained from the Articles a unicameral legislature in which each state would have equal representation. It strengthened the Articles by bestowing on Congress greater powers over revenues and commerce and by establishing a plural executive and a national judiciary. The New Jersey Plan never had enough support to gain serious consideration, but the concerns of the small states that it raised had to be addressed if the convention was to arrive at sufficient agreement to present a new constitution to the nation.

The quarrel between large and small states over representation was finally settled through a compromise proposed by the delegation from Connecticut and known as the **Connecticut Compromise**, or **Great Compromise**. Under the terms of this compromise, the House of Representatives would be apportioned according to the populations of the various states, whereas each state would have two members in the Senate. Senators would be selected by their state's legislature. The origination of revenue acts would be an exclusive right of the House.

The delegates who were most eager to build national power at the expense of the states had to accept compromises that pained them. Equal representation for the states in the Senate was one blow to the "nationalist" position; another was the defeat of Madison's plan for a

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It leaned so far in the direction of a unicameral legislature that on September 15 they countered with an alternative. The new body was thus known as the **New Congress**. Under the Articles of Confederation the national legislature was a unicameral legislature. The new Congress strengthened the Articles by bettering the national government and by establishing a plural executive. It had enough support to gain serious consideration had to be addressed if the new constitution to the nation.

The presentation was finally settled on September 17 and known as the **Connecticut Plan**. The terms of this compromise, the **Great Compromise**, were that the population of the various states would be selected. The Senate would be an exclusive right of the

power at the expense of the states. The plan for the states in the Senate was the defeat of Madison's plan for a

national veto power over state legislation. Rather than drawing clear lines of national dominance and state subordination, the constitution that began to emerge by midsummer drew uncertain boundaries between national and state powers. The Constitution of the United States is celebrated for creating a novel system of **federalism**, under which power is divided between the central government and the states. Alexander Hamilton and especially James Madison applauded the virtues of this federalism in *The Federalist Papers*, considered later in this chapter. The irony is that this system of federalism was not what Hamilton, Madison, or their allies wanted. If they had not needed to compromise on representation and had not lost on the veto over state laws, the United States would have a far more centralized government today.

## National Institutions

The Articles of Confederation had provided only a single legislative branch. But the Constitutional Convention intended to create a more complex government, possessing a bicameral legislature, a national executive, and a national judiciary. Molding these institutions and determining the appropriate relationships between them occupied much of the convention's time. In framing new national institutions, most of the delegates rejected the assumption that had dominated constitution making a decade earlier: that the legislature—the branch closest to the people—should be entrusted with the most power. Recent actions of the state legislatures had soured most of the men at Philadelphia toward the virtues of the people's representatives and made them look more favorably at the executive and courts as organs of power and stability.

**The Legislature.** The House of Representatives proved to be the least complicated of the institutions to fashion. The delegates were clear that this branch would directly reflect the people's opinions and interests. But they were also clear that a legislative body so closely representing popular democratic sentiments would need strong checks. The House was seen as the most democratic part of the new system—and for that very reason the part most feared and constrained.

The nature of the second legislative body, the Senate, occasioned greater controversy. Many delegates envisioned the Senate as an elite assemblage, a forum where the nation's economic, political, and intellectual aristocrats would constrain the more democratic House and supply wisdom and stability to the process of lawmaking. Those who wanted a cool, deliberative, elite legislative body fought hard against making the Senate a forum for state interests. Even though the Great Compromise disappointed them, the Senate was still seen as more selective, conservative, and stable than the House. As a consequence, it was given deliberative functions and prerogatives denied to the House: Senate consent was required for treaties and for presidential nominations to the executive branch and the judiciary.

**The Executive.** If the fashioning of a Senate gave the convention its share of pains, the shaping of the executive was a continual headache, not relieved until the closing days of the proceedings. The Virginia Plan had left open the question of whether the United States would have a single or a plural executive. To some delegates, the idea of a single man exercising executive powers over so vast a country as the United States conjured a disturbing likeness with the king of Great Britain. Thus, when James Wilson of Pennsylvania proposed on June 1 that "the Executive consist of a single person" who would provide "energy, dispatch, and responsibility to the office," Madison's notes observe "a considerable pause ensuing." Attacking Wilson's proposal, Governor Randolph of Virginia claimed that a single or "unitary" executive would be the "fetus of monarchy" and suggested instead that the executive consist of three men.<sup>17</sup>

After vigorous debate, Wilson's proposal for a unitary executive carried, but another of his proposals—election of this executive by popular vote—failed. For most of the remainder

of the convention, the prevailing view was that the national executive should be selected by Congress. But the convention was moving, gradually and fitfully, to strengthen the executive office. Revolutionary fears of executive power were waning, especially among conservative and propertied republicans; a more favorable view of executives as pillars of order and stability was gaining ground. The willingness of the delegates to create the kind of powerful American executive that would have been unthinkable in 1776 was furthered by the universal assumption that George Washington would be the first president. The final key decision of the convention on the executive—selection by electors rather than by Congress—added greatly to executive independence and strength.

**The Judiciary.** The third branch of the new national government provoked surprisingly little debate. The idea of “judicial review”—that federal courts have the authority to judge a law by the standard of the Constitution and to declare it null and void should it be found incompatible—was not stated in the Constitution but was discussed by the delegates. Although they did not agree universally on the subject, their comments about judicial review suggest that most delegates did assume that the federal courts would have this authority.

### Values, Fears, and Issues

The Constitution was gradually shaped by the convention as institutions were formed, their powers defined, and their relationships to one another determined. In this process a number of issues preoccupied the framers.

**Property.** Ever since historian Charles Beard charged in 1913 that the Constitution of the United States was written for the economic benefit of its authors, a debate has ensued about the role of property in the Constitutional Convention.<sup>18</sup> Although Beard’s specific arguments about the framers’ personal economic gains have been refuted by other historians, considerable evidence remains in the record of the convention debates that the general protection of property was an objective for many of the framers. The new national government was designed to make property far more secure than it had been under the state constitutions. The convention bestowed on the national government new powers that holders of substantial property desired, such as the means to pay off public debts, disproportionately held by the wealthy. Equally important, it prohibited the state governments from coining money, issuing paper money, or “impairing the obligations of contracts,” thus putting an end to the popular democratic efforts of the 1780s to aid the many at the expense of the few.

**The “Threat” of Democracy.** In the eyes of most of the framers, democracy was the chief threat to property. When the framers talked about democracy, they usually meant the lower house of the legislature, where the people’s interests and feelings were directly represented. Some delegates assailed democracy on the grounds that the people were ignorant, subject to fits of passion, and prone to pursuing their own economic interests at the expense of a minority of the most industrious, successful, and propertied citizens. Others feared the people less because of their inherent flaws than because they were so easily duped by demagogues, selfish leaders who stoked the flames of popular passion to gain power. Given this perspective, it is not surprising that the delegates aimed many of the checks and balances they were writing into the constitution at democracy. Only the House of Representatives would be directly democratic, and it would be restrained by the Senate, president, and judiciary, all of which would be selected in an elite rather than a popular fashion.

**Slavery.** The delegates at Philadelphia concurred on the importance of promoting property and averting the dangers of democracy. But they were sharply divided on another issue: slavery.

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Many Northern delegates resisted giving slavery any support in the Constitution. However, delegates from South Carolina and Georgia insisted that slaves were indispensable to their economies, and they warned the convention that if slavery was not given special protection, their states would not join the Union. Delegates from New England, who expressed dislike for slavery but suggested that the convention should not meddle with this topic, proposed compromises that would keep the most southerly states in the Union. In accordance with their position, slavery was given three special safeguards in the Constitution: (1) to apportion direct taxes and representation in the House, slaves would count as three-fifths of free persons, thereby enlarging southern representation; (2) the slave trade could not be banned for at least twenty years; and (3) fugitive slaves would be returned to their owners.

The framers of the Constitution compromised in this case for the sake of union. They justified their moral lapse with the belief that slavery would gradually die out without any forceful effort against it. The Civil War would show this pious hope to have been their greatest error.<sup>19</sup>

Table 2.1 summarizes the chief features of the Preamble and seven articles of the Constitution. The final article stated that ratification by conventions in nine of the thirteen original states would be sufficient to put the Constitution into effect. It began one of the most important contests in American history—a political and philosophical struggle to determine nothing less than the basis on which American politics would be conducted.

## Ratification Struggle and the Democratic Debate

Most contemporary Americans assume that the greatness of the Constitution under which we have lived for more than two hundred years must have been obvious from the start. In reality, the ratification of the Constitution required a long and sometimes bitter struggle whose outcome was by no means certain. Although some states ratified the Constitution swiftly and with little dissent, in a number of the larger states the contest was close. In Massachusetts, the vote in the ratifying convention was 187 to 168 in favor of the Constitution. Virginia ratified by the narrow margin of 89 to 79; New York endorsed the Constitution by a vote of 30 to 27.<sup>20</sup>

The closeness of these votes becomes less surprising when we recall that the Constitution largely reversed the political verdict of 1776 by ending the revolutionary experiment in state-based popular democracy. Its supporters had to overcome strong resistance. Historian Saul Cornell notes that "contemporary observers on both sides of the ratification debate were struck by the intensity of popular opposition to the Constitution."<sup>21</sup> If the Constitution was a defeat for popular democracy and a victory for an elite democracy (moderated by concessions to the democratic spirit), how did its supporters, who called themselves Federalists, win in the face of such opposition?

The Federalists enjoyed a number of political advantages over opponents of the Constitution, who came to be known as Anti-federalists. Perhaps most important, they were united around a common and positive program. With a solution in hand to the nation's distresses (which they often exaggerated for rhetorical purposes), they possessed the political initiative. The Anti-federalists, on the other hand, could not agree among themselves either about what was wrong with the Constitution or about what should take its place. The Federalists also had an advantage in disseminating their ideas. Based largely in the cities and supported by most of the wealthy, they had better access to newspapers than the Anti-federalists.

The Federalist cause was also blessed with exceptional intellectual talent. A majority of the distinguished, learned, and articulate men in America argued for the ratification of the



**Table 2.1** Preamble and Articles of the Constitution

Preamble	"We the people"—and not the states—establish the Constitution to "form a more perfect union" and to secure justice, domestic tranquility, national-defense, the "general welfare," and "the blessings of liberty. . . ."
Article 1	Provides for the selection of representatives and senators, with a two-year term for representatives and a six-year term for senators. Grants seventeen explicit powers to Congress, including the powers to levy and collect taxes, to regulate interstate and foreign commerce, and to declare war. Also grants to Congress the power to make laws that are "necessary and proper" for executing its enumerated powers.
Article 2	Establishes the office of the president. The president is to be selected by electors, with each state choosing as many electors as it has representatives in the House and Senate. Serves a four-year term with no restrictions on reelection. The president is to be "commander in chief" of the armed forces and chief of the executive branch. The president is to have a say in legislation by informing Congress of "the state of the Union" and by recommending measures that he deems "necessary and expedient." The House can impeach and the Senate can remove the president (and all other civil officers) for "treason, bribery, or other high crimes and misdemeanors."
Article 3	Creates a federal judiciary, who hold their offices "during good behavior"—until they resign, die, or are impeached and convicted by Congress. Vests the judicial power in a Supreme Court and in lower courts to be established by Congress. Although the Supreme Court is made the highest court of appeals, Congress retains the power to alter its jurisdiction.
Article 4	Governs relationships between the states. Each state must give "full faith and credit" to the acts and records of the other states. Citizens traveling to another state are entitled to the same "privileges and immunities" as its own residents.
Article 5	Establishes two methods for proposing and two methods for ratifying amendments to the Constitution. Amendments can be proposed either by a two-thirds vote in both houses of Congress or by a convention requested by two-thirds of the states. Ratification of an amendment requires a favorable vote in the legislatures of three-fourths of the states or in special conventions in three-fourths of the states.
Article 6	The Constitution and the laws and treaties made pursuant to its authority are "the supreme law of the land. . . ."
Article 7	Ratification by conventions of nine states establishes the Constitution as the new national authority.

Constitution. Among them, none presented the case for the Constitution so brilliantly as Alexander Hamilton, James Madison, and John Jay in *The Federalist Papers*.<sup>22</sup>

Although a number of able writers opposed the Constitution, no single Anti-federalist writing was comparable to *The Federalist Papers*. Moreover, the Anti-federalists can be said to have lost the intellectual debate because their side lost the political contest. *The Federalist Papers* thus have overshadowed Anti-federalist thought. Yet both sides were important in the debate over the Constitution. As political theorist Herbert J. Storing has written, "If . . . the foundation of the American polity was laid by the Federalists, the Anti-Federalist reservations echo through American history; and it is in the dialogue, not merely in the Federalist victory, that the country's principles are to be discovered."<sup>23</sup>

The dialogue that Storing mentions is what we call the democratic debate. In the following discussion, we pay equal attention to both voices in the debate—Federalist and Anti-federalist, elite democrat and popular democrat. We consider six issues on which the two

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sides differed: human nature, the proper scale of political life, the character of representation, separation of powers and checks and balances, the purpose of government, and stability and change. These issues are at the core of the democratic debate.

## Human Nature: Its Dangers and Its Possibilities

The basic issue of the democratic debate is human nature. The Federalists held a pessimistic view of human nature. In the most famous of *The Federalist Papers*, number 10, James Madison wrote that people were "much more disposed to vex and oppress each other than to cooperate for their common good."<sup>24</sup> Although Madison could also write that "there are other qualities in human nature which justify a certain portion of esteem and confidence,"<sup>25</sup> the Federalist view was that good government could not be founded on the idea of goodness in its participants.

Any goodness in human nature, the Federalists believed, was most likely to be found in elites. Madison argued that the new national government would bring to power the relatively few citizens who were both wise and public spirited. Hamilton claimed that his favorite institution, the presidency, would be filled by men "preeminent for ability and virtue."<sup>26</sup> The Federalists recognized that the dangerous qualities in human nature might also show up in the governing elite. But their greater fear was the raw human nature of the masses. The history of experiments in popular democracy had, in the eyes of the Federalists, demonstrated that most ordinary people were prone to passion, selfishness, and disorder. To the Federalists, any attempt by the people to assemble and debate affairs in a face-to-face or direct democracy would inevitably degenerate into mob rule.

The Anti-federalists were not naive optimists who held a rosy view of human nature. They, too, wrote vividly of the ambition and greed that could disfigure the human character. Yet they differed profoundly from the Federalists on where virtue and vice were most likely to be found. Ordinary individuals, most Anti-federalist writers believed, had modest aspirations; they wanted to live a life of comfort, decency, and dignity. Moreover, whatever natural tendencies existed toward selfishness and quarreling could be counteracted through instruction in morality and religion. Virtue could be supported by republican institutions, laws, and customs.<sup>27</sup>

The Anti-federalists feared human nature among elites. Power, they claimed, was intoxicating; especially when the connection between governors and citizens grew distant and the instruments for abuse and corruption were nearby. Human nature at its worst was not a lawless people, the Anti-federalist Patrick Henry of Virginia proclaimed. Rather, it was "the tyranny of rulers."<sup>28</sup>

## Scale of Political Life

From this initial difference between Federalists and Anti-federalists over human nature flowed a further difference over the proper scale of political life. Federalists favored a large republic (national government); Anti-federalists favored small republics (state governments).

In the view of the Federalists, the small republic brought out the worst in human nature. In the face-to-face political space of the small republic, a majority of selfish but like-minded individuals would form a "faction" or political group and try to oppress a minority, such as those who owned large amounts of property or those who held unorthodox religious beliefs. Politics in the small republic would degenerate into turbulence, injustice, and misery.

But in the large republic, the Federalists claimed, the selfish passions of the people could not have this unhappy result. There would be so much diversity in the large republic that a powerful and unjust majority faction was unlikely to form. James Madison explained the logic of the large republic: "Extend the sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other."<sup>29</sup>

Given their view of human nature, the Anti-federalists favored the small republic and feared the large republic. The Anti-federalists saw the small republic as the home of liberty rather than oppression. It was only in the small republic, they argued, that citizens were close enough to their representatives in government to have confidence in them and to hold them accountable for their actions. Further, only in the small republic could citizens participate in political affairs and, through the practice of active citizenship, develop a broader and less selfish understanding of the common good.<sup>30</sup>

The Anti-federalists saw the large republic as bringing out the worst in human nature. Above all, they mistrusted the national elites on whom the Federalists were banking their hopes. As a New York Anti-federalist who used the pseudonym of Brutus (killer of the tyrant Caesar, who had destroyed the Roman republic) put it, "In so extensive a republic, the great officers of government would soon become above the control of the people, and abuse their power to the purpose of aggrandizing themselves, and oppressing them."<sup>31</sup>

### Representation

Federalist and Anti-federalist understandings of representation also followed from their differing views of human nature. Because ordinary people were prone, the Federalists believed, to selfish, factional, and even violent passions, the task of the elected representative was to filter out these bad impulses and seek the people's true welfare. In a large republic, James Madison argued in *Federalist No. 10*, the process of representation would "refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations."<sup>32</sup> The Federalist claim was that representatives, forming a small elite, would both know better and do better than the people themselves.

The Anti-federalists denied that representatives should act the part of the people's superiors. Representatives, they argued, should not filter out what the people wanted; they should mirror the people's exact hopes and goals. In the words of New York Anti-federalist Melancton Smith, "The idea that naturally suggests itself to our minds when we speak of representatives is that they resemble those they represent; they should be a true picture of the people; possess the knowledge of their circumstances and their wants; sympathize in all their distresses, and be disposed to seek their true interests."<sup>33</sup>

### Separation of Powers and Checks and Balances

Although the Federalists entertained high hopes for a talented and virtuous elite to run the new national government, they were aware that concentrated power could be abused. Their remedy was to separate the powers of government into three branches—legislative, executive, and judicial—each of which would have the constitutional weapons to check the others. Thus, the president could check the legislature with his veto, the Senate could check the executive with its power over appointments, and the judiciary could check the other two branches by its authority over the meaning of the Constitution and the laws. Members of each branch were expected to defend their rightful powers against the others, James Madison explained, less out of virtue than out of a regard for their own interests. To guard against an oppressive concentration of powers within government, he wrote in one of his most famous sentences, "ambition must be made to counteract ambition."<sup>34</sup>

The Federalists did not see all branches as equally dangerous. They worried most about the popular democratic body, the House of Representatives. The more elite institutions were expected to hold the House in check and thereby ensure wiser and more stable governance.

The Anti-federalists viewed the institutions of government in a different light. Most of them accepted the idea of separation of powers and checks and balances but complained that the Constitution was checking the wrong people. It was not the democratic House that

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needed most closely to be watched, but rather the elite branches. Patrick Henry warned that Hamilton's vaunted executive "squints toward monarchy."<sup>35</sup> Several Anti-federalist writers denounced the constitutional alliance between a monarchical president and an aristocratic Senate in making treaties and appointing civil officers, judges, and ambassadors.

## Purpose of Government

What was the purpose of government? Both Federalists and Anti-federalists agreed that government must protect and promote the liberty of the people. Yet they meant different things by *liberty*. To James Madison, liberty was primarily a private possession—private property or private convictions. Liberty in this sense needed to be protected from oppressive majorities that would take away property or force the same religious faith on everyone. If liberty was protected, individuals would, Madison believed, succeed or fail in accordance with their own abilities. A free society would inevitably be marked by a substantial amount of economic inequality that resulted from the natural differences between people.<sup>36</sup>

Alexander Hamilton thought of liberty in slightly different terms—as the freedom to acquire greater property and power. He wanted a powerful national government that would promote the economic growth and develop the military potential of the United States. The purpose of government was to steer the United States in the direction of national greatness. In the right hands, he suggested in *The Federalist Papers*, this bold young nation "might make herself the admiration and envy of the world."<sup>37</sup>

To the Anti-federalists, liberty was equally precious. But they emphasized the political rights of the people as much as the people's right to private property. Understood in this way, liberty was endangered less by oppressive majorities than by oppressive rulers. The most common Anti-federalist complaint against the Constitution—that it contained no bill of rights to safeguard the people against government oppression—is considered in the next section.

The Anti-federalists also disagreed with the Federalists about how liberty related to economic life and national defense. Although desiring a prosperous America, they hoped for a more egalitarian society than the Federalists. If wealth became highly unequal and Americans began desiring luxurious goods, they feared, the republic would lose its anchorage in the civic virtue of the people. The public good would be neglected once Americans cared only about getting rich. Anti-federalists also worried about the rise of a powerful military that might be used by rulers for domestic tyranny or foreign aggression. The Anti-federalist view of the purpose of government looked back to the vision of popular democracy that had fired the hopes of American revolutionaries in 1776. They protested against turning America away from its original democratic dream and making it more like the undemocratic governments of Europe.<sup>38</sup>

## Stability and Change

The final critical area of difference between the Federalists and the Anti-federalists involved their perspectives on stability and change in American politics. Responding to the upsurge of popular democracy in the Revolution and its aftermath, Federalists looked for sources of stability in a new constitutional system. Their chief answer to the danger of radical economic and social change through popular democracy lay in the complex mechanisms of the Constitution itself. In the vastness and diversity of a large republic, majorities desiring radical change were unlikely to form; should they overcome the problem of distance and gain power in the democratic branch—the House of Representatives—the more elite branches would check their progress and protect the status quo. Federalists were not averse to all change—witness Hamilton's program for economic development—but they wanted change guided by an elite.

Among the Federalists, James Madison was particularly insightful in recognizing a more profound basis for stability. He saw that if the Constitution could prevail over its initial opposition, its status as the foundation of American politics would eventually cease to be questioned. It would gain "that veneration which time bestows on everything, and without which perhaps

**Table 2.2** Differences Between the Federalists and Anti-federalists.

Issue	Federalists	Anti-federalists
Human nature	Ordinary people basically selfish; capacity for virtue greater among elites	Ordinary people moderately ambitious and capable of virtue; dangerous ambitions found among elites
Scale of political life	Favored a large republic (national government)	Favored a small republic (state governments)
Role of representatives	To refine the public views	To mirror the people's hopes and goals
Separation of powers	Favored checks and balances, with particular eye on the House of Representatives	Believed in checks and balances, with particular eye on the president and Senate
Purpose of government	To protect liberty, especially private rights; expected inequality as just result	To protect liberty, especially political rights; sought to prevent large inequalities that threatened values of a republic
Stability and change	Stability found in complexity of Constitution and in public reverence for it	Feared political decay and corruption; favored spirit of protest embodied in the Revolution.

the wisest and freest governments would not possess the requisite stability."<sup>39</sup> Madison foresaw that Americans would come to worship the Constitution. Forgetting the original debate over it, they would revere the document—and the ideas—produced by the winning side.

What the Federalists desired as stability looked to the Anti-federalists like the most dangerous form of change: political corruption and decay. The Anti-federalists were not worried that the people would become unruly; they feared that the people would become apathetic about public affairs. Under the new constitutional order, they predicted, arrogance and corruption would grow among ruling elites, while the people would become preoccupied with the scramble for riches.

The Anti-federalist view continued the spirit of popular protest that had marked the American Revolution. No one expressed this spirit so strongly during this period as Thomas Jefferson. Strictly speaking, Jefferson was neither Federalist nor Anti-federalist; as the American minister to France during the years in which the Constitution was written and debated, he stood at a distance from the conflict over it. Yet his support for popular protest, expressed in letters to friends in America, dramatically opposed the Federalist dread of popular action. Whereas the Federalists reacted in horror to Shays's Rebellion as a signpost of impending anarchy, Jefferson wrote to Madison that "I hold it that a little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical."<sup>40</sup> Jefferson, like the Anti-federalists, believed that only an alert and active citizenry could preserve the democratic values of the American Revolution (see Table 2.2).

## The Bill of Rights

When farmers in the back country of South Carolina heard that their state had ratified the Constitution, they "had a coffin painted black, which borne in funeral procession, was solemnly buried, as an emblem of the dissolution and interment of public liberty."<sup>41</sup> Anti-federalist

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liberty, especially political; concern to prevent large inequalities and the loss of values of a republic
political decay and corruption; the right of protest embodied in the

fears that the Constitution would become a monstrous mechanism for oppressing the people strike us today as absurd. Yet in one crucial respect, the fears of the Anti-federalists were fortunate. Without them, we would not have gained the Bill of Rights.

Among the Anti-federalists' objections to the Constitution, none was as frequently voiced, as popularly received, and as compelling in force as the complaint that the Constitution lacked guarantees of the people's basic liberties. Most of the state constitutions, Anti-federalist writers and debaters pointed out, expressly protected the fundamental personal and political rights of the people against arbitrary and invasive government. Yet this new national constitution contained no such guarantees of liberty. Anti-federalists at the state ratifying conventions thus began to propose various amendments to the new Constitution as safeguards of the people's fundamental rights.

Some Federalists resisted the call for amendments, fearing that they would weaken the new political system. But the more moderate supporters of the Constitution increasingly recognized that amendments that guaranteed the rights of the people would conciliate opponents of the Constitution and thus give the new system a better chance to survive and flourish. The leader of these moderates was James Madison, who became the principal drafter and legislative champion of what became the Bill of Rights.<sup>42</sup>

The Bill of Rights adds to the original Constitution a commitment to the personal and political liberties of the people. It safeguards the rights of religious conscience, free speech, a free press, and political activity; it protects the people against an invasion of their homes and papers by an intrusive government; it guarantees a fair trial and a freedom from excessive punishment. If the Constitution proved to be the great charter of American government, the Bill of Rights was the great charter of American liberty. It stands as an enduring testament to the vision and values of the Anti-federalists. Today, when Americans think of the U.S. Constitution, the Bill of Rights seems as much a part of its original composition as the seven articles drafted at the Philadelphia convention of 1787. The original democratic debate had made the Constitution a better—and a more democratic—document.

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## Conclusion: Beginning the Democratic Debate

The ratification of the Constitution was a victory for elite democrats in the original democratic debate. Not only did this victory lie in the creation of lofty national institutions in which elites would control most of the offices, but even more, it lay in the impediments to popular democracy that the constitutional system established. The growing size of the national republic tended, as Madison had argued, to fragment potential popular democratic movements and encourage in their place the narrower struggles of interest group politics. The complexity of national institutions tended to stymie democratic energies for social change. The remoteness of national institutions tended to undermine the civic virtue nourished in local, face-to-face political participation.

Elite democrats also won a philosophical victory in 1787. Embodied in many of the clauses of the Constitution and brilliantly argued in the pages of *The Federalist Papers*, the premises of elite democracy have come down to Americans with the sanctity of the highest political authority.

Yet the victory of the Federalists, the original elite democrats, was far from complete. Historian Saul Cornell observes that the "ideas of the Anti-Federalists, the Other Founders of the American constitutional tradition, continue to provoke, inspire, and complicate our understanding of what the Constitution means."<sup>43</sup> When Americans today discuss the Constitution, their assumptions about the document's democratic character reflect many of the Anti-federalists' central arguments.

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Popular democrats thus were not really vanquished in the era of the American founding. Later generations of popular democrats have looked back to the founding for authority and inspiration—though more often to the Revolution than to the Constitution. The American tradition of popular democratic protest and struggle finds its roots in the Sons of Liberty, the Boston Tea Party, and the revolutionary war militia. The popular democratic vision of equality and self-government rests on the opening paragraphs of the Declaration of Independence. Echoing the revolutionaries of 1776 and the Anti-federalists, popular democrats balance their fears of remote and unaccountable power with hopes for democratic community and public-spirited citizens.

Today's popular democrats not only can claim the revolutionary heritage, but they can also point to concessions obtained from elite democrats in the constitutional system itself. The framers of the Constitution had to include elements of popular democracy in order to win ratification. Soon after ratification, popular democrats won an even larger victory when the Bill of Rights was added to the Constitution. Later amendments have also made the Constitution more compatible with popular democracy. The Thirteenth, Fourteenth, and Fifteenth Amendments, products of the Civil War and Reconstruction era, established the rights of African Americans to participate in the American political system. The Nineteenth Amendment established women's right to suffrage. Products of long struggles by popular democratic movements, these amendments opened doors that the founders had kept shut. They established the equal right of all Americans to exercise the political rights and enjoy the political rewards that had originally been reserved for white males alone.

The Revolution and Constitution engendered a great democratic debate, but they did not resolve it for all time. Throughout this text, we point out how the democratic debate continues to enliven American politics. As we study its contemporary expressions, we need to recall the fundamental terms of the debate set down by the creators of the American republic.

## Reader's Guide

### Critical Thinking Questions

1. How did the American Revolution express popular democratic ideals? Which of these ideals have endured?
2. Why did the hopeful political mood of 1776 give way to the more somber outlook of 1787?
3. Were the framers of the U.S. Constitution more concerned to advance democracy or to hold it in check?
4. What were the strongest arguments of the Federalists? Of the Anti-federalists? If you had been an American citizen at the time of the ratification debates, which side would you have supported?

### Key Word Definition

**republicanism** The eighteenth-century body of political thought, based on the ideas of liberty versus power, legislatures versus executives, civic virtue, and the small republic, that shaped the political activities of colonial Americans and infused them with the revolutionary "Spirit of '76."

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**Declaration of Independence** The document written by Thomas Jefferson and adopted by the Continental Congress on July 4, 1776, in which the American colonies announced themselves to be free and independent from Great Britain and set forth the revolutionary principle of democracy.

**Articles of Confederation** The first written U.S. Constitution, ratified by the states in 1781, establishing a loose confederation among the former colonies under a weak national government.

**Shays's Rebellion** A 1786 upheaval by desperate small farmers in Massachusetts that alarmed conservative republicans and thereby set the stage for the Constitutional Convention of 1787.

**Virginia Plan** The proposal submitted by the Virginia delegation at the Constitutional Convention of 1787, to create a strong national government.

**New Jersey Plan** The proposal submitted by the New Jersey delegation at the Constitutional Convention of 1787 to reform the Articles of Confederation but maintain most governmental power in the states.

**Great Compromise** An agreement, also known as the Connecticut Compromise, in which the Constitutional Convention of 1787 resolved that Congress would be bicameral, with the Senate composed of two members from each state and the House of Representatives apportioned according to each state's population.

**federalism** A system in which power is divided between the central government and the states.