

# Looking Back . . .

## The Honourable Opposition

"YOU ARE NOT NEEDED!"



As soon as people began to agitate for a convention to revise the Articles of Confederation, other people opposed the idea. In retrospect we are inclined to see these men as obstacles to progress or as men of little faith. Perhaps they were, but we may better understand them if we ask ourselves how we would react today if someone suggested that fifty-five persons should meet in secret to rewrite our Constitution!

### Revision May Be Acceptable . . .

Those who opposed the Philadelphia Convention were not totally opposed to revising the Articles. The question was how far revision should go. The Articles had not been a complete failure. They had established a government which fought the American Revolution to victory, negotiated a highly favorable peace treaty, and established a splendid system of regulations for the Northwest Territory.

The shameful failure was that the Articles Congress was not able to pay off the national debt. The people cheated by this failure were the farmers and merchants who supplied the war effort, the French, Dutch and other foreigners who took a risk by loaning us money and, most of all, the soldiers who had served virtually without pay for the last two years of the war. The chronic failure of Congress to pay its bills disturbed everyone, but it seemed to many that the Articles could be amended to solve this problem.

In 1783 Congress asked the states to give it the power to levy an impost, or import tax, for the next twenty-five years. All the proceeds from the tax were to be used for no other purpose than repayment of National Debt. Nine states quickly approved, and by 1787 only Pennsylvania and New York still refused consent. It was New York's refusal that convinced Nationalists that the Articles were not worth preserving, but others saw the case differently. New York and Pennsylvania had not rejected the impost outright; they had demanded various conditions. In other words, the political maneuvering was still in progress. Many political leaders were convinced that the impost tax was still alive, and that it would solve the Articles' main weakness.

### Moved By Distrust

Those who opposed the convention were also moved by distrust of those who were most prominent in the movement for a constitutional convention. No Nationalist leaders were friends of the common man:

Alexander Hamilton was a notorious snob; Henry Knox was known to favor a restoration of monarchy; Robert Morris, probably the richest man in America, was suspected of having diverted public funds for his own gain, and James Madison was a slaveholding Virginia aristocrat. It was not fanciful to think that these men might attempt some sort of coup that would put an artificial aristocracy in control.

Some officers in the Continental Army had attempted to make Washington a king; John Adams published a treatise advocating the creation of an official aristocracy in America with their own House of Lords in the government; and, the Annapolis Convention, supposedly called to discuss navigation on the Potomac River, had been, in reality, an organizational meeting of the Nationalists.

### Prohibit Debtor Relief Laws

Nobody could know what revisions a new convention might suggest, but one could predict with some certainty what the people most in favor would try to do. They would undoubtedly attempt to prohibit the state legislatures from passing debtor relief laws of the kind that had saved thousands of small farmers from bankruptcy and eviction. During the war, when American, French and English armies had created an insatiable demand for biscuits, shirts, carts, bullets and the other impedimenta of war, American farmers had expanded production. They did so by borrowing money from better-off planters and merchants. In many cases, farmers put up as collateral for these loans their farms, which also happened to be their homes. After the armies went home, the demand for farm products plummeted, and farmers found themselves in a deep depression, saddled with unpayable debts.

If the state legislatures had not intervened, there would have been massive farm foreclosures, evictions and, probably, more riots and insurrections like Shays' Rebellion. But the state governments did intervene by passing laws that wiped out debts. These debtor relief laws outraged creditors, who had made the loans in good faith and who deserved repayment. If they could, they would create a new central government with the power to forbid the states from passing such legislation in the future. In fact, Article I, Section 10 of the Constitution does exactly that.

### Living In A Small World

Finally, the men who opposed the convention lived in a small world getting too large too fast. Most Americans did not move very far from home in the eighteenth century. Today we are altogether too interested in the pioneer and not enough in his brothers and sisters who stayed behind. It was important for young men and women then, as now, to establish themselves in the context of family and neighborhood. The gist of life lay in acquiring land, getting married to the right person, raising children, and contributing to the improvement of the neighborhood.

For these people, trying to lead normal, quiet, worthwhile lives, the decade between 1776 and 1786 had been extremely disruptive. They had seen a culture of monarchy, in which rank was recognized and honored, replaced by a republican culture, where rank was as yet an uncertain thing; they had endured a massive inflation and a desperate depression; they had heard about shiploads of immigrants flooding the land, pushing the frontier north, south and west. To such people, the call for a convention to revise, or rewrite the Articles, was another unsettling event.

That great force, call it what you will, that moves people to seek peace and quiet after periods of storm and tempest, was perhaps the single strongest obstacle that had to be overcome by those who wanted to create a new order of things at the Philadelphia Convention.

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## Europe and America in 1787

It is difficult for a modern American to appreciate just how radical events in 1770-1790 America appeared in contemporary European eyes. Although an enlightened vanguard of Europeans applauded the march of independence and self-government in the new United States, most of Europe, especially the privileged classes, looked on with feelings approaching horror at the success of our rag-tag band of self-styled republicans as they won a war of independence and drafted the world's first written constitutions.

### A World of Courts and Kings

Europe of 1787 was still a world of courts and kings, of privileged nobles and churchmen. Democracy and government by the people were all but unknown concepts. Louis XVI sat on the throne of France, in theory at least, an absolute monarch with the right to throw any Frenchman into the Bastille and leave him there to rot without hearing, trial, sentencing or other legal niceties. The French national legislature, the Estates General, had not met since 1614. Only the law courts, the *Parlements*, had any restraining influence on royal power. Louis's brother and sister rulers — Catherine the Great of Russia, Joseph II of Austria and the Holy Roman Empire, Frederick William II of Prussia, Charles III of Spain — were likewise all but unfettered in their exercise of power. The common people had no voice in government, and in many places were still bound in serfdom. A serf was not a slave; although bound to provide labor services, a serf was at least in theory a free person. For most agricultural laborers of Europe, it was a distinction without a difference, for the enserfed peasantry was politically invisible and economically exploited by the small handful of people who actually owned the land. In France, not the most extreme example, ninety percent of the people lived in poverty, did the work and paid the bulk of the taxes, supporting the ten percent who lived in relative luxury and made up the ruling class.

Only in a few places in Europe did anything resembling constitutional governments exist. England, the most prominent "constitutional" state, would hardly be recognizable by modern eyes. George III, ruler since 1760 and destined to reign until 1820, did deal with a Cabinet and Parliament, but the hereditary House of Lords was still the equal of the elected House of Commons, both having to consent to

legislation. Even the "Commons" was hardly that. Only the propertied classes held the right to vote, and the common farmer or laborer was quite purposely — and quite rightly, the better sort thought — excluded from a voice in government. English government was very much a gentlemen's club, and the "King's Men" formed a political party that could not be ignored. Despite the advanced opinions of a few botheads like John Wilkes and Christopher Wyvill, both of whom talked about the liberties of "the people" while



playing the game of politics by its established aristocratic rules, there was little sympathy among the English ruling class for the American experiment.

Yet in England there was a significant "middle class" of yeoman farmers and tradesmen, and few if any real serfs. The American pattern of settlement and society (at least in New England and the middle states) was largely English in origin. Likewise the English traditions of representative government and people's common law rights had taken root in America, growing by the 1780s into a plant more luxuriant than its English counterpart. England and America had

## The Grand Convention of 1787

The Constitution of the United States was drawn up at a meeting of American leaders held in Philadelphia during the hot summer of 1787. Its purpose was to correct the weaknesses of the first Constitution, the Articles of Confederation. Because Americans lacked experience in drawing up schemes of government, they had constructed a central government during the Revolution that was so weak that it could hardly fight the British, let alone provide the United States with a government strong enough to protect its people when they became independent. During the 1780s, therefore, an influential group of leaders worked hard at maneuvering Congress into calling a meeting of state representatives whose job would be to revise the Articles of Confederation.

### Secrecy

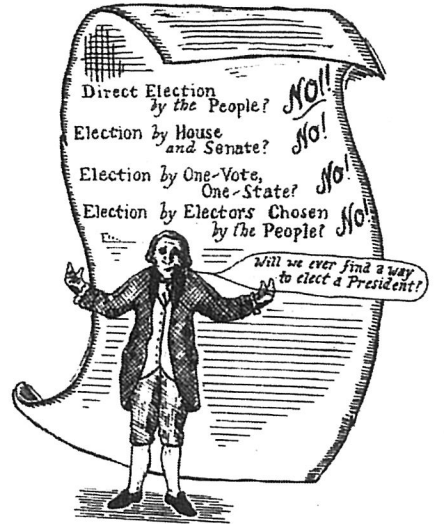
The proceedings of the meetings in Philadelphia were kept secret so as not to alarm Americans about the revolutionary changes that were being discussed inside Independence Hall. Also, the movers and shakers of the Convention — James Madison, George Washington and James Wilson — wanted to give delegates freedom to take part in a genuine deliberation; to change their minds as they heard arguments presented, and to fly trial balloons and have them shot down without being made a laughing stock from Boston to Charleston. The leaders succeeded in keeping the Convention's proceedings secret, though at one critical moment, they managed the news by claiming that all was harmonious inside Independence Hall, when, in fact, the meeting was in danger of breaking up.



### Disharmony Evident

Part of the disharmony came from the attitudes of the delegates and the circumstances under which they became members of the Convention. We see their work today as an all-important task, but many of them didn't. They assembled in Philadelphia in dribs and drabs, so that the meetings were very late in starting. Rhode-Island never sent a delegation, and the one from New Hampshire was so late in arriving that it can hardly be claimed that that state took much part in the work. Individuals declined the invitation to come — Patrick Henry said he smelled a rat and

wouldn't attend — and others when they did come had to be persuaded to stay, particularly towards the end of August when tempers grew as hot as the weather.



### Issues Were Very Complex

The other cause for trouble lay in the task itself. The issues the delegates faced were very complex and often involved balancing many antagonistic political interests. The small states hoped to retain the powerful position they held because they existed before the Revolution and had fought in it as sovereign powers. The large states were determined to deprive them of undue power and base a new frame of government on the principle of representation by population, not by state. Religious groups wanted the Convention to attack the problem of slavery, but the Southern states were equally determined to protect their right to own human beings. The members of the Convention were very preoccupied with controlling the power that the Constitution would give to the chief executive and to Congress. Some thought America should have a king, while others thought the executive power should be as limited as possible by making the president dependent for his election on Congress. The Convention also had to decide what to do about the status of new states entering the federal union. Should they have equal status with the original thirteen, or should they be in a sort of bondage, like colonies?

### Overwhelming Problems; Rational Solutions

In spite of different interests, in spite of the different men, in spite of what appeared to be overwhelming problems, by September 17, the Convention had produced a document which most, but not all, the delegates, were prepared to sign. They did so and sent Congress the draft to consider; Congress in turn sent it to conventions of the people to ratify. As a result of the labors in Philadelphia, Americans had shown a very doubtful world that a free people could peacefully and rationally solve their differences and change their government for the better.

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grown far apart by the 1770s and 1780s, as the Revolution made clear. But America had far more in common with the former mother country than with any of the absolutist monarchies with ruled Europe.

### Winds of Change

Yet winds of change were blowing throughout Europe, winds which had reached American shores. Since the 1720s, the *philosophes* of the Enlightenment had been at work erecting a critique of the established order. The writings of men such as Montesquieu and Voltaire were far from revolutionary, but they did raise fundamental questions about the nature and ends of society and government. The many enterprises of the *philosophes* cannot easily be summarized, but the spirit of their work was unmistakable. Immanuel Kant's 1784 tract "What Is Enlightenment?" answered the question, calling for an end to ignorance, superstition and blind obedience to authority. "Dare to know," Kant wrote, "is therefore the motto of the Enlightenment." The men of the Enlightenment, influenced by the Scientific revolution and the work of Isaac Newton, believed that man was a rational creature and human reason was a sufficient tool to attain Truth. A Science of Man or of Politics seems as logical as a Science of Physics. In retrospect, Thomas Jefferson, Benjamin Franklin and James Madison were very much children of the Enlightenment, and the Declaration of Independence and Constitution were products of the Age of Reason. America was (self-consciously) in the vanguard of this great experiment in rational government and society.

The influence of the Enlightenment would pale beside that of another great revolution which was in its infancy in the 1780s. The Industrial Revolution had already transformed the English textile industry, and the birth of modern urban industrial society was taking place unnoticed by the ruling class.

America, with almost four million people in nearly a million square miles, was a thinly-settled howling wilderness by European standards. But the human and natural resources of the young United States were waiting to be mobilized; democracy in America depended as much on sturdy yeoman farmers and self-employed mechanics as on any written guarantees of liberty. "Government by the people" was yet a foreign notion to much of Europe — England included, if the truth be told — and even in America in the 1780s less than half of the adult males were voters. The birth of

the mass society made possible by the Industrial Revolution would reshape both Europe and America, and the United States was more ready than anyone would have guessed to become a leader in the movement.

### America's Nefarious Traffic!

In at least one troubling way, America had diverged from Europe. The slave societies of the Chesapeake and Deep South states were modeled on those of the Spanish and English Caribbean island colonies. Chattel slavery was all but unknown in Europe, even if the slave trade was not. Some Europeans and Americans, and even southerners such as Jefferson, had begun to doubt the wisdom of a free people holding their fellow men in bondage. Yet slavery was first and foremost an economic institution, and in land-rich, labor-poor America, slavery had taken deep root. The 1780s were a decade of decline for slavery; even the old dominion of Virginia had passed laws permitting and even encouraging manumission. But the industrial revolution with the textile mill's demand for cotton, couple with Yankee tinkerer Eli Whitney's cotton gin, would change all that within five years of the constitution's ratification. America's tragic reliance on slave labor would bear bitter fruit in a Civil War which the signers could never have imagined.

### A New World Order

Europe and America were more different than alike in 1787. Whether the world of 1787 knew it or not, the model for the modern societies was already being formed in the United States — a society more egalitarian, more democratic, and also more competitive and boisterous than anything the old world had seen. The violent storms of the French Revolution and the Napoleonic Wars still lay ahead for Europe. To modern eyes, the United States seems almost old-fashioned and conservative compared to the independence and national liberation movements going on around the globe. But in 1787, it was the United States which appeared radical, fresh and new. A "Novus ordo seculorum", a new world order, was in the making, and all the world watched with wonder, doubt and fear to see how it would turn out.

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