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A New Kind of Democracy

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Democracy has many meanings. For some, it may merely suggest a government in which all adults can vote. For others, it may mean simply majority rule, or it may denote a system of government that protects minorities of all sorts—the assumption being that majorities can take care of themselves. For still others, democracy may signify the protection of individual rights and liberties—and signify that, without these protections, voting and participation in government are meaningless. Finally, for many Americans, democracy may mean much more than all these political mechanisms and principles, all the voting and all the rights. It may transcend systems of government and become a shorthand term that encompasses everything valuable about society and culture: its freedom, its equality, and its respect for common, ordinary people.

All of these meanings of democracy have relevance today, and the American Revolution created or enhanced all of them. In not much more than a decade or two following the Declaration of Independence, America experienced the birth of modern democracy in its various expressions and meanings. The Revolution created democracy as we understand it today, as an all-powerful faith, a set of sacred principles and beliefs that define and embrace not just our various governments but our entire society and culture as well.

From Subjects to Citizens

America today may be all about democracy, but that was not true at the time of the Declaration of Independence. Creating democracy was never the Revolution's goal; protecting liberty was. In 1776, the revolutionaries scarcely ever mentioned the terms "democracy" or "democratic." When they did use the word "democracy," they, like the ancient Greeks, often used it disparagingly. Sometimes they used it to denote the lowest order of society, and at other times they associated it with mobs and the civil disorder that preceded a dictator's takeover. At best they meant by it only a technical term of political science—a government ruled literally by the people at-large.

Many enlightened Americans agreed that ideally the people ought to govern themselves directly, but they realized that democracy in this literal sense was achieved only in the Greek city-states and New England town meetings. Actual self-government or simple democracy was not feasible for any large community. As one American polemicist stated in 1776, even the great 17th-century English radical Whig Algernon Sidney had written that he had known of "no such thing" as, "in the strict sense, (that is, pure Democracy,) where the People in themselves, and by themselves, perform all that belongs to Government," and if any such democracy had ever existed in the world, he had "nothing to say for it."¹

America did not become a democracy in 1776 but a republic, or more accurately, 13 independent republics. Beyond repudiating hereditary rule, republicanism did not prescribe a particular form of government. It was more of a spirit, a set of ideals and values for shaping society and culture. It challenged the primary assumptions and practices of monarchy—its hierarchy, its inequality, its devotion to kinship, its patriarchy, and its patronage. It offered new conceptions of the individual, the family, the state, and the individual's relationship to the family, the state, and other individuals.

Becoming republics in 1776 marked a change of society, not just of government. People were to be "changed," wrote the South Carolina

physician and historian David Ramsay, “from subjects to citizens,” and “the difference is immense.” He added:

Subject is derived from the latin words, *sub* and *jacio*, and means one who is *under* the power of another; but a citizen is an *unit* of a mass of free people, who, collectively, possess sovereignty.

Subjects look up to a master, but citizens are so far equal, that none have hereditary rights superior to others. Each citizen of a free state contains, within himself, by nature and the constitution, as much of the common sovereignty as another.²

The republican Revolution assumed the rulers derived all their authority from the people. But deriving authority did not mean the people actually ruled themselves. Instead, the people, as Alexander Hamilton wrote, had a right “to a *share* in the government.”³ Indeed, that share was essential to the protection of liberty, which was a key purpose of government. But in a large modern state, how was that presence, or that share, in government to be realized? The impossibility of convening the whole people of the society, it was thought, had led to the great English discovery of representation—“substituting the few in the room of the many,” as some Americans described it.

The British people’s representation in the House of Commons and the colonists’ representation in their 13 provincial legislatures constituted “the democratical parts” of their constitutions.⁴ But for the working of a proper constitution and the protection of liberty, champions of this approach believed this democracy had to be mixed or balanced with monarchy and aristocracy. Indeed, 18th-century English speakers used the term “democracy” favorably and almost always with “monarchy” and “aristocracy”—as an essential part of the mixed or balanced constitution of Great Britain and the “little models of the English constitution” in the provincial governments of North America.⁵

The theory of mixed or balanced government was as old as the ancient Greeks and had dominated Western political thinking for centuries. It was based on the classical categorization of forms of government into three ideal types: monarchy, aristocracy, and democracy. That scheme was derived from the number and character of the ruling power: the one, the few, and the many.

Each of these simple forms possessed a certain quality of excellence. For monarchy, it was order or energy; for aristocracy, it was wisdom; and for democracy, it was honesty or goodness. Maintaining these peculiar qualities, however, depended on the forms of government standing fast on an imagined spectrum of power. Yet experience had tragically taught that none of these simple forms by itself could remain stable. Left alone, each ran headlong into perversion in the eager search by the rulers (whether one, few, or many) for more power.

Monarchy lunged toward its extremity and ended in despotism. Aristocracy, located midway on the band of power, pulled in both directions and created faction and division. And democracy, seeking more power in the hands of the people, degenerated into anarchy and tumult.

The mixed or balanced polity was designed to prevent these perversions. By including all the classic simple forms of government in the same constitution, the forces pulling in one direction would be counterbalanced by other forces, and stability would result. Only through this reciprocal sharing of political power by the one, the few, and the many could the desirable qualities of each be preserved. As John Adams declared in 1772, "Liberty depends upon an exact Ballance, a nice Counterpoise of all the Powers of the state. . . . The best Governments of the World have been mixed."⁶

Although Americans in 1776 were throwing off monarchy and establishing republics, most of them had no intention of abandoning this celebrated theory of mixed or balanced government. They still believed their new republican state governments ought to embody the classic principles of monarchy, aristocracy, and democracy. Consequently, in nearly all of their new state constitutions drafted in 1776 and 1777, the revolutionaries

created republican versions of a balanced constitution—with single though considerably weakened governors to express the one, with upper houses or senates to express the few, and with powerful and greatly enlarged houses of representatives to express the many. In fact, so much power was granted to the popular houses of representation in the revolutionary constitutions of 1776 that some Americans, like Richard Henry Lee of Virginia, concluded that their new governments were “very much of the democratic kind,” even though “a Governor and second branch of legislation are admitted.”⁷

In several states, particularly in Pennsylvania, some revolutionaries deliberately rejected incorporating the theory of balanced government in their new state constitutions. Radical forces in Pennsylvania in 1776 argued that a mixed government that included a governor and senate implied the existence of monarchical and aristocratic elements in their society that the republican revolution supposedly had abolished. “There is but one rank of men in America,” the Pennsylvania radicals argued, “and therefore, . . . there should be only one representation of them in a government.”⁸ The creation of a senate, they warned, would lead to the rise of a house of lords and an aristocracy. Consequently, the constitution makers in Pennsylvania, in emulation of what they believed was “the Ancient Saxon constitution,” erected a simple government composed of a single legislative body with no governor and no senate or upper house. It was as close to an 18th-century version of democracy as seemed feasible for a large community. But because this democracy was not balanced or mixed with monarchical and aristocratic elements, many considered the Pennsylvania Constitution a monster that should be replaced as soon as possible.

In 1776, therefore, democracy was still essentially a technical term of political theory—referring to government literally by the people, which was an impossibility for huge numbers of people. But from the beginning of the revolutionary movement, Americans sought to overcome this impossibility in every conceivable way, and in the process they became the first society in the modern world to bring ordinary people into the affairs of government—not just as voters but as actual rulers. This

participation of common people in government became the essence of American democracy, and the Revolution made it so.

Actual Representation

The issue of democracy in the Revolution began with the imperial debate leading up to the break with Great Britain. In 1765, Parliament enacted the Stamp Act, a direct tax on various paper items in the colonies. The colonists responded passionately, arguing that, since they had not elected any members to the House of Commons, they were not represented in Parliament, which meant they were being taxed without their consent. The British responded by arguing that the colonists were virtually represented in Parliament and thus had consented to the tax. The British claimed that people were represented in Parliament not by the process of election—which the British considered to be incidental to representation—but by the mutuality of interests that members of Parliament were presumed to share with all Britons, including those, like the colonists, who did not actually vote for them. After all, the British argued, cities in England like Manchester and Birmingham with 50,000 or more inhabitants elected no members to Parliament but were, nonetheless, considered to be virtually represented in the House of Commons.

To most Americans, this argument was incomprehensible. They believed in what they called actual representation. If the people were to be properly represented in a legislature, not only did they have to actually vote for the members of the legislature, but they also had to be represented by members whose numbers were more or less proportionate to the size of the population they spoke for. For Americans, election was not incidental to representation, as it was for the British, but its criterion, and this required the closest possible connections between the representatives and their constituents.

This difference of opinion was rooted in what was already a distinctly American evolution of the British political model. The colonists were

used to voting for the representatives in their provincial legislatures. Two-thirds of adult white males had the right to vote, although turnout was usually very low unless some important issue like religion was at stake. Since in Britain only one in six adult males could vote, the American electorate was proportionately the largest in the world. And nowhere outside the English-speaking world in the 18th century did people vote for their leaders at all.

Of course, by today's standards, that democracy was severely limited. In the colonies, all women and any men without sufficient property did not possess the suffrage, which was true in England as well. Since all women and males who lacked a 40-shilling freehold were considered dependent on others, they were deemed to have no wills of their own and thus could be easily manipulated by those with power and property. This was the rationale for excluding them from the suffrage. Although many American males worked tirelessly over the several decades following independence to eliminate all property qualifications for voting and create universal white male suffrage, very few as yet envisioned women participating in politics. For a brief period between 1790 and 1807, unmarried, property-holding women took advantage of a quirk in the New Jersey Constitution and exercised the franchise. But when the loophole was closed in 1807 and New Jersey women stopped voting, no one seemed to much care.

But the most excruciating failure to live up to democratic theory (and basic justice and decency) was the presence of black slavery. Of the total American population of two and a half million in 1776, one-fifth—consisting of 500,000 men, women, and children of African descent—were enslaved. The revolutionary leaders realized immediately that their revolution on behalf of liberty was totally inconsistent with the holding of slaves and with all forms of unfreedom.

Consequently, upon America's independence, the majority of the states began moving against slavery, initiating what became the first great anti-slavery movement in world history. Although nearly 90 percent of slaves lived in the South, northerners possessed nearly 50,000 slaves, a not

insignificant number. By 1804, all the northern states had legally abolished slavery and had brought an end to bonded servitude. But despite some faltering efforts at abolition in Virginia—which had the most slaves of any state, with 200,000, or 40 percent of its population—the southern states refused to follow the North’s lead and abolish the institution. This failure initiated the sectional division that would eventually lead to the Civil War.

Thus the American democracy that emerged from the Revolution remained essentially a northern phenomenon, for, as James Madison later admitted, “In proportion as slavery prevails in a State, the Government, however democratic in name, must be aristocratic in fact.”⁹ The slaveholding southern states never fully experienced the kind of democracy that came to characterize the northern states, even if they experienced elements of the distinctly novel democratic culture that began to emerge on this continent.

Egalitarian Dynamism

The Revolution turned out to be much more radical than many of its leaders expected. It released the aspirations and interests of tens of thousands of middling people—commercial farmers, petty merchants, small-time traders, and artisans of various sorts—all eager to buy and sell and get rich, creating a wild, scrambling, bustling, individualistic democratic world unlike anything that had ever existed before.

The eight years of war brought into being hosts of new manufacturing and entrepreneurial interests and made market farmers out of husbandmen who had rarely ever traded out of their neighborhoods. The revolutionary governments issued hundreds of millions of dollars in paper money, which blanketed the continent. By 1778, said South Carolina merchant-planter Henry Laurens, president of the Continental Congress, “the demand for money” was no longer “confined to the capital towns and cities within a small circle of trading merchants, but spread over a surface of 1,600 miles in length and 300 [miles] broad.”¹⁰ The war seemed to have

created a society in which, as one commissary agent complained, “Every Man buys in order to sell again.”¹¹

Of course, many people went into debt. But debt in this emerging capitalist society was not a sign of poverty; it was a sign of ambitious aspirations. Issuing paper money was not intended simply to relieve debt. It was capital, and it was necessary for buying land or livestock, setting up a shop, or fulfilling other dreams. The inflation caused by printing paper money hurt creditors and those on fixed incomes, but those who were most active in all the buying and selling and the movement of goods could and did prosper from such inflation.

By the end of the war in the early 1780s, there was a great deal of economic dislocation and confusion. But at the same time, much of the country was bursting with energy and enterprise, and people were on the move in search of opportunities. They were spilling over the mountains into the newly acquired western territories with astonishing rapidity and clashing with and ultimately overwhelming the native peoples in the process. Despite a slackening of immigration and the loss of tens of thousands of British loyalists, the 1780s experienced the fastest rate of population growth in any decade of American history—in no small part because young people, optimistic about future prosperity, were marrying earlier and thus having more children. “There is not upon the face of the earth a body of people more happy or rising into consequence with more rapid stride, than the Inhabitants of the United States of America,” Charles Thomson, secretary of the Continental Congress, told Thomas Jefferson, minister to France, in 1786. “Population is increasing, new houses building, new lands clearing, new settlements forming and new manufactures establishing with a rapidity beyond conception.”¹²

Nothing contributed more to this explosion of energy than the idea of equality. Equality was in fact the most radical and most powerful ideological force let loose by the Revolution. Its appeal was far more potent than the revolutionaries anticipated. Once invoked, the idea of equality could not be contained, and it tore through American society and culture with awesome power.

Equality lay at the heart of republican citizenship; it was, Ramsay wrote, “the life and soul of commonwealth.”¹³ By equality the revolutionaries meant most obviously equality of opportunity, inciting genius to action and opening up careers to men of talent and virtue while destroying kinship and patronage as sources of authority. With social movement both up and down founded on individual ability and character, however, it was assumed that no distinctions would have time to harden or be perpetuated across generations. Thus, equality of opportunity would help encourage a rough equality of condition.

Since antiquity, many theorists had assumed that republicanism required a rough equality of property holding among its citizens. Although most Americans in 1776 accepted different degrees of property holding, they also took for granted that a society could not long remain republican if only a tiny minority controlled most of the wealth and the bulk of the population remained dependent servants or landless laborers.

Equality was related to independence; Jefferson’s original draft of the Declaration of Independence stated that “all men are created free & independent.” Men were equal in that no one of them should be dependent on the will of another, and property made this independence possible. Americans in 1776 therefore concluded that they were naturally fit for republicanism precisely because they were “a people of property; almost every man is a freeholder.”¹⁴

Yet in the end, equality came to mean even more than this to Americans. If equality had meant only equality of opportunity or a rough equality of property holding, it could never have become, as it has, the single most powerful and radical ideological force in all of American history. Equality became so potent for Americans because it came to mean that everyone was really the same as everyone else—not just at birth, not just in talent or property or wealth, and not just in some transcendental religious sense of the equality of all souls. Ordinary Americans came to believe that no one, in a basic down-to-earth and day-in-and-day-out manner, was really better than anyone else.

When the wealthy former governor of South Carolina, John Rutledge, sought in 1784 to have the state legislature banish William Thompson, a tavern keeper, from the state for an alleged personal insult (having denied Rutledge's slave access to his tavern's roof to watch fireworks), Thompson took his defense to the press on behalf, he wrote, of the people or "those more especially, who go at this day, under the opprobrious appellation of, the *Lower Orders of Men*." The tavern keeper recounted how he, "a *wretch* of no higher rank in the Commonwealth than that of Common-Citizen," had been debased by "those *self-exalted* characters, who affect to compose the *grand hierarchy* of the State, . . . for having dared to dispute with a *John Rutledge*, or any of that NABOB *tribe*." Undoubtedly, Thompson wrote, Rutledge had "conceived me his inferior." But Thompson, like many other middling men in these years, could no longer "comprehend the *inferiority*."¹⁵

Middling men like Thompson were challenging their presumed superiors everywhere. Some of them were even engaging in politics, which resulted in men of more humble and rural origins and less education than had hitherto sat in the colonial assemblies gaining election to the greatly enlarged state legislatures. Some of the new houses of representatives were two and three times as big as than their colonial predecessors. In New Hampshire, for example, the colonial house of representatives in 1765 had contained only 34 members, almost all well-to-do gentlemen from the coastal region around Portsmouth. By 1786 the state's House of Representatives numbered 88 members, most of whom were ordinary farmers or men of moderate wealth from the state's western areas. Not only did these representatives have a hard time passing as gentlemen, but they were eager to promote the interests of their occupations.

In all the states, electioneering and the open competition for office increased dramatically, aided by somewhat enlarged electorates. The high levels of incumbency and stability that had characterized the colonial assemblies on the eve of the Revolution were now reversed, and the annual elections for the legislatures (an innovation outside of New England) often saw half or more of the representatives in the states turned over in any one year.

Under these turbulent circumstances, the state legislatures could scarcely fulfill what many revolutionaries in 1776 had assumed was their republican responsibility—to promote a unitary public interest distinguishable from the many private and parochial interests of people. By the 1780s it was obvious to many that “a spirit of *locality*” was destroying “the aggregate interests of the Community.”¹⁶ Everywhere the gentry complained of popular legislative practices that we today take for granted—parochialism, horse trading, and pork barreling that benefited special interest groups. Each representative, grumbled Ezra Stiles, president of Yale College, was concerned only with the particular interests of his electors. Whenever a bill was read in the legislature, “every one instantly thinks how it will affect his constituents.”¹⁷ Instead of electing men to office “for their abilities, integrity and patriotism,” the people were much more likely to vote for someone “from some mean, interested, or capricious motive.” They

choose a man, because he will vote for a new town, or a new county, or in favor of a memorial; because he is noisy in blaming those who are in office, has confidence enough to suppose that he could do better, and impudence enough to tell the people so; or because he possesses, in a supereminent degree, the all-prevailing popular talent of coaxing and flattering.¹⁸

Critics summed up all this behavior as the “excess of democracy.”¹⁹

By the 1780s the press was full of warnings that “our situation is critical and dangerous” and that “our vices” were plunging us into “national ruin.”²⁰ America, they said, was in crisis. And the cause was too much democracy in the states; the lower houses were running amok with erratic legislation.

Reformers proposed all sorts of solutions. Some wanted stronger executives and stronger senates to offset the power of the lower houses. Others began to look to state judges as a means of restraining the rampaging popular legislatures. By 1786, William Plumer, a future US senator

and governor of New Hampshire, concluded that the very “existence” of America’s elective governments had come to depend on the judiciary. Because of the judiciary’s ability to measure laws against the state constitutions, it “is the only body of men who will have an effective check upon a numerous Assembly.”²¹ But in the 1780s no one could foresee how powerful judges would become, and most elites looked to a new national constitution as the best remedy for the excessive democracy in the states.

Mutability and Injustice

Many delegates to the Constitutional Convention who met in Philadelphia in 1787 were ready to accept Madison’s Virginia Plan with its proposed national congressional veto over all state laws precisely because they shared his disgust with what was going on in the state legislatures. “The vile State governments are sources of pollution, which will contaminate the American name for ages. . . . Smite them,” Henry Knox urged Rufus King, who was sitting in the Philadelphia Convention. “Smite them in the name of God and the people.”²²

The lack of “*wisdom* and steadiness” in lawmaking, wrote Madison in 1785, was “the grievance complained of in all our republics.”²³ In summing up America’s crisis in a 1787 memorandum titled “Vices of the Political System of the United States,” Madison focused almost entirely on the erratic behavior of the state legislatures—on the “multiplicity,” “mutability,” and “injustice” of the state laws.²⁴ There were more laws, he said, passed by the state assemblies in the decade since independence than had been passed in the entire colonial period. And those laws had been constantly changing to the point where judges scarcely knew what the law was. But most alarming, said Madison, was the injustice of much of this state legislation.

Especially upsetting to Madison and other prominent gentry was the proliferation of paper money emissions, together with the stay laws and other debtor-relief legislation that hurt the minority of creditors and

violated individual property rights. Entrepreneurial-minded debtors in the states were using their majorities in the legislatures to abuse the minorities of creditors who had lent them money, which the debtors used to promote their commercial interests. To gentry creditors up and down the continent, these emissions of paper money that led to inflation and the depreciation of the currency seemed to be a great injustice that struck at the heart of the social order. “The Cry for Paper Money,” exclaimed Adams in 1786, “is downright Wickedness and Dishonesty. Every Man must see that it is the worst Engine of Knavery that ever was invented.”²⁵

Unlike the English aristocracy, who lived off the rents from long-term tenants, the American gentry elites, who constituted whatever aristocracy America possessed, had relatively few tenants, land being so much more widely available in the New World. The American gentry relied instead on the interest earned from money out on loan. By lending money to members of their local communities, they were in effect acting as bankers in a society that had few, if any, banking institutions. As creditors, they were especially vulnerable to inflation and the currency depreciation caused by excessive issues of paper money.

George Washington, who was a planter, banker, and commander in chief of the American revolutionary army, became furious with the way his debtors had used the depreciation of paper money to scam him while he was away fighting the British. These scoundrels, he complained in 1785, had “taken advantage of my absence and the tender laws, to discharge their debts with a shilling or a six pence to the pound.” At the same time, he had “to pay in specie at the real value”²⁶ to those British merchants in London to whom he owed money. All this debtor-relief legislation convinced him the following year that virtue had “in a great degree, taken its departure from our Land.”²⁷

The expressions of democracy in the state legislation of the 1780s were creating a new, unprecedented, and unanticipated kind of tyranny. Traditionally, excesses of democracy had led to anarchy, licentiousness, and the breakdown of law and order. But in America everything was different. When Tory loyalist Daniel Leonard raised the possibility that all

the democracy expressed in the proliferating popular committees in 1775 might get out of hand and become despotic, Adams dismissed the idea without any hesitation. The notion that the people, who loved liberty, might tyrannize themselves was illogical. “A democratical despotism,” he wrote, “is a contradiction in terms.”²⁸

But a decade later, Adams had changed his mind, as had many other American leaders. A massive rethinking of the assumptions of 1776 led to the Constitutional Convention in 1787 and plans for reforming the national government, which, it was hoped, would, among other things, deal with the “excess of democracy” that had emerged in the states. With his Virginia Plan, Madison did not intend to move in a monarchical direction to cope with the vices of America’s political system. Instead, he wanted “a republican remedy for the diseases most incident to republican government.”²⁹ For him and for many others, the stakes were high. The convention meeting in Philadelphia in 1787 to frame a new constitution would “decide forever the fate of republican government.”³⁰

Madison and other leaders thought the source of the problem of rampaging and abusive majorities in the states lay mainly in the kinds of people who were elected to the state legislatures, especially the lower and more democratic houses. Too many narrow-minded and illiberal middle-class people—with their own interests to promote—had seized control of the state legislatures.

It was not just a lack of ability that rendered middle-class artisans, farmers, and tradesmen unsuited to important governmental office in the eyes of the American gentry. It was their deep involvement in work, trade, and business—their occupations, their very interestedness—that made such ignoble men unsuitable for high office. They lacked the requisite liberal, disinterested, cosmopolitan outlook that presumably was possessed only by enlightened and educated persons—only by gentlemen.

Earlier efforts in the 1760s and 1770s by carpenters, butchers, shoemakers, and those with other artisanal “interests” to promote their participation in revolutionary politics had been easily dismissed by the dominant patriot elite. It was inconceivable to someone like William Henry Drayton

of South Carolina that gentlemen with a liberal education (in his case, at Oxford) should have to consult on the difficulties of government

with men who never were in a way to study, or to advise upon any points, but rules how to cut up a beast in the market to the best advantage, to cobble an old shoe in the neatest manner, or to build a necessary house.³¹

Drayton was willing to admit that “the profanum vulgus” was “a species of mankind” and even that such artisans were “a useful and necessary part of society.” But, he said, those sorts of men were not meant to govern. “Nature never intended that such men should be profound politicians or able statesmen.”³²

Drayton was speaking out of a classical tradition of virtuous political leadership that went back to Aristotle. It was assumed that only autonomous individuals, free of interested ties and paid by no masters, were capable of virtue or disinterestedness—the term the revolutionary leaders most often used as a synonym for classical virtue. It meant impartiality and fairness.

Many 18th-century British thinkers, ranging from Adam Smith to the radical Whigs John Trenchard and Thomas Gordon—whose writings as “Cato” were especially popular in the colonies—had concluded that the increasingly commercialized character of modern society made classical disinterestedness increasingly rare. Only “a very small part of mankind,” wrote “Cato,” “have capacities large enough to judge of the whole of things.”³³ Traditional classical thinking assumed that the growing numbers of ordinary middling people were so caught up in their workaday occupations and interests that they were incapable of making disinterested judgments about the society—incapable, in other words, of being political leaders. Even wealthy merchants were too self-interested to be leaders. Only “those few,” wrote Smith in *Wealth of Nations*, “attached to no particular occupation themselves, have leisure and inclination to examine the occupations of other people.”³⁴ For Smith the ideal leaders of

government were the English landed aristocracy, members of which were free of the marketplace and thus capable of disinterested judgments. The “revenue” the landed gentry received from the rents of their estates, said Smith, was unique. It “costs them neither labour nor care, but comes to them, as it were, of its own accord, and independent of any plan or project of their own.”³⁵

In America the southern planter gentry, including founders such as Jefferson and Madison, whose leisure was facilitated by the labor of their African slaves, believed they came closest to realizing the classical image of disinterested leadership, and they made the most of it throughout their history. In northern American society, independent and leisured gentry standing above the interests of the marketplace were harder to find, but the ideal remained strong. In 1767 the wealthy Philadelphia lawyer John Dickinson posed as a Pennsylvania farmer in writing his pamphlet in defense of America. He wanted to assure his readers that he was a simple disinterested farmer, “contented” and “undisturbed by worldly hopes or fears.”³⁶

Rich merchants in international trade brought wealth into the society, but any claims of disinterestedness they might make were tainted by their concern for personal profit. Perhaps only a classical education that made “ancient manners familiar,” as Richard Jackson told his friend Benjamin Franklin, could “produce a reconciliation between disinterestedness and commerce; a thing we often see, but almost always in men of a liberal education.”³⁷ Artisans who worked with their hands, of course, could never be impartial and disinterested leaders, which is why Franklin had retired from his printing business at age 42 to engage in politics.

By the 1780s the revolutionary leaders were expressing ever-mounting doubts about the American people’s capacity for virtue. Because the society had become so flush with paper money, buying and selling, and the proliferation of interests, gentlemen up and down the continent realized that too many parochial and interested men had become representatives in the state legislatures. Too many middling sorts such as Abraham Clark, a surveyor and self-educated lawyer from New Jersey, and Abraham Yates Jr., a onetime shoemaker and wine merchant from Albany,

New York, had pandered “to the vulgar and sordid notions of the populace” and exploited the republican emphasis on equality to vault into positions in government that they were ill-equipped to hold.³⁸

Although these middling sorts were often shrewd and very smart, they had not gone to college and thus had not received a classical education that would presumably have tempered their selfish and acquisitive instincts, or so the gentry thought. To many of the liberally educated gentry, this meant that such middling legislators were not really gentlemen and were thus unqualified to be political leaders. The source of the 1780s crisis, said Robert R. Livingston, chancellor of New York and a member of one of the state’s great aristocratic families, was the way in which the state legislatures had been taken over by men “unimproved by education and unrefined by honor.”³⁹

One of the smartest of those middling characters was William Findley, an ex-weaver and a Scotch-Irish immigrant who became the prime object of Hugh Henry Brackenridge’s satiric comic novel, *Modern Chivalry*, the “great moral” of which was the “evil of men seeking office for which they are not qualified.”⁴⁰ In the Pennsylvania legislature Findley became a keen supporter of the paper-money interests of his constituents in the Pittsburgh area, and he was precisely the kind of narrow-minded and illiberal middling legislator that elites like Madison disliked and feared.

In a debate in the Pennsylvanian assembly in 1786 over the rechartering of the Bank of North America, Findley accused the bank’s legislative supporters, including the wealthy merchant and Revolution financier Robert Morris, of having a selfish interest in the bank. But instead of simply pointing out that the bank’s supporters had no right “to be a judge in their own cause,” Findley, who refused to be intimidated by any of his so-called superiors, accepted the investors’ interest in the bank and found nothing improper in their efforts to obtain its rechartering.⁴¹ As the bank’s directors and shareholders, Findley said, they could hardly be expected to do otherwise; “any others in their situation . . . would do as they did.” Findley went on to contend that Morris and the other bank investors had every “right to advocate their own cause, on the floor of this house.” But they

had no right to protest when others realize “that it is their own cause they are advocating; and to give credit to their opinions, and to think of their votes accordingly.”⁴² In one of the most remarkable anticipations of modern democratic politics made during the revolutionary era, Findley said such open promotion of private selfish interests by legislators was quite legitimate as long as it was open and aboveboard and not disguised by specious claims of genteel disinterestedness.

If the representatives were elected to promote the particular interests and private causes of their constituents, then the idea that such representatives should be disinterested gentlemen—squire worthies called by duty to shoulder the burdens of public service—had become archaic. In this new bustling America of many interests where the candidate for the legislature “has a cause of his own to advocate,” said Findley, “interest will dictate the propriety of canvassing for a seat.”⁴³ In other words, it was now legitimate for politically ambitious middling men, with interests and causes to promote, to run and compete for electoral office.

With these remarks in 1786, Findley was anticipating all the modern democratic political developments of the immediately succeeding decades in America: the increased electioneering and competitive politics, the open promotion of private interests in legislation, the acceptance of the legitimacy of political parties, the extension of the actual and direct representation of particular groups in government, and the eventual weakening, if not the repudiation, of the classical republican ideal that legislators were supposed to be disinterested promoters of a public good that was separate from the private-marketplace interests of the society.

Madison knew only too well the kinds of men and the kinds of middling interests Findley represented. In his famous *Federalist* 10, he set forth his profound objections to the democratic politics that he saw emerging in the American states since the Declaration of Independence. No man is allowed to be a judge in his own cause, wrote Madison,

because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with

greater reason, a body of men are unfit to be both judges and parties at the same time; yet what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens? And what are the different classes of legislators but advocates and parties to the causes which they determine? Is a law proposed concerning private debts? It is a question to which the creditors are parties on one side and the debtors on the other. Justice ought to hold the balance between them. Yet the parties are, and must be, themselves the judges; and the most numerous party, or in other words, the most powerful faction must be expected to prevail.⁴⁴

Since the popular colonial assemblies had often begun as courts (like the General Court of Massachusetts) and much of their legislation had resembled adjudication, Madison's use of judicial imagery to describe the factional and interest-group politics in the state legislatures was not misplaced. But this judicial imagery did prevent Madison from thinking freshly in solving the problem of modern democratic legislative politics that he had so brilliantly diagnosed. He still hoped in a traditional fashion that the new federal government might become, as he put it, a "disinterested & dispassionate umpire in disputes between different passions & interests in the State."⁴⁵

Constitutional Democracy

The federal Constitution of 1787 was, in part at least, intended to be a solution to the problems of interest-group politics plaguing the state legislatures. Yet how was such a strong national government supposed to avoid the majoritarian factionalism in the states? One of the Constitution's leading opponents, James Winthrop, scion of the great Winthrop

family of Massachusetts, saw at once the problem. “The complaints against the separate [state] governments, even by the friends of the new plan,” wrote Winthrop in his “Agrippa” essays, “are not that they have not power enough, but that they are disposed to make a bad use of what power they have.” Surely, he wrote, the Constitution’s supporters were reasoning badly “when they purpose to set up a government possess’d of much more extensive powers . . . and subject to much smaller checks” than the existing state governments possessed and were subject to.⁴⁶ How would the new national government avoid the majoritarian factionalism afflicting the states?

Madison for one was quite aware of the pointedness of this objection. “It may be asked,” he wrote in a letter to his friend Jefferson, in October 1787, “how private rights will be more secure under the Guardianship of the General Government than under the State Governments, since they are both founded on the republican principle which refers the ultimate decision to the will of the majority.”⁴⁷ What, in other words, was different about the new federal government that would keep its majorities from passing the same kinds of oppressive legislation that the state governments had passed?

Madison’s answer, which was the key to his Virginia Plan, had two parts. First, in the new federal government, the arena of politics would be expanded to encompass the whole nation. In this enlarged republic, the clashing interests and factions would be so numerous that they would have difficulty in coming together to form factious majorities. They would tend to neutralize themselves and thus allow “men who possess the most attractive merit and the most diffusive and established characters” to gain office and promote the public good.⁴⁸

Madison took his cue from what had happened with religion in America. It was the multiplicity of denominations in America and the inability of any one of them to dominate that led to them accepting the neutralization of the state in religious matters. This competition among numerous denominations had permitted secular-minded men such as him and Jefferson to shape public policy and, in Virginia, to separate the state from all religions in an unprecedented manner.

Second, Madison hoped that the great height of the new federal government would prevent the narrow-minded and illiberal middling sorts from vaulting into power. This would permit more cosmopolitan and enlightened men to hold office. Madison called this a process of “filtrations.”⁴⁹ By enlarging the electorate and decreasing the number of representatives, the new federal structure would act like a sieve filtering “from the mass of the Society the purest and noblest characters which it contains.”⁵⁰

Although the House of Representatives in the new federal government was to represent the entire national population of four million people, it comprised only 65 members, smaller than most state legislatures. Madison and his fellow Federalists, the name by which the Constitution’s supporters shrewdly chose to call themselves, hoped these fewer numbers were more likely to be better educated and more enlightened than the hundreds who sat in each of the state legislatures. The five congressmen from North Carolina in the new national government, for example, were apt to be more respectable and enlightened, more likely to be college graduates, and more likely to be gentlemen than the 232 who sat in the North Carolina legislature.

In the ratification debates over the Constitution, its opponents (who came to be called Anti-Federalists) saw at once what the Constitution’s supporters were up to, and they claimed loudly and continually that the Federalists were trying to foist an aristocracy on America.

It went almost without saying, they insisted, that the awesome president and the exalted Senate, “a compound of *monarchy* and *aristocracy*,”⁵¹ would be dangerously far removed from the people. But even the House of Representatives, which “should be a true picture of the people,”⁵² was without “a tincture of democracy.” The “democratic branch”⁵³ of the government, the House of Representatives, which presumably should possess “the same interests, feelings, opinions, and views the people themselves would were they all assembled,”⁵⁴ was, with its scant 65 members, “a mere shred or rag”⁵⁵ of the people’s power and hardly a match for the government’s monarchical and aristocratic branches. “In fact,” declared a Maryland opponent of the Constitution, “no order or class of the people will

be represented in the House of Representatives called the Democratic Branch but the rich and wealthy.”⁵⁶ The filtration process alone, they said, revealed that the proposed Constitution was nothing but an out-and-out aristocratic document.

In response, the Federalists expressed surprise. There was no aristocracy in America, they said. It was true: There was nothing in the new United States comparable to the hereditary nobilities of England and Europe. But, as the French minister to the United States, Louis Otto, noted, in America “there is a class of men denominated ‘gentlemen,’ who, by reason of their wealth, their talents, their education, their families, or the offices they hold, aspire to a preeminence which the people refuse to grant them.”⁵⁷

These so-called gentlemen, said the Anti-Federalists—in words that echoed those of Findley in 1786—had no right to rule simply because of their wealth, talents, and education; they were just one interest among all the other diverse interests of American society. That society, said the Anti-Federalists, comprised a mixture of “many different classes or orders of people, Merchants, Farmers, Planter Mechanics and Gentry or wealthy Men.”⁵⁸ (In modern terms they might have added races and ethnicities to the diversity.) No one of them possessed any special disinterested character, and no one of them could be truly acquainted with the “*Situation and Wants*” of the others. Lawyers and planters had their own special interests and could never be “adequate judges of tradesmen’s concerns.”⁵⁹ Consequently, the only “fair representation” in government, declared the “Federal Farmer” (probably the self-educated petty merchant and lawyer Melancton Smith of New York, one of the most distinguished writers opposed to the Constitution), ought to be one in which “every order of men in the community . . . can have a share in it.”⁶⁰ This extreme expression of actual representation was democracy as the Anti-Federalists, shaped by the theory and practice of American political life, understood it.

Confronted with these kinds of arguments—that every trade, every occupation, and every interest had a right to be represented in government by its own kind—most Federalists could only shake their heads in

disbelief. It was impractical, said some Federalists, including Hamilton in *Federalist* 35. “The idea of an actual representation of all classes of the people, by persons of each class,” he wrote, “is altogether visionary.” Hamilton went on to argue that artisans could have their interests looked after by merchants and farmers by landlords and planters, but the best, most impartial representatives were members of the learned professions, by which he meant mainly lawyers. Unlike merchants, mechanics, and farmers, the liberally educated professions, he wrote, “truly form no distinct interest in society.” They “will feel a neutrality to the rivalships between the different branches of industry” and thus will be most able to play the role of “an impartial arbiter” among society’s diverse interests.⁶¹

Most Federalists realized this was not an altogether convincing refutation of the Anti-Federalist idea of representation, since lawyers themselves were seen as interested parties. Instead, most Federalists conceived of the people as a sovereign entity encompassing the whole society parceling out bits and pieces of its power to agents in all parts of every level of the United States government. Thus, ironically, in the process of contesting the Anti-Federalists, supporters of the Constitution ended up turning the national republic and all the separate state republics into democracies.

To counter the Anti-Federalists, the Constitution’s proponents drew on another aspect of the idea of actual representation that the colonists had used in the 1760s to explain their opposition to the Stamp Act. Unlike the British idea of virtual representation, which made voting incidental to representation, the Americans’ concept of actual representation made voting the criterion of representation: One had to vote for a delegate to be represented by him. The Federalists realized they could now use this idea of actual representation to justify the Constitution as a thoroughly democratic document. “The right of representing,” said James Wilson in the ratification debates, “is conferred by the act of electing.”⁶²

Consequently, the Federalists claimed, all elected parts of the new federal government—the president, the Senate, and the House of Representatives—were the people’s representative agents, and as such there was no reason for the people to fear them. Once grasped, this idea of

representation was extended to involve all elected officials at the state and local levels. Governors, senators, and even judges—holders of any office that derived its authority from the people—were now considered to be representative of the people. To be sure, the members of the houses of representatives were the more “immediate representatives,”⁶³ but they were no longer the full and exclusive representatives of the people. The people were represented everywhere in America’s governments. “The federal and State governments,” wrote Madison in *Federalist* 46, “are in fact but different agents and trustees of the people, constituted with different powers, and designed for different purposes.”⁶⁴ The American people, unlike people in Europe, were not an estate, an order, or a portion of the society; they were the source of all government.

Americans now told themselves that no people before them, not even the English, had ever understood the principle of representation as they had. The world “left to America the glory and happiness of forming a government where representation shall at once supply the basis and the cement of the superstructure,” said Wilson (the most underappreciated founder) in 1788, “diffusing this vital principle throughout all the different divisions and departments of the government.”⁶⁵ Representation, said Madison in *Federalist* 63, was “the pivot” on which the whole American system of government moved.⁶⁶

Because their governments were so new and distinctive, Americans groped for terms adequate to describe them. And since the people were represented everywhere, in every part of every government, the governments had to be thoroughly democratic. Indeed, said John Stevens of New Jersey, election by the people, and not the strength of the lower houses in the legislatures, made “our governments the most democratic that ever have existed anywhere.”⁶⁷

By using popular and democratic rhetoric to justify the ratification of the Constitution, the Federalists tended to obscure their intentions, which set the stage for continual historical controversy over the nature of the Constitution—whether it was an aristocratic or democratic document. Clearly Madison and his fellow Federalists designed the

Constitution in part at least to channel and contain the democracy that was running wild in the states, but in the end, their remedy didn't work out quite as they had expected. The new federal government was never elevated enough, and the arena of politics was never large enough to realize their hopes.

Actual and Practical Democracy

The powerful middle-class forces released by the Revolution eventually overwhelmed the high walls of the new federal government, especially under Jefferson's leadership. Despite the Federalists' high hopes, majoritarian factionalism and political parties emerged in the new national arena of politics; indeed, Madison headed one of the parties. And the enterprising people got their paper money after all.

The Philadelphia Convention had rejected Madison's congressional veto over all state laws and replaced it with Article I, Section 10, of the Constitution, which forbade the states from doing certain things, including printing paper money. But the states got around this prohibition by chartering hundreds of banks, which issued the paper money that the American people wanted. And Findley, along with many others of his middling ilk, was not kept out of the Congress. Findley—who, in contrast to the deistic-minded gentry, was a fervent evangelical Christian—entered the Second Congress in 1791 and stayed for so long that in 1817 he was honored by his colleagues as “Father of the House” for being the longest-serving congressman at that point in American history. He was the first congressman to be so honored.

Although many frightened conservatives continued to use the word “democracy” pejoratively (Hamilton—in 1804, on the eve of his fatal duel—called democracy the “real Disease” poisoning the nation), more and more Americans were willing to not only accept but celebrate democracy as the best way of characterizing their political system and their whole society and culture.⁶⁸ “The government adopted here is a

DEMOCRACY,” the renegade Baptist leader Elias Smith told his fellow Americans in 1809.

It is well for us to understand this word, so much ridiculed by the international enemies of our beloved country. The word DEMOCRACY is formed of two Greek words, one signifies the people, and the other the government which is in the people. . . . My Friends, let us never be ashamed of DEMOCRACY!⁶⁹

By the first decade of the 19th century, most Americans were anything but ashamed of their new egalitarian democracy dominated by ordinary middle-class working people who were much more religious than the elite leaders. America already resembled the kind of democracy that the French visitor Alexis de Tocqueville witnessed two decades later. “After the adoption of the federal constitution,” explained noted architect Benjamin Latrobe to the Italian patriot Philip Mazzei in 1806, “the extension of the right of Suffrage in all the states to the majority of all the adult male citizens, planted a germ which has gradually evolved, and has spread actual and practical democracy and political equality over the whole union,” which has produced “the greatest sum of happiness that perhaps any nation ever enjoyed.”⁷⁰

All the governments—national and state—and in fact the whole society had become dominated by hardworking but “*unlearned*” people. It was hard to find any men of superior talents in government. “The fact is,” explained Latrobe, “that superior talents actually excite distrust, and the experience of the world perhaps does not encourage the people to trust men of genius.” The society may be prosperous, but the cost of this prosperity has been high. Since most men have to labor for a living, “those arts and refinements, and elegancies which require riches and leisure to their production, are not to be found among the majority of our citizens.” Even the rank of gentlemen has been put down in most places by the “unlettered majority,” and men of talent exclude themselves from the elective offices of government. “Of this state of society the solid and general advantages are

undeniable: but to a cultivated mind, to a man of letters, to a lover of the arts it presents a very unpleasant picture.” With everyone in competition to become rich, said Latrobe, “the ties that bind individuals to each other” have become weakened, and the society was in danger of coming apart.⁷¹

By 1820 a new generation of Americans looked back at the revolutionary generation with awe and wonder and saw in them leaders the likes of which they would never see again. We cannot rely anymore on the views of the revolutionary generation, the Democratic-Republican Martin Van Buren told the New York constitutional convention in 1820. Those who led the Revolution and created the Constitution, he said, were aristocrats, and they had fears of democracy that America’s experience had not borne out.⁷² Van Buren, who epitomized the new modern party politician, knew that Americans, or at least northern Americans, now lived in a different world, a democratic, middle-class world of ordinary working people whose intense religiosity had to be respected.

This great democracy of the early 19th century was driven by equality, that “great God absolute!” as Herman Melville called it—“the centre and circumference of all democracy.” The “Spirit of Equality,” he wrote, not only culled the “selectest champions from the kingly commons,” but it also brought “democratic dignity” to even “the arm that wields a pick or drives a spike.”⁷³

Yet the equality of republican citizenship had paradoxical consequences. By the early 19th century in many northern states, free blacks earned the right to vote, and they often were exercising it with particular effectiveness on behalf of those opposed to the Democratic-Republican Party. But black assertions of equality increasingly alarmed many ordinary white people who wanted universal manhood suffrage but not for black citizens. So at the same time that several northern states in the early 19th century did away with any remaining property qualifications on the right of ordinary white citizens to vote, they succumbed to the pressure of white populist majorities and took away the franchise of black citizens—who in some cases had voted for decades. In New York, at the same time as they were taking away the suffrage of longtime black

voters, the Democratic-Republicans promoted the illegal voting of Irish immigrants who were not yet citizens, knowing full well which party the newly enfranchised Irish aliens would vote for.

The denial of black participation in the democracy was relentless. No state admitted to the Union after 1819 allowed blacks to vote. By 1840, 93 percent of northern free blacks lived in states that completely or practically excluded them from the suffrage. Since all these examples of racial discrimination, like all assertions of social superiority, violated the egalitarian values of the new democracy, they would inevitably have to be condemned and set right—if the nation were to be made whole and in accord with the principles of its founding. That setting right, which would come at a terrible cost, was unavoidable and essential precisely because the United States really meant to be a democracy.

Despite the many examples of racial injustice, the persistence of slavery in the undemocratic South, and great disparities of wealth in the society—despite all that, within decades following the Declaration of Independence, the United States laid claim to being the most democratic and egalitarian nation in history. It was already by then a unique nation dominated by ordinary, Bible-toting people, violent and obsessed with consuming alcohol and making money, vulgar and vibrant, barbarous and boisterous: the only great democracy in a world of monarchies and one that awed and frightened some of its own citizens and many Europeans. It seemed to represent the future for all of humanity.

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