CHAPTER X

Vices of the System

1. The Incongruity of the Crisis

In his commencement address at Harvard College in July 1787, John Quincy Adams spoke of "this critical period," when, it seemed to Adams, the whole country was "groaning under the intolerable burden of . . . accumulated evils." It was an apt phrase --"critical period"-- as John Fiske a century later was to discover. But it was hardly an original one, either with Fiske or with Adams. The belief that the 1780's, the years after the peace with Britain, had become the really critical period of the entire Revolution was prevalent everywhere during the decade. By the mid-eighties the oratory and writings were filled with talk of crisis to the point of redundancy: "The present crisis is critical in the extreme." "That is a kind of despondency has gone through the continent, is evident from the public prints of every State." Americans suddenly seemed to have lost their nerve. "A foreigner could hardly believe we were that brave people who so nobly struggled for our Independence." Increasingly the events of the 1780's seemed to point toward "a crisis of the most delicate nature taking place," leading to "some crisis, some revolution" that could not be predicted. Many like John Jay found themselves uneasy, "more so than during the war." Then there had been a "fixed object," and although the means and timing were questionable few had had doubts of the ultimate victory. But with the coming of peace "the case is now altered." Men saw ahead of them "evils and calamities, but without being able to guess at the instrument, nature, or mea-
In fact, as contemporaries noticed, it was a decade of very high expectations, clearly reflected in the rapid rate of population growth which despite little immigration was the fastest of any decade in American history. 4

It is thus difficult to look back at the period and not feel that the pessimism and apprehension so widely expressed did not in some way exaggerate the real problems of the 1780's. Some of the contemporaries themselves saw an incongruity between the alarms and the situation. "In reality," said one South Carolinian, "though there never was a period in which calamity was so much talked of, I do not believe there ever was a period in which it was so little experienced by the people of this State. If we are undone, we are the most splendidly ruined of any nation in the universe." Although "many people appear to be uneasy and to prognosticate revolutions," David Humphreys wrote to Jefferson in 1786, "they hardly know how or why." True, there was a scarcity of money, "but to judge by the face of the country; by the appearance of ease and plenty which are to be seen every where, one would believe a great portion of the poverty and evils complained of, must be imaginary." 5

But the complaints were far from imaginary. They were real, intensely real, rooted, however, not in poverty or in real deprivation but rather in prosperity and in the very unintended promises the Revolution seemed to be offering large numbers of Americans. From the vantage of two hundred years later the Revolution by the 1780's seems to have been a glorious success. The war had been won and independence achieved; the peace with Britain was as much as could have been hoped for in 1775. Yet because the Revolution represented much more than a colonial rebellion, represented in fact a utopian effort to reform the character of American society and to establish truly free governments, men in the 1780's could actually believe that it was failing. Nothing more vividly indicates the intensity of the Americans' Revolutionary expectations than the depth of their disillusionment in the eighties. "What astonishing changes a few years are capable of producing," said Washington in a common exclamation of these years. "Have

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2. Historians who have minimized the criticalness of conditions in the 1780's have naturally tended to see the movement for the Constitution as something in the nature of a conspiracy by a few without widespread justification in the social and economic realities of the period. The "critical period," wrote Charles Beard, was perhaps not so critical after all, "but a phantom of the imagination produced by some undoubted evils which could have been remedied without a political revolution." Charles A. Beard, An Economic Interpretation of the Constitution of the United States (N. Y. 1915), 48. For similar views see Ferguson, Power of the Purse, 317; Jack Parker, The Antifederalists: Critics of the Constitution 1781-1789 (Chapel Hill, 1961), 177-78; Jensen, New Nation, 348-49; E. Wilder Spaulding, New York in the Critical Period 1781-1789 (N. Y., 1931), 25, for an analysis of the historical debate see Richard B. Morris, "The Constitutional Period and the American Historian," Win. and Mary Qtrly, 3d Ser, 41 (1961), 131-56.

3. Jensen, New Nation, 156, 159-60, 413-14; Ferguson, Power of the Purse, 316.
that Rush could scarcely have anticipated. In 1781 Samuel Otis was writing to Theodore Sedgwick that he had expected "bloody noses" before the new Massachusetts Constitution was firmly established. "Indeed almost all revolutions are founded in blood." But he had never expected to see the like of what was happening in Massachusetts in these past several years. The Whigs realized there were "extravagancies that usually accompany" the "blessings of freedom," but not what they were witnessing. The British and the Tories had warned in the 1770's that the moment a separation from Britain had taken effect "intestine quarrels will begin," and Americans would "split into parties." Now it seemed that such dire prophecies were being fulfilled. The Revolution, it became more and more obvious, was turning upon itself in ways that had not been foreseen, and men were emphasizing with renewed intensity that "unless a proper education of the rising generation is adopted, a new way of thinking and new principles can be introduced among the People of America, there are little hopes of the present republican Governments or anything like republican Governments being of any duration." 97

It was ironic but undeniable: by the 1780's the Revolutionary ideals seemed to be breeding the sources of their own miscarriage. "The people," said Fisher Ames in 1787, "have turned against their teachers the doctrines which were inculcated in order to effect the late revolution." All the evils which the Revolution was designed to eliminate were instead being aggravated. "It is a favorite maxim of despotic power, that mankind are not made to govern themselves"—a maxim which the Americans had spurned in 1776. "But alas!" many were now saying, "the experience of ages too highly favours the truth of the maxim; and what renders the reflection still more melancholy is, that the people themselves have, in almost every instance, been the ready instruments of their own ruin." It had become all too evident to many that "in times of public confusion, and in the demolition of ancient institutions, blustering, haughty, licentious, self-seeking men" were gaining "the ear of the people," exploiting republican ideol—

3. The Perversion of Republicanism

Almost immediately after the war began the Americans' doubts and anxieties, never far below the surface in 1776, began to emerge with increasing frequency. As early as 1778 Benjamin Rush could write that "the time is now past when the least danger is to be apprehended to our liberties from the power of Britain, the arts of commissioners, or the machinations of tories. Tyranny can now enter our country only in the shape of a whig. All our jealousies should be of ourselves." Americans now had more to dread from "our whigs" than they had from "a host of Governor Johnsons, Dr. Berkenhouts, Hutchinsons, or Galloways." Other Americans agreed, and well before the contest with England was settled they began turning on each other with a jealousy and a fierceness—

ogy and disrupting the social fabric. Authority had been challenged in 1776 by appeals to the people that now seemed limitless. The right to rule, the Whigs had said, existed only so long as the people's good was promoted. But who could judge the people's good better than the people themselves? What do "those who are continually declaring about the people, the people . . . mean by the people?" it was asked in exasperation. No part of the government, even their representatives, seemed capable of embodying them. By the 1780's the people had become simply the collective community standing outside of the entire government—a final court of appeal to which every aggrieved group took its case.8

The republican emphasis on talent and merit in place of connections and favor now seemed perverted, becoming identified simply with the ability to garner votes, thus enabling "the most unfit men to shove themselves into stations of influence, where they soon gave way to the unrestrained inclination of bad habits." Republicanism was supposed to unleash men's ambitions to serve the state. But what was praiseworthy ambition and what was spurious? "An emulation to excel in virtue is laudable, it gives vigor to every political nerve, advances the meritorious, and produces the most happy effects in a community; but a desire of excelling in power, grandeur, and populari ty, tends to the certain ruin of a society." Who was to distinguish? Who else but the people? But were they any more capable than the Crown had been?9

Equality was not creating harmony and contentment after all. Indeed, it was noted, equality had become the very cause of the evils it was designed to eliminate. In a free and independent republic "the idea of equality breathes through the whole and every individual feels ambitious, to be in a situation not inferior to his neighbour." Among Americans, "the idea of inferiority, as of pursuing a mean employment or occupation . . . mortifies the feelings, and sours the minds of those who feel themselves inferior." Consequently, everyone strives to be equal with those above him, "in dress, if in nothing else." Although the Revolution had placed government almost wholly in the hands of the people, the people were still suspicious and jealous, "the offspring of envy and disappointed ambition." "What stronger proof can we possibly have," it was said, "of an uneasy querulous disposition in the people." It was in the people's blood. Despite the success of the war against Britain the people remained possessed by a "general uneasiness, . . . without the least apparent cause." Instead of a community of placid yeomen, celebrated in Grèveau's "Letters from an American Farmer," the society appeared filled with invertebrate grumblers. "Every man wants to be a judge, a justice, a sheriff, a deputy, or something else which will bring him a little money, or what is better, a little authority."10

In all of the states, from New England to South Carolina, the egalitarian atmosphere spread by the Revolution made "superiority from incidental circumstances not annexed to merit . . . galling and insufferable." The Revolution seemed to many simply to have replaced one grandeur elite with another. "There are some among us who call themselves persons of quality," declared a typical diatribe from Massachusetts in the mid-eighties. But in fact they were no different from that "set of mushroom gentility" of a few years back who, dignified with imperial offices and connected with those "whom they condescended to admit into their circle," attempted to assume "the character of the better sort of people." So manifestly absurd was this appellation "that the very term became thoroughly contemptible and odious in the estimation of the people." The warning was now out against any repetition of their behavior, against any further attempt "to introduce scenes of pleasure and dissipation," against any efforts to instruct America's youth in becoming fine gentlemen and ladies by the use of plays, operas, music, Venetian balls, and the entire courtier system of English elegance. The ferocious attacks on the Order of the Cincinnati in the 1780's actually represented only the most notable expression of these egalitarian resentments. Because this

8. Boston Independent Chronicle, Mar. 1, 1787, in Seth Ames, ed., Works of Fisher Ames with a Selection from His Speeches and Correspondence (Boston, 1854), II, 101; Boston Independent Chronicle, Aug. 11, 1786, Mar. 10, 1787; Baltimore Md. Journal, Aug. 3, 1787; John Trumbull's poem, McFingal, offers an interesting barometer for measuring the shift of attitude toward the Revolution that occurred among many Whiggishly patriotic Americans in the years after Independence. The poem was written piecemeal throughout the Revolutionary era, and while the early cantos emphasize a typical Whig confidence in the people, the third and fourth cantos, written in 1784, stress the abuses of liberty and a social structure turned topsy-turvy by the excesses of the Revolution. See Alexander Cowie, John Trumbull, Connecticut Wit (Chapel Hill, 1946), 167, 172-73, 192-93.


"Barefaced and Arrogant" attempt by former Revolutionary army officers to perpetuate their honor was considered by men like Aedanus Burke, James Warren, and Samuel Adams to be "as rapid a Stride towards an hereditary Military Nobility as was ever made in so short a Time," it had little chance of maintaining itself as a hereditary body. In vain did supporters of the Cincinnati argue that America lacked the wealth and means for supporting the kind of aristocracy the critics talked of. Under the pressure of the public outcry and Washington's disavowal the Order was quickly forced to renounce its original hereditary character and to become simply another one of the numerous political and social organizations emerging in a country which, as the governor of South Carolina said in 1784, had gone "Society mad."

The republican aversion to artificial distinctions was being broadened into a general denunciation of all differences, whether economic, social, intellectual, or professional. Writers scoffed at the "academical education" of their aristocratic enemies and boasted that they were "plain, unlettered" men better able to communicate with the people. "Overgrown wealth" itself was attacked: "A certain excess of fortune sets a man above the public opinion, and in equal proportion makes him despise those who are poor." The emergent professionalization of careers became more intensely suspect, and even those fearful of too much leveling satirized the "jargon" and the "peculiarities" of the medical profession as it sought to establish itself by "technical terms" and by prescribing "what is new and uncommon." Naturally it was Pennsylvania that witnessed the most emphatic expression of this republican hatred of distinction and privilege. Throughout the late seventies and early eighties privilege assumed


12. Observations on a Late Pamphlet, Emailed, "Considerations upon the Society or Order of the Cincinnati" ... (Philadelphia, 1783), 8, 10-11; Boston Independent Chronicle, June 17, Apr. 8, 1784.


a special pointedness for the Scotch-Irish Presbyterian defenders of the 1776 Constitution confronted with a Philadelphia establishment of gentlemen with tight family and mercantile connections who carried their heads "so very high." For the Constitutionists equality became the great ideological weapon to be used not only against would-be social superiors, but against any sort of privilege that stood apart from the equal rights of the people. It was heartedly contended in the press and in the legislature in the sort of argument that carried well into the next century that all corporate grants, even when their public purpose was obvious, like those for the College of Philadelphia, the Bank of America, or the city of Philadelphia, were repugnant to the spirit of the American republics, "which does not admit of granting peculiar privileges to any body of men." "Equal liberty and equal privileges are the happy effect of a free government. They are, in fact, convertible terms: neither can subsist without the other. A popular government (that is, a genuine republic) holds out this equality to its citizens; and it is this, which gives it the preeminence over monarchies, and aristocracies; in this consists its excellence. The unequal or partial distribution of public benefits within a state, creates distinctions of interest, influence and power, which lead to the establishment of an aristocracy, the very worst species of government." Such immunities and privileged grants to groups may have made sense in European monarchical governments as devices serving "to circumscribe and limit absolute power." But in America where only the people wielded power "all such combinations of men and property" were irrelevant and harmful, for "as much as the combination of citizens enjoying corporate immunities may be calculated, even at this day, to relieve from the weight of monarchical sway, to the same degree are they contrary to the equal and common liberty which ought to pervade a republic." Because it was "the characteristic of free-men" and "the object of the present revolution" that the people "cannot be affected in their rights of personal security, personal liberty and private property, but by the laws and regulations of their representatives in general assembly," no extra-legislative corporate bodies ought to be established. The Assembly "ought carefully to retain their full exercise of legislative power over every part of the commonwealth," the city of Philadelphia included. Since "the state was one great family: and the laws are our common inheritance," said William Findley, in an argument
in 1786 against the rechartering of the Bank of North America, the legislature had no right "to give monopolies of legal privilege—or to bestow unequal portions of our common inheritance on favourites." It was true, Findley admitted, that Pennsylvanians, like the other Americans, were "too unequal in wealth to render a perfect democracy suitable to our circumstances: yet we are so equal in wealth, power, etc. that we have no counterpoise sufficient to check or control an institution of such vast influence and magnitude" as the Bank of North America. Since Pennsylvania had "no kingly prerogatives—no wealthy nobles, with vastly great estates and numerous dependents—no feudal laws to support family dignity, by keeping landed estates undivided," there was no security to set "against the eventual influence of such wealth, conducted under the direction of such a boundless charter." It was obvious then that wealth in America must not be allowed to concentrate in a few hands, for "wealth in many hands operates as many checks." An equal circulation of the signs of wealth, tends to promote equal rights—equal manners—and equal designs." This equal circulation so necessary for a republic was difficult enough to maintain when wealth was "in the hands of jarring individuals" but it would be impossible "when in the hands of a permanent society, congregated by special privilege, and actuated by the principles of united avarice."

Precisely because of the existence of these kinds of privileges republicanism had not brought the commonwealth consensus that had been anticipated. In fact party strife in all of the states seemed as bitter as before the war. Only now, with the elimination of royal authority and the reduction of magisterial power, the Whig conception of politics could not easily explain or justify the divisions. The Tories were gone. "The success of the war, and the establishment of legal government, has necessarily coalesced all party distinctions." The parties that were emerging were not those of the people against the rulers, the country against the court; they were instead parties among the people themselves.

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3. The Abuses of Legislative Power

Traditional eighteenth-century political theory offered a ready explanation for what was happening. The political pendulum was swinging back: the British rulers had perverted their power, now the people were perverting their liberty. "Power abused ceases to be lawful authority, and degenerates into tyranny. Liberty abused, or carried to excess, is licentiousness." "This revolution," David Ramsay told Benjamin Rush in 1783, "has introduced so much anarchy that it will take half a century to eradicate the licentiousness of the people." "The pulling down of government," men now saw, "tends to produce a settled and habitual contempt of authority in the people," and to make liberty "a popular idol." All the mobbing, the conventioneering, all the actions of popular legislatures, seemed to indicate that the people were fast running wild into "anarchy and licentiousness."

"Never," it was claimed, "was there greater danger of these evils, in this land, since the first settlement of it than now." Nevertheless, for some observers, the conventional abuses of the people's liberty, licentiousness and anarchy, no longer seemed to be the only terrors to be feared from the popular end of the political spectrum. By the 1780's some Americans began to...
or render void by contemporary decrees, the established standing laws, by which the payment of debts were secured?" Acts which took property and denied men's rights without equivalent compensation, whatever the legality of the procedure by which they were passed, "could not have the force of law." 11

The people's will as expressed in their representative legislatures and so much trusted throughout the colonial period suddenly seemed capricious and arbitrary. It was not surprising now for good Whigs to declare that "a popular assembly not governed by fundamental laws, but under the bias of anger, malice, or a thirst for revenge, will commit more excess than an arbitrary monarch." 12 The economic and social instability engendered by the Revolution was finding political expression in the state legislatures at the very time they were larger, more representative, and more powerful than ever before in American history. "We have been constantly changing our assembly," it was commonly charged, "repealing old laws, and substituting new ones." 13 The result in almost all the states was that few acts went without some alteration in the succeeding sessions of the legislatures. "The revised laws have been altered—repealed—made better—made worse; and kept in such a fluctuating position, that persons in civil commissions scarce know what is law." This lack of "wisdom and steadiness" in legislation, said Madison in 1786, was "the grievance complained of in all our republics." The laws had become so profuse and complicated that, as one Vermont minister charged, the very means appointed to preserve order had become the source of irregularity and confusion. 21


12. Hartford Conn. Courant, Sept. 30, 1783. In 1786, for example, 87 members of the Massachusetts House of Representatives had not sat in the General Court the previous year. Boston Continental Journal, May 18, 1778. In Virginia during the 1780's the average annual rate of turnover in the House of Burgesses, according to Forrest McDonald, was 44.8 per cent. E Flurius Usum, 128.


group of Germantown, Pennsylvania, inhabitants announced they
were banding together as "a shield against the capacity of the law,"
resolving to settle all cases among themselves by arbitration in or-
der "to prevent the people from wasting their property by the
chicanery of the law." 33

But the representative assembly in the several states was not
only corrupting the law; it was, as Madison put it in 1788, "draw-
ing all power into its impetuous vortex." All the functions of gov-
ernment, legislative, executive, and judicial, warned Jefferson as
early as 1783, were ending up in the legislative body. The dimin-
tion of executive authority in the new constitutions, the closing or
general breakdown of the courts, the popular fear of magistrates—
all reinforced legislative predominance in the governments. The
governors were mere cipher, almost totally dependent on the legis-
latures, with little or no power to resist or control the political
and social instability. The appointing authority which in most
constitutions had been granted to the assemblies had become the
principal source of division and faction in the states. The legisla-
ture, charged the Vermont Council of Censors, was reaching for
"uncontrolled dominion" in the administration of justice; becoming
a court of chancery in all cases over £4,000, interfering in cases
between parties, reversing court judgments, staying execu-
tions after judgments, and even prohibiting court actions in
matters pertaining to land titles or private contracts involving
bonds or debts, consequently stopping nine-tenths of all causes
in the state. In their assumption of judicial power the legislators
had determined every cause, said the Council, guided by no rules
of law but only by their crude notions of equity, "or in other
words, according to their sovereign will and pleasure." 34

Although the Pennsylvania Council of Censors in its second

23. [Alexander C. Hanson], Political Schemes and Calculations, Addressed to
the Citizens of Maryland (Annapolis, 1784), v: James Iredell to Mrs. Iredell,
May 18, 1780, McKee, Life of Iredell, i, 446; George Dangerfield, Chancellor
Robert R. Livingston of New York, 1746-1813 (N. Y., 1966), 107; "Resolutions
Entered Into by a Respectable Number of the Inhabitants of Germantown,
March 1, 1787," American Museum, 2 (1787), 166.

24. The Federalist, No. 48, Jefferson, Notes on Virginia, ed. Peden, 110;
517. Benjamin Gage likewise complained that the Connecticut Assembly was
generating in private controversies, even in some instances in private
cases involving decisions in equity. (Gage, Brief, Decent, or Free Remarks,
32-33. See also Taylor, Western Massachusetts, 151.)
session was dominated by supporters of the 1776 Constitution, its 1784 report was filled with similar complaints about rash resolutions and interference in the execution of the laws by the legislature. Apologetically the Constitutionalist majority of the Censors explained that this legislative confusion and usurpation stemmed from the people’s experience under the proprietary government, “when every increase of power, obtained by their representatives from the executive, and every instance in which the force of law could be obtained to a resolve of the house, seemed at least to be favorable to the public interest.” Thus every effort had been made by former legislatures to acquire power at the expense of the proprietor, who had possessed “an interest opposed to that of the people.” This legislative arrogation “unfortunately acquired too great a sanction with the people from custom.” The people “have been taught to consider an application to the legislature as a shorter and more certain mode of obtaining relief from hardships and losses, than the usual process of law.” The Revolution had thus served to accentuate the medieval court-like character of the American legislatures. Since 1776 the Pennsylvanian Assembly, like other state legislatures, had strengthened its control over equity jurisdiction, the amendment of land titles, the absolving of marriage ties, and the remitting of fines. The law books were filled, as never before, with legislation for individuals and with resolves redressing minor grievances. In fact, said the Pennsylvania Censors, American political experience, now being brought to a conspicuous head in the 1780’s, had actually changed the meaning of the word “grievances.” Formerly grievances had referred to “the excesses and oppressive proceedings of the executive power, and courts of justice” which, “arising from the undue influence of the crown,” could not be remedied without the interposition of the people’s representatives. In America, however, grievances had become simply the “hardships which will always arise from the operation of general laws,” or “even the misdeeds of particular officers, or private men, for which there is an easy and legal remedy,” or sometimes even “inconveniences” growing out of the negligence of the sufferer himself. “The assumption of the judicial and executive, into the hands of the legislative branch,” concluded the report of the Censors, “doth as certainly produce instances of bad government as any other unwarrantable accumulation of authority.” Others in all the states agreed: “The legislature swelling up all the other powers,” as James Wilson put it, was a widespread practice, the proofs of which in all the states, said Madison in The Federalist, “might be multiplied without end.”

4. **Democratic Despotism**

In the 1780’s the Americans’ inveterate suspicion and jealousy of political power, once concentrated almost exclusively on the Crown and its agents, was transferred to the various state legislatures. Where once the magistracy had seemed to be the sole source of tyranny, now the legislatures through the Revolutionary state constitutions had become the institutions to be most feared. American “prejudices against the Executive,” said James Wilson in 1787, “resulted from a misapplication of the adage that the parliament was the palladium of liberty. Where the Executive was really formidable, King and Tyrant, were naturally associated in the minds of the people.” But where the executive was weak, as in the American constitutions, “legislature and tyranny . . . were most properly associated.” Increasingly, from the outset of the Revolution on through the next decade, the legislatures, although presumably embodying the people’s will, were talked of in terms indistinguishable from those formerly used to describe the magistracy. “If it is possible for the legislature to be influenced by avarice and ambition and by either of these extremes to betray their country, and abuse the people . . ., then would the state be in danger of being ruined by their Representatives.”

As the supposedly representative legislatures drifted away from the people, men more and more spoke of the legislators’ being just other kinds of rulers, liable to the same temptations and abuses through history had shown—all of which made comprehensible the intensifying desire to make the representatives more dependent on the opinion of their constituents and the increasing invocations of “the collective body of the people” to set against the legislatures.

Yet there were some Americans who perceived that the prob-


lems of the 1780's were not due to the drifting and unrepresentative character of the legislatures, but were rather due to the legislatures' very representativeness. The distresses of the period, in other words, did not arise because the people-at-large had been forsaken by their legislatures, but because their transient and indigested sentiments have been too implicitly adopted. The evils and vices of state legislation, said James Madison, were not based, as some said, on the temporary deceit of a few designing men who were perverting their representative authority for their own selfish ends. Such vices actually sprang from the emergent nature of American society, and therefore brought "into question the fundamental principle of republican Government, that the majority who rule in such governments are the safest Guardians both of public Good and private rights." "According to Republican Theory," said James Madison, "Right and power being both vested in the majority, are held to be synonymous." But was this truly the case? asked Madison in a brilliant series of letters and essays, describing clearly and cogently what he thought was happening to the traditional assumptions of Whig constitutionalism. "Wherever the real power in a Government lies," he told Jefferson, "there is the danger of oppression. In our Governments the real power lies in the majority of the Community, and the invasion of private rights is chiefly to be apprehended, not from acts of Government contrary to the sense of its constituents, but from acts in which the Government is the mere instrument of the major number of the constituents." The people, it seemed, were as capable of despotism as any prince; public liberty was no guarantee after all of private liberty. At the beginning of the Revolution, wrote Madison, Americans obviously had not perceived this danger to the private rights of property from public liberty. "In all the Governments which were considered as beacon to republican patriots and lawyers, the rights of persons were subjected to those of property"; throughout history the poor had always been sacrificed to the rich. In 1776 Americans had assumed that their society was unique--so egalitarian that both rights coincided, so different that "a provision for the rights of persons was supposed to include of itself those of property." And Americans naturally inferred, said Madison, "from the tendency of republican laws"--like the abolition of primogeniture and entail--"that these different interests would be more and more identified." But alas! "experience and investigation" had eventually taught Madison that America was not different from other societies, that equality of condition was a chimera. Only a minority, said Madison, "can be interested in preserving the rights of property." Yet what could be done? In 1766 a New Jersey critic of this majoritarian tyranny had argued that there were occasions when the legislature must ignore the voice of its constituents. "A virtuous legislature will not, cannot listen to any proposition, however popular, that came within the description of being unjust, impolitic, or unnecessary.

"Then we are not a republican government," was the formidable reply, "for the evident signification thereof is that the people (the majority of the people) bear rule, and it is for them to determine whether a proposition is unjust, impolitic, and unnecessary or not."

Americans thus experienced in the 1780's not merely a crisis of authority--licentiousness leading to anarchy--which was a comprehensible abuse of republican liberty, but also a serious shattering of older ways of examining politics and a fundamental questioning of majority rule that threatened to shake the foundations of republican experiments. It was extremely difficult, however, for most Americans to grasp what was happening and fit it into their accepted paradigm of politics. Most commentators were concerned with what they described as the breakdown in governmental authority, the tendency of the people to ignore the government and defy the laws by their claims that "a subordination to the laws, is always the cant word to enslave the people." "Every man of sense," said Fisher Ames, "must be convinced that our disturbances have arisen more from the want of power than the abuse of it." Yet the pressing constitutional problem was not really the lack of power in the state legislatures but the excess of it--popular despotism. Writers, like Noah Webster, cried out against the evils of the day: "So many legal infraction of sacred right--so many public invasions of private property--so many wanton abuses of legislative power!" Nevertheless, in almost the same breath, they urged the people to obey their elected legislatures, right or wrong, contending that the only penalty for abuses

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was new elections. Somehow the people were both licentious and tyrannical, but ironically the remedy for one was the source of evil for the other. 28

Shays's Rebellion in western Massachusetts was received with excited consternation mingled with relief by many Americans. This was precisely because it was an anticipated and understandable abuse of republican liberty. Liberty had been carried into anarchy and the overthrowing of all government—a more comprehensible phenomenon to most American political thinkers than legislative tyranny. The rebels, announced the town of Boston, must obey the majority. “Let the majority be ever so much in the wrong,” it was the only remedy for grievances “compatible with the ideas of society and government.” The insurgents, argued a publicist, must rely on their elected representatives for the redress of wrongs: “Can human wisdom devise a more effectual security to our liberties?” 29 So relieved by the rebellion were many social conservatives that some observers believed the Shaysites were fomented by those who wanted to demonstrate the absurdity of republicanism. 30

Nothing so insidious has been proved, but many social conservatives did see the rebellion as encouraging the move for constitutional reform. It was both a confirmation of their worst fears—hence their horror—and a vindication of their desires for stronger government—hence their relief. It fitted nicely into the traditional pattern of political thinking and thus cleared the air of much of the confusion which had hung over the 1780’s. Yet Shays’s Rebellion was irrelevant to the major constitutional difficulty experienced in the Confederation period—the problem of legal tyranny, the usurpation of private rights under constitutional cover. Connecticut had no violence like that of Massachusetts, said Noah Webster, “because the Legislature wear the complexion of the people.” Only “the temporizing of the legislatures in refusing legal protection to the prosecution of the just rights of creditors,” remarked David Ramsay, freed the southern states from similar disturbances. Within a few months, however, observers noted

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that the Shaysites were trying their strength in another way, “that is,” said James Madison, “by endeavoring to give the elections such a turn as may promote their views under the auspices of constitutional forms.” Merely subduing the rebels and calling upon them to obey the authority of the legislature did not go to the heart of the Americans’ predicament. With “a total change of men” in the legislature, wrote Webster, “there will be, therefore, no further insurrection, because the Legislature will represent the sentiments of the people.” Hence some Americans in the 1780’s could come to believe that “sedition itself will sometimes make laws.” 31

The classical political spectrum did not make sense to a perceptive and probing mind trying to understand American politics. “It has been remarked,” wrote Madison to Jefferson, “that there is a tendency in all Governments to an augmentation of power at the expense of liberty.” But for Madison the statement now seemed ill-founded. There seemed little danger in the American republics that the tyranny of the rulers would subvert liberty. No doubt, said Madison, governmental power, when it attained a certain degree of energy and independence, went on to expand itself. “But when below that degree, the direct tendency is to further degrees of relaxation, until the abuses of liberty beget a sudden transition to an undue degree of power.” Licentiousness, in other words, led not to anarchy, but to a new kind of popular despotism. Only in this sense, said Madison, was the traditional spectrum of power “applicable to the Governments in America.” America had little to fear from the traditional abuse of power by the few over the many. “It is much more to be dreaded that the few will be unnecessarily sacrificed to the many.” 32

5. Political Pathology

This fear by the few of the power of the many, as crucial as it was in shaping a new understanding of politics and in promoting the desire for a new central government, did not go to the heart

of the pervasive sense of anxiety in the 1780's. The crisis was not confined to any one economic or social group, although the evidence of alarm is clearly weighted on those who were most articulate, that is, on those who considered themselves the established social leaders and who were most likely to write for the press and to preserve their correspondence. Indeed, it seems that it was precisely the actions of those least liable to be aware of the social and moral significance of what they were doing that so frightened American intellectuals in the 1780's. Yet the period was truly critical not solely because members of the social and economic elite felt themselves and their world threatened, but because anyone who knew anything of eighteenth-century political science could not help believing that the American republics were heading for destruction even as they were being created.

The crisis was therefore of the most profound sort, involving no limited political or economic problems but the success of the republican experiment itself. Indeed no more appropriate term than "crisis" could have been used to describe what was happening. Viewing the state as analogous to the human body, Americans saw their country stricken by a serious sickness. The 1780's seemed to mark the point in the life of the young nation where a decisive change had to occur, leading either to recovery or death. It was a "crisis of moral and national reputation." The reputation of America is at stake... The fate of (perhaps it may be said without exaggerating) mankind depends upon the issue of American councils at this crisis. The writings of Americans in the eighties became a series of self-diagnoses, an intensive examination of the sources of political decay characteristic of the age of Gibbon. Writers from Montesquieu to Edward Wortley Montagu were ransacked in a continuing search to understand what was called "political pathology." All the lessons that had been learned from the analysis of Britain's fate in the 1760's and seventies were now brought home to Americans with a renewed vividness. While virtue was advantageous for any kind of government, it was, as a group of New Hampshire ministers affirmed in


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predominate over every Consideration that regarded the public weal."

Throughout all the states orators and writers warned of the vicious effects of wealth and prosperity. "The great body of the people, smote by the charms and blandishments of a life of ease and pleasure, fall easy victims to its fascinations." The great increase of private and public credit and the paper money and debtor-favoring legislation stemming from it, it was widely argued, were not actually the result of a scarcity of specie and the peculiar economic problems of the 1780's. They were rather a consequence and a symptom of the degenerate character of the people. All men, rich and poor, northerners and southerners, were living "in a manner much more expensive and luxurious, than they have Ability to support," borrowing heavily on the promises of the future, captivated by "an immoderate desire of high and expensive living." "Our citizens," said a Carolinian, "seem to be seized with a general emulation to surpass each other in every article of expense. Those who possess affluent fortunes lead the way, and set the example. Others, whose estates are not sufficient to bear them out, madly adopt the same expensive system, and in order to support it, contract debts which they have no rational prospect of discharging. All they seem to wish, is to obtain credit, to figure away, and to make a brilliant appearance at the expense of others." The end of the war saw only a scramble to purchase long-denied European luxuries. America's commerce seemed to have become almost exclusively importation. It was a strange sight—a young undeveloped country acting the part of a mature one. Indeed, said a New Yorker, "we are affected in a quite a different manner from all the other nations upon earth, for, with others, wealth is the mother of luxury, but with us poverty has the same effect." By 1780 Patrick Henry "feared that our Body politic was dangerously sick." The signs of disease spread everywhere. Merchants and farmers were seeking their own selfish ends; hucksters were engrossing products to raise prices. Even government officials, it was charged, were using their public positions to fill their own pockets. The fluctuation in the value of money was making "every kind of commerce and trade precarious, and as every individual is more or less interested in it," was putting a premium on selfishness. Everyone was doing "what was right in his own eyes," and "thus the whole of that care and attention which was given to the public weal is turned to private gain or self preservation." That benevolence among the people had not grown as a result of the Revolution was measured in the frightening increase in litigation, to as many as eight hundred cases in a single New England county court during a year, most of which were actions of debt for only five or six pounds. Vices now seemed more prevalent than before the war. Virtue was being debased "by the visible declension of religion, the rapid progress of licentious manners, and open profanity." Such symptoms of degeneracy threw the clergy especially into confusion. Instead of bringing about the moral reformation they had anticipated from victory, the Revolution had only aggravated America's corruption and sin. The Americans, they said in sermon after sermon throughout the eighties, could only be an ill-tempered and unrighteous people, so soon forgetting the source of their deliverance from British tyranny. Such ingratitude and sinfulness could only bring upon them God's terrible and just vengeance—a Providential penalty that marvelously coincided with the dreadful calamity predicted by the political scientists for a corrupted people.

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20. Hartford Conn. Courant, Sept. 30, 1783; Taylor, Western Massachusetts, 112.

21. Charleston S-C. and American Gazette, Jan. 11, 1779. For examples of the clergy's concern see John Murray, Jerushah, or Tyranny's Grown Destroyed, and the Altar of Liberty Finished (Newburyport, 1784), 8, 31, 35; MacCullum,
Throughout all the secular and religious jeremiads of the eighties the key word was “luxury,” that important social product and symptom of extreme selfishness and pleasure-seeking. Over and over men emphasized “the destructive tendency of luxury,” so much so that it had become by 1788 “a beaten topic.” But still “the history of the world points to this, as the rock on which the state vessel hath most commonly split.” The success of the war had taught the effete British “that the savage wilds of America could produce a barrier to their attempts” to erect a tyranny. But now a more insidious enemy was sapping America’s strength and liberty from within. “Luxury, luxury, the great source of dissolution and distress, has here taken up her dismal abode; infectious as she is, she is alike caressed by rich and poor” and was thus destroying “that simplicity of manners, native manliness of soul, and equality of station, which is the spring and peculiar excellence of a free government.”

Associations sprang up to combat all the increased displays of extravagance, and writers debated over the kinds of art and theater permissible in a republic. These were not simply the legacies of some old puritanical fever, for, as Joel Barlow said in 1787, “It is for existence that we contend.” “Whenever democratic states degenerate from those noble republican virtues which constitute the chief excellency, spring, and even basis of their government, and instead of industry, frugality, and economy, encourage luxury, dissipation and extravagance,” Americans were warned, “we may justly conclude that ruin is near at hand.” “No virtue, no Commonwealth.” It was that simple.

Like Puritanism, of which it was a more relaxed, secularized version, republicanism was essentially anti-capitalistic, a final attempt to come to terms with the emergent individualistic society that threatened to destroy once and for all the communion and benevolence that civilized men had always considered to be the ideal of human behavior. Right from the beginning of the Revolution there had been some Americans who had doubted the ability of any people, including the Americans, to surrender their individual interests for the good of the whole. The questioning of American virtue begun by men like Livingston and Jay of New York during the prerevolutionary debates in the Continental Congress was broadened during the critical years of the war. Throughout the seventies all the discussions of the Continental Congress on the issues of economic regulation or moral and summury controls tended to hinge on the capacity of the public law to control vice and individual behavior. For those at the very outset of the Revolution who had discounted American virtue, at least among the mass of the society, the scrambling of the people to satisfy private wants and aspirations became a vindication of their doubts. A merchant, or anyone for that matter, it was increasingly said by such men, could not be expected for the sake of some nebulous public good “to quit the line which interest marks out for him.” “It is inconsistent with the principles of liberty,” said Robert Morris, “to prevent a man from the free disposal of his property on such terms as he may think fit.”

With the movement of people with these kinds of thoughts into positions of influence and authority once the war was underway, it was inevitable that the old patriots who had thrived on the spirit of 1774–75 should have become alarmed. The issue between them was brought to a head in the Continental Congress over the Lee-Deane affair.

On the surface the split in Congress in the late seventies assumed sectional lines, New England favoring Arthur Lee against the South favoring the Yankee merchant Silas Deane, with the middle states divided. Yet beneath this sectional division was a more complicated disagreement among American leaders that transcended state interests. The Lee-Deane imbroglio was not simply a quarrel provoked by personal or family pique or even by the conduct of American diplomacy. It went to the heart of the fundamental disagreement rapidly emerging among American leaders over the virtuous character of the American people and the nature of the republican society being formed. The Lees of
Virginia and the Adameses of Massachusetts saw in Silas Deane and in the connections and support he mustered a serious threat to the success of the Revolution, even to the point, wrote John Adams, of "endangering a civil War in America." In the eyes of strict republicans like the Lees, the Adameses, and Henry Laurens of South Carolina, Deane's cause was the cause of all the "avaricious and ambitious men" who sought to reverse the Revolution and to establish an aristocratic and mercantile society that would allow full play to private interests. The American Revolution, said John Adams, "had not been sustained by such characters" as Gouverneur Morris and John Jay, those "Tory friends and Mercantile Abettors" of Deane, as Richard Henry Lee called them, who represented so many "Mandevilles... who laugh at virtue, and with vain ostentation display of words will deduce from vice, public good"—these men were "much fitter to be Slaves in the corrupt, rotten despotisms of Europe, than to remain citizens of young and rising republics." Although Deane was a Yankee, said Samuel Adams, his principles were not those of New England; they were "commercial and interested." If allowed to flourish they would eventually destroy America's experiment in republicanism, since, as even the retired and redeemed merchant Henry Laurens said, the "bane of patriotism" was "commerce."

By the late seventies the old patriots, embodied in the Adams-Lee juncto, saw a "Design" afoot, "a joint Combination of political and Commercial Men" centering in New York and the South, which aimed to exclude from power all "those who took an early active Part and have continued consistent in Support of the Liberties of America" in order "to get the Trade, the Wealth, the Power and the Government of America into their own Hands." It increasingly seemed to these old patriots "that the Principles and Manners of New England," the manners, said Richard Henry Lee, of "a wise, attentive, sober, diligent and frugal" people, had "produced that Spirit which finally has established the Independence of America." As the southern fears of eastern Presbyterianism and leveling tendencies and the New Englanders' dislike of the aristocratic and luxurious manners of the South—an antagonism implicit from the beginning—became more and more exposed, Lee's and Laurens's alliance with New England became increasingly anomalous. If individual and state interests were to reign supreme, then, men believed, southerners had no business supporting New England. By the early 1780's many New Englanders saw themselves as the last bastion of devotion republicanism standing against the torrent of aristocratic vice and luxury that was sweeping America.

But, as these strict republicans knew only too well, New England itself was not free of the baneful influences of luxury and aristocracy. When a friend wrote to Samuel Adams in 1777 telling him that self-denial was now a rare virtue in Boston, Adams was shocked. "God forbid," said Adams, that the people of Boston "should so soon forget their own generous Feelings for the Publick and for each other as to set private Interests in Competition with that of the great Community." Yet Adams's beloved Boston—his hope for a "Christian Sparta"—never seemed capable of recapturing the patriotism of those wonderful years of 1774 and 1775. By 1778 new merchants and a "Spirit of Avarice" had taken over; by 1781 Adams was questioning "whether there is not more Parade among our Gentry than is consistent with sober republican Principles." By the mid-1780's Boston was wallowing in luxury and amusement. Adams could only express sorrow and indignation over "the Equipage, the Furniture and expensive Living of too many, the Pride and Vanity of Dress which pervades thro' every Class, confounding every Distinction between the Poor and the Rich." As evidence Adams could point

to what was the confirmation of his worst fears, the establishment in Boston in 1785 of, of all things, a tea club.

The Tea Assembly, or "Sans Souci Club" as it was labeled, seems innocuous enough—meeting every other week for dancing and card-playing. But because the club was to be the exclusive domain of the newly parading gentry, like Harrison Gray Otis, it was immediately and viciously attacked in the press, creating a frenzied public uproar that is inexplicable, and indeed ludicrous, unless viewed within the terms in which contemporaries described social character. The club, wrote an "Observer" (probably Samuel Adams), represented another example of effeminate refinement, another symptom of the dissipation of the day, another amusement designed "to lull and enervate these minds already too much softened, poisoned and contaminated by idle pleasures, and foolish gratifications." The republic was truly in grave danger. "We are prostituting all our glory, as a people, for new modes of pleasure, ruinous in their expenses, injurious to virtue, and totally detrimental to the well being of society." The Tea Assembly, declared "Candidus" (probably Benjamin Austin), was considered by most of the people at this very critical time "as a very dangerous and destructive institution," suitable perhaps for "the long, established Courts of Europe," but fatal to the infant republics of America.

It was not simply the public encouragement of gaming that bothered these severe republicans; it was more the social pretensions of the club's subscribers, their efforts to use the Tea Assembly to promote "decent manners and polite attentions." In a republican government "when all the individuals of a State are so nearly on an equality," said one critic, everyone tried to keep up public appearances by being fashionable and thus pursued such public amusements even to the ruin of fortune and family. The "politeness and gentility" of the Tea Assembly were powerful allurements; the "etiquette and style" of the club were "more enticing" more destructive of republican character "than an evening spent in a back chamber of a tavern, among a group of wretches."

This was no trivial debate. The issue at stake was nothing less than the nature of American society. "We, my countrymen," de-

clared "Candidus," "have a character to establish." What kind of people were Americans anyhow? This was the fundamental question that ran through the thought of the 1780's. Supporters of the Sans Souci Club charged that its enemies were eaten with "envy and malice," pining for pleasures that they were "not qualified to enjoy." The club was no orgy, but rather a company "observing of the nicest and most scrupulous laws of delicacy," encouraging only the purest and highest manners as benefiting the best kind of republic. One defender was bold enough to state that the club had been drawn from the example of America's French ally, the model of manners for the world. For America to imitate France was to display "delicacy of taste" and "a genius for what is elegant and sublime." And Americans needed such refinement. Already foreign states thought Americans were "a rude, imbecile people, inspired with antipathy to the very name of gentlemen and adverse to the innovations of taste." Another writer even attempted a tentative defense of luxury. Without it, he said, Americans must abandon commerce, refuse all connections with the arts and sciences, live in savage simplicity, and end up cutting one another's throats. For "Candidus," however, this was the strongest doctrine he had ever heard broached—the idea that luxury was a communal blessing! "Rome, Athens, and all ye cities of reknown, whence came your fall?"

Americans could not rid themselves of this compelling and frightening analogy with the ancient world. "Every page of the history of the great revolution of Rome shows some instances of the degeneracy of Roman virtue, and of the impossibility of a nation's continuing free after its virtue is gone." And so the writings went: essays, sermons, pamphlets, throughout the Confederation period—all pointing to the fate of states which had died because their people had become corrupted. And America seemed equally fated. "While we are pleasing and amusing ourselves with Spartan constitutions on paper, a very contrary spirit reigns triumphant in all ranks... Spartan constitutions and Roman manners, peculiar to her declining state, never will accord." One or the other must give way. Apparently the revolution from the infection of the mother country had not been in time after all. "In emancipating ourselves from British tyranny, we expected to

much,” said John Jay, “has been expected from the Virtue and
good Sense of the People.” Americans, concluded William Liv-
ingston in the common reckoning of 1787, “do not exhibit
the virtue that is necessary to support a republican govern-
ment.”

In 1776 America had seemed the fittest place in the world for
the republican experiment, wrote Jeremy Belknap in 1784. Let
the republican system “have fair play” in the New World, Ameri-
cans had urged, “and it will be seen that men can live together
on a plan of equality, and govern themselves without foreign
connections or domestic usurpation.” All this was “very pretty,”
said Belknap, but all chimical. Republicanism could not work
unless the foundations of the state were laid as deep as Lycurgus
had driven them. The state must prevent men from rising one
above the other. All foreign commerce must be stopped. All men
must eat together at one table and their labor be put into common
stock—“in short, let individuals be poor and the State rich, and
then set off in your republican career: but if you attempt it on any
other plan,” warned Belknap, “you may be sure it will come to
nothing.” “If ‘Equality is the soul of a republic’ then we have no
soul.” America’s property was not equally distributed. The
individuals were rich and the state was poor. The farmers of New
England were the most equal in the country, yet they lacked any
semblance of public virtue: they were mean and selfish, and were
as greedy for land as the merchants were for cash. Was this not
sufficient evidence then, concluded Belknap, “that the people of
this country are not destined to be long governed in a democratic
form?”

6. The Continuance of Hope

For all of the expressions of pessimism in the 1780’s, it is clear
that not all American intellectuals had lost their confidence in the
republican experiment. Jefferson, viewing the new republics

54. Madison to Jefferson, Mar. 19, 1787; William Hay to Jefferson, Apr. 26,
1787; James Currie to Jefferson, May 2, 1787, all in Boyd, ed., Jefferson Papers,
XI, 210, 318-19, 326-29; Sylvius, “Letter III,” American Museum, 4 (1787), 114-
15; Charles Lee to Benjamin Rush, Apr. 30, 1788, Lee Papers, III, 417; Wilson,
in McMaster and Stone, eds., Pennsylvania and the Federal Constitution, 218;
Dangerfield, Livingston, 108; Essex Resol.; Parsons, Memoir, 364, 378; Jay to
Jefferson, Feb. 9, 1787, Boyd, ed., Jefferson Papers, XI, 119; Theodore Sedgwick,
A Memoir of the Life of William Livingston (N. Y., 1813), 403.
while standing amidst the pomp and debauchery of Paris, remained calm and sanguine. America—by contrast—still seemed the land of happy frugal yeomen. "With all the defects of our constitutions, whether general or particular, the comparison of our governments with those of Europe are like a comparison of heaven and hell." Send those gentry, he urged, who had forsaken the American republics "here to count the blessings of monarchy." "The best schools for republicanism," Jefferson concluded, "are London, Versailles, Madrid, Vienna, Berlin etc." It was absurd, admonished Benjamin Rush in 1787, for Americans to "cry out, after the experience of three or four years, that we are not proper materials for republican government. Remember, we assumed these forms of government in a hurry, before we were prepared for them." The American Revolution, declared Rush, was not yet over. "We have changed our forms of government, but it remains yet to effect a revolution in our principles, opinions, and manners so as to accommodate them to the forms of government we have adopted." Rush had no doubt of the present vice-ridden character of the American people, but he was sure that the vices could be eradicated. "Let us have patience. Our republican forms of government will in time beget republican opinions and manners. All will end well." Others agreed. Americans were expecting too much too soon. It took time to eliminate ancient prejudices.

The most obvious republican instrument for eliminating these prejudices and inculcating virtue in a people was education. "Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties," declared the Massachusetts Constitution of 1780, it was imperative that the government spread "the opportunities and advantages of education in the various parts of the country, and among the different orders of the people." Jefferson was not the only American concerned with erecting a hierarchy of educational institutions from grammar schools to universities. "The spirit and character of a republic," said the Pennsylvania Council of Censors in 1784, "is very different from that of a monarchy, and can only be imbibed by education." It seemed increasingly clear to many, like Benjamin Rush, that if Americans were not naturally virtuous they must be taught to be. "It is possible," said Rush, "to convert men into republican machines." They must be instructed that their lives were not their own. The republican pupil must "be taught that he does not belong to himself, but that he is public property." Indeed, so pronounced was the encouragement of religion in the critical period that Virginia's 1786 act for the establishment of religious freedom, declaring "that our civil rights have no dependence on our religious opinions any more than on opinions in physics or geometry," became something of an anomaly. No state in the 1780's was willing to go so far in the search for religious liberty; and in fact religious freedom and the multiplicity of denominations were coming to seem to some Americans actually incompatible with republicanism. The dilemma was fully exposed in the bitter controversy over Article III of the Massachusetts Constitution of 1780. "As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality," the article gave the legislature the right to establish and promote public worship and religious train-


59. Jonas Clark, A Sermon Preached before His Excellency John Hancock . . . (Boston, 1781), 17; Adams, Sermon Preached May 23, 1782, 47; Sennett, Sermon Preached before Thomas Gage, 16; Williams, Sermon Preached in the General Assembly, 9-10, 14, 18.

60. For a trenchant attack on the Virginia Assembly for destroying "the most powerful seeds of that very virtue it must be supposed they wish to see flourish in the state they represent," see [John Swanwick], Considerations on an Act of the Legislature of Virginia, Enacted an Act for the Establishment of Religious Freedom (Philadelphia, 1785), 6, and passim.
ing—a right that in the eyes of many seemed contradictory to the Constitution's profession of the liberty of religious conscience. 61 In South Carolina William Tennent turned this powerful argument for a religious establishment in a republic against itself, arguing that it was not the presence of several denominations but rather "inequality that excites jealousy and dissatisfaction." Following Tennent's advice, South Carolina reconciled a multiplicity of sects with the republic's need for harmony and unanimity by declaring the "Christian Protestant religion ... the established religion of this State." Many in Maryland in the mid-eighties began to have second thoughts about too rigid a separation of church and state and likewise moved toward a multiple establishment, the House of Delegates declaring that since "religion hath the most powerful influence upon manners, and ... has such an intimate connection with government," it was the duty of the legislature to make "permanent provision" for its "administration and support." 62

Other Americans, however, were less sure of the efficacy of religion and education in infusing virtue into the American character. Indeed, a long-existing split in the American mind between what has been called the evangelical scheme and the legal scheme was now conspicuously revealed. 63 Although many Americans in 1776 had blended and continued to blend both schemes in an uneasy combination, the events of the 1780's were forcing a separation between those who clung to moral reform and the regeneration of men's hearts as the remedy for viciousness and those who looked to mechanical devices and institutional contrivances as the only lasting solution for America's ills. It was a basic division that separated "enlightened" from "enlightenment," Calvinist from Liberal, and ultimately Antifederalist from Federalist.


62. Newton B. Jones, ed., "Writings of the Reverend William Tennent, 1740-1777," S. C. Hist. Mag., 61 (1960), 99-109; S. C. Constitution (1776), XXXVIII. Baltimore Md. Journal, Jan. 16; Feb. 9, June 10, 1785. Webster, in his "Comparative Study of the State Constitutions," Amer. Acad. of Pol. and Soc. Sci. Annals, 9 (1867). 493, was impressed with "the striking contrast between facts and pretensions" characterizing the religious clauses of nearly all of the Revolutionary constitutions. Although liberty of conscience was proclaimed and the establishment of a single denomination disavowed in most of the state constitutions, few Americans were willing "to carry the idea of religious liberty so far, as to rob civil government of one of its main supports." Winning, Sermon Preached May 28, 1783, 47.

63. Heintz, Religion and the American Mind.

"No government under heaven," said Benjamin Austin in a bold enunciation of the moral outlook, "could have prevented a people from ruin, or kept their commerce from declining, when they were exhausting their valuable resources in paying for superfluities, and running themselves in debt to foreigners, and to each other for articles of folly and dissipation." As long as men were morally corrupt, "we may contend about forms of government, but no establishment will enrich a people, who wantonly spend beyond their income." But for others, despairing of any such inner regeneration, something more external was necessary. If the people were not as corrupt and vicious, as permeated by a commercial spirit as the eighties seemed to indicate, then it was foolish to rely on religion and education alone to curb America's passions and to maintain viable republican societies. "Whenever any disorder happens in any government," declared those committed to a legalistic remedy, "it must be ascribed, to a fault in some of the institutions of it." 64 Only the institutions of government arranged in a certain manner could manage an unvirtuous people. If men's souls could not be redeemed then their governments must be adjusted to their sinfulness. Monarchy, of course, could control a corrupt society, but it was out of the question for most. 65 Only republicanism was "reconcilable with the genius of the people of America" and "with the fundamental principles of the Revolution." The American dilemma was to make "such an arrangement of political power as ensures the existence and security of the government, even in the absence of political virtue," without, however, at the same time destroying republicanism. The task was formidable and original one: to establish a republican government even though the best social science of the day declared that the people were incapable of sustaining it. Somehow, as Madison put it, Americans must find "a republican remedy for the diseases most incident to republican government." 66


65. See Louise B. Dunbar, A Study of "Monarchical" Tendencies in the United States, from 1776 to 1801 (Urbana, Ill., 1911).

66. The Federalist, No. 30; Boston Independent Chronicle, Nov. 4, 1786; The Federalist, No. 10.
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