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THE CREATION OF THE CONSTITUTION: SCHOLARSHIP AT A STANDSTILL

James H. Hutson

The historiography of the creation of the Constitution furnishes a vivid example of how contemporary events can influence the writing of history. At intervals from the mid-nineteenth to the mid-twentieth century, partisans of such political reform movements as abolitionism and progressivism, frustrated in their objectives by the Constitution or by the Supreme Court's interpretation of it, investigated the document's origins and produced accounts which influenced – at times, dominated – the historical literature for extended periods. After World War II professional scholars asserted control over the explication of the creation of the Constitution, but they produced such a Babel of voices and interpretations and created so much confusion about the writing of the document that our current understanding of its creation often seems to be as imperfect as it was during the early days of the republic.

In the first decades after ratification, the creation of the Constitution was an enigma to investigators, largely because they had little source material, the members of the Constitutional Convention having scrupulously, even obsessively, observed that body's secrecy rule long after it adjourned. Consequently, historians confronting the Constitution were obliged to skip over it in a paragraph or a sentence. The most important among these early historians were John Marshall and David Ramsay, who had been members of state ratifying conventions, and Mercy Otis Warren, the sole Antifederalist in the group.¹ Others whose work at least touched the Constitution ranged from the scholarly Jeremy Belknap to scribblers who have been long and justifiably forgotten: John M'Culloch, John Lendrum, Hannah Adams, Abiel Holmes, Salma Hale, and Charles A. Goodrich.² As if to compensate their readers for slighting the Constitution, these writers devoted disproportionate amounts of space to the years preceding it. They were the original exponents of the "critical period" thesis, for they regarded conditions under the Confederation as a national disaster. The government was a "jest," "enfeebled," an example of "imbecility," of "total inefficiency."³ Having experienced the impact of Shays' Rebellion, the earliest historians stressed its significance as a symbol of the national sickness and portrayed it as a far more potent catalyst of the Constitution than did subsequent writers.

For the earliest historians, the men who delivered their country from the tribulations of the Confederation by writing the Constitution were heroes who deserved the gratitude of posterity. In 1950 Merrill Jensen labeled this attitude the "chaos and patriots to the rescue" approach.⁴ The earliest historians would have accepted this description of their work, but would have been surprised at the condescension with which it was applied. They also accepted, implicitly, the notion that the Constitution was consistent in its objectives with the Declaration of Independence. No counterrevolution for them.

Source material about the Constitution became available in 1819 with the publication, at the direction of Congress, of the official *Journal, Acts, and Proceedings of the Convention*.⁵ Two years later the notes of New York delegate Robert Yates, covering the first third of the Convention (through July 5), were published by that most improbable of editors, Citizen Edmond Genet.⁶ In 1827 Jonathan Elliot began issuing his *Debates in the Several State Conventions*.⁷ The 1820s saw, then, the appearance of a trove of documents about the Constitutional Convention, although Elliot disparaged it for its "barrenness" and "bias."⁸

The first writer to take advantage of the newly accessible materials and to produce a tolerable account of what happened during the Convention was Timothy Pitkin, whose *Political and Civil History of the United States* (2 vols., 1828) devoted sixty-eight pages to the Convention and the ratification contest. Pitkin did not, however, start a trend toward comprehensive treatment of the Constitution's creation. Writers in the 1830s returned to the economy of the earliest historians. Noah Webster's *History of the United States* (1832), a potboiler on the M'Culloch and Lendrum models, blasted the Confederation as "utterly insufficient" and covered the writing of the Constitution in a sentence. Joseph Story, in his ponderous *Commentaries on the Constitution* (3 vols., 1833), imitated John Marshall, whom he quoted profusely, by describing the deficiencies of the Confederation period at great length and with great relish, picturing the country as having "sunk into a drowsy decrepitude, powerless and palsied" (1:249-50). To the framing of the Constitution, however, Story devoted only a few superficial sentences.

In 1840 the most significant event in the historiography of the Constitution occurred: the posthumous publication of James Madison's notes of the debates in the Convention.⁹ The notes immediately became grist for the mills of the abolitionists, who fashioned from them an interpretation of the Constitution which colored historical writing into the twentieth century. In 1913 Max Farrand complained about the overemphasis on slavery that had been infused into the historiography of the Constitution by the abolitionists; as late as 1923 Robert Schuyler still fretted about the problem.¹⁰

By 1840 Garrison and his followers had concluded that the Constitution was the bulwark of slavery, the principal impediment to its abolition. The "appalling decision" of the Supreme Court in 1842 in *Prigg v. Pennsylvania* (forbidding state assistance to fugitive slaves)¹¹ seemed to confirm this view. Madison's notes were used to "prove" its correctness. In 1843, for example, Wendell Phillips published *The Constitution a Pro-Slavery Compact*, which he subtitled *Selections from the Madison Papers*. Phillips strung together all of Madison's passages about slavery, augmented by other contemporary quotations, to prove that the Constitution was a compromise, an "infamous . . . bargain," between North and South in which its authors had "bartered honesty for gain and became partners with tyrants that they might share in the profits of their tyranny." It was, raged Garrison in more familiar words, a "covenant with Death and an agreement with Hell, involving both parties in atrocious criminality – and should be immediately annulled."¹² Phillips identified five elements of compromise with slavery in the Constitution: (1) the three-fifths clause; (2) the extension of the slave trade for twenty years (in exchange for letting northern shipping interests pass navigation acts by a majority rather than by a two-thirds vote); (3) the fugitive slave clause; (4) vesting authority in Congress to suppress insurrections; and (5) to act against domestic violence. The fulminations of Garrison, Phillips, and their colleagues provoked such an intense, sustained debate over the degree to which the Constitution was a "bloody compromise" with slavery that in 1846 William Jay spoke wearily of the "compromise of the Constitution, respecting slavery, of which we have heard so much."¹³

Abolitionist rhetoric quickly passed into the history books, first appearing in 1849 in the writings of Richard Hildreth, himself an author of abolitionist tracts and of one of the first abolitionist novels.¹⁴ Hildreth reduced Phillips's five compromises to three – a practice which subsequent historians generally followed. He gave most attention to the arrangement which extended the slave trade for twenty years. He was repelled by this "bargain," although he refrained from the vituperation of abolitionist publicists, confining himself to censuring it as a "moral sacrifice."¹⁵ Implicated in the perpetuation of slavery, the Founding Fathers emerged from Hildreth's pages as blemished political fixers, not as the saviors of the nation pictured by earlier historians.

An apologist for the Founding Fathers soon appeared in the person of George Ticknor Curtis, whose *History of the Origin, Formation, and Adoption of the Constitution of the United States* (2 vols., 1854–58) defended the compromises over slavery as being in the African's best interest by offering him the possibility of civilization and salvation in Christian America. A contemporary of Curtis, George Tucker made slavery a focus of his treatment of the Constitution, but, curiously, concentrated on the three-fifths clause and

virtually ignored the slave trade–navigation act bargain.¹⁶ For the next several decades the “compromises of the constitution” over slavery were a staple in historical accounts. They occupied prominent positions in popular histories like Schouler’s *History of the United States of America under the Constitution* (1880), in compilations like Lalor’s *Cyclopedia of Political Science* (1881), and in monographs like Andrew McLaughlin’s *The Confederation and the Constitution, 1783–1789* (1905). But compromise lost its vitality as an interpretive motif in the first decade of the twentieth century. Progressive historians did not share their predecessors’ consuming interest in slavery and Max Farrand in his widely reprinted *The Framing of the Constitution* (1913) sought to free constitutional history from the abolitionist obsession with it. Nevertheless, abolitionism left its mark on the Progressive interpretation of the Constitution by endowing it with a compelling explanatory tool: the concept of counterrevolution.

In excoriating the Constitution, Garrison and his associates urged “a moral and peaceful revolution to effect its overthrow in accordance with the doctrine laid down in the American Declaration of Independence.”¹⁷ To the abolitionists, the Declaration meant freedom and Right; the Constitution slavery and Wrong. How to account for a Constitution which was “in direct antagonism with the doctrine of human rights so grandly proclaimed in the Declaration of Independence?”¹⁸ The answer, proposed by abolitionist historians like Horace Greeley and Henry Wilson, writing during and after the Civil War, was that a “counterrevolution” had occurred in 1787 at the expense of human freedom.¹⁹

The concept of a counterrevolution was attractive to post-Civil War writers. They tended, however, to describe it in socioeconomic terms rather than in the moral categories of the abolitionists. Among the first to adopt a new approach was Henry B. Dawson, the leading spirit of a group of “iconoclastic and critical historians,” who sought to purge American history of myth and distortion.²⁰ Aroused by John Lothrop Motley’s conventional description of the Confederation period as a “state of anarchy and general criminality, without Government and without shame,” Dawson in 1871 assailed the idea of the critical period as “one of the most inexcusable perversions of American history.” The facts, as he presented them, showed that “every possible evidence of prosperity and peace . . . prevailed throughout the Union” from 1783 to 1787; like the ancient Hebrews, the United States “waxed fat and kicked.”²¹ John Fiske in his *Critical Period of American History* (1888) ignored Dawson, as he did every kind of inconvenient scholarship, but Charles Beard drew on him for his impressions of the Confederation Period and recent scholars have been inspired by his work.²²

If the Confederation period was a time of buoyant health, why was the Constitution needed? It was not needed, Dawson believed; it was nothing but

a trick played on the "masses." As Dawson saw it, a "Ring" — he was writing during the Grant administration — of "great men" had "fraudulently and without any other than selfish or partisan motives, nullified the established fundamental law of the Confederacy and violently and corruptly substituted for it what they styled the Constitution of the United States," a document "antagonistic to the great republican principles" on which the country was founded.²³

Dawson's charge that the Constitution was the fruit of an upper-class conspiracy seemed credible to many and appeared, with modifications, in the writings of professional scholars like Woodrow Wilson, who wrote of the Constitution being employed by the "wealthy classes" to check "popular majorities," and of popularizers like Henry J. Ford who described the establishment of a "government of the masses by the classes."²⁴ These writers, however, lacked Dawson's indignation, just as their post-Civil War contemporaries, who stressed the compromises of the Constitution over slavery, were less strident than Garrison and Phillips. Nevertheless, the view of the Constitution which emerged from their pages — emphasizing, as it did, the victimization of blacks and masses of average whites — was at striking variance with the unrestrained admiration lavished on the document by the public of the Gilded Age.²⁵ What seemed to one foreign observer, Herman von Holst, in 1877, as "ruinous idolatry" of the document was encouraged the next year by Gladstone's famous panegyric: "the most wonderful work ever struck off at a given time by the brain of man."²⁶ Some historians approached the Constitution in this spirit. George Bancroft, for example, saw the hand of God in the Federal Convention.²⁷ But a considerable amount of the scholarship of the period, touched directly or indirectly by abolitionism, was, at best, measured in its enthusiasm for the Constitution.

Progressivism influenced the historiography of the Constitution in the same way, but more profoundly than abolitionism had. One of the goals of Progressive reformers was to use government to control corporate power. In achieving this goal, Progressives, like abolitionists, were frustrated by the Constitution, specifically, by the Supreme Court's interpretation of it. Beginning with the sugar trust and income tax cases of 1895 and continuing through *Lochner v. New York* in 1905, the Court construed the Constitution into a bulwark of vested interests, apparently putting them beyond the reach of reform. Resentment of the Constitution seethed among Progressives. Scholars sympathetic to the movement sought to discredit it. One historian with the instincts of a publicist, armed with new source material — Treasury records serving him as Madison's notes had the abolitionists — produced an "exposé" of the Constitution which established itself as one of the most significant monographs in the literature of American history.²⁸ The historian was,

of course, Charles Beard, whose *An Economic Interpretation of the Constitution of the United States* appeared in 1913.

Beard's famous argument was that the Constitution was an "economic document," drawn by holders of a certain kind of property — personalty ("money, public securities, manufacturers, and trade and shipping") — to gratify their own and their supporters' economic self-interest.²⁹ Its adoption, he claimed, was opposed by realty interests, principally small farmers, also motivated by economic self-interest. Awareness of the economic dimensions of the contest over the Constitution extended back to the earliest writing on the document. David Ramsay, for example, in 1817, stressed the importance of public security holders in obtaining ratification.³⁰ Closer to Beard's time, Oren Libby, in his *The Geographical Distribution of the Vote of the Thirteen States on the Federal Convention, 1787-8* (1894) supplied copious evidence that the ratification struggle pitted hostile economic groups (commercial interests versus subsistence farmers) against each other. Numerous other writers before Beard, as Richard Hofstadter has shown, introduced economic antagonisms into their accounts of the Constitution. Where Beard differed from them, what gave his book its sensational quality, was his sleuthing into the motives of the writers of the Constitution. By exhuming long forgotten treasury records and mining other sources Beard constructed financial profiles of the Framers which purported to show how they would benefit financially from the various clauses which they wrote into the Constitution. He demonstrated, to his own satisfaction, that in writing the Constitution they were "immediately, directly, and personally interested in, and derived economic advantage from the establishment of the new government."³¹

Vernon Parrington, in his *Main Currents in American Thought* (1927), identified another important aspect of Beard's work. Beard, Parrington claimed, taught Progressive scholars that the Constitution was not a "democratic instrument," that it "was in fact a carefully formulated expression of eighteenth-century property consciousness, erected as a defense against the democratic spirit that got out of hand during the Revolution."³² To Beard, in other words, Parrington attributed the paternity of the idea that the Constitution was an antidemocratic counterrevolution, organized by disaffected aristocrats. This thesis, which Henry Dawson proposed in 1871, which J. Allen Smith expounded in his *Spirit of American Government* (1907), and which Parrington himself used as one of the organizing principles of his *Main Currents* is perhaps the most distinctive feature of the Progressive interpretation of the Constitution.

The *Economic Interpretation of the Constitution* was controversial. Denounced as Marxist and subversive by assorted dignitaries,³³ and contested by scholars like Charles Warren whose massive *The Making of the Constitu-*

tion (1929) employed a refurbished chaos and patriots to the rescue approach, Beard's book, nevertheless, made rapid headway among serious students of history. By 1935, thirty-seven of forty-two new college textbooks incorporated his thesis.³⁴ Some years later scholars declared that it had "achieved the status of the gospel," that "what at first seemed audacious to the point of lèse Majesté came ultimately to be taken as commonplace."³⁵ The dominance of Beard's thesis, combined with the influence of abolitionism, means that for one hundred and twenty years, from approximately 1840 to 1960, the historiography of the Constitution was controlled – at the very least highly colored – by the hypotheses of its detractors. Yet throughout the period public respect for the document persisted, for Beard and the Progressives made as little impact upon popular attitudes as the critical historians writing during the Gilded Age. In 1946 Alfred North Whitehead vied in effusiveness with his countryman Gladstone by eulogizing the framing of the Constitution as "one of the two occasions in history when the people in power did what needed to be done about as well as you can imagine its being possible."³⁶ This paean captured the sentiments of twentieth-century Americans as accurately as Gladstone's had those of their nineteenth-century counterparts.

The next shift in the historiography of the Constitution came as the 1960s approached. The sixties, with its insistence on the augmentation of the rights of various groups in American society, was one of the great epochs of reform in the nation's history. Unlike earlier periods, the Constitution, as interpreted by the Warren Court, did not function as an obstacle to reform but rather as its vehicle. Consequently, the usual quotient of angry partisans and publicists, intent on exposing some dirty secret of the document's birth, did not materialize. Describing the creation of the Constitution was left, for the first time, entirely to professional historians. The result: a scholarly free-for-all which has produced unremitting contention and confusion.

The early rounds were fought over Beard. Robert Thomas, for example, in 1953, analyzed the Virginia Convention of 1788 and demonstrated that the proponents and opponents of the Constitution, far from dividing along personalty-realty lines as Beard asserted, "came from the same class – slaveholders, large landowners, land speculators, army officers and professional people" and had the same economic interests.³⁷ Three years later Robert E. Brown weighed in with a chapter by chapter dissection of *An Economic Interpretation of the Constitution*. In his *Charles Beard and the Constitution* Brown contended that Beard did "great violence" to historical methods, that he manipulated evidence, used inapplicable statistics, deliberately misquoted authorities, and committed a multitude of other crimes against Clio. Beard's conclusions, Brown asserted, were "preposterous."³⁸ Brown's attack was a

salvo in a battle between two historical camps, consensus historians against Progressives, but these lines did not hold during subsequent engagements over the Constitution. Some antagonists belonged to neither group; some belonged or at least were sympathetic to the same group; and others were political scientists to whom the parochial squabbles of historians were irrelevant.

In 1958 an even more formidable assault on *An Economic Interpretation of the Constitution* was published: Forrest McDonald's *We the People: The Economic Origins of the Constitution*. McDonald tested Beard's thesis along lines that Beard himself suggested by compiling economic profiles not simply of the members of the Philadelphia Convention, as Beard had done, but of all members of all ratifying conventions. His conclusions for Pennsylvania and South Carolina, that "the distribution of occupations and the holdings of most forms of property were about the same on both sides," applied to most of the thirteen states. Economically, therefore, Antifederalists and Federalists appeared to have been coalitions of the same kinds of interests.³⁹

The thoroughness and vigor of Brown and McDonald's assault convinced some historians that they had dealt Beard a mortal blow. His thesis was "dead," asserted Gordon Wood.⁴⁰ Beard's friends were not, however, and they soon began giving his critics stiff doses of their own medicine. In 1960 Jackson T. Main published an article impugning McDonald's research methods and Lee Benson used his *Turner and Beard: American Historical Writing Reconsidered* to score McDonald for employing a "logically fallacious design of proof" which caused him to "direct his critique against a nonexistent thesis" and to assail Brown for "theoretical confusion" and "a fundamental misreading of Beard." Though sympathetic to Beard, Benson did not spare him either, criticizing his work as "inconsistent, ambiguous, and incomplete," even as he tried to salvage some of Beard's insights by recasting them.⁴¹ These exchanges, as Professor Main admitted, produced "anarchy and confusion."⁴² For if Beard was wholly or partly wrong and if his critics were wholly or partly wrong, who could say what was the right way to understand the creation of the Constitution? Historians seemed to be thrown upon their own resources; to form a judgment on the dispute between Beard and his critics appeared to require nothing short of an independent – and possibly an interminable – research project. Many scholars, puzzled by events, retreated behind disclaimers that they intended neither to support Beard nor to rebut him.⁴³

Brown and McDonald tried to clarify the situation by publishing sequels to their attacks on Beard in which they offered their own versions of the creation of the Constitution. But Brown's *Reinterpretation of the Formation of the American Constitution* (1963) and McDonald's *E Pluribus Unum* (1965) were principally recapitulations, with glosses, of their indictments of Beard. They

contradicted each other, moreover, about the motives of the framers of the Constitution; Brown proposed multiple motives, while McDonald, who had repudiated Beard's research but not his interpretative philosophy, argued that gratification of economic self-interest explained events at Philadelphia.

E Pluribus Unum was attacked, as *We the People* before it had been, for what Benson called McDonald's "crude version of economic determinism."⁴⁴ Douglass Adair, for example, reproached McDonald for reducing the Constitution "almost entirely [to] wheeling and dealing . . . for economic benefits."⁴⁵ A persistent critic of the economic interpretation of the Constitution, Adair in articles written between 1951 and 1957 had censured Beard and Parrington for neglecting the role of ideas at the Philadelphia Convention.⁴⁶ His indictment extended beyond the Progressive historians, however, to writers like Max Farrand and Robert Schuyler who, in common with early twentieth-century historians of every stripe, stressed the "practical" as opposed to the theoretical thrust of the Constitution and minimized ideas as a force in its formation.⁴⁷ Adair contended that the Revolutionary generation believed that ideas—which he variously called "theories," "philosophy," the "science of politics," and the lessons of history—could and should guide statesmen in their tasks and that they had, in fact, done so at Philadelphia.

There were two corollaries to Adair's emphasis on ideas. One concerned the motives of the Framers. If they were guided by theories about establishing a viable political regime, if their objectives were the implementation of principles of "liberty, justice, and stability," as Adair said they were,⁴⁸ they could be considered, not as narrowly self-interested politicians, but as public-spirited citizens, even as patriots. Again, if the Framers were moved by ideas, not by selfish desires to protect their property against popular majorities, the Constitution need not be pressed into the Progressive mold of an antidemocratic conspiracy. Adair, in fact, viewed it as "quasi-mixed," as having a "strong and inevitable tendency . . . towards the national democracy that would develop in the nineteenth century."⁴⁹ Adair's importance in the historiography of the Constitution was that by insisting on the significance of ideas in the framing of the document he made it possible to reconceptualize the Founders, to view them as patriots and, if not as outright democrats, at least as men leaning in that direction. The result was the flourishing of what might be called, for want of better words, a democratic interpretation of the creation of the Constitution, which for a time seemed capable of establishing a new dominance over the subject, even though its emphasis on the patriotism of the Framers breathed the spirit of the earliest writings on the Constitution.

The political scientist Martin Diamond was a major force in propagating the new approach. Following Adair's lead, he contended that Madison's theory in *Federalist* 10 was the intellectual plan which guided the Philadelphia

Convention in constructing an enlightened democratic government. Although Diamond stressed that the Framers deplored and intended to check the excesses of popular government, he emphasized the ardor of their democratic commitment, since his intention was to restore from Progressive expropriation "their bona fides as partisans of democracy." "The Framers wanted," he wrote in another place, to "make démocratie safe for the world." Since the Constitution was, in his view, an "effort to constitute democracy," it was consistent in its spirit and objectives with the Declaration of Independence; the "Declaration's unfinished business—reconciling the competing demands of democracy, liberty, and competent government—was precisely the task to which the Constitution was addressed." So much for the Progressive notion of the counterrevolutionary nature of the Constitution. Since the Framers' principle intention was to establish the "good life," "happiness," and security for all, they were, self-evidently, patriots. Diamond, in fact, canonized them as an "assembly of demi-gods."⁵⁰

In an influential article published in 1961, John Roche continued the emphasis on democracy by saluting the members of the Convention as "superb democratic politicians" and the Constitution as "a vivid demonstration of effective democratic political action." In his *The Convention and the Constitution* (1965) David Smith kept the focus on ideas by complaining that the Framers had "seldom been judged for their philosophies of government" and asserting that there was a "coherent political theory of the Constitution" which he proceeded to describe.⁵¹

The momentum of the democratic interpretation of the Constitution seemed to be confirmed by the appearance, in 1966 and 1967, of Clinton Rossiter's *1787 The Grand Convention* and Richard B. Morris's *The American Revolution Reconsidered*. Rossiter and Morris described the Convention in almost identical terms—"a notable exercise in the arts of democratic . . . politics."⁵² They saw continuity between the Declaration of Independence and the Constitution; the documents, claimed Morris, quoting John Quincy Adams, were parts of "one consistent whole."⁵³ And they considered the writers of the Constitution patriots. Rossiter, in fact, was emboldened "in deliberate defiance of the ban placed upon the word by serious minded historians" to hail them as heroes and to compete with Gladstone and Whitehead by quoting John Adams to the effect that the Constitutional Convention was "if not the greatest exercise of human understanding, the greatest single effort of national deliberation that the world has ever seen."⁵⁴ The long gap between popular veneration and scholarly opinion of the Constitution seemed finally to be closing.

The democratic interpretation of the creation of the Constitution never achieved an ascendancy, however. In 1968 Paul Eidelberg produced a

monograph, *The Philosophy of the American Constitution*, intended as a rebuttal of Diamond, in which he disputed the notion that the ideas of the Framers indicated that they wanted to establish a democratic government. In Eidelberg's view, the Framers feared the "leveling spirit" of the people and were apprehensive "that the national legislature might repeat the experience of those state legislatures which . . . had succumbed to 'democracy'" during the Confederation period. Consequently, their major objective was, as Eidelberg presented it, to introduce the "aristocratic principle" into the new government to check and restrain rampant democracy.⁵⁵

In *The Creation of the American Republic* (1969) Gordon Wood reached the same conclusion. Unlike Eidelberg, however, Wood adopted a modified version of the Progressive approach, rejecting Beardian economic determinism but emphasizing social conflict. The Framers, he asserted, intended "to confront and retard the thrust of the Revolution with the rhetoric of the Revolution." There were, he explained, "partisan and aristocratic purposes that belied the Federalists' democratic language." What he meant was this: the makers of the Constitution were alarmed by the strength of the democratic forces – to which he ascribed an irrepressible social mobility – which were released by the Revolution and which manifested themselves in the vicious conduct of many state legislatures during the Confederation period. To control the ebullient democracy became their goal; to do this, they relied on the strategy, later explained in *Federalist* 10, of monopolizing national offices for the "natural aristocracy" by enlarging the electoral districts in which they ran. By bringing the "natural aristocracy of the country back into dominance in politics" the problems of the nation would be solved. The Constitution, Wood concluded, "was intrinsically an aristocratic document designed to check the democratic tendencies of the period."⁵⁶

By integrating an analysis of ideas with progressivism Wood challenged the conclusions of the democratic interpretation of the Constitution and, with assists from Eidelberg and Christopher Wolfe (a trenchant critic of Diamond),⁵⁷ brought its progress to a halt. But Wood's work was immediately attacked by two of the most conspicuous heirs of the Progressive tradition, Merrill Jensen and Jackson T. Main, who complained that his treatment of republicanism had infused a "conservative bias" into the historiography of the 1770s and 80s.⁵⁸ Then, in 1973, Wood appeared to repudiate the thesis of the *Creation of the American Republic* by asserting that the "talk prevalent in 1787 of aristocracy versus democracy cannot perhaps be taken literally," that "American society in 1787–88 does not appear to have been sharply or deeply divided into two coherent classes," and that the contest over the Constitution was a manifestation of "antagonism between elites."⁵⁹ Neither the Progressive nor democratic interpretation worked, Wood evidently concluded. The result

was a situation similar to that in the aftermath of Brown and McDonald's assaults on Beard: if Diamond, Rossiter, and proponents of the democratic interpretation of the Constitution's creation were untenable and if Wood was also untenable, whose account could be accepted?

To this question recent years have given no answer. The energy invested in writing about the Constitution in the 1950s and 60s has flagged, perhaps because the complexity of the subject and the brief life expectancy of everything written about it have intimidated prospective students. No large syntheses have been attempted in the 1970s and 80s. The field, in fact, shows signs of returning to conditions at the beginning of the 1950s, when scholarship was confined to journals. Articles appearing in recent journals have tended to be specific, technical, and frequently written by political scientists using new methodologies such as multivariate analysis to decipher voting patterns in the Convention.⁶⁰ They, of course, have not clarified the historiographical problems about the creation of the Constitution.

In fact, the more many of these problems are studied the more intractable they seem to become. Consider, for example, questions about the nature of the years preceding the Convention, the time John Fiske called the "critical period." Michael Lienesch in a 1980 article argued that the critical period was a myth created by Federalist propagandists. McDonald ridiculed the notion of a critical period, arguing that during those years "most Americans had it better than they had ever had it before." Rossiter took a middle position, somewhat resembling that presented by Merrill Jensen in his *New Nation*, that the Confederation years were uneven, showing progress here, distress there. Herbert Storing, writing in 1981 about the Antifederalists, concluded, on the other hand, that the crisis in the nation was so acute that even the Antifederalists conceded it. Wood also argued that there was a crisis, but one confined to intellectuals who confronted the riddle of creating a republican government for a nonvirtuous people.⁶¹

Or consider the Progressive interpretation of the Revolutionary-Constitutional period. Revived, without Beardian economic determinism, by Wood, it has been vigorously reasserted, in 1981, in a study of New York politics by Edward Countryman.⁶² Yet at least three books published in the 1970s on the Confederation Period – by H. James Henderson, Jack Rakove, and William W. Crosskey and William Jeffrey – have rejected it in whole or in part.⁶³

Or consider any number of other problems, ranging from the nature of the coalitions in the Convention to the relative importance of individuals, which seem to resist resolution.

In 1962 Elkins and McKittrick observed that because of the thrust of recent scholarship "the entire subject of the Constitution and its creation has become

a little murky . . . one is not altogether certain what to think." They were aware of "new work . . . excellent and systematic . . . still in progress" which they hoped would clarify matters. Writing the next year, Robert E. Brown was equally optimistic: "Doubtless the great healer time – plus additional research – will do much to resolve the controversy over the Constitution."⁶⁴ But twenty years later nothing has been clarified, nothing resolved.

What has happened is not surprising: in any discipline the discrediting of a dominant model like the Beard thesis is followed by a period of trial and error, perplexity and muddle. For disarray to prevail now is peculiarly unfortunate, however, since the Bicentennial of the Constitution is approaching and the public will expect enlightenment from historians about the creation of the document. Their reply – we are uncertain, or theories abound, take your pick – will not satisfy those seeking simple answers and may confirm the prejudices of those who decry the alleged irrelevancy of history. But no other reply is possible at this time. Possibly, the Bicentennial of the Constitution itself, by focusing our attention on the document, may improve our understanding of its creation.

James H. Hutson, chief, Manuscript Division, Library of Congress, is currently preparing a supplement to Max Farrand's Records of the Federal Convention of 1787.

1. John Marshall, *The Life of George Washington*, 5 vols. (1805–7); David Ramsay, *The History of the American Revolution*, 2 vols. (1789); *History of the United States*, 3 vols. (1816–17); Mercy Otis Warren, *History of the Rise, Progress, and Termination of the American Revolution*, 3 vols. (1805).

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