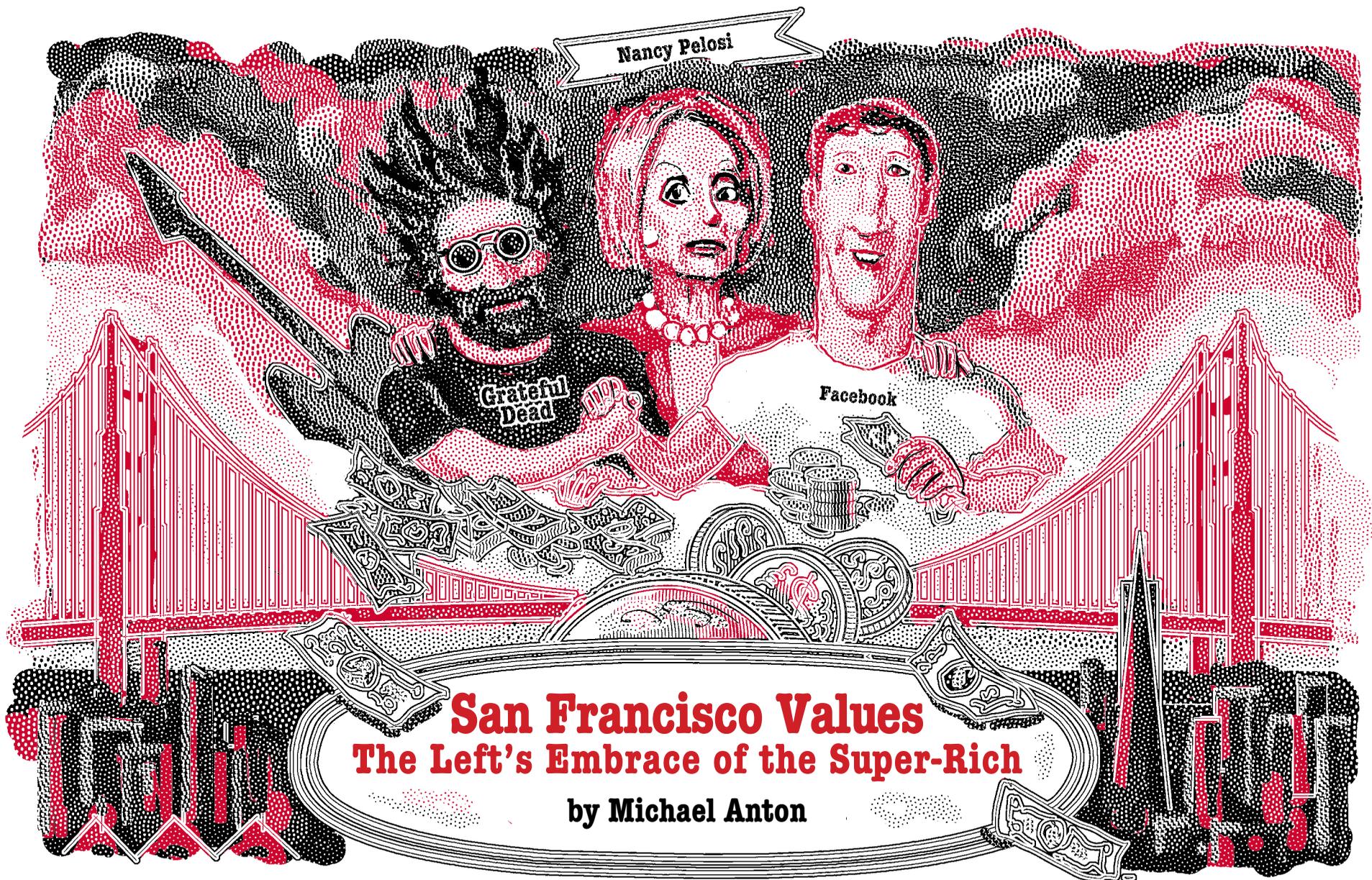


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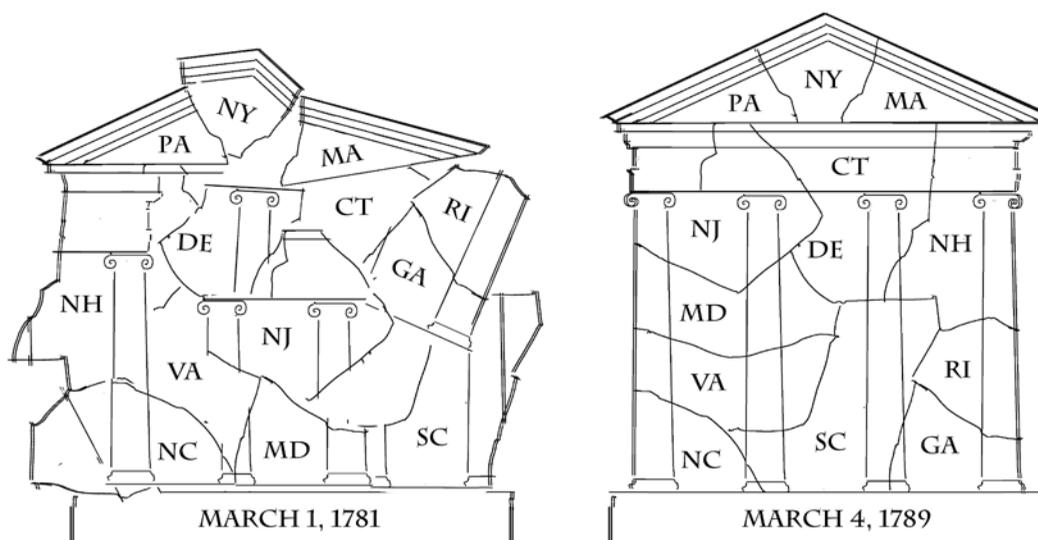
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FOUR-HORSE PARLAY

The Quartet: Orchestrating the Second American Revolution, 1783–1789, by Joseph J. Ellis.
Alfred A. Knopf, 320 pages, \$27.95



IDON'T QUALIFY AS A TREKKIE, BUT ONE episode of the original *Star Trek* series stands out vividly in my memory. In standard fashion, Captain Kirk and his crew land on a strange planet. They fall into the hands of a violent, primitive tribe ruled by brutal shamans whose power is grounded in their command of the sacred chant, “Ee’d Plebnista.” The tribesmen do not know what these words mean, but by the end of the hour we do: they are a bastardized version of “We the People.” Evidently this tribe once lived under the U.S. Constitution—maybe it began as an American space colony—but over time it lost all knowledge of what freedom and self-government are. The words were sacred but had become meaningless.

We’re a little like that, aren’t we? (That was the moral of every *Star Trek* episode.) Foreign visitors often are astonished by how much Americans revere the Constitution. Yet study after study reveals how little we know about what is in it. The Constitution is like the Bible in that way: the word of God, of course, but who was Saul again?

This combination of reverence and ignorance seems paradoxical but actually is perversely logical. Our veneration of the Constitution is part of the reason we know so little about it. We put it—and its authors—on so high a pedestal, at such a great remove from ourselves, that we don’t even try to bridge the gap with knowledge and understanding. And,

it’s worth noting, those who demonize the Constitution and the framers make the same mistake, knowing little but certain that the document must be awful because it was written not by demigods but by rich white male slaveholders.

PART OF VENERATION, AS WELL AS OF demonization, is a sense of inevitability. Of course a constitutional convention was held in 1787—who could stop it? Of course the convention succeeded in producing a plan of government. Of course the plan was ratified by the states. Of course it has endured.

None of this is true, and Mount Holyoke historian Joseph J. Ellis is hardly the first to write an account of the events surrounding the adoption of the Constitution that reminds us so. Nor is *The Quartet* the best of those books. That honor goes, in my judgment, to the smart, literate, and original *Decision in Philadelphia: The Constitutional Convention of 1787* (1986), by the historians Christopher Collier and James Lincoln Collier. Others may have their own favorites: Max Farrand, Catherine Drinker Bowen, Clinton Rossiter, and Richard Beeman also wrote fine accounts of the Constitution’s origins.

None of these authors would quarrel with Ellis that the making of the Constitution was “the most creative and consequential act of political leadership in American history.” And each has told essentially the same

story—namely, that the chain of events that led to the Constitution’s enactment was the equivalent of winning a four-horse parlay by betting against the favorite (no convention, no agreement, no ratification, and no lasting success) in every race.

The Constitutional Convention did not just happen in the natural course of things. It convened less than a year after a much less ambitious gathering in Annapolis—called to discuss lowering trade barriers between the states—failed even to attract a quorum. The convention did not move steadily and ineluctably toward agreement on a proposed constitution. Two months into the conclave, George Washington fumed in a letter that “I almost despair of seeing a favorable issue to the proceedings.” Nor was ratification the smart money bet. As Ellis points out, a switch of six votes at the Virginia ratifying convention almost certainly would have triggered a four-state chain of rejections, including in New York.

The value of Ellis’s book, in addition to its graceful prose and sure command of the period, is that it tells this story yet again to a nation that may have heard it but still hasn’t gotten the main point, which is that the orchestrators of the long, uphill sequence of events that led to enactment—call them framers, founders, or even Founding Fathers—were, in the best sense of the word, scholar-politicians. Almost to a one, they were widely read and deeply

thoughtful about political philosophy. They also were richly experienced in war, politics, and government. Of the 55 convention delegates, Ellis records, “[t]hirty-five had served as officers in the Continental Army, and forty-two had served in the Continental or Confederation Congress.” The modern distinction between academics who reflect about politics and politicians who practice it had no place among them. Politics at its best entailed both intense study of the public good and the messy, complicated process of working to achieve as much of it as possible.

MOST BOOKS ABOUT THE FOUNDING focus on the convention itself. But in many ways the preconvention campaign to call the gathering into being and persuade respected, experienced leaders to attend, and the postconvention campaign to persuade the states to ratify, illustrate this brand of politics at its best. To his credit, Ellis devotes nearly nine tenths of his short book to the individuals and events that brought about the convention and then, once it was over, secured the Constitution’s ratification.

The status quo in the mid-1780s—13 independent sovereign states and a weak national government—was unsatisfactory to, among others, the four members of Ellis’s quartet of leading figures: James Madison, Alexander Hamilton, John Jay, and Washington. Each of them, Ellis argues, had his own particular frustration with life under the self-described “league of friendship” (not government) created by the Articles of Confederation.

Madison thought the state governments created after independence had succumbed to the tyranny of their majorities, especially borrowers who didn’t want to pay their debts. Hamilton hated that the spirit of national unity, which had been essential to victory over the British, had faded. Unlike many other leaders in the revolutionary cause, Hamilton was an immigrant whose heart lay not with New York, his state of residence, but with his adopted nation. Jay understood how vulnerable the borders of the western empire he had negotiated away from Great Britain in the Treaty of Paris—these newly acquired lands larger than England, France, and Spain combined, Ellis notes—were to foreign invasion, especially from Great Britain. And Washington, who saw in the west the nation’s future prosperity and greatness, feared that the region would never be developed because no national authority could stop the eastern states from squabbling over who owned it.

But for many others, including leading patriots such as Patrick Henry and Samuel Adams, the Articles were preferable to any

likely alternative. Some states were doing fine, including New York, which was able to impose tariffs on goods passing through its port to and from neighboring New Jersey and Connecticut (which, consequently were doing poorly). Local attachments were strong. As Ellis points out, most Americans led “local lives.” Having just overthrown one powerful government that was “distant and disconnected from their local and state interests,” they were reluctant to create a homegrown Leviathan.

Beyond parochial attachments, if most political thinkers not named Madison knew one thing, it was that Montesquieu was right: the need for a close connection between the people and their representatives meant that only small states could remain republican. The case-closed argument as far as they were concerned was that every large country in all of human history had been despotic. Madison’s response was to pose a different dare: name one confederation that has not degenerated into a bunch of small, constantly warring states. This was a more politically persuasive contention at that moment than the brilliant but more abstract “extend the sphere” brief he presented after the convention in *The Federalist*.

WITH THE FORCES FOR AND AGAINST creating an effective national government so evenly balanced, how did Ellis’s quartet—especially Madison and Hamilton—engineer the calling of the convention? Partly by deploying the time-tested political strategy of taking advantage of propitious events. Even as the Annapolis Convention was collapsing in early September 1786, a band of Revolutionary War veterans led by Daniel Shays was forcibly preventing courts in western Massachusetts from meeting to issue foreclosure orders on their small farms. It was a small rebellion, easily put down by the state militia, but rumors spread across the country that Shays’s force numbered as many as 40,000 (about 20 times its actual size).

Madison fanned the flames among his fellow members of the Confederation Congress, claiming that “there is good reason to believe that the rebels are secretly stimulated by British influence.” Arguing the need for a “Genl. Government as will be able to restore health to any diseased part of the federal body,” he persuaded Congress to adopt Hamilton’s proposal for a convention of delegates from all the states to meet in May 1787. Shrewdly, he lowballed their true agenda, which was to convene a gathering that would scrap the Articles and start from scratch. All Madison asked Congress to approve was a convention “for the sole and express purpose” of suggesting amendments to the Articles.

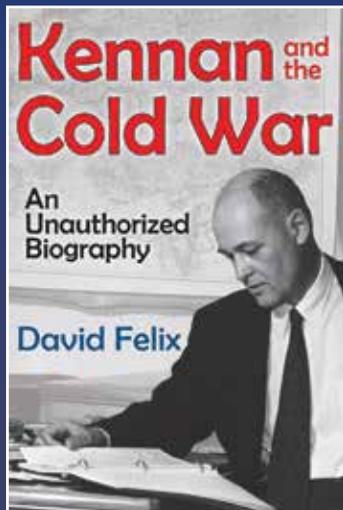
The challenge then became to persuade likeminded state leaders to seek election as delegates. Happily for Madison and Hamilton, Ellis observes, “most of the opponents of reform had decided to boycott the convention” on the assumption that it would turn out to be another Annapolis-style great big nothing, especially if they chose not to attend.

The key to getting supporters of reform to come to Philadelphia was to persuade Washington to serve as a delegate from Virginia. Washington, whose presence would be an attendance magnet, was reluctant. To universal applause he had left his farm 12 years before, led his people to victory in what Ellis calls the First American Revolution, and then returned home to pick up his plow. Ending the story there had made Washington the much adored American Cincinnatus.

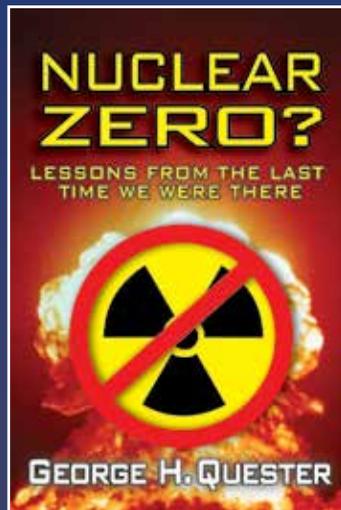
Reentering public life risked failure or, still worse, a sullied reputation as a perennial power-seeker. Besides, Washington was as personally content as he was disturbed by Shays’s Rebellion and the ongoing risk of losing the west. Less than eloquent on most subjects, he waxed poetic when it came to “gliding down the stream of life” and basking in “the shade of retirement” at Mount Vernon. But his fellow Virginian Madison, his wartime protégé Hamilton, and the respected diplomat Jay, courted Washington relentlessly, eventually persuading him that unless an effective central government was formed, all the fruits of his victory in the Revolution would be lost to wars among the states, culminating in reoccupation by the British.

LED BY WASHINGTON, AN ALL-STAR cast of delegates gathered in Philadelphia in May. They found themselves in surprising and near-immediate agreement that the Articles had to be ditched and “a national government ought to be established consisting of a supreme Executive, Legislative & Judiciary.” (One ingredient of the Articles’ weakness was the lack of all but the legislative.) Weeks of grand oratory and straightforward deal-cutting ensued, but much of it concerned how power should be allocated within the new government between large states and small states, free states and slave states, states in general and the national government, and so on. Although these disputes and others took four months to work through, in every instance the delegates reached agreement.

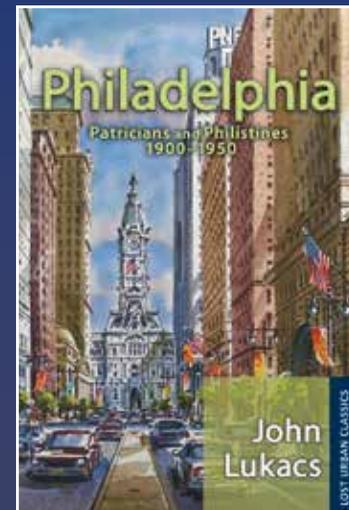
The ratification process—Ellis’s other big subject—required as much astute political thinking and adroit political maneuvering as the previous stages. This was no easy task. The convention had deliberated in secret. No one outside the building knew that they were



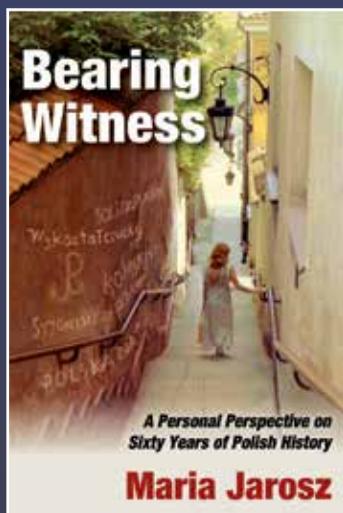
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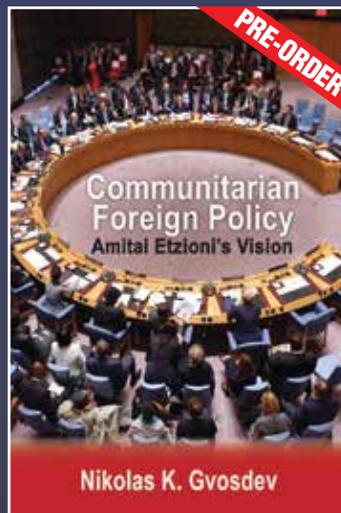
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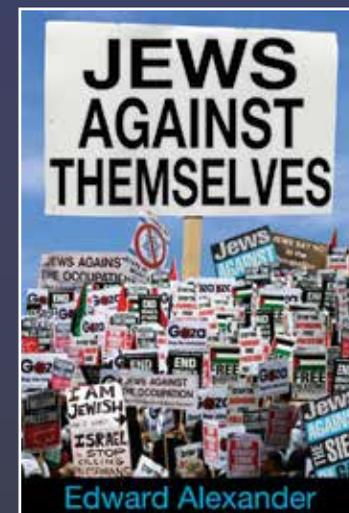
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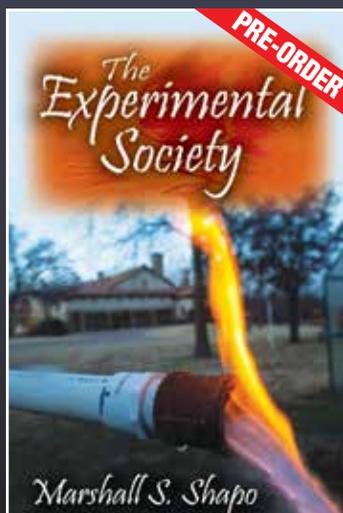
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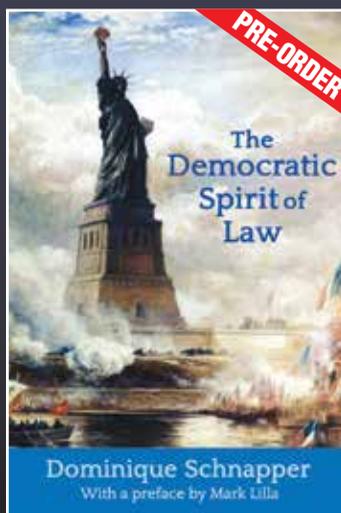
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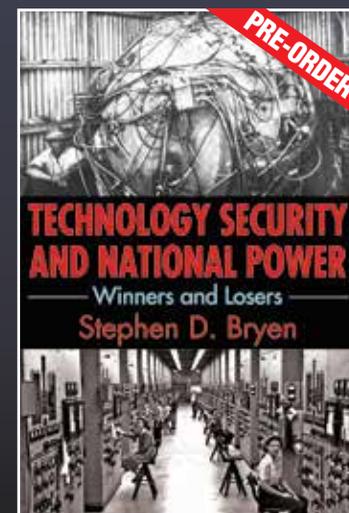
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writing a whole new plan of government until—surprise!—they unveiled it on September 17. Shrewdly, the proposed Constitution offered its own rules for ratification, specifying that if conventions in just nine states (not legislatures in all 13) approved the new plan it would take effect. Even so, all those anti-reform state politicians who had sat out the convention were not about to make the same mistake when it came to ratification.

How did the Federalists—as the advocates of ratification called themselves—pull it off? By steamrolling ratification in favorably disposed states (three in December alone) to create a sense of inevitability. By sharing information about how the campaign for ratification was going in their states, with Mount Vernon serving as their de facto war room. (So state-centered were the “Anti-Federalists”—a nice bit of opposition branding by the Federalists—that they generally didn’t communicate with each other across state lines.) By providing a rich well of arguments for Federalists around the country in the form of newspaper articles by Hamilton, Madison, and Jay, writing under the name “Publius.” By nodding sagely when people said they assumed that Washington surely would be willing to serve as the first president. (He did, but it took another round of wooing.) And by persuading state conven-

tions that wanted to alter the Constitution to offer their proposals in the form of suggestions, not conditions. Chief among these were ideas for amendments comprising a bill of rights.

Ellis is surefooted in his treatment of all but the last of these considerations. In his view the convention failed to enumerate rights because “the delegates in Philadelphia were thoroughly exhausted...and by September they wanted to go home.” Surely that’s part of the explanation, but he is wrong to dismiss Madison’s substantive concerns about including a bill of rights in the Constitution. One reason was that once you start listing rights, what does that say about rights that aren’t on the list? Does the right, say, to travel disappear if it’s not there in black and white? A second was that the declarations of rights in the various state constitutions, including Virginia’s, had been toothless when “opposed to a popular current.” Finally, Madison argued, the Constitution created a government of enumerated powers and elaborate checks and balances. What could possibly tempt such a well-designed government to abuse rights?

In the end, Madison and the other Federalists did during ratification what they had done all along: they acknowledged that politics at its best involves taking into account the opinions of those with whom one

disagrees. The promise went forth to the remaining, reluctant states: ratify the Constitution and a bill of rights will be the new government’s first order of business. A smart political leader’s word is his bond. In the First Congress, Madison not only supported but took the lead in the process that added the first ten amendments.

As important players in the government they had brought about, Representative (then Secretary of State, then President) Madison, Secretary of the Treasury Hamilton, Chief Justice of the United States (then Governor of New York) Jay, and President Washington cashed their winning tickets on the four-horse parlay that secured the Constitution. They then devoted the proceeds to making the new system of government work. We owe it to them—and ourselves—to develop an understanding of the Constitution and its origins that goes deeper than “Ee’d Plebnista.”

Michael Nelson is the Fulmer Professor of Political Science at Rhodes College and the author of Resilient America: Electing Nixon in 1968, Channeling Dissent, and Dividing Government (University Press of Kansas), which won the American Political Science Association’s Richard E. Neustadt Award for best book on the presidency and executive politics published in 2014.

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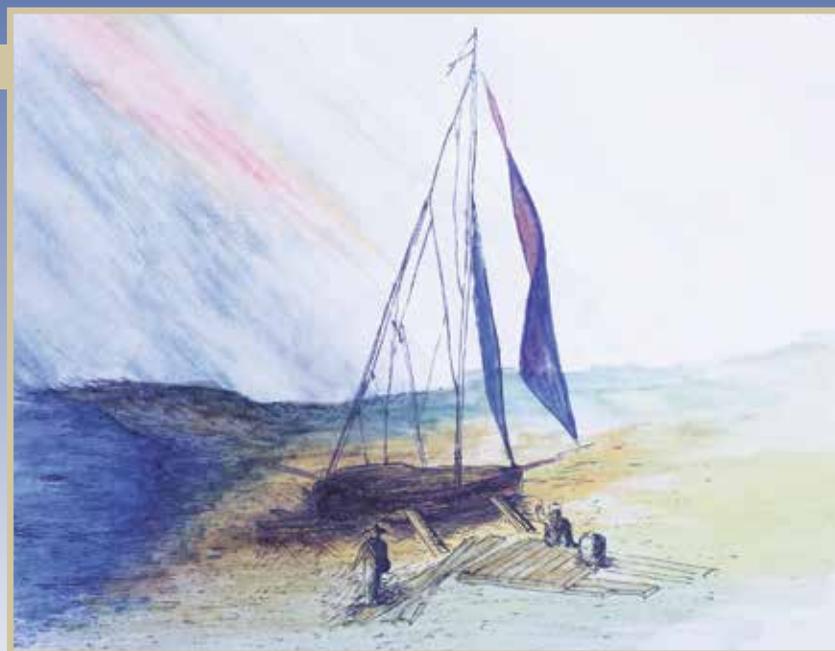
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