

Chapter 4

The Age of Social Change

When England's General Howe evacuated Boston in March 1776, he took 1,100 refugees with him. Another 1000 people loyal to their Mother Country followed the British army out of Massachusetts (altogether 70000 loyalists left the colonies during or after the war). The majority were members of old, aristocratic families who had served the colony with distinction during the colonial period. The removal of colonists with much of the wealth and talent in society and government caused great changes in the country, and it cleared the way for new men to enter politics.

The destruction of the old social order reflected basic changes in society – changes that help explain the ideas and motives of the men who wrote the Constitution.

The British Concept of Balanced Government

In England, built-in constitutional arrangements assured that the rights and freedoms of the people would be protected. The British constitution was based on well-defined orders in society. Each branch of government, representing one of these orders, was balanced against the others. Thus, the king or chief executive represented royalty, the first order of society, and was the administrative branch of government. A nobility or hereditary aristocracy whose stake in society was adequate safeguard against violent or unnecessary changes checked his power. The aristocracy was represented in the House of Lords, which functioned as the upper house of the legislature. Finally, the common people, or third order of society, were represented in the House of Commons which was able to check the power of crown and nobility. Thus, each social order, with antagonistic interests, checked the power of government to destroy liberty.

The British concept of balanced government also operated in the colonies. The colonial counterpart of the crown was the royal governor. A council representing the colonial aristocracy or elite checked his power. They in turn were checked by the assembly representing the people.

These constitutional arrangements were considered the ideal form of government by all but a minority of radicals who questioned the whole system. What worried men of good faith was that one branch would get too powerful and impose its will on the others.

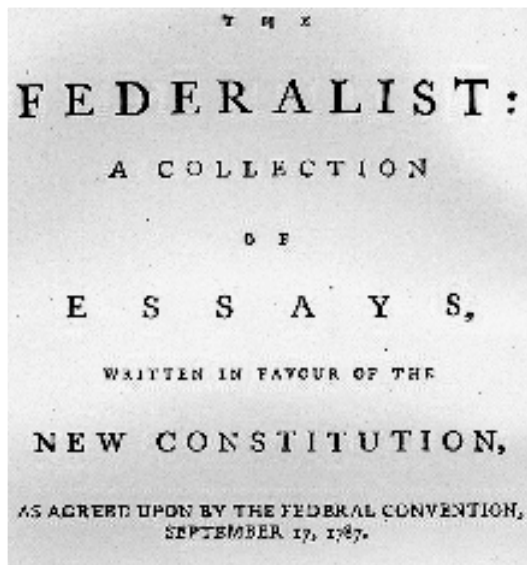
The Destruction of the Old Order

The American Revolution, in effect, destroyed the balance between the various orders of society. The royal governors were forced to return to England. The colonial elite or aristocracy was discredited and they either withdrew from politics or fled the country. Of the original three orders, only the common people were left. This sudden restructuring of society was bound to create great problems in forming new governments. Who was left to check and control the power of the people?

In writing new state constitutions, many assumed that a new aristocracy, based on education and talent, would take the place of the old aristocracy. Many of the new constitutions provided for a senate selected to ensure that its members were the wisest and most independent people of the state. Not every state made such provisions, however. Some, such as Pennsylvania, provided for only one house of the legislature while others provided for senators with no different qualifications from those serving in the Lower House.

It had once been assumed that men who would become leaders in colonial society would have the necessary education, social background, wealth, and natural talents. But the Revolution created a new breed of politician who lacked the qualifications of the leaders during colonial times. Men whose claim to leadership was not based on their wealth, education, and social standing were rising to power and posing a threat to the old social hierarchy. This was the truly revolutionary change that worried the men who wrote the U.S. Constitution.

The Danger of Faction



Patrick Henry, who rose from the back woods to become governor of Virginia, and Samuel Adams, who became governor of Massachusetts after years of business failure, symbolized the new men in American politics. The Founders were concerned that these new men would represent their own personal ambitions and interests rather than looking objectively at what was best for society at large. These fears received their clearest expression from James Madison, the philosopher of the constitution, in an essay known as Federalist X.

Madison feared that special interest groups would replace the three orders destroyed by the Revolution. He called these special interest groups factions. Each faction (debtors, creditors, shippers, manufacturers, landless individuals, etc.) would tend to think of what was good for their own group rather than for the society as a whole. The purpose of the Constitution, Madison argued, was to

protect and preserve the public good against a faction consisting of the majority of the people and, at the same time, to preserve the spirit and form of popular government.

Federalist X

Among the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction, Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote, It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed.

From this view of the subject it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert results from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. . . .

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union,

The two great points of difference between a democracy and a republic are first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens and greater sphere of country over which the latter may be extended,

The effect of the first difference is, on the one hand, to refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose.

The other point of difference is, the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other. Besides other impediments, it may be remarked that, where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust in proportion to the number whose concurrence is necessary. . . .

Hence, it clearly appears that the same advantage which a republic has over a democracy in controlling the effects of faction is enjoyed by a large over a small republic – is enjoyed by the Union over the States composing it. The influence of factious leaders may kindle a flame within their particular States but will be unable to spread a general conflagration through the other States. A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it must secure the national councils against any danger from that source. A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of

the Union than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district than an entire State.²

Madison's essay, one of the most frequently quoted political writings in US history, expressed a dominant sentiment among the people who wrote the Constitution. He expressed the need for an order in society that required stifling what many thought was "an excess of democracy," brought about by the 'destruction of the old order.' In the next chapter you will read about Shays' Rebellion, which convinced many of the Founders that a new constitution was necessary

Student Exercises:

1. How did the destruction of the old order lead to the rise of factions?
2. How and why would a 'republican' form of government, according to James Madison, lead to curbing the power of factions?
3. Do you agree with Madison's implied conclusion that majority rule in a democracy possess as great a threat to good government as minority rule?

²Quoted in Richard Hofstadter, *Great Issues in American History: From the Revolution to the Civil War, 1765-1865*, (New York: Vintage Books, 1965), pp. 124-32.