Over the last century and a half, the work of the Constitutional Convention and the motives of the Founding Fathers have been analyzed under a number of different ideological auspices. To one generation of historians, the hand of God was moving in the assembly; under a later dispensation, the dialectic (at various levels of philosophical sophistication) replaced the Deity: “relationships of production” moved into the niche previously reserved for Love of Country. Thus in counterpart to the zeitgeist, the framers have undergone miraculous metamorphoses: at one time acclaimed as liberals and bold social engineers, today they appear in the guise of sound Burkan conservatives, men who in our time would subscribe to Fortune, look to Walter Lippmann for political theory, and chuckle patronizingly at the antics of Barry Goldwater. The implicit assumption is that if James Madison were among us, he would be President of the Ford Foundation, while Alexander Hamilton would chair the Committee for Economic Development. The “Fathers” have thus been admitted to our best circles; the revolutionary ferocity which confiscated all Tory property in reach and populated New Brunswick with outlaws has been converted by the “Miltown School” of American historians into a benign dedication to “consensus” and “prescriptive rights.” The Daughters of the American Revolution have, through the ministrations of Professors Boorstin, Hartz, and Rossiter, at last found ancestors worthy of their descendants. It is not my purpose here to argue that the “Fathers” were, in fact, radical revolutionaries; that proposition has been brilliantly demonstrated by Robert R. Palmer in his Age of the Democratic Revolution. My concern is with the future position that not only were they revolutionaries, but also they were democrats. Indeed, in my view, there is one fundamental truth about the Founding Fathers that every generation of zeitgeisters has done its best to obscure: they were first and foremost superb democratic politicians. I suspect that in a contemporary setting, James Madison would be Speaker of the House of Representatives and Hamilton would be the eminence grise dominating the Executive Office of the President. They were, with their colleagues, political men—not metaphysicians, disembodied conservatives or Agents of History—and as recent research into the nature of American politics in the 1780s confirms, they were committed (perhaps willy-nilly) to working within the democratic framework, within a universe of public approval. Charles Beard and the filiopietists to the contrary notwithstanding, the Philadelphia Convention was not a College of Cardinals or a council of Platonic guardians working within a manipulative, predemocratic framework; it was a nationalist reform caucus which had to operate with great delicacy and skill in a political cosmos full of enemies to achieve the one definitive goal—popular approbation.

1. What does Roche mean when he describes the Convention as a nationalist reform caucus?
Perhaps the time has come, to borrow Walton Hamilton’s fine phrase, to raise the framers from immortality to mortality, to give them credit for their magnificent demonstration of the art of democratic politics. The point must be reemphasized; they made history and did it within the limits of consensus. There was nothing inevitable about the future in 1787; the zeitgeist, that fine Hegelian technique of begging causal questions, could only be discerned in retrospect. What they did was to hammer out a pragmatic compromise which would both bolster the “national interest” and be acceptable to the people. What inspiration they got came from their collective experience as professional politicians in a democratic society. As John Dickinson put it to his fellow delegates on August 13, “Experience must be our guide. Reason may mislead us.”

In this context, let us examine the problems they confronted and the solutions they evolved. The Convention has been described picturesquely as a counter-revolutionary junta and the Constitution as a coup d’état, but this has been accomplished by withdrawing the whole history of the movement for constitutional reform from its true context. No doubt the goals of the constitutional elite were “subversive” to the existing political order, but it is overlooked that their subversion could only have succeeded if the people of the United States endorsed it by regularized procedures. Indubitably they were “plotting” to establish a much stronger central government than existed under the Articles, but only in the sense in which one could argue equally well that John F. Kennedy was, from 1956 to 1960, “plotting” to become President. In short, on the fundamental procedural level, the Constitutionalists had to work according to the prevailing rules of the game. Whether they liked it or not is a topic for spiritualists—and is irrelevant. one may be quite certain that had Washington agreed to play the de Gaulle (as the Cincinnati once urged), Hamilton would willingly have held his horse, but such fertile speculation in no way alters the actual context in which events took place. When the Constitutionalists went forth to subvert the Confederation, they utilized the mechanisms of political legitimacy. And the roadblocks which confronted them were formidable. At the same time, they were endowed with certain potent political assets. The history of the United States from 1786 to 1790 was largely one of a masterful employment of political expertise by the Constitutionalists as against bumbling, erratic behavior by the opponents of reform. Effectively, the Constitutionalists had to induce the states, by democratic techniques of coercion, to emasculate themselves. To be specific, if New York had refused to join the new Union, the project was doomed; yet before New York was safely in, the reluctant state legislature had sua sponte to take the following steps: (1) agree to send delegates to the Philadelphia Convention; (2) provide maintenance for these delegates (these were distinct stages: New Hampshire was early in naming delegates, but did not provide for their maintenance until July); (3) set up the special ad hoc convention to decide on ratification; and (4) concede to the decision of the ad hoc convention that New York should participate. New York admitted was a tricky “state,” with a strong interest in a status quo which permitted her to exploit New Jersey and Connecticut, but the same legal hurdles existed in every state. And at the risk of becoming boring, it must be reiterated that the only weapon in the Constitutionalist arsenal was an effective mobilization of public opinion. The group which undertook this struggle was an interesting amalgam of a few dedicated nationalists with the self-interested spokesmen of various parochial bailiwicks. The Georgians, for example, wanted a strong central authority to provide military protection for their huge, underpopulated state against the Creek Confederacy; Jerseymen and Connecticuters wanted to escape from economic bondage to New York; the Virginians hoped to establish a system which would give that great state its rightful place in the councils of the republic. The dominant figures in the politics of these states therefore cooperated in the call for the Convention. In other states, the thrust towards national reform was taken up by opposition groups who added the “national interest” to their weapons system; in Pennsylvania, for instance, the group fighting to revise the Constitution of 1776 came out four-square behind the Constitutionalists, and in New York, Hamilton and the Schuyler ambiance took the same tack against George Clinton. There was, of course, a large element of personality in the affair: there is reason to suspect that Patrick Henry’s opposition to the Convention and the Constitution was founded on his conviction that Jefferson was behind both, and a close study of local politics elsewhere would surely reveal that others supported the Constitution for the simple (and politically quite sufficient) reason that the “wrong” people were against it.

To say this is not to suggest that the Constitution rested on a foundation of impure or base motives. It is rather to argue that in politics there are no immaculate conceptions, and that in the drive for a stronger general government, motives of all sorts played a part. Few men in the history of mankind have espoused a view of the “common good” or “public interest” that militated against their private status; even Plato with all his reverence for disembodied reason managed to put philosophers on top of the pile. Thus it is not surprising that a number of diversified private interests joined to push the nationalist public interest; what would have been surprising was the absence of such a pragmatic united front. And the fact remains that, however motivated, these men did demonstrate a willingness to compromise their parochial interests in behalf of an ideal which took shape before their eyes and under their ministrations.
As Stanley Elkins and Eric McKitrick have suggested in a perceptive essay [76 Political Science Quarterly 181 (1961)], what distinguished the leaders of the Constitutionalist caucus from their enemies was a “Continental” approach to political, economic and military issues. To the extent that they shared an institutional base of operations, it was the Continental Congress (thirty-nine of the delegates to the Federal Convention had served in Congress), and this was hardly a locale which inspired respect for the state governments. Robert de Jouvenal observed French politics half a century ago and noted that a revolutionary Deputy had more in common with a nonrevolutionary Deputy than he had with a revolutionary non-Deputy; similarly one can surmise that membership in the Congress under the Articles of Confederation worked to establish a continental frame of reference, that a Congressman from Pennsylvania and one from South Carolina would share a universe of discourse which provided them with a conceptual common denominator vis-a-vis their respective state legislatures. This was particularly true with respect to external affairs: the average state legislator was probably about as concerned with foreign policy then as he is today, but Congressmen were constantly forced to take the broad view of American prestige, were compelled to listen to the reports of Secretary John Jay and to the dispatches and pleas from their frustrated envoys in Britain, France and Spain. From considerations such as these, a “Continental” ideology developed which seems to have demanded a revision of our domestic institutions primarily on the ground that only by invigorating our general government could we assume our rightful place in the international arena. Indeed, an argument with great force—particularly since Washington was its incarnation—urged that our very survival in the Hobbesian jungle of world politics depended upon a reordering and strengthening of our national sovereignty.

The great achievement of the Constitutionalis was their ultimate success in convincing the elected representatives of a majority of the white male population that change was imperative. A small group of political leaders with a Continental vision and essentially a consciousness of the United States’ international impotence, provided the matrix of the movement. To their standard other leaders rallied with their own parallel ambitions. Their great assets were (1) the presence in their caucus of the one authentic American “father figure,” George Washington, whose prestige was enormous; (2) the energy and talent of their leadership (in which one must include the towering intellectuals of the time, John Adams and Thomas Jefferson, despite their absence abroad), and their communications “network,” which was far superior to anything on the opposition side; (3) the preemptive skill which made “their” issue The Issue and kept the locally oriented opposition permanently on the defensive; and (4) the subjective consideration that these men were spokesmen of a new and compelling credo: American nationalism, that ill-defined but nonetheless potent sense of collective purpose that emerged from the American Revolution.

2. How does Roche describe the “Constitutionalists?”
Standard treatments of the Convention divide the delegates into “nationalists” and “states’ rights” with various improvised shadings (“moderate nationalists,” etc.), but these are a posteriori categories which obfuscate more than they clarify. What is striking to one who analyzes the Convention as a case study in democratic politics is the lack of clear-cut ideological divisions in the Convention. Indeed, I submit that the evidence—Madison’s Notes, the correspondence of the delegates, and debates on ratification—indicates that this was a remarkably homogeneous body on the ideological level. Yates and Lansing, Clinton’s two chaperones for Hamilton, left in disgust on July 10. (Is there anything more tedious than sitting through endless disputes on matters one deems fundamentally misconceived? It takes an iron will to spend a hot summer as an ideological agent provocateur.) Luther Martin, Maryland’s bibulous narcissist, left on September 4 in a huff when he discovered that others did not share his self-esteem; others went home for personal reasons. But the hard core of delegates accepted a grinding regimen throughout the attrition of a Philadelphia summer precisely because they shared the Constitutionalist goal.

Basic differences of opinion emerged, of course, but these were not ideological; they were structural. If the so-called “states’ rights” group had not accepted the fundamental purposes of the Convention, they could simply have pulled out and by doing so have aborted the whole enterprise. Instead of bolting, they returned day after day to argue and to compromise. An interesting symbol of this basic homogeneity was the initial agreement on secrecy: these professional politicians did not want to become prisoners of publicity; they wanted to retain that freedom of maneuver which is only possible when men are not forced to take public stands in the preliminary stages of negotiation. There was no legal means of binding the tongues of the delegates: at any stage in the game a delegate with basic principled objections to the emerging project could have taken the stump (as Luther Martin did after his exit) and denounced the convention to the skies. Yet Madison did not even inform Thomas Jefferson in Paris of the course of the deliberations and available correspondence indicates that the delegates generally observed the injunction. Secrecy is certainly uncharacteristic of any assembly marked by strong ideological polarization. This was noted at the time: the New York Daily Advertiser, August 14, 1787, commented that the “profound secrecy hitherto observed by the Convention [we consider] a happy omen, as it demonstrates that the spirit of party on any great and essential point cannot have arisen to any height.”

Commentators on the Constitution who have read The Federalist in lieu of reading the actual debates have credited the Fathers with the invention of a sublime concept called “Federalism.” Unfortunately The Federalist is probative evidence for only one proposition: that Hamilton and Madison were inspired propagandists with a genius for retrospective symmetry. Federalism, as the theory is generally defined, was an improvisation which was later promoted into a political theory. Experts on “federalism” should take to heart the advice of David Hume, who warned in his Of the Rise and Progress of the Arts and Sciences that “there is no subject in which we must proceed with more caution than in [history], lest we assign causes which never existed and reduce what is merely contingent to stable and universal principles.” In any event, the final balance in the Constitution between the states and the nation must have come as a great disappointment to Madison, while Hamilton’s unitary views are too well known to need elucidation.

It is indeed astonishing how those who have glibly designated James Madison the “father” of Federalism have overlooked the solid body of fact which indicates that he shared Hamilton’s quest for a unitary central government. To be specific, they have avoided examining the clear import of the Madison-Virginia Plan, and have disregarded Madison’s dogged inch-by-inch retreat from the bastions of centralization. The Virginia Plan envisioned a unitary national government effectively freed from and dominant over the states. The lower house of the national legislature was to be elected directly by the people of the states with membership proportional to population. The upper house was to be selected by the lower and the two chambers would elect the executive and choose the judges. The national government would be thus cut completely loose from the states.

The structure of the general government was freed from state control in a truly radical fashion, but the scope of the authority of the national sovereign as Madison initially formulated it was breathtaking—it was a formulation worthy of the Sage of Malmesbury himself. The national legislature was to be empowered to disallow the acts of state legislatures, and the central government was vested, in addition to the powers of the nation under the Articles of Confederation, with plenary authority wherever “the separate States are incompetent or in which the harmony of the United States may be interrupted by the exercise of individual legislation.” Finally, just to lock the door against state intrusion, the national Congress was to be given the power to use military force on recalcitrant states. This was Madison’s “model” of an ideal national government, though it later received little publicity in The Federalist.

The interesting thing was the reaction of the Convention to this militant program for a strong autonomous central government. Some delegates were startled, some obviously leery of so comprehensive a project of reform, but nobody set
off any fireworks and nobody walked out. Moreover, in the two weeks that followed, the Virginia Plan received substantial endorsement en principle; the initial temper of the gathering can be deduced from the approval “without debate or dissent,” on May 31, of the Sixth Resolution which granted Congress the authority to disallow state legislation “contravening in its opinion the Articles of Union.” Indeed, an amendment was included to bar states from contravening national treaties.

The Virginia Plan may therefore be considered, in ideological terms, as the delegates’ Utopia, but as the discussions continued and became more specific, many of those present began to have second thoughts. After all, they were not residents of Utopia or guardians in Plato’s Republic who could simply impose a philosophical ideal on subordinate strata of the population. They were practical politicians in a democratic society, and no matter what their private dreams might be, they had to take home an acceptable package and defend it—and their own political futures—against predictable attack. On June 14 the breaking point between dream and reality took place. Apparently realizing that under the Virginia Plan, Massachusetts, Virginia, and Pennsylvania could virtually dominate the national government—and probably appreciating that to sell this program to “the folks back home” would be impossible—the delegates from the small states dug in their heels and demanded time for a consideration of alternatives. One gets a graphic sense of the inner politics from John Dickinson’s reproach to Madison. “You see the consequences of pushing things too far. Some of the members from the small States wish for two branches in the General Legislature and are friends to a good National Government; but we would sooner submit to a foreign power than . . . be deprived of an equality of suffrage in both branches of the Legislature, and thereby be thrown under the domination of the large States.”

The bare outline of the Journal entry for Tuesday, June 14, is suggestive to anyone with extensive experience in deliberative bodies. “It was moved by Mr. Patterson [sic, Paterson’s name was one of those consistently misspelled by Madison and everybody else seconded by Mr. Randolph that the further consideration of the report from the Committee of the whole House] endorsing the Virginia Plan be postponed till tomorrow and before the question for postponement was taken. It was moved by Mr. Randolph seconded by Mr. Patterson that the House adjourn.” The House adjourned by obvious prearrangement of the two principals: since the preceding Saturday when Brearley and Paterson of New Jersey had announced their fundamental discontent with the representational features of the Virginia Plan, the informal pressure had certainly been building up to slow down the steamroller. Doubtless there were extended arguments at the Indian Queen between Madison and Paterson, the latter insisting that events were moving rapidly towards a probably disastrous conclusion, towards a political suicide pact. Now the process of accommodation was put into action smoothly—and wisely, given the character and strength of the doubters. Madison had the votes, but this was one of those situations where the enforcement of mechanical majoritarianism could easily have destroyed the objectives of the majority: the Constitutionalists were in quest of a qualitative as well as a quantitative consensus. This was hardly from deference to local Quaker custom; it was a political imperative if they were to attain ratification.

3. What does Roche have to say about the development of federalism?

4. What does Roche say was unusual about the reaction of the Convention to Madison’s model of an ideal national gov’t? Yet, what was the impetus behind the subsequent “change of mind,” according to Roche?
Two tricky issues will serve to illustrate the later process of accommodation. The first was the institutional position of the Executive. Madison argued for an executive chosen by the national legislature and on May 29 this had been adopted with a provision that after his seven-year term was concluded, the chief magistrate should not be eligible for reelection. In late July this was reopened and for a week the matter was argued from several different points of view. A good deal of desultory speech-making ensued, but the gist of the problem was the opposition from two sources to election by the legislature. One group felt that the states should have a hand in the process; another small but influential circle urged direct election by the people. There were a number of proposals: election by the people, election by state governors, by electors chosen by state legislatures, by the national legislature (James Wilson, perhaps ironically, proposed at one point that an Electoral College be chosen by lot from the national legislature!), and there was some resemblance to three-dimensional chess in the dispute because of the presence of two other variables, length of tenure and reeligibility. Finally, after opening, reopening, and re-reopening the debate, the thorny problem was consigned to a committee for absolutism.

The Brearly Committee on Postponed Matters was a superb aggregation of talent and its compromise on the Executive was a masterpiece of political improvisation. (The Electoral College, its creation, however, had little in its favor as an institution—as the delegates well appreciated.) The point of departure for all discussion about the presidency in the Convention was that in immediate terms, the problem was nonexistent; in other words, everybody present knew that under any system devised, George Washington would be President. Thus they were dealing in the future tense and to a body of working politicians the merits of the Brearley proposal were obvious: everybody got a piece of cake. (Or to put it more academically, each viewpoint could leave the Convention and argue to its constituents that it had really won the day.) First, the state legislatures had the right to determine the mode of selection of the electors; second, the small states received a bonus in the Electoral College in the form of a guaranteed minimum of three votes while the big states got acceptance of the principle of proportional power; third, if the state legislatures agreed (as six did in the first presidential election), the people could be involved directly in the choice of electors: and finally, if no candidate received a majority in the College, the right of decision passed to the national legislature with each state exercising equal strength. (In the Brearley recommendation, the election went to the Senate, but a motion from the floor substituted the House; this was accepted on the ground that the Senate already had enough authority over the executive in its treaty and appointment powers.)

This compromise was almost too good to be true, and the framers snapped it up with little debate or controversy. No one seemed to think well of the College as an institution; indeed, what evidence there is suggests that there was an assumption that once Washington had finished his tenure as President, the electors would cease to produce majorities and the Chief Executive would usually be chosen in the House. George Mason observed casually that the selection would be made in the House nineteen times in twenty and no one seriously disputed this point. The vital aspect of the Electoral College was that it got the Convention over the hurdle and protected everybody’s interests. The future was left to cope with the problem of what to do with this Rube Goldberg mechanism.

In short, the framers did not in their wisdom endow the United States with a college of Cardinals—the Electoral College was neither an exercise in applied Platonism nor an experiment in indirect government based on elitist distrust of the masses. It was merely a jerry-rigged improvisation which has subsequently been endowed with a high theoretical content. When an elector from Oklahoma in 1960 refused to cast his vote for Nixon (naming Byrd and Goldwater instead) on the ground that the Founding Fathers intended him to exercise his great independent wisdom, he was indulging in historical fantasy. If one were to indulge in counter-fantasy, he would be tempted to suggest that the Fathers would be startled to find the College still in operation—and perhaps even dismayed at their descendants’ lack of judgment or inventiveness.

The second issue on which some substantial practical bargaining took place was slavery. The morality of slavery was, by design, not at issue; but in its other concrete aspects, slavery colored the arguments over taxation, commerce, and representation. The “Three-Fifths Compromise,” that three-fifths of the slaves would be counted both for representation and for purposes of direct taxation (which was drawn from the past—it was a formula of Madison’s utilized by Congress in 1783 to establish the basis of state contributions to the Confederation treasury) had allayed some Northern fears about Southern overrepresentation (no one then foresaw the trivial role that direct taxation would play in later federal financial policy), but doubts still remained. The Southerners, on the other hand, were afraid that Congressional control over commerce would lead to the exclusion of slaves or to their excessive taxation as imports. Moreover, the Southerners were disturbed over “navigation acts,” i.e., tariffs, or special legislation providing, for example, that exports be carried only in
American ships; as a section depending upon exports, they wanted protection from the potential voracity of their commercial brethren of the Eastern states. To achieve this end, Mason and others urged that the Constitution include a proviso that navigation and commercial laws should require a two-thirds vote in Congress.

These problems came to a head in late August and, as usual, were handed to a committee in the hope that, in Gouverneur Morris’s words, “these things may form a bargain among the Northern and Southern States.” The Committee reported its measures of reconciliation on August 28, and on August 29 the package was wrapped up and delivered. What occurred can best be described in George Mason’s dour version (he anticipated Calhoun in his conviction that permitting navigation acts to pass by majority vote would put the South in economic bondage to the North—it was mainly on this ground that he refused to sign the Constitution):

The Constitution as agreed to till a fortnight before the Convention rose was such a one as he would have set his hand and heart to.... [Until that time] The 3 New England States were constantly with us in all questions . . . so that it was these three States with the 5 Southern ones against Pennsylvania, Jersey and Delaware. With respect to the importation of slaves, [decision-making] was left to Congress. This disturbed the two Southern-most States who knew that Congress would immediately suppress the importation of slaves. Those two States therefore struck up a bargain with the three New England States. If they would join to admit slaves for some years, the two Southern-most States would join in changing the clause which required the 2/3 Of the Legislature in any vote [on navigation acts]. It was done.

On the floor of the Convention there was a virtual love-feast on this happy occasion. Charles Pinckney of South Carolina attempted to overturn the committee’s decision, when the compromise was reported to the Convention, by insisting that the South needed protection from the imperialism of the Northern states. But his Southern colleagues were not prepared to rock the boat and General C. C. Pinckney arose to spread oil on the suddenly ruffled waters; he admitted that:

It was in the true interest of the Southern States to have no regulation of commerce; but considering the loss brought on the commerce of the Eastern States by the Revolution, their liberal conduct towards the views of South Carolina [on the regulation of the slave trade] and the interests the weak Southern States had in being united with the strong Eastern states he thought it proper that no fetters should be imposed on the power of making commercial regulations; and that his constituents, though prejudiced against the Eastern States, would be reconciled to this liberality. He had himself prejudices against the Eastern States before he came here, but would acknowledge that he had found them as liberal and candid as any men whatever. (Italics added.)

Pierce Butler took the same tack, essentially arguing that he was not too happy about the possible consequences, but that a deal was a deal. Many Southern leaders were later—in the wake of the “Tariff of Abominations”—to rue this day of reconciliation; Calhoun’s Disquisition on Government was little more than an extension of the argument in the Convention against permitting a Congressional majority to enact navigation acts.

5. Describe Roche’s explanation of how the Electoral College developed and slavery issues were resolved.
There was a good deal of definitional pluralism with respect to the problems the delegates did discuss, but when we move to the question of extrapolated intentions, we enter the realm of spiritualism. When men in our time, for instance, launch into elaborate talmudic exegesis to demonstrate that federal aid to parochial schools is (or is not) in accord with the intentions of the men who established the Republic and endorsed the Bill of Rights, they are engaging in historical Extra-Sensory Perception. (If one were to join this E.S.P. contingent for a minute, he might suggest that the hard-boiled politicians who wrote the Constitution and Bill of Rights would chuckle scornfully at such an invocation of authority: obviously a politician would chart his course on the intentions of the living, not of the dead, and count the number of Catholics in his constituency.)

The Constitution, then, was not an apotheosis of “constitutionalism,” a triumph of architectonic genius; it was a patch-work sewn together under the pressure of both time and events by a group of extremely talented democratic politicians. They refused to attempt the establishment of a strong, centralized sovereignty on the principle of legislative supremacy for the excellent reason that the people would not accept it. They risked their political fortunes by opposing the established doctrines of state sovereignty because they were convinced that the existing system was leading to national impotence and probably foreign domination. For two years, they worked to get a convention established. For over three months, in what must have seemed to the faithful participants an endless process of give-and-take, they reasoned, cajoled, threatened, and bargained amongst themselves. The result was a Constitution which the people, in fact, by democratic processes, did accept, and a new and far better national government was established.

Beginning with the inspired propaganda of Hamilton, Madison, and Jay, the ideological build-up got under way. *The Federalist* had little impact on the ratification of the Constitution, except perhaps in New York, but this volume had enormous influence on the image of the Constitution in the minds of future generations, particularly on historians and political scientists who have an innate fondness for theoretical symmetry. Yet, while the shades of Locke and Montesquieu *may* have been hovering in the background, and the delegates *may* have been unconscious instruments of a transcendent *telos*, the careful observer of the day-to-day work of the Convention finds no overarching principles. The “separation of powers” to him seems to be a by-product of suspicion, and “federalism” he views as a *pis aller*, as the farthest point the delegates felt they could go in the destruction of state power without themselves inviting repudiation.

To conclude, the Constitution was neither a victory for abstract theory nor a great practical success. Well over half a million men had to die on the battlefields of the Civil War before certain constitutional principles could be defined—a baleful consideration which is somehow overlooked in our customary tributes to the farsighted genius of the framers and to the supposed American talent for “constitutionalism.” The Constitution was, however, a vivid demonstration of effective democratic political action, and of the forging of a national elite which literally persuaded its countrymen to hoist themselves by their own boot straps. American proconsuls would be wise not to translate the Constitution into Japanese, or Swahili, or treat it as a work of semi-Divine origin; but when students of comparative politics examine the process of nation-building in countries newly freed from colonial rule, they may find the American experience instructive as a classic example of the potentialities of a democratic elite.

6. Roche contends that the Constitution was not a “triumph of architectonic genius.” What did he mean?