

Exploring the Constitution

Part 2: Some Historical Background

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How often have you heard the designers of our Constitution called "radicals" in popular discussion of our system of government? We've heard it from politicians, columnists, even teachers. In that view of history, our American Revolution and the form of government that grew out of it had the same roots as the French Revolution: wild-eyed proto-Marxists spinning social theories in European drawing rooms.

In real life, our Founders were the solid citizens of their day. They were the successful farmers, lawyers, surveyors, physicians, scientists, soldiers, and publishers who had the most to lose from social upheaval. Most were deeply religious, the large majority Christian. What were they doing at the forefront of such significant change?

The surprising answer is that the Founders were not trying for radical change. They had justified the Revolution on the grounds that the English King and Parliament had consistently violated the ancient and fundamental English laws. One revealing paragraph in the Declaration of Independence complains of King George with the following words: "For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies..."

Many letters written by patriots of that day to their English friends and relatives express a similar sentiment: that the English constitution (the sum of British law from Magna Charta to their recent past) was the best body of fundamental law ever devised, and that Americans wanted nothing so much as to continue living under the protection of that law. In short, it was the deviations of the king and Parliament from their own constitution that forced our forefathers to form a new government.

Having just fought a war to preserve their "rights as free Englishmen," the Founders were not about to go off on some radical tangent away from that objective. The Articles of Confederation, the first "national" government in the United States, attempted primarily to preserve for each state the republican form of government it had enjoyed before the usurpations of the British.

Unfortunately, the government under the Articles proved to be too weak and decentralized to guard against conflict among the states, and provide for the common defense. Practically all of the statesmen of the time agreed that some more stable form of government was needed. That was why twelve of the thirteen colonies sent representatives to a Constitutional Convention in Philadelphia in 1787 to revise the Articles.

At the instigation of James Madison, the Convention immediately changed course and began designing a new federal structure for the government. Does this mean that those attending the Convention suddenly gave up their primary aim of preserving their traditional English-inherited liberties? Not at all. They merely agreed that it would be possible to devise a governmental structure that would more effectively safeguard those liberties. That was the goal that guided their every step during the deliberations; it was the result that they believed they had achieved when they finally proposed the Constitution.

No less an American patriot than Patrick Henry had this to say about our nation's British roots. "We are descended from a people whose government was founded on liberty: our glorious forefathers of Great Britain made liberty the foundation of everything. That country is become a great, mighty and splendid nation; not because their government is strong and energetic, but, sir, because liberty is its direct end and foundation." Henry felt so strongly about this that he opposed ratifying the Constitution partly on the grounds that it strayed too far from the English model!

As we read our own Constitution, then, we need to keep in mind that it did not arise in a vacuum. It was not the product of ivory tower intellectuals brainstorming in Philadelphia's drinking establishments. The Constitution was carefully designed by very conservative men to preserve the tradition of English liberty inherited by the American people.