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Forging a National Republic

1776–1789

On December 26, 1787, a group of Federalists—supporters of the proposed Constitution—gathered in Carlisle, a Pennsylvania frontier town. The men planned to fire a cannon to celebrate their state convention's ratification vote two weeks earlier, but a large crowd of Antifederalists stopped them. First, the Antis blocked the cannon. Then, they attacked the Federalists, who fled as the angry Antis burned a copy of the Constitution.

The next day, Federalists fired their cannon and read the ratification proclamation. Antifederalists paraded and burned effigies of two Federalists. When Federalist officials arrested demonstrators for rioting, the Antifederalist-dominated militia broke them out of jail.

For weeks, participants argued in the Carlisle newspaper about what the demonstrations meant. Federalist proclaimed that the respectable celebrants acted with “good order” and called Antifederalist opponents “worthless ragamuffins.” Replying, Antifederalists pronounced the Federalists “an unhallowed riotous mob.” Constitution supporters called themselves “friends of government,” but through their advocacy of government that aimed to suppress the people's liberties, they revealed they were secretly aristocrats.

The Carlisle riots presaged violent disputes over the new Constitution in Albany (New York), Providence (Rhode Island), and other cities. In a struggle that began in 1775 and persisted until century's end, Americans argued over how to implement republican principles and who best represented the people.

Republicanism—the idea that governments should be based on the consent of the people—originated with theorists in ancient Greece and Rome. Republics, they declared, were desirable yet fragile government forms. Unless citizens were virtuous—sober, moral, and industrious—and agreed on key issues, republics would fail. When Americans left Britain, they abandoned the idea that the best governments balanced participation by a king, the nobility, and the people. Instead, they embraced republicanism, in which the people were sovereign. During and after the war,

Chapter Outline

Creating a Virtuous Republic

Varieties of Republicanism | *Virtue and the Arts* | *Educational Reform* | *Judith Sargent Murray* | *Women and the Republic*

VISUALIZING THE PAST *Depicting Virtue*

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The First Emancipation and the Growth of Racism

Emancipation and Manumission | *Growth of Free Black Population* | *Freedpeople's Lives* | *Development of Racist Theory* | *A White Men's Republic*

Designing Republican Governments

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From Crisis to the Constitution

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LEGACY FOR A PEOPLE AND A NATION *The Township and Range System*

SUMMARY

Americans wondered how to ensure political stability, foster consensus, and create and sustain a virtuous republic.

America's leaders attempted to inculcate virtue in their countrymen and countrywomen. After 1776, literature, theater, art, architecture, and education pursued moral goals. Women's education became important, for the mothers of the republic's children would ensure the nation's future. Almost all white men assumed that women, African Americans, and Indians should have no role in politics; men saw the first two groups as household dependents, the last as outside the polity. Still, they disagreed on how many of their number should be included in the political process and how their new governments should be structured.

Then there were Thomas Jefferson's words in the Declaration of Independence: "all men are created equal." Given that statement of principle, how could white republicans justify holding African Americans in perpetual bondage? Some freed their slaves or voted for state laws abolishing slavery. Others denied that blacks were "men" in the same sense as whites.

The most important task facing Americans was constructing a unified national government. Before 1765, many circumstances divided the British mainland colonies: diverse economies, varying religious traditions and ethnic compositions, competing western land claims, and different polities. But the Revolutionary War brought them together, creating a new nationalistic spirit that replaced loyalties to state and region.

Still, America's first national government under the Articles of Confederation proved too weak and decentralized. Political leaders tried another approach in drafting the Constitution in 1787. Some historians have argued that the Articles of Confederation and the Constitution reflect opposing philosophies, the Constitution representing an "aristocratic" counterrevolution against the "democratic" Articles. The two documents are more accurately viewed as successive attempts to solve the same problems—the relationship of states and nation and the extent to which authority should be centralized. Both applied theories of republicanism to problems of governance; neither was entirely successful in resolving those difficulties.

As you read this chapter, keep the following questions in mind:

- * **What were the elements of the new national identity? How did women, Indians, and African Americans fit into that identity?**
- * **What problems confronted the new nation's leaders as they attempted to establish the first modern republic?**
- * **How and why were those problems resolved differently at different times?**

Creating a Virtuous Republic

When the colonies declared independence, John Dickinson recalled years later, "We knew that the people of this country must unite themselves under some form of Government and that this could be no other than the republican form"—in short, self-government by the people. But how should that goal be implemented?

How were notions of republican virtue gendered in post-revolutionary America?

Chronology

1776	Second Continental Congress directs states to draft constitutions Abigail Adams advises her husband to "Remember the Ladies"	1786	Annapolis Convention meets, discusses reforming government
1777	Articles of Confederation sent to states for ratification Vermont becomes first jurisdiction to abolish slavery	1786–87	Shays's Rebellion in western Massachusetts raises questions about future of the republic
1781	Articles of Confederation ratified	1787	Royall Tyler's <i>The Contrast</i> , first successful American play, performed Northwest Ordinance organizes territory north of Ohio River and east of Mississippi River Constitutional Convention drafts new form of government
1783	Treaty of Paris signed, formalizing American independence	1788	Hamilton, Jay, and Madison write <i>The Federalist</i> to urge ratification of the Constitution by New York Constitution ratified
1784	Diplomats sign treaty with Iroquois at Fort Stanwix, but Iroquois repudiate it two years later	1789	William Hill Brown publishes <i>The Power of Sympathy</i> , first American novel Massachusetts orders towns to support public schools
1785	Land Ordinance of 1785 provides for surveying and sale of national lands in Northwest Territory	1800	Weems publishes his <i>Life of Washington</i>
1785–86	United States negotiates treaties at Hopewell, South Carolina, with Choctaws, Chickasaws, and Cherokees		

Varieties of Republicanism

Three definitions of republicanism emerged in the new United States. Ancient history and political theory informed the first, held by the educated elite (such as the Adamses of Massachusetts). The histories of popular governments in Greece and Rome suggested that republics could succeed only if they were small and homogeneous. According to classical republican theory, unless a republic's citizens were virtuous men willing to sacrifice private interests for the common good, the government would collapse. In return for sacrifices, a republic offered equality of opportunity. Rank would be based on merit rather than inherited status. Society would be governed by members of a "natural aristocracy," men whose talent elevated them from possibly humble beginnings to positions of power.

A second definition, advanced by other elites and some skilled craftsmen, drew on economic theory. This version of republicanism followed Scottish theorist Adam Smith in emphasizing individuals' pursuit of rational self-interest. When republican men sought to improve their own economic and social circumstances, the nation would benefit. Republican virtue would be achieved through the pursuit of private interests, rather than through subordination to communal ideals.

The third notion of republicanism was less influential but more egalitarian than the others. Men who advanced this version, among them Thomas Paine, called for widening men's political participation. They wanted government to respond directly to the needs of ordinary folk, rejecting that the "lesser sort" should defer to their "betters." They were democrats in the modern sense. For them, the untutored wisdom of the people embodied republican virtue.

Visualizing the Past

Depicting Virtue

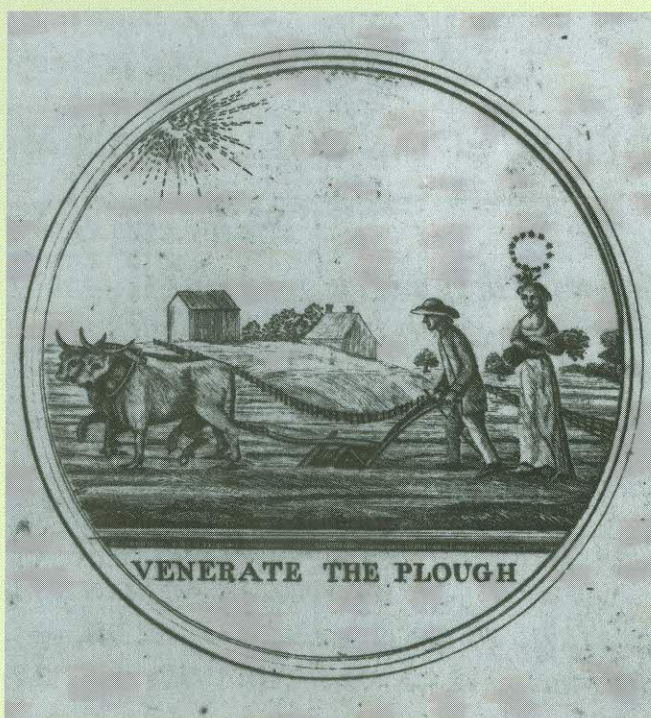
In the 1780s, American printers began publishing magazines that became important vehicles for promoting their notions of virtue. For monthly or bi-monthly magazines filled with locally written poems and essays, publishers needed illustrations—something not required by weekly newspapers. One of the most important and longest lasting of these publications was the *Columbian Magazine*, published in Philadelphia from 1786 to 1792. Seen here are two of the many illustrations its

printer commissioned from local artists. *Venerate the Plow* celebrated American agriculture, with the female figure symbolizing America (note the 13 stars in a circle over her head) holding a sheaf of grain. In the other, Columbia presents a girl and a boy (the “rising race”) to Minerva (goddess of wisdom), who leans on a pedestal lauding independence as “the reward of wisdom, fortitude, and perseverance.” In the background, a farmer plows his field and ships ply the ocean. What future did Americans see for themselves, as represented in these pictures?



Library of Congress

Columbian Magazine, 1786



Library of Congress

Columbian Magazine, 1787

All three strands of republicanism contrasted America's industrious virtue with the corruption of Britain and Europe. In the first version, that virtue manifested itself in frugality and self-sacrifice; in the second, it would prevent self-interest from becoming vice; in the third, it was the justification for including propertyless free men as voters. Most agreed that a virtuous country would be composed of hard-working citizens who would dress simply, elect wise leaders, and forgo conspicuous consumption of luxury goods.

Virtue and the Arts

As citizens of the United States constructed their republic, they expected to replace the vices of monarchical Europe—immorality, selfishness, and lack of public spirit—with the virtues of republican America. They sought to embody republican principles in their governments and in their culture, expecting painting, literature, drama, and architecture to convey nationalism and virtue.

Americans faced a contradiction, however. To some republicans, fine arts were manifestations of vice, signaling luxury and corruption. Why did a frugal farmer need a painting or a novel? Why should anyone spend hard-earned wages to see a play in a lavish theater? The first American artists and authors wanted to produce works embodying virtue, but many viewed those works as corrupting, regardless of their content.

Still, authors and artists tried. In Royall Tyler's *The Contrast* (1787), the first successful American play, Colonel Manly's virtuous conduct was contrasted with Billy Dimple's reprehensible behavior. The era's most popular book, Mason Locke Weems's *Life of Washington*, published in 1800 after George Washington's death, was intended to "hold up his great Virtues ... to the imitation of Our Youth." The famous tale Weems invented—six-year-old George bravely admitting cutting down his father's favorite cherry tree—ended with George's father exclaiming, "Such an act of heroism in my son, is worth more than a thousand trees."

Painting and architecture, too, were to exemplify high moral standards. Prominent artists Gilbert Stuart and Charles Willson Peale painted portraits of upstanding republican citizens. John Trumbull's canvases sought to inspire patriotism with scenes of historical milestones such as the Battle of Bunker Hill and Cornwallis's surrender at Yorktown. When the Virginia government asked Thomas Jefferson, then minister to France, for advice on designing the state capitol in Richmond, Jefferson recommended copying a simple but noble Roman building, the Maison Carrée at Nîmes. Jefferson's ideals that would guide American architecture for a generation: simplicity of line, harmonious proportions, a feeling of grandeur.

Despite the artists' efforts (or perhaps because of them), some Americans detected signs of luxury and corruption by the mid-1780s. The resumption of European trade after the war brought imported fashions. Elite families again attended balls and concerts. Parties no longer seemed complete without gambling and cardplaying. Social clubs for young people multiplied. Especially alarming was the establishment in 1783 of the Society of the Cincinnati, a hereditary association for Revolutionary War officers and their firstborn sons. Although organizers hoped to advance the citizen-soldier, opponents feared that the group would become the nucleus of a native-born aristocracy. These developments challenged the United States' self-image as a virtuous republic.

Educational Reform

Americans' concern for the infant republic's future focused their attention on children. Education was previously seen as the concern of individual families. Now schooling would serve a public purpose. If young people were to resist vice and become useful citizens, they would need education. The 1780s and 1790s thus witnessed two major changes in educational practice.



Link to Royall Tyler's *The Contrast*.



Links to the World

Writing and Stationery Supplies

In the seventeenth century, colonists stressed teaching children to read the Bible; writing was less necessary, and many people could read but not write. Yet as the eighteenth century progressed, writing skills acquired new significance as family members parted by the Revolutionary War needed to communicate with each other and new opportunities arose for merchants who could handle distant correspondents. After the war, Americans placed greater emphasis on teaching youngsters to write.

Writing drew on materials from around the world. Sheets of paper came from Britain or, increasingly, from American paper mills; more than thirty were built between 1750 and 1780. Quill pens (goose feathers) often originated in Germany or Holland. Penknives to sharpen blunt quills and inkpots (made of brass, glass, or pewter) also came from Britain. But the Americans could not write without additional items from international trade.

For example, to absorb ink properly, paper needed to be treated with pounce, a powder made from gum sandarac (a tree resin from North Africa) and pumice (powdered volcanic glass). Lacking envelopes, eighteenth-century writers folded papers, addressed them on the outside, and sealed them with wax made in Holland or Britain from lac (a resinous secretion of insects, still used today for shellac) from India and cinnabar, a red quartz-like crystal, from Spain. Ink was manufactured from various ingredients: oak galls from

Aleppo (in Syria), gum arabic (sap from acacia trees) from Sudan, and alum and copperas (derived from stones) from Britain. Most likely ink was shipped from Britain in powdered form; in America, another key ingredient, urine, would be added so the alum would blend with the other substances.

Therefore, children learning to write in one of the new academies used implements that involved Americans in a commercial chain that linked them to Great Britain, the European continent, North Africa, and the Middle East.



Historic Odessa Foundation

This writing desk, made in Pennsylvania in the mid-to-late eighteenth century, would have been owned by a well-to-do family from the mid-Atlantic states. The pigeon holes would hold incoming and outgoing letters; the many drawers could store paper, ink, seals and sealing wax, and other supplies. The new importance of writing thus produced a perceived need for novel types of furniture.



Terra Foundation for American Art, Chicago/Art Resource, NY

Judith Sargent Stevens (later Murray), by John Singleton Copley, ca. 1770–1772. The eventual author of tracts advocating improvements in women's education sat for this portrait two decades earlier, during her first marriage. Her clear-eyed gaze suggests both her intelligence and her seriousness of purpose.



Link to Judith Sargent Murray's "On the Equality of the Sexes."

Abigail Adams: Wife of Revolutionary figure John Adams (and second U.S. President). Influenced by the ideology of the Revolution, her letter to her husband is considered an early effort for greater rights for women.

independence. Consequently, Americans developed new ideas about women's in republican society.

Women and the Republic

The best-known expression of those new ideas appeared in a letter **Abigail Adams** addressed to her husband in March 1776. "In the new Code of Laws which I suppose it will be necessary for you to make I desire you would Remember the Ladies," she wrote. "Remember all Men would be tyrants if they could. . . . If perticular care and attention is not paid to the Laidies [sic] we are determined to foment a Rebellion, and will not hold ourselves bound by any Laws in which we have no voice, or Representation." With these words, Abigail Adams applied the ideology developed to combat parliamentary supremacy. She argued that, because men were "Naturally Tyrannical," the United States should reform marriage laws, which subordinated wives to their husbands, giving men control of family property and denying wives the right to independent legal action.

Abigail Adams did not ask for woman suffrage, but others claimed that right, and some authors began to define the "rights of women" in general terms. The New Jersey state constitution in 1776 defined voters carelessly as "all free inhabitants"

First, some northern states began using tax money to support public elementary schools. In 1789, Massachusetts became one of the first states requiring towns to offer free public elementary education. Second, since mothers would have to be educated if they were to instruct their children adequately, Massachusetts insisted that elementary schools teach girls as well as boys. Throughout the United States, private academies were founded to provide advanced schooling for teenage girls from well-to-do families. Colleges remained closed to women, but a few fortunate girls could study history, geography, rhetoric, and mathematics.

Judith Sargent Murray Judith Sargent Murray of Gloucester, Massachusetts, became the chief theorist of women's education in the early republic. Murray argued that women and men had equal intellectual capacities, although inadequate education might make women seem less intelligent. Therefore, concluded Murray, boys and girls should be offered equivalent schooling. She further contended that girls should be taught to support themselves: "Independence should be placed within their grasp."

Murray's ideas were part of a general rethinking of women's position that resulted from the Revolution. Men and women realized that female patriots had made important contributions to

who met property qualifications. They thereby unintentionally gave the vote to property-holding white spinsters and widows and free black landowners. Qualified women and African Americans regularly voted in New Jersey's local and congressional elections until 1807, when they were disfranchised by the state legislature. That women chose to vote was evidence of how the Revolution altered their perception of their place in the nation's political life.

Even after the war, most European-Americans viewed women in traditional terms, affirming their primary function as wives, mothers, and mistresses of households. Because wives could not own property or participate directly in economic life, women came to be seen as the embodiment of self-sacrificing, republicanism. Through new female-run charitable associations, better-off women assumed public responsibilities among them caring for poor widows and orphans. Thus, men were freed to pursue their economic self-interests, while wives and daughters fulfilled the family's obligation to the common good. The ideal republican man, therefore, was an individualist, seeking advancement for himself and his family. The ideal republican woman put the well-being of others first.

The First Emancipation and the Growth of Racism

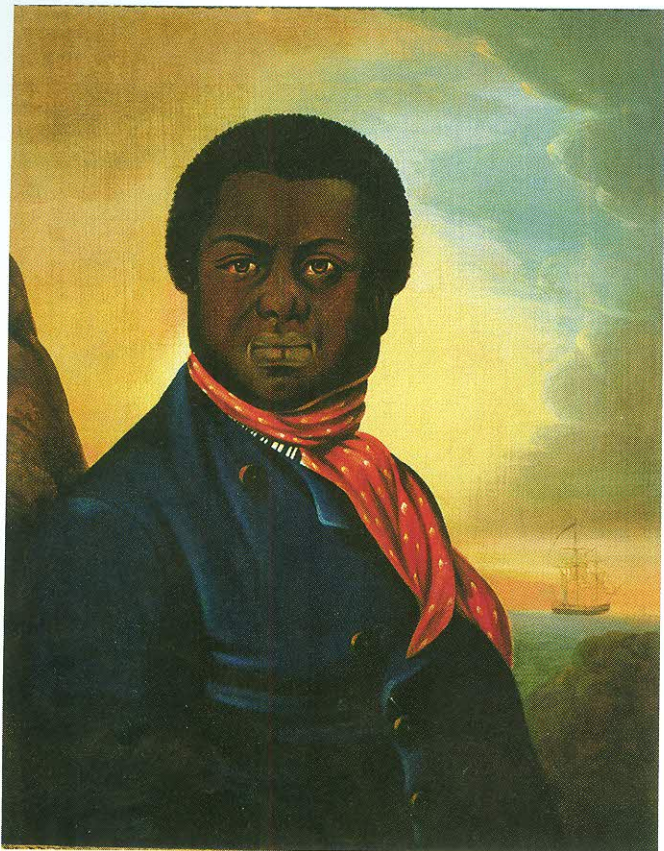
What contributed to the growing number of free blacks in America after the revolution?

Revolutionary ideology exposed one of the primary contradictions in American society. There were 700,000 African Americans—roughly 20 percent of the population—residing in the new republic. European-Americans and African Americans saw the irony in slaveholders' claims that they sought to prevent Britain from "enslaving" them. In 1773, Dr. Benjamin Rush called slavery "a vice which degrades human nature," warning ominously that "the plant of liberty is of so tender a nature that it cannot thrive long in the neighborhood of slavery."

African Americans used revolutionary ideology to their advantage. In 1779, a group of slaves from Portsmouth, New Hampshire, addressed the state legislature, pleading "that the name of slave may not more be heard in a land gloriously contending for the sweets of freedom." The same year, several bondsmen in Fairfield, Connecticut, petitioned the legislature for their freedom, characterizing slavery as a "flagrant Injustice." How could men who were "nobly contending in the Cause of Liberty," they asked, continue "this detestable Practice"?

Emancipation and Manumission

Both legislatures responded negatively, but the postwar years witnessed the gradual abolition of slavery in the North. Responding to lawsuits filed by enslaved men and women, Massachusetts courts decided in 1783 that the state constitution prohibited slavery. Other states adopted gradual emancipation laws between 1780 (Pennsylvania) and 1804 (New Jersey). New Hampshire did not formally abolish slavery, but only eight slaves were reported on the 1800 census and none in 1810. Although no southern state adopted emancipation laws, the legislatures of Virginia (1782), Delaware (1787), and Maryland (1790 and 1796) loosened earlier laws restricting slaveowners' ability to free their bondpeople. South Carolina and Georgia never considered such



Private collection, photograph courtesy of Hirsch & Adler Galleries, New York

A sailor of African descent posed proudly for this portrait around 1790. Unfortunately, neither the name of the sailor nor the name of the artist is known today.

acts, and North Carolina insisted that manumissions (emancipations of individual slaves) be approved by county courts.

Revolutionary ideology thus had limited impact on the economic interests of large slaveholders. Only in the northern states—societies with slaves, not slave societies—could state legislatures abolish slavery. Even there, legislators' concern for the *property* rights of slave owners led them to favor gradual over immediate emancipation. For example, New York's law freed children born into slavery after July 4, 1799, but only after they reached their mid-twenties. Laws failed to emancipate the existing slave population. Although emancipation laws forbade the sale of slaves to jurisdictions where slavery remained legal, slaveowners regularly circumvented such provisions. The 1840 census recorded the presence of slaves in several northern states.

Growth of Free Black Population

The number of free people of African descent in the United States grew

dramatically in the initial post-Revolution years. Most slaves emancipated before the war were mulattos, born of unions between bondswomen and their masters, who manumitted the children. Wartime escapees from plantations, slaves who served in the American army, and those emancipated by their owners or by state laws, contributed

to the nearly 60,000 free people of color in the United States by 1790. Ten years later, they numbered more than 108,000—nearly 11 percent of the total African American population.

In the Chesapeake, manumissions were speeded by economic changes, such as declining soil fertility and the shift from tobacco to grain production. Because grain cultivation was less labor-intensive than tobacco growing, planters had “excess” slaves. They occasionally solved that problem by freeing less productive or more favored bondspeople. The enslaved also negotiated agreements with owners allowing them to live and work independently until they could purchase themselves. Virginia's free black population more than doubled between 1790 and 1810; also by 1810, nearly one-quarter of Maryland's African American population was no longer in bondage.

Freedpeople's Lives

In the 1780s, rural freedpeople headed to northern port cities such as Boston and Philadelphia. With better employment opportunities, especially in domestic service, women outnumbered male migrants by three to two. Some freedmen also worked in domestic service, but larger numbers were unskilled laborers and sailors. A few women and many men (nearly one-third of those in Philadelphia in 1795) were skilled workers or retailers. They exchanged the surnames of former masters for names like Newman or Brown

and established independent two-parent families. They also began to occupy distinct neighborhoods, probably due to discrimination.

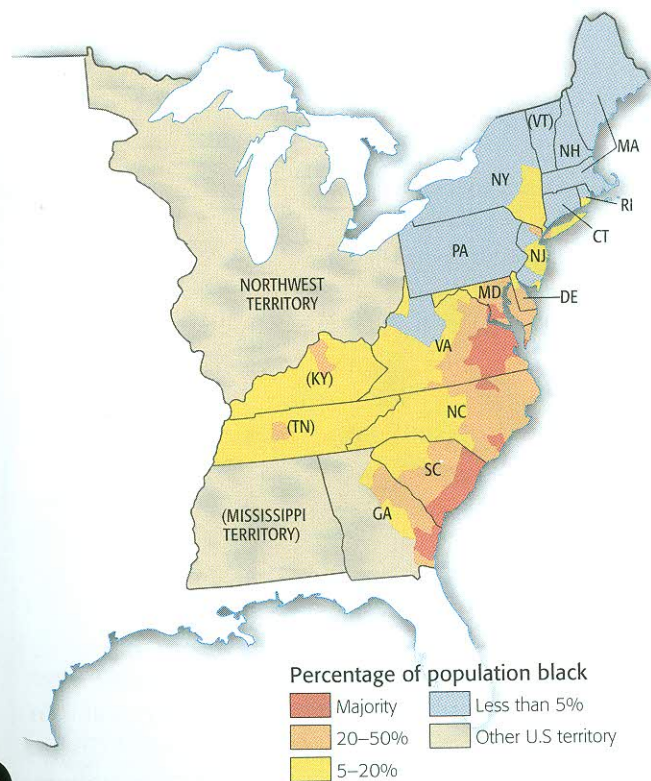
Even whites who recognized African Americans' right to freedom were unwilling to accept them as equals. Laws discriminated against freedpeople as they had against slaves. Several states—among them Delaware, Maryland, and South Carolina—adopted laws denying property-owning black men the vote. South Carolina forbade free blacks from testifying against whites in court. New Englanders used indenture contracts to control freed youths, who were often denied public education. Freedmen found it difficult to purchase property and find good jobs.

Gradually, freedpeople developed their own institutions. In Charleston, mulattos formed the Brown Fellowship Society, which provided insurance coverage, financed a school, and helped to support orphans. In 1794, former slaves in Philadelphia and Baltimore, led by Reverend Richard Allen, founded societies that eventually formed the **African Methodist Episcopal (AME) church**. AME churches sponsored schools and—along with African Baptist, African Episcopal, and African Presbyterian churches—became cultural centers for free blacks.

African Methodist Episcopal (AME) church: The first black-run Protestant denomination.

Development of Racist Theory

Their endeavors were especially important because the postrevolutionary years witnessed the development of formal racist theory in the United States. Before the Revolution, European-Americans regarded slaves as inferior. Influential writers argued that African slaves' seemingly debased character derived from their enslavement, rather



MAP 7.1

African American Population, 1790: Proportion of Total Population

The first census clearly indicated that the African American population was heavily concentrated in just a few areas of the United States, most notably in coastal regions of South Carolina, Georgia, and Virginia. Although there were growing numbers of blacks in the backcountry—presumably taken there by migrating slaveowners—most parts of the North and East, with the exception of the immediate vicinity of New York City, had few African American residents.

Source: From Lester J. Cappon et al., eds., *Atlas of Early American History: The Revolutionary Era, 1760-1790*. Copyright © 1976 by Princeton University Press.

than enslavement's being the consequence of inherited inferiority. After the Revolution, slaveowners needed to defend holding other human beings in bondage against the proposition that "all men are created equal." Consequently, they argued that people of African descent were less than fully human and that the principles of republican equality applied only to European-Americans.

Egalitarian thinking among European-Americans downplayed status distinctions within their own group and differentiated all "whites" from people of color—Indians and African Americans. Decades earlier, Indians began to refer to themselves as "red." Experience as slaves on American soil forged the identity "African" or "black" from the various ethnic and national affiliations of people who survived the transatlantic crossing. Thus, in the revolutionary era "whiteness," "redness," and "blackness"—along with the superiority of the first, the inferiority of the latter two—developed in tandem.

With racism came the assertion that, as Thomas Jefferson insisted in 1781, blacks were "inferior to the whites in the endowments both of body and mind." There followed the belief that blacks were congenitally lazy, even though owners often argued that slaves were "natural" workers. Third was the notion that blacks were sexually promiscuous and that African American men lusted after European American women. The specter of interracial sexual intercourse involving black men and white women haunted early American racist thought. Significantly, the more common sexual exploitation of enslaved women by their masters aroused little concern.

African Americans challenged these racist notions. Benjamin Banneker, a free black mathematical genius, in 1791 sent Thomas Jefferson a copy of his latest almanac (including astronomical calculations) to show blacks' mental powers. Jefferson admitted Banneker's intelligence but said Banneker was exceptional; Jefferson required more evidence if he were to rethink his position on people of African descent generally.

A White Men's Republic

At its birth, leaders defined the republic as a white male enterprise, as laws from the 1770s on linked "whiteness" and male citizenship rights. Some historians have argued that the subjugation of blacks, Indians, and women was a necessary precondition for theoretical equality among white men. Identifying common racial antagonists helped create white solidarity and lessened the threat to gentry power posed by the enfranchisement of poorer men. Moreover, excluding women from politics reserved power for men. After the Revolution, the division of American society between slave and free became a division between blacks—some of whom were free—and whites.

Designing Republican Governments

How did Americans' former experience as British subjects influence the state governments they established?

In May 1776, the Second Continental Congress directed states to devise new republican governments to replace provincial conventions and committees that had met since colonial governments collapsed in 1774 and 1775. Thus American men concentrated on drafting state constitutions and devoted little attention to national government.

State Constitutions

First, state political leaders struggled to define a “constitution” and eventually concluded that legislative bodies should not draft their constitutions. Following Vermont in 1777 and Massachusetts in 1780, they elected conventions exclusively to draft constitutions. Thus, states sought authorization from the people—the theoretical sovereigns in a republic—before establishing new governments. After preparing new constitutions, delegates submitted them to voters for ratification.

Framers of state constitutions concerned themselves primarily with outlining the distribution of and limitations on government power. If authority was not confined within reasonable limits, the states might become tyrannical, as Britain had.

Under colonial charters, Americans learned to fear the power of the governor—usually the appointed agent of the king or proprietor—and to see the legislature as their defender. Accordingly, the first state constitutions typically provided for the governor to be elected annually (commonly by the legislature), limited the number of terms he could serve, and gave him little independent authority. Simultaneously, they expanded the legislature’s powers. Every state except Pennsylvania and Vermont retained a two-house structure, with members of the upper house having longer terms and meeting higher property-holding standards than the lower house. They also redrew electoral districts to reflect population patterns. Finally, most states lowered property qualifications for voting. Thus, the revolutionary era witnessed the first deliberate attempt to broaden the base of American government.

Limiting State Governments

But the state constitutions’ authors wanted to prevent tyrants from holding office. They consequently included explicit limitations on government authority to protect the inalienable rights of individual citizens. Seven constitutions contained bills of rights, and others had similar clauses. Most guaranteed freedom of the press, rights to fair trials, and protection against general search warrants. An independent judiciary was charged with upholding such rights. Most states also guaranteed freedom of religion, but with restrictions. For example, seven states required that officeholders be Christians, and some supported churches with tax money.

Constitution makers put greater emphasis on preventing state governments from becoming tyrannical than on making them effective wielders of political authority. Establishing such weak political units, especially in wartime, practically ensured that the constitutions would need revision.

Revising State Constitutions

By the mid-1780s, some political leaders concluded that the best way to limit government power was to balance legislative, executive, and judicial powers, a design called checks and balances. The national Constitution drafted in 1787 also embodied that principle.

Yet the constitutional theories applied at the state level did not immediately influence Americans’ conception of national government. Because American officials initially focused on the war, the Continental Congress evolved by default. Not until late 1777 did Congress send the **Articles of Confederation**—which outlined the national government—to the states for ratification, and those Articles simply made law the unplanned arrangements of the Continental Congress.

Articles of Confederation: The first document that sought to create the terms of a national government. It reserved substantial powers for the states, granting to each state its “sovereignty, freedom and independence.”

Articles of Confederation

The chief organ of national government was a unicameral (one-house) legislature in which each state had one vote.

Its powers included conducting foreign relations, mediating interstate disputes, controlling maritime affairs, regulating Indian trade, and valuing state and national coinage. The United States of America was described as “a firm league of friendship” in which each state “retains its sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.”

The Articles required unanimous consent of state legislatures for ratification or amendment, and a clause concerning western lands proved troublesome.



MAP 7.2

Western Land Claims and Cessions, 1782–1802

After the United States achieved independence, states competed with one another for control of valuable lands to which they had possible claims under their original charters. That competition led to a series of compromises among the states or between individual states and the new nation, indicated on this map.

Source: Copyright © Cengage Learning

The draft accepted by Congress allowed states to retain land claims from their original charters. But states with definite western boundaries (such as Maryland and New Jersey) wanted other states to cede to the national government their land-holdings west of the Appalachian Mountains. They feared states with large claims could expand and overpower their smaller neighbors. Maryland refused to accept the Articles until 1781, when Virginia surrendered its western holdings to national jurisdiction (see Map 7.2). Other states followed, establishing the principle that unorganized lands would be held by the nation.

The unicameral legislature, whether it was called the Second Continental Congress (until 1781) or the Confederation Congress (thereafter), was too inefficient to govern effectively. The Articles' authors had not given adequate thought to the distribution of power within the national government or to the relationship between the Confederation and the states. Their Congress was a legislative body and a collective executive (there was no judiciary), but it had no independent income and no authority to compel states to accept its rulings. Under the Articles, national government lurched from crisis to crisis. (See the appendix for the text of the Articles of Confederation.)

Trials of the Confederation

Finance posed the most persistent problem. Because legislators levied taxes reluctantly, Congress and the states first tried to finance the war by printing currency. Although the money was backed only by good faith, it circulated freely and without excessive depreciation during 1775 and most of 1776. Demand for military supplies and civilian goods was high, stimulating trade and local production.

How did fears of a strong central government ultimately tie the hands of the Confederation Congress?

Financial Affairs

But in late 1776, as the American army suffered reverses in New York and New Jersey, prices rose and inflation set in.

State governments fought inflation by controlling wages and prices and requiring acceptance of paper currency equally with specie (coins). States also borrowed funds, established lotteries, and levied taxes. Their efforts were futile, as was Congress's attempt to stop printing currency and rely on state contributions. By early 1780, it took forty paper dollars to purchase one silver dollar. Soon Continental currency was worthless (see Figure 7.1).

In 1781, faced with total collapse of the monetary system, Congress undertook reforms. After establishing a department of finance under the wealthy Philadelphia merchant Robert Morris, it asked states to amend the Articles of Confederation to allow a national duty of 5 percent on imported goods. Morris put national finances on a solid footing, but the customs duty was never adopted. The states' resistance reflected fear of a too-powerful central government.

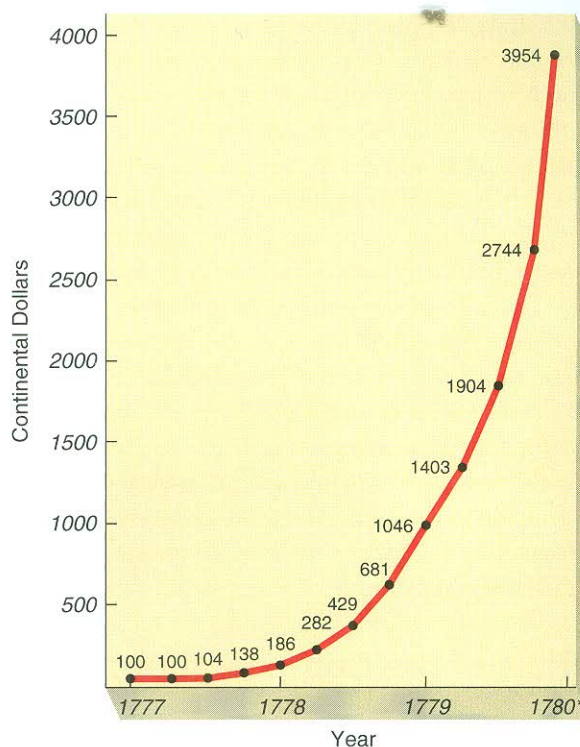
Foreign Affairs

Because the Articles denied Congress the power to establish a national commercial policy, foreign trade exposed the new government's weaknesses. After the war, Britain, France, and Spain restricted American trade with their colonies. Congress watched helplessly as British goods flooded the United States while American produce could no longer be sold in the British West Indies, once its prime market. Although Americans reopened commerce

FIGURE 7.1**Depreciation of Continental Currency, 1777–1780**

The depreciation of Continental currency accelerated in 1778, as is shown in this graph measuring its value against one hundred silver dollars. Thereafter, its value dropped almost daily.

(Source: Data from John J. McCusker, "How Much Is That in Real Money? A Historical Price Index for Use as a Deflator of Money Values in the Economy of the United States," *Proceedings of the American Antiquarian Society*, Vol. 101, Pt. 2 [1991], Table C-1.)



* Currency abandoned in April 1780

with other European countries and started a profitable trade with China in 1784, neither substituted for access to closer and larger markets.

Congress furthermore had difficulty dealing with the Spanish on the nation's southern and western borders. Spain in 1784 closed the Mississippi River to American navigation. Congress, through its Department of Foreign Affairs, opened negotiations with Spain in 1785, but talks collapsed the following year after Congress divided sharply: southerners and westerners insisted on navigation rights, whereas northerners were willing to abandon that claim for commercial concessions in the West Indies.

Peace Treaty Provisions

Provisions of the 1783 Treaty of Paris, too, caused serious problems. Article Four, which promised payment of pre-war debts (most owed by Americans to British merchants), and Article Five, which recommended that states allow loyalists to recover their confiscated property, aroused opposition. States passed laws denying British subjects the right to sue for recovery of debts or property in American courts. Another reason for state opposition was that sales of loyalists' property and possessions had helped finance the war. Because many purchasers were prominent patriots, states hesitated to question the legitimacy of their property titles.

The refusal of state and local governments to comply with Articles Four and Five gave Britain an excuse to maintain military posts on the Great Lakes. Furthermore, Congress's inability to convince states to implement the treaty disclosed its lack of power, even in an area—foreign affairs—in which it had authority under the Articles and undermined the republic's credibility.

Order and Disorder in the West

The United States assumed that the Treaty of Paris cleared its title to all land east of the Mississippi except that held by Spain. Recognizing that land cessions should be obtained from the most powerful tribes, Congress initiated negotiations with northern and southern Indians.

What was the significance of the Northwest Ordinance?

Indian Relations

At Fort Stanwix, New York, in 1784, American diplomats negotiated a treaty with chiefs who claimed to represent the Iroquois; and at Hopewell, South Carolina, in late 1785 and early 1786, they negotiated with emissaries from the Choctaw, Chickasaw, and Cherokee nations. In 1786, the Iroquois repudiated the Fort Stanwix treaty, denying that the negotiators were authorized to speak for the Six Nations. The confederacy threatened new attacks on frontier settlements, but the flawed treaty stood. By 1790, the once-dominant confederacy was confined to a few scattered reservations. In the South, too, the United States took the treaties as confirmation of its sovereignty. European-Americans poured over the southern Appalachians, provoking the Creeks to declare war. In 1790, they came to terms with the United States.

Western nations, such as the Shawnees, Chippewas, Ottawas, and Potawatomis, rejected Iroquois hegemony as early as the 1750s. After Iroquois power collapsed, they formed a confederacy and demanded negotiations with the United States. As a united front, they hoped to avoid the piecemeal surrender of land by individual bands and villages. But in the postwar world, Indian nations could no longer play European and American powers against one another. France was gone; Spanish territory lay far to the west and south; and British power was confined to Canada. Only the United States remained.

Ordinance of 1785

Shortly after state land cessions were completed, Congress organized the Northwest Territory, bounded by the Mississippi River, the Great Lakes, and the Ohio River (see Map 7.2). Ordinances passed in 1784, 1785, and 1787 outlined the process through which the land could be sold and governments organized.

Congress in 1785 wanted the land surveyed into townships 6 miles square, each divided into 36 sections of 640 acres (1 square mile). Revenue from the sale of the sixteenth section of each township would support public schools—the first federal aid to education in American history. One dollar was the minimum price per acre; the minimum sale was one section. The resulting minimum outlay, \$640, was unaffordable for ordinary Americans, except veterans who received part of their army pay in land warrants. Proceeds from western land sales constituted the first independent revenues available to the national government.

Northwest Ordinance

The most important of the three land policies—the Northwest Ordinance of 1787—contained a bill of rights guaranteeing settlers freedom of religion and the right to a jury trial, forbidding cruel and unusual punishments, and nominally prohibiting slavery. Eventually, that prohibition became an important symbol for antislavery northerners, but at the time it had little effect. Some residents already held slaves, and Congress would not deprive them of their property. The ordinance also allowed slaveowners to “lawfully

reclaim” runaways who took refuge in the territory—the first national fugitive slave law. It prevented slavery from taking deep root by discouraging slaveholders from moving into the territory, but enslavement was not abolished in the Old Northwest until 1848.

The ordinance of 1787 also specified how territorial residents could organize state governments and seek admission to the Union. Early in the nation’s history, therefore, Congress established a policy of admitting new states on the same basis as the old. Having suffered under the rule of a colonial power, congressmen understood the importance of preparing the new nation’s first “colony” for eventual self-government. In 1787, the ordinance was purely theoretical. Miamis, Shawnees, and Delawares refused to acknowledge American sovereignty and attacked pioneers who ventured too far north of the Ohio River. In 1788, the Ohio Company, to which Congress had sold a large tract of land, established the town of Marietta at the juncture of the Ohio and Muskingum Rivers. But Indians prevented the company from extending settlement into the interior.

Not until after the Articles of Confederation were replaced with a new constitution could the United States muster sufficient force to implement the Northwest Ordinance. Thus, although the ordinance is often viewed as one of the few lasting accomplishments of the Confederation Congress, it existed within a context of political impotence.

From Crisis to the Constitution

How did the question of slavery become linked to the new U.S. Constitution?

Under the Articles of Confederation, Congress could not levy taxes, force states to establish a uniform commercial policy, or enforce treaties. Partly as a result, the American economy slid into a depression within a year after war’s end. Exporters of staple crops (especially tobacco and rice) and importers of manufactured goods suffered from the postwar restrictions that European powers imposed on American commerce. Although recovery began by 1786, some estimates suggest that between 1775 and 1790 America’s per capita gross national product declined by nearly 50 percent.

Taxation and the Economy

The near-total cessation of foreign commerce in non-military items during the war stimulated domestic manufacturing. Despite the influx of European goods after 1783, the postwar period witnessed stirrings of American industrial development. Because of continuing population growth, the domestic market assumed greater importance. Moreover, foreign trade patterns shifted from Europe and toward the West Indies. Foodstuffs shipped to the French and Dutch Caribbean islands became America’s largest export, replacing tobacco (and thus accelerating the Chesapeake’s conversion to grain). South Carolina resumed large-scale slave importation, as planters sought to replace workers lost to wartime disruptions. Yet without British subsidies American indigo could not compete with Caribbean indigo, and rice planters struggled to find new markets.

Representatives of Virginia and Maryland met at Mount Vernon (George Washington’s plantation) in March 1785 to negotiate a trade agreement on the Potomac River, which divided the two states. The successful meeting led to an invitation to other states to discuss trade policy at a convention in Annapolis, Maryland. Nine

states named representatives to the meeting in September 1786, only five delegations attended. Consequently, they issued a call for another convention in Philadelphia nine months later, "to devise such further provisions as shall ... appear necessary to render the constitution of the federal government adequate to the exigencies of the Union."

Initially, few other states responded. But states had huge war debts, issuing securities to soldiers instead of pay and to others for supplies and loans. During the hard times of the early 1780s, many veterans and other creditors sold those securities to speculators, who stood to gain when states taxed the citizenry to pay them off. In 1785, Congress requisitioned more taxes from the states to cover national war bonds. Most states tried to comply, but popular protests led the legislatures to adopt laws relieving taxpayers of some obligations. In Massachusetts, when the state levied heavy taxes at full price in specie, farmers who feared having to sell their land to pay the tax, responded furiously. The actions of men from the state's western counties, many of them veterans from leading families, proved that reform was needed.

Shays's Rebellion

Daniel Shays, a former Continental Army officer, led the disgruntled westerners. On January 25, 1787, about fifteen hundred troops assaulted the Springfield federal armory. The militiamen defending the armory fired on their former comrades-in-arms, who withdrew after suffering twenty-four casualties. Some (including Shays) fled the state; two were hanged; and most escaped punishment by paying small fines and taking oaths of allegiance to Massachusetts. The state legislature reduced the burden on landowners with new import duties and by easing tax collections.

Terming Massachusetts "tyrannical" and styling themselves "Regulators," Shaysites insisted that "whenever any encroachments are made either upon the liberties or properties of the people, if redress cannot be had without, it is virtue in them to disturb government." Thus, they linked their rebellion to the earlier independence struggle.

Constitutional Convention

To political leaders, the rebellion confirmed the need for a stronger federal government. After most states appointed delegates, the Confederation Congress belatedly endorsed the convention, "for the sole and express purpose of revising the Articles of Confederation." In mid-May 1787, fifty-five men, representing every state but Rhode Island, assembled in Philadelphia.

Most delegates to the Constitutional Convention were substantial men of property. They wanted to give the national government new authority over taxation and foreign commerce, but also sought to advance their states' interests. Many had been state legislators, and some helped to draft state constitutions. Most were born in America; more than half had attended college. The youngest delegate was twenty-six, the oldest—Benjamin Franklin—eighty-one. George Washington was elected presiding officer. A dozen men did the bulk of the convention's work; among them Virginia's **James Madison** deserves the title "Father of the Constitution."

Madison and the Constitution

The shy James Madison was thirty-six years old in 1787. A Princeton graduate raised in western Virginia, he served on the local Committee of Safety and was elected to the provincial convention, the state's lower and upper houses, and the Continental

James Madison: Known as the "Father of the Constitution" and was elected President of the United States in 1808.



James Madison (1751–1836), the youthful scholar and skilled politician who earned the title “Father of the Constitution.”

Virginia Plan: A proposal calling for the establishment of a strong central government rather than a confederation of states. It gave Congress virtually unrestricted rights of legislation and taxation, power to veto any state law, and authority to use military force against the states.

New Jersey Plan: A proposal calling for a single-chamber congress in which each state had an equal vote, just as the Articles, but strengthened the taxing and commercial powers of Congress.

Library of Congress

Congress (1780–1783). Although Madison returned to serve in the Virginia legislature in 1784, he kept up with national politics, partly through correspondence with his friend Thomas Jefferson.

To prepare for the Philadelphia meeting, Madison bought more than two hundred books on history and government, analyzing their accounts of past confederacies and republics. He summed up his research in a paper entitled “Vices of the Political System of the United States.” After listing the flaws he perceived in the current government (among them “encroachments by the states on the federal authority” and lack of unity), Madison revealed his belief that the government had to be constructed so it could not become tyrannical or fall under the influence of a particular faction. Rejecting the common assertion that republics had to be small, Madison asserted that a large, diverse republic was preferable. Because the nation would include many factions, no one of them could control the government. Political stability would result from compromises among the contending parties.

Virginia and New Jersey Plans

The so-called **Virginia Plan**, introduced on May 29 by Edmund Randolph, embodied

Madison’s conception of national government. The plan provided for a two-house legislature, the lower house elected directly by the people and the upper house selected by the lower; representation in both houses proportional to property or population; an executive elected by Congress; a national judiciary; and congressional veto over state laws. Had it been adopted intact, it would have created a government in which national authority reigned unchallenged and state power was diminished. Proportional representation in both houses would also have given large states a dominant voice in the national government.

Many delegates believed the Virginia Plan went too far toward national consolidation. After two weeks of debate, disaffected delegates—particularly those from small states—united under William Paterson of New Jersey. On June 15, Paterson presented an alternative, the **New Jersey Plan**, calling for strengthening the Articles rather than overhauling the government. Paterson proposed retaining a unicameral Congress in which each state had an equal vote, but giving Congress new powers of taxation and regulation. Although the convention initially rejected Paterson’s position, he and his allies won several victories in subsequent months.

Debates over Congress The delegates agreed that the new national government should have a two-house (bicameral) legislature. Further, they concurred that “the people” should be directly represented in at least one house. But they differed on three key questions: Should representation in both houses of Congress be proportional to population? How was representation to be apportioned among the states? How were the members of the two houses to be elected?

The last issue proved the easiest to resolve. Delegates thought it “essential” that the lower branch of Congress be elected directly by the people and “expedient” that members of the upper house be chosen by state legislatures. If the convention had not agreed to allow state legislatures to elect senators, the Constitution would have run into opposition among state leaders. The plan also placed the election of one house of Congress one step removed from the “lesser sort,” whose judgment wealthy convention delegates did not trust.

The delegates accepted the principle of proportional representation in the House of Representatives. But small states wanted equal representation in the Senate, which would give them relatively more power at the national level. Large states supported a proportional plan that would give them more votes in the upper house. For weeks, the convention deadlocked. A committee appointed to devise a compromise recommended equal representation in the Senate, with a proviso that all appropriation bills originate in the lower house. But only the absence of several opponents of the compromise during the vote averted a breakdown.

Slavery and the Constitution

The remaining question of how to apportion representation in the lower house divided the nation along sectional lines. Delegates concurred that a census should be conducted every decade to determine the nation’s population and that Indians who paid no taxes should be excluded. Delegates from states with large slave populations wanted African and European inhabitants counted equally; delegates from states with few slaves wanted only free people counted. Slavery thus became linked to the new government. Delegates resolved the dispute with a formula developed by the Confederation Congress in 1783 to allocate financial assessments among states: three-fifths of slaves would be included in population totals. (The formula reflected delegates’ judgment that slaves were less efficient producers of wealth than free people, not that they were 60 percent human and 40 percent property.) Although the words slave and slavery do not appear in the Constitution, the document contained direct and indirect protections for slavery. The **three-fifths clause**, for example, assured white southern male voters congressional representation out of proportion to their numbers and a disproportionate influence on the selection of the president, because the number of each state’s votes in the electoral college was determined by the size of its congressional delegation. In return for southerners’ agreement that commercial regulations could be adopted by a simple majority vote (rather than two-thirds), New Englanders agreed that Congress could not end the importation of slaves for twenty years. The fugitive slave clause required states to return runaways to their masters. By guaranteeing national assistance to states threatened with “domestic violence,” the Constitution promised aid in putting down future slave revolts and incidents like Shays’s Rebellion.

Congressional and Presidential Powers

With issues of slavery and representation resolved, delegates concurred that the national government needed the authority to tax and to regulate foreign and interstate commerce. But instead of giving Congress the wide latitude of the Virginia Plan, delegates enumerated congressional powers and then granting Congress the “necessary and proper” authority to carry them out. Discarding the Virginia Plan’s congressional veto, the convention implied but did not explicitly authorize a national

three-fifths clause: Allowed three-fifths of all slaves to be counted for congressional representation and, thereby, in the electoral college that selected the president.

judicial veto of state laws. The Constitution plus national laws and treaties would constitute “the supreme law of the land; and the judges in every state shall be bound thereby,” Article VI declared ambiguously. Delegates drafted a long list of actions forbidden to states, including impairing contractual obligations—that is, preventing the relief of debtors. And they provided that religious tests could never be required of U.S. officeholders.

The convention placed primary responsibility for foreign affairs with a new official, the president, who was also designated commander-in-chief of the armed forces. That raised the question, unspecified in the Constitution’s text, of whether the president or Congress acquired special powers in wartime. With the Senate’s consent, the president could appoint judges and other federal officers. To select the president, delegates established the electoral college, whose members would be chosen in each state by legislatures or voters. If a majority of electors failed to unite behind one candidate, the House of Representatives (voting as states, not as individuals) would choose the president. The chief executive would serve for four years but be eligible for reelection.

The key to the Constitution was the distribution of political authority—its **separation of powers** among executive, legislative, and judicial branches of the national government, and division of powers between states and nation (called **federalism**). Two-thirds of Congress and three-fourths of the states had to concur on amendments. The branches balanced one another, their powers entwined to prevent each from acting independently. The president could veto congressional legislation, but that veto could be overridden by two-thirds majorities in both houses, and his treaties and major appointments required the Senate’s consent. Congress could impeach the president and federal judges, but courts would have the final say on interpreting the Constitution. These **checks and balances** would keep the government from becoming tyrannical, but at times, they prevented the government from acting quickly and decisively. Furthermore, the Constitution drew such a vague line between state and national powers that the United States fought a civil war in the next century over that issue.

The convention held its last session on September 17, 1787. Of the forty-two delegates present, only three refused to sign the Constitution, two partly because it lacked a bill of rights. Benjamin Franklin encouraged unity, admitting, “I confess that there are several parts of this constitution which I do not at present approve.” Yet he urged its acceptance “because I expect no better, and because I am not sure, that it is not the best.” Only then was the Constitution made public. (See the appendix for the full text of the Constitution.)

Opposition and Ratification

Later the same month, the Confederation Congress submitted the Constitution to the states. The ratification clause provided for the new system to take after approval by special conventions in at least nine states. Thus the national Constitution, unlike the Articles of Confederation, would rest directly on popular authority.

As states elected delegates to the special conventions, newspaper essays and pamphlets defended or attacked the Philadelphia convention’s decisions. Every newspaper in the country printed the Constitution, and most supported its

separation of powers: The establishment of three distinct branches of government each with varying political powers.

federalism: System in which states and central governments have distinctive roles and powers.

checks and balances: A separation of powers between the various branches of government, designed to prevent one branch from dominating the others.

What were the differences between Federalists and Antifederalists in the Constitution debate?

adoption. Although most citizens concurred that the national government should have more power over taxation and foreign and interstate commerce, some believed the proposed government held the potential for tyranny. As happened in Carlisle, Pennsylvania, the debate frequently spilled out into the streets.

Federalists and Antifederalists

Supporters of the proposed Constitution called themselves **Federalists**. Building on classical republicanism, they envisioned a virtuous, collectivist, self-sacrificing republic led by a manly aristocracy of talent. They argued that putting good, elite men in charge of a carefully structured government would eliminate the possibility of tyranny. A republic could be large if the government's design prevented any one group from controlling it. The separation of powers among legislative, executive, and judicial branches, and the division of powers between states and nation, would accomplish that.

The Federalists termed those who opposed the Constitution **Antifederalists**, thus casting them negatively. While recognizing the need for a national source of revenue, Antifederalists feared a too-powerful central government. To them, states were the protectors of individual rights; consequently, weakening the states could bring arbitrary power. Antifederalist arguments often listed potential abuses of government authority.

Heirs of the Real Whig ideology of the late 1760s and early 1770s, Antifederalists stressed the need for constant vigilance to avert oppression. Indeed, some of the Antifederalists had originally promulgated those ideas—Samuel Adams, Patrick Henry, and Richard Henry Lee led the opposition to the Constitution. Joining them were small farmers preoccupied with guarding their property against excessive taxation, backcountry Baptists and Presbyterians, and upwardly mobile men who would benefit from an economic and political system less tightly controlled than that the Constitution envisioned.

Bill of Rights

Antifederalists focused on the Constitution's lack of a bill of rights. Even if the new system weakened the states, people could be protected from tyranny by specific guarantees of rights. The Constitution did contain some prohibitions on congressional power. For example, the writ of habeas corpus, which prevented arbitrary imprisonment, could not be suspended except in "cases of rebellion or invasion." But Antifederalists found such constitutional provisions to be few and inadequate. They wanted a bill of rights.

Letters of a Federal Farmer, perhaps the most widely read Antifederalist pamphlet, listed the rights that should be protected: freedom of the press and religion, trial by jury, and guarantees against unreasonable searches. From Paris, Thomas Jefferson declared, "A bill of rights is what the people are entitled to against every government on earth."

Ratification

Many states were persuaded when Federalists argued that a national government with the power to tax foreign commerce would lessen the financial burdens that had prompted Shays's Rebellion and similar protests elsewhere. Four of the first five states to ratify did so unanimously, but disagreements then surfaced. Massachusetts, where Antifederalist forces were bolstered by a backlash against the state's heavy-handed treatment of the Shays rebels, ratified by a majority of only 19 of 355 votes cast and recommended amendments

Federalists: The name supporters of new Constitution gave themselves during the ratification struggle.

Antifederalists: So dubbed by the Federalists, the Antifederalists were opposed to the Constitution because they feared it gave too much power to the central government and it did not contain a bill of rights.



[Link to "The Federalist Papers."](#)



[Link to Letters of a Federal Farmer.](#)

TABLE 7.1 Ratification of the Constitution by State Conventions

State	Date	Vote
Delaware	December 7, 1787	30-0
Pennsylvania	December 12, 1787	46-23
New Jersey	December 18, 1787	38-0
Georgia	January 2, 1788	26-0
Connecticut	January 9, 1788	128-40
Massachusetts	February 6, 1788	187-168
Maryland	April 28, 1788	63-11
South Carolina	May 23, 1788	149-73
New Hampshire	June 21, 1788	57-47
Virginia	June 25, 1788	89-79
New York	July 26, 1788	30-27
North Carolina	November 21, 1789	194-77
Rhode Island	May 29, 1790	34-32

identifying rights. In June 1788, when New Hampshire ratified, the requirement of nine states was satisfied. But New York and Virginia had not yet voted, and the new Constitution could not succeed without those key states.

Pro-Constitution forces won by 10 votes in the Virginia convention, which recommended adding rights specifications. In New York, James Madison, John Jay, and Alexander Hamilton, writing collectively as “Publius,” published *The Federalist*, eighty-five essays explaining the theory behind the Constitution and answering critics. Their arguments, coupled with Federalists’ promise to add a bill of rights, helped win the battle. On July 26, 1788, New York ratified the Constitution by just 3 votes. Although the last states—North Carolina and Rhode Island—did not join the Union until November 1789 and May 1790, respectively, the new government was a reality. (See Table 7.1 for the details of ratifying convention votes.)

Celebrating Ratification Americans in many cities celebrated ratification with parades on July 4, 1788, linking the acceptance of the Constitution to the adoption of the Declaration of Independence. The processions dramatized the history and unity of the new nation, seeking to counteract the dissent that had engulfed such towns as Carlisle, Pennsylvania. The processions aimed to educate people about the Constitution’s significance and political leaders’ hopes for industry and frugality by the American public.

About five thousand people participated in the Philadelphia parade. Floats portraying such themes as “The Grand Federal Edifice” stretched for a mile and a half. More than forty groups of tradesmen sponsored floats, followed by lawyers, doctors, clergymen, and congressmen. Symbolizing the nation’s future, students from the University of Pennsylvania and other schools bore a flag labeled “The Rising Generation.”



Legacy for a People and a Nation

The Township and Range System

Anyone flying over the American countryside west of the Appalachians today can see the township and range system inscribed on the landscape. Roads cross the land in straight lines, meeting at 90-degree angles, carving the terrain into a checkerboard. Originated in the Land Ordinance of 1785, that system organized land sales in the Northwest Territory.

English and native peoples traditionally bounded their lands by natural landmarks such as hills, streams, trees, and rock outcroppings. That system was known as *metes and bounds*. Some early settlers employed surveyors, who created lots of varying sizes divided by lines laid out abstractly on the soil. Sometimes those lines related to natural features, such as the long, narrow lots in French Canada that fronted on the St. Lawrence River.

But because North America was settled piecemeal, no one system dominated until the Land Ordinance of 1785. Thereafter, the ordinance's system became the template for the U.S. government's land distribution.

After a surveyor established an east-west baseline and a north-south meridian on a particular tract, he laid out rectangular townships composed of thirty-six numbered square-mile sections. He ignored natural features; potential buyers would learn for themselves which sections had rivers, hills, or assets like salt licks. The initial policy of selling equally priced sections gave way by 1832 to allow individuals to purchase as few as 40 acres and, after 1854, to price variations. As the United States expanded westward, the township and range system followed, democratizing access to land and opening land for settlement.

The legacy of the Land Ordinance of 1785 for the American people and nation still marks the landscape west of the Ohio River.

Summary

During the 1770s and 1780s, the nation developed an economy independent of the British and attempted to protect the national interest, defend its borders, and promote trade. Some Americans outlined artistic and educational goals for a properly virtuous people. The formulation of American racist thought was also part of the developing Union. Emphasizing race (rather than status as slave or free) as a determinant of African Americans' status allowed men who now termed themselves "white" to define republicanism to exclude most men but themselves. White women, viewed as household dependents, had a limited role in the republic, as mothers of the next generation and as selfless contributors to the nation's welfare.

In 1775, most Americans believed that "that government which governs best governs least," but by the late 1780s many changed their minds. Drafters and supporters of the Constitution concluded that a more powerful central government was needed. During ratification debates, they contended that their proposals were just as "republican" as the Articles of Confederation.

Both sides adhered to republican principles, but Federalists embraced classical republicanism, stressing the community over the individual. Antifederalists wanted a weak central government, formal protection of individual rights, and a loosely regulated economy. The Federalists won when the Constitution was adopted, however narrowly. The 1790s, the first decade under the Constitution, would witness hesitant steps toward creating a true nation, the United States of America.

Chapter Review

Creating a Virtuous Republic

How were notions of republican virtue gendered in post-revolutionary America?

Leaders wanted the new United States to be a republican form of government, and while they debated the specifics, they agreed that in a republic, citizens were virtuous men willing to forgo personal profit for the best interests of the nation. The notion of virtue—the absence of vice or corruption—became increasingly important and inspired educational reform to help children become useful citizens. Some argued that since childrearing was women's role, they, too, would need education to help raise virtuous future citizens. Since women could not own property or participate in politics, their role was as the embodiment of self-sacrificing republicanism, using their nurturing skills to run charitable associations aiding the poor and others. This, in turn, conveyed virtue on their families and freed men to pursue their economic self-interests. The ideal republican male sought upward mobility for himself and his family, while the ideal republican woman put the needs of others first.

The First Emancipation and the Growth of Racism

What contributed to the growing number of free blacks in America after the revolution?

Slaves who escaped plantations during the war, those who served in the military, or those who had been freed by their owners or state laws accounted for many of the 60,000 free people of color in the U.S. by 1790 and 108,000 by 1800. Northern states, which were less reliant on slave labor, increasingly freed slaves and were more likely to adopt laws abolishing slavery. But even there, many states respected owners' "property rights" and preferred gradual manumission over outright abolition. In the courts, too, blacks challenged the contradictions between forced bondage and the ideology of the Revolution, and while often unsuccessful, their actions forced policymakers to grapple with this issue. Postwar economic changes also spurred manumissions, particularly in the Chesapeake, where the shift from tobacco to grain production meant far fewer slaves were required, doubling the free black population in Virginia between 1790 and 1810, for example.

Designing Republican Governments

How did Americans' former experience as British subjects influence the state governments they established?

Coming from their experience under Great Britain, Americans feared the prospect of tyranny developing in the new nation, and as such, early state constitutions sought to limit governors' power through annual elections and term limitations. They further provided little independent authority for governors while expanding that granted to legislatures, typically in a two-house structure. And states put more power in the hands of the people by redrawing election districts to reflect the population and reducing property requirements for voting. To protect citizens' rights, several states included a bill of rights guaranteeing freedom of the press, rights to fair trials, and sometimes freedom of religion even if officeholders had to be Christians. Ultimately, the emphasis on preventing tyranny made states weak politically. Subsequent revisions to state constitutions in the mid-1780s increased the power of the governor and reduced that of the legislature via a system of checks and balances.

Trials of the Confederation

How did fears of a strong central government ultimately tie the hands of the Confederation Congress?

The Articles of Confederation limited congressional power in a number of areas that, in turn, led to financial and policy problems for the new nation. First, because of state resistance to a large central government, a much-needed customs duty was never adopted. Second, Congress's limited ability to establish a national commercial policy left it unable to take action when Britain, France, and Spain restricted American trade. Third, Congress had little power to enforce the 1783 Treaty of Paris's promises that prewar debts (owed by Americans to British merchants) would be repaid and that loyalists would be able to recover confiscated property. States passed various laws prohibiting both, which gave the British an excuse to maintain military posts on the Great Lakes. Worse, the inability to enforce the treaty hurt the republic's credibility in foreign affairs.

What was the significance of the Northwest Ordinance?

One of the lasting accomplishments of the Confederation Congress, the Northwest Ordinance of 1787 effectively outlined how territory gained in the Treaty of Paris would be organized, how land could be divided and sold, how new states would be admitted to the Union, as well as the rights of people living there. It included a bill of rights guaranteeing freedom of religion and the right to a jury trial, and it forbade cruel and unusual punishments and nominally prohibited slavery. But its ban on slavery was more symbolic than actual because it did not deny slaveholders living in the territory to the right of their property and included the first fugitive slave law. Still, it discouraged slaveholders from moving into the territory and prevented slavery from taking hold on a large scale.

From Crisis to the Constitution

How did the question of slavery become linked to the new U.S. Constitution?

Slavery came into play at the Constitutional Convention as states debated how their populations should be counted in determining the number of representatives each would get in the lower house of Congress. Slave states wanted their bondspople fully counted, while those from states with few slaves wanted only free people counted. The dispute was resolved by a formula known as the three-fifths compromise, noting that three-fifths of slaves would be included in population totals used to determine congressional districts. While the words *slave* and *slavery* are not used in the Constitution, it nonetheless included direct and indirect protections for slavery, among them assistance in putting down revolts, returning fugitive slaves to masters, and agreeing not to end the importation of bondspople for twenty years.

What were the differences between Federalists and Antifederalists in the Constitution debate?

Federalists supported ratification of the Constitution and believed a strong national government led by a talented elite. Moreover, they argued that dividing power between the legislative, executive, and judicial branches, as well as between states and the nation, would prevent one faction from controlling the government or a tyrant from seizing power. Antifederalists, so dubbed by their opponents, feared a too-powerful central government and saw states as protectors of individual rights. As such, they supported state sovereignty, and while they agreed on the need for central currency and taxation, Antifederalists were concerned that the Constitution did not include a bill of rights to safeguard people's individual rights.

Suggestions for Further Reading

- Richard Beeman, *Plain, Honest Men: The Making of the American Constitution* (2009)
Ira Berlin and Ronald Hoffman, eds., *Slavery and Freedom in the Age of the American Revolution* (1983)
Cathy N. Davidson, *Revolution and the Word: The Rise of the Novel in America* (1987)
Edith Gelles, *Portia: The World of Abigail Adams* (1992)
Woody Holton, *Unruly Americans and the Origins of the Constitution* (2007)
Peter S. Onuf, *Statehood and Union: A History of the Northwest Ordinance* (1987)
Jack N. Rakove, *Original Meanings: Politics and Ideas in the Making of the Constitution* (1996)
Leonard L. Richards, *Shays's Rebellion: The American Revolution's Final Battle* (2002)
David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776–1820* (1997)
Gordon S. Wood, *The Creation of the American Republic, 1776–1787* (1969)



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