

Historiography of Early American political thought has existed for as long as the country has existed. In fact, the *Federalist Papers* which were written by Hamilton, Madison, and Jay sought to provide the context and rationale for exactly what the Framers had intended when they created the Constitution during the 1787 Constitutional Convention. As Lance Banning has noted in the *Jeffersonian Persuasion*, the politicians and social elites of the Founding Era were prolific writers. As noted by Bernard Bailyn, the colonists and early Americans had also inherited a rich tradition of cheap print in the form of pamphlets and broadsides from their British cousins, and also engaged heavily in this kind of authorship. However, it is impossible to understand any major time period within American history without understanding the historiography of that particular period of time.

Understanding the particular political discussions which took place in between the Stamp Act Crisis and the Constitutional Convention is critical to understanding the events of that time period. Lance Banning, in his 1978 book *The Jeffersonian Persuasion*, spends an entire chapter discussing the broader British context in which these events occurred. Bernard Bailyn similarly derived much of the meaning of the political discussions of the Founding from their broader British context in his 1967 classic, *The Ideological Origins of the American Revolution* (1967). Forrest McDonald likewise did the same in his *Novus Ordo Seclorum: The Intellectual Origins of the Constitution* (1985). These are just a small sample of a much larger body of literature which essentially argued that in order to understand the Founding, one must

understand the British political context in which the British colonists in America participated and derived their own meaning from the concept of British republicanism.

Beginning at the turn of the 19<sup>th</sup> century, the key historiographical argument which existed during that time period was the historiographical argument between the Federalists and the anti-Federalists about the particulars regarding the federalist nature of the American government. In particular, Thomas Jefferson and John Adams engaged in a bitter dispute for almost two decades about the nature of the Union and the rightful power of the states. This conflict was best exemplified by the *Kentucky and Virginia Resolutions* written in response to *Adams' Alien and Sedition Acts (1798)*. These documents collectively articulated the position of a strong nationalist government for the Adams administration, and the counter-argument made by Madison and Jefferson for the anti-federalist position. Robert E. Ross notes in his book, *The Framers' Intentions: The Myth of the Nonpartisan Constitution (2019)*, that partisan politics played an integral role in the development of the country's historiography of the Founding Era. In fact, Ross argued that the creation of the 12<sup>th</sup> Amendment virtually assured the continuation of political parties by forcing a construct by which a Presidential and Vice-Presidential candidate could be associated with one another. The so-called "Era of Good Feelings" seemed to outwardly create a general sense of consensus within the anti-Federalist framework, but this consensus was, indeed, only a façade. The issue first raised by the *Alien and Sedition Acts* was ultimately defeated by time, as the acts expired with Adams' presidency, delaying but not stopping the debate on these issues.

The façade was apparent by the War of 1812, which many Federalists, particularly in the North, began to interpret as "Mr. Madison's War." By the time of the Hartford Convention,

held in 1814, strong sectional allegiances had developed, and the nation was embroiled in a full debate about the nature of federalism yet again, this time in a trial by fire. The War of 1812 was detrimental to Northern interests, and therefore brought up anew the idea of state sovereignty over the national government. Henry Adams, writing at the turn of the 20<sup>th</sup> century, articulated this viewpoint while synthesizing it with the Federalist perspective generally. In this case, the Federalists and Adams interpreted the Founding principle of republicanism to mean that the national government was obligated to abstain from the conflict with Britain because of the negative impact it would have on the People as a whole.

Perhaps the most influential historiography of the Framers' Intentions during the antebellum period was that of South Carolina Senator John C. Calhoun. While absolutely linked to the issue of slavery, Calhoun nevertheless posited a totally novel interpretation of the Founding Era and the political thought of the Framers when he argued that state sovereignty was above the national government itself, and was, in fact, intended to be a restraint on its power. Calhoun consistently articulated this ideology throughout the antebellum era, and his historiographical interpretation of the nature of the federalism articulated in the Constitution became one of the dominant perspectives until the end of the Civil War. Frederick Bancroft, for whom the Bancroft Award is named, argued in *Calhoun and the South Carolina Nullification Movement (1928)* that the crisis had more to do with economic factors than it did political interpretation, giving a totally different perspective on the nature of the interpretive crisis. In Bancroft's opinion, economic interests tied to the tariffs was a more compelling driver for the constitutional crisis, rather than a debate about the nature of constitutionalism itself.

In the period of time between the election of 1860 and the taking of Fort Sumter by the South Carolinians, a particularly vibrant debate regarding the historiography of the Founding took place, particularly within the border states which had not declared secession from the Union, but remained sympathetic to the Confederate states generally. The *Showdown in Virginia: The 1861 Convention and the Fate of the Union*, edited by Craig M. Simpson and William W. Freehling illustrated the direction of this debate within Virginia, which serves in many ways as a microcosm for the nation in general. Southern Fire-eaters and Unionists squared off and again used alternate interpretations of the Founding Era to reinforce their own policy decisions.

After the Civil War had ended, Cynthia Nicoletti noted in *Secession on Trial: The Treason Prosecution of Jefferson Davis* (2017), that rather than resolve the debate surrounding the nature of federalism, many political theorists and historians chose instead to side-step the issue completely, and to take a compromised position which neither affirmed nor denied the essential debate between state and national sovereignty. According to Nicoletti, this was the main motivation for never putting Jefferson Davis on trial. Gaines M. Foster noted in his 2018 article, "What's Not in a Name: The Naming of the American Civil War," that even the fact that politicians of the early 20<sup>th</sup> century chose to call the conflict the "civil war" rather than the "War of Southern Rebellion" or "War Between the States."

At the same time, a progressive interpretation of history and the nature of the Founding was taking place. This is the era in which Henry Adams, Bancroft, and Charles A. Beard were all formulating economic explanations of the Founding Era, rather than concepts rooted in natural law. Adams, Bancroft, and Beard all described the Founders as a landed aristocracy which used

republican principles as an excuse to protect their own economic interests. During this time period, there was little interest in explaining the Founding based on political principles, or even based on what the Founders themselves said they were attempting to do. Rather, this interpretation completely pivoted the federalist (and democratic) and anti-federalist (and republican) arguments to ones of power politics. In an era where progressive amendments instituted an income tax and totally reinterpreted the function of the Senate from representing the states generally, and functionally the political elites of the states (who controlled their respective legislatures), to an institutional body that represented “the People,” this should not be surprising. There is very little that can be taken in the way of the ideology of either the anti-Federalists or the Federalists of 1789 to justify this expansion of power, and so progressive historians simply didn’t try.

By the 1960’s, two competing viewpoints had emerged in constitutional scholarship generally. Many of the neo-conservative authors who argued for understanding the Framers’ writing within its own time have already been mentioned earlier in this essay. Bailyn, McDonald, Banning, and many other scholars have contributed to this argument. Murray Rothbard, although an economist, also delved deeply into the political ideology of the Founders. The neo-conservative historians began to investigate originalist interpretations of the Constitution, as demonstrated by Raoul Berger’s 1971 book, *Government by Judiciary*. In Berger’s book, he interprets both the Founders and later debates about the 14<sup>th</sup> Amendments within an originalist framework that sought to preserve the natural rights and federalist context of these debates.

In large part, the neo-conservative historians sought to counteract the continuing claims made by progressive and Marxist historians that the Founders were essentially a bourgeoisie that was primarily interested in the continuation of their power. C. B. Macpherson came to articulate this political principle in his 1962 book, *Possessive Individualism*. Although Macpherson never mentioned the American Founding (or American ideology at all) in the book, the implications of tying British capitalistic thought to the theories of Locke and Harrington were useful to a whole generation of Marxist historians seeking to build on Beard's construct, by marrying the economic interpretation of the Founding generation to the Marxist narrative of oppressor and oppressed.

These general trends continue in modern historiography. There are historians who seek to explain the political thoughts of the Founding generation within their original context. These historians, as Bailyn does in *The Ideological Origins of the American Revolution*, tend to emphasize the influence of Greco-Roman ideals, Whig oppositionists (like Trenchard and Gordon), British Libertarians (like Locke), and contemporary Enlightenment thinkers (like Hume.) Generally speaking, these historians seek to understand the Founding principles in their original context and tend to put a big emphasis on accepting that they generally meant what they debated and argued about. Opposed to this viewpoint is the Progressive/Marxist narrative which interprets the actions of the Founders' actions as self-serving economic decisions to preserve their own oligarchical stranglehold on power to enslave the masses. This interpretation has led to historical arguments like the one made by Matthew Lockwood in *To Begin the World Over Again: How the American Revolution Devastated the Globe (2019)*. Lockwood's book, published by Yale University Press, asserts that the American Revolution had

a domino effect which embroiled societies all over the world in conflict. Since the British no longer controlled the American colonists, Lockwood argued, they were forced to enter a new phase of colonialism leading to the atrocities of the Imperial Era. Other narratives within the current oppressor/oppressed Marxist framework include works that seek to make the Founders out to be racists and misogynists. There is no nuanced discussion of the principles of democracy and republicanism or federalism of the Founding Era at all in these historical interpretations.

This is why I believe that the future of the scholarship regarding the Early American period will become a renewed debate between originalists and progressive/Marxist historians. The future of the debate in the field really needs to be over historiography, and to establish definitely that principles did matter to the men (and women like Abigail Adams and Mercy Otis Warren) who engaged in rich and vibrant debates about the principles which created this nation. A nuanced explanation of Jefferson's ownership of slavery needs to be written. Jefferson clearly believed that slavery was unnatural and was something for which the nation would pay in blood at some point in the future. He also believed that in the short-term, without education and republican virtues which could allow enslaved people to become free (in the commonwealth/*res publica* tradition), granting them freedom may do more harm than good. Should enslaved people be responsible for their own well-being, they may be relinquished to destitution and servitude anew. This perspective was not unique to Jefferson but was held by other men like Henry Clay as well, who also owned a few slaves and morally opposed the institution but believed that within a republican framework, it was a short-term necessary evil.

To say that this history needs to be written is not necessary the same as to say that it will be well-received in and out of academic circles. Current politics that have any connection to slavery are automatically assumed to be related to race as well, which was not necessarily the same thing in every case with men like Jefferson. The tendency toward anachronism is strong in these cases, to the point that many historians are simply blind to it.

The historiographical debate about the nature of the Founding and the intention of the Framers continues in the Federal Court System, most notably the Supreme Court as well. The *Heller Case* (2008) demonstrated a rich and vibrant debate about the meaning of the inclusion of the phrase, “a well-regulated militia,” with the majority and minority opinions both expressing different viewpoints of that particular phrase, both citing numerous statutes from the early years of the Republic. In short, as long as America continues to have laws and a government operating under the basic framework of the Constitution, historians will have to continue to add context to those debates. Some of the language in the Constitution is in disuse within modern vernacular, and therefore needs to be explained within its context in order to justify rewording it in ways that would be more relevant to us today. Modern society faces challenges like terrorism, and technology that was unfathomable to the Framers. It is important, therefore, when considering things like the *Patriot Act* to consider not just the particulars of certain Amendments, but also the historical context and republican principles that led to their creation. These are the kinds of histories that need to be written, so that our society is capable of resuming some of the critical debates which led to the creation what McDonald accurately described as a not-quite federalist, but also not totally nationalist system.