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THE FIRST AMERICAN CONSTITUTIONS: REPUBLICAN IDEOLOGY AND THE MAKING OF THE STATE CONSTITUTIONS IN THE REVOLUTIONARY ERA. By *Willi Paul Adams*. Translated by *Rita* and *Robert Kimber*. Chapel Hill, N.C.: University of North Carolina Press. 1980. Pp. xviii, 351. \$23.50.

In *The First American Constitutions*, Willi Paul Adams explores the development of state constitutions before the 1787 Constitutional Convention. At the same time, he examines the relationship between the two principal schools of thought on the American Revolution: one that stresses the conflicts among Americans over the character of the new order, and a second that emphasizes Americans' "consensus" on basic issues. Recent histories of the American Revolution, Adams argues, give the impression that "the essence of . . . [the revolutionary heritage] was national consensus, not radical dissent, civil disobedience, violence, and civil war" (p. xv). But this view ignores "the dynamic role of dissent within the patriotic and republican fold" (p. xv). In early attempts at constitution-making, he claims, "the guiding values of eighteenth-century American republican government, popular sovereignty, liberty, equality, and property, did not only function as unifying calls to action. They also divided Americans into more or less radical, more or less compromising, republicans" (p. xvi). Adams's explication of the origin, meaning, and application of the key elements of republican ideology is a major contribution to the intellectual history of the American Revolution.

The First American Constitutions is a translation of a work that originally appeared in German in 1973.¹ Adams's European perspective is apparent in his approach to fundamental elements of American constitutionalism. He argues that the process of constitution-making between 1776 and 1780 was a formative articulation of the "American variant" of republicanism. The Americans' ideological heritage was the English republicanism of the Glorious Revolution. The founding generation, Adams posits, had to reconcile the need for independence from England with their English roots. They ultimately concluded that republicanism itself demanded independence. Their early demands for the rights of Englishmen soon gave

1. W. ADAMS, REPUBLIKANISCHE VERFASSUNG UND BÜRGERLICHE FREIHEIT (1973). The German version won the American Historical Association's 1976 prize for the best foreign-language manuscript on the Revolutionary era. The award included the cost of English translation and publication. The author is Professor of North American History at the John F. Kennedy Institute for North American Studies, Free University of Berlin, Germany.

way to demands for their "natural rights" as men.² Adams considers at length the implications of this change for the American political structure.

He begins his analysis by examining the effect of Revolutionary-era political institutions. State congresses and committees, generally elected or appointed by the town meetings, governed in the years before state constitutions were drafted. Because Americans pragmatically accepted existing forms of government, these forms were as influential, in Adams's view, as the "principles" of republican ideology (p. 118). American pragmatism, he argues, inhibited the development of the "plebiscitary" element in republican ideology, and thus helped to prevent the ideological excesses characteristic of subsequent revolutions (pp. 129-32). Accustomed to delegating their "constituent power," Americans never were tempted into the realm of ideological extremism, never went to exercise in full their "plebiscitary" impulses.

American constitutional development was affected not only by pragmatism, but also by American conceptions of popular sovereignty, which differed substantially from European conceptions. Americans took popular sovereignty much less literally than Europeans because of their familiarity, since 1688, with the idea that power comes from below. In 1776, this idea was extreme only when compared to the "monarchical principle" that had prevailed in Europe.³ Adams theorizes that the American notion of popular sovereignty benefited from its accommodation of the federal structure of the new nation. The founders, confronted with the question whether to locate the "sovereign power of the people" in the confederation or in the states, avoided the term "sovereignty" altogether (p. 135). More extreme notions of popular sovereignty, moreover, were inhibited by the tradition of bills of rights, honored by half of the state constitutions in 1780.

In chapters with titles like "Liberty" and "Equality," Adams examines the specific ideological components of Revolutionary republicanism. These chapters are not concerned specifically with the formation of state constitutions. Instead, Adams searches the contemporary literature for insights into the common understandings of important terms. His method is to introduce the concept as used, for example, in Paine's *Common Sense*. He then traces the idea back to 1688. Finally, he locates the idea in the state constitutions. This method of analyzing intellectual history seems peculiar; it tends both to "radicalize" the idea in question and to "conservatize" it by plac-

2. "The colonists' counterideology consisted of no more than a full affirmation of the home country's political order and the spelling out of a great contradiction in it." P. 14.

3. Many of the ideas in this section, Adams acknowledges, derive from H. ARENDT, *ON REVOLUTION* (1963).

ing it in a continuum of English thought. One example illustrates Adams's method and something of the substance of his presentation.

The chapter on "Liberty" begins by quoting the words "liberty" and "freedom" in several contexts: a speech in the New York House of Representatives, Paine's *Common Sense*, a sermon delivered in Massachusetts and one published in Georgia, and editorials in the *Boston Gazette* and the *New York Journal*. Adams quotes also from popular pamphlets, from the town meetings' instructions to their delegates to provincial congresses, and from resolutions made by the Massachusetts constitutional convention (pp. 150-53). These quotations establish that the people were interested in "liberty," that there was a consensus on its general meaning, and that it was popularly equated with republican government.

In the next part of the chapter, Adams shows that "liberty," in the English republican tradition, meant the observance of certain "natural rights" of individuals and the resulting limitations on government. He quotes from Trenchard and Gordon's *Cato's Letters*, written in England in the 1720s, and from Joseph Priestley and Richard Price, whom he calls the "heirs to the radical tradition of Trenchard and Gordon" (p. 155). Adams claims that these radicals influenced the American concept of "liberty" as "the right of self-direction" (p. 158). He distinguishes their concept of "liberty," which appeared in some of the state constitutions of the 1770s, from the "civil liberties" that the English constitution sought to protect (p. 156). This "radicalized" concept of liberty is then compared to the contemporaneous understanding of law and property. Adams concludes that the most extreme interpretations of "liberty" were tempered by Americans' belief in law as the virtuous product of "liberty," and by their continuing, though weakening, belief in property as a natural right (p. 163).

Chapter VII typifies Adams's handling of a common theme in American historiography. The idea that radical and conservative elements competed for political dominance is hardly new. Adams sheds new light on this competition by tracing both radical and conservative elements to earlier English writers and by showing how the radicalized concept of "liberty" found its way into the state constitutions. Adams's method indicates a belief in "a continuity of ideas and institutions" characteristic of "consensus" historians. But the method links American political thought to the most radical elements of the English tradition. Adams thus reminds one of Staughton Lynd⁴ and other radical political writers of the 1960s and 1970s. His analysis of the tempering effect of practical considerations on radical ideas, in particular, is very similar to Lynd's. Their conclusions, however, differ, at least semantically: where Adams

4. S. LYND, *INTELLECTUAL ORIGINS OF AMERICAN RADICALISM* (1968).

finds a flexible and accommodating political structure, Lynd sees an expedient use of radical republican ideals. Only in his discussion of slavery does Adams adopt a more critical tone.

The First American Constitutions is not without defects. Its survey of the formation of the state constitutions is not nearly as comprehensive as Jackson Turner Main's *The Sovereign States, 1775-1783*.⁵ It does, however, amplify some of the themes of that larger study. Adams's work is also not as lucid or thorough an exposition of Revolutionary intellectual history as Gordon S. Wood's *The Creation of the American Republic, 1776-1787*.⁶ But it does offer a fresh, sometimes radical look at the fundamentals of the political processes and structures of the United States. In an era when constitution-making is seen as the final step in the political process, Adams's perspective is particularly thought-provoking. Because it views constitution-making as an assertion of the "constituent power" of the people, itself the fundamental principle of the American political system, Adams's study reinforces the view that constitutional amendments should be distinguished from ordinary legislation and reserved for expressing the broadest possible political consensus.

5. J.T. MAIN, *THE SOVEREIGN STATES, 1775-1783*, at 234 (1973).

6. G. WOOD, *THE CREATION OF THE AMERICAN REPUBLIC, 1776-1787* (1969).