2. O. G. Libby, *Geographical Distribution of the Vote of the Thirteen States on the Federal Constitution*, p. 18. Libby here takes the vote in the New York convention, but that did not precisely represent the popular vote.


5. Ibid., pp. 42–43.


7. *State Papers: Finance*, vol. 1, p. 462. In 1783 an attempt to establish a bank with $100,000 capital was made in Charleston, S.C., but it failed. “Soon after the adoption of the funding system, three banks were established in Charleston whose capitals in the whole amounted to twenty times the sum proposed in 1783.” D. Ramsey, *History of South Carolina* (1858 ed.), vol. 2, p. 106.

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**Charles Beard and the Constitution**

**A Critical Analysis**

Robert E. Brown

At the end of Chapter XI [of *An Economic Interpretation of the Constitution of the United States*], Beard summarized his findings in fourteen paragraphs under the heading of “Conclusions.” Actually, these fourteen conclusions merely add up to the two halves of the Beard thesis. One half, that the Constitution originated with and was carried through by personal interests—money, public securities, manufactures, and commerce—is to be found in paragraphs two, three, six, seven, eight, twelve, thirteen, and fourteen. The other half—that the Constitution was put over undemocratically in an undemocratic society—is expressed in paragraphs four, five, nine, ten, eleven, and fourteen. The lumping of these conclusions under two general headings makes it easier for the reader to see the broad outlines of the Beard thesis.

Before we examine these two major divisions of the thesis, however, some comment is relevant on the implications contained in the first paragraph. In it

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Beard characterized his book as a long and arid survey, something in the nature of a catalogue. Whether this characterization was designed to give his book the appearance of a coldly objective study based on the facts we do not know. If so, nothing could be further from reality. As reviewers pointed out in 1913, and as subsequent developments have demonstrated, the book is anything but an arid catalogue of facts. Its pages are replete with interpretation, sometimes stated, sometimes implied. Our task has been to examine Beard's evidence to see whether it justifies the interpretation which Beard gave it. We have tried to discover whether he used the historical method properly in arriving at his thesis.

If historical method means the gathering of data from primary sources, the critical evaluation of the evidence thus gathered, and the drawing of conclusions consistent with this evidence, then we must conclude that Beard has done great violation to such method in this book. He admitted that the evidence had not been collected which, given the proper use of historical method, should have precluded the writing of the book. Yet he nevertheless proceeded on the assumption that a valid interpretation could be built on secondary writings whose authors had likewise failed to collect the evidence. If we accept Beard's own maxim, "no evidence, no history," and his own admission that the data had never been collected, the answer to whether he used historical method properly is self-evident.

Neither was Beard critical of the evidence which he did use. He was accused in 1913, and one might still suspect him, of using only that evidence which appeared to support his thesis. The amount of realty in the country compared with the personality, the vote in New York, and the omission of the part of The Federalist, No. 10, which did not fit his thesis are only a few examples of the uncritical use of evidence to be found in the book. Sometimes he accepted secondary accounts at face value without checking them with the sources; at other times he allowed unfounded rumors and traditions to color his work.

Finally, the conclusions which he drew were not justified even by the kind of evidence which he used. If we accepted his evidence strictly at face value, it would not add up to the fact that the Constitution was put over undemocratically in an undemocratic society by personality. The citing of property qualifications does not prove that a mass of men were disfranchised. And if we accept his figures on property holdings, either we do not know what most of the delegates had in realty and personality, or we know that realty outnumbered personality three to one (eighteen to six). Simply showing that a man held public securities is not sufficient to prove that he acted only in terms of his public securities. If we ignore Beard's own generalizations and accept only his evidence, we have to conclude that most of the country, and that even the men who were directly concerned with the Constitution, and especially Washington, were large holders of realty.

Perhaps we can never be completely objective in history, but certainly we can be more objective than Beard was in this book. Naturally, the historian must always be aware of the biases, the subjectivity, the pitfalls that confront him, but this does not mean that he should not make an effort to overcome these obstacles. Whether Beard had his thesis before he had his evidence, as some have
said, is a question that each reader must answer for himself. Certain it is that
the evidence does not justify the thesis.

So instead of the Beard interpretation that the Constitution was put over
undemocratically in an undemocratic society by personal property, the follow-
ing fourteen paragraphs are offered as a possible interpretation of the
Constitution and as suggestions for future research on that document.

1. The movement for the Constitution was originated and carried through by
men who had long been important in both economic and political affairs in
their respective states. Some of them owned property, more of them
owned realty, and if their property was adversely affected by conditions
under the Articles of Confederation, so also was the property of the bulk of
the people in the country, middle-class farmers as well as town artisans.

2. The movement for the Constitution, like most important movements, was
undoubtedly started by a small group of men. They were probably inter-
ested personally in the outcome of their labors, but the benefits which they
expected were not confined to personal property or, for that matter, strictly
to things economic. And if their own interests would be enhanced by a new
government, similar interests of other men, whether agricultural or com-
cercial, would also be enhanced.

3. Naturally there was no popular vote on the calling of the convention which
drafted the Constitution. Election of delegates by state legislatures was
the constitutional method under the Articles of Confederation, and had
been the method long established in this country. Delegates to the Albany
Congress, the Stamp Act Congress, the First Continental Congress, the Second
Continental Congress, and subsequent congresses under the Articles were
all elected by state legislatures, not by the people. Even the Articles of
Confederation had been sanctioned by state legislatures, not by popular
vote. This is not to say that the Constitutional Convention should not have
been elected directly by the people, but only that such a procedure would
have been unusual at the time. Some of the opponents of the Constitution
later stressed, without avail, the fact that the Convention had not been
directly elected. But at the time the Convention met, the people in general
seemed to be about as much concerned over the fact that they had not
elected the delegates as the people of this country are now concerned over
the fact that they do not elect our delegates to the United Nations.

4. Present evidence seems to indicate that there were no "propertyless
masses" who were excluded from the suffrage at the time. Most men were
middle-class farmers who owned realty and were qualified voters, and, as
the men in the Convention said, mechanics had always voted in the cities.
Until credible evidence proves otherwise, we can assume that state legisla-
tures were fairly representative at the time. We cannot condone the fact that
a few men were probably disfranchised by prevailing property qualifica-
tions, but it makes a great deal of difference to an interpretation of the
Constitution whether the disfranchised comprised 95 percent of the adult
men or only 5 percent. Figures which give percentages of voters in terms of
the entire population are misleading, since less than 20 percent of the people were adult men. And finally, the voting qualifications favored realty, not personality.

5. If the members of the Convention were directly interested in the outcome of their work and expected to derive benefits from the establishment of the new system, so also did most of the people of the country. We have many statements to the effect that the people in general expected substantial benefits from the labors of the Convention.

6. The Constitution was not just an economic document, although economic factors were undoubtedly important. Since most of the people were middle class and had private property, practically everybody was interested in the protection of property. A constitution which did not protect property would have been rejected without any question, for the American people had fought the Revolution for the preservation of life, liberty, and property. Many people believed that the Constitution did not go far enough to protect property, and they wrote these views into the amendments to the Constitution. But property was not the only concern of those who wrote and ratified the Constitution, and we would be doing a grave injustice to the political sagacity of the Founding Fathers if we assumed that property or personal gain was their only motive.

7. Naturally the delegates recognized that protection of property was important under government, but they also recognized that personal rights were equally important. In fact, persons and property were usually bracketed together as the chief objects of government protection.

8. If three-fourths of the adult males failed to vote on the election of delegates to ratifying conventions, this fact signified indifference, not disfranchisement. We must not confuse those who could not vote with those who could vote but failed to exercise their right. Many men at the time bewailed the fact that only a small portion of the voters ever exercised their prerogative. But this in itself should stand as evidence that the conflict over the Constitution was not very bitter, for if these people had felt strongly one way or the other, more of them would have voted.

Even if we deny the evidence which I have presented and insist that American society was undemocratic in 1787, we must still accept the fact that the men who wrote the Constitution believed that they were writing it for a democratic society. They did not hide behind an iron curtain of secrecy and devise the kind of conservative government that they wanted without regard to the views and interests of "the people." More than anything else, they were aware that "the people" would have to ratify what they proposed, and that therefore any government which would be acceptable to the people must be of necessity incorporate much of what was customary at the time. The men at Philadelphia were practical politicians, not political theorists. They recognized the multitude of different ideas and interests that had to be reconciled and compromised before a constitution would be acceptable. They were far too practical, and represented far too many clashing interests themselves, to fashion a government weighted
in favor of personality or to believe that the people would adopt such a government.

9. If the Constitution was ratified by a vote of only one-sixth of the adult men, that again demonstrates indifference and not disfranchisement. Of the one-fourth of the adult males who voted, nearly two-thirds favored the Constitution. Present evidence does not permit us to say what the popular vote was except as it was measured by the votes of the ratifying conventions.

10. Until we know what the popular vote was, we cannot say that it is questionable whether a majority of the voters in several states favored the Constitution. Too many delegates were sent uninstructed. Neither can we count the towns which did not send delegates on the side of those opposed to the Constitution. Both items would signify indifference rather than sharp conflict over ratification.

11. The ratifying conventions were elected for the specific purpose of adopting or rejecting the Constitution. The people in general had anywhere from several weeks to several months to decide the question. If they did not like the new government, or if they did not know whether they liked it, they could have voted no and there would have been no Constitution. Naturally the leaders in the ratifying conventions represented the same interests as the members of the Constitutional Convention—mainly reality and some personality. But they also represented their constituents in these same interests, especially reality.

12. If the conflict over ratification had been between substantial personality interests on the one hand and small farmers and debtors on the other, there would not have been a constitution. The small farmers comprised such an overwhelming percentage of the voters that they could have rejected the new government without any trouble. Farmers and debtors are not synonymous terms and should not be confused as such. A town-by-town or county-by-county record of the vote would show clearly how the farmers voted.

13. The Constitution was created about as much by the whole people as any government could be which embraced a large area and depended on representation rather than on direct participation. It was also created in part by the states, for as the Records show, there was strong state sentiment at the time which had to be appeased by compromise. And it was created by compromising a whole host of interests throughout the country, without which compromises it could never have been adopted.

14. If the intellectual historians are correct, we cannot explain the Constitution without considering the psychological factors also. Men are motivated by what they believe as well as by what they have. Sometimes their actions can be explained on the basis of what they hope to have or hope that their children will have. Madison understood this fact when he said that the universal hope of acquiring property tended to dispose people to look favorably upon property. It is even possible that some men support a given economic system when they themselves have nothing to gain by it. So we
would want to know what the people in 1787 thought of their class status. Did workers and small farmers believe that they were lower class, or did they, as many workers do now, consider themselves middle class? Were the common people trying to eliminate the Washingtons, Adamses, Hamiltons, and Pinckneys, or were they trying to join them?

As did Beard’s fourteen conclusions, these fourteen suggestions really add up to two major propositions: the Constitution was adopted in a society which was fundamentally democratic, not undemocratic; and it was adopted by a people who were primarily middle-class property owners, especially farmers who owned realty, not just by the owners of personalty. At present these points seem to be justified by the evidence, but if better evidence in the future disproves or modifies them, we must accept that evidence and change our interpretation accordingly.

After this critical analysis, we should at least not begin future research on this period of American history with the illusion that the Beard thesis of the Constitution is valid. If historians insist on accepting the Beard thesis in spite of this analysis, however, they must do so with the full knowledge that their acceptance is founded on “an act of faith,” not an analysis of historical method, and that they were indulging in a “noble dream,” not history.

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