

USING BEARD TO OVERCOME BEARDIANISM: CHARLES BEARD'S FORGOTTEN HISTORICISM AND THE IDEAS-INTERESTS DICHOTOMY

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Charles Beard's *An Economic Interpretation of the Constitution of the United States* is no different than many scholarly classics—controversial, jarring, accessible, victim to the abuses and appropriations of speed-readers, and claimed as the original influence for several different (and sometimes competing) scholarly movements. As with all classics, too, Beard's book makes for fresh reading. No matter how defensive Beard's remark was that “[p]erhaps no other book on the Constitution has been more severely criticized, and so little read,”¹ when one brushes aside the intervening appropriations and interpretations that have succeeded it and reads it anew, the work has an enduring ability to surprise. One feature that might surprise is the *historicist* impulse, which, however buried beneath classic statements of economic determinism, was there all along.

Historicists come in many shapes and sizes, but they tend to believe that the substance of human thought and action (beliefs, values, and motivations) are historically constituted and, thus, are not universally fixed in all people in all times and places.² Historicists de-naturalize processes, revealing how certain descriptions and practices that might appear essential or inevitable were, in fact, contingent historical creations. Historicism is a methodological or philosophical posture in this regard more than a topic of study; plenty of non-historians are historicists while plenty of historians study the past without

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1. CHARLES A. BEARD, *AN ECONOMIC INTERPRETATION OF THE CONSTITUTION OF THE UNITED STATES* (2d ed. 1935).

2. For a good discussion of historicism, see Richard Rorty, *Holism and Historicism*, in *PHILOSOPHY AS CULTURAL POLITICS: PHILOSOPHICAL PAPERS* 176, 176–83 (2007).

commitment to historicist principles.³ These latter historians tend to assume that some set of universal imperatives (be they motivations lurking deep in human nature or imperatives of an unchanging external world) help explain past human conduct. As such, Beard, a self-described economic determinist, would not seem an obvious candidate for the historicist label. Accordingly, his historicism has been easy to miss. Rather than dwell on the historically and culturally contingent context in which America's constitutional framers operated, Beard centered on the economic interests they brought to the project, interests that seemingly transcended the particularities of the historical moment.

Subsequent historians of the American Revolution and Constitution only underscored these aspects of Beard's work. Beard's economic determinist approach, and what seemed to accompany it, helped spawn, as is well-known, the "progressive" school of the American Revolution, an approach that, similarly to Beard, tended to interpret the Constitution as a conservative bulwark against popular democracy orchestrated by the propertied classes.⁴ Whatever important differences remained,

3. There are differences, at least in emphasis, between historicism as method and historicism as philosophy. In the latter case, historicists would tend to agree with Rorty that people are "never going to be able to see things under the aspect of eternity." See Rorty, *supra* note 2, at ix. Historicists who are merely trying to illuminate historical processes would not immediately focus on such epistemological and metaphysical concerns, instead emphasizing the historical contingency of the specific human practices that they are trying to bring into focus. But these different kinds of historicism easily feed into one another. Consequently, historians took inspiration from a great many historicist thinkers who were not properly historians. For those working in the humanities and the social sciences in the last half of the twentieth century, among the most influential historicists, for better or for worse, were Thomas Kuhn, Michel Foucault, and Clifford Geertz. Each de-naturalized crucial aspects of modern life and, in the process, furnished a generation of inquirers with tools, often useful but sometimes cumbersome, for historicizing. Each was widely productive, but the following proved particularly influential: MICHEL FOUCAULT, *THE ORDER OF THINGS: AN ARCHAEOLOGY OF THE HUMAN SCIENCES* (1970); CLIFFORD GEERTZ, *THE INTERPRETATION OF CULTURES* (1973); THOMAS S. KUHN, *THE STRUCTURE OF SCIENTIFIC REVOLUTIONS* (1962). For more on these broader developments, see DANIEL T. RODGERS, *AGE OF FRACTURE* (2011). For more on how these developments specifically have impacted the field of historical study, see WILLIAM H. SEWELL, JR., *LOGICS OF HISTORY: SOCIAL THEORY AND SOCIAL TRANSFORMATION* (2005); Gabrielle M. Spiegel, *Introduction*, in *PRACTICING HISTORY: NEW DIRECTIONS IN HISTORICAL WRITING AFTER THE LINGUISTIC TURN* 1, 1–33 (Gabrielle M. Spiegel ed., 2005).

4. Collapsing any collection of historians into a single group must always be done with considerable caution. But, as the story is familiarly told, the "progressive" historians of the American Revolution emphasized the internal conflicts that the Revolution spurred more than the broader struggle between the colonies and Great Britain against which these internal conflicts were set. Accordingly, the struggle to ratify the proposed federal Constitution was less a political escape from colonization than it was a crucial chapter in the deeper struggle between different groups of Americans for control of or inclusion within the emerging polity. Important select works, beyond Beard's, helped form this

those who contributed to this interpretive orientation were either increasingly linked with Marxist approaches to human inquiry or themselves consciously endorsed that linkage. Consequently, Beard's account of the Constitution has often been explained by reference to materialist social theories of the nineteenth century. As Peter Novick wrote in his widely read work on objectivity and the development of the American historical profession in the twentieth century, Beard's "crude reduction of Marxism to economic determinism," directly "informed . . . *An Economic Interpretation of the Constitution of the United States*."⁵ These intellectual commitments seemed to explain what had led Beard to see political ideologies as superstructural rhetoric obscuring the play of real economic self-interest lurking beneath (a classic Marxist formulation). "The theories of government which men entertain are emotional reactions to their property interests" is how he himself put the matter.⁶

When historians some half-century or so after Beard came to acquire a new appreciation for ideology and its importance, Beard's account of constitutional creation played the convenient foil to this emerging focus. Scholars like Bernard Bailyn, Gordon Wood, Edmund Morgan, Jack Greene, John Phillip Reid, and so many others took as their starting point the profound differences separating the mental world of the eighteenth century from that of today and thus took their task to be systematic acts of conceptual translation through which alone the Revolution and its enduring political and legal embodiment (the Constitution) might be understood.⁷ And they either consciously or implicitly

school of interpretation: CARL LOTUS BECKER, *THE HISTORY OF POLITICAL PARTIES IN THE PROVINCE OF NEW YORK, 1760-1776* (1909); MERRILL JENSEN, *THE ARTICLES OF CONFEDERATION: AN INTERPRETATION OF THE SOCIAL-CONSTITUTIONAL HISTORY OF THE AMERICAN REVOLUTION 1774-1781* (1959); CURTIS P. NETTELS, *THE ROOTS OF AMERICAN CIVILIZATION: A HISTORY OF AMERICAN COLONIAL LIFE* (1938); 3 VERNON L. PARRINGTON, *MAIN CURRENTS IN AMERICAN THOUGHT* (1954). For Beard's own belief that the Constitution's advocates were seeking to secure the property classes from democratic intrusions, consider, "it is to the owners of personalty anxious to find a foil against the attacks of leveling democracy, that the authors of *The Federalist* address their most cogent arguments . . ." See BEARD, *supra* note 1, at 154.

5. PETER NOVICK, *THAT NOBLE DREAM: THE "OBJECTIVITY QUESTION" AND THE AMERICAN HISTORICAL PROFESSION* 96 (1988).

6. See BEARD, *supra* note 1, at 157. "The social structure by which one type of legislation is secured and another prevented—that is, the constitution—is a secondary or derivative feature arising from the nature of the economic groups seeking positive action and negative restraint." *Id.* at 13.

7. See BERNARD BAILYN, *THE IDEOLOGICAL ORIGINS OF THE AMERICAN REVOLUTION* (1967); JACK P. GREENE, *THE CONSTITUTIONAL ORIGINS OF THE AMERICAN REVOLUTION* (2011); EDMUND S. MORGAN, *INVENTING THE PEOPLE: THE RISE OF POPULAR SOVEREIGNTY IN ENGLAND AND AMERICA* (1988); JOHN PHILLIP

built their accounts in contradistinction to what Beard seemed to have advanced. This tendency was only compounded as neo-progressive historians, who arose in response to this ideological reorientation of the founding era, began reviving some Beardian themes.⁸

Emphasizing economic interest is not irreconcilable with historicism. But Beard was an avowed universalist who believed that timeless material interest explained human behavior no matter differences across space or through time. As he himself wrote, “it has seemed to me, and does now, that in the great transformations in society . . . economic ‘forces’ are primordial or fundamental, and come nearer ‘explaining’ events than any other ‘forces.’”⁹ Consequently, suggesting that Beard was a historicist might seem far-fetched. It is not just because the observation might seem strikingly perverse that I raise it. It is also not to rescue Beard from reductionist labels, even if his work contained important elements not easily reconciled with the common determinist portrait.¹⁰ It is because grasping the historicist dimension in Beard, however small and buried, is helpful in overcoming the ahistoricist impulses that, thanks in part to Beard, remain deeply pervasive in historical study in particular and the human sciences more generally. The common thread that has tied

REID, *CONSTITUTIONAL HISTORY OF THE AMERICAN REVOLUTION: ABRIDGED EDITION* (1995); GORDON S. WOOD, *THE CREATION OF THE AMERICAN REPUBLIC, 1776-1787* (1969). These books represent only some of the most sophisticated spokesmen and only some of the best examples of each of their many contributions.

8. See WOODY HOLTON, *FORCED FOUNDERS: INDIANS, DEBTORS, SLAVES, AND THE MAKING OF THE AMERICAN REVOLUTION IN VIRGINIA* (1999); STAUGHTON LYND, *INTELLECTUAL ORIGINS OF AMERICAN RADICALISM* (1968); GARY B. NASH, *THE URBAN CRUCIBLE: THE NORTHERN SEAPORTS AND THE ORIGINS OF THE AMERICAN REVOLUTION* (1979); ALFRED F. YOUNG, *LIBERTY TREE: ORDINARY PEOPLE AND THE AMERICAN REVOLUTION* (2006); Jesse Lemish, *Jack Tar in the Streets: Merchant Seamen in the Politics of the American Revolution*, 25 WM. & MARY Q. 371, 371–407 (1968).

9. See BEARD, *supra* note 1, at xii.

10. To be very clear, Beard’s historicism accounted for only part of his exploration. Much of the reason he proved such a convenient target for the ideological school was because he deserved to be. He engaged in his share of anachronisms, all too often allowing his presentist categories to overwhelm his evidence. The areas where Beard’s anachronisms run amok could be documented at length, such as his need to flatten most of the delegates’ thoughtful constitutional reflections into a crude dichotomy between proponents and opponents of generic democratic leveling; his insistent refusal to see representation as credibly derived from anything but voting (something nobody other than James Wilson and a few other rogues thought in eighteenth-century America); and his inability to move beyond *The Federalist* (especially his obsession with *Federalist 10*) to any of the other contemporary statements made in favor of the proposed Constitution that were in many ways more representative of the period’s prevailing assumptions. For Beard’s faulty assessment of surviving sources, in particular, see BEARD, *supra* note 1, at 152–53.

together most accounts of the American Revolution and the Constitution's creation has been Beardianism.

Beard's account of constitutional creation has been largely discredited. Yet he remains as vital as ever; whether the implied target of new arguments or inspiration for a new "progressive" account of the Revolution (purified of his missteps and excesses of course), Beard continues to frame much of the conversation.¹¹ No matter how many years pass or how much new research surfaces, he does not seem to recede permanently into the unknown. The primary reason Beard remains so relevant is because of the pernicious, yet amazingly compelling, distinction between ideas and interests that he did so much to perpetuate. Beard's specific argument has been dismantled, but the Beardian conceptual architecture remains firmly in place, taken for granted at so many turns that its persistent influence remains hard to detect. In other words, one can repudiate Beard (his conclusions) while perpetuating Beardianism (his guiding premises). As long as we continue to think of ideology and interests as categorically distinct and antagonistic, we will all remain Beardians in an important sense.

The lingering and unfortunate appeal of this framing dichotomy is owed in part to the ambiguity that continues to surround ideology and its cognates. Ideology has meant both a set of principles, ideals, or values to which individuals willingly subscribe; or, it has also meant a structured consciousness, a phenomenological perspective that rests at the very bottom of human perception. In the latter instance, the matter would better be described as a culture, a conceptual framework, or a mode of consciousness.¹² This rival version involves little willing

11. See TERRY BOUTON, *TAMING DEMOCRACY: "THE PEOPLE," THE FOUNDERS, AND THE TROUBLED ENDING OF THE AMERICAN REVOLUTION* (2007); WOODY HOLTON, *UNRULY AMERICANS AND THE ORIGINS OF THE CONSTITUTION* (2007). Both authors have built accounts of 1780s American constitutional development around a Beardian framework.

12. Versions of this conception are often owed to the work of Clifford Geertz. See GEERTZ, *supra* note 3. Among the works of history that have skillfully invoked this sort of model, see KEITH MICHAEL BAKER, *INVENTING THE FRENCH REVOLUTION: ESSAYS ON FRENCH POLITICAL CULTURE IN THE EIGHTEENTH CENTURY* (1990); J. G. A. Pocock, *THE MACHIAVELLIAN MOMENT: FLORENTINE POLITICAL THOUGHT AND THE ATLANTIC REPUBLICAN TRADITION* (1975) [hereinafter *MACHIAVELLIAN MOMENT*]; 2 QUENTIN SKINNER, *THE FOUNDATIONS OF MODERN POLITICAL THOUGHT* (1978). Skinner's and Pocock's several sophisticated methodological contributions all have contemplated ideology in this fashion. See, for instance, Quentin Skinner, *Meaning and Understanding in the History of Ideas*, 8 *HIST. & THEORY* 3 (1969); Quentin Skinner, *On Performing and Explaining Linguistic Actions*, 21 *PHIL. Q.* 1 (1971); Quentin Skinner, *Some Problems in the Analysis of Political Thought and Action*, 2 *POL. THEORY* 277 (1974);

subscription, it is not a set of principles or commitments that one chooses. It is a way of organizing one's surroundings and giving them sense, a perceptual mode that precedes the formation of either principles or interests. Just as there could be no beliefs or desires without such a mode (without understanding of how to use available semantic vocabularies to give meaning to the world), there could be no principles or interests. Since there are no pre-perceptual interests, there is certainly no formation or recognition of economic self-interest independent of the semantic conceptual framework that makes it possible.¹³

Beard, of course, did not grasp this point and incorrectly assumed that economic interests were innate, universal, and independent of cultural perception. But Beardianism, in its most generic form, remains vital because his failure to grasp the historicist and cultural origins of interests still resonates.¹⁴ As long as we continue to think that ideas, ideologies, or values stand in opposition to interests or the prospect of material gain we will still reside in Beard's world, because those who take ideas seriously will spend much of their time attempting to prove (likely unsuccessfully) that historical speakers were sincere while those who take interests seriously will paint ideas as little more than rhetorical covers, easy enough to brush aside in order to determine what was really going on. The day that we fully realize that neither principles nor interests exist independently of the perceptual mode that accounts for them, and that it becomes the job of all historians (whether intellectual, social, economic,

Quentin Skinner, *Hermeneutics and the Role of History*, 7 *NEW LITERARY HIST.* 209 (1975). For Pocock, see J. G. A. POCOCK, *POLITICS, LANGUAGE, AND TIME: ESSAYS ON POLITICAL THOUGHT AND HISTORY* (1971); J. G. A. POCOCK, *VIRTUE, COMMERCE, AND HISTORY: ESSAYS ON POLITICAL THOUGHT AND HISTORY CHIEFLY IN THE EIGHTEENTH CENTURY* (1985); J. G. A. POCOCK, *POLITICAL THOUGHT AND HISTORY: ESSAYS ON THEORY AND METHOD* (2009).

13. Philosophers of mind and language have authored the most penetrating work on this subject. As philosopher Robert Brandom has so trenchantly put it, "Though linguistic practice does, to be sure, help us in pursuing our ends, the vast majority of those ends are ones we could not so much as *entertain*, never mind secure, apart from our participation in linguistic practice. Most of the things we want to do we can only even *want* to do because we can talk. The very intelligibility of the ends depends on our linguistic capacities. They are precisely *not* goals we can make sense of *first*, so that later language can be brought into the picture playing the role of a possible tool for achieving them." ROBERT B. BRANDOM, *PERSPECTIVES ON PRAGMATISM: CLASSICAL, RECENT, CONTEMPORARY* 80 (2011). Richard Rorty has similarly added that a revolutionary "new vocabulary makes possible, for the first time, a formulation of its own purpose." RICHARD RORTY, *CONTINGENCY, IRONY, AND SOLIDARITY* 13 (1989).

14. David Armitage, *What's the Big Idea? Intellectual History and the Longue Durée*, 38 *HISTORY OF EUROPEAN IDEAS* 493, comments briefly, but powerfully, on how this economic reasoning continues to affect the history of ideas in far-reaching ways.

political, or cultural) to reconstitute the different perceptual framework of the historical actors in question, is the day we early Americanists and students of constitutional history will leave Beardianism behind.

More than most fields of study, the study of the American Revolution remains ensnared in this false ideas-interests dichotomy, one that should be abandoned once and for all.¹⁵ The most well-known intellectual historian of the Revolution, Gordon Wood, has recently suggested that ideas, if not the cause of behavior, forever accompany it, meaning that the conventional ideas-interests divide requires amendment. While correct and useful, Wood's suggestion does not go far enough and revitalizes, as much as it dismantles, the distinction that he targets. As he has written, "What is permissible culturally affects what is permissible socially or politically, so that although ideas may not be the motives for behavior (underlying interests and passions are the real motives), ideas do affect and limit behavior."¹⁶ Indeed, plans of action cannot be legitimate unless defended with culturally legitimate reasons. Even if we assumed that the American framers were thoroughly self-interested, it would still be our primary task to reconstitute the conceptual vocabularies that animated them, since those would be necessary to grasp how they gave the world meaning, an understanding from which alone we could make sense of their behavior, behavior which notably involved constructing the United States' Federal Constitution. But the so-called "passions" and "interests," every bit as much as the ideas that accompanied them, are the product of meaning and culture. They cannot exist prior to perception, they cannot make any sense or motivate anything detached from the ordering framework of a conceptual vocabulary, so they certainly should not be seen as something distinct in character from ideas. They are distinct by

15. Jack Rakove acknowledges and briefly describes the pervasiveness of this dichotomy in Revolutionary American scholarship; see Jack Rakove, *Can We Know a Foundational Idea When We See One?*, in *NATURE AND HISTORY IN AMERICAN POLITICAL DEVELOPMENT: A DEBATE* 91, 91–112 (2006). As just one revealing example, see the *WM. & MARY Q.* symposium issue that focused on Gordon Wood's seminal *CREATION OF THE AMERICAN REPUBLIC*, which, despite intense disagreement among commentators, was shaped by a pervasive commitment to the ideology-interest divide. See *Forum: The Creation of the American Republic, 1776-1787: A Symposium of Views and Reviews*, 44 *WM. & MARY Q.* 3, 549–640 (1987). Also consider the conceptual framing at work in one of Wood's earlier and more famous essays, Gordon S. Wood, *Rhetoric and Reality in the American Revolution*, 23 *WM. & MARY Q.* 3 (1966).

16. GORDON S. WOOD, *THE IDEA OF AMERICA: REFLECTIONS ON THE BIRTH OF THE UNITED STATES* 17 (2011). This formulation largely derives from the seminal Quentin Skinner piece, "Meaning and Understanding in the History of Ideas."

degree, but certainly not by kind. So, contrary to Wood's unfortunate concession, it does not make sense to say that interests motivate behavior while ideas do not since interests are a form of ideas, a product of the same semantic languages that human beings use to cope with their world successfully. Thus, explaining the framers' behavior (be it principled or interested) will prove impossible without a sophisticated grasp of the historically constituted conceptual materials that shaped their fundamental consciousness.

Accordingly, given his firm belief that all thought was reducible to interest, Beard tells us little about American constitutional creation. But, if only inadvertently, he does tell us something important about Revolutionary conceptual materials. Not surprisingly, he failed to draw out the full implications of his observations; but the historicist impulse lurking within warrants exploration. Because even if Beard's work and approach was deeply ahistoricist and even if his approach has helped burden us with an ahistorical notion of self-interest, important observations that he offered can, if properly explored, compel us to grasp some of those distinctly different Revolutionary mental materials and patterns of thought through which alone the Constitution's origins might be understood. In others words, carrying through on an important aspect of Beard might enable us to overcome Beardianism once and for all.

In intriguing ways, Beard took the eighteenth century seriously on its own terms. He, for instance, thought that he was applying eighteenth-century political science to the construction of the Constitution. "In fact," as he wrote in his opening pages, "the inquiry which follows is based upon the political science of James Madison, the father of the Constitution and later President of the Union he had done so much to create."¹⁷ This observation marks no revelation; but it is worth considering some of the substantive ways in which Beard actually followed through on this assertion and what it helps us see about the eighteenth century itself.

Much eighteenth-century political science, and especially Madison's, limited the importance of human personality and charisma in understanding political phenomena. This insight proved attractive to Americans in part because, as they had long realized, republics were fragile entities easily corrupted by

17. See BEARD, *supra* note 1, at 14.

unvirtuous leaders.¹⁸ A well-structured polity, a republic that could endure, was then precisely one that was so perfectly organized, that successfully united underlying political forces in such perfect harmony, that it generated a system that could run successfully in most hands. Eighteenth-century theorists expressed varying degrees of optimism regarding this idea's explanatory power. Some still insisted that personal virtue remained an indispensable dimension of republican politics, no matter how well-structured a regime might be. But, nonetheless, many American constitutional thinkers felt confident that the American experiment in government would prove successful because they had come to adequately understand and apply the emerging principles of political science, ones that privileged deep structure in questions of political architecture.¹⁹ They had learned, most notably from the widely read French political theorist Montesquieu and the thinkers of the Scottish Enlightenment, that understanding human nature and politics involved grasping the deep underlying springs that organized both people and regimes, forces which, if properly activated and orchestrated, could do more than the character of any subsequent individual leader to ensure sound, long-term governance. American constitutional thinkers believed that political science had taught them that those who made political decisions were often less decisive in the ultimate scope of history than the underlying political structures that were in place when those decisions were made. Their science, in other words, was increasingly a structural and mechanistic one.

Thus, eighteenth-century sources had taught Beard, and correctly, that many early American political thinkers were interested in how underlying structural principles took priority over individual political agency. Beard, in a meaningful sense then, applied this principle against the men who arrived at it, suggesting that the underlying structural principles in place at the time of the Constitution's construction had more to do with its eventual makeup than did the idiosyncratic choices of the delegates who populated the convention. Scientifically understanding political outcomes was a matter of grasping the mechanistic springs that undergirded the actors' specific political

18. For more on the fragility of republics in early modern political thinking, see MACHIAVELLIAN MOMENT, *supra* note 12.

19. Gordon S. Wood, *America's Enlightenment, in AMERICA AND ENLIGHTENMENT CONSTITUTIONALISM* 159, 159–175 (Gary L. McDowell & Johnathan O' Neill eds., 2006) (discussing the optimism shared among Revolutionary American political thinkers).

existence. As Beard himself wrote in the preface to the 1935 edition of *An Economic Interpretation*,

In that study I had occasion to read voluminous writings by the Fathers, and I was struck by the emphasis which so many of them placed upon economic interests as forces in politics and in the formulation of laws and constitutions. In particular I was impressed by the philosophy of politics set forth by James Madison in Number X of the *Federalist* . . . which seemed to furnish a clue to practical operations connected with the formation of the Constitution—operations in which Madison himself took a leading part.²⁰

Beard followed this statement by disputing that he was shaped by Marx, an apology that was perhaps overblown. But it is important to recognize what he was saying—that before thinkers in the nineteenth century began obsessing over social structures and their relationship to politics, eighteenth-century thinkers (especially the architects of the United States Constitution), in a manner quite different than their successors, were themselves deeply invested in deciphering a structural relationship between society and politics.

Beard's interest in eighteenth-century political science did not stop there. When he justified his reliance on Madison, he, as many subsequent historians and political scientists have, extensively quoted Federalist 10. Among the important points that he identified in this famous essay was the relationship between factions and property-holding, a connection captured best in a Madisonian statement on which Beard heavily relied: "The most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society."²¹ Beard referred to these statements, somewhat awkwardly, as a "masterly statement of economic determinism in politics."²² It was doubtfully that, but Beard's appreciation of this Madisonian statement and the conventional wisdom on which it was built was sound and important.

Madison was saying little that was new for his time. In fact he was reiterating something that republican political theorists had been insisting upon for centuries—namely, that the balance of

20. See BEARD, *supra* note 1, at vi.

21. James Madison, THE FEDERALIST NO. 10, in 14 THE DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION 181 (Merrill Jensen et al. eds., 1976).

22. See BEARD, *supra* note 1, at vii.

property determined the balance of power. From Machiavelli and Thomas More, to James Harrington and Montesquieu, to the disaffected English “country” Whigs like John Trenchard and Thomas Gordon, virtually all political writers of this era took it as commonplace that the distribution of property largely determined what kind of regime might endure in a given society. Effectively their point was always the same, only in a society where there was a relatively equal distribution of property could republican political institutions flourish.²³ It was not a normative statement about what sort of a regime was preferable, but entirely a descriptive one about what sorts of necessary conditions made certain regimes possible.

Hence these republican forebears spent considerable time studying the ancient Roman agrarian laws, while Revolutionary Americans who were themselves persuaded by this thinking obsessed over repealing English land-inheritance practices bent on consolidating wealth (such as primogeniture and entail) in their new state legal codes, and Federalists during the ratification struggle reiterated time and again that the greatest protection against the kind of aristocratic centralization that Anti-federalists thought the Constitution all but assured was the relatively equitable distribution of wealth that already existed in America.²⁴ The United States, Federalists maintained, would remain republican in spite of constitutional innovation because it enjoyed the requisite social makeup. Fisher Ames, the Massachusetts Federalist, hinted at so much when he said that the Revolution had provided the chance “to reduce to practice the schemes, which Plato and Harrington had only sketched upon paper,” schemes which would enable the American republic to be “perfect and perpetual.”²⁵ And Jonathan Jackson, another Federalist from Massachusetts, made the point even more explicitly:

23. See ERIC NELSON, *THE GREEK TRADITION IN REPUBLICAN THOUGHT* (2004).

24. For more on the abolition of primogeniture and entail in the new American states and its ideological significance, see 2 *THE PAPERS OF THOMAS JEFFERSON* 305–24 (Julian P. Boyd, et al. eds., 1950). For a good example of American political writing that betrays this early modern republican preoccupation, connects Roman agrarian laws to the American abolition of primogeniture and entail, and draws upon these arguments to defend the proposed American Federal Constitution, see NOAH WEBSTER, *AN EXAMINATION INTO THE LEADING PRINCIPLES OF THE FEDERAL CONSTITUTION* (1787). For more on all of these topics, see NELSON, *supra* note 23, at 195–233.

25. FISHER AMES, *Camillus IV*, *THE INDEPENDENT CHRONICLE*, Mar. 8, 1787, reprinted in *WORKS OF FISHER AMES VOL. II*, 82 (W. B. Allen ed., 1983).

When we consider the small inequality of fortune throughout this country, compared with others which we know . . . [t]hat in most of the states the laws of primogeniture are gone or going, out of use—that landed property is in general held in small portions, even in the southern states, compared with the manors, parks and royal demesnes of most countries – that without the establishment of entails, it is almost impossible for estates to grow to an alarming size, or even to continue long in the same families . . . the period must be far distant, very far distant, when there can be such a monopoly of landed estates, as to throw the suffrages or even influence of electors into few hands . . . [W]here is the risk of an *aristocracy* dangerous to liberty?²⁶

John Adams summed up the logic concisely, “In America, the right of sovereignty resides indisputably in the body of the people, and they have the whole property of the land.”²⁷ Political structure, in other words, derived from social constitution. The kind of laws and government that were conducive to a given people were firmly a product of their society’s character. When Beard remarked that the framers “undoubtedly understood and approved the doctrine of balanced classes in the government as expounded in Adams’ *Defence of American Constitutions*, he was gesturing towards this crucial eighteenth-century preoccupation.²⁸

But Madison was not entirely derivative; had he merely been a good Machiavellian or Harringtonian in his sociological thinking, he would have had a great deal to say about landed property and much less to say about personal property (or “realty” as opposed to “personalty” to invoke Beard’s famous lexicon). But the financial and commercial revolutions of the eighteenth century had required republican thinkers to ponder new categories of analysis.²⁹ The feudal outlook of Harrington and

26. JONATHAN JACKSON, THOUGHTS UPON THE POLITICAL SITUATION OF THE UNITED STATES OF AMERICA 56, 56, 57 (1788).

27. JOHN ADAMS, A DEFENCE OF THE CONSTITUTIONS OF GOVERNMENT OF THE UNITED STATES OF AMERICA 309 (1787).

28. See BEARD, *supra* note 1, at 194. In general, when Beard explored what he called the “political doctrines” of the framers he was not just flattening their thought and imposing modern ideas of social structure and economic interest on it. He was also grasping, as this quote reveals, some of the ways in which eighteenth-century actors contemplated their own understanding of society and structure. *Id.* at 189–216.

29. See JOHN BREWER, THE SINEWS OF POWER: WAR, MONEY, AND THE ENGLISH STATE, 1688-1783 (1989); P. G. M. DICKSON, THE FINANCIAL REVOLUTION IN ENGLAND: A STUDY OF THE DEVELOPMENT OF PUBLIC CREDIT 1688-1756 (1967); CARL WENNERLIND, CASUALTIES OF CREDIT: THE ENGLISH FINANCIAL REVOLUTION, 1620-1720 (2011). For the American example, see E. JAMES FERGUSON, THE POWER OF THE PURSE: A HISTORY OF AMERICAN PUBLIC FINANCE, 1776-1790 (1961). For the dynamic

the English commonwealth tradition left one's structural analysis at a dead end by the eighteenth century. Civil society was far more diverse and multifaceted than such a model suggested, and Madison, like most American constitutional thinkers, knew that this complex array of economic and social interests interacted with politics in crucial ways. Here Madison combined the republican interest in determinate social constitution with the newer idea (worked out primarily by Scottish Enlightenment thinkers such as Adam Smith and Adam Ferguson) that politics was derivative of a complex civil society comprised of interlocking economic interdependencies.³⁰ Thus, in Federalist 10 Madison did not stop at landed wealth but indeed meditated upon the numerous kinds of economic and social personality that politics ultimately reflected. And it was this newer, eighteenth-century appreciation of determinate social constitution that struck Beard as so important. When he attempted to map, in extensive detail, the multifaceted *kinds* of economic interests existent and operative in Revolutionary America, Beard was helping show how a varied civil society had provided a far more complicated social portrait than had previously constituted American life, one that, given the dictates of eighteenth-century political scientific thinking, posed important challenges.³¹

Madison was not an "economic determinist" in any modern sense, despite Beard's insistence; but that is precisely the point. It is difficult today to talk about relationships between social structure and politics without inadvertently encumbering the discussion with the teachings (however diluted) of nineteenth-century social theory generally and Marx specifically. But Beard,

ways in which these economic revolutions altered political thought and argument in the eighteenth century, see MACHIAVELLIAN MOMENT, *supra* note 12.

30. For the Scottish Enlightenment's conception of "civil society," see J. G. A. Pocock, *Cambridge Paradigms and Scotch Philosophers: A Study of the Relations Between the Civic Humanist and the Civil Jurisprudential Interpretation of Eighteenth-Century Social Thought*, in WEALTH AND VIRTUE: THE SHAPING OF POLITICAL ECONOMY IN THE SCOTTISH ENLIGHTENMENT 235, 235–52 (Istvan Hont & Michael Ignatieff eds., 1984); DOROTHY ROSS, THE ORIGINS OF AMERICAN SOCIAL SCIENCE (1991); Fania Oz-Salzberger, *Civil Society in the Scottish Enlightenment*, in CIVIL SOCIETY: HISTORY AND POSSIBILITIES 58, 58–83 (Sudipta Kaviraj & Sunil Khilnani eds., 2001). For the connections between Scottish and French economic thought, particularly as it related to new understandings of extra-governmental spaces of human interaction, see DANIEL GORDON, CITIZENS WITHOUT SOVEREIGNTY: EQUALITY AND SOCIABILITY IN FRENCH THOUGHT, 1670-1789 (1994); EMMA ROTHSCHILD, ECONOMIC SENTIMENTS: ADAM SMITH, CONDORCET, AND THE ENLIGHTENMENT (2001). For more on "civil society" generally, see Keith Michael Baker, *Enlightenment and the Institution of Society: Notes for a Conceptual History*, in MAIN TRENDS IN CULTURAL HISTORY 95, 95–120 (Willem Melching & Wyger Velema eds., 1994).

31. See BEARD, *supra* note 1, at 26–51 (discussing this particular portrayal).

only inadvertently, helps us see that the eighteenth century had its own understanding of social constitution and its relationship to politics, one that proved indispensable to the Revolutionaries' political and constitutional thought. In this regard, even if Beard could not see his historicism all the way through, we can. And in so doing, we can recapture something pivotal.

But taking Beard's historicism seriously also sheds light on Beard himself. For some time, Beard has largely been known for two things—for offering the definitive economic or self-interested take on the construction of the American Constitution and for authoring one of the most controversial and enduring presidential addresses ever delivered before the American Historical Association, in which he openly wondered if historical inquiry rested or ever could rest on secure epistemological foundations.³² It has appeared strange to many that the avowed economic determinist, who seemed to be warring against the winds of postmodernism before they even swept through the academy, could later play the epistemological skeptic with not only such ease but with such zealous conviction.³³

But, if what has been argued here is any indication, it becomes much easier to comprehend how Beard traveled from one project to the next, a transition that has often been regarded as a complete reversal of convictions. For if Beard's great insight, as he himself saw it, was that Madison's own political science better explained the character of the Constitution than anything else Madison or any of the other delegates declared or sought—if, in other words, he had turned the eighteenth century against itself—then how could he himself in the early twentieth century not wonder if the same could be done to him and, in turn, all historians? Now, surely, much of Beard's presentism (and subsequent reflections upon that) was linked to his own political activism and the urgent, polemical tendencies that grew out of it. But, nonetheless, his interest in the modern historian's difficulties that emerged in trying to adequately represent the past also owed something to his scholarly reflections. It was in part because Beard had *not* dismissed the eighteenth century's particularity, but instead that he had, to his mind, embraced it on its own terms,

32. Charles A. Beard, *Written History as an Act of Faith*, in 39 *AMERICAN HISTORICAL REVIEW* 219, 219–31 (1934).

33. See NOVICK, *supra* note 5, at 256–57. Those who have detected an affinity between the two intellectual contributions have emphasized that the presentist, political agenda governing the historical work fed the relativist epistemological reflections. This connection is distinct from the one I want to suggest.

that he had begun wondering aloud if any historian's work, much like any constitution-writer's work, could escape its particular historical conditioning. Beard's historicism failed in many ways, but he did not think so and that helps us understand both his later development and how Beard himself might be deployed against Beardianism.

Much as Beard tried to turn the founders back against themselves, I have turned Beard back against himself in the hopes of moving past Beardianism. Beard's classic book should not be forgotten—it still represents an important historiographical touchstone, one to which all students of the Revolutionary era ought to be exposed; nor should Beard be forgotten—students of Progressive-era America and especially its intellectual currents must continue (as they already ably have) to explore Beard and the intellectual and institutional world that shaped him.³⁴ What should be forgotten and brushed aside is Beardianism—or the need to conflate the obvious point that some people in all societies (especially political leaders) will be self-interested and that economic and regional interests have played and will continue to play a role in politics with the much different point that interests are pre-perceptual, and thus prior to and independent of the use of a historically contingent conceptual vocabulary. A fully historicist understanding of ideas and interests forces us to retrieve and reconstitute the perceptual framework that animated even the most unscrupulous and self-interested of politicians, because not everybody needs principles but all humans, to meaningfully act, must be equipped with the materials by which they can give their world meaning. Beardianism, and its legacy, still prevents us from seeing things in that fully historicist fashion. Might we then turn Beard back against himself to simultaneously appreciate Beard while demolishing Beardianism in the process?

34. Many have begun exploring the importance of Beard's thought within the context of Progressive-era America. See CUSHING STROUT, *THE PRAGMATIC REVOLT IN AMERICAN HISTORY: CARL BECKER AND CHARLES BEARD* (1958); RICHARD HOFSTADTER, *THE PROGRESSIVE HISTORIANS: TURNER, BEARD, PARRINGTON* (1968); ELLEN NÖRE, *CHARLES A. BEARD: AN INTELLECTUAL BIOGRAPHY* (1983); LEON FINK, *PROGRESSIVE INTELLECTUALS AND THE DILEMMAS OF DEMOCRATIC COMMITMENT* (1997); CLYDE W. BARROW, *MORE THAN A HISTORIAN: THE POLITICAL AND ECONOMIC THOUGHT OF CHARLES A. BEARD* (2000); KAREN ORREN AND STEPHEN SKOWRONEK, *THE SEARCH FOR AMERICAN POLITICAL DEVELOPMENT* (2004); JOHN LOUIS RECCHIUTI, *CIVIC ENGAGEMENT: SOCIAL SCIENCE AND PROGRESSIVE-ERA REFORM IN NEW YORK CITY* (2006).