

CHARLES A. BEARD & THE COLUMBIA SCHOOL OF POLITICAL ECONOMY: REVISITING THE INTELLECTUAL ROOTS OF THE BEARDIAN THESIS

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Since it was first published in 1913, Charles A. Beard's *An Economic Interpretation of the Constitution* has been a lightning rod of controversy for constitutional scholars and historians. While conservative critics have stressed the text's Marxist elements to castigate Beard's book as an ideological polemic, American progressives have embraced Beard's empiricism as a definitive piece of first-rate, historical scholarship. Despite these varying claims, few scholars have investigated the broader intellectual environment from which Beard emerged and in which *An Economic Interpretation of the Constitution* was written. Instead, commentators and critics alike have frequently detached Beard's text from its historical context.¹

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1. For examples of the conservative critique, see E. S. Corwin, Review, *An Economic Interpretation of the Constitution* by Charles Beard, 5 HIST. TCHR.'S MAG. 65, 66 (Feb. 1914) (criticized the book for being "bent on demonstrating the truth of the socialistic theory of economic determinism and class struggle"); Theodore Clark Smith, *The Writing of American History in America, From 1884 to 1934*, 40 AM. HIST. REV. 439, 447 (Apr. 1935) (contended that Beard's book had "its origin, of course, in the Marxian theories"). For the reaction of American progressives, see Thomas Reed Powell, Review, *An Economic Interpretation of the Constitution of the United States*, 13 COLUM. L. REV. 659 (Nov. 1913) (concurred with the interpretation that certain economic interests advocated the constitution's adoption); MAX LERNER, IDEAS ARE WEAPONS: THE HISTORY AND USES OF IDEAS 161 (1939). For a summary of some of the critiques of Beard's work, see generally James Etienne Viator, *Give Me That Old-Time*

Yet to understand better how and why Beard wrote *An Economic Interpretation of the Constitution*, one must have a sense of the life and times of Charles Austin Beard. This article's central aim is to provide such historical context. Just as Beard sought to historicize the Founders as they drafted and adopted the Constitution, this article seeks to historicize Beard as he researched and wrote his classic text on the Constitution. Because Beard was both a graduate student and professor at Columbia University before and while he researched and wrote his book, this article explores the particular influence that Columbia University's institutional and intellectual climate may have had on Beard and the writing of *An Economic Interpretation of the Constitution*.

In addressing this research question, this article builds on a vast secondary literature about Beard and his scholarship. Indeed, there are currently more than three dozen books or monographs devoted to Beard and over 300 law review articles that have some significant reference to him and *An Economic Interpretation of the Constitution*.² In addition to synthesizing some of the findings of this vast literature, this article builds in particular on the excellent biographies that have been written about Beard and the outstanding work that political and legal theorists like Clyde Barrow, Pope McCorkle, and others have done to trace the genealogy of Beard's ideas.³

In contrast to the existing literature, however, this article attempts to broaden the historical lens in two modest ways. First,

Historiography: Charles Beard and the Study of the Constitution, 36 LOY. L. REV. 981 (1991).

2. More precisely, a careful search of WorldCat for books and monographs reveals 39 books devoted to Beard, and a HeinOnline search for law review articles shows 303 results containing substantive references to Charles Beard and *An Economic Interpretation of the Constitution*.

3. The leading biographies of Beard remain ELLEN NORE, CHARLES A. BEARD: AN INTELLECTUAL BIOGRAPHY (1983); RICHARD HOFSTADTER, THE PROGRESSIVE HISTORIANS: TURNER, BEARD, PARRINGTON 167-346 (1968); Eric F. Goldman, *The Origins of Beard's Economic Interpretation of the Constitution*, 13 J. HIST. IDEAS 234 (1952). The political and legal theorists who have analyzed the genealogy of Beard's ideas include CLYDE W. BARROW, MORE THAN A HISTORIAN: THE POLITICAL AND ECONOMIC THOUGHT OF CHARLES A. BEARD (2000); BERNARD C. BORNING, THE POLITICAL AND SOCIAL THOUGHT OF CHARLES A. BEARD (1962); Pope McCorkle, *The Historian as Intellectual: Charles Beard and the Constitution Reconsidered*, 28 AM. J. LEGAL HIST. 314 (1984); John Patrick Diggins, *Power and Authority in American History: The Case of Charles A. Beard and His Critics*, 86 AM. HIST. REV. 701 (1981); and most recently, Eldon J. Eisenach, *A Progressive Conundrum: Federal Constitution, National State, and Popular Sovereignty in THE PROGRESSIVES' CENTURY: DEMOCRATIC REFORM AND CONSTITUTIONAL GOVERNMENT IN THE UNITED STATES* (Stephen Skowronek, Stephen Engel & Bruce Ackerman eds., forthcoming).

in addition to examining the key individual figures who undoubtedly influenced Beard, this article investigates the broader intellectual and institutional context in which he operated. Drawing on my prior research on the prominent early twentieth-century political economists at Columbia University,⁴ this article contends that Beard was the product of a unique Columbia tradition of inductive, proto-institutionalist research in political economy—a tradition that at its core sought to meld serious political and historical scholarship with progressive social activism.⁵ Most orthodox scholars at this time were frequently engaged in highly theoretical and deductive research in the social and behavioral sciences. By contrast, Columbia political economists were committed to an innovative and pluralistic vision of academic research that emphasized the need for a broader, empirical understanding of how social, political, and economic institutions shaped human behavior.⁶

This article's second contribution is more methodological. Initially, my goal was to explore the archives for any remaining undisclosed nuggets of historical evidence about Beard's aims and intentions in writing *An Economic Interpretation of the Constitution*. The manuscript collections at Columbia University provide an accurate sense of the cultural climate of that institution at the turn of the twentieth century, and the remaining correspondence that Beard had with his colleagues sheds significant light on certain aspects of Beard's historical methods. But to understand who Beard was before he arrived at Columbia, it was necessary to supplement my prior research with a visit to

4. AJAY K. MEHROTRA, *MAKING THE MODERN AMERICAN FISCAL STATE: LAW, POLITICS, AND THE RISE OF PROGRESSIVE TAXATION, 1877–1929* (2013); Ajay K. Mehrotra, *From Seligman to Shoup: The Early Columbia School of Taxation and Development*, in *THE POLITICAL ECONOMY OF TRANSNATIONAL TAX REFORM: THE SHOUP MISSION TO JAPAN IN HISTORICAL CONTEXT* 30 (W. Elliot Brownlee, Eisaku Ide & Yasunori Fukagai, eds., 2013).

5. For more on the history of the social sciences at Columbia University during this period, see R. GORDON HOXIE, *A HISTORY OF THE FACULTY OF POLITICAL SCIENCE COLUMBIA UNIVERSITY* (1955); ROBERT A. MCCOUGHEY, *STAND, COLUMBIA: A HISTORY OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK, 1754–2004* (2003).

6. Mary S. Morgan and Malcolm Rutherford have explained this as follows: “Institutionalists as a group had no one method to defend and no one economic theory to peddle. What they did have was a commitment to serious scientific investigation, detailed empirical work (though with no one method), serious theory building (which eschewed simple assumptions), and a commitment to understand the importance of economic institutions in determining economic outcomes.” MARY S. MORGAN & MALCOLM RUTHERFORD, *FROM INTERWAR PLURALISM TO POSTWAR NEOCLASSICISM* 3 (1998).

the Charles and Mary Beard personal papers which are housed at DePauw University in Greencastle, Indiana.⁷

The first contribution—examining the broad intellectual environment at Columbia and how it may have shaped Beard—appeared more promising than the latter objective of finding something interesting in the archives. Indeed, revisiting the secondary sources led to the initial conclusion that searching the Beards’ papers might have been a fool’s errand. As the existing historiography makes clear, the Beards purposely discarded much of their personal correspondence. In a 1950 letter to historian Merle Curti, Mary Beard acknowledged that her husband had “destroyed some letters, indeed all his letters, a short time before he died.”⁸ Several years later, after Mary’s death, their son William corroborated that his parents “left behind no great wealth of valuable materials besides their printed works.”⁹

Still, given that there are roughly a dozen boxes of materials in the Beards’ papers, the historian’s professional fetish for archival research initially prevailed. Unfortunately, the results were somewhat disappointing. The personal papers are “frankly fragmentary”—a phrase that Beard frequently used to describe his own research.¹⁰ But much of the primary source evidence supports and supplements what we know about Charles Beard and the intellectual and institutional culture that gave birth to his *Economic Interpretation of the Constitution*. Archival materials, together with the published record, demonstrate that although Beard was not quite a fully formed scholar when he arrived in Morningside Heights, his Columbia experience reinforced and refined rather than reformed the young scholar.

7. Charles Austin Beard and Mary Ritter Beard Papers (unpublished manuscripts) (on file with DePauw University, Greencastle, Ind.) [hereinafter “CABP”].

8. Mary Beard quoted in NORE, *supra* note 3, at ix. Although there is a limited number of personal incoming correspondence in the Beards’ papers, the DePauw archivists over the years have done an outstanding job of collecting Beard’s outgoing correspondence from archives throughout the country. *See generally* the finding aid for the CABP.

9. Eleanor Cammack, “The Beard Papers at DePauw,” DEPAUW ALUMNUS, Jan./Feb. 1967, 4–5 available in “Folder 2: Articles about CAB,” Document Case (DC) 10, CABP. William Beard elaborated:

When my parents completed volumes, they discarded the original manuscripts and proofs and most of the notes, as being no longer needed once they had been embodied in books off the press. As for mail, it was so voluminous that they destroyed virtually all incoming mail and rarely bothered to make any copies of their replies to file away. What little was left, they largely destroyed before their deaths in housecleaning operations. *Id.*

10. CHARLES A. BEARD, AN ECONOMIC INTERPRETATION OF THE CONSTITUTION (1913), at xix [hereinafter BEARD, ECONOMIC INTERPRETATION].

Columbia, in short, facilitated an evolution rather than a transformation in Beard's thinking. His time at Columbia provided him with new scholarly perspectives and research methods, but ultimately these new views heightened his innate tension between scholarly objectivity and political advocacy, between his belief in social scientific research and his desires for social democratic reform. What began as a youthful Midwestern populism and skepticism towards tradition and authority gradually evolved into a more cosmopolitan pragmatism—one that accentuated the provisional nature of constitutional truths and the instrumental use of historical analysis. Simply put, Beard's time at Columbia, as both a student and junior scholar, refined his personal predilections and his early upbringing and education, rather than radically transforming him into a new thinker and writer.

This article proceeds in three parts. Because Beard's early rearing and college education played an important role in his intellectual development, Part I begins with a brief summary of Charles Beard's personal background: his upbringing in central Indiana, his formative education at DePauw University, and his experiences in Oxford, England. Part II turns to the Columbia years and the general intellectual environment of that university during Beard's time there. This section chronicles how and why Columbia University became one of the leading factories of early twentieth-century social science research and scholarship, and how this general culture of innovative, interdisciplinary research and socially engaged scholarship shaped Beard's own work. Part III, then, traces the influence of key Columbia mentors and colleagues on the development of Beard's thinking and research. By synthesizing the existing literature on Beard with new primary source evidence, this last section shows how a particular group of Columbia scholars shaped Beard's ideas. Finally, the article concludes with a summary of how the Columbia "school" of political economy shaped Charles Beard and the writing of *An Economic Interpretation of the Constitution*.¹¹

11. Just as scholars have doubted whether American institutionalism can be labeled as a coherent school of economic thought, the same may be said of the Columbia school of political economy. It was more a broad-minded way of thinking than a strict ideological school of thought. For a summary of the recent skepticism toward economic institutionalism, see Philip A. Klein, *Institutionalism as a School—A Reconsideration*, 24 J. ECON. ISSUES 381 (1990).

I. THE EARLY EDUCATION OF CHARLES A. BEARD:
FROM INDIANA FARM BOY TO COSMOPOLITAN
INTELLECTUAL

Even before Charles Beard arrived at Columbia in 1902 to begin his graduate studies, he was imbued with a hard-headed realism and a rebellious streak that shaped his early thinking and actions. Reared in an affluent Midwestern farm family, Charles learned at a relatively young age about the importance of economic interests, and the links between law, politics, and money. Although his father was “a rock-ribbed Federalist-Whig-Republican,” as Beard often noted, Charles and his older brother Clarence were raised in an environment that valued and nurtured practical thinking and nonconformity.¹²

Many of the lessons Beard learned as an Indiana farm boy resonated with him for decades. Later in his life, when critics were challenging his contention about the importance of economic interests on politics and policymaking, Beard recalled that he had grown up listening to the parlor discussions of Indiana farmers who seemed to understand quite clearly how money and power affected American politics and society. While detached scholars may have thought his ideas and claims were heresy, ordinary Americans, he argued, appeared to understand the central points he was making in much of his writings.¹³

The everyday parlor discussions that Beard referred to were, of course, a product of their times. Beard, after all, was coming of age during the height of Midwestern, agrarian populism.¹⁴ Although his family’s personal wealth extended beyond agricultural holdings, Beard came to understand during his upbringing how modern industrialism was affecting the plight of ordinary farmers, and how populist organizations, like the granger movement, were attempting to challenge existing economic and political powers.¹⁵ Even at an early age, Beard himself had developed the confidence to challenge authority. In 1890, Charles was summarily expelled from his Quaker high school, Spiceland Academy, for helping his older brother produce a pamphlet

12. NORE, *supra* note 3, at 3.

13. HOFSTADTER, *supra* note 3, at 169.

14. BARROW, *supra* note 3, at 148–49.

15. CHARLES POSTEL, *THE POPULIST VISION* (2009); LAWRENCE GOODWYN, *THE POPULIST MOMENT: A SHORT HISTORY OF THE AGRARIAN REVOLT IN AMERICA* (1978).

criticizing the faculty and administrators at nearby Indiana University, where Clarence was a student.¹⁶

Beard supplemented his formal education after high school with some practical experience. He embarked on a profession that taught him about the power of the pen and the printing press, and the consequences of ideas. After graduating from the local public high school in Knightstown, Indiana, Charles was put to work by his father running a local newspaper. Together with his brother Clarence, Charles ran the everyday operations of the paper, covering local political and social events and authoring editorials in support of the Republican Party. During this brief vocation as a newspaper man, Charles learned about the importance of writing for a broad audience—something he continued to do throughout his career.¹⁷

In 1895, Beard brought his enthusiasm for journalism to college when he enrolled in the Methodist-affiliated DePauw University, where he eventually became editor-in-chief of the school newspaper, the *DePauw Palladium*. It is unclear precisely why Beard, who was raised as a Quaker, chose to attend Methodist DePauw, but religion seemed to be one part of his upbringing and early education. In fact, religious imageries did occasionally appear in some of Beard's college writings. Far more important, though, was the secular education he received in and out of his college classrooms. It was at DePauw that the young Beard was steeped in a broad liberal arts education, taking classes in European history, rhetoric, English literature, German, English constitutional and political history, and the "history and philosophy of socialism," where he came into contact with the writings of Karl Marx.¹⁸

It was during his undergraduate education that Charles also came under the tutelage of two influential teachers. The first was Colonel James R. Weaver, a heterodox professor of political science. The second was historian Andrew Stephenson, a recent graduate of the Johns Hopkins University, who was a proponent of the historical theory that American democracy emerged from Teutonic forests. Under the guidance of Weaver and Stephenson, Beard read some of the leading works in political economy being

16. Clifton J. Phillips, *The Indiana Education of Charles A. Beard*, 55 IND. MAG. HIST., no. 1, Mar. 1959, at 1; NORE, *supra* note 3, at 6–7.

17. NORE, *supra* note 3, at 7.

18. See "Charles Austin Beard, Transcript" in Folder 15: DePauw, Subjects Taken, 1898, DC 10, CABP; HOFSTADTER, *supra* note 3, at 169; Bernard C. Borning, *The Political Philosophy of Young Charles A. Beard*, 43 AM. POL. SCI. REV. 1165 (1949).

produced at the time by his future Columbia mentors, including John W. Burgess and Edwin R.A. Seligman. While Beard was a student at DePauw, he met the institutionalist economist John Commons, who was then teaching at nearby Indiana University, and the two became life-long friends.¹⁹

Columbia would eventually become a hotbed of institutionalism, and during his time there Beard would contribute to the university's growing interest in the study of historical institutions. That interest originated and was cultivated, however, during Beard's college years. He excelled at his studies and he quickly became a campus leader. Weaver singled out Beard as "a first class student" and "one of the best men" at DePauw. Stephenson, likewise, observed that it was "because of his marked ability in historical research that I have insisted from the first that he give his life to this line of work." Both teachers enthusiastically encouraged Beard to extend his education into graduate school.²⁰

Beard's education at DePauw flourished beyond the classroom as well. As editor-in-chief of the student newspaper and a senior member of the debate team, he applied much of what he learned from Weaver, Stephenson, and others to his journalistic accounts and his positions in extracurricular debates. Indeed, it is from the archival remnants of these activities that we know Beard became an early supporter of such progressive causes as organized labor, women's suffrage, and the graduated income tax.²¹ Moreover, because DePauw was co-educational, Beard came into regular contact with early feminists, such as Mary Ritter, who would soon become his wife. It was mainly through Mary and other young feminists that Charles learned about the late nineteenth-century social movements for gender equality.²² As is well known, Charles and Mary would go on to have a highly productive and fruitful relationship as collaborators on some of the most popular early twentieth-century texts in American history and civics.²³

19. BARROW, *supra* note 3, at n. 67.

20. James R. Weaver letter [n.d.]; Andrew Stephenson letter [n.d. circa 1898] in Folder 22: Recommendations for Charles Austin Beard, DC 10, CABP. Phillips, *supra* note 16, at 7–8. For more on DePauw University during this time period, see generally WILLIAM W. SWEET, *INDIANA ASBURY-DEPAUW UNIVERSITY, 1837–1937: A HUNDRED YEARS OF HIGHER EDUCATION IN THE MIDDLE WEST* (1937).

21. See generally NORE, *supra* note 3, at Ch. 1.

22. ANN J. LANE, *MARY RITTER BEARD: A SOURCEBOOK* (1977), at 22–23.

23. See, e.g., CHARLES A. BEARD & MARY RITTER BEARD, *THE RISE OF AMERICAN CIVILIZATION* (1927). For more on the importance of this textbook, see

In his final year at DePauw, Beard exhibited the iconoclastic irreverence for the U.S. Constitution that would become one of the hallmarks of his classic text. Reflecting on Stephenson's constitutional history course in the winter of 1898, Beard wrote that the class "is now investigating the original sources of the American nation making." With his characteristic wit, Beard continued, "there have been several dangerous explosions of ancient theories, but no lives are recorded as lost – at least so far in the work. We cannot predict for the discussion of the next few days."²⁴

In his other newspaper writings, Beard remarked on the new methods of thinking and analysis that he and his peers were learning from their young social science teachers. "The critical and scientific schools which are beginning to dominate in every institution of learning are fast bringing in a new regime of thought," wrote Beard. "With blasts of iconoclasm the new methods are sweeping away old idols and superstitions." Beard could hardly contain his enthusiasm for this new school of thought:

This is however the true method of study and research, accepting nothing, believing nothing without investigation and verification. But one question now arises. What is to be the result of this unsettled condition of affairs? We lay no claim to prophecy but we believe that an age of thought-revolution is near at hand – a thought revolution which will shake the foundation of even rock-founded institutions.²⁵

Even at this early age, Beard was absorbing a new zeitgeist, one that historians have loosely described as a "revolt against formalism," or more specifically as a "new school" of American political economy and history which also had a lasting grip on Beard's future mentors at Columbia.²⁶

generally Thomas Bender, *The New History—Then and Now*, 12 REVS. AM. HIST. 612, 615–16 (1984).

24. DEPAUW PALLADIUM, Feb. 7, 1898; NORE, *supra* note 3, at Ch. 1.

25. DEPAUW PALLADIUM, Mar. 7, 1898.

26. MORTON GABRIEL WHITE, *SOCIAL THOUGHT IN AMERICA: THE REVOLT AGAINST FORMALISM* (1957); *see also* EDWARD A. PURCELL, JR., *THE CRISIS OF DEMOCRATIC THEORY: SCIENTIFIC NATURALISM & THE PROBLEM OF VALUE* (1973). For more on the "new school" of American political economy, *see* MARY O. FURNER, *ADVOCACY & OBJECTIVITY: A CRISIS IN THE PROFESSIONALIZATION OF AMERICAN POLITICAL SCIENCE, 1865–1905* (1975); DOROTHY ROSS, *THE ORIGINS OF AMERICAN SOCIAL SCIENCE* (1992); ELTON J. EISENACH, *THE LOST PROMISE OF PROGRESSIVISM* (1994). On the "new history," *see generally* PETER NOVICK, *THAT NOBLE DREAM: THE "OBJECTIVITY QUESTION" AND THE AMERICAN HISTORICAL PROFESSION*, Ch. 4 (1988).

With the self-righteous indignation of a student editorialist, Beard conceded in one of his last writings for the DePauw paper that seeking truth was the ultimate goal of all good and virtuous thinkers. The search for truth, he wrote, was “fraught with toil and sacrifice and perhaps ridicule.” It was not an endeavor for the intellectually faint of heart. “The seeker of the truth must be fearless,” wrote Beard. “He must not be afraid to enter the innermost holy of holies, and to tear down the veils of superstition that hang about every human, and so called divine institution.” More than a full decade before Beard himself would enter the holy temple of constitutional jurisprudence he was already looking upon that hallowed text with grave skepticism. “Politicians bow down before the constitution of the United States as though it were sacred,” he observed, yet “history tells us that this crowned constitution with its halo has been the bulwark of every great national sin – from slavery to monopoly.”²⁷ This early critical analysis was merely a prelude to Beard’s more rigorous, empirical and searching account of the Founding period.

If Beard’s college writings foreshadowed some of his future scholarship, his experiences abroad at Oxford University and as a labor organizer in England presaged his longstanding commitment to combining historical research with social activism. As Beard’s biographers have illustrated, his time in England was a pivotal experience.²⁸ It was there that he worked with historian Frederick York Powell, who stressed how the systematic study of the past ought to be viewed as a type of science rather than art, closer to botany than Beowulf. It was also at Oxford that the Beards met the Christian Socialist reformers Walter and Anne Vrooman, two life-long friends who would come to shape the Beards’ views of feminism and social advocacy.

During his time in England, Charles worked with Walter Vrooman to establish Ruskin Hall, an extension school for working-class political leaders. Ruskin Hall would soon become an innovative institution, a labor college where Beard and his colleagues would “take men who have been merely condemning

27. DEPAUW PALLADIUM, May 17, 1898. Beard went on to elaborate in this last editorial:

It is the truth that makes men free. If the truth tears down every church and government under the sun – let the truth be known. And this truth only will be known when men cease to swallow capsules of ancient doctors of divinity and politics, and when men begin to seek the truth in the records of history, politics, and religion and science. Let the new school triumph!

28. NORE, *supra* note 3, at 14–27. See also Richard Drake, *Charles Beard & the English Historians*, 29 CONST. COMMENT. 313 (2014).

our institutions and . . . teach them how, instead, to transform them.” It would be a place where teachers could train students “to raise rather than rise out of the mass of their fellow workers.”²⁹

In the process of establishing Ruskin Hall and in his many other labor-organizing activities, Beard came into regular contact with the social dislocations of modern industrialism. Although Beard had earlier come across America’s own examples of urban life during his visits to Chicago, his time in England solidified his personal knowledge and social experience of the ravages of modern industrial capitalism. He saw first-hand the grueling work that most ordinary laborers endured, and the limited time they had for education and leisure activities. During his last year abroad, Beard not only helped run Ruskin Hall, he also toured the gritty union halls and slums of Manchester and Wales, delivering speeches about the history of the industrial revolution and the importance of scientific management.³⁰

From these experiences, Beard authored his first book, simply titled, *The Industrial Revolution*. In it one sees the attempts of an objective scholar trying to reconcile his desires to remain scientifically neutral while also trying to find ways to improve the world around him:

It is clear to any unprejudiced mind that a reorganization of industry is both necessary and desirable, not that one class may benefit at the expense of the other, but that the energy and wealth wasted in an irrational system may be saved to humanity, and that the bare struggle for a living may not occupy the best hours of the workers’ lives.³¹

Even at this early stage of his career, as historian Richard Hofstadter noted, Beard was torn “by the opposition between his belief in the discipline of history as science and his passionate desire to put it to work as a moral force.”³² This inherent tension would continue throughout Beard’s life and career.

II. COLUMBIA AS A FACTORY OF EARLY TWENTIETH-CENTURY SOCIAL SCIENCE

Beard’s pre-Columbia University experiences were varied and formative. Thus by the time he arrived in Morningside Heights in the fall of 1902 he was hardly a *tabula rasa*. Unlike

29. NORE, *supra* note 3, at 17 (quoting Beard).

30. NORE, *supra* note 3, at 14–27; Phillips, *supra* note 16, at 7.

31. CHARLES A. BEARD, *THE INDUSTRIAL REVOLUTION* 104 (1900).

32. HOFSTADTER, *supra* note 3, at 178.

many of his classmates, he was older, more mature, and already a published author. Why Beard chose to attend Columbia in the first place is unclear, but it is likely that his advisors from DePauw and Oxford had exposed him to the scholarship of John Burgess, Frank J. Goodnow, and Edwin Seligman—all of whom, each in his own way, were at the time directing Columbia's School of Political Science to its heights as an incubator of socially active intellectuals.³³ Similarly, Columbia's unique geographical location in one of the world's most culturally vibrant global cities was likely also appealing to socially engaged scholars like Beard.

Armed with research he had conducted while in England, Beard wasted no time with his studies. Within two years he completed his Ph.D., writing a dissertation on "The Office of Justice of the Peace in England," under the supervision of Goodnow and historian Herbert Levi Osgood.³⁴ Shortly after earning his doctorate, Beard secured a teaching position first in Columbia's History Department and then later, with the assistance of Burgess and Seligman, in the Department of Public Law and Government.³⁵ Beard would spend roughly 15 highly fruitful years at Columbia before he resigned abruptly in 1917 in protest over academic freedom and U.S. entry into the Great War.³⁶

The existing historiography has already outlined the major individuals who influenced Beard during his days as a student and teacher at Columbia.³⁷ But a further look at the specific institutional climate at Columbia suggests that there may have been broader forces and intellectual trends shaping Beard's thinking and research during his years in Morningside Heights.

33. Despite its name, the School of Political Science was a conglomeration of several different departments and disciplines. By 1900, it was "a federation of three departments – Public Law and Comparative Jurisprudence, Economics and Social Science, and History and Political Philosophy." HOXIE, *supra* note 5, at 62.

34. The dissertation was subsequently published as a monograph in the prestigious Columbia series on "Studies in History, Economics, and Public Law." See CHARLES A. BEARD, *THE OFFICE OF JUSTICE OF THE PEACE IN ENGLAND IN ITS ORIGIN AND DEVELOPMENT* (1904). The series was founded and administered for many years by Seligman. HOXIE, *supra* note 5, at 44.

35. Charles A. Beard to Edwin R.A. Seligman, Feb. 1916 in Catalogued Correspondence, Edwin Robert Anderson Seligman Papers, Rare Book & Manuscript Library, Butler Library, Columbia University.

36. HOFSTADTER, *supra* note 3, at 181. "The outstanding thing about Beard's years at Columbia from 1902 to his resignation in 1917 was his lavish productivity," noted Hofstadter. "Aside from very frequent reviews and articles and a half dozen volumes of collected documents and readings, he wrote alone or in collaboration with others no fewer than eleven books." *Id.*

37. See, for example, BARROW, *supra* note 3; NORE, *supra* note 3.

Indeed, at this time Columbia's Faculty of Political Science, which housed the graduate departments of economics, history, sociology, and public law, was fast becoming a leading center for the interdisciplinary study of the still nascent social sciences.

There were several reasons for Columbia's unique position as a primary incubator of innovative and influential social science research. First, the School of Political Science, led by Burgess, had recruited a significant cohort of young and energetic, interdisciplinary scholars with eclectic research interests, who were all committed to the serious empirical study of historical institutions. Many of these new faculty members were European-trained social scientists who were importing to the United States the research and pedagogical models of German and English universities. Scholars such as John Bates Clark in economics, Frank H. Giddings in sociology, and Goodnow in government were among the first generation of social scientists that were helping to set Columbia apart from its peer institutions. Beard learned from, and quickly fit well within, this cohort of young academics.³⁸

Second, Columbia was pioneering new and innovative research methods. Political economists, like Seligman, J.B. Clark, and Henry R. Seager, quickly became the fountainheads of a new, proto-institutionalism that was challenging the existing economic orthodoxy. These figures and their students would help create an intellectual culture that valued historical institutionalism and that would soon become one of the defining features of the Columbia Economics Department during the 1920s.³⁹ Similarly, scholars throughout the social sciences at Columbia were also experimenting with, and advancing, new techniques of quantitative and statistical analysis. Both of these unique characteristics would have a profound influence on Beard, while he was a student and a junior colleague at Columbia.⁴⁰

Third, the university's geographical location also enhanced the quality and reach of the faculty's research. Situated in one of the largest cities in the world, Columbia provided its faculty with a natural, urban laboratory to conduct much of their research. A variety of social scientists took advantage of the university's

38. HOXIE, *supra* note 5; MCCOUGHEY *supra* note 5.

39. Malcolm Rutherford, *Institutional Economics at Columbia University*, 36 HIST. POL. ECON. 31 (2004); MALCOM RUTHERFORD, THE INSTITUTIONALIST MOVEMENT IN AMERICAN ECONOMICS, 1918-1947 223-56 (2011).

40. Charles Camic & Yu Xie, *The Statistical Turn in American Social Science: Columbia University, 1890 to 1915*, 59 AM. SOC. REV. 773 (1994).

unique space, taking their research out of the ivory tower and into the trenches of modern American urban life. The university's location, moreover, gave the faculty access to other leading intellectuals and policymakers, as well as funding sources, thus extending the influence of their research and scholarship. Each of these factors shaped Beard's development as a scholar and teacher.

A. THE DEVELOPMENT OF A YOUNG, INTERDISCIPLINARY FACULTY

By the early twentieth century, Columbia began surpassing other prominent universities as one of the leading factories of social science research. One reason for this was the growing concentration of young, interdisciplinary scholars teaching at Columbia. Many of these thinkers shared similar research interests that sought to challenge the existing status quo. The political economists J.B. Clark, Seager, and Seligman were among an early cadre of proto-institutionalist economists who were eager to undermine the formalistic notions of nineteenth-century, laissez-faire political economy by studying actual, existing economic forces and institutions. They were joined by Thomas Reed Powell and Frank Goodnow in public law and government; William Ogburn and Frank H. Giddings in sociology; Beard and Robinson in history; and of course John Dewey in philosophy—all of these figures had institutionalist leanings that compelled them to replace the dry and arid formalistic ideas and theories of an earlier generation of amateur academics with inductive, empirical knowledge about the realities of lived social experience.⁴¹

These young faculty members soon attracted throngs of graduate students. In the early decades of the twentieth century, Columbia quickly became one of the largest social science graduate schools in the country. When Beard earned his doctorate in 1904 and first began teaching at Columbia, there were roughly 150 graduate students in what was known at the time as the Department of Public Law and Government. By 1912 that figure had more than doubled to over 360 students. Between 1907 and 1912 alone, the overall graduate student population in the social

41. HOXIE, *supra* note 5, at 120–44. *See also*, Rutherford, *Institutional Economics at Columbia*, *supra* note 39. On the professionalization of the social sciences during this period, see generally, THOMAS L. HASKELL, *THE EMERGENCE OF PROFESSIONAL SOCIAL SCIENCE: THE AMERICAN SOCIAL SCIENCE ASSOCIATION AND THE NINETEENTH-CENTURY CRISIS OF AUTHORITY* (1977).

sciences increased by approximately seventy percent. Revered as an outstanding and dedicated teacher, Beard played no small part in attracting graduate students to Morningside Heights during these years.⁴²

Among the many reasons why Columbia was able to attract these prominent young scholars and graduate students, one of the most significant was the faculty's commitment to a catholic notion of serious scientific investigation. For the founding and leading members of the social science faculty, this meant detailed empirical work, albeit without a fixation on one single method of analysis, and a dedication to understanding the historical development of political, economic, and social institutions. Indeed, as intellectual historian Dorothy Ross has documented, the early founders of American social science were united in their desires to create a field of study that Ross has referred to as "historico-politics," a field that melded the past study of politics with contemporary concerns.⁴³

Beard quickly became both a consumer and producer of this innovative type of scholarship. In fact, when he reflected back on his intentions in writing *An Economic Interpretation*, he emphasized that his goal was to "open up a new line of research for historians and political scientists." In a 1939 interview with Columbia Professor (and DePauw alumnus) John D. Millet, Beard recounted that even the title of his controversial book was meant to intimate a broad, catholic notion of scholarship.

Beard pointed out that the title of his study was "An Economic Interpretation" and not "The Economic Interpretation." He had not claimed that economic considerations, including concern for their individual property and wealth, were the exclusive motivation of those gathered in Philadelphia. He had always recognized that there were various kinds of motivation involved in both the calling of the constitutional convention and the writing of the Constitution.⁴⁴

This open and diverse sense of historical interpretation may have been lost on Beard's critics, but it was certainly in keeping with the main currents of Columbia's "historico-politics."

42. HOXIE, *supra* note 5, at 265; NORE, *supra* note 3, at 238, fn. 15; Arthur W. Macmahon, *Charles Austin Beard as a Teacher*, 65 POLITICAL SCIENCE QUARTERLY 1 (1950).

43. ROSS, *supra* note 26.

44. John D. Millet, "Recollections of Charles A. Beard," [n.d. circa 1939], Folder 5: Article about CAB by John D. Millet, "Recollections of CAB," DC 10, CABP.

B. PIONEERING NEW RESEARCH METHODS

During the early twentieth century, the study of politics was not only historically based; it was also dominated by a plurality of social scientific methods and perspectives. In this sense, as political theorist James Farr has reminded us, political science in particular was less a specialized discipline at this time and more akin to “the historical sciences of politics.” It was still a fledgling field, but one that had some common themes. “Its object of inquiry was the state; its method was comparative, as well as historical; and its principles were offered as scientific bona fides.”⁴⁵ Each of these elements to varying degrees was on display in Beard’s early work.

Given the School of Political Science’s openness to a diversity of perspective, it is no surprise that during these years Columbia was also pioneering the use of statistics among the social sciences. In fact, the increasing adoption of European quantitative and statistical methods set Columbia apart from its peer institutions. As sociologists of science Charles Camic and Yu Xie have persuasively demonstrated there were two principal reasons for Columbia’s distinctive approach to statistics. First, as we have already seen, Columbia was a hotbed of interdisciplinary social scientists, many of whom studied abroad and brought home European statistical tools.

The porous borders between the disciplines provided an opportunity as well as a dilemma for these scholars. As the modern university became more specialized and disciplines were forced to battle for resources, turning to statistical analysis gave leading thinkers at Columbia a chance to show that their new methods were in line with accepted notions of “science.” At the same time, these scholars needed to differentiate themselves from others to make the case for scarce resources. They did this by illustrating how the new social sciences were truly innovative. In short, they tried to demonstrate their allegiance to scientific rigor while at the same time differentiating their work from competing disciplines.⁴⁶

Second, specific local institutional conditions at Columbia bolstered the university’s status and reputation as a leader in

45. James Farr, *The Historical Science(s) of Politics: The Principles, Association, and Fate of an American Discipline*, in *MODERN POLITICAL SCIENCE: ANGLO-AMERICAN EXCHANGES SINCE 1880* 66 (Robert Adcock, Mark Bevir & Shannon C. Stimson, eds., 2007).

46. CAMIC & XIE, *supra* note 40.

statistical analysis and study. The limited number of natural scientists using quantitative methods opened up space for the social scientists at Columbia to become the central proponents of statistical study. Meanwhile, Burgess's affinity for German-trained scholars like himself led him to recruit colleagues, such as Richard Mayo-Smith and Edwin Seligman, who had embraced both German historicism and statistical study. And the central administration's support for the early work done by Mayo-Smith and others redounded to the university's benefit and in the process reinforced the commitment to statistical analysis. With several different scholars turning to empirical, quantitative methods as part of their research, the Faculty of Political Science soon became well known for doing the "boundary work" of legitimating statistical analysis in several different fields. Frank H. Giddings in sociology, James McKeen Cattell in psychology, Franz Boas in anthropology, Richard Mayo-Smith in political science, and Henry L. Moore in economics—to name just a few—all paved the way for other scholars like Beard to use empirical quantitative evidence as part of their scholarship.⁴⁷

With its openness to new methods and its concentration of young, interdisciplinary scholars and graduate students, Columbia soon became one of the country's leading producers of doctorates and high quality social science research. In fact, by 1913, Columbia could boast being the largest graduate school in the country, conferring more M.A.s and Ph.D.s. in the arts and sciences than any other university.⁴⁸ The economics department led the way, with others following suit. Along with the University of Chicago, Harvard, and Johns Hopkins, Columbia was among the most prominent graduate programs in the social sciences. During the first third of the twentieth century, it produced by far the most economics Ph.D.s.⁴⁹ And in terms of scholarly output, Columbia faculty members and those economists who received their graduate training at Columbia wrote articles that frequently appeared in the discipline's flagship journal, the *American Economic Review*.⁵⁰

47. *Id.*; Thomas F. Gieryn, *Boundary-Work and the Demarcation of Science from Non-Science: Strains and Interests in Professional Ideologies of Scientists*, 48 AM. SOC. REV. 781 (1983).

48. MCCOUGHEY, *supra* note 5, at 230–31.

49. Lewis A. Froman, *Graduate Students in Economics, 1904-1940*, 32 AM. ECON. REV. 817 (1942).

50. Roger E. Backhouse, *The Transformation of U.S. Economics, 1920-1960, Viewed Through a Survey of Journal Articles*, in MARY S. MORGAN & MALCOLM RUTHERFORD, *FROM INTERWAR PLURALISM TO POSTWAR NEOCLASSICISM* (1998), at 100; HOXIE, *supra*

As the senior department associated with the original Faculty of Political Science, the Department of Public Law and Government was equally prominent in its field.⁵¹ When Beard joined the department in 1907, it was mainly a graduate program working closely with the law school. Beard spearheaded the department's development of undergraduate courses in government, and he soon became a highly popular and admired teacher.⁵² Along with Johns Hopkins, Columbia became a leading producer of scholars interested in researching and writing about the state. Columbia's faculty in political science also founded and ran one of the leading journals in their discipline at the time, the *Political Science Quarterly (PSQ)*—a publication created by Columbia's Academy of Political Science, a voluntary association consisting of faculty and alumni from the law school and School of Political Science. For many years, Seligman was one of the key editors at the *PSQ*. He recruited Beard to write several reviews and to assist him in editing the journal. As a result, throughout the early twentieth century, the *PSQ* provided Columbia faculty with a platform for publishing their cutting edge research.⁵³

C. COLUMBIA'S UNIQUE GEOGRAPHICAL LOCATION

Columbia's leading position in the social sciences was also due in large part to its geographical location. Much of the scholarship produced by its faculty was fueled by and directed at the prominent social issues that consumed the residents of one of the world's largest and leading global cities during a period of rapid immigration, urbanization, and industrialization. Political economists like Seligman and Seager not only deployed their expertise to assist local agencies such as the New York Bureau of Municipal Research, which Beard also joined early in his career. They also viewed New York City as a natural laboratory for the social sciences. In fact, toward the end of his tenure at Columbia, Beard spent as much time at the Bureau of Municipal Research as he did at the university. And when he left Columbia in 1917, he worked closely with his colleague James Harvey Robinson in

note 5, at 159. See also Joseph Dorfman, *The Department of Economics*, in R. GORDON HOXIE, A HISTORY OF THE FACULTY OF POLITICAL SCIENCE COLUMBIA UNIVERSITY (1955).

51. John D. Millet, *The Department of Public Law and Government*, in R. GORDON HOXIE, A HISTORY OF THE FACULTY OF POLITICAL SCIENCE COLUMBIA UNIVERSITY (1955) at 257.

52. David Brown, *The Fate of Academic Freedom in the Age of High Liberalism: The Case of Charles Beard*, 6 J. HIST. SOC'Y 1 (2006).

53. HOXIE, *supra* note 5, at 41.

leveraging the city's many resources to create the New School for Social Research.⁵⁴

The university thus attracted socially engaged individuals like Beard, who after his experiences in England no doubt looked upon Columbia's location as a key attraction. Early in his Columbia teaching, Beard acknowledged the unique role of the university's geographic setting. In the process of advocating for the establishment of a professorship in municipal governance, Beard stressed how Columbia's urban location came with both responsibilities and benefits. "The duty rests upon all universities to help, but upon us especially," he noted. "And we have the best laboratory in the United States at hand. By cooperation with other agencies in New York we could become a great school in municipal engineering, combining political and physical sciences."⁵⁵ Columbia's setting in Manhattan, and the overall intellectual and social reform ferment of the city thus provided faculty members and students with a very different, though highly informative, kind of education outside the halls of the university.⁵⁶

The university's location in New York City, moreover, provided its faculty with access to material resources for their research. Columbia, to be sure, enjoyed a long tradition of economic support from leading alumni and trustees. In 1895, President Seth Low personally guaranteed the financial support that led to the building of Low Memorial Library. Similarly, the university's location near the heart of the country's financial capital also led to other sources of funding from prominent alumni, as well as philanthropic and research-based institutions. The Rockefeller Foundation, the Twentieth-Century Fund, and Columbia's own Council for Research in the Social Science were all important granting agencies located in New York. Columbia faculty members were adept at securing significant support from these agencies throughout the early part of the twentieth century.⁵⁷

54. THOMAS BENDER, *INTELLECT AND PUBLIC LIFE: ESSAYS ON THE SOCIAL HISTORY OF ACADEMIC INTELLECTUALS IN THE UNITED STATES* 49–77 (1993); JOHN LOUIS RECCHIUTI, *CIVIC ENGAGEMENT: SOCIAL SCIENCE AND PROGRESSIVE-ERA REFORM IN NEW YORK CITY* 29–31 (2007).

55. MCCOUGHEY, *supra* note 5, at 210.

56. BENDER, *supra* note 54, at 91–105; RECCHIUTI, *supra* note 54, at 30–31.

57. HOXIE, *supra* note 5, at 59; Dorfman, *supra* note 50.

III. THE INFLUENCE OF COLUMBIA MENTORS AND COLLEAGUES

In addition to Columbia's unique institutional features, there were also key individuals and conceptual currents that shaped the young Beard. The first was obviously the attraction that historical-institutionalist scholars like Burgess and Goodnow must have offered someone like Beard. There was much in Burgess's writing on the Teutonic origins of the U.S. Constitution that resonated with the young Beard, at least initially. After all, Beard had been exposed to such racialized theories from Andrew Stephenson during his years at DePauw. Over time, however, Burgess would become more of a foil than an influence, as Beard would gravitate more toward some of the younger members of the faculty like Frank Goodnow.

The second influence was the work of the "New History" pioneered by James Harvey Robinson, who was one of Beard's closest friends and occasional collaborators on the Columbia faculty. The third and perhaps most important inspiration came from the proto-institutionalist thinking of the public finance economist, Edwin Seligman, who Beard himself would single out as a major influence on the writing of *An Economic Interpretation*. Together, Columbia's unique characteristics and its concentration of leading interdisciplinary scholars would have a profound impact on Beard.

A. BURGESS AND EARLY HISTORICAL INSTITUTIONALISM

From the start, a research focus on the historical development of political and legal institutions had been a part of Columbia's social science training. When the German-trained Burgess first founded the School of Political Science in 1880, he sought to provide the German seminary-style of education to American graduate students, which meant preparing them not only for academic careers, but also for public service. This early blending of scholarship and service was no doubt appealing to Beard and many other aspiring intellectuals who came to Columbia with the desire to mix scholarship and activism.⁵⁸

Yet, what was most distinctive about Burgess and his vision of the Columbia School of Political Science was less its focus on

58. HOXIE, *supra* note 5, at 217. Burgess has been recognized not only as one of the founding fathers of political science, but also as one of the pioneers of the subfield of American Political Development. KAREN ORREN & STEPHEN SKOWRONEK, *THE SEARCH FOR AMERICAN POLITICAL DEVELOPMENT* 37-40 (2004).

public service, which other graduate programs at the time also emphasized, and more its attempts to make the study of American politics more “scientific.”⁵⁹ This allegiance to scientific rigor was also critical to the development of Columbia’s pioneering role in incorporating statistics into the social sciences. Recall, that Beard had already come under a similar influence in working with his DePauw teachers who stressed the need “to believe nothing without investigation and verification.”⁶⁰

A scientific study of politics entailed more inductive, empirical research. For Burgess that meant turning to comparative qualitative history to understand America’s unique place in the world. In one of his first major treatises, *Political Science and Comparative Constitutional Law*, published the same year that he became the first Dean of the Faculty of Political Science, Burgess exhibited the grand historical theorizing that was common in the late nineteenth century. But he did so by grounding his findings in the details of comparative constitutional law. By placing the U.S. Constitution within a broader comparative matrix, Burgess argued that the American republic with its separation of powers, strong executive, and federalist structure was “many stages in advance of all the rest in this line of progress.”⁶¹

In this text, Burgess exhibited a type of American exceptionalism that would be rejected by his younger colleagues, particularly Goodnow and eventually Beard. Burgess acknowledged that America’s superior position in, what he saw as, the linear advancement of western civilization was not preordained and that several contingent events, in particular the Civil War, propelled the United States to its dominant position. Still, he was quite confident “that the destiny of history is clearly pointing to the United States as the great world organ for the modern solution of the problem of government as well as of liberty.”⁶² The use of comparative analysis to illustrate the apparent superiority of American political, economic, and legal institutions would soon become a necessary contrast for some of

59. “In all the convulsions of political history, described as advance and reaction,” Burgess boldly proclaimed, “the scientific student of history is able to discover that the zigzags of progress are ever bearing in the general direction which the combined impulses toward nationalism and humanism compel.” JOHN WILLIAM BURGESS, *THE MIDDLE PERIOD, 1817-1858* 243 (1897).

60. *DEPAUW PALLADIUM*, Mar. 7, 1898.

61. JOHN WILLIAM BURGESS, *POLITICAL SCIENCE AND COMPARATIVE CONSTITUTIONAL LAW* 39 (1890); Millet, *supra* note 51 at 260.

62. BURGESS, *supra* note 61, at 40.

Burgess's colleagues, many of whom came away with a very different interpretation from their comparative historical studies. One of those colleagues was Frank Goodnow.

B. GOODNOW AND HISTORICAL REALISM

A former Burgess student, Goodnow focused his research on administrative law. Through his comparative study of municipal administration, Goodnow became part of what Dorothy Ross has referred as the “historical realism” wing of early American political science.⁶³ In contrast to Burgess's faith in linear and teleological progress, Goodnow stressed the discontinuities and ruptures between the actual and the ideal, between what legal scholar Roscoe Pound would later refer to as the “law in the books” and the “law in action.”⁶⁴ In his 1900 study, *Politics and Administration*, Goodnow concluded that “from a consideration of political conditions as they now exist in the United States . . . the formal governmental system as set forth in law is not always the same as the actual system.” Only by pointing to the disjuncture between the actual and the ideal, Goodnow contended, could reform be geared toward making the actual hew to “the political ideas upon which the formal system is based.”⁶⁵

Beard learned a great deal from Goodnow—not only about the importance of administrative authority, but also about the need to take historical realism seriously. He had, of course, always been a realist. From his DePauw days, if not earlier, we know that Beard examined some of America's most cherished beliefs with a great deal of suspicion. But, at Columbia, Goodnow seemed to give Beard the confidence to augment his inherent skepticism with serious, empirical research—research that had an overarching and contemporary purpose. Thus, what began as a youthful tendency to question all authority became molded over time by the intellectual currents at Columbia into a more refined and sophisticated form of academic investigation.

Indeed, one of Beard's goals in writing *An Economic Interpretation* was to desacralize the Constitution. Ever since his college days, he welcomed the “explosions of ancient theories” about the Constitution.⁶⁶ But by the time he wrote his

63. ROSS, *supra* note 26, at 274.

64. Roscoe Pound, *Law in Books and Law in Action*, 44 AM. L. REV. 12 (1910).

65. ROSS, *supra* note 26, at 274; FRANK J. GOODNOW, *POLITICS AND ADMINISTRATION: A STUDY IN GOVERNMENT* (1900).

66. DEPAUW PALLADIUM, Feb. 7, 1898.

controversial book on the Constitution, there was a purpose to such demolition: to show how far apart early twentieth-century American democracy actually was from its idealized and mythical origins.

Unlike Goodnow and other progressive reformers, however, Beard did not believe that the disjuncture between the actual and the ideal was a recent phenomenon. Instead, he went much further in debunking the sacredness of the constitution at its founding. Again, going back to his college days, Beard believed that the Constitution was “the bulwark of every great national sin – from slavery to monopoly.”⁶⁷ His empirical, inductive research into the financial interests of the founders only further supported this notion.

Even during the height of progressive reform when his book was first published, Beard stressed his differences with the prevailing currents of political activism. He believed that legal thinkers and even most reformers were deluded into believing that the Constitution was rooted in participatory democracy, and that the United States had fallen away from its ideal origins. Many progressives during Beard’s time believed they could somehow restore such democracy through political and legal change. In the opening chapter of *An Economic Interpretation*, he labeled this belief “the juristic theory of the origin and nature of the Constitution.” The “juristic view,” he explained, assumed that the Constitution “proceeds from the whole people,” and that “the people are the original source of all political authority exercised under it.” This fixation on “the whole people” left no room for “the interest or advantage of any particular group or class.”⁶⁸

For Beard, this “juristic theory” was a great American myth that needed demystifying. And the writing of *An Economic Interpretation* was arguably Beard’s greatest work of deconstruction and myth-busting. In contrast to many progressive reformers at the time, Beard did not believe that American democracy could simply be restored to its idealist origins. In a series of May 1913 correspondence with the leading progressive Senator Robert La Follette of Wisconsin, Beard explained how he did “not think that it is a question of ‘restoring’ the government to the people; it is a question of getting possession of it for them for the first time.” From Beard’s perspective, neither of the national political parties had ever been sincerely interested in true

67. DEPAUW PALLADIUM, May 17, 1898.

68. BEARD, ECONOMIC INTERPRETATION, *supra* note 10 at 9–10.

social democracy. “The Democratic Party was the agent of slavocracy before the war,” he reminded La Follette, “and the Republican Party has been the advance agent of plutocracy since the War. At least, so I read our history and I may say that my Republican upbringing was scarcely less thorough-going than yours.”⁶⁹

Despite his Republican upbringing, Beard’s historical realism made him skeptical of party politics. Throughout his career, Beard took great pains to disassociate himself from any formal or official political party. When the 1935 edition of *An Economic Interpretation* was published, Beard explicitly indicated that his book was not meant to be a brief in support of progressivism or any political party. He expressly wrote in the 1935 preface that he “had in mind no thought of forwarding the interests of the Progressive party or of its conservative opponents.”⁷⁰ Mary Beard later recalled that he had similarly rejected any association with the Communist Party because Charles “was not agitating in such ways.”⁷¹

Still, even if Beard renounced any formal political affiliation, there was little doubt that he agreed with Goodnow and other progressives that the Constitution needed to be reinterpreted for more modern times—it needed to keep up with changing conditions. He passed this message about the importance of context to his junior Columbia colleagues including the law professor Thomas Reed Powell. Although Powell did not formally study with Beard while he was a graduate student at Columbia, he agreed whole heartedly with Beard’s theory of constitutional interpretation. “You are dead right,” wrote Powell to Beard privately, “that to understand the institution you must know the political and social environment from which they spring and in which they operate.”⁷² Like Goodnow and later Powell, Beard was in this sense an early advocate of what he and other

69. Senator Robert La Follette to Beard, May [x], 1913; Beard to Senator La Follette, May 14, 1913, DC 102 Correspondence G-M, “Folder 17, Robert E. La Follette,” CABP.

70. BEARD, *AN ECONOMIC INTERPRETATION OF THE CONSTITUTION OF THE UNITED STATES* (rev. ed. 1935) at vi.

71. Mary Beard handwritten note attached to Nov. 9th, 1917 letter inviting Charles Beard to Communist Party International meeting, Folder 2: “P” Miscellaneous, DC 1292, CABP.

72. Thomas Reed Powell to Charles A. Beard, [n.d.], Folder 2: “P” Miscellaneous, DC 1292, CABP. Powell went on to explain that he thought Beard did not go far enough: “what you say of the reasoning of constitutional law,” continued Powell in his letter to Beard, “is equally true of all other reasoning – I don’t think you give due weight to pride in one’s intellectual slant.”

reformers of the Progressive Era referred to as “the living constitution.”⁷³

C. ROBINSON AND THE “NEW HISTORY”

Beard’s affinity for a “living constitution” did not come solely from his admiration for Goodnow’s scholarship. It was also a direct result of the “new history” being advocated by Beard’s colleague, historian James Harvey Robinson. Soon after joining the Columbia faculty, Beard began collaborating with Robinson, producing an epic two-volume textbook on European history that contained many of the lessons of the new history.⁷⁴ One of the central goals of the new history was to expand the range and scope of historical inquiry. For an earlier generation of scholars, which included Burgess, history was mainly about analyzing formal political institutions and celebrating the origins of Western democracy and liberal constitutionalism. By contrast, a new generation of historians led by Robinson and Fredrick Jackson Turner at the University of Wisconsin, sought to expand the study of the past to include social, economic, cultural, and intellectual history. As Turner explained, there was more to the past than just the rise of institutions. “Behind institutions, behind constitutional forms,” he wrote, “lie the vital forces that call these organs into life and shape them to meet changing conditions.”⁷⁵ Beard’s investigation into the material economic forces behind the Constitution was certainly in keeping with this “new history.”⁷⁶

Similarly, the “new history” pioneered by Robinson, Turner, and Beard also stressed the importance of interpreting a usable past in light of current problems. Influenced by the pragmatist sensibilities of their colleague John Dewey, many of Columbia’s new historians emphasized the provisional nature and

73. Charles A. Beard, *The Living Constitution*, 185 ANNALS AM. ACAD. POL. & SOC. SCI. 29 (1936). For more on the origins of “living constitutionalism” during the Progressive Era, see generally Howard Gillman, *The Collapse of Constitutional Originalism and the Rise of the Notion of the “Living Constitution” in the Course of American State-Building*, 11 STUD. AM. POL. DEV. 191, 215–20 (1997); Morton J. Horwitz, *The Supreme Court, 1992 Term – Foreword: The Constitution of Change: Legal Fundamentalism Without Fundamentalism*, 107 HARV. L. REV. 30, 51–54 (1993); Adam Winkler, *A Revolution Too Soon: Woman Suffragists and the ‘Living Constitution,’* 76 N.Y.U. L. REV. 1456 (2001).

74. JAMES HARVEY ROBINSON & CHARLES A. BEARD, *THE DEVELOPMENT OF MODERN EUROPE: AN INTRODUCTION TO THE STUDY OF CURRENT HISTORY* (1908).

75. FREDERICK JACKSON TURNER, *Problems in American History*, in *THE EARLY WRITINGS OF FREDRICK JACKSON TURNER* 73 (1938).

76. Bender, *supra* note 23, at 615–16.

instrumental use of historical interpretation.⁷⁷ In contrast to an earlier generation that believed history was simply about uncovering the facts of the past—to show how things had actually been—the new historians understood that they needed to stress the contemporary and practical meaning of the past.⁷⁸ “History which does not emerge into the living present,” wrote Beard in 1908, “is . . . sterile, when viewed from the standpoint of public need, however diverting it may be as a subject of interested speculation.”⁷⁹ Likewise, Robinson believed that a usable past could show the importance of change over time and how historical ruptures frequently led to anachronistic thinking. “We are in constant danger of viewing present problems with obsolete emotions and of attempting to settle them by obsolete reasoning,” warned Robinson. “This is one of the chief reasons why we are never by any means perfectly adjusted to our environment.”⁸⁰

Even though Beard himself denied that he wrote *An Economic Interpretation* to support any political or social movement, there is no denying that he had a present political use for his constitutional history. Like his “new history” colleagues, Beard was intent on deploying a “usable past.” As his correspondence with La Follette demonstrates, he believed his book showed that “we did not have a ‘government of the people’ to start with.” One of his central aims was to show that from the start the Constitution was an economic document aimed at maintaining a particular class interest. Soon after his book was published, Beard confided in Max Farrand—a friend and fellow constitutional historian who wrote a positive review of *An Economic Interpretation*—that he had been deliberately provocative to highlight his point. “I was more belligerent than was necessary,” wrote Beard, “and overemphasized a number of matters in order to get a hearing that might not have been accorded a milder statement.”⁸¹

Beard performed a similar service in his support for Franklin D. Roosevelt’s New Deal. Well after the first edition of *An*

77. James T. Kloppenberg, *Pragmatism and the Practice of History: From Turner and Du Bois to Today*, 35 *Metaphilosophy* 202 (2004).

78. NOVICK, *supra* note 26, at 86–87.

79. Charles A. Beard, “A Plea for Greater Stress Upon the Modern Period,” *Proceedings of the Sixth Annual Convention of the Association of History Teachers for the Middle States and Maryland*, March 13–14, 1908, at 13.

80. JAMES HARVEY ROBINSON, *THE NEW HISTORY: ESSAYS ILLUSTRATING THE MODERN HISTORICAL OUTLOOK* (1912).

81. Charles A. Beard to Max Farrand, May 5, 1913, DC 572—Correspondence A–F, Folder 21: Farrand, Max (Huntington Library), 1913–36, CABP.

Economic Interpretation was published, Beard continued to reinterpret the constitution in light of changing contemporary conditions. In a series of publications in the mid-1930s, Beard advocated for increased central planning in the name of the common good.⁸² Although he would later harshly criticize Roosevelt over the decision to enter World War II, Beard initially welcomed Roosevelt's 1932 election as a sign of new leadership dedicated to addressing the social and economic dislocations of the Great Depression.⁸³ When the Supreme Court began attacking Roosevelt's activist legislation, Beard implicitly defended the New Deal by drafting a pamphlet for the Good Neighbor League, an auxiliary organization of FDR's Democratic Party.⁸⁴

In that slim, unpublished text, Beard returned to an analysis of the U.S. Constitution; this time to champion the actions and intentions of a robust, positive state. Whereas earlier in his controversial book Beard had emphasized the economic interests at play in framing the Constitution, in his unpublished pamphlet he relied on the "new history" to make the case for a "living constitution" that could support New Deal legislation. Tracing the origins of the Constitution back to the weaknesses of the Articles of Confederation, Beard argued that the "Constitution was intended to be 'adequate to the exigencies of government' – today, tomorrow, and for the ages." For Beard, this meant that the Framers "rejected efforts to put a straitjacket interpretation on the powers granted to the Federal Government."⁸⁵

Beard also scrutinized the language of the Constitution to bolster the case for a strong, liberal state. Pointing to the passage on "enumerated powers," as well as the "necessary and proper" and the "general welfare" clauses, Beard claimed that "the framers of the Constitution intended to grant to the Union broad powers to deal with industry, commerce, finance, and agriculture in the general interest of the Union"—broad powers that the existing Supreme Court, Beard intimated, seemed to ignore.⁸⁶

82. See, e.g., CHARLES A. BEARD & GEORGE H.E. SMITH, *THE IDEA OF NATIONAL INTEREST: AN ANALYTICAL STUDY IN AMERICAN FOREIGN POLICY* (1934); CHARLES A. BEARD & GEORGE H.E. SMITH, *THE OPEN DOOR AT HOME: A TRIAL PHILOSOPHY OF NATIONAL INTEREST* (1934).

83. NORE, *supra* note 3 at 142–43.

84. Charles A. Beard, "The Writing of the Constitution," unpublished manuscript in Folder 11, "The Writing of the Constitution," n.d., DC 10, Series I: Charles Austin Beard, CABP.

85. *Id.* at 2, 4.

86. *Id.* at 5.

To counter legalistic claims, which stressed the constitutional limits on national power, Beard turned to the actual “proceedings of the government installed in 1789.” Following Goodnow’s lead in contrasting the ideal with the actual in American law, Beard argued that the Founders, led by Alexander Hamilton, “gave an exhibition of the Constitution in action”:

With telling logic and practical insight Hamilton showed the breadth of the so-called enumerated powers, the amplitude of the necessary and proper clause, and the wide range of the general welfare provision. With equal logic and insight he made it clear that the language of the Constitution conferring powers on the Government of the United States was the language of everyday realism and common sense – the language of good conscience and grand policy – utterly beyond the tight-fisted tests of pettifoggers at law.⁸⁷

Just as he had previously belittled “the juristic theory” of the Constitution as hopelessly naive,⁸⁸ Beard similarly discredited the historical claim that the Constitution gave birth to a government of limited power.

Beard did all this by referencing how the Constitution needed to be interpreted in light of changing social, political, and economic conditions. The Founders, according to Beard, understood the importance of context. They recognized that the new nation needed a strong, central government to replace the dysfunctional Articles of Confederation. The 1930s Supreme Court, Beard implied, needed to realize that times had changed and that the Court’s interpretation of the Constitution ought to change as well. A “living constitution” was, therefore, one that provided broad outlines of power rather than strict rules about statecraft. The sections of the Constitution “written in general terms,” he explained, “are expressions of policy. They may be differently interpreted from age to age, and by men equally wise, informed, and good. They are written in the language of statesmanship for the people of the United States as guides to action, not as detailed commands and limitations.”⁸⁹ It was statements like this that demonstrated the strong influence Robinson’s “new history” and Goodnow’s political pragmatism had on Beard.

87. *Id.* at 5. For more on the Hamiltonian and nationalistic roots of Beard’s thinking, see McCorkle, *supra* note 3; Eisenach, *supra* note 3.

88. BEARD, *ECONOMIC INTERPRETATION*, *supra* note 10, at 9–10.

89. Beard, “The Writing of the Constitution,” at 7.

D. SELIGMAN AND ECONOMIC FORCES

If Goodnow and Robinson reinforced much of Beard's innate historical realism by providing a model of engaged scholarship, Edwin Seligman and his writings shaped and clarified Beard's commitment to analyzing economic interests and forces. Seligman was not only a mentor to Beard and many other Columbia graduate students, he remained a longtime friend well after Beard left the university.⁹⁰ As scholars have shown, Seligman's influence on Beard and the writing of *An Economic Interpretation* was unquestionable. In the opening pages of his book, as Ellen Nore and Clyde Barrow have demonstrated, Beard acknowledged his debts to Seligman and his "nearly axiomatic" theory that "the economic life is therefore the fundamental condition of all life."⁹¹ Beard was a careful student of Seligman's highly influential work on the philosophy of history, *The Economic Interpretation of History*. From it, Beard, Robinson, and many others learned that one could divorce Marx's historical materialism from his teleological view of the rise of socialism. That one could embrace Marx the historian and still reject Marx the philosopher of history and revolution. That one could believe in the dominance of class interests without believing in class warfare.⁹²

With his foray into the philosophy of history, Seligman became one of the first American popularizers of Marxist theory. One of the primary aims of Seligman's *The Economic Interpretation of History* was to sever the traditional Marxist theory of historical change, which Seligman agreed with, from the prescriptive tenets of conventional Marxist socialism, which he profoundly rejected. "Socialism is a theory of what ought to be; historical materialism is a theory of what has been," wrote Seligman. "The one is teleological, the other is descriptive. The one is speculative idea, the other is a canon of interpretation. It is

90. The Beards and Seligmans were family friends even during tumultuous times when Columbia and the New School for Research were competing for faculty. See, e.g., Charles A. Beard to Edwin Seligman, [n.d.] 1922; Seligman to Beard, March 4, 1922; Beard to Seligman, March 6, 1922, Catalogued Correspondence, Edwin R.A. Seligman Papers.

91. BEARD, ECONOMIC INTERPRETATION, *supra* note 10; NORE, *supra* note 3; BARROW, *supra* note 3; see also Clyde W. Barrow, *From Marx to Madison: The Seligman Connection in Charles Beard's Constitutional Theory*, 24 POLITY 379 (1992).

92. EDWIN R.A. SELIGMAN, THE ECONOMIC INTERPRETATION OF HISTORY (1902). This popular book, which was republished several times and in different languages, began as a series of articles in the *Political Science Quarterly*. Edwin R.A. Seligman, *The Economic Interpretation of History. I*, 16 POL. SCI. Q. 612 (1901); Edwin R.A. Seligman, *The Economic Interpretation of History. II*, 17 POL. SCI. Q. 71 (1902); Edwin R.A. Seligman, *The Economic Interpretation of History. III*, 17 POL. SCI. Q. 284 (1902).

impossible to see any necessary connection between such divergent conceptions.”⁹³ By reading Beard through the lens of Seligman’s economic determinism, we can see, as Clyde Barrow has written, that Seligman’s work was “the key that unlocks Beard’s understanding of the method of economic interpretation and, in particular, its distinction from the politics and theory of Marxism.” As Barrow has cogently contended, Beard’s use of Seligman provides credence to Beard’s explicit claim that he was not a Marxist, but that he, like Seligman, was able to deploy Marx’s historical materialism without succumbing to its claims about revolutionary socialism.⁹⁴

Nearly a decade after *An Economic Interpretation of the Constitution* was published, Beard maintained that Seligman was a guiding influence on the book, and that his aim in the project was to provide an empirical and inductive analysis of the economic forces behind the adoption of the Constitution. When Walter Lippmann criticized Beard in 1922 for failing to examine “the metaphysics of the relations between economics and politics,” Beard responded that “on that point there is nothing better than Professor Seligman’s very clear and interesting *Economic Interpretation of History*.” Beard continued that he had originally set out to investigate “the social implications of economic forces,” but he only found “much speculation and very few facts.” Committed to the institutionalist mission of uncovering the empirical basis for economic claims, Beard dedicated himself, as he told Lippmann, to engaging “in the analysis of concrete historical and economic situations [rather] than in the metaphysics of the matter.”⁹⁵

Beard and Seligman, thus, had a mutual attraction both to Marx’s historical materialism, as well as the historical institutionalism that was fast becoming one of the defining characteristics of Columbia’s social sciences. Yet, there was much more to the Beard-Seligman connection beyond their mutual research and methodological interests. The link between Beard and Seligman, who was the scion of a wealthy New York banking family, is often cited as evidence that Beard was no reconstructed Marxist. Seligman, by the din of his family background and some

93. SELIGMAN, *supra* note 92, at 108.

94. BARROW, *supra* note 3, at 34. In the introduction to the 1935 edition of his book, Beard wrote that he could not accept the assertion made by critics that “the economic interpretation of history or my volume on the Constitution had its origins in ‘Marxian theories.’” BEARD, *ECONOMIC INTERPRETATION*, *supra* note 10, at xii.

95. BARROW, *supra* note 3, at 43.

of his later scholarship, is identified as an apologist for modern capitalism, and as perpetuator of a kind of unsophisticated and vulgar Marxism. Hence any connection between Beard and Seligman must mean, or so we are led to believe, that Beard himself was more sympathetic to the political right than his writings might suggest.⁹⁶

Seligman, however, was not simply an apologist for capital. Neither was he a political reactionary or radical individualist completely opposed to socialism. Rather, he was a social democrat and progressive capitalist who taught his students and junior colleagues, including Beard, about the need for robust state power to address the many dislocations of modern industrial capitalism. In fact, one of the reasons why Seligman sought to decouple Marx's historical materialism from revolutionary socialism in his book, *The Economic Interpretation of History*, was to show that there was a huge divide between progressive policies and state socialism. As one of the foremost experts on taxation, Seligman was an early and thorough-going supporter of graduated income taxes—a quintessential progressive policy.⁹⁷ To a certain extent, he wrote his *Economic Interpretation of History* to strengthen the case for progressive taxation. Seligman believed that if he could convince his readers—including his students and junior colleagues—that economic determinism did not necessarily lead to socialist revolution, he could also show that progressive taxation was not the first step toward the collective ownership of the means of production and exchange.⁹⁸

Even before he arrived at Columbia, Beard likely read some of Seligman's early scholarship. Seligman was the leading authority on taxation and since Beard was an early supporter of progressive taxation, he certainly came across some of Seligman's writings. The two scholars also had other overlapping interests. In one of his earliest publications on Christian socialism, Seligman wrote approvingly about the work of Robert Owen and the history of English Socialism. He also implicitly endorsed a type of industrial cooperation that was at the heart of Beard's project in creating Oxford's Rushkin Hall. Given these common interests, it is not surprising that Beard developed a life-long friendship with Seligman. In this sense, what really united Beard and Seligman was less their mutual engagement with Marxism, or their

96. NORE, *supra* note 3, at 30–31.

97. James T. Kloppenberg, UNCERTAIN VICTORY: SOCIAL DEMOCRACY AND PROGRESSIVISM IN EUROPEAN AND AMERICAN THOUGHT, 1870-1920, 355 (1986).

98. MEHROTRA, *supra* note 4, at 170–71.

disavowal of revolutionary socialism, but rather their mutual attraction to a moderate form of American social democracy.⁹⁹

Seligman and Beard were also highly pragmatic in the way they framed such support. Both thinkers carefully couched their advocacy for seemingly radical ideas within the confines of a genteel and accepted intellectual lineage. Seligman did this by referencing how the heterodox notions of the “new school” of American political economy, of which he was a proud member, were in keeping with the teachings of classical economists like Adam Smith.¹⁰⁰ Meanwhile, Beard similarly claimed that his study of the Constitution had more to do with James Madison and the *Federalist Papers* than with Karl Marx and *Das Kapital*.¹⁰¹

In one of his first published essays, Seligman explained in 1886 how “new school” economists like himself were challenging the prevailing views of laissez-faire political economy. He contended that he and his young colleagues were discarding “the exclusive use of deductive method,” and instead calling for the “necessity of historical and statistical treatment.” Through their empirical scholarship, they were denying “the existence of immutable natural laws in economics, calling attention to the interdependence of theories and institutions, and showing that different epochs or countries require different systems.” While these claims about the innovations of the new school were controversial at the time, Seligman framed his last point about the contingency of economic and legal regimes as something that all great economic thinkers could agree with. Seligman cited no less an authority than Adam Smith.¹⁰²

Seligman claimed that Smith was well aware of how new ideas were a reflection of changing material conditions. “Before building the new, it is imperative to tear down the old,” wrote Seligman, “and Smith certainly succeeded beyond his anticipations in demolishing the old principles.”

But since his times new conditions have arisen. The factory system, then in its infancy, has revolutionized industrial life, and has brought in its train problems which scarcely existed in

99. On Seligman as a social democrat, see *id.* at 98–101. In his writings for the labor press, Beard argued in 1922 that twentieth-century American politics would be shaped by the incremental advance “towards social democracy.” Charles A. Beard, *The Potency of Labor Education*, AM. FEDERATIONIST 500 (1922); BARROW *supra* note 3, at 46.

100. ROSS, *supra* note 26, at 193–95.

101. BEARD, *supra* note 10, at 14.

102. Edwin R.A. Seligman, *Change in the Tenets of Political Economy With Time*, 7 SCIENCE 375, 381 (1886).

1776. The machinery of commerce and transportation is vastly more complex, and cannot be regulated by any such simple methods of laissez-faire as were possible when Smith wrote. . . . Smith's work is by far the most important ever written in the science; but we must not, on that account, bow down blindly before its author, and meekly accept all his conclusions. Had we lived in 1776, we would certainly have been followers of Smith; did Smith live in 1886, he would no less surely have been in the vanguard of the new school.¹⁰³

With these words, Seligman was able to provide greater legitimacy to the ideas of the new school of American political economy. By suggesting that Smith, himself, would be in the "vanguard of the new school," the Columbia professor could claim that he and his colleagues were simply part of a long and respected lineage of Anglo-American historical institutionalists.¹⁰⁴

Beard, likewise, turned to James Madison as his source and inspiration for the importance of class struggle. As he explained in the opening chapter, *An Economic Interpretation* was "based upon the political science of James Madison."¹⁰⁵ For it was Madison, along with numerous other Western thinkers before him, who had emphasized how the state's definition of property rights determined the axes of class tensions. Beard quoted Federalist No. 10 at great length to show that Madison was well aware that "the most common and durable source of factions has been the various and unequal distribution of property."¹⁰⁶ Beard referred to Madison's remarks as "a masterly statement of the theory of economic determinism in politics."¹⁰⁷

In this way, Beard followed Seligman's lead in framing his own investigation of the Constitution as part and parcel of a long-standing American political tradition. "Those who are inclined to repudiate the hypothesis of economic determinism as a European importation," wrote Beard, "must, therefore, revise their views, on learning that one of the earliest and certainly one of the clearest, statements of it came from a profound student of politics who sat in the Convention that framed our fundamental law." Just as Seligman referenced Adam Smith to provide greater

103. *Id.* at 379.

104. For more on how American "new school" economists made their ideas palatable for a turn-of-the-century U.S. audience, see generally MEHROTRA, *supra* note 4, at 146–48.

105. BEARD, *ECONOMIC INTERPRETATION*, *supra* note 10, at 14.

106. JAMES MADISON, *THE FEDERALIST PAPERS* (1961, ed. Clinton Rossiter [1787]), at 79.

107. BEARD, *ECONOMIC INTERPRETATION*, *supra* note 10, at 15.

intellectual legitimacy to the heterodox ideas of the new school economists, Beard used Madison in the same fashion to shore up the provenance of his own constitutional ideas and interpretations.

Not everyone, to be sure, was convinced that Beard was sincere in linking his work to the great James Madison. Some critics contended that he was simply using Madison to mask his Marxism. Beard specifically addressed these critics in the introduction to the 1935 edition of his book. In the process of denying that he was a Marxist, Beard contended that his ideas about class interests could be traced as far back as the ancient Greeks. “The germinal idea of class and group conflicts in history appeared in the writings of Aristotle, long before the Christian era, and was known to great writers on politics during the middle ages and modern times,” wrote Beard. “It was expounded by James Madison, in Number X of the *Federalist*, written in defense of the Constitution of the United States, long before Karl Marx was born.” Beard conceded that Marx was the main thinker identified with class struggle, but he did not originate the notion. “Fathers of the American Constitution were well aware of the idea, operated on the hypothesis that it had at least a considerable validity, and expressed it in numerous writings,” Beard concluded.¹⁰⁸

In the end, Beard’s rebuttals did little to assuage his critics. A succeeding generation of scholars continued to deride his use of Madison as an unattractive “appeal to the flag,” and as a “device quite self-consciously adopted of wrapping himself in the American flag.”¹⁰⁹ Still, regardless of what Beard’s intentions might have been, his historical analysis was, indeed, accurate. A focus on class tensions to explain the origins of the Constitution and subsequent American political development was hardly a radical idea. Like Seligman, Beard seemed to understand that providing a respected intellectual genealogy for his constitutional ideas and interpretations was one way to underscore the importance and legitimacy of his study.

CONCLUSION

When Charles Austin Beard arrived at Columbia University in 1902 to begin his graduate studies, he had already absorbed a

108. *Id.* at xii–xiii.

109. WHITE, *supra* note 26, at 124; Douglass Adair, *The Tenth Federalist Revisited*, 8 WM. & MARY Q. 48 (1951).

world of social experience. From his affluent upbringing in central Indiana where he had a chance to learn first-hand about the power of ideas and the printing press, to his college education at DePauw University where he was first exposed to the writings of Karl Marx and many of the thinkers who would become his Columbia teachers and colleagues, to his time in England where he created a labor college and saw up close the harmful effects of modern industrial capitalism—from all this young Beard developed the iconoclastic beliefs that would one day become a central hallmark of his research and scholarship.

The independent and unconventional thinking that drove Beard's scholarship was, to be sure, formed by a variety of influences beyond his upbringing and education. As historian Thomas Bender has observed, "Charles never allowed the academy to give shape to his intellectual life. He thought of himself, as Mary thought of herself, as an intellectual and activist in the public world."¹¹⁰ Bender is surely correct to note that Beard was as much a public intellectual as he was an engaged academic. But there is also no mistaking that Beard's highly productive time at Columbia, as a student and then teacher and scholar, had an important and noticeable impact on the development of his ideas and on the writing of *An Economic Interpretation*.

With its concentration of young, interdisciplinary scholars, Columbia was leading the way with new and innovative research methods that molded Beard's important work. Gradually, Columbia's unique position as an early incubator of socially engaged historical scholarship affected Beard's thinking. It facilitated his development from a Midwestern populist to a cosmopolitan pragmatist who recognized the importance of historical evolutionary thinking for constitutional interpretation.

Similarly, key individuals and conceptual currents at Columbia also guided Beard. The historical institutionalism that had long been a central aspect of the School of Political Science was an initial attraction for Beard, but over time there were other intellectual and institutional influences that shaped the young scholar. From Goodnow's empirical realism and its focus on the disjuncture between the ideal and the actual, to Robinson's desires to deploy a usable past, to Seligman's analysis of economic forces and pragmatic framing, Beard was not immune to the ideas and influences of his colleagues around him. In fact, it was precisely these new theories of historical analysis, empirical

110. BENDER, *supra* note 23, at 614.

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methods, and economic forces that had the greatest impact on Charles Beard and the writing of *An Economic Interpretation of the Constitution of the United States*.