

Chapter XVIII

The Self Contained Community

"It has happened as was to have been foreseen," wrote Hamilton,¹ "the measures of the Union have not been executed; the delinquencies of the States have, step by step, matured themselves to an extreme which has at length arrested all the wheels of the national government and brought them to an awful stand."... For "in our case the concurrence of thirteen distinct sovereign wills is requisite, under the confederation, to the complete execution of every important measure that proceeds from the Union." How could it be otherwise, he asked: "The rulers of the respective members... will undertake to judge of the propriety of the measures themselves. They will consider the conformity of the thing proposed or required to their immediate interests or aims; the momentary conveniences or inconveniences that would attend its adoption. All this will be done, and in a spirit of interested and suspicious scrutiny, without that knowledge of national circumstances and reasons of state which is essential to right judgment, and with that strong predilection in favor of local objects which can hardly fail to mislead the decision. The same process must be repeated in every member of which the body is constituted; and the execution of the plans framed by the councils of the whole, will always fluctuate on the discretion of the ill-informed and prejudiced opinion of every part. Those who have been conversant in the proceedings of popular assemblies, who have seen how difficult it often is, when there is no exterior pressure of circumstances, to bring them to harmonious resolutions on important points, will readily conceive how impossible it must be to induce a number of such assemblies, deliberating at a distance from each other, at different times, and under different impressions, long to cooperate in the same views and pursuits."

Over ten years of storm and stress with a congress that was, as John Adams said,² "only a diplomatic assembly," had furnished the leaders of the revolution "with an instructive but afflicting lesson"³ in what happens when a number of self-centered communities are entangled in the same environment. And so, when they went to Philadelphia in May of 1787, ostensibly to revise the Articles of Confederation, they were really in full reaction against the fundamental premise of Eighteenth Century democracy. Not only were the leaders consciously opposed to the democratic spirit of the time, feeling, as Madison said, that "democracies have ever been spectacles of turbulence and contention," but within the national frontiers they were determined to offset as far as they could the ideal of self-governing communities in self-contained environments. The collisions and failures of concave democracy, where men spontaneously managed all their own affairs, were before their eyes. The problem as they saw it, was to restore government as against democracy. They understood government to be the power to make national decisions and enforce them throughout the nation; democracy they believed was the insistence of localities and classes upon self-determination in accordance with their immediate interests and aims.

They could not consider in their calculations the possibility of such an organization of knowledge that separate communities would act simultaneously on the same version of the facts. We just begin to conceive this possibility for certain parts of the world where there is free circulation of news and a common language, and then only for certain aspects of life. The whole idea of a voluntary federalism in industry and world politics is still so rudimentary, that, as we see in our own experience, it enters only a little, and only very modestly, into practical politics. What we, more than a century later, can only conceive as an incentive to generations of intellectual effort, the authors of the Constitution had no reason to conceive at all. In order to set up national government, Hamilton and his colleagues

had to make plans, not on the theory that men would cooperate because they had a sense of common interest, but on the theory that men could be governed, if special interests were kept in equilibrium by a balance of power. "Ambition," Madison said, [4](#) "must be made to counteract ambition."

They did not, as some writers have supposed, intend to balance every interest so that the government would be in a perpetual deadlock. They intended to deadlock local and class interest to prevent these from obstructing government. "In framing a government which is to be administered by men over men," wrote Madison, [5](#) "the great difficulty lies in this: _you must first enable the government to control the governed_, and in the next place, oblige it to control itself." In one very important sense, then, the doctrine of checks and balances was the remedy of the federalist leaders for the problem of public opinion. They saw no other way to substitute "the mild influence of the magistracy" for the "sanguinary agency of the sword" [6](#) except by devising an ingenious machine to neutralize local opinion. They did not understand how to manipulate a large electorate, any more than they saw the possibility of common consent upon the basis of common information. It is true that Aaron Burr taught Hamilton a lesson which impressed him a good deal when he seized control of New York City in 1800 by the aid of Tammany Hall. But Hamilton was killed before he was able to take account of this new discovery, and, as Mr. Ford says, [7](#) Burr's pistol blew the brains out of the Federal party.

When the constitution was written, "politics could still be managed by conference and agreement among gentlemen" [8](#) and it was to the gentry that Hamilton turned for a government. It was intended that they should manage national affairs when local prejudice had been brought into equilibrium by the constitutional checks and balances. No doubt Hamilton, who belonged to this class by adoption, had a human prejudice in their favor. But that by itself is a thin explanation of his statecraft. Certainly there can be no question of his consuming passion for union, and it is, I think, an inversion of the truth to argue that he made the Union to protect class privileges, instead of saying that he used class privileges to make the Union. "We must take man as we find him," Hamilton said, "and if we expect him to serve the public we must interest his passions in doing so." [9](#) He needed men to govern, whose passions could be most quickly attached to a national interest. These were the gentry, the public creditors, manufacturers, shippers, and traders, [10](#) and there is probably no better instance in history of the adaptation of shrewd means to clear ends, than in the series of fiscal measures, by which Hamilton attached the provincial notables to the new government.

Although the constitutional convention worked behind closed doors, and although ratification was engineered by "a vote of probably not more than one-sixth of the adult males," [11](#) there was little or no pretence. The Federalists argued for union, not for democracy, and even the word republic had an unpleasant sound to George Washington when he had been for more than two years a republican president. The constitution was a candid attempt to limit the sphere of popular rule; the only democratic organ it was intended the government should possess was the House, based on a suffrage highly limited by property qualifications. And even at that, the House, it was believed, would be so licentious a part of the government, that it was carefully checked and balanced by the Senate, the electoral college, the Presidential veto, and by judicial interpretation.

Thus at the moment when the French Revolution was kindling popular feeling the world over, the American revolutionists of 1776 came under a constitution which went back, as far as it was expedient, to the British Monarchy for a model. This conservative reaction could not endure. The men who had made it were a minority, their motives were under suspicion, and when Washington went into retirement, the position of the gentry was not strong enough to survive the inevitable struggle for the succession. The anomaly between the original plan of the Fathers and the moral feeling of the

age was too wide not to be capitalized by a good politician.

Jefferson referred to his election as "the great revolution of 1800," but more than anything else it was a revolution in the mind. No great policy was altered, but a new tradition was established. For it was Jefferson who first taught the American people to regard the Constitution as an instrument of democracy, and he stereotyped the images, the ideas, and even many of the phrases, in which Americans ever since have described politics to each other. So complete was the mental victory, that twenty-five years later de Tocqueville, who was received in Federalist homes, noted that even those who were "galled by its continuance"--were not uncommonly heard to "laud the delights of a republican government, and the advantages of democratic institutions when they are in public." [12](#) The Constitutional Fathers with all their sagacity had failed to see that a frankly undemocratic constitution would not long be tolerated. The bold denial of popular rule was bound to offer an easy point of attack to a man, like Jefferson, who so far as his constitutional opinions ran, was not a bit more ready than Hamilton to turn over government to the "unrefined" will of the people. [13](#) The Federalist leaders had been men of definite convictions who stated them bluntly. There was little real discrepancy between their public and their private views. But Jefferson's mind was a mass of ambiguities, not solely because of its defects, as Hamilton and his biographers have thought, but because he believed in a union and he believed in spontaneous democracies, and in the political science of his age there was no satisfactory way to reconcile the two. Jefferson was confused in thought and action because he had a vision of a new and tremendous idea that no one had thought out in all its bearings. But though popular sovereignty was not clearly understood by anybody, it seemed to imply so great an enhancement of human life, that no constitution could stand which frankly denied it. The frank denials were therefore expunged from consciousness, and the document, which is on its face an honest example of limited constitutional democracy, was talked and thought about as an instrument for direct popular rule. Jefferson actually reached the point of believing that the Federalists had perverted the Constitution, of which in his fancy they were no longer the authors. And so the Constitution was, in spirit, rewritten. Partly by actual amendment, partly by practice, as in the case of the electoral college, but chiefly by looking at it through another set of stereotypes, the facade was no longer permitted to look oligarchic.

The American people came to believe that their Constitution was a democratic instrument, and treated it as such. They owe that fiction to the victory of Thomas Jefferson, and a great conservative fiction it has been. It is a fair guess that if everyone had always regarded the Constitution as did the authors of it, the Constitution would have been violently overthrown, because loyalty to the Constitution and loyalty to democracy would have seemed incompatible. Jefferson resolved that paradox by teaching the American people to read the Constitution as an expression of democracy. He himself stopped there. But in the course of twenty-five years or so social conditions had changed so radically, that Andrew Jackson carried out the political revolution for which Jefferson had prepared the tradition. [14](#)

The political center of that revolution was the question of patronage. By the men who founded the government public office was regarded as a species of property, not lightly to be disturbed, and it was undoubtedly their hope that the offices would remain in the hands of their social class. But the democratic theory had as one of its main principles the doctrine of the omniscient citizen. Therefore, when people began to look at the Constitution as a democratic instrument, it was certain that permanence in office would seem undemocratic. The natural ambitions of men coincided here with the great moral impulse of their age. Jefferson had popularized the idea without carrying it ruthlessly into practice, and removals on party grounds were comparatively few under the Virginian Presidents. It was Jackson who founded the practice of turning public office into patronage.

Curious as it sounds to us, the principle of rotation in office with short terms was regarded as a great reform. Not only did it acknowledge the new dignity of the average man by treating him as fit for any office, not only did it destroy the monopoly of a small social class and appear to open careers to talent, but "it had been advocated for centuries as a sovereign remedy for political corruption," and as the one way to prevent the creation of a bureaucracy. [15](#) The practice of rapid change in public office was the application to a great territory of the image of democracy derived from the self-contained village.

Naturally it did not have the same results in the nation that it had in the ideal community on which the democratic theory was based. It produced quite unexpected results, for it founded a new governing class to take the place of the submerged federalists. Unintentionally, patronage did for a large electorate what Hamilton's fiscal measures had done for the upper classes. We often fail to realize how much of the stability of our government we owe to patronage. For it was patronage that weaned natural leaders from too much attachment to the self-centered community, it was patronage that weakened the local spirit and brought together in some kind of peaceful cooperation, the very men who, as provincial celebrities, would, in the absence of a sense of common interest, have torn the union apart.

But of course, the democratic theory was not supposed to produce a new governing class, and it has never accommodated itself to the fact. When the democrat wanted to abolish monopoly of offices, to have rotation and short terms, he was thinking of the township where anyone could do a public service, and return humbly to his own farm. The idea of a special class of politicians was just what the democrat did not like. But he could not have what he did like, because his theory was derived from an ideal environment, and he was living in a real one. The more deeply he felt the moral impulse of democracy, the less ready he was to see the profound truth of Hamilton's statement that communities deliberating at a distance and under different impressions could not long cooperate in the same views and pursuits. For that truth postpones anything like the full realization of democracy in public affairs until the art of obtaining common consent has been radically improved. And so while the revolution under Jefferson and Jackson produced the patronage which made the two party system, which created a substitute for the rule of the gentry, and a discipline for governing the deadlock of the checks and balances, all that happened, as it were, invisibly.

Thus, rotation in office might be the ostensible theory, in practice the offices oscillated between the henchmen. Tenure might not be a permanent monopoly, but the professional politician was permanent. Government might be, as President Harding once said, a simple thing, but winning elections was a sophisticated performance. The salaries in office might be as ostentatiously frugal as Jefferson's home-spun, but the expenses of party organization and the fruits of victory were in the grand manner. The stereotype of democracy controlled the visible government; the corrections, the exceptions and adaptations of the American people to the real facts of their environment have had to be invisible, even when everybody knew all about them. It was only the words of the law, the speeches of politicians, the platforms, and the formal machinery of administration that have had to conform to the pristine image of democracy.

If one had asked a philosophical democrat how these self-contained communities were to cooperate, when their public opinions were so self-centered, he would have pointed to representative government embodied in the Congress. And nothing would surprise him more than the discovery of how steadily the prestige of representative government has declined, while the power of the Presidency has grown.

Some critics have traced this to the custom of sending only local celebrities to Washington. They have thought that if Congress could consist of the nationally

eminent men, the life of the capital would be more brilliant. It would be, of course, and it would be a very good thing if retiring Presidents and Cabinet officers followed the example of John Quincy Adams. But the absence of these men does not explain the plight of Congress, for its decline began when it was relatively the most eminent branch of the government. Indeed it is more probable that the reverse is true, and that Congress ceased to attract the eminent as it lost direct influence on the shaping of national policy.

The main reason for the discredit, which is world wide, is, I think, to be found in the fact that a congress of representatives is essentially a group of blind men in a vast, unknown world. With some exceptions, the only method recognized in the Constitution or in the theory of representative government, by which Congress can inform itself, is to exchange opinions from the districts. There is no systematic, adequate, and authorized way for Congress to know what is going on in the world. The theory is that the best man of each district brings the best wisdom of his constituents to a central place, and that all these wisdoms combined are all the wisdom that Congress needs. Now there is no need to question the value of expressing local opinions and exchanging them. Congress has great value as the market-place of a continental nation. In the coatrooms, the hotel lobbies, the boarding houses of Capitol Hill, at the tea-parties of the Congressional matrons, and from occasional entries into the drawing rooms of cosmopolitan Washington, new vistas are opened, and wider horizons. But even if the theory were applied, and the districts always sent their wisest men, the sum or a combination of local impressions is not a wide enough base for national policy, and no base at all for the control of foreign policy. Since the real effects of most laws are subtle and hidden, they cannot be understood by filtering local experiences through local states of mind. They can be known only by controlled reporting and objective analysis. And just as the head of a large factory cannot know how efficient it is by talking to the foreman, but must examine cost sheets and data that only an accountant can dig out for him, so the lawmaker does not arrive at a true picture of the state of the union by putting together a mosaic of local pictures. He needs to know the local pictures, but unless he possesses instruments for calibrating them, one picture is as good as the next, and a great deal better.

The President does come to the assistance of Congress by delivering messages on the state of the Union. He is in a position to do that because he presides over a vast collection of bureaus and their agents, which report as well as act. But he tells Congress what he chooses to tell it. He cannot be heckled, and the censorship as to what is compatible with the public interest is in his hands. It is a wholly one-sided and tricky relationship, which sometimes reaches such heights of absurdity, that Congress, in order to secure an important document has to thank the enterprise of a Chicago newspaper, or the calculated indiscretion of a subordinate official. So bad is the contact of legislators with necessary facts that they are forced to rely either on private tips or on that legalized atrocity, the Congressional investigation, where Congressmen, starved of their legitimate food for thought, go on a wild and feverish man-hunt, and do not stop at cannibalism.

Except for the little that these investigations yield, the occasional communications from the executive departments, interested and disinterested data collected by private persons, such newspapers, periodicals, and books as Congressmen read, and a new and excellent practice of calling for help from expert bodies like the Interstate Commerce Commission, the Federal Trade Commission, and the Tariff Commission, the creation of Congressional opinion is incestuous. From this it follows either that legislation of a national character is prepared by a few informed insiders, and put through by partisan force; or that the legislation is broken up into a collection of local items, each of which is enacted for a local reason. Tariff schedules, navy yards, army posts, rivers and harbors, post offices and federal buildings, pensions and patronage: these are fed out to concave

communities as tangible evidence of the benefits of national life. Being concave, they can see the white marble building which rises out of federal funds to raise local realty values and employ local contractors more readily than they can judge the cumulative cost of the pork barrel. It is fair to say that in a large assembly of men, each of whom has practical knowledge only of his own district, laws dealing with translocal affairs are rejected or accepted by the mass of Congressmen without creative participation of any kind. They participate only in making those laws that can be treated as a bundle of local issues. For a legislature without effective means of information and analysis must oscillate between blind regularity, tempered by occasional insurgency, and logrolling. And it is the logrolling which makes the regularity palatable, because it is by logrolling that a Congressman proves to his more active constituents that he is watching their interests as they conceive them.

This is no fault of the individual Congressman's, except when he is complacent about it. The cleverest and most industrious representative cannot hope to understand a fraction of the bills on which he votes. The best he can do is to specialize on a few bills, and take somebody's word about the rest. I have known Congressmen, when they were boning up on a subject, to study as they had not studied since they passed their final examinations, many large cups of black coffee, wet towels and all. They had to dig for information, sweat over arranging and verifying facts, which, in any consciously organized government, should have been easily available in a form suitable for decision. And even when they really knew a subject, their anxieties had only begun. For back home the editors, the board of trade, the central federated union, and the women's clubs had spared themselves these labors, and were prepared to view the Congressman's performance through local spectacles.

What patronage did to attach political chieftains to the national government, the infinite variety of local subsidies and privileges do for self-centered communities. Patronage and pork amalgamate and stabilize thousands of special opinions, local discontents, private ambitions. There are but two other alternatives. One is government by terror and obedience, the other is government based on such a highly developed system of information, analysis, and self-consciousness that "the knowledge of national circumstances and reasons of state" is evident to all men. The autocratic system is in decay, the voluntary system is in its very earliest development; and so, in calculating the prospects of association among large groups of people, a League of Nations, industrial government, or a federal union of states, the degree to which the material for a common consciousness exists, determines how far cooperation will depend upon force, or upon the milder alternative to force, which is patronage and privilege. The secret of great state-builders, like Alexander Hamilton, is that they know how to calculate these principles.

1: *Federalist*, No. 15

2: Ford, *op. cit.*, p. 36.

3: *Federalist*, No. 15.

4: *Federalist*, No. 51, cited by Ford, *op. cit.*, p. 60.

5: *Id.*

6: *Federalist*, No. 15.

7: Ford, *op. cit.*, p. 119.

8: *Op. cit.*, p. 144

9: *Op. cit.*, p. 47

10: Beard, *Economic Interpretation of the Constitution*, *passim*.

11: Beard, *op. cit.*, p. 325.

12: *Democracy in America*, Vol. I, Ch. X (Third Edition, 1838), p. 216.

13: *Cf.* his plan for the Constitution of Virginia, his ideas for a senate of property holders, and his views on the judicial veto. Beard, *Economic Origins of Jeffersonian Democracy*, pp. 450 *et seq.*

14: The reader who has any doubts as to the extent of the revolution that separated Hamilton's opinions from Jackson's practice should turn to Mr. Henry Jones Ford's *Rise and Growth of American Politics*.

15: Ford, *op. cit.*, p. 169.

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