

History of Science Scholar Wins 1987–88 Sibley Award

Liba Chaia Taub, who recently completed work on her Ph.D. at the University of Oklahoma, has won the Sibley Fellowship for Greek studies in 1987–88. With the grant she plans to extend her doctoral work on the philosophical and physical ideas of the second-century A.D. Alexandrian astronomer Ptolemy. A 1975 graduate of Newcomb College, Tulane University, she received a master's degree from the University of Chicago in 1978. She is the 39th winner of the award, which was established with funds bequeathed to Phi



Liba Chaia Taub

Beta Kappa in the will of Isabelle Stone.

In 1988, the Sibley Fellowship, which carries a \$7,000 stipend, will be offered for studies in French language or literature. Candidates must be unmarried women between 25 and 35 years of age who hold the doctorate or who have fulfilled the requirements for the doctorate except the dissertation. They must be planning to devote full-time work to research during the fellowship year that begins September 1, 1988.

Further information and application forms may be obtained by writing to the Sibley Fellowship Committee, Phi Beta Kappa, 1811 Q Street, N.W., Washington, DC 20009.

Former ΦBK United Chapters President Lumiansky Dies

Robert M. Lumiansky, former president of the United Chapters of Phi Beta Kappa and for 18 years a Phi Beta Kappa senator, died on April 2, 1987, in New York City. A scholar of medieval literature—notably of the works of Chaucer and Malory—he was chairman (1959–74) and president (1974–82) of the American Council of Learned Societies (ACLS) and president pro tem in 1985–86. During his long tenure as head of the ACLS, he was instrumental in expanding research support for scholars in the humanities and in developing scholarly exchanges with the Soviet Union and China.

In recognition of his extraordinary contributions to American scholarship, Dr.

THE SUMMER OF '87: GETTING A CONSTITUTION

By J.D. Williams

THREE YEARS INTO THE Revolutionary War, the Continental Congress realized that the disunited states could never defeat the British without a regular government. And so on August 8, 1778, they drafted the Articles of Confederation, which neatly illustrated Newton's law that "every action has an equal and opposite reaction." We were then fighting a centralized British system and were not about to recreate it here; under the Articles, the 13 states were to hold the sovereignty, with a weak central government being delegated "express powers" only.

The Articles created a simple structure: a unicameral Congress, in which the 13 states had an equal voice, and no executive or judicial branches. People who dislike the federal government today would have loved the system then—Congress could not act directly on citizens at all and was absolutely dependent on the goodwill of the states in meeting congressional requests for money and soldiers to fight the war.

The gloomy fiscal history of the Articles tells the story (especially when one remembers George Washington's constant need for supplies and munitions). In the period from 1781 to 1786, Congress asked the states for \$15,670,000 and raised less than *one-sixth* the amount, \$2,419,000. It was no way to run a budget—or a country!

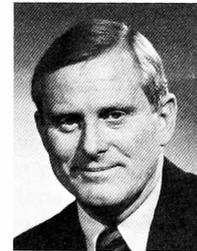
Economically, the country began to fall apart during the 1780s: States erected tariffs against one other, printed paper money, and refused to recognize their neighbors' currency as legal tender. The stagflation of that decade may have exceeded that of the 1970s. And even though the government accomplished some major things such as winning the war with England in 1781, passing the Northwest Ordinance in 1787, and pre-

Lumiansky was given Phi Beta Kappa's Award for Distinguished Service to the Humanities at the 34th Triennial Council Meeting in 1985. At the presentation he was acclaimed as "scholar, teacher, administrator, superb in every role and in every role advancing the cause of the humanities."

serving the idea of union, keen observers realized that states' wrongs exceeded states' rights and that *something had to be done*.

One of the first to sound the alarm was an extraordinary 23-year-old named Alexander Hamilton, an aide to General Washington, who may have learned about "Confederate pain" from watching the general's face when supplies did not show up in time. In September 1780 this adopted son of the United States wrote a friend of his "a short note," 17 pages long as a matter of fact, analyzing the weaknesses of the Articles of Confederation. Congress cannot govern the nation, Hamilton wrote, because 13 sovereign states will not give it adequate power. There is but one remedy—call a convention of all the states to change the form of government. But first, he said, with political wisdom far beyond his years, the people should be prepared "by sensible and popular writings."

Three years later, General Washington pleaded for the states to give Congress enough power to govern. And two years after that in 1785, commissioners from Maryland and Virginia assembled in his living room in Alexandria to discuss commercial and navigation tension between



J. D. Williams

the two states (such as poaching on each other's oyster beds). The hidden agenda, however, may well have been to sell the commissioners on the need for changing the Confederation.

The commissioners who met there called for a broader gathering of the states in September 1786 at Annapolis, Maryland. Representatives of five states showed up, but they failed to come to any agreement about their commercial problems. Hamilton then taught the delegates, and all would-be reformers, a valuable lesson: how to use a defeat on small matters as a springboard for victory on large ones. Hamilton wrote the report to which all five states agreed that Congress

(continued on page 2)

Summer of '87

(continued from page 1)

should assemble a convention in Philadelphia in May 1787 to devise a plan that would "render the Constitution of the Federal Government adequate to the exigencies of the Union."

Frightened by Shays's rebellion in western Massachusetts in late 1786 and by rumors of secession in New York, the Articles of Confederation Congress on February 21, 1787, acted on Hamilton's report from Annapolis. It passed a resolution calling for a convention of delegates from the several states to meet at Philadelphia on May 14, 1787, "for the sole and express purpose of revising the Articles of Confederation" with such "alterations and provisions [as to] render the Federal Constitution adequate to the exigencies of government and the preservation of the Union" (Hamilton's language from the Annapolis convention). The reformers had won a beachhead in Philadelphia.

"An Assembly of Demigods"?

Jefferson would so call them when they finished their work. But we should see them at the outset on a lower plane, one best described by Walton Hamilton: "The time has come to raise the Framers from immortality to mortality, to give them credit for their magnificent demonstration of the art of democratic politics. They made history and did it within the limits of consensus."

Madison, fully prepared, arrived on May 3 from New York where he sat in Congress. He had already written to George Washington in April, outlining the issues that needed to be addressed by the convention. Washington, acknowledged without question as the country's first citizen, arrived on May 13. Philadelphia was awe-struck.

For nearly two weeks the Virginia and Pennsylvania delegations were the only ones present, but the Virginians wasted no time. Caucusing daily, the Virginians polished their "15 resolves" (the Randolph Plan, named for their leader, Governor Edmund Randolph) and began to woo the Pennsylvanians to the nationalist cause. When a quorum of seven states finally gathered on May 25, the convention opened and elected George Washington as their president.

Who were these 55 men who had come to Philadelphia to make a constitution? Three-fourths had served in the Continental Congress and knew intimately the problems of the Confederation; eight in that very hall had signed the Declaration of Independence 11 years before. There were seven governors. There were scholars like William Samuel Johnson of Connecticut, the president of Columbia College; James Wilson of Pennsylvania, bringing to the debates his fierce intel-

lect and the fruits of the Scottish Enlightenment; George Wythe, Jefferson's law professor at William and Mary; and that extraordinary student of governments ancient and modern, James Madison of Virginia. Madison had written to his dear friend Jefferson, our ambassador in Paris, asking for treatises in political science. How our Leonardo in the City of Light ever obtained more than a hundred volumes to send to Madison is unknown, but he must have been on the "Most Wanted List" of the National Library of France after the shipments were made.

There were the filibusterers and cranks like Luther Martin of Maryland; the angry small-state men like Gunning Bedford of Delaware; the voluble ones like Gouverneur Morris of Pennsylvania, Rufus King of Massachusetts, and Edmund Randolph of Virginia. To compensate, there was Jared Ingersoll of Pennsylvania; this lawyer who normally was paid by the word did not utter a single one in debate during the whole summer (at least none within Madison's earshot). There were the shakers and movers like Madison, Hamilton, and Morris; the shrewd compromisers—Franklin, Sherman of Connecticut, and Madison; the incredibly bad sports like Elbridge Gerry of Massachusetts and Randolph of Virginia; and the great sports, living with a document far from their own plans, Madison and Hamilton.

The youngest delegate was Jonathan Dayton of New Jersey at 26. The junior Pinckney of South Carolina was 29, Hamilton was 30, and Madison, 36. George Washington was 55, and then there was Benjamin Franklin at 81, going on 45.

We should note who was not there. John Adams was our ambassador at the Court of St. James's, and Jefferson, as noted, our ambassador to France. Patrick Henry had been elected to the Virginia delegation but declined to serve—because he "smelled a rat," he said. A sad omission was the Rhode Island delegation. Rhode Island was under the control of an agrarian party that wanted a cheap currency and feared that a strong central government would move to hard money. (They remained holdouts under the new government until 1790, a year after Washington took office.)

What Baggage Did They Bring?

It is no surprise that delegates' suitcases were laden with a concern for property. Although Charles Beard overstated the "insider trader" thesis in his *Economic Interpretation of the Constitution* in 1913, his thesis was an important one—a reminder that these delegates were ordinary mortals with understandable self-interests to be protected.

But Franklin warned them about tilting the government too heavily in the direction of the wealthy, lest we lose our attractiveness to the common people of Europe. Furthermore, he said, "Some of the greatest rogues [I have ever been] acquainted with were the richest rogues."

Nevertheless, the Constitution took ample care of the propertied interests:

- U.S. senators would be chosen by propertied state legislatures.
- Those same bodies would decide how presidential electors were to be chosen (in an attempt to keep the presidency in the hands of the upper class).
- Contracts were protected against state impairment.

Perhaps more important than property were the ideas in the delegates' heads as they arrived in Philadelphia. Those ideas would define the battlegrounds that lay directly ahead as the convention began its work.

The Ideological Battlegrounds

1. *Democrat versus Aristocrat.* Should the new government be elected by the people or chosen largely by state legislatures? Should the draft constitution be submitted to popularly elected conventions or referred to state legislatures? How shall we perceive the common people of America?

Gouverneur Morris, like many other delegates at Philadelphia, had little faith in the people. Elbridge Gerry was blunt on the issue: "The evils we experience flow from the excess of democracy. The people do not want virtue, but are dupes of pretended patriots." Alexander Hamilton admitted, "I am not much attached to the majesty of the multitude. . . . I consider them in general as very ill-qualified to judge for themselves what government will best suit their peculiar situations." But on some key issues he danced to another drummer, voting for popular election of the House of Representatives and presidential electors.

The intellectual leaders of the small band of democrats in Philadelphia were clearly the scholars James Wilson and James Madison. Power, Wilson said, ought to "flow immediately from the legitimate source of all authority—the people. . . . The government ought to possess not only first the force but secondly the mind or sense of the people at large. The legislature ought to be the most exact transcript of the whole society." Wilson proposed direct popular election of the Senate and of the president, losing on both counts. Madison exhibited his faith in the people through his proposals for direct popular election for the House of Representatives; and nowhere was his commitment to popular sovereignty more clear than in his insis-

tence on ratification of the Constitution by elected ratifying conventions rather than by state legislatures.

Perhaps both aristocrats and democrats could agree with one of the noblest sentiments expressed at Philadelphia, by Franklin: "God grant that not only the love of liberty but a thorough knowledge of the rights of man may pervade all the nations of the Earth, so that a philosopher may set his foot anywhere on its surface and say, 'This is my country.'"

2. *Small States versus Large*. In 1787, the three most populous states were Massachusetts, Pennsylvania, and Virginia. With Rhode Island absent, the small states could outvote the large by nine to three. The Randolph Plan from the Virginia delegation unabashedly advanced the large-state interest, basing representation in the House and Senate on either population or "tax" contributions. As soon as the small states caught their breath, they came back with the New Jersey or Paterson Plan, which urged retention of the unicameral Congress, with *equal representation* of the states, thus favoring the small states. The contestants on this issue would be the small-state men, Paterson of New Jersey, Bedford of Delaware, and Martin of Maryland, versus Randolph and Madison of Virginia, King of Massachusetts, and Morris of Pennsylvania.

3. *States' Rights versus a National Government*. The reformers knew why they were in Philadelphia: to get rid of the state-dominated Confederation and to replace it with a vigorous national government, fully equipped to pass laws reaching individual citizens. Most extreme on this score was Alexander Hamilton; close behind was James Madison. The states' righters included George Mason (on Madison's Virginia delegation) and Luther Martin of Maryland. The debates on this issue of new powers for the national government nearly derailed the convention.

The Rival Plans of Virginia and New Jersey

The large-state proposals, drafted in advance by Madison and perhaps six others, were presented to the convention by the 33-year-old governor of Virginia, Edmund Randolph. Demonstrating an old rule of "getting there firstest with the mostest," the Virginians introduced their 15 Resolves on the third day of business (May 29). The proposals represented the blueprint of the reformers for reconstituting the government along nationalist lines (although the states would still be retained). The small states' response, the New Jersey Plan, was presented by William Paterson on June 15.

The two plans were in agreement on greatly strengthening the national gov-

ernment and enabling it to act directly on citizens. Both plans recommended a plural executive and an independent judiciary, but they differed radically on representation in a new Congress (as described earlier).

Now the debate became truly fierce: states' righters versus nationalists, small states versus large. Here are some samples of the fiery rhetoric:

• States' righter John Lansing of New York: "[The proposed constitution] is a triple-headed monster, as deep and wicked a conspiracy as ever was invented in the darkest ages against the liberties of a free people."

• Nationalist George Read of Delaware: "The people at large are wrongly suspected of being averse to a general government. . . . The state governments must be swept away! We had better speak out."

• James Wilson of Pennsylvania: "Why should a national government be unpopular? Has it less dignity? Will each citizen enjoy under it less liberty or protection? Will a citizen of *Delaware* be degraded by becoming a citizen of the *United States*?"

If national citizenship seemed like a big step, it could not compare in the minds of some delegates to relinquishing powers over taxation and commerce, and

drafting soldiers to a new national government. In today's parlance, that surely seemed like a zero-sum game, and the Reads, Masons, and Martins were sure that the states would end up with the zeroes.

The first tentative vote on the nationalist proposals in late June was a convincing victory of seven to three for the Virginia Plan.

The Fight over Representation

Concurrent with the intense struggle over national powers versus state powers was the convention's battle over how to apportion representatives in a new congress.

On June 9, before the Paterson Plan had even been introduced, debate raged over Virginia's suggestion of proportional representation. Paterson called the idea "tyranny or despotism." On June 27–28, Luther Martin came close to ruining the whole enterprise. In a two-day harangue, he invented the filibuster and drove his colleagues wild. How badly divided they were on the representation issue was dramatized on July 2 when a tie vote was cast on the proposal for equal representation of the states in the Senate. At that juncture, Gouverneur Morris resorted to another old rule of politics: when in doubt, appoint a committee. Eleven men, one from each state minus New Hampshire, which had yet to appear at the parley, got down to the task of resolving the month-long battle over representation. Franklin counseled them, "When a carpenter wants to join two boards together, he sometimes saws a little off of both ends." But where to do the cutting?

Since June 11, Roger Sherman of Connecticut had been trying, without success, to tell the convention how to do just that: *proportional* representation in the new House and *equal* representation of the states in the new Senate. Now it was an idea whose time had come. Take the bicameral principle and proportional representation from the Virginia Plan and equality of representation from the Paterson Plan and put them together tongue-and-groove. Give the Senate to the small states and the House of Representatives to the large.

In committee, that old compromiser Franklin moved adoption of the "Connecticut Compromise." It was adopted there, but five more days of wrangling ensued before the convention agreed. Gouverneur Morris and Bedford criticized the proposal. Madison had never liked the idea of representing the states equally. Lansing and Yates, two-thirds of the New York delegation, were so fed up that they left the convention on July 10 for good, leaving New York's vote in the hands of Hamilton, who derived no joy from perfect attendance. A discouraged Washing-



The "rising sun" chair used by George Washington at the convention (Independence National Park Collection)

ton wrote Hamilton in New York urging him to come back to Philadelphia: "I almost despair of seeing a favorable issue to the proceedings of the Convention, and do therefore repent having had any agency in the business."

But the healing process (or was it the heating process of midsummer?) now did its work. On July 16, the Great Compromise of the Convention was accepted by a vote of five to four, with the small states in the majority. (It was probably the most important one-vote victory in our entire history—it saved the convention, and the Constitution.)

Will the Buck Stop Here? Creating the Executive

The issues surrounding the presidency were as complex as the men who would ultimately fill it: a monarch? a plural or single executive? a president elected for only one term or eligible for reelection? an officer chosen by Congress, by the people, or by state governors? a chief executive subject to impeachment? As a measure of the tensions on these questions, it required 60 ballots before they settled the mode of election.

Elbridge Gerry wanted the president to be a pawn of the governors, chosen by them. Hamilton proposed a lifetime president. Both the Randolph and Paterson plans proposed a plural executive, chosen by the Congress (approximating the parliamentary system we had so recently resented while under British rule).

But two forces began to alter all those designs. As the delegates moved steadily toward Montesquieu's prescription of separated powers, election of the president by Congress had to go. And Hamilton and James Wilson pressed continuously for the concept of "energy in the Executive," and that ruled out a presidency of three. This structural question was on its way to resolution when the Committee of the Whole adopted Wilson's motion for a single executive by a vote of seven to three (with Madison's journal quietly noting that "G. Washington" voted aye).

With election by Congress rejected, the delegates now had to address alternative sources of election. Once again, aristocrats confronted democrats, who were badly outnumbered. James Wilson boldly endorsed direct popular election. George Mason of Virginia replied, "It would be as unnatural to refer the choice of a proper character for Chief Magistrate to the people as it would to refer a trial of colours to a blind man. The extent of the country renders it impossible that the people can have the requisite capacity to judge of the respective pretensions of the candidates."

The sharp differences again demanded compromise, and this one was designed by delegate Rube Goldberg. We would have a college of electors to choose the

president, a kind of "selection of the best by the wisest." The state legislatures would determine how their electors were to be chosen, and the electors, ostensibly in a moment of great rationality, would ballot every fourth December for the president of the United States. The states, in fact, immediately began to turn the choice over to the voters (South Carolina was the last to capitulate in 1860). (The system has long been generally recognized as an anachronism, with the electors having been "captured" by political parties by 1800 and thus no longer "free agents" as the Founding Fathers intended. On occasion, moreover, it produces unacceptable results, as in 1824, 1876, and 1888 when the winners of a majority of the popular vote lost in the Electoral College.)

Despite the drawbacks of the method of election, the framers created an extraordinary office, amply equipped with constitutional power for able leaders to take the nation through troubled times and yet still be subject to a host of checks ranging from rejection by the voters to vetoes overridden, to the threat of impeachment and judicial review. (So much is revealed by the title of that extraordinary case in 1974, *United States v. Nixon*.)

A Federal Judiciary to Protect the Constitution

As noted earlier, the Confederation had no court system. But the framers knew, as Locke and Thomas Paine had pointed out before, that government consists of a threefold process: making laws, executing them, and adjudicating. What, then, should be the nature of a federal court system?

On this point, the Virginia and New Jersey plans were in agreement: there was to be a national judiciary, including (in the New Jersey Plan) "a supreme Tribunal" whose judges would be appointed by the president for life terms (or "good behavior"). That provision made it into the Constitution—a Supreme Court, appointed by the president for life, when confirmed by the Senate.

Should it have the power of judicial review—that is, the power to hold acts of Congress, the president, and the states unconstitutional? Happily we have *original intent* of unmistakable clarity concerning this question—Alexander Hamilton's 78th and 81st *Federalist* papers of 1788. Having mentioned the prohibitions laid down in the Constitution, such as no bills of attainder or ex post facto laws, Hamilton then said:

The complete independence of the courts of justice is peculiarly essential in a limited Constitution. . . . Limitations of this kind

can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to *declare all acts contrary to the manifest tenor of the Constitution void*. Without this, all the reservations of particular rights or privileges would amount to nothing. . . . The interpretation of the laws is the proper and peculiar province of the courts. (Italics added.)

Although the point is grievous to some people today, it becomes understandable why Chief Justice Charles Evans Hughes would say, "We are under a Constitution, but the Constitution is what the judges say it is."

Some Remaining Issues

The slave trade and the counting of slaves (to determine a state's apportionment in the House of Representatives) would deeply trouble the convention. When South Carolinian Pierce Butler asked that slaves be counted at full value, a northern delegate retorted, "Then we should count northern cows and horses as well." This impasse was resolved by going back to the old "federal rule of 1783," which prescribed that three-fifths of the blacks would be added to the white population of each state to determine representation in Congress.

Continuation of the slave trade ("that execrable commerce," Jefferson had called it in 1776) would prove the mettle of any politician: The delegates hated the trade but needed southern votes to adopt the Constitution. And so the price was paid: an extension of the slave trade until 1808.

Then the delegates were challenged by George Mason's insistence on a bill of rights. Wilson and Madison both argued, quite incorrectly, as our later history would show, that the new federal government would possess no power to jeopardize individual rights. (Recall, for example, the wholesale deprivation of the rights of Japanese-American citizens, 1942 to 1944.) And their view prevailed to adjournment, with George Mason refusing to sign the document because of its omission of a bill of rights.

A sharp rebuff to Madison from Jefferson in Paris, a demand for a bill of rights from states like Massachusetts during the ratification period, and Madison's need for votes in his first race for Congress all persuaded Madison to change his mind. Then as *Congressman* James Madison in 1790–91, he became a principal draftsman of the Bill of Rights that was added to the Constitution on December 15, 1791.

The delegates faced one final important question: Who should ratify the Constitution? The Articles of Confederation

specified the state legislatures in *all* the states, but, given Rhode Island's obduracy, that requirement would have killed the new Constitution.

At his most brilliant, Madison pointed the way out: ratification by *popularly elected* conventions in 9 of the 13 states. We do not want this new federation, Madison said, to be merely a league of states; it must therefore be based on a common foundation, the citizenry. "The people [are] in fact the fountain of all power, and by resorting to them, all difficulties [are] got over." In accepting Madison's proposal, the convention struck a historic blow for popular sovereignty.

Completing Their Work

On September 8, a Committee of Style was appointed for final drafting of the Constitution. With Gouverneur Morris as principal architect, the committee promptly completed a final draft.

The convention then had to suffer through Elbridge Gerry's 11 disagreements with the document and Governor Randolph's proposal for a *second* convention to cure the ills of this one. (How Madison must have smiled as he recorded, "All the states answered no").

With the darkness broken, the sunlight of a new day appeared. Madison recorded it this way: "On the question to agree to the Constitution as amended, all the states *AYE*. The Constitution was then ordered to be engrossed. And the House adjourned" (September 15, 1787).

The Signing

Thirty-eight of the fifty-five delegates who had attended the convention stayed with it to the end. On September 17, 1787, after the Constitution was read aloud so that delegates could actually hear what they had fought about so strenuously all summer, they were treated to some final wisdom from Benjamin Franklin.

There are some parts of this draft with which I do not agree, Franklin said, "but I am not sure I shall never approve them." Then a classic Franklin touch: I am not going to be like the French lady who said that "I don't know how it happens, Sister, but I meet with nobody but myself that's always in the right." Hence, he said, "I agree to this Constitution with all its faults, if they are such, because I think a general government necessary for us. . . . I doubt too whether any other convention . . . may be able to make a better Constitution." Franklin asked the other delegates to doubt a little their own infallibility and put their names to the document, and then to go home and fight for its ratification. On that point, he shared some fundamental political sci-

ence: "Much of the strength and efficiency of any government in procuring and securing happiness to the people depends on *opinion*, on the general opinion of the goodness of the government, as well as of the wisdom and integrity of its governors."

In the vote on September 17, 1787, there were 10 ayes, no noes, with South Carolina divided. Three who had stayed to the end would not sign. The Constitution was too centralized and democratic for Gerry, lacked a bill of rights for Mason, and departed too far from his own original plan to suit Governor Randolph.

After these men had explained why they could not vote for the document, Hamilton explained why he could, reminding them all that "no man's ideas were more remote from the plan than [mine]." Hamilton, Madison, and Jay subsequently wrote *The Federalist* papers to persuade New York voters to elect nationalist delegates to their ratifying convention.

Thirty-eight delegates stepped up to Washington's desk to sign the Constitution, representing all 12 states in attendance (New York was represented solely by Alexander Hamilton). With Washington's letter attached, the "roll of parchment" was rushed to the Congress sitting in New York. Eleven days later, Congress unanimously (minus Rhode Island) referred the document to the states to be ratified by popularly elected conventions.

Delaware ratified first, in December 1787; New Hampshire became the required ninth state on June 21, 1788. In Virginia, Madison, Richard Henry Lee, and the young John Marshall took on and defeated Patrick Henry (along with George Mason), once the voice of revolution but now the dogged defender of reaction. On June 25, Virginia gave its assent with only 10 votes to spare out of 168. In New York, with Alexander Hamilton almost single-handedly beating down the opposition, the convention ratified on July 26 with a margin of only 3 votes out of 57.

The electors met in their several states and, on February 4, 1789, chose George Washington as the first president. Muddy roads from Mount Vernon delayed the inauguration for a month, but the new republic was finally launched when Washington was sworn in on April 30, 1789, in New York City. We were on our way.

Any Miracles at Philadelphia?

What, if anything, was miraculous about the Constitutional Convention? First, given the conflicting interests of the participants, the adoption of a constitution at all was miraculous.

What made it possible? The talents of truly able politicians—in the best sense of the word—who brought with them the

three key implements to form a constitution (as Alistair Cooke has suggested): first, compromise; second, compromise; and third, compromise.

A second miracle was the device they invented at Philadelphia to break the logjam between states' righters and centralists—federalism. The world had known many leagues but nothing quite like the two-layered sovereignty fashioned here: significant states, a newly empowered federal government, and the saving principle of federal supremacy in Article VI of the Constitution. That James Wilson could then say, "I am both a citizen of Pennsylvania and of the United States," was a miracle.

Third, how should governmental power be controlled so as not to destroy the liberties of the people? The convention's creative answer: Let power check power. The checks and balances made it possible for a president to stop an offensive Congress with a veto, a Court to restrain a president who had forgotten that he was under law in 1974, and a Congress to "veto" a terrible Supreme Court decision like *Dred Scott* in 1857 by adding the 14th Amendment in 1868.

The fourth miracle was the design of a Constitution that would serve us for ages to come. Catherine Drinker Bowen summarized an important memorandum of Edmund Randolph on the matter: "First . . . only essential principles should be inserted, lest government be clogged by permanent, unalterable, provisions, which ought to be shaped to later times and events. Simple, precise language should be used and none but general propositions stated, 'for the construction of a Constitution of necessity differs from that of [statutory] law.'"

Hamilton similarly instructed the New York ratifying convention: "Constitutions should consist only of general provisions; the reason is that they must necessarily be permanent, and that they cannot calculate for the possible change of things."

On September 17, 1787, while other members were signing the Constitution, Ben Franklin noted the sun painted on the crest of Washington's chair:

Often and often in the course of the session, and the vicissitudes of my hopes and fears as to its issue, [I] have looked at that [sun] behind the President without being able to tell whether it was rising or setting. But now at length I have the happiness to know that it is a rising and not a setting sun.

J.D. Williams, a Phi Beta Kappa senator, has taught political science at the University of Utah since 1952. He has held the rank of University Professor there since 1985. He is also the author of the college text Public Administration: The People's Business.

reading *recommended by the book committee*

humanities
social sciences
natural sciences

FREDERICK J. CROSSON, ROBERT B. HEILMAN,
ROBERT P. SONKOWSKY, LAWRENCE WILLSON
EARL W. COUNT, RICHARD N. CURRENT, LEONARD W. DOOB,
ANDREW GYORGY, MADELINE R. ROBINTON,
VICTORIA SCHUCK, ANNA J. SCHWARTZ
RONALD GEBALLE, RUSSELL B. STEVENS

RONALD GEBALLE

Mathematics and Optimal Form. Stefan Hildebrandt and Anthony Tromba. Scientific American Books, 1985. \$29.95.

This clearly written and beautifully illustrated book treats the forms and motions of the objects around us. They delight and amaze us; reflection about them has stimulated a surprising amount of mathematical development. A pervasive notion, held from antiquity, is that they are governed by a demand for economy. This notion found expression in a metaphysical principle stated by Maupertuis in 1744, "If there occurs some change in nature, the amount of action necessary for this change must be as small as possible." To apply such a vague principle to the physical world it was necessary to define the term *action* and to invent a scheme for assessing its change as a process developed. The scheme was invented by the great mathematical physicists of the 18th century, principally Euler, the Bernouillis, and Lagrange. Their "calculus of variations" provided the analytical technique by which forms and motions can be tested for economy. The shapes of soap bubbles on wire frames, the motions of the planets, the forms of living cells, the fissures in dried lake beds, and the design of buildings can be so tested. The authors have "minimized" almost to extinction the use of equations while maintaining clarity of expression.

Tennis Science for Tennis Players. Howard Brody. Univ. Pennsylvania, 1987. \$14.95.

How many readers of *The Key Reporter* are tennis players? For such, here are explanations of the physics of racquet shapes and sizes, sweet spots, the effects of spin on bounces and trajectories, margins for error when hitting down the line and cross court, and more. Some of the lore passed on by pros and amateurs is well founded, some fails to survive this analysis. The author is a physicist and science adviser to the U.S. Professional Tennis Registry who calls on Galileo, Newton, laboratory tests, and computer simulation. His treatment is clear, engaging, and essentially nonmathematical. "You can't beat the laws of nature, but you can use those laws to beat an opponent."

Space, Time, Infinity. James F. Trefil. Smithsonian Books, 1985. \$29.95.

The subject here is both the oldest and the newest of the physical sciences. It reaches in concept from the Big Bang, which started time and the universe, through the transformations of energy and matter that produced the earth and us, and on to the fate of the universe—whether this be the Big Crunch followed by the Big Bounce or just unending expansion and cooling. Brief essays by the author and K. L. Franklin combine with a dazzling array of illustrations to illuminate the grand vista for the general reader.

A Modern Day Yankee in a Connecticut Court. Alan Lightman. Viking Penguin, 1986. \$14.95.

Lightman's second collection of reflections on the ways science affects everyday thoughts and lives is no less graceful and humane than his first. He has a knack for elegantly and honestly exposing the profound questions that confront all of us. Some are scientific, some are about the implications and effects of science. Here is a vision of science as a manifestation of human aspirations.

ROBERT P. SONKOWSKY

Word and Action: Essays on the Ancient Theater. Bernard Knox. Johns Hopkins, 1986. \$32.50; paper, \$12.95.

Aristophanes: Poet and Dramatist. Rosemary M. Harriott. Johns Hopkins, 1986. \$22.50.

A Commentary on "The Complete Greek Tragedies": Aeschylus. James C. Hogan. Univ. Chicago, 1984. \$23; paper, \$6.95.

Greek Tragedy in Action. Oliver Taplin. Univ. California, 1979. \$4.95.

First came the 20th-century flowering of the art of translation applied to Greek drama. This continues, but then came commentary and criticism of the kind that makes the plays even more intelligible to modern readers and theatergoers, whether trained in Greek or not. Bernard Knox, past director of the Center for Hellenic Studies and one of the world's best critics of Greek drama, has given us one new essay and a collection of others and reviews, selected not only from scholarly journals but also from the *Times Literary Supplement* and the *New York Review of Books*. Each piece is crafted with wisdom, wit, wide learning, and clarity. Valuable for scholars and general readers in the study of individual plays.

Harriott's approach is more piecemeal, for she organizes her analysis by topics such as narrative, oratory, dialogue, and mythopoesis, but she does discuss the *Clouds* separately as well. The book is valuable for any reader who is already familiar with at least *Acharnians*, *Knights*, *Clouds*, *Wasps*, and *Frogs*. All Greek is translated.

Hogan provides a line-by-line commentary on the seven plays of Aeschylus as translated in *The Complete Greek Tragedies* (ed. by Greene and Lattimore), the widely available product of the University of Chicago Press. The *Commentary* is an opportunity for readers and theater practitioners to study the translated plays with the detailed assistance of a Classicist.

Taplin's still older topic-by-topic account of nine Greek tragedies (three from each major tragedian) tries to focus on the plays as produced or producible, deriving insights from the texts as to the theatrical values of exits, entrances, gestures, tokens, silences, and other elements of dramatic structure. This as-

tute study deserves the wide dissemination it has received.

Trojan Women. Seneca. Trans. by Frederick Ahl. Cornell, 1986. \$5.95.

The theater and the translators have been slower to promulgate Roman drama to our times than they have the Greek. Ahl's versions (compare also his *Medea* and his *Phaedra*) are a response to this challenge. His *Trojan Women* gets inside Seneca's peculiarly Roman mind and situation but uses language that is readable and performable today. An auspicious beginning for the Cornell Press's Masters of Latin Literature series.

The Education of Julius Caesar: A Biography, a Reconstruction. Arthur D. Kahn. Schocken, 1986. \$28.50.

The first two-and-one-half pages begin with a scene reconstructing Caesar's childhood after the manner of an historical novel. The rest combines the known facts of Caesar's life with those of his times so as to show lessons Caesar learned and to account for his development and career.

The Past Is a Foreign Country. David Lowenthal. Cambridge Univ. 1985. \$27.95.

On changing human attitudes toward the past, nostalgia, modernism, how memory changes, how we change history. Most of the examples, of which vast numbers are discussed, are physical artifacts, especially buildings. By studying others looking at their past the author attempts to help us free ourselves from the tyranny of the past but vividly preserve its salutary aspects.

Milton and Ovid. Richard J. DuRocher. Cornell, 1985. \$27.50.

This highly adept study of Milton's adaptations of Ovid will intrigue and inform students of both authors. DuRocher shows how Milton transforms Ovidian references and techniques especially in *Paradise Lost*. Comparisons with Virgil and Spenser. The Latin is translated.

Art in the Hellenistic Age. J. J. Pollitt. Cambridge Univ., 1986. \$34.50; paper, \$24.95.

A detailed presentation of Hellenistic sculptures, wall painting, mosaics, architecture, coinage, and jewelry, partly in relation to key pervasive elements of the period and partly to the history of important artists, styles, and schools. Carefully and clearly written, with 300 excellent black-and-white plates and drawings, bibliographies, and notes. A magisterial gem.

EARL W. COUNT

Peace and War: Cross-Cultural Perspectives. Ed. by Mary LeCron Foster and Robert A. Rubinstein. Rutgers, 1985. \$29.95; paper, \$16.95.

Has anthropological insight held forth essentials to international decisions on security and been persistently ignored? From 26 authors—anthropologists and other professionals, Americans and others—come 26 opinions. Although not of uniform merit and persuasiveness, their answer is yes. "High-level strategies" come from group processes based on a wide range of information, and so assemble a wide range of options; "low-level strategies," contrariwise. Anthropology promotes "high-level strategies."

A unique collection, the product of a 1983 workshop at the Vancouver International Congress of Anthropological and Ethnological Sciences.



Governing Science and Technology in a Democracy. Ed. by Malcolm L. Goggin. Univ. Tennessee, 1986; \$34.95.

An American problem: how to rein science and technology within democratic values while there is yet time.

Science comes to mean applicable knowledge. Technology creeps up on it. The two feed on each other and expand exponentially. Government subsidizes both—a practical matter. Eventually, science is conceptualized as what merits subsidy; to promote applicable knowledge becomes a functional property of government. The laity absorbs this philosophy. Science and technology cannot be “democratic”; the American government is highly sensitive to public opinion. Meanwhile, the university loses its traditional autonomy to commercial-industrial pressure.

The 12 authors are a diverse company, but their feet are on the ground, their eyes are steady, their concern is profound.

Termination and Relocation: Federal Indian Policy, 1945–1960. Donald L. Fixico. Univ. New Mexico, 1986. \$27.50.

Nowhere does the author, himself with an Indian background, raise his voice as he chronicles the government’s unfortunate grappling with a still unresolved problem. Some reasons: the government, however sincere, usually knows little of Indian affairs. The commissioners appointed by the president are always whites. Congress attempts to legislate without social insight and does not escape from policies of “reforms” or “wardship.” The Department of the Interior has sought for solutions by multiplying bureaus. Because Indians don’t vote but white constituents do, members of Congress vote accordingly. The government searches for a uniform policy but the Indian peoples and their cultures are highly diverse. Nevertheless, since 1960, Indians have struggled to salvage something of their various heritages, sometimes with marked success; but there still is no one answer to the “Indian problem.”

Anthropological History of Andean Politics. Ed. by John V. Murra, Nathan Wachtel, and Jacques Revel. Cambridge Univ., 1986. \$49.95.

Andean ethnocentricity and politics antedate Quechua and Spanish obtrusion; despite draconian governance they have remained stubbornly diverse. The Andeans never wrote, though they tallied; yet historians and anthropologists—Peruvian, European, American—may spade together, and there is much still to spade. These views reward the hardy reader.

Historical Anthropology of the Family. Martine Segalen. Trans. by J.C. Whitehouse and Sarah Matthews. Cambridge Univ., 1986. \$14.95.

A trim, Gallic, innovative approach to a hoary and quasi-universal human way. Although the data relate mainly to France, from peasants to urbanites, they support a far larger frame. Urbanized familialism, indeed, replaces the producing unit with one of consumption, the status of women shifts, as does the status of kinsfolk; a shriveled familialism—but still a tough old institution.

The Maldiv Mystery. Thor Heyerdahl. Adler & Adler. \$19.95.

Readers of *Kon-tiki*, *The Art of Easter Island*, and *The Tigris Expedition* know what to

expect from this happy, Vikingsque searcher. The sea-lonely Maldive Islands have been the maritime crossroads of Sumer, Babylonia, Egypt, and Harappa to hither and farther India. Their cowrie-shell exports traveled to Finnish and Scandinavian graves. Hinduism—from Gujarat especially—and Buddhism duly colonized or culturized them; so testifies the archaeologists’ spadework. The ground gives up sophisticated stone art and the plots of once-busy cities. At long last came Islam—the only badge the Maldivians today do not disown.

What do these stones mean to Heyerdahl? That seaways have ever been one of the lures and bonds of mankind more than barriers.

Time, Science, and Society in China and the West. Ed. by J. T. Fraser, N. Lawrence, and F. C. Haber. Univ. Massachusetts, 1986. \$35.

The fifth symposium from the International Society for the Study of Time. The authors are West European, American, Chinese, and Indian. Epistemologies of time, however idiosyncratic, sum to a cultural universal. This represents a noble foregathering of Eastern and Western intellects—but a review of their achievement would make another, though lesser, book.

Several millennia ago, Chinese science was far ahead of Western. To Easterners, time was not the captive of number, as it came to be in the West after the Greek geometrized universe was taken over by Christian thought and eventually formalized by science. In the respective cases, the axioms of time became the architectonic of culture.

MADLINE R. ROBINTON

Law and Order. Ralf Dahrendorf. Westview, 1986. \$24.50.

This little book (161 pp.) is a brilliant analysis of the problem that most concerns us today, the breakdown of law and order. The book is an expansion of the Hamlyn Lectures given by Dahrendorf, former director of the London School of Economics, a self-styled “unreconstructed eighteenth century liberal” who says he is really writing about social order and liberty. Basing his analysis on conditions in West Germany, France, and especially Britain and the United States, he criticizes contemporary theorists as well as the philosophes, especially Rousseau. More important, however, in this tightly reasoned book he offers his solution to the problem.

From Humanism to the Humanities. Education and the Liberal Arts in Fifteenth and Sixteenth Century Europe. Anthony Grafton and Lisa Jardine. Harvard, 1987. \$27.50.

One of the encouraging signs in contemporary thinking in the field of education is the reassertion of the values of history and the liberal arts. Grafton, professor of history at Princeton, and Jardine, lecturer in English at Cambridge, cooperate to trace the rise of humanism and the revolution in teaching it brought about in the Renaissance. Starting with Guarino of Verona, “the greatest teacher in a century of great teachers,” the authors study the impact of rediscovery of the classical world on university education, not only on the curriculum but also on the techniques of teaching in the classroom. This study is based on their examination of lecture notes and di-

aries of teachers and students, first in the Italian universities, and then in Northern Europe; they emphasize the role of Erasmus in England and the influence of Ramus in Paris.

Humanism and History: Origins of Modern English Historiography. Joseph M. Levine. Cornell, 1987. \$29.95.

Syracuse Professor Levine, who has written extensively on the history of ideas, here studies the influence of humanism on English historiography. In a series of essays he shows the changes in the methodology of history beginning in the 15th century with Caxton and Higden, who were the first to distinguish fact from fiction or legend in their narrative histories. Each chapter deals with a landmark in the development of techniques, such as Lorenzo Valla’s work on the influence of philology, the study of antiquities, and Bacon’s work on the value of history in the study of natural science. Carrying his story (for his discussion of the personalities involved and the interplay of their ideas on history reads like one) through the 18th century culminating in the work of Gibbon, Levine provides a fascinating and valuable account of the development of the discipline.

(continued on back cover)

More of a good thing . . .

Beginning with the Autumn 1987 issue, *The American Scholar* will grow from 144 to 160 pages per issue, offering its readers an even greater selection of fine feature articles, reappraisals, memoirs, book reviews, and poetry.

We hope you will consider joining our circle of readers. Each quarterly issue will bring you articles on the ideas, controversies, and traditions of contemporary intellectual life and culture. And the *Scholar's* rare blend of serious discussion, argument, and humor make it much more than just another magazine you won't have time to read. Whether you read it as soon as it arrives, or weeks or even months later, its freshness and significance remain.

A year's subscription (4 issues) is yours for just \$18. Savings are offered for including payment with order, and for a two- or three-year subscription. See coupon below for ordering information.

the American Scholar

Department 3

1811 Q Street, N.W., Washington, D.C. 20009

Please enter my subscription to the *Scholar* for the term checked below.

- 1 year \$18 (\$17 payment with order)
 2 years \$32 (\$30 payment with order)
 3 years \$42 (\$39 payment with order)

Add \$3.00 per year for Canadian and foreign postage. Please allow 6-8 weeks for delivery of first issue.

Payment enclosed Please bill me.

Name _____

Address _____

City _____ State _____ Zip _____

Reading (continued from page 7)

The Humanist Tradition in the West. Alan Bullock. W. W. Norton, 1985. \$24.95.

This book is based on the lectures of Alan Bullock, former vice chancellor at Oxford, delivered under the auspices of the Aspen Institute. Written in an almost conversational style by a distinguished historian and beautifully illustrated, this is a history of humanism from the Renaissance to the middle of the 20th century (the final chapter is titled "Has Humanism a Future?"). A survey, but intellectually exciting, as he recalls the development of the ideas of the outstanding thinkers of their periods and brilliantly relates them to the problems these thinkers faced.

Cities and People: A Social and Architectural History. Mark Girouard. Yale, 1985. \$29.95.

Girouard, the architectural historian, has turned his attention from the English countryside to the great cities of the world. Beginning with Constantinople in Byzantine times, he traces the rise of cities in the West in the 9th and 10th centuries as they emerged along the trade routes, first in Italy, then in Flanders and northern Europe, and he describes their street plans, their buildings, and their life. Cities, always the centers for change, are also the result of changing patterns in economic and political power. Girouard well depicts this interrelationship as he portrays Renaissance Rome and Paris; the cities of the Industrial Revolution; and the modern centers of commerce and finance and political power on both sides of the Atlantic and Pacific. This attractive volume has almost as many pictures as text to illuminate the changes in architectural style that accompany the changing economic and social patterns of life.

African Slavery in Latin America and the Caribbean. Herbert S. Klein. Oxford, 1986. \$22.95.

Professor Klein, who has written on the slave trade, introduces this study with a discussion of slavery in the ancient and medieval periods in the West; its continuance in the Mediterranean and Islamic worlds with the enslavement of Christians and Slavs (which provided the etymological base for the word *slave*); and the existence of an internal slave market in Africa to satisfy the demands of local African states prior to the opening of the

The Key Reporter has been inundated with responses to the invitation to comment on Saul Levin's proposed correction of ΦBK's Greek motto (Spring 1987). We plan to publish a sample in the next issue.

Atlantic slave trade. Relating the slave trade to the plantation economy, first in the Caribbean and then in Latin America, especially in Brazil, he describes life on the sugar plantations, the end of the slave trade, and the background of the abolition of slavery in these areas.

Three Faces of Imperialism: British and American Approaches to Asia and Africa, 1870-1970. Phillip Darby. Yale, 1987. \$22.50.

This is a comparative study of the thinking that motivated imperial policy in Britain toward Asia and Africa from 1870 through World War II and policy in the United States since then. Darby, an Australian scholar, explores these attitudes in three categories—power, economic interest, and moral responsibility—and comes up with some interesting and somewhat unexpected conclusions.

RICHARD N. CURRENT

The Road to Redemption: Southern Politics, 1869-1879. Michael Perman. Univ. North Carolina, 1985. \$7.95.

Southern politics during Reconstruction is generally viewed as a bloody struggle between carpetbaggers, scalawags, and blacks on the one hand and ex-Confederates on the other. In a bloodless but brilliant analysis, Perman demonstrates that, in fact, Republicans and Democrats temporarily deemphasized their differences and competed for the center, while divisions within parties became more important than the division between them. He also explains why the two-party system failed to survive in the South.

Harry Hopkins: Ally of the Poor and Defender of Democracy. George McJimsey. Harvard, 1987. \$25.

Hopkins "helped lead the United States through its two greatest crises of the twentieth century: the Great Depression and World War II." An obscure social worker from Iowa, he rose to be Franklin D. Roosevelt's leading New Deal administrator and spokesman and then his wartime expediter and personal represen-

tative. Robert E. Sherwood wrote the classic *Roosevelt and Hopkins* (1948) partly on the basis of a personal acquaintance, but McJimsey, with access to documents unavailable to Sherwood, gives new information and a fresh perspective in this definitive biography.

Voyagers to the West: A Passage in the Peopling of American on the Eve of the Revolution. Bernard Bailyn. Knopf, 1986. \$30.

From 1773 to 1776 the British government kept a descriptive record of all persons known to be leaving for America, some 10,000 of them. Using this record and many other sources, Bailyn provides both a quantitative analysis of the migration and a narrative account of typical individuals and families taking part in it. He shows where the migrants came from, why they left, and how they made their way to the colonies and reestablished their lives there. Impressive in scholarship yet eminently readable, the book thoroughly deserves the Pulitzer Prize it has been awarded.

Sugar Creek: Life on the Illinois Prairie. John Mack Faragher. Yale, 1986. \$25.

"A fair history of a country village would be a thousand times more interesting than a novel," a New England missionary to the West wrote at about the time Illinois became a state. But "taste has not yet matured sufficiently to relish such a picture, and, perhaps, the historian does not yet exist who has the requisite discrimination and felicity to draw it." A historian with the needed qualifications has finally emerged to recount the development of a rural community near Springfield from the 1770s to the 1870s. This is local history with vastly more than local interest and significance.

The Launching of Modern American Science, 1846-1876. Robert V. Bruce. Knopf, 1987. \$30.

In the early 19th century American scientists were isolated amateurs who looked to Europe for guidance. Before the end of the century they were organized professionals with confidence in their own capabilities. In telling the story of this transformation, Bruce gives due attention not only to science itself but also to personalities; localities; economic, technological, and educational developments; and sex, religion, and race. He has produced a masterpiece of intellectual history clearly and interestingly told.

The Key Reporter

volume 52 □ number four □ summer 1987

Editor: Priscilla S. Taylor

Consulting Editor: Kenneth M. Greene

The Key Reporter is published quarterly by the United Chapters of Phi Beta Kappa at the Garamond/Pridemark Press, Baltimore, Maryland. Send all change-of-address notices to *The Key Reporter*, Phi Beta Kappa Editorial and Executive Offices, 1811 Q Street, N.W., Washington, DC 20009. (Note that the zip code for incoming mail is different from the 20077 code used only for postal returns.) No responsibility is assumed for views expressed in articles published.

Single copies 50¢, 10 or more copies 25¢ each. Copyright © 1987 by the United Chapters of Phi Beta Kappa. All rights reserved. ISSN: 0023-0804

THE KEY REPORTER
PHI BETA KAPPA
1811 Q Street, N.W.
Washington, DC 20077-8936

Address Correction Requested
Return Postage Guaranteed

Nonprofit Org.
U.S. POSTAGE
PAID
PERMIT No. 5353
Riverdale, MD

