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 another, 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 preventing 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 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)
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should assemble a convention in Phila-
delphia in May 1787 to devise a plan that
would “render the Constitution of the
Federal Government adequate to the ex-
igencies 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 resolu-
tion calling for a convention of delegates
from the several states to meet at Phila-
delphia 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 reform-
ers 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 demonstra-
tion 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, acknow-
ledged without question as the country’s
first citizen, arrived on May 13. Phila-
delphia was awe-struck.

For nearly two weeks the Virginia and
Pennsylvania delegations were the only
ones present, but the Virginians wasted
time. Caucusimg daily, the Virginians
polished their “15 resolves” (the Rand-
olph Plan, named for their leader, Gov-
er Edmund Randolph) and began to
woo the Pennsylvanians to the national-
ist cause. When a quorum of seven
states finally gathered on May 25, the con-
vention opened and elected George Wash-
ington as their president.
Who were these 55 men who had come
to Philadelphia to make a constitution?
Three-fourths had served in the Con-
tinental 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 En-
lightenment; George Wythe, Jefferson’s
law professor at William and Mary; and
that extraordinary student of govern-
ments ancient and modern, James
Madison of Virginia. Madison had writ-
ten to his dear friend Jefferson, our am-
assador 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 Li-
brary 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 com-
pensate, 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
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 dele-
gation. Rhode Island was under the con-
tr oll 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’ suit-
cases were laden with a concern for prop-
erty. Although Charles Beard overstated
the “insider trader” thesis in his Eco-
nomic Interpretation of the Constitution
in 1913, his thesis was an important
one—a reminder that these delegates
were ordinary mortals with understand-
able self-interests to be protected.

But Franklin warned them about tilt-
ing the government too heavily in the di-
rection of the wealthy, lest we lose our at-
tractiveness to the common people of
Europe. Furthermore, he said, “Some
of the greatest rogues [I have ever been] ac-
quainted 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 legisla-
tures? Should the draft constitution be
submitted to popularly elected conven-
tions or referred to state legislatures?
How shall we perceive the common peo-
ple 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 Hamil-
ton admitted, “I am not much attached
to the majesty of the multitude.... I con-
sider 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 an-
other drummer, voting for popular elec-
tion of the House of Representatives and
presidential electors.
The intellectual leaders of the small
band of democrats in Philadelphia were
nearly all the scholars James Wilson and
James Madison. Power, Wilson said,
ought to “flow immediately from the le-
gimate source of all authority—the
people.... The government ought to
possess not only first the force but sec-
donldly the mind or sense of the people at
large. The legislature ought to be the
most exact transcript of the whole so-
 ciety.” Wilson proposed direct popular
election of the Senate and of the presi-
dent, losing on both counts. Madison ex-
hibited his faith in the people through his
 proposals for direct popular election for
the House of Representatives; and no-
where was his commitment to popular
sovereignty more clear than in his insis-

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ence 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 39-year-old governor of Virginia, Edmund Randolph. Demonstrating an old rule of "getting there firstest with the moistest," 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 government 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, Mays, 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. 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-
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 rejected 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 gone. 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, 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 peculiar 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 when 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, for 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

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

At its 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 science: "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 nos, 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 nationalists 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' rightsers and centralist—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 to 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 1774, 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.

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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, D’Alembert, the Bernoullis, 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.


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 bounce and trajectory, and how to avoid 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.”


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 expanding 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.


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


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 theater goers, whether trained in Greek or not. Here is a collection of reviews and articles 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 words 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. 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 study deserves the wide dissemination it has received.


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 Troyan Women gets inside Seneca’s peculiarly Roman mind and situation but uses language that is readable and performable today, auspiciously beginning for the Cornell Press Masters of Latin Literature series.


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.


On changing human attitudes toward the past, nostalgia, modernism, how memory changes, what we can learn from history. 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 sauiarious aspects.


This highly adopted 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 sculpture, 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


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 are wise. “Low-level options” come from low-level strategies, contrasting. Anthropology promotes “high-level strategies.”

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

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

Science constitutes an 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.


Nowhere does the author, himself with an Indian background, voice the chorus that 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 any real 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."


Andean ethnocracy and polities antedate Quechua and Spanish obscurantism; 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.


A topic, 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 kinfolk; a shriveled familialism but still a tough old institution.


Readers of Kon-tiki, The Art of Easter Island, and The Tigris Expedition know what to expect from this happy, Vikingsque searcher. The sea-locally Maldives Islands have been the maritime crossroads of Sumer, Babylonia, Egypt, and Harappa to hither and farther India. Their cowrie-shell exports traveled to Finnic and Scandinavian graves. Hinduism—from Gujarat especially—and Buddhist were colonized or culturized there; 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.


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 foregrounding 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.

MADELINE R. ROBINTON


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 lightly reasoned book he offers his solution to the problem.


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 itself but also on the techniques of teaching in the classroom. This study is based on their examination of lecture notes and diaries 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.


Sycruse Professor Levine, who has written extensively on the history of ideas, here studies the emergence of a discipline called "social history." In a series of essays he shows the changes in the methodology of history beginning in the 15th century with Caixton 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 19th century culminating in the work of Gibbon, Levine provides a fascinating and valuable account of the development of the discipline.
The African enslavement of the Mediterranean in the 10th-12th centuries isthe result of trade routes, politics, and economic interest. A survey by the scholar, historian, and comparative political scientist, John Mack Faragher, has matured some of these attitudes in three categories-power, economic interest, and moral responsibility—and comes up with some interesting and somewhat unexpected conclusions.

RICHARD N. CURRENT


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.


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


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 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.


"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.


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.