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## AN INCONSPICUOUS AMERICAN FOUNDING

*Max Edling (2003): A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State. New York: Oxford University Press.*

Max Edling's book explores the apparently "self-evident truth" that even the United States government has been national from its very beginnings. To be sure, the Swedish scholar offers us an interesting and carefully argued account of the origins of the strongest government in the world today. Edling suggests that the creation of the American constitutional federation should be situated in the context of the formation of a "fiscal-military state" on the eighteenth-century European model. More specifically, he claims that this context provides a better framework for understanding the ratification of the Constitution than the traditional interpretations concentrating on the thought of James Madison, the celebrated "father of the Constitution" in the American founding mythology.

As is well known, Madison was the key figure in the Philadelphia Convention (1787) where the Articles of Confederation of the United States (ratified in 1781) were replaced by the Constitution. The nation was offered a powerful central executive office, a two chamber federal legislature, and a federal supreme court. Edling's central claim is that "both Antifederalism and Madisonian federalism were expressions

of the extreme skepticism about stronger government” prevailing in contemporary American thought [p.9]. In terms of fundamentals, he aims at arguing that Madison’s goal of securing minority rights in American majority democracy by resorting to a constitutional, federal government was not really at issue in the crucial moments of the American founding, namely the ratification debates that followed the Philadelphia Convention from 1787 to 1789. The obvious other option left to Edling is to cast Alexander Hamilton as the true champion of what counts as the core of the Federalist argument. After all, Hamilton was to become not only the most influential member in the first federal government, run by President George Washington in 1789-96, but also the leading figure of the Federalist Party to which Madison never belonged.

To grasp what is innovative in Edling’s view that the adoption of the Constitution should be viewed as a more or less conscious effort to build up a national American state, let us first sketch an overtly simplified picture of the conventional American self-interpretation of its beginnings. According to a schoolbook reading, the American founding consists of first, the Revolution (1776), second, the Constitutional Convention with the ensuing ratification debates (1787-9), and third, the amendments to the original constitution known as the Bill of Rights (1791). The ten first amendments include the famous provisions that the government will not restrict the freedom of speech, free press, the religious freedom or the right of the Americans to carry firearms. Add to all this the third president, Thomas Jefferson (1801-09), as the true ideologue of American democratic faith, who — with Madison as his secretary of state — managed to turn the burgeoning Federalist state machinery into a modern, civil society, and you have arrived at the conventional American understanding of the nation’s origins as emblematic of the idea that big government is bad for any nation.

In fact, by the very term “founding” the scholars of early American history refer to the notion of the United States having been founded not as a nation state or even as a federation, but as a rudimentarily modern, free society. As Joyce Appleby in her extremely influential *Capitalism and a New Social Order* (New York University Press, 1984) quotes the “true” liberals of the Jeffersonian movement, “the consumers form the nation” [p. 89]. This liberal, hard-working,

Jeffersonian, consumer American needs the government like a hole in his head. After all, what the modern government asks from him is not his civic virtue but his tax money for keeping up an army, for deep down the state is nothing but a monopoly of violence. And indeed, Edling's work, albeit carrying the term "Revolution" in its title, is a book about the creation of a federal peacetime army and a nation-wide taxation system in the United States.

Edling makes an intelligent move by arguing that the formation of the eighteenth-century European "fiscal-military state" — a conception he borrows from Michael Mann — was well in view of the American founders. They saw that British military supremacy in the whole Atlantic system had been built on such a huge public debt that at the end of the century two thirds of the nation's tax revenue was needed for debt servicing, whereas the failure of the French absolutist government in funding its own operation meant that "the state eventually proved fatal to the regime" [p. 52].

With his emphasis on "fiscal-military state" formation, Edling manages quite skillfully to circumvent the various kinds of "historicisms" embedded in the complexities of the now worn-out historiographical struggles over the true character of the American founding as either genuinely democratic rather than aristocratic or as liberal rather than classically republican. Even so, the author is not in need of any unforeseen intellectual context of "languages," for he insists that the Antifederalists' deep suspicions of a strong central government as well as the Federalist argument stemmed from grasping the European developments so well, albeit in terms of the good old British Court and Country debate.

The thrust of the Country argument on the formation of the British "fiscal-military" state was that a peacetime (standing) army posed a threat to civil liberties as a potential police force ready to suppress all opposition to the high taxation needed for its maintenance. By and large, the corrupt Court party figured in the national financial elite so well represented in Parliamentary majorities that nothing could stop its success in extending both the standing army and its funding so as to enrich itself as the main debtor of the state. Simultaneously the overall tax burden on the people had to cover not only the actual expenses of the growing central government and its standing army, but also the ever-increasing interest payments going into the pockets

of the financiers of the system, built, as it was, on public debt. What, indeed, could a free people need a standing army for except to save the expense of chairs (as the Marx Brothers once formulated the case)?

Beginning with General Washington's outspoken despair with the ineffectiveness and unreliability of militia troops throughout the War of Independence, Edling confirms the old presumption that without regular troops the Americans would have lost their good cause. Regarding the economic and diplomatic survival of the early American federation, it takes several carefully argued subchapters from the author to make the reader grasp all the ramifications of the Constitution's central clause that, in fact, gave the federal government an unrestricted power to raise and maintain armies as well as to tax the people for funding what was to become an American national state.

While the formation of the modern American war machine was consummated only at the beginning of the twentieth century, Edling carefully points out that this late development is largely due to the Federalist Party winning their case at those early moments in American history. It was by reorganizing the war debts of both the Continental Congress and the states (for the state debts were also assumed by the central government) that the Federalists succeeded in securing the nation's financial credibility so that any potential enemy would know that in case of emergency the government would not lack funding for raising a large-scale army. However, given the restricted source material Edling has in his use, his suggestion that the federal government also managed to lower the overall tax burden of the nation is much less convincing.

What made the difference between American federalism and the formation of European nation state is that the American version of the "fiscal-military state" model was kept "*light and inconspicuous.*" Firstly, the regular army was largely kept out of sight of the American public by using it as a mere border constabulary in Western frontiers. Secondly, the Federalist tactics for handling the debt problem were based not only on making it a permanent, "funded" debt, but also on keeping the federal tax gatherer invisible. After all, what the Federalists and Anti-federalists appear to have agreed upon was that it was not the amount but the mode of tax collection that could make it look like a big-government activity. Thus, the central government taxed

American consumption rather than production, and consequently resorted to indirect taxes in the form of tariffs and excises (on spirits), whereas the poll tax and property taxes were left to the state governments.

There is hardly a question that we are also dealing here with a handbook on how to construct a successful federalist argument as a nice thing in itself within the grim universe of international politics. The message to all European federalists is indicated on the last lines of the book, where it is argued that the American constitution, while “universally regarded as the paragon of limited government allowed for the creation of what today remains the world’s only superpower.” As to the blessings of centralized political power in general the picture remains messier. Edling takes the trouble to mention that for the first one hundred and fifty years the American regular army was most regularly used to fight the Native Americans and the organized labor movement [p. 158]. Another interesting remark, for whatever reason it is made, is that the Federalists of the 1790s failed to foresee that at least the European “fiscal-military state” would some day spend most of its tax revenue on purely civil purposes [p. 227].

Finally, a few words of warning are in place for all those tempted to use this brilliantly written book as an introduction to early American history studies. Being mainly an interpretation of the ratification debates Edling’s characterization of the American federation ignores much. He says next to nothing about the judicial power vested in the federal government. That the Supreme Court assesses the constitutionality of all the laws enacted by the national legislature is an issue one might think of as having something to do with the distribution of power in the American system. True, the *Marbury v. Madison* decision that began the debate over the role of the Supreme Court in the government took place only in 1803, so the ratification debate could hardly handle the issue. But as Edling’s interpretation of the strengths of the Federalist argument relies quite heavily on how the system came to work over time, one might think of it as interesting that as late as the 1930s the Supreme Court declared practically every measure taken by Roosevelt’s cabinet in favor of labor unions, public job opportunities, or public industry investments as unconstitutional. By the same token, it is worth asking whether the riots raised by discontented war veterans throughout the 1780s

and 1790s could be used as evidence for something else besides the fact that the nascent federal government was already strong enough to suppress them.

Along these lines one may also call into question the old wisdom that Edling shares with the American “progressives” in holding that deep in his heart James Madison supported the Constitution only as the means to deprive the states of the opportunity to turn America into majority despotism. The United States was an exceptional democracy in the eighteenth-century Atlantic world. But is it misleading to indicate that since as much as “around 60-90 percent of white adult males” were included in the electorate on a national level [p. 56], every sound-minded founding father must have been mostly concerned about the unhealthy influence of the majority power on American freedom. In New York, for example, where the suffrage was 100 per cent of the adult male population when the ratification of the federal constitution was at issue, only 30 per cent of free men could cast a vote in elections for state senate. Details between the “60 and 90 percent” are of crucial importance, when it is kept in mind that such “minor” things as schools, poorhouses, courts, and police force were usually maintained by local governmental organizations. And one thing that definitely frustrated James Madison was precisely the lack of majority democracy in his home state, Virginia. Besides women, slaves, and free blacks, the Virginia constitution kept half of the state’s white men out of the ballots well after Madison’s death in 1836.