

# Ordinary Politics, Extraordinary Results: A Definitive History of the Framing of the United States Constitution

Author : Reuel Schiller

Date : May 31, 2017

Michael J. Klarman, [The Framers' Coup: The Making of the United States Constitution](#) (2016).

Michael Klarman's *The Framers' Coup: The Making of the United States Constitution* is a marvel. It's an 850-page tome that draws us in even though we all know what happens in the end. Indeed, for most readers, the broad outlines of its narrative are ones that we've heard many times: in grade school, again in high school, perhaps in college, and, for a lucky few, once again in graduate school. The book's seven chronological chapters tell our nation's origin story: the flaws of the Articles of Confederation; the politics of the pre-constitutional period; the Constitutional Convention in Philadelphia; the debate over the constitutional status of slavery; the hard-fought political battles between Federalists and Antifederalists at the state ratifying conventions; ratification itself; and the drafting and adoption of the Bill of Rights.

Yet Klarman manages to give us a story that demands reading despite its familiarity. There are three reasons why *The Framers' Coup* succeeds despite covering a subject that doesn't lack for historical attention. First, the narrative he relates is both exhaustive and sparkling. It is encyclopedic without being an encyclopedia. The story moves along briskly because Klarman's prose is simple and propulsive. Yet any fact that a reader would like to know about the framing and ratification of the Constitution is in here. We get the comforting reassurance of hearing well-told versions of stories we already know, such as the famous large state-small state compromise over representation in Congress. But Klarman also highlights the importance of issues that have slipped out of the traditional narrative. Only an expert in eighteenth-century political history would know of the profound effect that John Jay's failed yearlong negotiations with the Spanish over navigation rights on the Mississippi had on the deliberations at the Philadelphia and subsequent ratifying conventions. (Klarman convincingly argues that Jay's attempt to bargain away these rights in exchange for a favorable commercial treaty with Spain did more to engender southern fears about a powerful, northern-dominated federal government than any other issue, slavery included.)

The narrative is also replete with lesser-known tales of political skullduggery: the Pennsylvania legislature's decision not to pay the state's delegates to the convention, thereby decreasing the likelihood that less elite delegates would attend; and Patrick Henry's ultimately unsuccessful attempt to gerrymander James Madison out of the first Congress. The existence of these and many other examples of "bare knuckled" political tactics (P. 612) are central, as we shall see, to Klarman's analytic framework for his story, but they also make for excellent reading.

The second thing that makes *The Framers' Coup* such a pleasure to read is Klarman's decision to emphasize the contingency of his narrative. This is most noticeable in his chapter on the ratifying conventions. Klarman shows that many of these contests, particularly in the largest states, were decided by slim margins. He makes clear that the entire process could have come out the other way for a variety of reasons, not the least of which was the Antifederalists' tactical error of holding the New York and Virginia conventions after most of the other states had ratified the Constitution, thereby presenting these crucially important and closely divided conventions with what was essentially a *fait accompli*.

Other such contingencies abound. What if Washington had refused to attend the Constitutional Convention, thereby denying it his unquestioned legitimacy? (Klarman demonstrates that it took some real arm-twisting to get the General to go.) On the other hand, what if Patrick Henry had decided to go, thereby adding to the deliberations a politically savvy and exceptionally gifted orator who was opposed to the centralizing preferences of most delegates? (Klarman reports

that the historical record is unclear as to why Henry refused to attend the convention despite the fact that the Virginia legislature appointed him.)

As for the actual substance of the Constitution, the complexity of the document, combined with time constraints and a focus on certain controversial subjects (particularly the nature of each state's representation in Congress), meant that many parts of the proposed Constitution were sent to the ratifying conventions without much thought or debate. Thus, Klarman demonstrates that some of its most important provisions, such as how the president was selected, "seemed" to be the product of "an almost random solution." (P. 599.) By highlighting all these contingencies – would more Antifederalist delegates have gone if there hadn't been an outbreak of smallpox in Philadelphia that summer? – Klarman creates a narrative with many of the characteristics of an action movie. We know that our "hero" (the Constitution) will triumph in the end, but we are thrilled by each of the multitude of close escapes it makes.

Finally, *The Framers' Coup* is an engaging read because of Klarman's forthright and, I imagine, controversial interpretation of the events he recounts. It's all there in his title. Klarman views the framing and ratification of the Constitution as a coup d'état. It was a political outcome, he repeatedly argues, that did not reflect the desires of the majority of Americans. Most people may have been frustrated with the Articles of Confederation, but the creation of a completely new governing document that dramatically increased the power of the federal government was not the solution most would have wanted. Instead, that outcome reflected the desires of the emergent national elites who were appalled by the redistributive, leveling actions of many state legislatures in the 1780s. It was adopted, not because of its popularity, but because of the political savvy of the Federalists, their willingness to use underhanded tactics, their domination of the national press, the gross malapportionment of many of the ratifying conventions, the tactical ineptitude of the Antifederalists, and, quite frankly, a dose of good luck.

This brief description of Klarman's analytic framework risks portraying *The Framers' Coup* as nothing more than recycled Charles Beard: a reassertion that the Constitution was a document proposed by mercantile elites to protect their depreciating securities. Yet, Klarman is much more subtle than this. First of all, his focus on the contingency would have no place in Beard's reductionist account. Second, he catalogues a whole host of interests – political, economic, religious – that determined why any individual would support or oppose the proposed Constitution. Unlike Beard, Klarman's primary point is not that the framing of the Constitution was designed to further the economic interests of a particular group of people. Instead, Klarman wishes to emphasize that the framing was a political act that was supported by people for a host of reasons. The main thing he impresses on his readers is not that some particular class benefited from the Constitution's adoption, but that all the actors in the drama of framing and ratification were engaged in a political struggle rather than a philosophical one.

Thus, Klarman's story of the framing is not one of brilliant political philosophers collaborating on a document to preserve their republican revolution. Instead, it is one of "ordinary politics" (p. 8) in which each side attempted to create a federal government that would further its mundane political interests. While the debates at the Constitutional Convention frequently became philosophical, Klarman suggests that these arguments changed no one's mind. They were simply rationalizations for particularized interests. In Klarman's decidedly unromantic view of the Framers' political thought, ideas such as popular sovereignty or *Federalist* No. 10's famous theory of factions were simply stalking horses for increasing the power of the federal government in order to prevent state-level public policies that the elites disliked. There is no doubt, Klarman tells us, that James Madison was a genius, but that genius was as much political as philosophical. Our graduate school debates about "liberalism versus republicanism," or the importance of "civic virtue" are gone from the narrative of the framing. Instead, we are left with a story of politics and power.

It seems likely that *The Framers' Coup* will engender a strong reaction. Slaying sacred cows can be a dangerous business. Klarman seeks to replace the often reflexive adulation that the Framers engender in our popular culture with a more realistic portrayal of their motives. He also takes aim at an academic literature that has often emphasized intellectual history and political thought at the expense of politics. Wherever one stands in these debates, however, it is impossible to imagine that *The Framers' Coup* will not become an essential text for understanding the intent of the Framers and the history of the Constitution.

Cite as: Reuel Schiller, *Ordinary Politics, Extraordinary Results: A Definitive History of the Framing of the United States Constitution*, JOTWELL (May 31, 2017) (reviewing Michael J. Klarman, **The Framers' Coup: The Making of the United States Constitution** (2016). ), <http://legalhist.jotwell.com/ordinary-politics-extraordinary-results-a-definitive-history-of-the-framing-of-the-united-states-constitution/>.