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# The Framers' Coup: The Making of the United States Constitution, by Michael J. Klarman

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# Book Reviews

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Michael J. Klarman. *The Framers' Coup: The Making of the United States Constitution*. New York: Oxford University Press, 2016. Pp. xiii+865. \$39.95.

Notwithstanding the lamentable indifference shown the Constitution by many of today's politicians, America's founding document is enjoying something of a renaissance among scholars. Recent years have seen the publication of Akhil Reed Amar's *America's Constitution: A Biography* (New York: Random House, 2005), Richard Beeman's *Plain, Honest Men: The Making of the American Constitution* (New York: Random House, 2009), Pauline Maier's *Ratification: The People Debate the Constitution* (New York: Simon & Schuster, 2010), and Mary Sarah Bilder's *Madison's Hand: Revising the Constitutional Convention* (Cambridge, MA: Harvard University Press, 2015)—to name but a few. The latest entry, Michael Klarman's *The Framers' Coup*, is a worthy addition to this distinguished body of work. Several of the testimonials gracing the back of the book comment on its impressive scope—that the entire founding period, from the Articles of Confederation through the Bill of Rights, is contained within this single volume. It is a big book, to be sure, but one that repays the time spent reading its 800-plus pages.

The book consists of seven chapters, bracketed by an introduction and a conclusion. Chapter 1 undertakes to account for the failure of the Articles of Confederation. The usual explanations are provided (lack of taxing power, of regulatory power, of enforcement power), but with interesting detail supplied: for example, that the average compliance rate with the six requisitions levied in the 1780s was 37%, declining throughout the decade, and falling to 2% with the last requisition. Much notice is taken of the Mississippi River dispute—whether settlers would or would not be granted navigation rights by Spain—and how it exploded in Congress, very nearly scuttling the Constitutional Convention.

Chapter 2 examines the country's economic condition in the run-up to Philadelphia. Klarman captures the essence of the creditor-debtor debate: that debt relief legislation was often little better than collective thievery, but also that in-

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debted farmers, if forced to repay in specie, faced forfeiture of property at a fraction of true market value. Klarman's mind may be with the creditors, but his heart is decidedly with the debtors (75–76, 81–82; see also 606).

Two chapters are given to the Constitutional Convention. The first covers the organization of the legislative and executive branches; the second covers slavery. Klarman observes that delegates to the Convention were, as a rule, more nationally minded than the people back home and that they had little difficulty, therefore, agreeing on enhancements of national power, once the hurdle of representation was gotten over. Regarding slavery, the main take-away seems to be that slavery directed unwanted attention to the country's regional divide—that five southern states stood apart from eight northern states. How long could the South survive as a distinct minority? Would it one day become the majority? The universal but false expectation that the South would soon out-populate the North was—it is hardly an exaggeration to say—the *sine qua non* of the Convention's success.

Chapter 5 is devoted to the Anti-Federalist opposition. Anti-Federalists worried about the consolidating effects of the Constitution, about the unbridled scope of some federal powers, and about a host of lesser issues that scarcely registered with Convention delegates, such as the congressional prerogative to regulate the time, place, and manner of holding elections. Other criticisms targeted representation in the House and the Senate, monarchy in the presidency, and constraints on the states.

Klarman frames the discussion in chapter 6, on the ratification debates, around the advantages and disadvantages facing the Federalists. The immense prestige of Washington and Franklin put wind in their sails; malapportionment, slanted press coverage, coastal cities as convention sites, better speakers, and shrewd tactical adjustments carried the ship to port. On the negative side, the Federalists were tasked—or had tasked themselves—with persuading the electorate that it ought to have less influence on national government than it was accustomed to having on state governments. Klarman then works his way through the roster of ratifying conventions, describing in wonderful detail the bitterness of Pennsylvania, the amity of Massachusetts, and the high drama of Virginia and New York. In the end the Federalists won, Klarman contends, because they removed all intermediate options, confining the choice to the Constitution or the Articles.

Chapter 7 takes up the Bill of Rights. Madison initially opposed a bill of rights, until changing his mind under instruction from Jefferson and political pressure from Virginia. Importantly, Madison maneuvered the House to adopt amendments of the personal-liberties kind and to reject amendments that called for structural change. Klarman gives Madison near-total credit for the incorporation of the Bill of Rights into the Constitution.

*The Framers' Coup*, being more a history of the founding than a sustained argument about its meaning, confines its theoretical reflections principally to three sections labeled "Interpreting [this or that]," to a fourth labeled "Actual Motivations," and to the lengthy, and quite excellent, conclusion. Klarman's thesis, conveyed by the title, is that the Convention surprised the country with a constitution that was "stunningly nationalist and antipopulist" (253). The book thus tilts toward the old Progressive view (an antidemocratic counterrevolution) and betrays a slight Anti-Federalist bias (e.g., 535–36). The framers of the title refer sometimes to the entire Convention, sometimes to its nationalist members, but more frequently to Madison alone ("the convention's agenda, it turned out, existed only in Madison's head"; 617). Inadvertently, perhaps, Klarman restores to Madison the honor of "Father of the Constitution," whereas recent scholarship had demoted him to a first-among-equals rank. Lance Banning is partly responsible for that demotion (*The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic* [Ithaca, NY: Cornell University Press, 1995]). Klarman glides around Banning, engaging him only in a few notes (e.g., 243). The book's case for a surprise and a coup highlights the secrecy rule adopted by the Convention and Madison's proposals for a national negative of state laws and for proportional representation in the legislature, along with such populist-constraining measures as lengthy terms of office and national pay. The nationalist/Federalist reply, that these were republican remedies for the diseases most incident to republican government, is only lightly entertained (609). Readers might wonder whether Klarman has not overreached with his title, for there were, he admits, "hints" of what was coming in the conversation and correspondence of delegates to Congress (252); moreover, Madison and Randolph pressed Patrick Henry to attend the Convention despite knowing of his antipathy toward federal government (250–51). Madison, of course, did not get his national negative or proportional representation (in the Senate); thus, if Madison's plan constituted a coup, readers might ask how successful a coup it was.

In furtherance of his antidemocratic claim, Klarman turns popular ratification against the nationalists, treating it, on the one hand, as a cover for their aristocratic agenda (608) and, on the other, as a trap into which they themselves fell, forcing them to trim their ambitions when writing the Constitution for fear of the public that ultimately would decide. Thus, property qualifications, wanted by all, never made it into the final document (607). That may be one explanation. Another, actually articulated, is that no means of ascertaining wealth then existed and that population was thought to be as good a measure as any other. Many of the Convention delegates invoked the specter of public opinion, but those delegates who withheld their signatures or walked out before the end did so most often.

Briefly does Klarman review, under “Actual Motivations,” half a dozen schools of contemporary interpretation. While he never quite declares himself, it seems most likely that he subscribes to the Gordon Wood school (*Creation of the American Republic, 1776–1787* [Chapel Hill: University of North Carolina Press, 1969]), described as offering a social explanation of the Federalist/Anti-Federalist division—to wit, the well-born elite, “distressed at having been displaced from political power,” supported the Constitution as a means of holding back the populist tide (377, 607). Wood, though, takes ideas seriously, while Klarman takes interests seriously: economic, geographic, and religious (380). Even Madison’s big idea of the extended republic was, in Klarman’s estimation, chiefly a device for fixing the paper-money scourge (603).

Two additional themes developed in the conclusion are the prominence of contingency at every stage—close calls and lucky breaks—and the logrolling character of ratification politics. Most interesting is Klarman’s extended discussion of how the Constitution adapted to the democratizing pressures of the nineteenth and twentieth centuries. Ending as he began, Klarman cautions Americans against reverencing the framers and their handiwork. His stated purpose—suggesting again a Progressive bent—is to “demythify” the Constitution (5).

In sum—and in praise—*The Framers’ Coup* is a monumental study of the founding. Klarman’s telling of the story is deepened by use of the framers’ voluminous correspondence. Every paragraph draws on, or refers to, a vast supporting history. The erudition on display (the endnotes alone would sink a small boat) is unsurpassed. At the same time, Klarman is attentive to the needs of the novice reader, offering short biographical sketches and parenthetical explanations and definitions. The prose is crisp and graceful. This is an achievement of the first order, even if the book is too heavy to carry and too long to finish!

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Luke Mayville. *John Adams and the Fear of American Oligarchy*. Princeton, NJ: Princeton University Press, 2016. Pp. xi+216. \$29.95.

The political thought of John Adams—perhaps the most erudite of the founders—has been interpreted in widely divergent ways. Some commentators have reduced Adams’s ideas to projections of his irascibility and vanity or the gloomy moralizing of an heir to the Puritans. Adams has been read as a traditionalist