

ICONOCLASM IN AMERICAN HISTORY

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THE following sketch is designed to introduce, not the American constitution, but a new and somewhat startling theory of its authorship. The constitution does not need to be introduced. It has been panegyricized by men of all ranks. To Gladstone it was "the most wonderful work ever struck off at a given time by the brains and purpose of man." In the mind of Alexis De Tocqueville—one of the keenest political thinkers of the last century—it took the form of "a great discovery in modern political science" ("De la Démocratie en Amérique"). Even the humble dispenser of wit and humour has made his contribution: "The earth", Artemus Ward informs us, "revolves around her axle-tree once in twenty-four hours, subject to the constitution of the United States." While thus the constitution itself has received the widest publicity, its real creator remains practically unknown—a curious fact which can not much longer escape the avenging spirit of historical justice.

It is, truth, a rather strange subject. At the present time, no writer can take it up without running some slight risk of being classed with the old and long-lived generation of cranks and notoriety-seekers. Many years ago, as I read in one of John Fiske's essays, a man down in the middle west made the astounding discovery that the interior of the earth is inhabited, and prevailed upon Congress to pass a resolution endorsing his revolutionary theory. To many people, even well informed and cultured, the discovery that the author of the American constitution is unknown will seem almost as absurd. Tradition and history claim to have settled that question. The authorship of the American constitution, like the Prophet's grave, is sealed, holy, and inviolable. To disturb that question now, one must proceed in the teeth of history and tradition. The government of the United States, we are reminded, was born in the broad daylight of history, and the cameras of a partly friendly and partly hostile world were concentrated upon the scene. Does it not, then, seem preposterous to think that any truly important act or movement or agent, connected

with the inception of that government, could ever have escaped the reporters—the multitudes of recording angels or demons, friends or foes, as the case might be? So indeed it would seem. Nevertheless, American history may some day be re-written—indeed it is already being re-written, though not by professional historians—to include a long-neglected star in the old and well known constellation.

I.

For the purpose of gaining a starting-point, we may briefly repeat the story of the origin of the American constitution, as told by the historians. The Articles of Confederation, drawn up by Benjamin Franklin, having failed to meet the requirements of the thirteen colonies, a call was issued for a convention to be held at Philadelphia in the spring of 1787, for the purpose of facing in real earnest the constitution problem. Here was assembled whatever of genius and statesmanship the colonies possessed—Washington, Hamilton, Madison, Pinckney, and the rest—"an assembly of demigods," as Jefferson called it. After some eighty-six days of labour, conducted in impenetrable secrecy and shrouded in Cimmerian darkness so far as the outside world was concerned, the Philadelphia pantheon brought forth its Minerva, but the cost in headache has never been precisely computed. Trifling as this suggestion may seem, the point involved may some day raise a storm of controversy.

Until the year 1818, when the journal of the Philadelphia convention was published by Congress, hardly a ray of light had been shed upon the mysterious labours of Jefferson's demigods. Even then the light was found to be broken and fragmentary, and but few were much the wiser for reading the *Proceedings* of the convention. In 1841, however, the now famous *Madison Papers* were published—a series of semi-official papers prepared by Madison in addition to the official journal. Thus, more than half a century elapsed before the outside world had any adequate idea of how the constitution of the nation had come into being. But in the meantime the people of the colonies had taken this matter into their own hands. The impression of that wonderful instrument had deepened with every passing year. Ere long it was confidently believed, and freely asserted, that there was something super-human about it all, and that the constitution had been given to the Fathers of the country much in the same way as the Ten Commandments had been given to Moses. The Fathers had clearly been inspired for the occasion by an all-wise Providence! One

of the early writers gave expression to the contents of the public mind in the following sentences:—"It was God's saving gift to a distracted and imperilled people. It was His *fiat* over a weltering chaos; 'Let a nation be born in a day.'" The "inspirational theory," as it has been called, captivated the colonies; among the religiously minded it was accepted without a question, and even in our own day it is invoked by people of more faith than knowledge. The Fathers and the constitution were "canonized" by an admiring people who felt the increasing benefit of the new political invention, and we are even informed that in Europe, as well as in America, the inspirational theory was generally accepted as correct.

But the time came at last for a somewhat more scientific study of the constitution and its origin. Already, in 1835, De Tocqueville had delivered himself of his marvellous analysis, not only of the constitution, but of democracy in general, and American democracy in particular. Twenty years later, George Ticknor Curtis published his somewhat elaborate but readable *History of the Constitution*, and this was followed in 1882 by the more celebrated work of George Bancroft. Lastly, in 1888, Viscount Bryce's *The American Commonwealth* was given to the English-speaking world. These various works have received their merited praise, and no further comment is needed here except this, that not one of them throws the faintest glimmer of light upon the origin of the constitution, beyond what was already accessible to the general public. The position of Hannis Taylor seems impregnable: these writers are dealing with the constitution in its immediate effect rather than in its origin. The present writer has discussed this point with men who believe, or pretend to believe, that both Curtis and Bancroft betray an uneasy feeling that a further explanation of the origin of the constitution was needed, and that the available historical sources do not tell the whole story. This is a pure guess at the best. For our purpose, however, it will be necessary to consider the broad outline of the information possessed by the historians mentioned. They knew, for one thing, that three young men—Hamilton, Pinckney, and Madison—ranging in age from twenty-nine to thirty-six years, and none too well versed in the subjects of political history or political economy, had each presented to the Philadelphia convention a wonderfully mature and ingenious "plan" for a constitution. They knew, furthermore, that these three plans in all vital particulars were identical, each embodying those radical departures in political economy which have made the American constitution the unique thing that it is. Finally, they knew that each plan was the achievement of a single man, working in

seclusion, and entirely independent of the authors of the other plans. These facts, it is true, should be sufficient to make a responsible historian pause and ponder. If Curtis and Bancroft were really tortured with doubt, it can hardly seem a matter of surprise. The reader will be reminded of the story circulated about the translation of the Septuagint version of the Old Testament. Each translator was working in seclusion, entirely independent of all the others, yet they all wrote the same thing, to the last jot and tittle! The inspirational theory of the origin of the American constitution will lose much of its strangeness when we read it in the light of what knowledge the people actually possessed.

There is another point which I am less reluctant to admit, although it has never been established, and probably never will be. In the vision of Bancroft at any rate—I have been told—a strange and shadowy character is flitting through the darkness of the Philadelphia convention, a character who once properly understood might clarify much that is now obscure. True, there is within Bancroft's range of vision a man, a certain Pelatiah Webster, an "inconspicuous" citizen of Philadelphia, who had been very much in earnest about the convoking of the convention; but if the historian attaches any real importance to him, he has certainly failed to make it clear in his celebrated work. Yet somebody hitherto unknown there is or must be, if the American constitution is not to remain for ever an insoluble mystery. The situation reminds one of the struggle for the discovery of the planet Neptune. The planet had to be there, because there was no other way to explain the movements of Uranus. And the two greatest mathematicians of the age, Adams and Leverrier, were given an opportunity to join the immortals. But Curtis was not an Adams, nor was Bancroft a Leverrier, and the mysterious movements of the Philadelphia convention were left unexplained. Down to the present generation, nothing more plausible than the inspirational theory has been advanced to account for the origin of the American constitution.

II.

In the year 1911, a work entitled *The Origin and Growth of the American Constitution* was published by the Houghton Mifflin Company in Boston. This work, unlike Bancroft's famous History, fell practically dead from the press. It aroused no nation-wide attention; in fact it aroused no attention at all, except possibly in the higher circles of constitutional lawyers. Yet, a more truly sensational book has not been written in America in many years.

I should probably have remained ignorant of its existence, but for the mere accident of stumbling upon a copy of it in a New Hampshire library. Its author is Dr. Hannis Taylor, of Washington, D. C., one of the foremost living students of Anglo-Saxon law. In this work Dr. Taylor undertakes to force his way in the teeth of public prejudice and superstition, and bring to the fore the "unknown influence," the Neptune of the Philadelphia convention. Dr. Taylor had long been known in Great Britain as the author of an admirably complete and comprehensive history of the English constitution, a work the first volume of which had passed through eight editions prior to the appearance of his comprehensive work on the American constitution. In recognition of his achievement he was honoured by the universities of Dublin and Edinburgh. I am giving this brief account of Dr. Taylor's position as a scholar to make clear one thing. The old fiction that the American constitution was created out of nothing by a group of young and inexperienced men within the walls of the convention hall in Philadelphia, has at last encountered an opponent who can not be brushed aside as an incompetent crank; but, on the contrary, whether in this adventurous theory he is right or wrong, he must be respected for his wealth of learning, logical acumen, and powers of research, by all men who respect themselves. True, his style, while lively and eminently clear, falls somewhat short of the glittering diction of Bancroft; but Dr. Taylor has the rare power of "touching the bottom," often in the most unexpected places—to the infinite relief of the reader who is too often doomed to flounder in unfathomable seas. Here is a summary of the story which Dr. Taylor is seeking to impress upon the American public:—

In the year 1725, a boy was born in the town of Lebanon, Conn., and was given the name of Pelatiah Webster. He was a scion of the great family tree from which his two famous kinsmen, Noah the lexicographer, and Daniel the orator and statesman, subsequently sprung. After graduating from Yale College, Pelatiah settled in Philadelphia, and engaged in business with such success that within a short time he amassed an independent fortune. He then retired and entered upon his life's work—a thorough and systematic study of the principles of government, political economy, and sociology. The results of his studies were printed in a series of pamphlets through which he became known to the great statesmen of the colonies. The earlier historians of the constitution know him only as a man who was strongly in favor of a new constitution, and perhaps the first man to suggest that a convention be held, but beyond that he was unknown to them. But Mr. Webster, although he was not a delegate, was

unquestionably better prepared for the convention than any one of the delegates or all combined. For, on the sixteenth day of February, 1783,—that is to say, four years before the convention was actually convoked,—this lonely and much-neglected man had published in Philadelphia a pamphlet of some forty pages, containing every one of the precious principles which were subsequently embodied in the constitution of the United States. During the intervening years the leading statesmen of the colonies had been at work, studying and arranging the material created by Pelatiah Webster—an individual whom history has disowned!

Webster is no myth; his pamphlet is no fiction. As I write these lines, I have a copy of it before me on the table. Two editions have been published by Congress, probably at the solicitation of Dr. Taylor, who has this to say:—

Reluctantly and ungraciously as its precious revelation has been received by many, it has swept away once and forever the impossible theory that the most elaborate and unique of all political inventions had no personal inventor, and the still more impossible assumption that three minds, working in isolation and far removed from each other, should have conceived, almost at the same moment, the “wholly novel theory” of federal government for which the world had been waiting for centuries.

Not all of Webster’s recommendations, we are told, were accepted by the makers of the constitution. The student of his pamphlet will readily see that some of its provisions were rejected. But the American constitution, as it came from the hands of the Fathers, and in so far as it was then a distinctly new creation, does strike one as very like an arrangement of the material discovered in that document. This is an assertion which any man now, with comparatively little labour, may verify for himself.

The Philadelphia convention adjourned, without—so far as anybody knows—giving Pelatiah Webster the slightest credit for the services which, according to Dr. Taylor, he had rendered to it and to the nation. Webster’s sensitive soul may have been wounded. He waited three years, and then, in 1791, broke his silence by publishing a new edition of his pamphlet, in which he claims to be the true creator of the constitution. In soft and touching words he appeals to posterity for a vindication of his claim. He has rested in his grave more than one hundred and twenty-five years. I have read many American histories; I have searched the biographical dictionaries and encyclopaedias—in vain. Pelatiah Webster’s name is nowhere to be found.

III.

If what I have written is accepted as in any degree reliable or trustworthy, some questions must inevitably occur to the mind of the reader. For instance, what is the explanation of the historians' neglect of Webster? Why has he not been recognized in some way commensurate with his alleged talent and his alleged services? Should not the silence of our historical authorities be regarded as sufficient proof that there is somewhere a "hitch" in this story, and that Pelatiah Webster's share in making the American constitution is a myth? This is a very relevant criticism, and those who defend Webster's claim must meet it. The present article is that of an enquirer, who has been told that somewhere a reply to Dr. Taylor's thesis has been published, but who after diligent search has so far not been fortunate enough to find it. Will some reader of this *Review* be good enough to assist in setting him right?

Until such knowledge is available, the present writer must content himself with reflecting upon some considerations which make even so iconoclastic a theory not altogether improbable. For instance, we must bear in mind that the history of the American constitution had its legendary period, during which the inspirational hypothesis remained the leading if not the only view on the matter. The glory of the great Fathers became a light of blinding intensity, rendering historical research impossible. Moreover, during the earlier part of this period Pelatiah Webster and his pamphlet were lost to sight, and for one hundred and sixteen years he and it were buried in oblivion. They were both unearthed by Dr. Taylor, who observes:

When it (Webster's pamphlet) was thus reprinted after an interval of one hundred and sixteen years, its contents were as unknown to the leading jurists and statesmen of this generation as if it had been a papyrus from Egypt or Herculaneum.

Even John Fiske, who was never afraid of facts, and who was quite alive to the shortcomings of the Fathers, was lulled to sleep by the tale of the old miracle, and the unscientific conclusion that the Philadelphian Uranus had performed all sorts of strange and amazing antics without the causative propinquity of an intellectual Neptune.

Again, what Webster is supposed to have contributed to the constitution is clearly that part of it which requires the longest time to be comprehended and appreciated. One may perhaps conjecture that his powerful intellectual grasp could deal only

with fundamentals, and that he disdained to waste his time and powers on side issues. Writing on this subject in an appendix to his pamphlet, published again not long before his death, he observes: "In sundry other things the convention has gone into minutiae, e. g., respecting the elections of presidents, senators, and representatives in Congress, etc., which I proposed to leave at large to the wisdom and direction of Congress and of the several states." But it is precisely these minutiae, these side issues, which attract and hold the attention of the average citizen and the public at large. If you ask the man in the street what he knows about the constitution, he will tell you just these things—how the President and Congress are elected, and how old a man must be in order to vote; but ask him about the economic foundation of the constitution, as supposedly laid by Pelatiah Webster, and his mind is a blank.

In conclusion I may perhaps be permitted to remark, on the authority of Dr. Taylor, that no one of the men who constituted the Philadelphia convention ever claimed to be the author of the constitution. This may be only a negative comfort, but we are entitled to the enjoyment of it. Besides, the men who wrought at that convention, young as they were, did the work of giants, and there are honours enough to go round. Perhaps Pelatiah Webster furnished plans and the Fathers did the building. It is, however, possible, that, as the generations come and go, this strange, pathetic, and neglected figure will loom ever larger over "the wastes of time," and take his place at last beside the truly creative and revolutionary geniuses in the workshop of history.