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**Critically Analyzing American Constitutionalism: Understanding Property and the State**

by

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## Abstract

The years 2020-2021 were host to a sequence of challenges to the American political system including mass civil unrest, recession, charges of fraud in the electoral process, and insurrection. While sometimes overlooked by Christian thinkers, evidence drawn from an array of historians indicates that some of these problems can be traced to flaws found in American Constitutionalism. A biblical measure of a government's effectiveness is its ability to preserve peace. After reviewing the historical origin and consequences of American Constitutionalism, this essay demonstrates that the system leads to problematic class antagonism and social strife. This is due to its basis in Lockean philosophy which fails to capture the true nature of godly property rights and creates an unbiblical synergism between property and the state.

*Keywords:* U.S. Constitution, class conflict, property rights, Locke, nation-state

## Introduction

In recent years, political polarization has been leading to instability in American political processes. The years 2020-2021 saw political violence erupt on a massive scale. Many Christian observers would agree that this strife is the product of conflicting worldviews. Despite the breakdown in political processes, Christian academia frequently focuses on criticizing ideologies opposing the status quo without questioning the functionality of American Constitutionalism.

According to a 2021 Pew Research Study, 37% of Christians who identify religion as being “very important” to their lives, go to church, and pray regularly believe that the U.S. Constitution is divinely inspired.<sup>1</sup> With such an extreme view being so common, the Church risks deifying human values and ideas. Proverbs 30:6 warns believers, “Do not add to [God’s] words, lest He rebuke you and you be found a liar.”<sup>2</sup>

An effective working standard for just governance is found in 1 Timothy 2:1-2. Here, Paul urges believers to pray that their government permits its citizens to live “quiet and peaceable” lives “in all godliness and reverence.” This essay will analyze American Constitutionalism and its history through the lens of this passage. If American Constitutionalism is biblical, then history should show that its implementation has promoted peace and dignified living.

## Power in Colonial America

The process of examining the origins of American Constitutionalism can begin with observing the sociopolitical conditions of British colonial America. Many Colonists were attracted to British colonial America because it provided greater opportunities for prosperity and social advancement than Europe. Compared to Britain, the purchasing power of American colonists in 1700 was an estimated 38% higher and was 52% higher by 1774.<sup>3</sup> Some of the original settlers in the New World were from a class commonly referred to as “gentlemen.” These men were usually not noblemen by birth but derived great power and prominence in society through their wealth. After immigrating, they found plentiful land but little manpower to work it. For cheap labor, they often paid for the exorbitant cost of transatlantic travel for poorer colonists in exchange for their agreement to work as indentured servants. But as demand for labor increased, the more agrarian southern economy quickly became dependent on slaves imported from Africa.

Thus, the colonies developed a class hierarchy consisting of gentlemen, free colonists, indentured servants, and slaves. This was preserved by exclusive political processes based on property. Maryland was ruled by a proprietor who was granted complete control by the king. The proprietary colony of Carolina was dominated by a feudal aristocracy with eight barons who

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<sup>1</sup> “In U.S., Far More Support Than Oppose Separation of Church and State,” Pew Research Center, October 28, 2021, [https://www.pewforum.org/2021/10/28/in-u-s-far-more-support-than-oppose-separation-of-church-and-state/?utm\\_source=Pew+Research+Center&utm\\_campaign=dccc14ca25-EMAIL\\_CAMPAIGN\\_2021\\_11\\_03\\_01\\_29&utm\\_medium=email&utm\\_term=0\\_3e953b9b70-dccc14ca25-399934421](https://www.pewforum.org/2021/10/28/in-u-s-far-more-support-than-oppose-separation-of-church-and-state/?utm_source=Pew+Research+Center&utm_campaign=dccc14ca25-EMAIL_CAMPAIGN_2021_11_03_01_29&utm_medium=email&utm_term=0_3e953b9b70-dccc14ca25-399934421).

<sup>2</sup> Unless otherwise noted, all biblical passages referenced are in *The Holy Bible*, New King James Version, (Nashville, TN: Holman Bible Publishers, 2013).

<sup>3</sup> Peter Lindert and Jeffrey Williamson, “Unequal gains: American growth and inequality since 1700,” *Columns*, VoxEU, June 16, 2016, <https://voxeu.org/article/american-growth-and-inequality-1700>.

owned 40% of the land until the crown took control after a rebellion and the land was reconsolidated into the hands of wealthy speculators who monopolized the fertile coastal lands.<sup>4</sup>

Even in somewhat more democratic colonies there were strict property-based restrictions on participation in political processes. The franchise was more widespread in the colonies than it was in England, but near the time of the revolution it is likely that less than 60% of adult white males could vote.<sup>5</sup> Women and Black people typically had no representation. This class hierarchy caused the northern colonies to develop plutocracies built mainly around urban business interests and in southern colonies, plutocracies formed from elites whose wealth was based in plantations and slaves.

The colonial social structure was a source of notable strife. The duration of British colonial American history before the Revolutionary war saw 18 insurrections attempting to overthrow colonial governments, resistance toward landlords, tax resistance, multiple workers strikes, 40 riots, and six major Black rebellions.<sup>6</sup> Despite the social mobility colonial America afforded some colonists, it would be ahistorical to deny the clear presence of social stratification based on property, race, and gender.

### **Economic Interests and the Revolution**

In the mid-1700s, taxes and policies implemented by the mother country were almost universally disliked. The shared grievances and skilled messaging found in propaganda such as Thomas Paine's *Common Sense* and Patrick Henry's speeches would unite colonists across classes against the monarchy. However, careful messaging was still needed to mobilize the poor to fight Britain. The wording of the Declaration of Independence is a perfect example. The primary focus of the Declaration was governance by the consent of the governed, rather than property rights. The colonial ruling class proclaimed that becoming an independent nation would let the colonies create a new government that preserved life, liberty, and the pursuit of happiness. This mimicked Locke's words from *Two Treatises of Government* except that Locke used the phrase "life, liberty, and estate."<sup>7</sup> The intent behind omitting the word "estate" and replacing it with "pursuit of happiness" in this important document was likely to tone down emphasis on property and make the Revolutionary War appealing to the poor.

However, the cross-class solidarity was far stronger in the northern states than in southern states. Historian Ronald Hoffman found that the revolution sent "the states of Delaware, Maryland, North Carolina, South Carolina, Georgia, and, to a much lesser degree, Virginia into divisive civil conflicts that persisted during the entire period of struggle."<sup>8</sup> A substantial number of southern colonists believed that the revolution was not in their best interest because regardless of which side

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<sup>4</sup> Howard Zinn, *A People's History of the United States: 1492-2001*, New ed., (New York, NY: HarperCollins Publishers, 2003), 47.

<sup>5</sup> Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States*. (New York: Basic Books, 2000), 7.

<sup>6</sup> Zinn, *A People's History of the United States: 1492-2001*, 59.

<sup>7</sup> John Locke and Ian Shapiro, *Two Treatises of Government and a Letter Concerning Toleration*, (New Haven, CT: Yale University Press, 2003), 136, <https://ebookcentral-proquest-com.ezproxy.liberty.edu/lib/liberty/detail.action?docID=3420119>

<sup>8</sup> Zinn, *A People's History of the United States: 1492-2001*, 89.

triumphed, they would be dominated by a landowning plutocracy. Consequently, these states had much higher concentrations of loyalists and neutrals, which motivated the British Army to invade further south later in the Revolutionary War.

During the war and years after, the Articles of Confederation supplied a governmental model for the independent states that would prove unsustainable and be supplanted by the Constitutional Convention. For years, scholars accepted that the Constitution was the product of disinterested ideological debates over liberty versus the soundness of the union. But this idea would be challenged by historian Charles Beard in 1913 who provided evidence to suggest that the Constitution was a pact between men of “substantial personal interests” to preserve their wealth and position against “small farming and debtor interests.”<sup>9</sup> In 1958, historian Forrest McDonald presented exhaustive data on the economic interests of delegates suggesting their interests were too diverse to allow for the economic factionalism Beard’s thesis demands.

Immediately, intuition would cast doubt on this claim because the actual process for the Convention was as property-centric and elitist as all other political processes before it. Beard estimated that the electorate for delegates to the Convention numbered around 160,000.<sup>10</sup> By comparison, the overall population of the colonies was close to 3.9 million.<sup>11</sup> It stands to reason that class and factional interests could bias the outcome of the Convention. McDonald’s conclusion would be challenged by researchers Robert McGuire and Robert Ohsfeldt in a study statistically analyzing McDonald's own data in relation to the votes of delegates. The analysis showed “that the division of interests at the ratifying conventions generally was consistent with Beard's view— with the exception of slave owners, who opposed the Constitution.”<sup>12</sup>

Ostensibly, the personal convictions of a delegate could cause him to forsake his personal interests. But a preponderance of evidence shows that the Constitution can be economically interpreted as an organized reaction of urban business interests against debtors and small farmers. Therefore, while the Constitution solved some systemic problems with the Articles of Confederation, it was biased toward the plutocracy, especially merchants, manufacturers, owners of public securities, and money lenders.

### **Counter-revolution and the First Reforms**

This bias can be seen in the rhetoric of the Federalists advocating the Constitution. For example, the common narrative that the economy under the Articles of Confederation was in shambles is based chiefly on their agitations. The real health of the economy was far from dire. Historian Keith Dougherty, in his book, *Collective Action Under the Articles of Confederation*,

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<sup>9</sup> Charles Beard, *An Economic Interpretation of the Constitution of the United States*, (New Brunswick, N.J.: Routledge, 1998), 325.

<sup>10</sup> *Ibid.*, 250.

<sup>11</sup> Census History Staff, “1790 fast facts,” United States Census Bureau, History, Through the Decades, Fast Facts, 1790 Fast Facts, accessed February 10, 2022, [https://www.census.gov/history/www/through\\_the\\_decades/fast\\_facts/1790\\_fast\\_facts.html](https://www.census.gov/history/www/through_the_decades/fast_facts/1790_fast_facts.html).

<sup>12</sup> McGuire, Robert A., & Robert L. Ohsfeldt, “Economic Interests and the American Constitution: A Quantitative Rehabilitation of Charles A. Beard,” *The Journal of Economic History* 44, no. 2 (1984): 509–519, DOI: 10.1017/s0022050700032101.

acknowledged “there is strong evidence that the economy was improving and that the daily life of the typical American was improving as well.”<sup>13</sup> Benjamin Franklin dismissed fearmongering over the economy, acknowledging its overall health and skeptically remarking that “it is always in the power of a small number to make a great clamour.”<sup>14</sup>

If it is accepted that the Constitution was largely a defense of urban business interests, the intent of the Federalists’ misleading rhetoric is obvious. In the Confederation, Congress could not regulate trade or levy tariffs. The fearmongering about the economy was an attempt by merchants and manufacturers to stir up support for protectionist trade policy, thereby profiting from the restriction of their foreign competitors. As one would expect if this were true, “before the formation of the Constitution, Boston merchants were sending out appeals to other merchants in the several states to join in a national movement for protection” and were “stirring up united action among the merchants and manufacturers of the whole country.”<sup>15</sup>

But British trade policy was something that did not adversely affect all in the plutocracy. Many plutocrats appreciated the Articles of Confederation because it was weak in its ability to regulate. They feared a distant, national government would threaten their property and they were content to leave power in the hands of state governments that they dominated. This made coordinating and funding collective actions by the states exceedingly difficult.

Most significantly, Congress was unable to tax and relied on states choosing to comply with its requisitions to fund activities and raise a military force. Plutocrats in state legislatures typically did not comply with a requisition unless it was going to directly benefit their state. Many of them did not see this as a flaw in the system, but an advantage. According to Patrick Henry, “by [requisitions] we have triumphed in the most arduous struggle... To prevent an arbitrary deprivation of our property, contrary to our consent and inclination.”<sup>16</sup>

But this dysfunction became a liability to the property rights they were trying to protect when a crisis struck. Focusing on the threat a central government posed to property neglected the threat posed by the conscious class of debtors who were common to multiple states. This class pressured legislatures to adopt debt relief policies including the delay of debt collections, the abolition of the imprisonment of debtors, and many other reforms that undermined the property rights of creditors.

The desperation of this impoverished class culminated in Shays’ Rebellion, a violent insurrection by indebted farmers in Massachusetts trying to avoid both evictions and imprisonment. This rebellion was a social revolutionary political movement that disturbed all men of property. General Henry Knox, in a letter to George Washington, said the belief uniting the rebels was that “the property of the United States has been protected from the confiscations of

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13 Keith L. Dougherty, *Collective Action under the Articles of Confederation*, (Cambridge: Cambridge University Press), 2000, 178, DOI: 10.1017/CBO9780511528002.

14 Beard, *An Economic Interpretation of the Constitution of the United States*, 45.

15 Ibid., 47.

16 Dougherty, *Collective Action under the Articles of Confederation*, 165.

Britain by the joint exertions of all, and therefore ought to be the common property of all.”<sup>17</sup> A committee authorized to address the matter warned that if the states did not quickly stop the rebels it would leave Massachusetts in “a state of anarchy and confusion” and likely subject the whole nation to “the calamities of civil war.”<sup>18</sup>

The uprising was supposed to be handled by the Massachusetts militia and troops requisitioned by Congress. Unfortunately for the Bostonian plutocracy, much of the militia in western Massachusetts was composed of the revolting farmers or their sympathizers, and only the state of Virginia complied with the requisition. The creditors of Boston were forced to pool their money to fund a private army to put down the rebellion. This failure of the requisition system and the system of localized military power exposed the perilous position of the plutocracy. In addition to the risk of militia members joining an uprising, the lack of pay for militias made them dangerous by themselves. Unpaid militias mutinied multiple times after the war, including a mutiny in 1783 that forced Congress to flee the capital, Philadelphia.

These events inspired the belief that the greatest threat to the plutocracy’s property was the people and that decentralizing government power precluded preserving the social hierarchy. Thus, the resulting movement toward a national government which produced the Constitution was a counterrevolution by the plutocracy to centralize power. This was bluntly acknowledged in a letter written by Louis-Guillaume Otto, a French diplomat serving in America, that said:

“The people are not unaware that the natural consequences of a greater power accorded to the government will be a... marked preponderance of the rich men and great proprietors... Although there were no Patricians in America, there is a class of men known under the denomination of Gentlemen, who... seek preeminence that the people refuse to accord them... they fear almost all the efforts of the people to despoil them of their possessions and since they are in addition creditors, and consequently interested in strengthening the government...”<sup>19</sup>

The counterrevolutionary character of the Constitution can be clearly seen in its content. It set up a stronger national military structure, established the office of the president (which had near total control over that structure), gave Congress the power to tax, and banned state legislatures from obstructing debt obligations. However, it also incorporated an important concession to ease tensions with the public, namely the popularly elected House of Representatives.

To mitigate any threat the House might pose, state governments were still allowed to apply their exclusive suffrage qualifications to these elections. The Senate, whose members were directly appointed by state governments, was designed to sap the political power of the poor to protect wealthy landowners such as Madison. He recognized, that “if elections were open to all classes of people, the property of the landed proprietors would be insecure” and that the Senate should ensure

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17 Knox, Henry, “To George Washington from Henry Knox, 23 October 1786,” Founders Online. National Archives, accessed February 10, 2022, <https://founders.archives.gov/documents/Washington/04-04-02-0274>.

18 Dougherty, *Collective Action under the Articles of Confederation*, 104.

19 Otto, Louis-Guillaume, “Louis-Guillaume Otto to Comte de Vergennes, October 10, 1786,” *The Debate Over Property, Class, and Government*, Center for the Study of the American Constitution, accessed February 10, 2022, <https://csac.history.wisc.edu/document-collections/constitutional-debates/property-class/>.

that the wealthy could have “a share in the government” large enough “to protect the minority of the opulent against the majority.”<sup>20</sup>

The effectiveness of the counterrevolution would be tested in 1794 when Congress levelled a tax on whiskey. Small whiskey producers and their supporters on the frontier, having no representation in Congress, refused to pay and revolted. After failed negotiations, President George Washington dispatched soldiers drawn from other regions of the country not likely to share the whiskey rebels’ cause and crushed the insurrection. But even after the Whiskey Rebellion was put down, it laid the foundation for future democratic reforms.

Up until the early 1820s, the few citizens who were eligible to vote deferred to the leadership of local elites, and campaigning among voters for support was considered improper.<sup>21</sup> Thus, Election Day was traditionally a social affair in which the upper class met together for eating and drinking. But this form of politics would quickly fade after the Panic of 1819. This severe economic crisis exposed the injustice of suffrage being a privilege of the wealthy, leading to movements across the nation to democratize state governments and repeal property-based voter qualifications. This gave rise to the election campaigns and professional politicians that characterize American politics to this day.

### **Development of Modern American Government**

But the social order would be greatly impacted by a shift in technology. Historian Richard Morris found that in colonial America, land was so plentiful that it was exceedingly difficult to hire anyone to do work because it was more profitable to be self-employed. According to *American Husbandry*, an 18th century book on farming, “nothing but a high price will induce men to labor at all,” it recognized the high compensation paradoxically ensured that they would not continue to labor because after saving up money, the laborer could afford land of his own.<sup>22</sup> The plutocracy needed a permanent and cheap labor force but was hindered by the social mobility afforded to white colonists; this was a major factor driving the importation of slaves. But for free men, independent self-employment was widespread in colonial times and—albeit to a lesser degree—at the time of the United States’ founding.

But when the Industrial Revolution brought mechanization, production became capital-intensive rather than labor-intensive. Most Americans, as subsistence farmers, lacked the funds to invest in the new, advanced machines needed to compete in the changing marketplace. As technology created new job opportunities, people left their farms in search of jobs that paid better in burgeoning industries. Consequently, by 1870, 67% of those gainfully employed worked for

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20 Madison, James, “Term of the Senate.” Founders Online, National Archives. Accessed February 10, 2022. <https://founders.archives.gov/documents/Madison/01-10-02-0044>.

21 Steven Mintz and Sarah McNeil, “Rise of Democratic Politics,” Digital History. Accessed February 10, 2022. [https://www.digitallhistory.uh.edu/disp\\_textbook.cfm?smtid=2&psid=3541](https://www.digitallhistory.uh.edu/disp_textbook.cfm?smtid=2&psid=3541).

22 Richard B. Morris, “The Emergence of American Labor,” in *A History of the American Worker*, (Princeton, NJ: Princeton University Press, 1983), 18, <https://www.jstor.org/stable/j.ctt7zvd2n.4>.

someone else.<sup>23</sup> This was an important shift to the economy because the selling of one's labor was no longer a steppingstone to independence; it was a permanent condition for most Americans.

As control over the means of production became more concentrated, so also did its produce. The portion of national income going to the wealthiest 1% of American society rose from an estimated 8.5% in 1774 to nearly 20% in 1925.<sup>24</sup> This correlated with a surge in bribery and corruption, especially in the Gilded Age from 1870 to 1900. It was in this era that professional lobbying took off in earnest with hired agents of various corporations and trusts buying influence over politicians with gifts and donations. Former Senator Robert Byrd noted that by the turn of the century, massive corporations and trusts “could all afford extensive lobbying in Washington. They seemed to carry the most weight with the United States Senate — the House of Congress not then directly elected by the people.”<sup>25</sup>

Pairing effectively with bribery and lobbying, the plutocracy used its control over capital to intimidate the electorate by threatening their employment. Research by Dr. Gideon Cohn-Postar found that “economic voter intimidation” was a widespread problem for American democratic processes throughout the 1870s, 1880s, and 1890s.<sup>26</sup> Workers’ powerlessness also subjected them to unsatisfactory working conditions including long hours, safety hazards, and wages which could not cover living expenses. This drove workers to go on strike by the thousands, and even hundreds of thousands. Strikes were permeated by violent clashes between workers and government forces, corporate mercenaries, and strike breakers. In-depth research by a presidential commission in 1969 concluded that “the United States has experienced more frequent and bloody labor violence than any other industrial nation.”<sup>27</sup>

As violence failed to achieve positive outcomes, change came by reform once again with the Progressive Era 1896-1916, reforms for lobbying transparency, and labor regulations. Most labor violence stemmed from the repression of unionization. This problem would be mitigated by reforms beginning with the National Industrial Recovery Act in 1933 and later, the National Labor Relations Act. The commission claims that “the sharp decline in the level of industrial violence is one of the great achievements of the National Labor Relations Board.”<sup>28</sup> For years, these reforms limited the capitalists’ ability to prevent collective bargaining because the government turned labor unions into a protected legal structure. The commission, however, warned that any damage to this

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23 Eric Arneson in *The Gilded Age: Essays on the Origins of Modern America* (Delaware: Scholarly Resources, 1996), 42.

24 Lindert and Williamson, “Unequal gains: American growth and inequality since 1700.”

25 Robert Byrd, “History of lobbying,” *The Congressional Digest* 85, no. 5 (2006): 132, <https://search.ebscohost.com/login.aspx?direct=true&db=her&AN=20789861&site=ehost-live&scope=site>

26 Gideon Cohn-Postar, “‘Vote for Your Bread and Butter’: Economic Intimidation of Voters in the Gilded Age,” *The Journal of the Gilded Age and Progressive Era* 20, no. 4 (2021): 497, DOI: 10.1017/S1537781421000372.

27 Hugh Davis Graham and Ted Robert Gurr, *Violence in America: Historical and Comparative Perspectives; a Report [of the Task Force on Historical and Comparative Perspectives] to the National Commission on the Causes and Prevention of Violence, June 1969*, (New York: New American Library, 1969), 379.

28 Ibid., 385.

intricate web of policy may risk an “unharnessing of the forces of violence and hate that we have successfully mastered.”<sup>29</sup>

### **Property and Limited Government: A Contradiction**

The American Revolution embraced the idea that the state is an association formed to collectivize the protection of its members’ rights based in natural law. Natural law includes, most significantly, the right of property. Locke understood property rights as synonymous with domain, or the absolute right to control an object. This is distinct from possession—the physical fact of controlling an object. In this essay, the term “possession” will be used broadly to encompass all circumstances where an object is physically controlled or used, while the term “property” will exclusively refer to the legal right to control it. This would lead to a contradiction in American Constitutionalism: It purportedly aims to be a limited, libertarian-style government while simultaneously protecting property, which is impossible due to the class conflicts that ensue.

When the property and possession are distinct and separate, it is possible to use something without owning it, and sell a contracted right to use an object without selling the right to control it. If this becomes widespread and institutionalized in an economy, two kinds of classes emerge. The first is a dominant class of absentee proprietors who own property exceeding what they can use. The subservient class consists of those who lack the property needed to independently survive. They are a dependent class that possesses the property of proprietors but have no right to do so beyond what is granted to them in exchange for paying rent, interest, or servitude.

This is a broad but effective framework for understanding many class-based conflicts in America. It applies to the debtors of early America depending on loans from creditors to use land, laborers depending on capitalists for access to the means of production, indentured servants depending on the colonial gentlemen for loans, and many other circumstances. Most repulsively, it applies to the enslaved who did not own their lives and were forced to serve their proprietor to continue to live.

Often, the proprietor class uses the power of property rights to demand greater value from the possessor. Its demands often prevent a satisfactory subsistence by the possessing class and cause them to reject or undermine property rights. This is done via strikes, legislative reforms, and violent uprisings. In America, with every call for democracy and liberty, a reactionary tendency follows that consolidates power and strengthens the national state in defense of property.

Under the Articles of Confederation, property became insecure and so the counterrevolutionary U.S. Constitution consolidated the power of the elites in a national government. Under industrialized capitalism, organized labor was met with fierce repression from newly formed police forces, corporate mercenaries, and government troop deployments. However, in cases where men of property are overpowered, compromises are sometimes wrestled from governments to maintain sociopolitical stability. This took the form of debt relief in state legislatures under the Articles of Confederation, the democratization of the 1820s-1840s, the recognition of labor rights, and other examples.

To maintain a social hierarchy defined by distinctions of property, society has taken a twofold carrot-and-stick approach. Men of property increase the power of government, usually the central government, to crush resistance where it is weak. When this is not practical, property rights are eroded just enough to stave off more revolutionary change. American Constitutionalism’s

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<sup>29</sup> Ibid., 386.

contradiction of claiming to advance liberty and property left it with the recurring choice: Permit the people to subvert the interests of property or maintain property by increasing the authority and power of the state.

Despite reforms over time, many power dynamics of American society have not changed. In 2014, Princeton researchers tested various theories of power distribution in America. The resulting data indicates that, while the United States assumes the appearance of a democratic republic, it has maintained much of its plutocratic character. According to their conclusions:

“The preferences of ordinary citizens were measured more directly than our other independent variables, yet they are estimated to have the least effect. Nor do organized interest groups substitute for direct citizen influence by embodying citizens’ will and ensuring their wishes prevail... The net alignments of the most influential, business-oriented groups are negatively related to the average citizen’s wishes.”<sup>30</sup>

Their data showed that policy in America is determined by the will of the elite in conjunction with their allied interest groups, not the will of the average citizen. Furthermore, labor reforms that empowered working people have been circumvented and undermined by corporations. A recent survey found that 48% of non-union workers say they would vote in favor of a union if presented with the opportunity and 80% of those currently represented by a union would vote to keep it.<sup>31</sup> Despite this popularity, actual union membership in the publishing year of the survey was only 6.2% due to corporations exploiting weaknesses in labor laws and persistently—sometimes illegally—attacking organized labor.<sup>32</sup>

Thus, tradition of American plutocracy has been sustained, gradually eroding its political obstacles. This inequity in power and wealth has been, and will continue to be, a driving factor in violence and sociopolitical unrest. A study of 71 nations demonstrated that inequality significantly correlates with the rise of radical political dissent and public dissatisfaction with the status quo, which typically lead to civil unrest and political violence.<sup>33</sup>

This political instability always necessitates a more powerful state to maintain the controversial economic order. This spells doom for the American ideal of a limited government. Unfortunately, limited national government, unlike property, is not something any class can benefit from. A government that is limited in scope, power, or funding is unprofitable to the plutocracy, whereas an expansive government can provide all kinds of opportunities for profit, including government contracts, subsidies, and protectionism. Likewise, as the pendulum of policy priorities

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<sup>30</sup> Martin Gilens & Benjamin I. Page, “Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens,” *Perspectives on Politics* 12, no. 3 (September 18, 2014) 575–576, DOI: 10.1017/S1537592714001595

<sup>31</sup> Thomas A. Kochan, Yang, Duanyi, Kimball, William T., & Kelly, E. L., “Worker Voice in America: Is There a Gap between What Workers Expect and What They Experience?” *ILR Review* 72, no. 1 (2018): 30, DOI: 10.1177/0019793918806250.

<sup>32</sup> Lawrence Mishel, Lynn Rhinehart, & Lane Windham, “Explaining the Erosion of Private-Sector Unions: How Corporate Practices and Legal Changes have Undercut the Ability of Workers to Organize and Bargain,” *UnequalPower*, Economic Policy Institute, November 18, 2020, <https://www.epi.org/unequalpower/publications/private-sector-unions-corporate-legal-erosion/>.

<sup>33</sup> Alberto Alesina & Roberto Perotti, “Income Distribution, Political Instability, and Investment,” *European Economic Review* 40, no. 6 (1996): 1225, DOI: 10.1016/0014-2921(95)00030-5.

swings back to appeasing the lower classes, the federal government expands to meet their desires. The Progressive Era and the reforms of the 1930s contributed to the creation of far-reaching social programs, enormous bureaucracies, and intricate networks of complex policy that stand to this day.

### **The Growth of the Federal Government and its Consequences**

The growth of the federal government has gradually come to define the American political experience because the federal government—not the states—has become the most important organ of political power. As a result, the United States has become a more consolidated nation-state, rather than a decentralized government. In today’s political context, politicking has become a ruthless and unprincipled scramble to fully control the federal government. Two competing parties clash over Supreme Court appointments, filibuster until the government shuts down, and argue over the legitimacy of election results.

Fortunately, political theories such as Democratic Confederalism demystify the character of nation-states in a way that can shed light on American sociopolitical divisions. Democratic Confederalism is a political theory motivating an ongoing revolution amid the Syrian Civil War. The self-governing polity it produced, called the Autonomous Administration of Northeastern Syria, is a highly functional democratic system composed of diverse ethnic and religious groups. While these groups have historically struggled for dominance, research indicates this system has promoted peaceful coexistence of these social groups via a highly adaptive and participatory government customized to the needs of each community.<sup>34</sup> At the center of this political experiment is a rejection of traditional nation-state political structures due to, among other issues, the threat of hegemony striving.

Hegemony striving refers to the struggle between differing social and ideological groups for supremacy in a nation-state system. Consider the theocracies of old in which the basis of authority was religion. Historically, these models of government prevented any peaceful coexistence of separate religious identities. When the foundation of authority is religion, any religion differing from the instituted norm is perceived as threatening to the social order and deserving destruction. This has led to religiously motivated wars, civil wars, and campaigns of state-sanctioned terrorism all over the world.

But as the state has become secularized, Abdullah Ocalan, the leading theorist behind the northeastern Syrian revolution, observes that the concept of national identity now serves as the binding and legitimizing basis for modern nation-states. This basis, much like divinely established authority, transcends the actual substance of a state—its people and land—and reflects the modern state’s religious origin.<sup>35</sup> Like religious states demanded religious homogeneity, nation-states have demanded homogeneity of culture and national identities. Ocalan points out, “diversity and plurality had to be fought, an approach that led into assimilation and genocide.”<sup>36</sup>

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34 Nathalie Colasanti, Rocco Frondizi, Joyce Liddle, & Marco Meneguzzo, “Grassroots democracy and Local Government in Northern Syria: The Case of Democratic Confederalism,” *Local Government Studies* 44, no. 6 (2018): 822, DOI: 10.1080/03003930.2018.1501366.

35 Abdullah, Öcalan, “Democratic Confederalism” in *The Political Thought of Abdullah Öcalan: Kurdistan, Woman’s Revolution and Democratic Confederalism*, Pluto Press, 2017, 33, <https://doi.org/j.ctt1n7qkks.6>.

36 Ibid., 34.

The American nation-state demands a single nationalized culture and identity, enforcing this homogeneity with violence and discrimination against any ethnicities, customs, or ideologies that endanger the status of the dominant identity. Because nationality rather than religion has served as the primary basis of the American nation-state's authority, religious tolerance was more workable in early America compared to its European counterparts. Nevertheless, social and cultural characteristics seen as challenging the dominant identity have often been trampled. Native Americans have been massacred, discriminated against, and forced to assimilate through government programs designed to destroy their language and culture. Those who were not killed or assimilated were kept on reservations, away from society. African Americans were treated similarly. Immigrants who do not assimilate to the American culture and national identity have been historically considered a threat.

But then more evenly split divisions form in a dominant national identity—such as those forming between liberals and conservatives or other modern sociopolitical factions—hegemony striving becomes a struggle between equals over control of the state. While strife is possible in any social context, hegemony striving is a phenomenon specific to the centralized state. A nation-state such as the federal government presents society with a variation of the classic Prisoners' Dilemma. On one hand, all social groups may choose not to pursue total control over the nation-state apparatus. If all elect not to do so, there will be relative peace across the territory and various groups with their communities may adopt a live-and-let-live mentality. However, seizing state power will make any social group tremendously powerful, securing its way of life from any future challengers. The choice not to strive to monopolize the central state may result in subservience to those who do.

This dilemma makes power grabs by competing sociopolitical groups unavoidable. The founding fathers understood this fact well and it was a significant motivator behind the Confederation's structure. Therefore, hegemony striving is an inevitable social problem confronting all diverse societies with centralized power structures. While no model of government can preclude social strife, a confederated form of government may inhibit hegemony striving.

### **Locke's Error**

Hence, based on American history and the Democratic Confederalist revolution in Syria, there is reason to believe that decentralized confederal governments are sociologically superior. They allow for peaceful coexistence in socially diverse societies. However, the decentralization of power confederal governments require undermines the institution of property. Inequity in property demands inequity in power to preserve it.

This is the root flaw in American Constitutionalism. Locke attempted to make a godly philosophy but failed because of a severe error in epistemology. He did not primarily lean on empirical evidence, nor on biblical revelation for most of his theories. Instead, he took basic axioms such as mankind being created by God and developed most of the rest of his ideas by a priori reasoning. By deriving a system of philosophy with weak biblical support, he risked becoming detached from biblical precedents. If Locke strictly adhered to the Bible, he would have refuted any concept of property positing that domain can be privately held by an individual. Locke briefly stumbles upon this fact in *Two Treatises of Government* when he admits that the Bible:

“...is very clear that God, as King David says (Psalm 115. 16), ‘has given the earth to the children of men,’ given it to mankind in common. But this being supposed, it seems to some a very great difficulty how anyone should ever come to have a property in anything.”<sup>37</sup>

But in the Bible, the system of property rights that Locke proceeded to justify is not consistent with what was established by God. The system of ownership that God established among His people is described in the Old Testament through the account of how the Promised Land was divided and how God’s law enshrined the rights of ownership. According to the book of Joshua, the land was divided among the tribes and tribal lands were divided into family plots; the system functioned where every person had the right to access the land needed to subsist via an inherited usufruct right.

This land was legally understood to be the domain of God. Tribal governments were instituted to administer justice which included enforcing the laws that ensured no land was bought or sold, and that each person’s land was returned to them if they temporarily traded their usufruct to pay off debts. This is all explicitly written into God’s law in Leviticus 25:23-24 which says, “the land shall not be sold in perpetuity, for the land is mine. For you are strangers and sojourners with me. And in all the country you possess, you shall allow a redemption of the land.”

God condemned the monarchy and the aristocracy of Israel multiple times for purchasing lands and depriving people of the right to independently subsist in verses such as Isaiah 5:8 and Micah 2:2. In 1 Kings 21 a man named Naboth remains faithful to God, refusing to sell his vineyard but was executed on false charges so that the king could have his land.

If one attempts to understand property from a biblical perspective, it is impossible not to note that among God’s chosen people the most basic tenet of Lockean property was illegal. Nobody could own land as domain and thus had no right to buy or sell their land or domicile. The usufruct granted to Israelites could only be traded temporarily. Hence domain, the absolute right to control land and capital, exists in the Bible but belongs only to God; humanity only possesses the earth in usufruct. This necessarily precludes the validity of any notion of property that bestows people with rights to control land, capital, or housing that transcend the fact of possessing it.

In America, we may not live in a promised land with specific, God-given inheritances, but there is still no evidence to suggest that any kind of domain-style property rights were ceded to mankind. Thus, that would make all people equal usufructuaries under God. This fact suggests that the right to control the means of production or a domicile should be predicated on one’s usage of the object in question. In simple terms, all citizens equally have the right to possess the land and its fixtures so long as they do not displace someone else who currently uses it. Understanding this, civil governments would be more accurately understood as associations that protect their members from being dispossessed of the land and capital they use. This concept of ownership rights and government would preserve the spirit of God’s economic moral law and promote social stability.

### **Conclusion and Recommendations for Future Research**

The origin of American Constitutionalism was a failure of confederal government to protect an erroneous concept of property that was propping up America’s unjust social hierarchy. This hierarchy has led to mass violence and a slow drift toward a unitary nation-state. The system is inconsistent with legal and political precedents endorsed by God. Furthermore, American

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<sup>37</sup>Locke and Shapiro, *Two Treatises of Government and a Letter Concerning Toleration*, 111.

Constitutionalism has failed to promote peace or dignified, godly living. It instead thrusts the whole society into social and economic conflicts. Thus, evidence shows that American Constitutionalism should not be considered a righteous model of government. Consequently, more research must be conducted to determine how to implement the aforementioned theory of Biblical usufruct. Any praxis built on this theory must make possession the basis for all rights to control land and capital, thereby respecting God's domain. This will preclude the emergence of absentee proprietors, monopolists, and possessors lacking the right to control the land, capital, and residence they use. This is the road to peace.

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