

Boston University School of Law

## Scholarly Commons at Boston University School of Law

---

Faculty Scholarship

---

2018

### Ganesh Sitaraman's Idealized American History

David B. Lyons

*Boston University School of Law*

Follow this and additional works at: [https://scholarship.law.bu.edu/faculty\\_scholarship](https://scholarship.law.bu.edu/faculty_scholarship)



Part of the [Law Commons](#)

---

#### Recommended Citation

David B. Lyons, *Ganesh Sitaraman's Idealized American History*, in 98 Boston University Law Review Online 11 (2018).

Available at: [https://scholarship.law.bu.edu/faculty\\_scholarship/3557](https://scholarship.law.bu.edu/faculty_scholarship/3557)

This Article is brought to you for free and open access by Scholarly Commons at Boston University School of Law. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of Scholarly Commons at Boston University School of Law. For more information, please contact [lawlessa@bu.edu](mailto:lawlessa@bu.edu).



---

## **GANESH SITARAMAN'S IDEALIZED AMERICAN HISTORY**

**DAVID LYONS**

A popular theme among patriots is to celebrate America's special virtues, which distinguish it radically from European models. Ganesh Sitaraman tells us that political constitutions have generally been designed to prevent socially destabilizing class warfare between the rich, who seek greater domination, and the poor, who would like to redistribute the former's wealth. America's Constitution is distinctive because it was consciously designed for a society in which the middle class is large enough to preserve social stability. That is why Sitaraman calls it a "middle-class constitution."

Sitaraman credits the Founders with understanding that America was capable of avoiding class warfare and its consequences. They understood that the young nation was blessed with "economic equality," which for present purposes means a middle class large and strong enough to maintain a balance of political power. America's Constitution was designed to exploit and preserve that equilibrium.

But the Founders did not anticipate developments that would challenge the viability of their design, not least the displacement of independent farmers (who are counted here as "middle class") by low-wage factory workers and their affluent employers. Today, as has happened in past eras, America's political system faces a compound crisis: America's increasingly concentrated wealth distorts its electoral system, and its greatly intensified inequality prevents the shrinking middle class from performing its constitutional function. America, accordingly, faces the prospect of open class warfare, from which will emerge an oppressive oligarchy comprising the wealthy elite, perhaps followed by a bloody revolt by the poor.

I do not wish to negate Sitaraman's contribution to our understanding of the current political crisis, but I think it appropriate to qualify the picture that flows from his narrative and analysis. The depiction of a republic that is stabilized by a robust middle class maintaining a balance of power between rich and poor is somewhat idealized, as Sitaraman's own review of American history reveals. I want to stress some of the qualifications he acknowledges and add more.

For one thing, Sitaraman's analysis focuses upon what he refers to as the American "political community," which appears to include only those who Sitaraman regards as having some political clout, either collectively as voters or as moneyed wielders of influence. As Sitaraman in effect acknowledges, for most of this nation's independent history, its political community has excluded women, African Americans and Native Americans—in other words, most of its adult population. Of course, those restrictions have changed significantly from time to time. After a century and a half of patriarchal governance, women were

enfranchised. African Americans were enfranchised following the Civil War, but that reform did not translate into effective voting rights for very long. Most African Americans were prevented from voting after Reconstruction was abandoned by the federal government and the South's landed elite were permitted to fashion a new system of racial subordination. Most African Americans' access to the ballot box was not restored until the Voting Rights Act of 1965 was enforced. Now, although most of America's adult population is formally enfranchised, many millions remain outside of the "political community," having lost voting rights because of current or even past incarceration, having never acquired voting rights because their migratory work precludes a stable address, or being undocumented (though they may be tax-paying, long-term residents). Today, many others have insecure voting rights, as they face the prospect of being cynically purged from the voting rolls. The number of those who are securely enfranchised—whose access to the ballot box is not currently under attack—is shrinking daily, under the backlash against civil rights reforms of the 1960s.

A second qualification of Sitaraman's somewhat idealized historical narrative concerns what he calls the "safety valve" of available western land, which enabled some number of Americans to become economically independent after migrating west. Sitaraman does not note that many homesteaders did not succeed in securing title or that many foreclosures have since resulted from the heavy debt burden under which farm families have struggled. More important, the Founders assumed that Native American land would be appropriated by European Americans, one way or another. The means actually used ranged from coerced cessions to massacres of the indigenous population and the destruction of their food and water supplies, all of which fully qualifies as genocide. Most surviving Native Americans were confined to reservations, and the natural resources of the lands they formally retained were taken without even the legally required royalties being paid to the affected nations. As a result of American public policies, its indigenous population was decimated and the survivors driven into deep and desperate poverty. To add insult to injury, a good deal of the indigenous land that was seized was initially acquired for an expansion of slavery.

A third qualification—an additional item on the list of stabilizing forces in the history of this "middle-class" republic—is America's racial stratification with its cementing ideology of white supremacy. Race relations were somewhat fluid in the early years of the English colonies, when the color line was barely institutionalized. The enslavement of Africans and Native Americans began informally, for it had no basis in English common law, under which the colonies were established. Well into the seventeenth century, however, the colonizing elite decided to legalize enslavement and entrench it in a racially stratified social system. It seems clear that those changes were meant to intensify white supremacy in both disposition and deed, and to divide poor whites from poor blacks, a coalition of which had earlier threatened the government of colonial Virginia, thus performing much the same function as Sitaraman assigns to the

“middle class.” The resulting exploitative, oppressive, brutally enforced color line was an essential component of the system that the republic’s founders wished to stabilize.

A fourth qualification of Sitaraman’s depiction of an America that has avoided class warfare is provided by the author when he notes that class warfare has not in fact been totally avoided but has broken out from time to time, though it has not destabilized the political system. Thus, federal troops, local police, and private armies, such as the Pinkertons, were long used to break strikes and prevent effective labor organization, at great cost in workers’ lives and living conditions.

The final factor to be mentioned here, which prevented the wealthy elite from ruling without restriction, is the fact that the wealthy have not always been unified. Not long after the American republic was born, Sitaraman notes, the slave-based agribusiness of the Old South became the engine of America’s booming economy and the source of its greatest wealth. The 1789 Constitution gave inordinate power to the South’s slave-owning elite, who dominated national politics and public policy until the 1860s. But the slave holders were not content to maintain their exceedingly privileged position. They wanted unlimited expansion and rebelled against the idea that slavery could be banned in some of the republic’s territory. So they initiated a vastly destructive Civil War. After their army was defeated, a divided federal government flirted briefly with the project of “reconstructing” Southern society; but, thanks to the legacy of white supremacy as well as the common interests of the Northern and Southern elite, the government soon permitted the former slave holders to reestablish their oligarchy at the expense of the Southern poor of all colors. The middle-class constitution did not prevent the development of Jim Crow and has since permitted a full-throttled backlash against twentieth century civil rights reforms and the phenomenon of an African American president, which it appears a number of middle-class and wealthy Americans found it impossible to tolerate.