



Novus Ordo Seclorum: The Intellectual Origins of the Constitution, Forrest Mcdonald, University Press of Kansas, 1985, 0700602844, 9780700602841, 359 pages. 'A witty and energetic study of the ideas and passions of the Framers.' - New York Times Book Review'An important, comprehensive statement about the most fundamental period in American history. It deals authoritatively with topics no student of American can afford to ignore.' - Harvey Mansfield, author of the Spirit of Liberalism.

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The Morality of Law , Lon L. Fuller, 1969, Law, 262 pages. Tthis book is likely to receive its warmest reception form advanced students of the philosophy of law, who will welcome the relief provided from the frequently sterile tone of ....

E pluribus unum the formation of the American Republic, 1776-1790, Forrest McDonald, May 1, 1979, History, 384 pages. "An extraordinary book." --Gordon S. Wood, Brown University Having won independence from England, America faced a new question: Would this be politically one nation, or would ....

States' rights and the union imperium in imperio, 1776-1876, Forrest McDonald, 2000, Political Science, 296 pages. The author of *Novus Ordo Seclorum* and *The American Presidency* brilliantly illuminates the history of and issues surrounding state's rights, from the birth of the republic to ....

The Presidency of George Washington , Forrest McDonald, 1974, , 210 pages. Assesses the importance of Washington's administration in establishing the institution of the presidency.

The thinking revolutionary principle and practice in the new republic, Ralph Lerner, 1987, Political Science, 238 pages. .

A history of English political thought in the nineteenth century , Mark Francis, John Morrow (Ph. D.), 1994, Political Science, 336 pages. .

How Democratic is the American Constitution? , Robert Alan Dahl, 2003, History, 224 pages. In this provocative book, one of our most eminent political scientists questions the extent to which the American Constitution furthers democratic goals. Robert Dahl reveals ....

This is the first major interpretation of the framing of the Constitution to appear in more than two decades. Forrest McDonald, widely considered one of the foremost historians of the Constitution and of the early national period, reconstructs the intellectual world of the Founding Fathers--including their understanding of law, history political philosophy, and political economy, and their firsthand experience in public affairs--and then analyzes their behavior in the Constitutional Convention of 1787 in light of that world. No one has attempted to do so on such a scale before. McDonald's principal conclusion is that, though the Framers brought a variety of ideological and philosophical positions to bear upon their task of building a "new order of the ages," they were guided primarily by their own experience, their wisdom, and their common sense.

Forrest McDonald is Distinguished Research Professor of History at the University of Alabama and author of sixteen books, including *States' Rights and the Union: Imperium in Imperio, 1776-1876*; *The American Presidency*; *The Presidency of George Washington*; and *The Presidency of Thomas Jefferson*. He was named by the NEH as the sixteenth Jefferson Lecturer, the nation's highest honor in the humanities.

An extremely capable historian and writer, McDonald starts out by noting some important considerations facing the Framers: protecting the life, liberty and property of citizens; their commitment to republican government (although there was disagreement and uncertainty as to what that precisely meant); history (in the sense of convention, legacy and their place in its continuing flow); and political theory.

The chapter on the Rights of Englishmen begins with the Framers understandings of freedom, liberty, and property--as inherited through English common law, refined by Blackstone, and developed independently in the New World. Blackstone considered property a third "absolute right," following life and liberty. Of course, he used the word property in the more narrow sense of dominion (rather than the sense of proper as something proper or particular to an individual person). In any case, McDonald discusses Blackstone's qualifications and exceptions to this absolute right, which allowed for the regulation of property (through sumptuary laws, eminent domain, taxation, and the granting of monopoly privileges). McDonald then relates America's experience in light of the English understandings and tradition. The emphasis on property is particularly important because, until the Revolution, Americans' general views about liberty were grounded in the same kinds of historical, philosophical and legal foundations as their views of property.

McDonald's chapter on political theory is particularly enjoyable, as he traces the tensions existing amongst the different theories of rights held by the Framers, as well as some of their respective implications. He discusses the appeals made by Americans to natural law as transcending the general norms of English law. A succinct discussion of John Locke's natural law views, which McDonald insists has been "astonishingly misinterpreted." McDonald then proceeds to an interesting comparison and contrast of the two predominant strands of republicanism in America: puritan and agrarian. He proceeds to analyze the "country party" oppositionists as a third influential group and delves into Montesquieu. Many readers will be struck with the differences McDonald describes between the notion of "separation of powers" and a system of "checks and balances"-since most people today describe them as one in the same.

Also interesting is the political economy chapter. McDonald has written more extensively on this subject elsewhere, and it is also the subject of much attention in his stellar biography of Alexander Hamilton. Indeed, the latter part of the chapter is devoted to Hamilton's sophisticated ideas about commerce and finance. The earlier part of the chapter discusses the influence of the French physiocrats, Adam Smith and other early political economists, and continues with an overview of England's experience with public debt.

One chapter is devoted to principles and interests-both those that motivated Framers and (relatedly) how the Framers understood the role and effects of those concepts. Here one finds an interesting discussion of Madison's understanding of factions-made famous in Federalist No. 10. McDonald traces the intellectual roots of this idea, discussing the views of Hume on factions and contrasting them with the Bolingbrokean understandings of republicanism. "[I]t is meaningless to say the Framers intended this or that the Framers intended that," notes McDonald, "their positions were diverse and, in many particulars, incompatible." His survey certainly affirms this understanding (which is also adequately covered in Jack Rakove's "Original Meanings").

A succinct chapter describing the Constitutional Convention follows, in which McDonald catalogues how different groups at the Convention employed the arguments of different political theorists in order to advance their respective viewpoints as to how the federal government was to be constituted, what powers were to be entrusted to it, and to which respective branch they would be entrusted. Much to my delight, McDonald contrasts the understanding of the separation of powers as embodied in the Constitutional document with pre-existing understandings of the separation of powers and the duties commonly thought proper to the respective branches.

~Novus Ordo Seclorum~ by conservative historian Forrest McDonald is an astute and poignant political history of the fledgling American republic. The framers of the Constitution sought introduce a new concept into the political discourse, namely federalism. They, of course, were all nationalist in the sense that they hoped to strengthen and stabilize a general government. The 1787 Convention hardly started from scratch and was built on the polity existing under the Articles of Confederation. McDonald perceptively captures efforts to balance out the powers amongst the republican institutions through corporate liberty. Each institution jealously guarded their prerogatives as Madison and Jefferson was essentially the prop for the federal regime created in 1787.

The first introductory chapter boldly proclaims that framers had a problem following their independence: that problem succinctly stated was the nature and form of their republic was to take. The framers were unanimous in the belief that the proper end of government was protecting life, liberty, and property. Prior to 1787, they had yet to resolve the scope and role to be played by the general government and it was agreed that that government under the Confederation was scarcely functioning effectively as it was too weak. The second chapter entitled The Rights of the Englishman brilliantly gives a history of the Anglo-American common law tradition that was so cherished by the colonials. It was their go to fortify, uphold and secure the cherished Rights of the Englishman for citizens of the American polity. The third chapter entitled Systems of Political Theory is an exploration of political debates common amongst the framers. They were well schooled in the classics from Cicero to Lycurgus. Likewise, they were familiar with Montesquieu, but opted for prudence and temperance in their statecraft. They eschewed the Jacobin radicalism being fomented across the Atlantic in France by Rousseau and Robespierre. The fourth chapter entitled Systems of

Political Economy deals with explorations into political economy. The body of thought delineated as Political economy is simply those "ideas about the policies governments should or should not pursue regarding property relations to promote the general welfare." The bulk of this chapter deals with the influence of Adam Smith on the colonials and the cunning Hamiltonian economic proposals like protective tariffs, bounties for manufacturers and the Bank of the United States. McDonald captures the political struggles that ensued in Washington's cabinet as Randolph and Jefferson fought Hamilton tooth and nail to thwart his machinations. The remaining three chapters essentially chronicle the political developments, debates and theorizing during the Confederation and especially during those pivotal moments in 1787 when the Constitution was being framed.

The breadth and scope of this book is amazing. McDonald gives a great deal of insight on the framing of the American Republic. He does so with a remarkable deal of conservative sobriety and is not afraid to convey his admiration for the American experiment in republican self-government. McDonald gives enormous insight into the debates on jurisprudence, history, political philosophy, and political economy that took place in the pivotal years during and after the 1787 Convention. Read more &rsaquo;

I bought this book based on the favorable reviews below and I was not disappointed. Specifically, I was interested in understanding the original intent(s) of the authors of the US Constitution in hopes of getting a historical context in which to locate contemporary debate regarding methods for interpreting the Constitution. This book gave me much, much more, and in engrossing and elegant prose to boot.

McDonald is erudite and his knowledge has both breadth and depth. As reviewer Nisala A. Rodrigo pointed out, reading McDonald requires some work due to the level of sophistication he uses to explore the 18th century intellectual context. However, I found this text to be a useful and not overwhelming introduction to constitutional history. This is the first book I've read on the origins of the Constitution and I felt I comprehended the bulk of what McDonald was discussing. As Rodrigo suggested, the chapter on the actual making of the Constitution was a bit tedious. However, McDonald was tremendously helpful in providing a sense of the mental horizons and preoccupations of the founding fathers. For instance, I came away with the impression that the founding fathers did not have strong opinions about how original intent should be factored into future decisions involving the interpretation of the Constitution. The founding fathers were focused on substantive issues and the nitty-gritty compromises necessary to get the document ratified rather than worried by questions of hermeneutical methodologies. In fact, I believe McDonald suggests that a question regarding the appropriate role that original intent plays in judicial decisions would not have even been available to the founding fathers given that such issues did not exist at the time of ratification. This insight really helped me to see a bit of irony in contemporary debate regarding original intent - namely that questions of 'original intent' may not have been among the original intentions of the founding fathers.

On a broader scope, I found the first four chapters (pp. 1-142) the most interesting. McDonald sketches the development of political, economic and legal thought in the 17th and 18th centuries in Britain and America. Although he uses some technical jargon he is careful to provide clear definitions so that non-specialists can understand his scholarship. His explanation of the views of Hume, Smith, Steuart and Mandeville regarding laissez faire and the usefulness of self-interest for achieving the public good are simply brilliant. McDonald's elucidation of the political theories of Locke, Montesquieu, Bolingbroke and Harrington, the effects that these theories had on the Constitutional milieu, and the pervasive suspicion of financial institutions and instruments helps to identify the tensions between creditors and debtors, between speculators in land and in securities, between agrarians and bankers, and, in England, between Crown and country. And understanding the competing interests brings into sharp relief the 18th century Constitutional context by defining what was at stake for whom.

Forrest McDonald's book *Novus Ordo Seclorum: The Intellectual Origins of the Constitution*, discusses the ideas that shaped the Constitution. The book consists of a preface, eight chapters, two appendices, a bibliography, and an index. In the preface McDonald gives the reader some background on how and why this book came about and the positions historians have taken

regarding the origins of the Constitution. McDonald brings up in his book how “ideological historians have delineated the tensions between republican virtue and luxury/vice, they have inadequately addressed the counterpart tensions between communitarian consensus and possessive individualism and those between concepts of liberty to participate in the governing process and liberty from unlimited government.” McDonald states that he intends to provide a reasonably comprehensive survey of the complex body of political thought, including history, law, and political economy, which went into framing the Constitution. In the preface as well McDonald notes how eighteenth-century English is quite different from today’s. He suggests the following three guiding principles for understanding eighteenth-century English: one must pay attention to the meanings of the most ordinary of words; one must seek out the “buzz words” or “code words” that are identifiable with particular ideologies or bodies of thought; and the historian must be careful in bringing to bear concepts and information that were not available to the eighteenth-century subjects.

In chapter one McDonald recounts how divided the Americans were in regard to demanding independence. The Patriots among them, in principle at least, were nearly unanimous in their understanding of what independence entailed. Patriots were agreed that the proper ends of a government were to protect the people in their lives, liberty, and property and that these ends could best be obtained through a republican form. When the Framers convened in 1787 to reconstitute the Union, they were guided as well as limited by four sets of considerations, these were as follows: providing protection for the lives, liberty, and property of the citizenry; ensuring the nation’s commitment to republicanism; recognizing history in several senses of the term, and drawing on the large body of political theory at their disposal.

In chapter three McDonald explains how Americans believed that their rights, whether they be life, liberty, property, or anything else were not founded on mere will but upon some broader legitimating principle. One of these broader principles – to claim the rights on the basis of natural law – went beyond the forms and norms of English law and to squint toward independence (p.58). According to McDonald, the Patriots turned to John Locke rather than to the other great natural-law theorists. To Locke, natural law was based upon three fundamental principles: the duty of every man to “praise, honor, and glory” God does not enter directly into man’s social relations except as the fount of the others; that mankind ought to be preserved; and, arising from this second principle, the notion that man is obliged by nature to live in society, without which he cannot survive, and therefore is obliged to preserve society in order to preserve himself (p.62). Independence also brought with it a commitment to republicanism, at first only as a by-product of a general reaction against the supposed excesses of George III.

In chapter four McDonald discusses how there was another dimension to the question of relations between society and government and that had to do with the body of thought that was coming to be called “political economy”— ideas about the policies governments should or should not pursue regarding property relations to promote the general welfare (p.97). Americans had learned about mercantilism through the operation of the English Navigation Acts, and Patriots everywhere had joined in denouncing the acts; but, ironically, after independence every state began to develop a mercantilist system of their own (p.102). A radically different set of ideas about political economy was worked out between the 1750s and the 1770s by the first group of economists, the French physiocrats; this idea was *laissez faire*. This idea taught that there were natural laws governing economic activity, and that if those laws were followed, the result would be increased production and maximum benefits for the society as a whole (p.107). *Laissez faire* made its way into American thinking through work of Adam Smith and his book, *An Inquiry into the Nature and Causes of the Wealth of Nations*. The principal architect of the first national system of political economy was Alexander Hamilton, whose views of the subject were far removed from Madison’s and Smith’s. As Hamilton saw it, the greatest benefits of a government-stimulated, government-channeled system of free enterprise for profit were spiritual, not economic: the enlargement of the range of human freedom and the diversification of the possibilities for human endeavor.

Chapter five deals with the lessons that the framers of the Constitution had to draw upon from 1776 to 1787. When the American colonies won independence from Britain, the thirteen colonies did not constitute a “United States,” but rather they were individual states that had different

forms of law. Some retained, for the most part, the same colonial charters; some colonies attempted to use colonial charters, but ran into severe problems due to the fact that many of the offices had been appointed by the Crown, elections did take place but the interior locations within some of the colonies chose not to acknowledge the government. The other position was that sovereignty had passed to the Continental Congress. Although that position had the least support as first, it slowly gained support by 1787. Whatever methods that the states employed to constitute their governments, several attempted to secure property rights in accordance with the self-proclaimed Lockean justification for their existence (p.152). There were three means to that end. They were as follows: first was to affirm man's natural right to property, either in declarations of rights or in the body of their constitutions. The second method was to attempt to avoid the complications and embarrassments of discontinuity by expressly declaring previous law to be still in force. The third and final method was to incorporate specific legal protections of property rights into the constitutions. The fear of demagogues was also discussed and how in the four years between the Peace of Paris and the Constitutional Convention, the demagogues had risen to great power in state after state and had caused turmoil and disgraced the new nation. Madison devised a two part plan to overcome these dangers, first the creation of a national government that would have the power to veto the state legislation. The second was his analysis of factions which he discussed in Federalist number 10. Factions could not be done away with, but it was possible to minimize the mischief that they did (p.165).

In chapter six, McDonald notes how almost all of the delegates who attended the Constitutional Convention were nationalists in the sense that they believed it necessary to reorganize and strengthen the central authority. McDonald explains how it was to the benefit of the nation that "doctrinaire ideologues by no means constituted a majority of those in attendance" at the Convention (p. 185). The most important delegates were those who were not members of the arch-republican Patriot leaders, for example Washington. Most of these men had similar backgrounds and experiences: they had been born or were educated abroad; they had served for a long time as officers in the Continental Line; or they had held important civilian positions in the Confederation during the climatic years 1781 to 1783. The Framers of the Constitution left nothing to chance – they had a plan, which was dear to Washington's heart, for training a class of Optimates. The framers wanted to ensure that there would be an ample supply of virtuous men to lead the nation. This was to be done by establishing a national university that would select the cream of the American youth to "overcome the provincialism of young men and instill in them a love of the nation and a desire to serve it" (p.191). Another framer of great importance was Madison. His views placed him somewhere between the court-party nationalists and the republican ideologues. One of his nationalist concerns was that the power of the national government be appropriately balanced, checked, and refined. He proposed a government that would be partly federal and partly national. Whatever their political philosophies, most of the delegates sought to pattern the United States Constitution, as closely as circumstance would permit, to the English Constitution (p.209).

Chapter seven deals with the convention proceedings. It recounts the agenda for each day, quickly reviewing what the issues were, how they were resolved, and what committee actually worked out the specifics of the various laws. For instance, McDonald explains the specifics of the large-state plan, which called for the establishment of a national government that would consist of an executive branch, a judicial branch, and a bicameral legislature. The first branch of the legislature would be apportioned to states according either to free population or to the quotas of revenues assessed for contribution to the national treasury, or directly elected by the people. The second part would be elected by the first branch from candidates nominated by the state legislatures (p.226). McDonald states that there are three observations that can be made about the convention itself: first, that the delegates, at least in dealing with the question whether the legislature should be national, federal, or mixture, did not derive their positions from systems of political theory. The second is that the framers were politically multilingual – they could speak in the language of many political theorists. The third was that the convention was not to end in failure; a compromise had to be worked out (p.235). The chapter continues to analyze each of the problems that arose during the convention in detail and the method to which a compromise was worked out.

Chapter eight goes over what the framers achieved during the convention, and how effective the powers of the government were. The framers restructured the central authority from a simple unicameral Congress into a complex, self-balancing, four-branched institution (p.261). McDonald reminds the reader how one should remember that the convention did not start from scratch and that it was built upon both the Articles of Confederation and the determination of the framers to create an effective government. Some of the powers that were desperately needed for the new government included taxation, regulation of commerce, regulation of the militias, and the powers implicit in the necessary and proper clause (p.263). McDonald goes into great detail about these new governmental powers and also discusses the restriction of certain powers both in regard to states as well as the central governing authority. McDonald ends the chapter with a great quote from Bismarck, in which the German leader is supposed to have said, "a special Providence takes care of fools, drunks, and the United States of America" (p.293)

"The most articulate spokesman for a radical libertarian position was one of the most cultivated of all Americans, Thomas Jefferson. As was typical of him, Jefferson arrived at his theories of liberty largely by mixing an eclectic sampling of the ideas of others with a few conceits that were peculiar to himself. He borrowed his ideas regarding equality from the Scottish Common Sense school and took his epistemology from Locke. From Quesnay and the Scottish Enlightenment he absorbed the 'stages o...more "The most articulate spokesman for a radical libertarian position was one of the most cultivated of all Americans, Thomas Jefferson. As was typical of him, Jefferson arrived at his theories of liberty largely by mixing an eclectic sampling of the ideas of others with a few conceits that were peculiar to himself. He borrowed his ideas regarding equality from the Scottish Common Sense school and took his epistemology from Locke. From Quesnay and the Scottish Enlightenment he absorbed the 'stages of progress' model of social development, and from his study of Indians he concluded that the primitive stages produced happier and more virtuous men. To all this he added his own notion that generations lacked the right to bind their successors (he proposed an abolition and rewriting of all constitutions and laws, as well as a cancellation of all debts, every nineteen years) as his abstract cherishing of bloodshed ('the tree of liberty must be refreshed from time to time, with the blood of patriots and tyrants'). Stirring the mix, what he came up with was, in theory at least, very near to a stateless society under the benevolent leadership of what he called the natural aristocracy. It was a theory that could have been used to justify the traditional societies of the Scottish Highland and Island clans and the Irish tuaths as well as the Virginia society in which Jefferson lived. ('At the southward,' observed the Massachusetts Federalist Fisher Ames, 'a few gentlemen govern; the law is their coat of mail.')

At the northward, most people preferred a position that was considerably further removed from natural liberty. 'It is an unguarded expression,' Ames observed, 'to say, that we part with a portion of our natural liberty, to secure the remainder - for what is the liberty of nature? Exposed to the danger of being knocked on the head for a handful of acorns, or of being devoured by wild beasts, the melancholy savage is the slave of his wants and his fears.' This attitude came far closer than that of radical libertarians to being an American norm. Indeed, most Americans saw, not tension, but interdependence between liberty and law and order. 'There is no other liberty than civil liberty,' Ames added; 'we cannot live without government.' The reason is implied in John Dickinson's statement (strikingly reminiscent of Montesquieu's) that liberty is best described 'in the Holy Scriptures . . . in these expressions - "When every man shall sit under his vine, and under his fig-tree, and none shall make him afraid."' The function of government, in bringing about such a condition, was to protect the people against themselves.

The conception of the nature of man that underlay this point of view was the reverse of that from the libertarian viewpoint. Jefferson thought that man, as an individual, was moral; but he distrusted men in large aggregates and men acting in a corporate capacity. The more general view was that men acting privately were not to be trusted and that they needed to be protected from one another by governments which were based upon popular consent. Thus it was that the Revolutionary state constitutions, though genuflecting in the direction of separation of powers and bills of rights, in practice vested virtually unlimited powers in popularly elected legislatures. The principle was expressed in a pamphlet that Hamilton published in 1774. 'The only distinction between freedom and slavery,' he wrote, 'consists in this: In the former state, a man is governed by the laws to which

he has given his consent, either in person, or by his representative: In the latter, he is governed by the will of another.' To this way of thinking, which was especially common in New England, the only necessary check upon the legislatures was frequent elections by the people. The slogan 'Where annual elections end, slavery begins' was on thousands of lips. (By contrast, Jefferson, apropos of the need for restraints upon the powers of the Virginia legislature, warned that '173 despots would surely be as oppressive as one.')(less)

"So it was that the Framers brought a vast knowledge of history and the whole long tradition of civic humanism with them to Philadelphia in May of 1787, and that they departed four m...more Forrest McDonald has written some exciting work on the Constitutional era in American history. "Novus Ordo Seclorum" lives up to earlier works.

One important feature of the debates was, as John Jay and others put it, a sense of urgency. There was a sense that of the Americans could not make republicanism work, then (page 183) "it would not be likely to be tried again anywhere else." There was a sense that the time was special and that the United States could be a model.

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