

A Living Document with Dead Ideals

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UWS 8b: The American Dream

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Fall 2019

To the Founding Fathers, The United States of America was to be a country like none that came before it. It would be a country built on tenets of the Enlightenment in Europe, whether they be political or philosophical in nature. It was to be a country that would lead the way to its tenets in their time and beyond. However, the Founding Fathers were purposefully ignorant of a key element of the Enlightenment: equality. While the idea is displayed prominently in the document and documents which came before it, the Constitution does a poor job of securing freedom for all. Through Friedrich Engels and Karl Marx's *The Communist Manifesto*, it is possible to view the Constitution in this light. Even in the optimistic *The American Constitution: A Graphic Adaptation* by Johnathan Hennessey, the document is portrayed as securing freedom for the rich, and when viewed through the lens of Marx and Engels, more inequalities are exposed. The Constitution is a document written in a time without the same ideals as those of modernity. While in the past it was a document of relative equality, today the public may look at it as a document of pure inequality. The Constitution actively opposes the American Dream as it destroys equal opportunity by protecting those who have property, and by actively propelling the bourgeoisie up in social status while restricting the powers of the proletariat. The Constitution, as seen by Marxism, is a document made by the bourgeoisie for the bourgeoisie, and it therefore prevents the American Dream from being realized.

According to Marx, around the turn of the nineteenth century came the epoch of modern capitalism. This corresponds to the industrial revolution and societal changes due to the Napoleonic wars. The first event changed labor relations with machinery and the second with widespread ideas of liberalism. This was a time of large social change and a shift away from feudalism, and Marx describes it himself as a time of “simplified class antagonism” (Engels and Marx 63). By this he means that the class struggle known throughout time has become much less complicated in terms of classes. In this epoch of capitalism there are “two great classes directly facing each other—bourgeoisie and proletariat” (Engels and Marx 63). These two classes are all that is left over from previous class antagonisms, and are the second-to-last step in the progress of society throughout history. The final step is the condensation of all peoples into one single class, effectively removing the conception of class from human society altogether. However, before this is able to occur, the proletariat, a large class of poor workers, must overthrow the ruling bourgeoisie class, a small class of powerful land-owning elites. According to Marx, in every capitalist society, that is to say the most advanced societies in his time, this simple class struggle exists. Every day the proletariat grows in numbers, while the bourgeoisie shrinks. Even still, the bourgeoisie hold on to power through their ownership of means of production and extravagant wealth. Since this holds true in every capitalist nation, the United States has always had this class struggle as it has always been a capitalist nation. It is an odd case because slavery existed and arguably created a third class, but because the institution parallels Marx’s conception of wage labor, in his terms slaves are members of the proletariat. Marx defines wage labor as the “quantum of the means of subsistence which is absolutely requisite to keep the laborer in bare existence as a laborer” (Engels and Marx 84). This description aptly describes conditions of slaves in terms of the material relation between them and their masters and is a direct corollary to

actual wage labor that occurred in the United States at the time of slavery and after the Emancipation Proclamation. To Marx the class division in the United States could not be more pronounced.

To see why Marx would have believed this inequity between bourgeoisie and proletariat has persisted in America in the forms of slavery, wage labor, and class division, one must first look to the Framers of the Constitution. The Constitution is the supreme law of the land, and by considering the views of its authors, a greater narrative of its purpose can be construed. To understand this, the analysis must go back to the catalyst of constitutional thought, the Revolutionary War. Most causes of the war were taxes such as the “passage of ... the 1765 Stamp Act” (Hennessey 12). This act only affected the bourgeoisie as they were the only ones who could afford products this tax effected. This bourgeois issue was marketed to the proletariat as an issue of representation, but even with representation the conflict sparked war. After the war, the newly independent states had to organize a government. Originally they adopted the Articles of Confederation. This document had many flaws for all people, but “the big problem was power” (Hennessey 18). The central government had no power over the squabbling states. Both proletariat and bourgeoisie had their ideas on how to fix this, yet it was the bourgeoisie who got the privilege of doing so. The Framers committed treason against the Articles of Confederation. Instead of only fixing its flaws, which was the task they were assigned to do, they created a whole new document. In other words the Framers performed a coup on the old regime. With their new document they set up a system of governing that favored the bourgeoisie class. This is extremely evident in the classes they left out of governing, being the poor, non-whites, and women. The war that started the lengthy process of creating the Constitution had begun because of a lack representation, and after all was said and done these groups, most notably the

proletariat, still had no representation. To Marx the true goals of the bourgeoisie are blatant at this point. The most notable of these is the protection of bourgeoisie property and businesses; in the first Article the Framers gave the federal government “the authority to ‘regulate commerce’ between states and foreign countries” (Hennessey 42). The commerce clause is included here in the first Article as it is what was on the top of the Framers’ list of priorities. The Constitution, in its raw form, is a document protecting the bourgeoisie while keeping a status quo with the rights and representation of the proletariat.

Another aspect of the Constitution that Marx would have believed elevates bourgeois power within the institutions of government is the implementation of a representative republic, as this is not a guarantee of democracy. Democracy is a tool of the proletariat as democratization increases their power as they are the majority. However, there is not a single mention of democracy in the entire Constitution. Rather there is only mention of the word republic. Staying true to the Constitution, the following government initially only represented the bourgeoisie. It was not one of equality or democracy, but rather it was a republic that represented one class and its interests. Voting, for instance, was not an important enough issue for the Framers, and they passed the task onto the states. For most states, land ownership was a voting requirement, and “Rhode Island was the last state to get rid of the ... restriction, in 1888” (Hennessey 32). The new government was “not a democracy [but] a republic” (Hennessey 28), precisely because the Framers did not trust the common man. This issue was exacerbated when the bourgeoisie was granted more power by the “three-fifths” compromise, which stated that “each slave would be counted as three-fifths ... of a free man” (Hennessey 31). Slaves were not citizens and therefore could not vote. Their vote went to the slave owners instead. Owning capital was a way to increase your voting power. If you controlled labor through the form of slaves, you could acquire

more influence in government. If all that was said before was not enough to warrant the accusation that representation was a scheme to elevate the bourgeoisie, the three-fifths compromise is the most damning evidence in proving such an accusation true. The bourgeoisie were represented whilst the proletariat was left at the whims of their decisions.

Some may argue that because the republic is representative, the representatives align their votes with the majority of their constituency. Marx sees through the façade of this institution of representation as one of oppressive bourgeoisie representatives ruling the proletariat masses. This system that the Framers set up favored the bourgeoisie as candidates for representative positions. The people are “governed by [these] elected representatives” (Hennessey 28) and while this seems democratic to most, the truth is that voting for representatives is an extremely undemocratic system. In order to run for any position, a candidate must show that he has legitimacy to be in that position. This is done through merit. This seems straightforward and uncontroversial at first glance, but then the implications of legitimacy and merit appear. To have merit, one must have been in a political position, and in turn that candidate must have some idea of what they are doing. In order for that to occur, they need schooling. There is no naturally politically charismatic and confident candidate. Even today, most people’s first qualification is the education they got. Back in the times of the Framers, education was much more exclusive than it is now, and still the average working class person cannot afford an expensive education. They are wage laborers that work to pay for daily life, and they cannot simply take a four-year break for higher education. Therefore the rich bourgeoisie stepped in and became political figures for not just the bourgeoisie, but also the proletariat. Holding office was inherently a position that went to the bourgeoisie. The proletariat for most of its history could not vote in a candidate that represented them. The closest to proletarians in office are state government

representatives elected in rural counties, and, more impressively the farmer-turned-President Jimmy Carter, who earned his BS at the US Naval Academy. The meritocratic system that the Framers set up has kept the proletariat out of policy making and has soured the taste the American people have for proletariat candidates. This is a reason that “in the modern representative state, [the bourgeoisie have] exclusive political sway” (Engels and Marx 66).

To Marx it is not just office that was created with a bourgeoisie bias, but also many other functions of government. It has been established that the Framers did not trust the every man, and so they put in guarantees that would keep the bourgeoisie in control. One prime example of this bias is the institution of the Electoral College. When the people of the United States of America vote for their president, they are not voting for the president, but rather they “vote for electors, who then choose the president” (Hennessey 55). This in itself shows the distrust that the Framers saw in the proletariat. The way electors were chosen was up to the states originally and the method was not always streamlined. In some states, “electors were picked by the people, in others, by the state legislators” (Hennessey 55). Today the position is normally “given to active and highly regarded members of political parties” (Hennessey 55). The electorate is therefore a barrier of direct election of the president. The position of the highest member in the Executive Branch is chosen by an elite electorate. These elites can and have voted against what their constituency has voted for and have done so as recently as 2016. If Marx’s vision of a mass class awakening of the proletariat were to happen and the proletariat decide to start a democratic revolution by voting in communist candidates, the established parties would use the Electoral College to vote against the interests of the proletariat and in favor of bourgeoisie interests.

There have been small proletariat victories despite the constant domination of the bourgeoisie, for example the expansion of suffrage to more groups in the form of Amendments.

The “14th Amendment ... states that U.S. citizenship is a birthright” (Hennessey 122), and the 15th Amendment “bestowed full voting rights on all men, regardless of race [or] color” (Hennessey 124). Later the 17th amendment created direct election of senators, the 19th gave women the right to vote, and the 26th lowered the minimum voting age to 18 years old. All of these have to do with the issues of citizenship and voting, both of which are extremely important when it comes to the functions of government. Citizens receive benefits from the government, and those who vote can have a say in what those benefits are. Amendments may seem to be the way to close the gap between proletariat and bourgeoisie, however they are extremely rare. It took these amendments too long to be ratified by enough states to make them law. Women could not vote until 131 years after the republic was founded. The system is too slow because it requires either “a yes vote [on an amendment] from 3/4^{ths} of [state legislatures]” or “special conventions of the people in all the states, ... [and] again it would take 3/4^{ths} of the states to approve” (Hennessey 80-81). This supermajority is extremely high and must begin with a proposal being approved by a vote of at least 2/3^{rds} from both houses of Congress. The process was made to be slow and inefficient in bringing about change, and as of now the special conventions of the people have never been successful. All change has been in the hands of the elected elite, and that is why it has been so slow to adopt new ideas. It creates an issue where moderate additions are seen as radical. For example the Equal Rights Amendment has never been ratified, and has been tossed around ever since the 1920s. While it is common sense to the proletariat to ratify this amendment, the bourgeoisie have argued the notion that it is not needed due to the implication of other laws and that has kept it out of the Constitution. This is an idea that would protect the interests of the proletariat as it protects many groups within the proletariat population from discrimination. This is a bourgeoisie plot as they can discriminate against a

group, such as when they pay women lower wages, and they will fight to keep that ability by keeping progressive ideas out of the Constitution.

A much better way to fight for proletariat interests is through the courts and Judicial Review. It is a power that was not stated explicitly in the Constitution and is therefore not an institution the Framers created, as the main purpose of the courts shifted from their initial vision. The process of Judicial Review has allowed “landmark Supreme Court cases [to] shape ... our laws and government” (Hennessey 72). These cases include *Brown v. Board of Education* which declared that “in the field of public education the doctrine of ‘separate but equal’ has no place” (Hennessey 133). Most social progress occurs through the courts. Groups such as the ACLU have the collective legal power to fight for proletariat interests. Without the courts many civil rights would not exist. Desegregation, legal homosexuality, secular schools, and criminal rights may never have been written into law. All of these rights have been fought by the proletariat for the proletariat. To Marx this is a mini-class awakening, with proletarians pushing back against the bourgeoisie. It is much faster and more effective for the proletariat to use the court system to secure rights and equity rather than to hope that the bourgeoisie will benevolently pass an amendment. The only flaw in the system is the Supreme Court decides which cases they hear. Despite the fact, more landmark cases have influenced an increase in power for the proletariat than all of the amendments ratified after the Bill of Rights. The system is not perfect, but for the time being the courts are the best tool of the proletariat in influencing the bourgeoisie government that rules them, as other than that the proletariat would have to play “a revolutionary part” (Engels and Marx 66) in order to secure rights. However, the courts are a bloodless way to achieve parts of the whole proletariat goal.

The government, while still under the control of the bourgeoisie, has gradually granted more rights and representation to the proletariat. Despite this, the governing document that guides the country heavily favors the bourgeoisie. This bias can be tracked all the way back to the Framers who made the Constitution for their own bourgeois purposes. With the assistance of Marx, one can deduce that equity was never a goal of the Framers, and that decision is a prime cause for inequity in modern times. Without equity, the idea of equality in the American Dream can never be realized, and therefore has only been able to exist in the realm of idealism.

Works Cited

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