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Our 'socialist' Founding Fathers just called it good government: Mark R. Brown

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A portrait of Thomas Jefferson hangs inside a home in Brecksville, in a 2019 file photo. President Jefferson, in signing legislation making the Cumberland (National) Road the first federally funded road in 1806, demonstrated his support for the 'socialist' notion of a public highway system, writes legal scholar Mark R. Brown of the Capital University Law School in Columbus. (Marvin Fong / The Plain Dealer)The Plain Dealer

By

- Guest Columnist, cleveland.com

COLUMBUS, Ohio -- Bernie Sanders' push for a single-payer health care system has once again pushed to center stage an ongoing debate over the merits and constitutionality of "socialism." For some, socialism is evil. For others, it is progressive.

Regardless of the wisdom behind socialistic practices, one thing is certain. It is not unconstitutional. Indeed, our Founding Fathers were, in fact, socialists. They believed that several "essential" services should be provided by government to the public at large for little or no remuneration. The costs of these services would be shared by the whole. This, by most modern accounts, constitutes socialism.

The 1787 Constitution of the United States proves this to be true. Section 8 of Article I, for example, empowers Congress to socialize communication by [creating "Post Offices and post Roads."](#) That same section also authorizes Congress to socialize national defense by "rais[ing] and support[ing] Armies," and "maintain[ing] a Navy." Alexander Hamilton, James Madison, George Washington, and Benjamin Franklin -- among others -- all signed this document. John Adams embraced it upon his return from Great Britain. Although the text does not preclude privatization of these social institutions -- indeed, they continue to include entrepreneurial elements to this day -- the Framers understood that they would be financed by all for the benefit of many. The Framers agreed that these essential services would not be left to the vagaries of private markets.

Thomas Jefferson, who was not present at the Constitutional Convention, also supported the fledgling nation's foray into

socialism. Today's critical (socialized) transportation system, including interstate highways, began in 1806 when then-President Jefferson [authorized construction](#) of the Cumberland (National) Road.

Congress preceded Jefferson's plan by socializing America's navigable waterways. The Founding Fathers recognized that the national government needed the power to regulate interstate commerce in general and the nation's waterways in particular. The Northwest Ordinance of 1787 freed most of America's important waterways from private ownership and thereby facilitated the uninterrupted movement of American commerce.



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Communication, transportation and mutual defense provide only the most obvious examples of the Founding Fathers' interests in socialized institutions. Our forefathers were not, as some today believe, devout disciples of Adam Smith, let alone Herbert Spencer. They were pragmatists, capitalists and socialists, willing to try whatever was necessary to insure that the American experiment did not fail.

More socialism has, of course, been added by our more immediate ancestors. Fire protection, police protection, public education and

retirement insurance, to name a few, have all been socialized in America. Notwithstanding modern complaints about some of these recent additions, it is far from clear that the founding generation would have objected to any of them. Nothing in the Constitution prohibits them, and the Framers evidently believed that future generations should govern themselves.

So what about health care? Would the Framers have objected to a socialized component of health care? No one can say for certain. At the turn of the 18th century, remember, the practice of medicine bordered on witchcraft; few Americans would have wished it on anyone. George Washington, for example, [might have been](#) bled to death by his doctors, and Dr. Benjamin Rush (an important Founder) prescribed mercury for anything and everything. The Framers likely did not give the matter much thought. The best that can be said is that what they wrote during that hot summer in 1787 does not prohibit socialized medicine.

History teaches us that the Framers were not averse to socialism. They embraced what we today call "socialism" in several different ways. Public highways and waterways were created; public communication was facilitated through the Postal Service; national defense was insured by the creation of an Army and Navy. The Framers did not call any of this socialism, as the word was not then known. They simply called it good government.

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