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**Our Constitution Was Made for Capitalism, Not Socialism**

**by**

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With [Zohran Mamdani](#)'s victory in New York City's Democratic mayoral primary, the resurgent appeal of socialism, especially among younger voters, is undeniable. Even though Mamdani is a self-professed "[democratic socialist](#)," there's no doubt that for many of his acolytes the appeal rests on the "[socialist](#)" identifier and not the "democratic" modifier.

And just last month, Minnesota state Sen. Omar Fateh, running as a socialist candidate for mayor of Minneapolis, [secured the endorsement](#) of the Minneapolis chapter of Minnesota's Democratic-Farmer-Labor Party, beating out the incumbent mayor. With strong support from young voters, he's aptly been dubbed the "Mamdani of Minneapolis."

A March [Cato Institute-YouGov](#) survey reported that 62% of people in the 18-29 age bracket hold a favorable view of socialism, versus 38% who do not. Many other surveys confirm that younger people increasingly view capitalism unfavorably. An [analysis](#) of the NYC primary results shows Mamdani decisively outperformed his rivals in precincts with higher percentages of the young.

Both Mamdani and Fateh unabashedly espouse socialist-style views, including government-imposed rent freezes, takeovers of private enterprises and ownership and operation of grocery

stores, levying hefty tax increases on “wealthy” individuals and corporations, and mandating substantial minimum wage increases.

Socialism’s embrace by the young is disturbing. Unless reversed, it doesn’t bode well for America’s future. Some of the professed support may be relatively mindless in the sense that its young acolytes don’t understand that they are advocating government ownership or control of the means of production, not private ownership.

As University of Pennsylvania professor Alan Charles Kors [remarked in 2002](#), wherever socialism has been implemented, “its vision of the abolition of private property, economic inequality, and the allocation of capital and goods by free markets, culminated in the crushing of individual, economic, religious, associational, and political liberty.”

Socialism’s appeal among today’s Gen Zers and millennials is unlikely to be abruptly reversed. But, just perhaps, if they understood how our Constitution was drafted in a way that provides a solid foundation for a capitalist economy, it would provoke deeper thinking on their part regarding the benefits of a free enterprise system.

It is true, as Justice Oliver Wendell Holmes famously declared in his dissent in [Lochner v. New York](#) (1905), that the Constitution “does not enact Mr. Herbert Spencer’s Social Statics.” By that, he meant that the Constitution is “not intended to embody a particular economic theory.” But it’s also true that the framers adopted a constitution that, by virtue of its structure based on a separation and enumeration of powers, and on certain key provisions, created a system of government in which capitalism could flourish.

After the American Revolution, the [Articles of Confederation](#), which governed the former British colonies until the [Constitution’s ratification in June 1788](#), lacked a strong central authority. During this period, states levied tariffs on one another and erected other trade barriers, implemented various debt relief laws, issued their own currencies, and adopted a patchwork of other laws that created economic conflicts. It was this “beggar thy neighbor” condition that impelled the framers, in drafting a new constitution, to create a stronger national government, one that would promote economic stability, facilitate commerce among the states, and protect private property rights in a regime grounded in the rule of law.

I want to identify several of the key constitutional provisions that provide the foundation for America’s free enterprise system.

Under the Fifth Amendment, no person shall “be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation.” The protection of private property, which the Fifth Amendment secures, is crucial to the existence of capitalism.

The commerce clause, Article I, Section 8, is an essential component of the Constitution’s design supporting a capitalist economy. It grants Congress the power to “regulate Commerce with foreign nations, and among the several States, and with Indian tribes.” Aimed squarely at eliminating the acknowledged economic travails created by burdens on interstate and

international commerce under the Articles of Confederation, the commerce clause allows the federal government to invalidate conflicting state tariffs and regulations so that goods, services, and capital can flow freely among the states and internationally.

To further the same aim as the commerce clause, other provisions facilitate free exchange among willing partners. Article I, Section 9 provides that “no Tax or Duty shall be laid on Articles exported from any State.” Pursuant to Article I, Section 10, no state, without the consent of Congress, may impose any “Imposts or Duties on Imports or Exports, except as may be absolutely necessary for executing its inspection Laws.”

Also important is Article I, Section 10’s injunction that no state may adopt any law “impairing the Obligation of Contracts.” While the precise contours and application of the contract clause remain uncertain, as the eminent constitutional law scholar Richard Epstein has [explained](#), it is generally supportive of the right to contract upon which voluntary exchange depends.

To be sure, you won’t find the word “capitalism” in the Constitution. Nor should we necessarily wish it so. But there’s little doubt that the Constitution’s framers intended to establish a framework that would be conducive to economic liberty and facilitate free marketplace competition — the hallmarks of a capitalist system. They did this by securing private property rights and removing barriers to the free exchange of goods, services, and capital.

We can only hope that if today’s young socialists, hopefully sooner rather than later, reflect upon what the Constitution’s framers bequeathed, they will become capitalists before it’s too late.

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