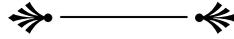


# EQUALITY



Perhaps no single phrase of the Founders is more commonly misinterpreted than the claim, made by Thomas Jefferson in the Declaration of Independence, “that all men are created equal.” Jefferson did not mean that all people are, in fact, in every way equal. Nor did he mean that all people *should* be equal in every way. He did, however, mean that all individuals possess identical natural rights. These rights, he wrote, include “life, liberty,” and the ability of individuals to engage without injuring one another in “the pursuit of happiness.” Jefferson’s belief in the equality of natural rights reflected deeply-rooted Anglo-American tradition. His words, after all, echoed the reasoning of John Locke, the English political philosopher who, in 1689, maintained that no one—no matter how powerful—possesses the right to “take away” without just cause “the Life, Liberty, Health, Limb or Goods of another.”

Yet Jefferson’s assertion regarding natural rights also sanctioned a radical departure from the past. The Declaration of Independence, which Jefferson penned in behalf of the other privileged delegates to the Continental Congress, helped to inspire ordinary Americans to overturn timeworn social and political barriers separating aristocrats from common people and the powerful from the powerless.

In 1776, these distinctions were stark. Maybe the 3.5 million people who lived in America had been created equal, but more than 600,000 had subsequently been enslaved. When women married, a legal doctrine known as “coverture” held that they lost their legal identity and forfeited to their husbands their property. They could not vote, and since nearly everywhere laws made enfranchisement conditional on the ownership of a sizeable portion of land, neither could many men. Laws establishing primogeniture, which passed to the eldest son all of a father’s land if he died without leaving a will, slowed a fairly consistent trend during the colonial era toward the gradual expansion of land ownership among the population,

as well as the gradual expansion of common people’s political power, which land ownership made possible. In addition, individuals who subscribed to minority religious faiths also suffered from legal inequality. Despite the relative rarity of instances of state-sanctioned intolerance toward members of most minority religions, nine of the original thirteen states designated an official faith that enjoyed taxpayer-financed subsidies as well as other benefits and privileges.



A general acceptance of social hierarchy reflected and reinforced these instances of legal inequality. In many ways American society continued to fit the description of Jonathan Edwards, the eighteenth-century theologian, who observed that all individuals possessed “their appointed office, place and station, according to their several capacities and talents, and everyone keeps his place, and continues in his proper business.” These assumptions, according to historian Gordon Wood, coalesced naturally with “the hierarchy of a monarchical society” and were feudal in their origins. “In such a society it was inconceivable,” Wood maintains, “for inequality not to exist.”

While an acceptance of monarchical government helped to foster legal inequality and social hierarchy, the republican alternative to absolutism—which gained ground in America especially after the Glorious Revolution of 1688—did not immediately spark a move toward egalitarianism. In many ways, in fact, republicanism bolstered the notion that limits should be placed on who could be entrusted with the reins of government. While republican thinkers believed that the distribution of political power should be expanded to varying degrees, the empowerment of an increasing number of individuals constituted merely a means to a greater end, which was the restraint of government power itself.

Republicans insisted, for example, that political participants be virtuous and that their decisions be motivated by a concern for the good of the entire society. In other words, republicans maintained that

voters and officeholders alike should be selfless (or “disinterested”) in their decision-making—that they should not aim to use the power of government to serve the interests of themselves or any particular constituency. Such disinterestedness, republicans believed, could only be expected of individuals who possessed a sufficient degree of economic independence. Certainly the enslaved lacked independence, and women were presumed to be dependent on their husbands and fathers. Were the poor empowered with the franchise, their desperation could mean that their votes could be cheaply purchased. It might also lead them to use their power to seize the wealth of others. Republican theorists presumed that the rich and the middling, meanwhile, would less easily fall under the influence of others and would be less likely give in to selfish motives. Republicans, who maintained that the only people who should be entrusted with the government of others were people capable of governing themselves, focused their energies on restraining the predatory nature of political power.

One of the most effective weapons in this crusade, however, was the principle that all men had a right to equal protection under the law. Republicans in Britain and America maintained, for example, that all men accused of serious crimes were entitled to be tried in front of juries of their peers. In addition, republicans believed that all men deserved protection against the imposition of excessive bails and excessive fines, and against the infliction of punishments disproportionate with those accorded to others found to have committed similar offenses against the law. A general acceptance of this sort of procedural equality, which aimed to prevent government officials from singling out individuals or groups for persecution, created a climate within which other forms of equality could take root.

So did the belief that all Britons—whether they resided in England or America—shared an equal right to the protection of a representative assembly. The English Bill of Rights (1689) not only guaranteed to all men the benefit of consistent legal practices, but also restricted government from acting in certain circumstances without the consent of Parliament. The monarch possessed no unilateral power to suspend laws, levy taxes, station an army among the civilian population, or interfere with elections or the

legislative process. While members of the House of Commons generally favored a narrow interpretation of the Bill of Rights and believed themselves to be the ultimate authority on these matters throughout the British empire, Americans tended to disagree. Since they had no direct representation in Parliament, Americans believed that their own elected colonial assemblies possessed Parliament’s prerogatives.

The 1763–1776 imperial crisis brought this issue to the fore and cemented in the minds of many Americans a belief in their own collective equality with the people of Britain. First, Parliament drew its unpopular Proclamation Line, which prohibited American settlement beyond the crest of the Appalachian Mountains. Then Parliament passed the hated 1765 Stamp Act, through which it acted

without the consent of colonial legislatures to impose a tax on legal documents, newspapers, broadsides, and other paper goods. These and other British measures spurred a spirited resistance movement, helped to provoke the spilling of blood at Lexington and Concord, and led to the Declaration of Independence. Many Americans came to agree with Thomas Paine, who wrote in his 1776 pamphlet, *Common Sense*, that “there is something very absurd, in supposing a continent to be perpetually governed by an island.” Parliament’s recalcitrant insistence on its authority to govern a distant people portended continued abuses of power and unacceptable usurpations of rights. Since in Parliament there existed no equality between the people of Great Britain and the people of America, there was no accountability on the part of Great Britain compelling it to consider what was good for America.

This unbalanced relationship unleashed the avarice of Britons, whom some colonists compared to wolves salivating over vulnerable American sheep. As Paine observed, “the property of no man is secure in the present unbraced system of things.” Within this context, Jefferson, in the Declaration of Independence, not only claimed the equal rights of American people but also the equality of the American people relative to the people of all other nations when he asserted that Americans had a right to enjoy “the separate and equal station to which the Laws of Nature and Nature’s God entitle them.” Americans, in other words, counted for just as much as people anywhere else.

*One of the most effective weapons in this crusade, however, was the principle that all men had a right to equal protection under the law.*

This was a powerful sentiment. First, it expressed the collective will of the people who comprised the various colonies that now—like the independent nations of Europe—called themselves “states.” The value placed on collective equality by these new states manifested itself through the fact that, according to the rules that governed the Continental Congress as well as those of the Articles of Confederation, a tiny state such as Delaware had a voice as loud as a much more populous state, such as Pennsylvania. Even under the 1787 Constitution, which provided for a lower chamber with proportional representation, within the Senate the states had equal power. Second, the statement drafted by Jefferson helped to inspire the hopes of various groups—such as common people, religious minorities, women, and African-Americans—that would now begin to question their own unequal stations. If earlier, Americans had based their claims of equality upon their inclusion within a system of English rights and privileges, American revolutionaries now made their appeals on the basis of self-evident truths and universal rights granted by God or nature. As Paine wrote, “a new method of thinking hath arisen.”

It took no great leap of logic to apply the universal claims of the Declaration to various deprived groups. Abigail Adams did this when in 1776 she wrote to her husband, John, a member of the Continental Congress. “I long to hear that you have declared an independency,” she said, for it would provide him and his colleagues with an opportunity to make a new code of law. In this, she maintained, “I desire you would remember the ladies and be more generous and favorable to them than your ancestors.” Appropriating some of the same principles that had been used to justify American opposition to Britain, she reminded her husband that “all men would be tyrants if they could. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice or representation.”

A group of slaves from the towns of Stratford and Fairfield in 1779 used similar arguments when they petitioned the Connecticut General Assembly for freedom. “We are endowed with the same Faculties as our masters,” they wrote, “and there is nothing that leads us to a Belief, or Suspicion, that we are any more obliged to serve them, than they

us.” Not unlike white Americans, they maintained, “we are Convinced of our Right (by the Laws of Nature and by the whole Tenor of the Christian Religion. . . .) to be free.” It was simply not “consistent with the present Claims, of the united States, to hold so many Thousands, of the Race of Adam, our Common Father, in perpetual Slavery.”

Although women and African-Americans would continue to suffer under unequal laws for many decades, for white Americans the idea of equality yielded much more immediate benefits. To a certain degree, American social hierarchy had

never been as fully articulated as in Europe. John Adams observed in 1761 that “all Persons under the Degree of Gentlemen are styled Yeoman.” Yet, within the lifetime of the revolutionary generation, the very existence of a special class of

“gentlemen” and “ladies” had been called into question. Old distinctions melted away as the principles of the Revolution combined with the dramatic new economic opportunities of the Market Revolution and the leveling spirit of early nineteenth-century religious revivalism to foster in the minds of Americans the notion that no man or woman was in any fundamental sense better than any other.

This spirit manifested itself through the gradual elimination of laws that favored certain religious groups over others. Paine helped to set the stage for this development, for in 1776 he wrote that “there should be diversity of religious opinions among us: It affords a larger field for our Christian kindness.” Then the efforts of Jefferson and James Madison resulted in the 1786 passage of the Virginia Statute for Religious Freedom, starting a trend that would continue until 1833, when Massachusetts became the last state to cut ties with a specific church. Similarly, laws limiting the franchise also eroded. Thanks to egalitarian principles and the recognition that, in the diversified market economy, land no longer served as a meaningful measure of independence, by the 1840s all white men could vote.

The flowering of equality in America manifested itself not only through the new republic’s laws but also through its people’s spirit. This is what struck Englishman Charles Janson, who traveled in the United States in the first decade of the nineteenth century. Upon his arrival at the house of an acquaintance, he was greeted by a servant. “Is your master at home?” he asked. The servant’s response

*American revolutionaries now made their appeals on the basis of self-evident truths and universal rights granted by God or nature.*

was simple: “I have no master.” The point was that Americans were their own masters and that status had more to do with effort, behavior, and character than inheritance. Americans never called for equality of condition, but they did seek equal opportunities to engage in individual pursuits of happiness. Americans, who had abandoned old

notions that paid deference to the inherited aristocracy of wealth and privilege, now embraced what Jefferson described as a “natural aristocracy of talents & virtue.”

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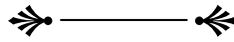
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# LIBERTY



Liberty was the central political principle of the American Revolution. As Patrick Henry, one of its staunchest supporters, famously intoned, “Give me liberty or give me death.” Henry was not alone in his rhetorical fervor. Indeed, no ideal was proclaimed more often in the eighteenth-century Anglo-American world than liberty.

The idea of liberty defended by the American Founders came from several sources. The most venerable was English common law. Beginning in the late medieval period, writers in the common law tradition developed an understanding of liberty which held that English subjects were free because they lived under a system of laws which even the Crown was bound to respect. Leading English jurists argued that these legal limits on royal power protected the subject’s liberty by limiting the arbitrary use of political power.

Under English common law, liberty also consisted in the subject enjoying certain fundamental rights to life, liberty and property. William Blackstone (1723–1780), the leading common lawyer of the eighteenth century, argued that these rights allowed an English subject to be the “entire master of his own conduct, except in those points wherein the public good requires some direction or restraint . . .” For Blackstone, these English rights further protected the subjects’ liberty by making them secure in their persons from arbitrary search and seizure, and by ensuring that their property could not be taken from them without due process of law.

In order to preserve these fundamental rights, the English common law allowed the subject the right to consent to the laws that bound him by electing representatives to Parliament whose consent the monarch had to obtain before acting.

Common lawyers in the seventeenth and eighteenth centuries did not view these rights and the liberty they protected as the gift or grant of the monarch; rather, they believed that they were an Englishmen’s “birthright,” something that inhered in each subject and that therefore could not be taken away by royal prerogative.

This common law understanding of liberty was central to the seventeenth-century struggles against the Stuart monarchy. Prominent jurists and Parliamentarians such as Edward Coke (1552–1634) took the lead in the attempt to limit what they saw as the illegal and arbitrary nature of the Stuarts’ rule. This struggle culminated in the Glorious Revolution

of 1689 and the triumph of Parliamentary authority over the Crown. For champions of English liberty, the result of this century-long struggle was the achievement of political liberty. They further argued that, as a result of this struggle, Britain in the eighteenth century had the freest constitution in the world. According to the French writer Montesquieu (1689–1755), Britain was “the only nation in the world, where political and civil liberty” was “the direct end of the constitution.”

This seventeenth century struggle between royal power and the subject’s liberties made a great impression on the American Founders. They absorbed its lessons about the nature and importance of liberty through their reading of English history as well as through their instruction in English law.

A second and equally influential understanding of liberty was also forged in the constitutional battles of the seventeenth century: the idea that liberty was a natural right pertaining to all. The foremost exponent of this understanding of liberty in the English-speaking world was John Locke (1632–1704). Locke’s political ideas were part of a wider European political and legal movement which argued that there were certain rights that all men were entitled to irrespective of social class or creed.

Like the common lawyers, Locke saw liberty as centrally about the enjoyment of certain rights. However, he universalized the older English understanding of liberty, arguing that it applied to all persons, and not just to English subjects. Locke also expanded the contemporary understanding of liberty by arguing that it included other rights—in particular a right to religious toleration (or liberty of conscience), as well as a right to resist governments that violated liberty. In addition, Locke argued that the traditional English common



law right to property was also a natural right, and was an important part of the subject's liberty.

Locke began his political theory by arguing that liberty was the natural state of mankind. According to Locke, all men are “naturally” in a “State of perfect Freedom to order” their “Actions, and dispose of their Possessions, and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man.”

However, Locke did not argue that this natural liberty was a license to do whatever we want. “Freedom is not,” he argued, “A Liberty for every Man to do what he lists (For who could be free, when every other Man's humour might domineer over him?).” Rather, Locke held that since all men are “equal and independent, no one ought to harm another in his Life, health, Liberty, or Possessions.” According to Locke, each of us has “an uncontrollable Liberty to dispose of our persons and possession,” but we do not have the right to interfere with the equal liberty of others to do the same.

In Locke's political theory, men enter into society and form governments to better preserve this natural liberty. When they do so, they create a political system where the natural law limits on liberty in the state of nature are translated into a legal regime of rights. In such a system, Locke argued, each person retains his “Liberty to dispose, and order, as he lists, his Person, Actions, Possession, and his whole Property, within the Allowance of those Laws under which he is; and therein not to be subject to the arbitrary Will of another, but freely follow his own.”

For Locke, as for the common lawyers, the rule of law was necessary for liberty. In Locke's view, “the end of law is not to abolish or restrain, but to preserve and enlarge Freedom.” According to Locke, “Where there is no Law, there is no Freedom. For Liberty is to be free from restraint and violence from others which cannot be, where there is no law.”

Building on both the English common law and on Locke's ideas, the eighteenth-century English writer Cato argued “that liberty is the unalienable right of mankind.” It is “the power which every Man has over his own Actions, and his Right to enjoy the Fruit of his Labour, Art, and Industry, as far as by it he hurts not the Society, or any members of it, by taking from any Member or by

hindering him from enjoying what he himself enjoys.” Cato was the pseudonym for two British writers, John Trenchard and Thomas Gordon. Their co-authored *Cato's Letters* (1720–1723) were widely read in the American colonies.

On the eve of the American Revolution, then, the received understanding of liberty in the Anglo-American world was a powerful amalgam of both the English common law and the liberal ideas of writers like Locke and Cato. On this view, liberty meant being able to act freely, secure in your basic rights, unhindered by the coercive actions of others, and subject only to the limitation of such laws as you have consented to. Central to this idea of liberty was the right to hold property and to have it secure from arbitrary seizure. In addition, under the influence of Locke, liberty was increasingly being seen on

both sides of the Atlantic as a universal right, one not limited to English subjects. Equally influential was Locke's argument that if a government violated its citizens' liberty the people could resist the government's edicts and create a new political authority. However, despite the gains that had been made since the seventeenth century, many Englishmen in the eighteenth century still worried that liberty was fragile and would always be endangered by the ambitions of powerful men.

Since the first settlements were established in the early seventeenth century, the American colonists shared in this English understanding of liberty. In particular, they believed that they had taken their English rights with them when they crossed the Atlantic. It was on the basis of these rights that they made a case for their freedom as colonists under the Crown. In addition, in the eighteenth century, the colonists were increasingly influenced by the Lockean idea that liberty was a natural right. As a result, when they were confronted with the policies of the British Crown and Parliament in the 1760s and 1770s to tax and legislate for them without their consent, the colonists viewed them as an attack on their liberty.

In response, the colonists argued that these British taxes and regulations were illegal because they violated fundamental rights. They were particularly resistant to the claims of the British Parliament, as expressed in the Declaratory Act of 1766, to legislate for the colonies “in all cases whatsoever.” By 1774, following the Boston Tea Party organized by Samuel Adams and John Hancock, and the subsequent

*No ideal was proclaimed more often in the eighteenth-century Anglo-American world than liberty.*

Coercive Acts, many leading colonists such as Thomas Paine and James Otis argued that they had a natural right to govern themselves, and that such a right was the only protection for their liberty. In addition to several essays in defense of rights, including *Letters from a Farmer in Pennsylvania*, John Dickinson wrote the first patriotic song, “The Liberty Song.”

This colonial thinking about liberty and rights culminated in the Declaration of Independence issued by the Continental Congress in 1776, which proclaimed that, because their liberty was endangered, the colonists had a natural right to resist the English King and Parliament.

Having made a revolution in the name of liberty, the American challenge was to create a form of government that preserved liberty better than the vaunted British constitution had done. In doing so, the founders turned to the ancient ideal of republican self-government, arguing that it alone could preserve the people’s liberty. They further argued that the modern understanding of liberty as the possession of rights needed to be a central part of any proper republican government. Beginning in 1776, in the midst of the Revolutionary War, all of the former colonies began to construct republican governments which rested on the people’s consent and which included bills of rights to protect the people’s liberty.

Since there was widespread consensus among the Founders that liberty required the protection of rights and the rule of law, much of the political debate in the crucial decades following the American Revolution revolved around the question of which institutional arrangements best supported liberty. Was liberty best protected by strong state governments jealously guarding the people’s liberties from excessive federal authority, as leading Anti-Federalists like George Mason contended; or, was an extended federal republic best able to preserve the freedom of all, as leading Federalists like James Madison and Alexander Hamilton argued?

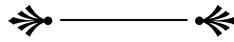
The era of the American Revolution also gave birth to a further series of important debates about liberty. Was slavery, as some Americans in the eighteenth century were beginning to recognize, an unjust infringement upon the liberty of African Americans? Were women, long deprived of basic legal rights, also entitled to have equal liberty with their male fellow citizens? By making a Revolution in its name, the Founders ensured that debates about the nature and extent of liberty would remain at the center of the American experiment in self-government.

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# REPUBLICAN GOVERNMENT



As Benjamin Franklin left Philadelphia's Convention Hall in September 1787, upon the completion of the work of the Framers of the Constitution, a woman approached him and asked the old sage of the Revolution what the delegates had created. Franklin responded, "A republic, Madame, if you can keep it." The woman's reaction to Franklin's reply is left unrecorded by history, but she might well have asked Franklin for a more detailed answer. Though the word "republic" was common currency in America at the time, the meaning of the term was imprecise, encompassing various and diverse forms of government.

Broadly, a republic meant a country not governed by a king. The root of the word is the Latin, *res publica*, meaning "the public things." "The word *republic*," Thomas Paine wrote, "means the *public good*, or the good of the whole, in contradistinction to the despotic form, which makes the good of the sovereign, or of one man, the only object of the government." In a republic, the people are sovereign, delegating certain powers to the government whose duty is to look to the general welfare of society. That citizens of a republic ought to place the common good before individual self-interest was a key assumption among Americans of the eighteenth century. "Every man in a republic," proclaimed Benjamin Rush, "is public property. His time and talents—his youth—his manhood—his old age, nay more, life, all belong to his country."

Republicanism was not an American invention. In shaping their governments, Americans looked to history, first to the ancient world, and specifically to the Israel of the Old Testament, the Roman republic, and the Greek city-states. New Englanders in particular often cited the ancient state of Israel as the world's first experiment in republican government and sometimes drew a parallel between the Twelve Tribes of Israel and the thirteen American states. In 1788, while ratification of the Constitution was being debated, one Yankee preacher gave a sermon entitled, "The Republic of the Israelites an Example

to the American States." Indeed, the Bible was cited by American authors in the eighteenth century more often than any other single source.

Americans not only knew their Bible, but also the history of the Greeks and Romans. The elite class mastered ancient languages and literature, a requirement of colleges at the time. To these men of the eighteenth century, ancient languages were not dead, nor were ancient events distant; rather, the worlds of Pericles and Polybius, Sallust and Cicero were vibrant and near. The relatively minor advancements in technology across 2,000 years—people still traveled by horse and sailing ship—

served to reinforce the bond eighteenth-century Americans felt with the ancients.

Like the Greeks and Romans of antiquity, Americans believed that government must concern itself with the character of its citizenry. Indeed, virtue was "the Soul of a republican Government," as Samuel Adams put it. Virtue had two connotations, one secular and the other sacred. The root of the word was the Latin, *vir*, meaning "man," and indeed republican virtue often referred to the display of such "manly" traits as courage and self-sacrifice for the common good. These qualities were deemed essential for a republic's survival. "A popular government," Patrick Henry proclaimed, "cannot flourish without virtue in the people." But virtue could also mean the traditional Judeo-Christian virtues, and many Americans feared that God would punish the entire nation for the sins of its people. "Without morals," Charles Carroll proclaimed, "a republic cannot subsist any length of time." New Englanders in particular sought to have society's institutions—government and schools as well as churches—inculcate such qualities as industry, frugality, temperance, and chastity in the citizenry. The Massachusetts Constitution of 1780, for example, provided for "public instructions in piety, religion, and morality."

The second ingredient of a good republic was a well-constructed government with good institutions.



“If the foundation is badly laid,” George Washington said of the American government, “the superstructure must be bad.” Americans adhered to a modified version of the idea of “mixed” government, advocated by the Greek thinker Polybius and later republican theorists. A mixed republic combined the three basic parts of society—monarchy (the one ruler), aristocracy (the rich few), and democracy (the people)—in a proper formula so that no one part could tyrannize the others. But Americans believed that the people of a republic were sovereign, so they sought to create institutions that approximated the monarchical and aristocratic elements of society. The Framers of the Constitution did just this by fashioning a single executive and a Senate once removed from the people. The problem, as John Adams pointed out in his *Thoughts on Government*, was that “the possible combinations of the powers of society are capable of innumerable variations.”

Americans had every reason to be pessimistic about their experiment in republicanism. History taught that republics were inherently unstable and vulnerable to decay. The Roman republic and the city-state of Athens, for instance, had succumbed to the temptations of empire and lost their liberty. The histories of the Florentine and Venetian republics of Renaissance Italy too had been glorious but short-lived. Theorists from the ancient Greek thinker Polybius to the seventeenth-century English radical Algernon Sidney warned that republics suffer from particular dangers that monarchies and despotisms do not. Republics were assumed to burn brightly but briefly because of their inherent instability. One element of society always usurped power and established a tyranny.

The great danger to republics, it was generally believed, stemmed from corruption, which, like virtue, had both a religious and a worldly meaning. Corruption referred, first, to the prevalence of immorality among the people. “Liberty,” Samuel Adams asserted, “will not long survive the total Extinction of Morals.”

“If the Morals of the people” were neglected, Elbridge Gerry cautioned during the crisis with England, American independence would not produce liberty but “a Slavery, far exceeding that of every other Nation.”

This kind of corruption most often resulted from avarice, the greed for material wealth. Several American colonial legislatures therefore passed

sumptuary laws, which prohibited ostentatious displays of wealth. “Luxury . . . leads to corruption,” a South Carolinian declared during the Revolutionary era, “and whoever encourages great luxury in a free state must be a bad citizen.” Another writer warned of the “ill effect of superfluous riches” on republican society. Avarice was seen as a “feminine” weakness; the lust for wealth rotted away “masculine” virtues. John Adams bemoaned “vanities, levities, and fopperies, which are real antidotes to all great, manly, and warlike virtues.”

*Fear of government’s tendency to expand its power at the expense of the people’s liberty was part of Americans’ English political heritage.*

The second meaning of corruption referred to placing private interest above the common good. This temptation plagued public officials most of all, who had ample opportunity to misappropriate public funds and to expand their power.

“Government was instituted for the general good,” Charles Carroll wrote, “but officers intrusted with its powers have most commonly perverted them to the selfish views of avarice and ambition.” Increasingly in the eighteenth century, Americans came to see government itself as the primary source of corruption.

Fear of government’s tendency to expand its power at the expense of the people’s liberty was part of Americans’ English political heritage. They imbibed the writings of late-seventeenth-century English radicals and eighteenth-century “country” politicians who were suspicious of the power of British officials (the “court”). Government corruption was manifested in patronage (the awarding of political office to friends), faction (the formation of parties whose interests were opposed to the common good), standing (permanent) armies, established churches, and the promotion of an elite class. Power, these country writers argued, was possessed by the government; it was aggressive and expansionist. Liberty was the property of the governed; it was sacred and delicate. The history of liberty in the world was a history of defeat by the forces of tyranny.

Though the history of republicanism was a dismal one, the lessons of history as well as their own colonial experience convinced the American Founders that they possessed sufficient information on which to base a new science of politics. “Experience must be our only guide,” John Dickinson proclaimed at the Philadelphia Convention; “reason may mislead us.” The Framers of the United States Constitution all had experience as public servants,

and it must be remembered that the document they produced did not spring forth as something entirely new in the American experience. Rather, the Founders had learned much from the operation of their colonial charters, state constitutions, and the Articles of Confederation.

At Philadelphia, the Founders focused on the proper construction of the machinery of government as the key to the building of a stable republic. The Constitution makes no mention of the need for virtue among the people, nor does it make broad appeals for self-sacrifice on behalf of the common good. It is a hard-headed document forged by practical men who had too often witnessed avarice and ambition among their peers in the state house, the courtroom, and the counting house. A good constitution, the Founders held, was the key to good government. Corruption and decay could be overcome primarily through the creation of a written constitution—something England lacked—that carefully detailed a system in which powers were separated and set in opposition to each other so that none could dominate the others.

James Madison, often called “The Father of the Constitution” because of the great influence of his ideas at Philadelphia, proposed to arrange the machinery of government in such a fashion as not to make virtue or “better motives” critical to the advancement of the common good. Acknowledging in *The Federalist Papers* that “enlightened statesmen will not always be at the helm,” Madison believed that the separate powers of government—legislative, executive, and judicial—must be set in opposition to one another, so that “ambition must be made to counteract ambition.”

“In framing a government which is to be administered by men over men,” Madison asserted, “the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.”

James Wilson, representing Pennsylvania at the Philadelphia Convention, declared that the Constitution’s separation of powers and checks and balances made “it advantageous even for bad men to act for the public good.” This is not to say that the delegates believed that the republic could survive if corruption vanquished virtue in society. Madison himself emphasized the importance of republican virtue when defending the new government in *The Federalist Papers*. But the Framers

agreed with Madison that men were not angels, and most were satisfied that the Constitution, as George Washington put it, “is provided with more checks and barriers against the introduction of Tyranny . . . than any Government hitherto instituted among mortals.”

The question remained, however, whether one part of society would come to dominate. No matter how perfect the design, the danger remained that a faction would amass enough political power to take away the liberty of others. To combat this problem, classical republican theory called for creating a uniformity of opinion among the republican citizenry so that factions could not develop. The ancient Greek city-states, for example, feared anything that caused differentiation among citizens, including commerce, which tended to create inequalities of wealth and opposing interests. In contrast, Madison and the Founders recognized that factionalism would be inherent in a commercial republic that protected freedom of religion, speech, press, and assembly. They sought only to mediate the deleterious effects of faction.

Republics also were traditionally thought to be durable only when a small amount of territory was involved. The Greek city-states, the Roman republic, the Italian republics, and the American states all encompassed relatively small areas. When the Roman republic expanded in its quest for empire, tyranny was the result. Madison turned this traditional thinking on its head in *The Federalist Papers*, arguing that a large republic was more conducive to liberty because it encompassed so many interests that no single one, or combination of several, could gain control of the government.

Not all Americans accepted the Madisonian solution. Agrarians, such as Thomas Jefferson, were uncomfortable with the idea of a commercial republic centered on industry and sought to perpetuate a nation of independent farmers through the expansion of the frontier. Though uneasy about the “energetic government” created by the Constitution, Jefferson endorsed the Framers’ work after a bill of rights was added to the document. “Old republicans” like Samuel Adams and George Mason opposed the Constitution, even after the addition of a bill of rights, fearing that the power granted to the central government was too great and wistfully looking back to the Revolutionary era when virtue, not ambition, was the animating principle of government. But in 1789, as the new government went into operation,

*[The Constitution] is a hard-headed document forged by practical men who had too often witnessed avarice and ambition among their peers.*

most Americans shared the optimism of Benjamin Franklin, who had decided at the conclusion of the Philadelphia Convention that the sun carved into the back of the chair used by George Washington was a rising—not a setting—sun, and thereby indicative of the bright prospects of the nation.

“We have it in our power to begin the world over again,” Thomas Paine had written in 1776, during the heady days of American independence. And indeed the American Founders in 1787 were keenly aware that they possessed a rare opportunity.

Like the legendary Lycurgus of Ancient Greece, they were to be the supreme lawgivers of a new republic, a *novus ordo seclorum* or new order of the ages. The American Founders were aware that the eyes of the world and future generations were upon them, and they were determined to build an eternal republic founded in liberty, a shining city upon a hill, as an example to all nations for all time.

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### Suggestions for Further Reading

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