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Defensio Reipublicae

Defense of the Republic



A Thesis Submitted to Fulfill the Requirements of the Honors Program at Assumption University

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“In republican governments, men are all equal; equal they are also in despotic governments: in the former, because they are everything; in the latter, because they are nothing”

- Charles Louis de Secondat, Baron de La Brède et de Montesquieu

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Abstract:

In my thesis idea of *Defensio Reipublicae* I intend to analyze the founding of the American republic, while also briefly touching upon the history of republicanism in the Roman republic, in order to formulate a defense in support of republicanism. By looking at sources of the foundation of the United States, as well as political philosophy, I plan to lay out why republicanism—as a form of governance—is a prime choice for the self-governance of human societies. Sources such as the Federalist Papers, scholarly articles, political philosophers like Montesquieu, Locke, and Machiavelli, in addition to the expertise of my advisor, President Weiner, will be very useful in the application and presentation of my thesis. *Defensio Reipublicae* is intended to show that—although imperfect, as all manmade creations are—republicanism is a great form of government for humanity in the past as well as the modern world, allowing the body politic to effectively and peacefully govern itself without the overbearing control of an autocrat, despot, majoritarian faction, monarch, or an otherwise tyrannical regime.

Research Question:

Based upon the definitions and ideas given by American founders, Adams and Madison, as well as their reflections and inspirations from political philosophers like Montesquieu, why is republicanism an excellent choice of governance for human society?

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Chapter 1. Republicanism Takes Root

I. Introduction

The United States' constitution establishes a republic for the people, and by the people, protecting the freedoms and liberties of the citizens and body politic through the republican form of governance. The Founding Fathers of the United States were greatly inspired by the history and government of the Roman Republic, which had existed over one thousand and seven hundred years prior to the American Revolution. Likewise, the founding fathers drew philosophic and intellectual inspiration from a plethora of philosophers and great thinkers, such as Montesquieu, John Locke, and Machiavelli, among others. The Founding Fathers, much like these philosophers, as well as the legendary scholar-senator Cicero of ancient Rome, all mutually agreed on what they viewed to be a simple fact of the human experience—an excellent choice in form of governance ordered toward the common good of human society, and especially suited for the genius of the American people, is the republic. Likewise, republicanism finds itself under threat in contemporary politics, as democratic movements seek to remove republican institutions—like the Electoral College, or Senatorial filibuster—in favor of more democratic processes. These dangers should not be ignored, and thus it is valuable to learn about the distinct traits and benefits of republican government and why we, as Americans today, should seek its defense. The United States was formed out of a complex web of intellectual thought and human experience that extends from the Roman Republic to modernity, and that expands on republican thought from the Renaissance to the Enlightenment. Political philosophers like Montesquieu, Locke, and Machiavelli paved the way for the American Founders to create republican government in the modern world, and in the service of the common good.

II. The Birth of Republicanism

Republicanism is a form of governance that dates back to 509 B.C. with the foundation of the Roman Republic, or arguably even earlier with the Republic of Lacedaemon, better remembered as the Spartans of Ancient Greece. Though Rome may not have been the first republic, it is the primary republican regime from which political thought on republicanism would evolve through the centuries, culminating in the American Founding. Republican government is a form of representative democracy, wherein the citizenry is represented in government by elected officials chosen amongst their peers. While democracy provides one vote per person, it also provides the opportunity for factional influence, among other issues. Whereas the republican form elects—pun intended—to follow the path of representation, where individuals are chosen as voices of their respective peoples within the republic. It is important to consider the initial formation of, and institutions from which, the Roman Republic was first founded:

The Roman Republic, which is conventionally dated from 509 to 27 B.C., had an unwritten constitution that controlled its political system. The constitution established a series of institutions such as the senate and offices such as the two consulships, and defined their powers; it determined the rights of citizens and eligibility for citizenship; it addressed the role of religion in public life; it specified proceedings for lawmaking and adjudication. (Posner, Eric A. *The Constitution of the Roman Republic: A Political Economy Perspective*)

The Roman Republic thrived for hundreds of years, using this system of representative democracy, and the political institutions thus created by it, to effectively rule a growing population while simultaneously removing the possibility of singular and despotic rulers from seizing power. Republicanism as a form of government was first established as a reaction and aversion to the despotic monarchy of early Rome—directly inspired by Greek democracy, republicanism is a representative form of government that serves to remove the tyrannical aspect of pure democracy. Democracy is inherently flawed, in the instance of the tyranny of the masses.

A majority vote of the population will always command, leaving the minority voters without significant input. This issue can be solved through the implementation of extended republican government, as representative democracy in a republic allows for the body politic of citizens to vote fairly without oppressive rule of the mass. The Roman Republic thrived for centuries, though it had its own flaws. Republicanism in Rome eventually fell to imperialism and internal conflicts, but these flaws served as important points of reference to the founders of the United States and those of other republican governments in the modern and early modern eras. Today, almost all governments on earth claim to be republican, though sometimes the practice is superficial in many nations. Whether or not a government is truly *republican*, merely claiming the title of republicanism grants a certain legitimacy. Say, for example, the People's Republic of China—this country does not rule in a republican manner, yet it claims the title “Republic” in order to falsely call upon the legitimacy of this form of government. Regardless of the truth of a nation's form of government, the mere application of the word “Republic” grants an authority on the international stage, aligning—at least partially in name—to the political philosophers of the Enlightenment. Using the basis of Roman republicanism as a format for governance, while simultaneously studying and building around their flaws is beneficial for the self-governance of human society and is something that should be strived to achieve. The Roman Republic was not eternal, as it later fell victim to a plethora of crises and political upheavals that brought its demise. Through historical review, we can implement their governmental form while trying to avoid the replication of their qualms and flaws. The republican tradition of ancient Rome has clear parallels with the republican tradition of the newly formed United States, serving as its direct inspiration. Calling upon the past glories of Rome, the United States utilized this inspiration in forming her government, and whose inspiration can even be seen in the federal style of architecture that is so commonly related to the age of the American founding, using

Roman architectural techniques and motifs to prominently convey the republican image to the American people. The message is clear: republicanism had arrived, and it planned to stay.

Chapter 2: Republicanism Reborn

I. The American Founding

The era of the American founding symbolizes a monumental shift in political theory and organization, as a nation born anew after a bloodied revolution set forth to establish a new government that could best secure the common good. Exhausted with the despotism and overbearing authority of the British monarchy, the now-independent state tested the waters of republicanism on a large scale for the first time since the fall of the Roman Republic. This moment in history began the great experiment that is, of course, the United States of America. Born out of exhaustion and aversion to oppressive government rule, the colonists in the now-United States revolted, inspired and encouraged by the ideas of the Enlightenment. They saw the potential for something greater—a republic—and thus blood was shed in order to achieve this vision of a better life. Rooted in Enlightenment theory, as well as common law, the American republic was forged in intellectual thought and guided by principles of the shared dignity and liberty of man. With the rest of the world as her witness, the United States, in her infancy, took the first steps toward self-rule of the people in the modern world. With the rest of the world as her witness, the United States carried the republican torch that would soon cast its light unto the nations of the Earth, the great experiment proven effective. The age of the American founding was spearheaded by great thinkers like James Madison and John Adams, who, using the principles of Enlightenment political philosophy in conjunction with the ethos of the American Revolution, laid the groundwork for republicanism to take hold in the United States and the greater world beyond. Why then, did they choose the republican form, and not that of another regime? How did it succeed in building a nation-state—an important distinction to note from

formerly imperial lands and populations— across a vast continent? And how has the rest of the world followed suit? Why is the republican form a wise and responsible choice for a people?

II. John Adams, Founding Father, 2nd President of the United States of America

John Adams and his contributions to the political theory of the early United States have shaped our nation and our interpretations of republican government. Adams is especially worth consideration due to his immense role in the political atmosphere of the American Founding and early republic, helping to shape the nation that we know today. As both a Founding Father and one of the earliest elected presidents, Adams helped to define the establishment of the United States, as well as setting some of its earliest precedents while in office. Like Madison, Adams provided deep intellectual insights into the pivotal moment of the American founding, and again, like Madison, he would serve as one of our nation's first presidents. Likewise, just as Madison has, John Adams also provides a valuable definition of a republic. Adams and Madison hold similar beliefs about republicanism, but each man possessing and adding his own level of detail that would prove to influence the American founding. Adams writes in his *Defence of the Constitutions of Government of the United States*:

Others, again, more rationally, define a republic to signify only a government, in which all men, rich and poor, magistrates and subjects, officers and people, masters and servants, the first citizen and the last, are equally subject to the laws. This, indeed, appears to be the true and only true definition of a republic. The word *res*, every one knows, signified in the Roman language wealth, riches, property; the word *publicus*, quasi *populicus*, and per syncope *pôplicus*, signified public, common, belonging to the people; *res publica*, therefore, was *publica res*, the wealth, riches, or property of the people. *Res populi*, and the original meaning of the word *republic* could be no other than a government in which the property of the people predominated and governed; and it had more relation to property than liberty. It signified a government, in which the property of the public, or people, and of every one of them, was secured and protected by law. This idea, indeed, implies liberty; because property cannot be secure unless the man be at liberty to acquire, use, or part with it, at his discretion, and unless he have his personal liberty of life and limb, motion and rest, for that purpose. (Adams, *Defence of the Constitutions of Government of the United States*)

Another important aspect of republicanism, as established by John Adams, is the equality established for the citizenry by law. Similarly, as the word *republic* is translated into its mother

tongue of Latin, it shows the necessity of common possession of wealth, power, and property. Republics, thus, are a *public thing*, signifying the collective rule of governance, rather than rule from a single individual. Adams saw the importance in defining republicanism, as etymology and nomenclature can often offer insights into the meaning of a word. In this instance, the concept of a republic may be traced to its Latin roots and defined as its inventors intended. Before making his own arguments in regard to republicanism and political philosophy, Adams acknowledged the importance of locating and explaining the ancient definitions and roots of republican tradition and government in Rome. Likewise, George W. Carey, in his *The Political Writings of John Adams* cites the words of Scipio Africanus, as written by Cicero, and his opinions on the etymology of the *res publica*, writing:

...‘Respublica est res populi. Populus autem non omnis hominum cœtus quoquo modo congregatus, sed cœtus multitudinis juris consensu, et utilitatis communione sociatus... [The republic is the people’s affair. But ‘the people’ is not just any collection of human beings gathered together in any sort of way, but the gathering of a large number of people associated by their agreement on the laws for the common good.] (Carey, 121).

For clarity’s sake, I cite this quote from George W. Carey’s *The Political Writings of John Adams*, though this citation itself comes directly from John Adams’ *A Defense of the Constitutions of Government of the United States of America*. I cite Carey, rather than Adams, as Carey provides an English translation, as well as the original context of the Latin quotation. Cicero, in his quotation of Scipio Africanus, defines the fundamental basic of what a republic is to be—determining that a republic concerns, not merely a group of people, but a group of people who are in mutual agreement upon the laws for the common good between themselves and ordered toward self-government and consent of the whole population. The etymology, or origin of the word of “republic” or “respublica” resonates with Carey and Adams, just as it resonated with Cicero and Scipio Africanus. As a “public thing,” the republic is not owned by anyone, but instead by everyone. The “public thing,” by nature of name, implies commonality and sharing,

establishing a level of equality from which that republican society can conduct itself accordingly. No lone man, nor lone government body, can claim to be the sovereign, nor the source of sovereignty; for in a republic, the sovereignty is centered upon and granted by the share of property and power amongst the people. And thus, as a “public thing,” it is immediately made clear that republican government is not built for a tyrant’s concentration of power, or for the ruling elite, but instead for the share of power amongst a population of self-governing individuals whose opinions, in this system, genuinely matter and hold influence. In a republic, the citizenry rules and is of the utmost importance. In a republic, the *people* mutually hold sovereignty, utilizing the government to conduct the nation according with the beliefs of the population, the common good, and within the bounds of their Constitution or design. The citizen body politic elects its officials from amongst themselves to legislate and maintain the order of law that serves to protect all. Republican government can harness the electoral principles of democracy, while also using that harness of representation to tame the excesses and flaws of democratic political rule. Representatives hold office on behalf of their constituents, representing their distinct ideas, beliefs, and struggles, with the aim of improving their condition and accomplishing their political objectives. Rather than being mere subjects under a monarch or despot, citizens within a republic are proud individuals, and collectively they possess the common driving force of autonomy and self-governance. It is important to define *citizen*, as these are the individuals from which the collective body politic is established. Adams continues in writing that:

...the invention of representative assemblies, much of that objection is removed, though even that was no sufficient reason for excluding farmers, merchants, and artificers, from the rights of citizens. At present a husbandman, merchant, or artificer, provided he has any small property, by which he may be supposed to have a judgment and will of his own, instead of depending for his daily bread on some patron or master, is a sufficient judge of the qualifications of a person to represent him in the legislature... This, too, is the only instrument by which the body of the people can act; the only way in which their opinions can be known and collected; the only means by which their wills can be united,

and their strength exerted, according to any principle or continued system. (Adams, Defence of the Constitutions of Government of the United States)

As defined by John Adams, the creation of representative assemblies in the form of republican government allows for the extension of citizenry beyond the elite. In nations such as these, the body of the population can represent itself fairly in governance through the election of fellow citizens to represent them in their local, state or provincial, and federal governments. As such, in a republic, sovereignty is not in the hands of one monarch or despot, but instead in the hands of all people of that government's citizenry. It is necessary to point out that initially citizenship was not, in the United States, granted to those in enslavement, natives, women, and other populations for quite some time. In fact, at the onset of the United States, citizenship and voting rights were only granted to landowning white men, but this has come to change, encompassing the whole of the natural-born population, as well as naturalized immigrants and other individuals. Adams' words here are fluid and can espouse varying meanings. Adams' use of the phrase "at present" before listing those included in the body politic demonstrates his awareness of change in the political system and acknowledges that the voting body is likely to shift and enfranchise more people as the nation grows and develops past its republican infancy. Adams continues his discussion of the involvement of common people into the body politic, stating:

The only practicable method, therefore, of giving to farmers, &c. the equal right of citizens, and their proper weight and influence in society, is by elections, frequently repeated, of a house of commons, an assembly which shall be an essential part of the sovereignty... The moral equality that nature has unalterably established among men, gives these an undoubted right to have every road opened to them for advancement in life and in power that is open to any others. These are the characters which will be discovered in popular elections (Adams, Defence of the Constitutions of Government of the United States).

Adams defends the necessity of equal rights for citizens, believing that all citizens are entitled to and deserving of the pursuance of avenues of advancement and betterment, as well as power, that may be offered to any other. The definitions and ideas provided by the Founding Fathers are

pivotal in the establishment of the United States and the spread of republicanism throughout the world. The American Founding is informed by and constructed in the ideas and thoughts of political philosophy, while looking toward the past for precedent in order to secure the public good and a greater future within the republican government. Adams viewed the republican form of government to be the best path forward for the American people in order to properly secure the rights and liberties that had been so blatantly cast aside by the British parliament and crown. Adams finds that, by nature, men are created equal, and therefore deserve equal “advancement in life and in power,” an equality of which may only be found in self-government through the republican tradition. Likewise, in his *The Political Writings of John Adams*, author George W. Carey concurs with Adams in stating:

When a number of men, women, and children, are simply congregated together, there is no political authority among them; nor any natural authority, but that of parents over their children... The first “collection” of authority must be a unanimous agreement to form themselves into a *nation, people, community, or body politic*, and to be governed by the majority of suffrages or voices. But even in this case, although the authority is collected into one centre, that centre is no longer the nation, but the majority of the nation... (Carey, 127).

In other words, and as Carey argues parallel to the opinion of Adams, simply congregating is not enough, and instead, people of a society must unanimously commit themselves to governing the body of people, thus the creation of a nation, or a state. Naturally, all people are created equally. By nature, according to the arguments of Adams and Carey, no man or woman holds political authority above anyone else—the only natural authority is the parent-child relationship, and thus does not affect one’s external neighbors or peers. However, when people leave the natural state and enter into civilized society, the necessity of authority follows suit, simply by virtue of population. This congregation, or collection of authority, however, is not entirely simple, and may open or incline a people toward dangerous political practice. A collection of people can easily place authority into the hands of a single monarch or autocrat, but to make the center of

this collection, not a man, but a nation, is even more complex. Still more complex is the means by which this is accomplished—as Carey discusses, placing this authority into the majority suffrage, though a democratic principle guided by the population, is not making the nation the center, but instead the majority opinion within the nation. Thus, and as Adams holds, the representative form of democracy, being the republic, is the cure to the dilemma of collective authority. Republicanism allows the people, through this “unanimous agreement” or social contract, to define themselves as a *nation*, as the center of authority. Although other forms of government may still be legitimate, of course, they will never be able to provide the security upon liberty which republicanism so effectively offers. This protection in republican society is mutually expected, as Carey notes: “It is agreed that the people are the best keepers of their own liberties, and the only keepers who can be always trusted; and, therefore, the people’s fair, full, and honest consent, to every law, by their representatives, must be made an essential part of the constitution...” (Carey, 244). Placing authority into the hands of a single monarch or autocrat, or into the hands of an elite or aristocratic few, does not guarantee the threat toward, or otherwise elimination of, the liberties of a people. However, placement of authority in such a manner does, certainly, guarantee at least the possibility and likeliness of this occurrence. Within a republic, however, the people themselves—as symbolized in the ‘center,’ as a distinct nation—are the holders of both authority and sovereignty through the representative governing bodies; therefore, unlikely to strip their own rights. A king does not fear the repeal of liberty, as he is not personally affected. Loss of liberty, much like a famine, is directly and obviously injurious to the people of a nation; but the table of a king, even in times of famine, will never be left empty, nor his stomach. Whereas a politician in a republic may second-guess this action, with the full acknowledgment that they too would suffer the loss of liberty. In a republic, no man is above the law, and the law, resultingly, is not so easily trifled with, as an autocrat may do upon his own

whims. In a republic, a single person cannot strip your rights, and if they were to merely even attempt to do so, they would be met with the disapproval of the body politic that would be directly and personally affected. Carey, however, recognizes a danger that, given the opportunity, could act against this protection of liberty. That danger, and as Madison would agree, is the potential for faction. While a singular man, in a republic, cannot dissolve rights and liberties, a collective body could certainly wield the power to do so, even through the use of legitimate avenues of the law. Government, as Adams argues, is primarily concerned with—or at least should be primarily concerned with—happiness above all else. At the core of Adams political theory is this sense of happiness. Adams writes in his *Thoughts on Government*:

We ought to consider, what is the end of government, before we determine which is the best form. Upon this point all speculative politicians will agree, that the happiness of society is the end of government, as all Divines and moral Philosophers will agree that the happiness of the individual is the end of man. From this principle it will follow, that the form of government, which communicates ease, comfort, security, or in one word happiness to the greatest number of persons, and in the greatest degree, is the best.
(Adams, *Thoughts on Government*)

John Adams' argument is deeply rooted in the concept of happiness, a principle that he strongly defends. Imperatively, before the choice of form of regime can even be considered, as held by Adams, the primary question to consider is that of the end of government, or in other words, its primary and ultimate purpose. According to Adams, government is fundamentally ordered and designed with the intention of fulfilling or protecting the happiness of a group. In monarchical regimes, happiness may be ordered toward that of the king, in a democracy, happiness may be ordered toward the majoritarian poor, and in an oligarchy, ordered to the wealthy few. Then, Adams must ask, "If there is a form of government then, whose principle and foundation is virtue, will not every sober man acknowledge it better calculated to promote the general happiness than any other form?" (Adams, *Thoughts on Government*). In other words, what form of government is best suited toward general happiness, or the common good? What form of

government is founded in virtue, and thus treats everyone with equal morality and dignity? What form of government embodies the principles of the American Revolution, and harnesses the holistic potential of the American people? Adams provides his answer in writing that: “They will convince any candid mind, that there is no good government but what is Republican... That, as a Republic is the best of governments, so that particular arrangement of the powers of society, or in other words that form of government, which is best contrived to secure an impartial and exact execution of the laws, is the best of Republics” (Adams, *Thoughts on Government*). Adams finds that republican government, and only republican government, is best ordered toward general happiness, rather than the happiness of a specific ruling individual, caste, or majoritarian faction— as well as ordered toward fair and just law. Concurring, and quoting Adams, is Dr. Weiner—writing in his “Adams, John (1735-1826)” that, “A seminal theorist of the American tradition of ‘ordered liberty,’ Adams believed the purpose of government was ‘happiness’: Happiness, whether in despotism or democracy, whether in slavery or liberty, can never be found without virtue. The best republics will be virtuous, and have been so; but we may hazard a conjecture, that the virtues have been the effect of the well ordered constitution, rather than the cause. (Adams 2000 : 21)” (Weiner, “Adams, John (1735-1826)”). Republican government, then, is fundamentally driven toward the preservation of ordered liberty through the purpose or *telos* of happiness. Virtue and happiness are inseparably linked in the republican tradition, both as necessary effects of self-government in the republican manner. Although these principles are sound in theory, how can they be concretely applied in reality, in self-government? Adams, like Madison, views representation as the solution. Continuing, Adams states:

As good government, is an empire of laws, how shall your laws be made? In a large society, inhabiting an extensive country, it is impossible that the whole should assemble, to make laws: The first necessary step then, is, to depute power from the many, to a few of the most wise and good. But by what rules shall you chuse your Representatives? Agree upon the number and qualifications of persons, who shall have the benefit of

choosing, or annex this privilege to the inhabitants of a certain extent of ground. The principal difficulty lies, and the greatest care should be employed in constituting this Representative Assembly. It should be in miniature, an exact portrait of the people at large. It should think, feel, reason, and act like them. That it may be the interest of this Assembly to do strict justice at all times, it should be an equal representation, or in other words equal interest among the people should have equal interest in it. Great care should be taken to effect this, and to prevent unfair, partial, and corrupt elections. (Adams, *Thoughts on Government*)

Adams, much like Madison, attempts to find the best means of application of republican government, especially in a nation with the magnitude of the newly formed United States, in addition to the national expansions that would be carried out in the future. How can such a wide body of territory, housing a wide array of peoples and opinions create a government amongst itself that can remain virtuous, and serve the general happiness and common good of the entire population? Adams determines that representation is the answer; that the deputation of authority from the many into the hands of “a few of the most wise and good” is the best means of securing ordered liberty. Adams argues that this representation should be “in miniature, an exact portrait of the people at large,” or in other words, that the representation should ideally be a model of the opinions and ideas of the entire population, carried out by virtuous statesmen chosen amongst that same population. Just as a souvenir of the Statue of Liberty, or Washington Monument should be an accurate model of the real thing, republican government should be an accurate model of the people from which it is composed and drawn from. Ultimately, a republican government should strive to be a perfect model of the entire nation, delegated to a smaller scale. Agreeing with the sentiments of Adams is Dr. Weiner, as he states:

His belief in popular government through representation formed the core of Adams’s intellectual leadership during the lead-up to the American Revolution. The colonies, he wrote in his “Novanglus” essays, were willing to retain their allegiance to King George III, but they could not be realistically represented in a distant parliament in which their membership did not reflect their immense population. (Weiner, “Adams, John (1735-1826)”)

Dr. Weiner discusses Adams' belief in the values of representative government, as well as the impact of his intellectual leadership. Likewise, noting the importance of an "immense population" and the utter lack of, or inability for, proper representation for it within British government. In addition, Dr. Weiner provides a notable grievance of the American colonists—that the British parliament failed to properly represent the colonial population. The British parliament was not a "miniature" of the colonial population, nor did it provide this genuine representation in any manner. Even if it was provided, the vast physical distance between the British parliament and the peoples of the colonial Americas would cause a significant obstacle in fair representation and discussion of American opinion. The British parliament failed to provide a meaningful reflection for colonial interests; however, colonial assemblies—which would model early American ideas of democracy and republicanism—excelled in representing the ideas within given localities. Montesquieu agrees with this principle, that the interests of any given locality are more familiar within that locality than in farther locations—therefore, rule is best suited to those likeminded neighbors who understand the contemporary problems of a shared locality. Montesquieu writes; "The inhabitants of a particular town are much better acquainted with its wants and interests than with those of other places; and are better judges of the capacity of their neighbours than of that of the rest of their countrymen" (Montesquieu, *The Spirit of the Laws*). It makes little sense for a parliament to make policy for a locality across an entire ocean, and to make policy for individuals who they are unlikely to ever cross paths with. How can a London politician, from well over a 3000-mile distance, understand the concerns or qualms of a Boston merchant, or a Richmond planter? How can that London politician make choices on behalf of the common good of both men, as well as the men between them? Even if the British parliament did offer representation, the sheer distance between the colonies and mother nation would be utterly impractical, and, as Dr. Weiner cites Adams in stating that: "Even were such a

parliament virtuous – which Adams denied in the British case – ‘unlimited subjection of three millions of people to that parliament, at three thousand miles distance [would be] real slavery.’ Consequently, Adams denied the authority of the British parliament to regulate any internal affairs of the colonies” (Weiner, “Adams, John (1735-1826)”). Next, Adams asks how the powers of government should be divided amongst the representation, and how this may be designed for the greatest equality and least disposition to tyranny. Adams strongly supports the ideas of separation of powers, and bicameralism, writing: “A representation of the people in one assembly being obtained, a question arises whether all the powers of government, legislative, executive, and judicial, shall be left in this body? I think a people cannot be long free, nor ever happy, whose government is in one Assembly” (Adams, *Thoughts on Government*). Adams determines that the consolidation of power within a single assembly is dangerously liable to ambition, to the further grasp of power, and ultimately, toward tyranny. Thus, Adams argues, the powers of government should be neatly divided and shared across branches—that the legislature should have no business in exercising executive power, or that it is unqualified to serve as the judiciary. Adams finds that the executive, legislative, and judicial powers of government should be separated, allowing each power to thrive and serve its purpose and function without extensive meddling of other branches. As a result of this, each branch of government maintains its own sphere of powers, and, likewise, prevents each other from having the ambition or ability to seize power or to consolidate it in a tyrannical manner. Adams cites his reasoning as to why one lone assembly is ill-suited to hold the combined powers of government, stating that

A single Assembly is liable to all the vices, follies and frailties of an individual. Subject to fits of humour, starts of passion, flights of enthusiasm, partialities of prejudice, and consequently productive of hasty results and absurd judgments... A single Assembly is apt to be avaricious... A single Assembly is apt to grow ambitious, and after a time will not hesitate to vote itself perpetual... A Representative Assembly, altho' extremely well qualified, and absolutely necessary as a branch of the legislature, is unfit to exercise the executive power, for want of two essential properties, secrecy and dispatch... A Representative Assembly is still less qualified for the judicial power; because it is too

numerous, too slow, and too little skilled in the laws... [and, ultimately in summation,] Because a single Assembly, possessed of all the powers of government, would make arbitrary laws for their own interest, execute all laws arbitrarily for their own interest, and adjudge all controversies in their own favour. (Adams, *Thoughts on Government*)

Adams' argument is sound—even echoing the arguments of *Federalist Paper No. 51*, that is, that “If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, 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.” (Madison, *Federalist Paper No. 51*). Thus, men, as well as assemblies of men, are apt or prone to their own ambitions, their own motives, or to their own ends. The solution is, first, to acknowledge this natural fallibility of mankind, and next, to account for it within the establishment of government. We cannot trust a lone assembly to virtuously carry out the rules and effects of our nation; we must, instead, draw sharp distinctions between the powers, and to bequeath them—with great caution and awareness—to distinctly separate government bodies. This distinction is important, and represents a shift in organization from the Revolution of 1776 to the Constitutional Convention of 1787, as the Founding Fathers sought to establish a more effective national form and government. Discussing the nature of separation of powers, as well as the bicameralism that is central to Adams' theory, is Dr. Weiner, stating, “...in a binary regime divided between a unicameral legislature and an executive, each power was likely to encroach on the other until armed conflict resulted and a single power prevailed. Consequently, the legislative authority should be vested in a bicameral legislature, and the executive should be vested with a veto power” (Weiner, “Adams, John (1735-1826)”). Dr. Weiner provides insight into Adams' ideas, more precisely, the necessary balance that must be found in order to promote stability and harmony in government, as well as the protection of the people. In a republic like that of the United States, the powers of government should be granted to separate institutional bodies that

may wield their powers to their fullest and most necessary extent without excessive interference from the other branches, or even from within itself. As such, Adams believes in the value of a powerful executive to carry out the laws, a bicameral legislature that may wisely conduct itself without dangerous ambition or greed, and a judiciary that may interpret and define our laws with a precision and knowledgeable expertise that the other branches fail to offer. The executive's veto power provides an additional check on the legislature, and the legislature's ability to—with great difficulty—override the presidential veto acts as an additional check on the executive. This interconnected web of checks and balances allows the government to simultaneously support itself, while acting as a structural safeguard against tyranny. More specifically, on the subject of a bicameral legislature, Adams designs this as a preventative measure against aristocracy—a byproduct of the quest for distinction and honor that political positions offer. If the legislature may be divided into two, one house may serve the popular motives, while the other may serve that of the more 'aristocratic' sense. This division allows for the cooperation and utilization of both, without one necessarily overwhelming the other. Adams notes,

The rich, the well-born, and the able, acquire an influence among the people that will soon be too much for simple honesty and plain sense, in a house of representatives. The most illustrious of them must, therefore, be separated from the mass, and placed by themselves in a senate; this is, to all honest and useful intents, an ostracism... The senate becomes the great object of ambition; and the richest and the most sagacious wish to merit an advancement to it by services to the public in the house. When he has obtained the object of his wishes, you may still hope for the benefits of his exertions, without dreading his passions... (Adams, Defence of the Constitutions of Government of the United States)

Adams' ideas of bicameralism allow the republican tradition to be applied safely to the United States, allowing for the simultaneous benefits of both popular representations, as well as a more "aristocratic" sense of representation, while also extinguishing the dangers of aristocratic ambition. It must be noted that there are no genuine distinctions or titles of nobility or aristocracy within the republican form—a citizen is a citizen, no matter his or her wealth, or circumstances

of birth— but these terms are being used in a metaphoric sense of ambition for honor and political authority. The total avoidance of this aristocratic nature would, rather quickly, devolve into a battle between executive authority and popular intentions; the inclusion of this aristocratic nature serves as a balance between the extremes, preventing turmoil and conflict between the legislature and executive, as a sort of legislative medium between the two. While remaining legislative, the Senate can offer merit and distinction to those who desire it, removing any direct clashes with the more ‘average man’ identity, per se, of the House of Representatives. Dr.

Weiner expertly defines this in writing:

Properly constituted, a senate could provide an outlet that would recognize virtue and merit – thus properly channeling the passion for distinction – while preventing the aristocratic element from infecting the popular branch... A senate would also serve as a flywheel providing balance to the regime. Aristocrats would be naturally inclined to resist the excesses of both the executive and the lower house. But without three elements balanced against one another – a balance in which the aristocratic element played a crucial role – the executive and popular branch would be locked in a struggle that would culminate in an arbitrary ruler or anarchy. (Weiner, “Adams, John (1735-1826)”)

The complexities of balancing within the American republic, as set forth by Adams, allows for government to peaceably conduct itself without the capacity for any one branch or individual to tip the scales and assume more power than is justifiably given. Aristocratic ambition, when left alone to its own devices, may prove to be injurious and selfish. But when this aristocratic ambition is ordered toward the balance between executive and legislative power, it may be instead used as a counterweight to the oppositional forces between executive and legislative functions. As such, the influence of aristocratic ambition can be harnessed and directed toward the success of the nation through the success of the individual Senator. The method of achieving desired aristocratic honor is firstly through election, and secondly through successful or well-liked actions taken while holding office. The balance created between the three bodies creates a spectrum between both merit and intention; the lower legislative house primarily serves its constituency, whereas the executive office primarily serves national goals. The upper legislative

house can stand between these two political forces and act as the fulcrum or “flywheel,” as stated by Dr. Weiner, to balance the varying elements of government. In addition, this upper house offers the outlet of a meritorious political body to suit the more aristocratically inclined.

Likewise, and in agreement with the sentiments of both John Adams as well as Dr. Weiner, is George W. Carey, as he notes,

If there is one certain truth to be collected from the history of all ages, it is this; that the people’s rights and liberties, and the democratical mixture in a constitution, can never be preserved without a strong executive, or, in other words, without separating the executive from the legislative power. If the executive power, or any considerable part of it, is left in the hands either of an aristocratical or a democratic assembly, it will corrupt the legislature as necessarily as rust corrupts iron, or as arsenic poisons the human body; and when the legislature is corrupted, the people are undone. (Carey, 115)

Thus, it is essential to decisively divide the powers of government, such that one may ensure that the legislative branch does not possess the power to corrupt itself, and such that the executive branch does not possess the power to dictate the laws, of which it is that body’s duty to enforce. Instead, the two must work together by the act of working separately. On the surface, this appears to be a paradox—how can working separately allow them to work together? The answer lies in the mutual co-dependency between the various branches and bodies of government; without the executive, the will of the legislature may not be enforced. And without the legislature, the executive has nothing to enforce in the first place. Additionally, without the presence of a Senate as an outlet for aristocratic ambitions, the legislature and executive could not peacefully exist together, or otherwise suffer the additional threat of both bodies receiving that aristocratic ambition, causing the poisoning or corruption of the branches. And without the judiciary, rational sense cannot be made of any of this. Alone, the branches are incapable of their own functions, but together, they work for a greater purpose. Government, much like a clock, possesses the individual cogs and machineries that, alone, are useless and inanimate; but when properly ordered amongst themselves, the cogs and machineries create a complex organism of

gears that exists to suit a greater whole than the sum of its parts. Cicero, a great scholar and Senator of Rome, likewise, agrees with the concepts of Adams. Carey writes: “[Cicero’s] decided opinion in favor of three branches is founded on a reason that is unchangeable; the laws, which are the only possible rule, measure, and security of justice, can be sure of protection, for any course of time, in no other form of government...” (Carey, 121). Again, calling upon the intellect of Cicero, Adams and Carey define and explain what a republic is, and how it should operate itself on behalf of the people from which it is created and composed. Republican government, according to John Adams, was the greatest choice for the American people due to its unique ability to promote the general happiness, omit tyranny, and secure peace through a constructed balance, in addition to a plethora of other benefits.

III. James Madison, Founding Father, 4th President of the United States of America

The American founding is an extremely important point, not only in American history, but also in human history. Small republics—like the Venetian and Florentine—had existed in parts of Italy, but on a large scale, republicanism as a form of government had effectively been extinct for centuries. The American Revolution held enlightenment ideals at its forefront, and upon successful secession from the British Empire, the subsequent founding of the American republic was a pivotal moment in the politics of man, and in human history. James Madison, one of the founding fathers, and later the Fourth President of the United States, prominently took part in the intellectual discussions that prescribed and enacted the new government of the then-young United States. Like Adams, Madison played a crucial role in the American Founding as well as the early republic, establishing the function of government, as well as setting early precedents while holding elected office. Madison, in conjunction with John Jay and Alexander Hamilton, wrote a series of published political literature in defense of republicanism and the Constitution that was created by the constitutional convention, titled the *Federalist Papers*. The *Federalist Papers* served as an anonymous, yet transparent window, through which the American people could learn about the establishment of their new government, and the philosophies behind the new institution. In his Federalist Paper No. 10, James Madison defines a republic as:

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union. The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended. (Madison, *Federalist Paper No. 10*)

James Madison's definition of republicanism is well suited for the United States' form as established in the Constitution. Madison was not only a Founding Father and later President, but

he was also a scholar and diligent researcher, holding an intellectual command over political theory and practice. Madison's beliefs on republicanism helped to shape our nation as we know it today, guiding our nation's establishment according to these principles of the common good. Madison discusses an extended republic, that is, a republic on a large scale, unlike the preexisting republics of Italian cities. Madison's idea of the extended republic seeks to solve issues that evolve within smaller communities of republican form—being general homogeneity, or sameness. Further, in a small republic, the people will all live fairly similar lives within the same location, and thus will form similar cultural ideas, practices, and political thoughts. This, however, also introduces the issue of factionalism, and specifically the ability for one powerful faction to abuse other minority populations or factions. Through an extended republic, however, the crisis of factionalism can be solved—there are simply too many people across too vast an area for this issue of homogeneity to create a singular, powerful faction to absorb power. Simply, in building an extended republic, there is a certain guarantee of multiple factions that represent the diverse and disparate peoples of the state—as such, one singular faction cannot rule them all, there will be too many nay-sayers or opponents to allow it to seize full authority. The United States, as an extended republic, is a nation of many different peoples across a vast area of land—though an extended republic does not necessarily require continental proportions like the modern United States, this extension necessitates a republic that is at least significantly larger than the Italian city-states, allowing for the cultivation of varying ideas. Likewise, a Bostonian merchant may disagree with the economic ideas of a Virginia planter. Hypothetically, if these populations were to be isolated to their own republics, their local similarities would allow faction to grow, whereas when considered together in a larger extended republic, their varying ideas can aid or oppose each other in finding the greatest solution for all, while eliminating singular faction as a threat. Despite this disagreement, the opinions of both may be fairly represented in republican

government, where deliberation can seek the good of both men, rather than the dominance of one opinion. As described by Madison, an important aspect of republicanism is representation, wherein a larger body politic is represented by fewer elected officials, who themselves are citizens selected by fellow citizens. Through the electoral processes, these representatives are chosen by their people to stand in as a singular man or woman who can best act as the voice for thousands, and today millions, of their constituents. If the will of the people is what drives our national decisions, then the representatives are the metaphoric loudspeakers from which these ideas are heard, and ultimately arbiters of the will of the people thus enacted. Madison continues his idea, writing:

...to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves... (Madison, *Federalist Paper No. 10*)

Madison, here, discusses the importance of representation in the governance of a body politic. He also makes note of a major improvement upon the flaw of pure democracy of antiquity, that of the Athenians, for example—representation of citizens through the election of fellow, generally more qualified, citizens, allows for the patriotic and educated movement of a nation toward the public good and interest of the people and state. Pure democracy, like that form of the Athenians, relies on each individual as part of the collective, often resulting in rule derived from the opinion of the majority, or the phrase “Fifty percent plus one”. Republicanism effectively combats this issue through fair representation, thus allowing the majority to still hold its authority of opinion, but without the flaw of silencing the minority entirely. The Founding Fathers enjoyed the principles of democracy, but recognized its flaws and political toxicity, as Bernard Dobski, in his “America is a Republic, Not a Democracy,” notes:

America's Founders carefully thought through the problems of direct democracy and explicitly rejected this model—and for good reason. They saw that because ancient democracies lacked any social or institutional forces that could check, refine, or moderate the will of the majority, they were prone to great instability, riven by factionalism, and subject to the passions and short-sightedness of the public. Direct democracies were thus vulnerable to tyranny. (Dobski, "America Is a Republic, Not a Democracy")

Due to the inherent susceptibility to tyranny, the Founders dismissed democracy and instead sought republican rule as a democratic form that avoids the dangers of direct democracy itself. The Founders were highly critical of democracy due to its flaws and lack of institutional forces that could moderate the behavior of the *demos*— while democracy appears very egalitarian and fair, it realistically often boils down to the tyranny of the majority, as the majority commands any given topic or ruling without check. However, the Founders viewed republicanism as the cure to the ailments of democracy, as Dobski writes, "A republic mitigates these difficulties because, while it is literally a 'thing of the people,' it is not a 'thing of the many.' ...Republics can bring together these potentially discordant voices because they, unlike direct democracies, employ the principle of representation" (Dobski, "America Is a Republic, Not a Democracy"). The ideas, or even factions, of both the majority as well as the minority can be represented together through the republican form, whereas a democracy could effectively make the minority obsolete, granting power to the primary faction. In a republican assembly of representatives, the minority voices still receive a share of representation, and thus a wield of at least some power in decision-making. Once fair representation is established, likewise, the processes of a republic allow the state to "refine and enlarge the public views," taking all opinions into account, and allowing elected representatives to debate and further refine and polish the precise ins and outs, per se, of any given bill or idea. In addition, this system effectively neuters the dangers of factional politics, which—when left to its own devices— can overpower public opinion and make sweeping changes, often in dangerous fashion. While "refinement" means to fine-tune and make prudent changes upon an idea or policy, "enlargement" is the means by which an opinion

from one small constituency can be shared with the rest of the nation through representatives in the legislative bodies, allowing opinions to be shared and considered throughout the republic, rather than just that sole constituency. Republican government, and especially the presence of election, allows the state to significantly slow down the processes of political discourse. Rather than a faction being able to rush its agenda through the legislature, republican government allows time for deliberation and consideration on multiple levels of government. Faction can pose a significant threat when left unchecked, but when factional opinion can be properly refined, through more careful discussion, significant change can be made aimed toward the common good, rather than the good of the faction alone. Likewise, Madison wisely recognizes that if any particular faction is able to maintain its support for long enough, and remain successful enough to win elections, those factional ideas must hold some merit and deserve implementation through the manner of “refine[ment] and enlarge[ment].” Concurring with the sentiments of Madison, Dobski notes that:

American republicanism... offers protections from the instability, rashness, impetuosity, and social and political tyranny of democratic politics because it recognizes that the majority does not equal the whole of the community. Republicanism recognizes the valid contributions to the welfare of the community by non- and even counter-majoritarian parts of the community. Indeed, justice demands that, even in a nation rooted in popular consent, non- and counter-majoritarian forces must be blended together. In this way, republicanism protects the minority from unjust majorities and secures the conditions for the political and social freedoms that are the true goal of the American revolution. (Dobski, “America Is a Republic, Not a Democracy”)

According to both Dobski and Madison, republican government allows the sharing of opinions between majority and minority factions and encourages cooperation and consent between the disparate groups. Despite disagreements, then, both—or more—factions are valid in their thought-processes, and unavoidably must work together within the republic to accomplish factional goals. Pure democracy results in the domination of the majority opinions, while republicanism allows for proper discourse in order to find a fair common ground between

opinions. As a result, republicanism effectively eliminates the potential of total political and legislative domination from one group, domination that often comes at the expense of another group's interest, and thus at the expense of the interest of the common good. Despite Madison's warning of the dangers of faction, he emphasized the importance of the legitimacy of the majority opinion. Likewise, Dr. Gregory Weiner discusses Madison's support of majority rule in his "James Madison and the Legitimacy of Majority Factions," stating that:

...one element of Madison's thought cannot be neatly elided: the question of which value prevails when balancing mechanisms fail and a choice between majority rule and minority rights is unavoidable... Madison sided emphatically with majority rule, even when the majority in question was factious. His criticism of majorities is never tantamount to questioning their entitlement to rule: on the contrary, the analysis of Federalist 10, his clearest indictment of majority factions, is completely compatible with their democratic legitimacy... (Weiner, "James Madison and the Legitimacy of Majority Factions")

Dr. Weiner delves into the, as coined by Robert Bork, "Madisonian dilemma," that is, the cautious balance between self-government, including majority opinion, and the rights of the minority. Dr. Weiner finds that this "Madisonian dilemma" is neither a true dilemma, nor strictly Madisonian— meaning that this "dilemma" has a solution. Madison, as argued by Dr. Weiner, elects the legitimacy of the majority rule in instances where the balancing mechanisms of the Constitution fail to prevent clashes with minority rights. Dr. Weiner continues in stating that,

Madison hoped those situations would be rare and erected institutional architecture to ensure they would be, but a failure to provide guidance for them would constitute a serious omission from his democratic thought, especially because whatever comfort might be drawn from their infrequency would surely be offset by their intensity. Conflicts that pit a majority's entitlement to rule against a minority's claim of inviolable rights are among the most potentially explosive situations political society confronts, a dynamic that Madison witnessed in the nullification controversy, among others... (Weiner, "James Madison and the Legitimacy of Majority Factions")

Madison is careful in his ideas and explanations, stating clearly the dangers of faction, while also establishing the principle that, in occasions where factions are established, they tend to be established according to some level of reason that holds its own weight in political discourse.

The reason behind faction is, at least within an extended republic, often built upon justice, though unjust reasoning is also a potential hazard that must not be omitted. As a means of protection, Madison advocated for safeguards and institutional design that would, effectively, control the danger of faction by keeping them in check. Though, considering an occasion wherein these protections are unable to prevent the tide of factional opinion, such as the nullification controversy, the majority maintains and deserves the respect of legitimacy in opinion, and ability to procure legislation in its favor. In his *Federalist Paper No. 51*, Madison states:

In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good; whilst there being thus less danger to a minor from the will of a major party, there must be less pretext, also, to provide for the security of the former, by introducing into the government a will not dependent on the latter, or, in other words, a will independent of the society itself. (Madison, *Federalist Paper No. 51*)

Here, Madison details that factionalism is often borne of “justice and the general good,” but Madison’s inclusion of the word “seldom” is a subtle way to include and call attention to the possibility of the formation of factions with less savory, more dangerous motives. Again, Dr. Weiner points toward this “tacit acknowledgement,” noting that Madison’s foremost concern was the diffusion and prevention of these factional conflicts through the method of “balanc[ing] his liberal and republican commitments...” (Weiner, “James Madison and the Legitimacy of Majority Factions”). Thus, Madison’s primary goal is not the destruction of faction, but the domestication of the factional beast through the concerted effort of multiple factions across the extended republic as well as a system of institutional checks and balances, while also respecting the legitimacy of majority opinion. Factionalism is a natural product of democracy—something that, through the avenues of republicanism, rather than pure democracy, can be limited but not wholly prevented. It is human, then, to wish to congregate with like-minded individuals on

behalf of common interests and objectives. Faction provides the strength in numbers that is necessary for ideas to take root in a significant manner. A metaphor, perhaps, would be that of a singular man in comparison to a crowd. The voice of a singular man, whatever his opinion may be, is not nearly as loud and pronounced as the voice of an entire crowd. Democracy does not prevent the crowd from drowning out the voice of the single man—republicanism, however, gives him, the minority, the respect of being heard. This is accomplished through the representative electoral process—if a politician is elected, he or she must necessarily represent not only the people, but also a set of ideas that the people align with. As such, any representative possesses the right and ability to speak before their assemblies—even if their set of ideas is isolated only to their constituency, that constituency will still receive representation and thus a voice through their elected official. Even so, in a republic, and as Madison holds; shouldn't the crowd's opinion deservedly be favored over that of a single man, or otherwise less populated group? Madison finds that faction, although potentially dangerous, is ultimately an unavoidable and present part of the fundamental democratic process that republicanism is built upon. Resultingly, the opinion of the crowd cannot be dismissed simply as “factionalism” or some fad. Instead, it must be viewed as legitimate political discourse that must be considered through representative avenues. Dr. Weiner discusses Madison's understanding of factional majorities, writing:

Madison believed a majority could be simultaneously unjust in the sense of violating minorities' rights yet also legitimate in the sense of having the moral authority to impose its views... Madison's emphasis lies in encouraging majorities to behave reasonably, not in institutional restraints on their authority... The extended republic theory of *Federalist 10* uses cooling mechanisms such as distance and representation to inhibit factious majorities in the rare cases in which they form but not, as has been seen, institutional barriers to their authority. (Weiner, “James Madison and the Legitimacy of Majority Factions”)

Dr. Weiner explains Madison's beliefs on majority faction—that, although they could pose a threat to minority rights, the majority faction is also naturally in possession of the authority to

impose its ideas, as the majority opinion. As such, Madison does not believe in eliminating faction, but instead, to dampen its dangerous effects while still providing its legitimacy in policymaking. The theory of the “extended republic” that Madison establishes in *Federalist Paper No. 10* creates a system of, as Dr. Weiner describes, “cooling mechanisms” that act to calm unrest that results from factional majoritarianism. This system uses “distance and representation” to inhibit, but not bar, majority opinion. How, then, should minority factions behave in this climate? Dr. Weiner continues, writing that “Minorities were morally bound to accede to the decisions of persistent majorities, even factious ones, because they consented to the procedure of majority rule. They had rights of protest and persuasion, even revolt, but not the right to claim society’s benefits while selectively exempting themselves from its decisions” (Weiner, “James Madison and the Legitimacy of Majority Factions”). Minorities and minority opinions, then, cannot exempt themselves from the legitimate processes of the law, even within circumstances constructed by majority factions. The right of the majority to hold its sway must be preserved, while also defending the rights and liberties of the majority and minority alike, within the government that they have mutually consented to rule over the whole population. This issue is especially pertinent in the nullification controversy, where states—incorrectly—assumed the right to “nullify” federal rulings, simply upon the basis of disagreement. More specifically, southern states, and especially South Carolina, vehemently opposed the Tarriff of 1828, going as far as to claim nullification. This issue, to which Madison opposed, would remain contentious and is cited as one of the antebellum policy issues that eventually lead to the Civil War. In his “Notes on Nullification,” Madison identifies the core issue of the crisis, stating:

The forbidding aspect of a naked creed according to which a process instituted by a single State is to terminate in the ascendancy of a minority, of seven, over a majority of seventeen, has led its partizans to disguise its deformity under the position that a single State may rightfully resist an unconstitutional and tyrannical law of the United States; keeping out of view the essential distinction between a Constitutional right, and the natural and universal right of resisting intolerable oppression. But the true question is

whether a single State has a constitutional right to annul or suspend the operation of a law of the United States within its limits, the State remaining a member of the Union, and admitting the Constitution to be in force. (Madison, “Notes on Nullification”)

Madison understands, but fundamentally disagrees with the principle of nullification, holding that it is faulty and problematic. Madison believes that it is fair to nullify or resist “intolerable oppression,” but that nullification cannot be used or weaponized to simply avoid legislation that a state may disapprove of. As party to the Constitution, states must accept the rulings and doctrines of the federal government that they are bound to, beholden by the consent of the governed through that state’s choice of entering into the union of states in the first place. In other words, you cannot pick and choose the rules that you wish to follow—if this were the case, government would serve no purpose, being left to anarchial devices. In explanation of this, Madison notes, “But it follows from no view of the subject, that a nullification of a law of the U.S can as is now contended, belong rightfully to a single State, as one of the parties to the Constitution; the State not ceasing to avow its adherence to the Constitution. A plainer contradiction in terms, or a more fatal inlet of anarchy cannot be imagined...” (Madison, “Notes on Nullification”). Nullification is rooted within the minority, as a rejection of the policy that is legally passed through governing bodies, of which they hold a disagreement with. Madison argues that states, as well as minorities, are bound to the Constitution, and constitutional practices—even if they dislike the results. Essentially, and in cases that fall short of genuine oppression, the adage of “you get what you get, and you don’t get upset” should be followed. It is unfair for states or minority groups to selectively determine the rules that they should adhere to, simultaneously reaping the rewards of policy that they align with, without the cost of policy they dislike. If this were the case, Madison argues, government would serve little to no real purpose, and instead would be left to anarchy and personal preference of the law, or utter lack thereof. Madison believes that the majority should receive the influence that is justly earned by the virtue of simply being the majority of any given opinion, and that this influence should be

protected from nullification by the minority. Still, Madison warns against the potential dangers of factional politics, both in his *Federalist Paper No. 10* as well as in an 1834 letter on the topic of majority government, writing that: “The History of the ancient Republics, and those of a more modern date, had demonstrated the evils incident to popular assemblages, so quickly formed; so susceptible of contagious passions; so exposed to the misguidance of eloquent & ambitious leaders; and so apt to be tempted, by the facility of forming interested majorities, into measures unjust and oppressive to the minor parties” (Madison, “James Madison to Unknown, re Majority Governments”). Popular opinion, regardless of the fact that it deserves to be heard, continually poses a danger to the rights of the minority, as well as the operation of the republic. When a “contagious passion” or political fervor is formed, mob mentality within the majority may prevent the rational processes of refinement, and the majority may want their idea to be passed quickly and without stall. Madison continues, defining the cure to this political hazard as:

The introduction of the Representative principle into Modern Govts. particularly of G. B & her Colonial offsprings, had shewn the practicability of popular Govts. in a larger sphere, and that the enlargement of the sphere was a cure for many of the evils inseparable from the popular forms in small communities. It remained for the people of the U. S. by combining a federal with a Republican organization to enlarge still more the sphere of Representative Govt., and by convenient majority convenient partitions & distributions of power, to provide the better for internal justice & order, whilst it afforded the best protection agst. external dangers... (Madison, “James Madison to Unknown, re Majority Governments”)

Madison finds, then, that the cure to oppressive factionalism is the establishment of a republic, through representative government bodies, as well as the enlargement of said republic; such as the case of an extended republic like the United States, in contrast to a localized republic like that of Florence or Venice. A republic, composed of a greater number of people, and across a wider swath of territory, is better positioned to separate the evils of faction and popular government than that of a smaller republic, and even more so than a different form or composition of government. In agreement with Montesquieu, Madison notes: “It was long since observed by

Montesquie, has been often repeated since, and may it not be added, illustrated within the U. S. that in a Confederal System, if one of its members happens to stray into pernicious measures, it will be acclaimed by the powers & the good examples of the others, before the evil example will have infected the others” (Madison, “James Madison to Unknown, re Majority Governments”). Even considering instances where faction or popular government does pose a legitimate threat to the rights of the minority, or to the republic itself, Madison concurs with the philosophy of Montesquieu; the idea that, by republican nature, defenders of the common good will step in before “the evil example will have infected the others” within the body politic. Discussing the majoritarian fallacy of pure democracy, and in agreement with Madison, Dobski continues in stating that,

Athens was the freest of the ancient Greek city-states. But without the necessary checks afforded by republican institutions to protect the city from its majoritarian vices, this unbounded democracy produced a history filled with factional strife, revolution, regime change, political murder, and, in some cases, tyranny. The reasons for this are simple. In such a democracy, writes Madison, a “common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths.” In this society, once the people’s passions have been agitated, there is little that can be done to extinguish them. A republic mitigates these difficulties because, while it is literally a “thing of the people,” it is not a “thing of the many.” In other words, this “thing of the people” could only become synonymous with “the commonwealth” because it deliberately incorporates into its constitution the voices and interests of all of the various parts that make it up, and thus the many and the few, the rich and the poor, the educated and the unlettered, and the soldiers, craftsmen, and farmers. By doing so, it implicitly concedes that the interests of the many, while important, are not simply the same as the common good; for a republic, securing the common good reflects the proper balance of these distinctive and, at times, competing elements of the political community as dictated by political justice. Republics can bring together these potentially discordant voices because they, unlike direct democracies, employ the principle of representation. (Dobski, “America Is a Republic, Not a Democracy”)

The distinction between “the interests of the many” and “the common good” is not always clear in democracy, but we, as citizens of our republic, should be made aware of the dangers that

factionalism and majority pose to the safety and virtuous operation of a republic. The common good refers to the good of all, and the knowledge that, even when disagreeing with another opinion, those oppositional ideas are not something that should be totally trampled, nor should one's opposition suffer the loss, or lack, of rights and liberties merely due to oppositional opinion. In a pure democracy, this confusion between majoritarian interests and the common good can become muddled or even cast aside, as the majority faction, can entirely seize control of the body politic and thus command policy without check. Whereas republicanism, on the other hand, establishes the principles of representation that allow widely disparate opinions to be heard and considered in our hallowed legislative chambers, rather than cast aside entirely by the ruling majority. Therefore, and as Dobski argues, the common good is best ordered and secured through republican rule, as a balance between representatives with varying ideas that are derived from varying constituencies—a principle that direct democracy entirely lacks, and therefore subjects itself to these dangers. The republican form, then, can effectively combat many of the dangers that arise from pure democratic rule. Republican government allows diversity in opinion through the electoral process, and the selection of representatives—it allows for people of all races, ethnicities, languages, backgrounds, and ideologies to cast a vote, and to be represented by the individual that they elect. Likewise, republicanism encourages diversity in thought, in addition to demographic diversity, allowing for countless perspectives and thought processes to form. For example, the generally-liberal population of Vermont can elect those public officials who they align with—notably Bernie Sanders, who goes against the grain of both the Democratic and Republican parties. This is wholly necessary to the function of a republic; the people of Iowa may not agree with Bernie Sanders, but the people of Vermont—proven through his election—do. The people of Iowa, on the other hand, may elect their own representatives to share their local beliefs, which may be widely disparate from the day-to-day life of a Vermonter. But

together they must meet in our legislative bodies and present their ideas to each other, despite disagreements and vastly different lifestyles, and vote together on the best path forward for the nation. Although they may disagree on the numerous particular questions of “how” to best manage the nation, they will agree on the “why” we must manage the nation together, that is, the common good. The beating heart of a republic is, of course, democracy, but a beating heart alone will quickly die in the absence of the greater body and spirit of man; the greater body and spirit that only republicanism can offer.

Likewise, Madison harkens upon the principle of republicanism that is established by Montesquieu, the virtue of the love of one’s republic. The virtue of love in republicanism allows for the patriotic drive of elected officials to best serve the nation. Even considering instances wherein an electorate should feel as if their representatives have failed them, or deviated from the values and wishes of the constituency, those representatives can be peacefully removed and replaced from power via election or recall. The public good, Madison argues, is best conveyed and strived toward through the public voice as pronounced by representatives. Even in the case where political figures, parties, or factions disagree, so long as they both hold a genuine care for the nation, the people, and thus the public good, then they also share the common ground of love for the republic and for national unity; the foundation upon which our government must conduct itself. The “regulation” of representative government, as Madison argues, allows the ideas and policies of public opinion to be “refine[d] and enlarge[d]”, effectively neutralizing the most dangerous aspects of faction, while allowing the influence of public opinion through election.

From this basis, Dobski notes:

In the principle of representation then, our Founders identified a kind of power that draws authority from the people while being able to act independently of and against their majoritarian excesses. Properly structured, representative bodies will refine and enlarge the views of their constituents, apply a brake to their impetuous decisions, inject reason into their impassioned debates, and, when necessary, make far-sighted, if unpopular,

decisions with a view to the public good. (Dobski, “America Is a Republic, Not a Democracy”)

The republican process, especially when in conjunction with the common love of the republic, can refine factional opinions and novel political ideas into fairly, legally, and thoughtfully composed legislation, rather than dubious or hastily made policies, as one might find in a rapid rise of faction that is absent of the representative process. This process of, as metaphorically described by Dobski, “applying the brake,” allows for a republic to slow down the legislative process in such a way as to promote the use of reason, wisdom, and deliberation in decision-making. At the cost of slight delay, a republic can outright deny the rapid passage of factional policy, and instead force it to go through a process of discussion and refinement, ordered toward the common good of all, and allowing policy to be passed through the intellectual lens of political debate before it can be hastily signed into law. Likewise, Dr. Weiner concurs in his *Madison’s Metronome*, writing that:

...for Madison himself, the relevant question is not *whether* majorities will prevail but rather what *kind* of majorities will prevail—and what Madison regarded as the decisive question: *when* they should prevail... Madison’s political thought maintains a consistent commitment to “temporal majoritarianism,” an implicit doctrine according to which the majority is always entitled to rule, but the primary criteria for whether it should prevail at any given point of decision is the length of time it has cohered. This duration is generally proportional to the gravity of the decision in question, with more serious issues requiring more persistent majorities. On this interpretation, the Constitution is an essentially majoritarian instrument among whose primary purposes is to act as a metronome regulating the tempo of American politics... (Weiner, *Madison’s Metronome: The Constitution and the Tempo of American Politics*, 2010)

Dr. Weiner discusses the political understandings of Madison, and how among the most important was the respect for the majority’s legitimate wield of influence in decision-making. Likewise, Dr. Weiner—in accordance with the ideas of Madison—finds that the Constitution effectively creates a system in which the “tempo” of American politics can be regulated through this “metronome,” keeping a consistent measure and preventing rushed majoritarian decisions, instead allowing the majority to enact its ideas in a slower and purposefully more deliberate

manner. Madison understood, and thus demanded the implementation of systems that would allow the majority to effectively enact its policies, while also ensuring that no action could be hastily taken at the expense or detriment of the minority, or of the society or republic at large. This slowed pace is essential to the valued processes of discussion and deliberation within the republic—the processes of enlargement and refinement. As with all else within the republic, the common good comes first. As such, Madison discusses the importance of republican rule in the United States, describing a hypothetical abandonment of the republican character as, “no longer defensible,” Madison writes:

It is evident that no other form [of government, being republican,] would be reconcilable with the genius of the people of America; with the fundamental principles of the Revolution; or with that honorable determination which animates every votary of freedom, to rest all our political experiments on the capacity of mankind for self-government. If the plan of the convention, therefore, be found to depart from the republican character, its advocates must abandon it as no longer defensible... (Madison, *Federalist Paper No. 39*)

Madison continues to stress the importance—rather, necessity— of fair republican rule in the United States, arguing that any other form of government could not possibly cohere and suit the common good and genius of the American people. Should the constitutional convention stray away from the principles of the revolution and the republican tradition, the American people should outright deny the actions of that body as indefensible and improper. Additionally, Madison understands the respect and legitimacy that is conferred unto a nation’s identity through the adoption of the title of ‘republic,’ even going as far as to complain about nations who, undeservingly and falsely, use the republican nomenclature. In his *Federalist Paper No. 39*, Madison notes:

What, then, are the distinctive characters of the republican form? Were an answer to this question to be sought, not by recurring to principles, but in the application of the term by political writers, to the constitution of different States, no satisfactory one would ever be found. Holland, in which no particle of the supreme authority is derived from the people, has passed almost universally under the denomination of a republic. The same title has

been bestowed on Venice, where absolute power over the great body of the people is exercised, in the most absolute manner, by a small body of hereditary nobles. Poland, which is a mixture of aristocracy and of monarchy in their worst forms, has been dignified with the same appellation. The government of England, which has one republican branch only, combined with an hereditary aristocracy and monarchy, has, with equal impropriety, been frequently placed on the list of republics. These examples, which are nearly as dissimilar to each other as to a genuine republic, show the extreme inaccuracy with which the term has been used in political disquisitions. (Madison, *Federalist Paper No. 39*)

Madison, in a tone that appears to be almost annoyed, discusses the preexisting European nations that, at the time of his writing, falsely claimed the republican name in government. Madison rightfully finds this to be inconducive to genuine republican rule, serving to make the application and definition of ‘republicanism’ less and less clear. Madison argues that these states—being Holland, Venice, Poland, and England—prove to be injurious to the advancement of genuine republican values due to an inaccuracy in “political disquisitions” and basis of naming or nomenclature. Similarly, and as mentioned before, modern nations—in addition to these historical examples provided by Madison— also tend to be inclined toward the faulty and inaccurate use of the republican title. A notable example of this could be seen in communist nations, or nations established via communism, such as “The People’s Republic of China” or “The Democratic People’s Republic of Korea,” where the governmental institutions of these nations certainly lack the principles and processes of genuine republicanism, and merely use the good name of the republic to establish some semblance of political legitimacy on the world stage. Madison’s argument continues to ring true, both in the past and the present, as the definition of genuine republicanism is tarnished or left unclear by pretender states. Regardless of this difficulty in making definitional distinctions between republican and “republican” nations alike, Madison sets forth to create his own definition for the new American republic to follow, writing that,

...we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people, and

is administered by persons holding their offices during pleasure, for a limited period, or during good behavior. It is ESSENTIAL to such a government that it be derived from the great body of the society, not from an inconsiderable proportion, or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans, and claim for their government the honorable title of republic. It is SUFFICIENT for such a government that the persons administering it be appointed, either directly or indirectly, by the people; and that they hold their appointments by either of the tenures just specified; otherwise every government in the United States, as well as every other popular government that has been or can be well organized or well executed, would be degraded from the republican character. (Madison, *Federalist Papers No. 39*)

Madison, consistent with ideas in *Federalist No. 10*, expertly defines what a ‘republic’ is to be, at least by the proper understanding of the American founding, which, unlike European nations of the time, sought the genuine establishment of a republic led by the people of the nation, rather than by a singular, or otherwise small body of rulers. To Madison, a proper republic is ordered to, and by, the “great body of the people,” who bestow the government with its authority to rule from amongst themselves. Madison found that, in alignment with the principles and desire for freedom that is derivative of the revolution, the best path forward for the American people was, of course, the establishment of a great republic aimed toward the protection of liberty and the common good. In other words, the only way to securely protect these liberties was through the republic; a nation that is built to operate on behalf of, and to be ruled by election, directly through its own citizen population. Likewise, self-government through republican bodies confer the consent of the governed, as republican government naturally establishes its authority solely through the governed—the population of the citizenry that elects political offices from within itself, in order to represent itself. Therefore, the United States, and other genuine republics, are built for the people, by the people, and drawn from the people. From the ground up, republican states are defined by this collective organization of the body politic into a cohesive and coherent nation-state, which offers a sense of common decency for all citizens, rather than the barbarity that a single king or faction may, on their own whim, choose to pursue. It is this common decency and common good within a republic that Madison so vehemently defends in writing:

It is too early for politicians to presume on our forgetting that the public good, the real welfare of the great body of the people, is the supreme object to be pursued; and that no form of government whatever has any other value than as it may be fitted for the attainment of this object. Were the plan of the convention adverse to the public happiness, my voice would be, Reject the plan. Were the Union itself inconsistent with the public happiness, it would be, Abolish the Union. In like manner, as far as the sovereignty of the States cannot be reconciled to the happiness of the people, the voice of every good citizen must be, Let the former be sacrificed to the latter (Madison, *Federalist Paper No. 45*)

Madison recognizes the necessity of the common good above all else, arguing that politicians and government alike must view the common good as “the supreme object to be pursued,” and that it is this common good alone that republican government exists to safeguard. Ultimately, it boils down to “the real welfare of the great body of the people,” that is, the interests—including those of life, liberty, property, and pursuit of happiness—of the collective body and citizenry of our nation. In a republic, before all else, this is what truly matters. If then, the people of the United States and the common good of this population are threatened by any principle of the convention or government body, that principle or plan must be eliminated and denied. Likewise, Thomas Paine’s *Common Sense* concurs, noting that,

Society in every state is a blessing, but Government, even in its best state, is but a necessary evil; in its worst state an intolerable one: for when we suffer, or are exposed to the same miseries *by a Government*, which we might expect in a country *without Government*, our calamity is heightened by reflecting that we furnish the means by which we suffer. Government, like dress, is the badge of lost innocence; the palaces of kings are built upon the ruins of the bowers of paradise. For were the impulses of conscience clear, uniform and irresistibly obeyed, man would need no other law-giver; but that not being the case, he finds it necessary to surrender up a part of his property to furnish means for the protection of the rest; and this he is induced to do by the same prudence which in every other case advises him, out of two evils to choose the least. Wherefore, security being the true design and end of government, it unanswerably follows that whatever form thereof appears most likely to ensure it to us, with the least expence and greatest benefit, is preferable to all others. (Paine, *Common Sense*)

According to Paine, government is a “necessary evil” when man finds himself in organized society—an evil that has the potential to become intolerable and adverse to the benefit of mankind. It is necessary because it organizes us and establishes mutual conduct between the

people of that society. However, government, despite its intrinsically “evil” origin, can be successfully ordered toward the greatest benefit of the people through the method of securing the natural rights of man at the cost of some property. Mankind is fallible, and thus cannot—at least in terms of a society—live simultaneously in anarchy and in peace. In order to secure peace, anarchy must be abolished, and replaced with government. It is this stage in which man can “out of the two evils... choose the least,” and prudently establish a government that is most conducive to the security of rights and the common good, and to secure these noble principles at the least expense to the population. Of this choice between evils, Madison and Paine alike view republican government as the least injurious, and still most beneficial. Dr. Weiner discusses this choice in noting that, “...republicanism is about how decisions are made: the alternatives are not republicanism and liberalism but rather republicanism and some other mode of making choices, which Madison explicitly considers and explicitly rejects” (Weiner, “James Madison and the Legitimacy of Majority Factions”). Of the various choices in regime, Madison finds republicanism to be the most obviously suited for the American people and their genius. Madison considers the other options, but wholly rejects them, electing the republican form instead. Republicanism, according to Dr. Weiner, is about how decisions are made, and in a republic, the decisions are ultimately made by the people, whether directly or indirectly. Other regimes fail to give choice to the people, or even fail to give the people any forum of input, whereas republican government is explicitly designed for the expression of the body politic and the common good. It is the common good, Madison argues, that, in well-ordered republican government, is worthy above all else. Therefore, the population, as well as the government that they elect, must come together in defense of the common good and public happiness of the citizenry. In the absence of this common good and happiness, then, man cannot truly be free, and government cannot truly be righteous.

Chapter 3: Political Philosophy and the Republican Tradition

I. Political Philosophy

Political philosophy as a practice is of utmost importance to human society. Throughout human history, civilizations have used some form of government to dictate domestic and foreign matters, no matter how sophisticated or simple that governance may be. Political philosophy has existed in its various forms for thousands of years, but the era of political philosophy most significant to modern republicanism is the Age of Enlightenment. During this period from the 17th and 18th centuries, many philosophers and thinkers questioned the legitimacy and efficacy of monarchical and other despotic forms of government when compared to the ideals of republicanism and the rights of man. Likewise, it is important to note that concepts of republicanism in modernity largely began in the Renaissance, through political philosophers like Machiavelli and Giovanni Pico della Mirandola. Thinkers like Machiavelli, Locke, Montesquieu and many others provided significant inspiration to the modern understanding of republicanism, as well as the founders of the American republic and beyond, such as the First French Republic and countless others. The impact of these thinkers is seen clearly, down to the words dictated by the Declaration of Independence; “life, liberty, and the pursuit of happiness” as a direct inspiration from John Locke’s *Second Treatise of Government*; “life, liberty, and property”. In his *Second Treatise*, John Locke discusses the state of nature, writing: “The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions” (Locke, *Second Treatise of Government*). John

Locke discusses both the state of nature—a state of perfect freedom and perfect equality—as well as the state of war—a state of enmity and destruction, wherein a person lives by one’s own reason—in order to establish his arguments. Locke believes that government serves to protect the rights of man and should act in the service and preservation of the liberties of the state of nature. As a result, governance requires rule and law, sacrificing pure liberty in order to defend general liberty itself. There is, as Locke argues, a social contract of sorts wherein the governed body gives consent to the government, in return for protection. In the case of tyranny—for example, the American Revolution—the governed population holds the right to rebel in order to act in the interests of the people and to change one’s regime in order to preserve rights and liberties; more specifically, life, liberty, and property. The principles established by the Enlightenment philosophers allowed for the return of republicanism, importantly detailing the natural rights of mankind and prescribing a level of human dignity and respect for autonomy, self-government, and equality. Prior to the establishment of the United States, republicanism was effectively extinct, only maintained by a small handful of Italian city-states. For example, Florence, as noted by J.G.A. Pocock in his *The Machiavellian Moment*: “Florence meets this requirement as a republic of a popular kind, in which most offices are open to most citizens and the individual...” (Pocock, 87). Florentine republicanism was an important step in revitalizing the political practice of representative democracy. However, it was conducted on a much smaller scale, isolated to a single city and its holdings—not quite to the same extent of the United States as Madison’s concept of an extended republic. Though, it must be noted, Florentine republicanism greatly influenced the ideas of Machiavelli, and his writings on the subject, as Pocock holds, would continue to impact political practice for generations, culminating in the establishment of the United States. After the United States adopted this form of governance, republicanism and democratic principles began to spread globally. Political philosophy is the most important

stepping-stone, or perhaps vehicle, in this process; using reason to justify the establishment of governments that avoid and prevent the despotic rule and tyranny that had been endured by humanity for generations. Political philosophy, as a study, is the application of reason and wisdom to the ideas in which we, as man, govern and organize ourselves in society—an attempt to reach for more effective or equitable governance through logic and thought. Through political philosophy, we can seek governance that is best suited to the purposes and ends of human society, and how we might best organize and arrange ourselves in the pursuit of liberty and the common good. According to the beliefs of the Founding Fathers, as well as the philosophers from which they were inspired, like Montesquieu, the wisest choice of government for human society is that of the republic.

II. Charles Louis de Secondat, Baron de La Brède et de Montesquieu

The American Founders were inspired by political philosophers who established principles and ideas of governance before them—most notably, the founding fathers drew heavy inspiration from the writings of the French Enlightenment political theorist, Charles Louis de Secondat, Baron de La Brède et de Montesquieu. Rebecca Kingston, in her *Montesquieu and His Legacy* describes Montesquieu and his works as “rall[ying] behind the values of modernity, those of individual liberty and security, of each person’s right to achieve happiness, to satisfy her own aspirations...” (Kingston, 281). These ideas, both to Montesquieu and to the later Founding Fathers, proved essential in their understanding of effective, well-ordered, and good governance. In Book III, Chapter I of his *Spirit of the Laws*, Montesquieu outlines the foundational methodology of government, being its nature and principle. Defining these terms, Montesquieu notes: “There is this difference between the nature and principle of government, that the former is that by which it is constituted, and the latter that by which it is made to act. One is its particular structure, and the other the human passions which set it in motion. Now, laws ought to be no less relative to the principle, than to the nature, of each government” (Montesquieu, *Spirit of the Laws*). In other words, the nature of a government is the style of regime from which that government rules. Whereas the principle of a government is the character that enlivens and animates. Richard Myers provides further comprehension of Montesquieu’s theory in his *Montesquieu on the Causes of Roman Greatness*, as he writes:

...Montesquieu explains the difference between the ‘nature’ of a government and its ‘principle’. The nature of a government is given by its structure, i.e. whether it is republican, monarchic, or despotic. Now in order to function properly, each of these three types of government requires a certain ‘modification of soul’ among its citizens, and it is this modification that constitutes the ‘principle’ of each government. A government’s principle is that particular passion which it fosters and on which the whole system is built. It is this passion that maintains the government and ‘makes it move’. The principle of despotism, for example, is fear, because it is fear that keeps the tyrant in power and engenders obedience to his commands. In a monarchy, on the other hand, the ruling

principle is honour because in a strictly stratified regime (as all monarchies are by nature), men are best moved by an appeal to their dignity and sense of personal worth. It is not in this sense that continual war is said to be the 'principle' of the Roman republic in the *Considerations*. In the sense in which it is used in *The Spirit of the Laws*, the term 'principle' implies something universal: principles are something dictated by the nature of a government, and hence, for a given type of government, there can be but one principle. The universal principle of republics, according to *The Spirit of the Laws*, is virtue. It is virtue which is the motor and mortar of republics because only virtue — a simple but powerful love of the fatherland — can move a republic's citizens to make the personal sacrifices which are necessary to the common good... (Myers, *Montesquieu on the Causes of Roman Greatness*).

Myers explains the system of “nature and principle” that Montesquieu uses to divide various governmental regimes, and determines that these vehicles of rule that any particular society may be accustomed to plays a role in which that society’s character is built upon. Montesquieu, then, argues that regimes can be organized by nature, or the style of government that they follow, as well as by principle, or the animating character that these “natures” of government intrinsically create. Montesquieu argues that, in simple terms, there are three types of government: republics, monarchies, and despotisms. Montesquieu writes in his *Spirit of the Laws*:

SUCH are the principles of the three sorts of government: which does not imply, that, in a particular republic, they actually are, but that they ought to be, virtuous: nor does it prove, that, in a particular monarchy, they are actuated by honour; or, in a particular despotic government, by fear; but that they ought to be directed by these principles, otherwise the government is imperfect. (Montesquieu, *Spirit of the Laws*)

According to Montesquieu, republican government is fundamentally built upon virtue, and a common love of the law and the republic itself. These virtues are necessary for the proper functioning of a republic, just as honor is required for monarchical regimes and fear for despotic regimes. Likewise, Montesquieu continues in stating: “VIRTUE in a republic is a most simple thing; it is a love of the republic... a stronger attachment to the established laws and customs... A love of the republic, in a democracy, is a love of the democracy; as the latter is that of equality” (Montesquieu, *Spirit of the Laws*). As Montesquieu argues, these foundational virtues are extremely important to republican government. Rather than a commonly shared reverence of a

monarch, or the fear of a despot, the citizenry and body politic of a functional republic share a common love and respect of the law that unites them as equals. Montesquieu defines the basic fundamental principles behind the establishments of various different regimes or styles of government. According to Montesquieu, “AS virtue is necessary in a republic, and, in a monarchy, honour, so fear is necessary in a despotic government: with regard to virtue, there is no occasion for it, and honour would be extremely dangerous” (Montesquieu, *Spirit of the Laws*). Despotic regimes are fundamentally constructed upon the principle of fear—the fear of loss of one’s liberty or life, the fear of government, the fear that you are powerless to the whims of the autocrat. While monarchical regimes are supported by honor—whether you like or dislike the king, you view him and the titles of his crown with honor and due respect, as a governmental institution, perhaps even bestowed upon his lineage by God. Whereas, in a republic, virtue is the driving principle that constructs society and the autonomy of the body politic. In her *Montesquieu and His Legacy*, author Rebecca Kingston provides further explanation as she writes:

In order to understand Montesquieu’s conception of power, one must begin with his distinction among the three types: despotic, monarchic, and republican regimes... This older typology not only distinguishes between the rule of one, the several, and the many; it also suggests that each form of rule bears its own law, it is not just the law that is corrupted but power itself... Power, by its definition, supposes the law that gives it its form and attaches it to its ends (Kingston, 97-98).

Montesquieu's understanding of power is derivative from the form that power defines itself, being the three distinct types; of despotism, monarchy, and republican rule. Each of the three types describes its form of rule, and thus the law created by it, as well as the extent of power, whether in the hands of one, the several, or the many. Thus, it is not the law that is corrupt, but instead the form of governance—being the power—that creates the law is that which is dangerously inclined to corruption. How then, can power be formed and molded in a manner that removes the dangers of corruption? Montesquieu’s solution is that of option three, republican

government. Republican government, then, is founded in the principle of virtue that itself is inclined to avoid the corruption of power, or otherwise the consolidated wield of power that naturally predisposes it to abuse. Further discussing and defining this concept of virtue,

Montesquieu states that:

IT is in a republican government that the whole power of education is required. The fear of despotic governments naturally rises of itself amidst threats and punishments: the honour of monarchies is favoured by the passions, and favours them in its turn: but virtue is a self-renunciation, which is ever arduous and painful. This virtue may be defined *the love of the laws and of our country*. As such love requires a constant preference of public to private interest, it is the source of all private virtues; for they are nothing more than this very preference itself. This love is peculiar to democracies. In these alone the government is intrusted to private citizens. Now, government is like every thing else: to preserve it, we must love it. (Montesquieu, *Spirit of the Laws*)

The principles of virtue set forth and defined by Montesquieu are essential to the basis of the American founding, wielding a strong influence over the personal political philosophies of many of the founding fathers, notably, John Adams. Montesquieu defines virtue as this “*love of the laws and of our country*,” that so bind us, as fellow republicans, together. This shared love can be more powerful than any political opinion or ballot cast; it is an overwhelmingly powerful love, from which people of varying opinions, beliefs, and ideologies can, in a republic, come together in support of the republic itself. It is through this republican government that our ideas might flourish, and this shared virtue that brings us all—even political opponents—together under the same Constitution. While on a small scale, our individual or factional goals and ambitions may be quite different, and even work against the goals of another individual or faction. But in a republic, we all share the same large-scale goal, that is, the happiness and success of our people, and that of our nation. It is this love that allows us to place the benefit of all others before our own personal benefit, and it is from this love that our shared desire to make our society a better place for all is drawn from. It is this love that allows us to defend our republican regime, a certain willingness to fight, kill, and die for the preservation of our way of

life. It is this love, this virtue, that makes us, as republicans, cautious and wary of despotism and the rise of any threats to our republic. Upon this foundation of virtue, a strong and representative government may be built for the people, and by the people, as seen in the example of the American founding. In the absence of virtue, Montesquieu argues;

When virtue is banished, ambition invades the minds of those who are disposed to receive it, and avarice possesses the whole community. The objects of their desires are changed; what they were fond of before is become indifferent; they were free while under the restraint of laws, but they would fain now be free to act against law; and, as each citizen is like a slave who has run away from his master, what was a maxim of equity, he calls rigour; what was a rule of action, he stiles constraint; and to precaution he gives the name of fear. Frugality, and not the thirst of gain, now passes for avarice. Formerly, the wealth of individuals constituted the public treasure, but now this is become the patrimony of private persons. The members of the commonwealth riot on the public spoils, and its strength is only the power of a few and the licentiousness of many. (Montesquieu, *Spirit of the Laws*)

Without virtue, as Montesquieu holds, man devolves into greed and indifference, a state of being that Montesquieu compares and likens to slavery. In the absence of virtue, society fails to support itself, as individual greed and ambition kills cooperation and genuine care for others. However, in a republic built upon virtue, society can flourish and work together as the *public thing*. Virtue, in republican government, establishes a mutual love of the republic that can be shared by the whole of the citizenry. Regardless of any disagreements, all people from all backgrounds within the republic share the honor of citizenship in common, and share the mutual desire for success and happiness within a shared society. Similarly, Montesquieu discusses the dual nature of equality when comparing republics and despotisms, noting: “In republican governments, men are all equal; equal they are, also, in despotic governments: in the former, because they are everything; in the latter, because they are nothing” (Montesquieu, *Spirit of the Laws*). Ironically, as Montesquieu discusses, equality can be found in both republican governments as well as despotic regimes, though in a very different context and manner. In a despotism, men are equal, but only because they are equally worthless, whereas in a republic,

men are equal as a result of the fact that these men themselves are the foundation upon which the republic rests. Without equality of the body politic, a republic can neither function nor exist in its truest sense. The body politic, composed of the citizenry, is synonymous with the republic itself—the republic *is* the people from which it is composed. Continuing, Montesquieu places a large focus on the idea of the separation of powers in governance. Montesquieu values the separation of government powers, as he views it as the best method to safeguard the government from subjecting the people to tyranny through its own institutional avenues. In the absence of this separation, despotism and poor rule is likely to occur. Discussing the Constitution of England in his sixth chapter of *The Spirit of the Laws*, Montesquieu writes:

When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner. Again, there is no liberty if the judiciary power be not separated from the legislative and executive... (Montesquieu, *Spirit of the Laws*)

Montesquieu warns of the danger of consolidated power in the hands of one or in the hands of an elite few, in the case of a monarch, as this can quickly devolve into a state of tyrannic despotism and oppression. Thus, Montesquieu argues, republican government is well-suited in avoidance of this issue, with the separation of powers between branches of government. This system of ideas, studied by the Founding Fathers, would be highly influential in the foundation of the United States and her Constitution. Separation of the natural powers of government is an extremely important aspect of Montesquieu's writings, the author is credited as the father of the ideas of *trias politica*, or the separation of powers. When these powers are dangerously wielded, or held together, by a singular individual or body, that nation is exposed to grave injustice and threat to liberty. The Founding Fathers, heeding the warnings of Montesquieu, included systems of checks and balances between powers and a general separation between the executive, legislative, and judiciary functions of government. In doing so, one can secure the republic from entanglements

or concentrations of power between the branches that can pose a threat, effectively neutering the ability of a singular person or branch from holding an unstoppable excess of power. This idea has been adopted into the legal structure of the United States and other modern republics, as an essential safeguard against the dangers of despotism. This, in conjunction with representation, provide added security to the liberties of the body politics of republican nations. Montesquieu continues, discussing the potential dangers of a government without these distinct separations, as he writes:

Again, there is no liberty if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary controul; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression. There would be an end of every thing, were the same man, or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals. (Montesquieu, *The Spirit of the Laws*)

Here, Montesquieu provides examples of the hazardous nature of a regime that lacks the ideas of *trias politica*, or the separation of powers between three distinct and independent government branches. He discusses that a legislature, when given the authority of the judiciary, would possess an absurd level of power, being able to legislate while also interpreting and defining the laws, allowing the legislature to act entirely upon its own definitions, and thus whim or accord. Likewise, when an executive is granted the powers of the judiciary, he might act with violence and oppression, being the judge, jury, and executioner. And if all three powers, that of the legislature, executive, and judiciary, were to fall into the hands of a single man, or single body, that nation would thus be doomed to an “end of every thing” that would surely spell tyranny, or at the very least, the extreme likely disposition to it. Montesquieu holds that the powers of government must be, in a republic, separated from one another, and granted to separate and distinct bodies that may prevent each other from possessing or even reaching toward the totality

of these powers. Sharon Krause notes in her article, “The Spirit of Separate Powers in Montesquieu” that

Liberty ‘is found only in moderate governments’ where the constitutional ‘arrangement of things’ prevents the abuse of power... the English constitution establishes a functional separation between the legislative, executive, and judicial powers. The differentiation of function, as Montesquieu conceives it, promotes the more effective operation of each of the fundamental powers of government. And because the separate functions of government are placed in different hands, no individual or group can monopolize political power... (Krause, “The Spirit of Separate Powers in Montesquieu,” 235)

This separation of powers allows the government to safely wield its separate authorities without oppressive capacity and ensures the protection of liberties that these checks and balances offer to the republic. Although imperfect, Montesquieu admired the English Constitution’s ability to separate these powers of government and to place them into the hands of numerous, rather than the few. Montesquieu even provides an example of republican government that fails to adhere to the separations and are thus dangerously exposed to lack of liberty—those states, again, being the Italian republics. Montesquieu states that;

In the republics of Italy, where these three powers are united, there is less liberty than in our monarchies. Hence their government is obliged to have recourse to as violent methods, for its support... In what a situation must the poor subject be, under those republics! The same body of magistrates are possessed, as executors of the laws, of the whole power they have given themselves in quality of legislators. They may plunder the state by their general determinations; and, as they have likewise the judiciary power in their hands, every private citizen may be ruined by their particular decisions. The whole power is here united in one body; and, though there is no external pomp that indicates a despotic sway, yet the people feel the effects of it every moment. (Montesquieu, *The Spirit of the Laws*)

Montesquieu’s writings show that a republic—when failing to implement, or when electing against the separation of powers—might also be subject to despotism. In the event where the republic allows a singular, unified body to wield the various powers of government, that republic is no better than a monarchy, and is even more dangerously inclined toward the removal of liberties. In a despotic, monarchical, or republican regime where the powers of government are

not separated, no man is truly safe from the violations of his rights or liberties. This is due to a single person or governmental body wielding an unstoppable excess of power, and particularly when personal interest envelops and replaces the common good, allowing oppression to occur where it might benefit those in power. In the case of Florence, the rise of the Medici family clearly highlights these potential dangers, even in republican governments. Montesquieu, then, suggests that the powers be divided and given to various bodies. The judiciary should be “invisible,” as Montesquieu states:

The judiciary power ought not to be given to a standing senate; it should be exercised by persons taken from the body of the people, at certain times of the year, and consistently with a form and manner prescribed by law, in order to erect a tribunal that should last only so long as necessity requires. By this method, the judicial power, so terrible to mankind, not being annexed to any particular state or profession, becomes, as it were, invisible... The judges ought likewise to be of the same rank as the accused, or, in other words, his peers; to the end, that he may not imagine he is fallen into the hands of persons inclined to treat him with rigour. (Montesquieu, *The Spirit of the Laws*)

The argument of Montesquieu closely resembles the nature by which juries are formed in the American republic. Judges and justices play an extremely important role in our judiciary, but, ultimately, fate is often decided by a jury of one’s peers, rather than by an expert in the law who may, alone, formulate his own judgement. Juries are created from the local citizenry and exist as temporary panels or tribunals that make judgement on a particular case or issue, rather than a permanent body or magistrate that the people might fear. The judgement that is cast upon the deeds of any man should, entirely, be cast from like individuals, from his peers, and not from an legal expert who seeks to convict, or “treat him with rigour” in an unjust manner from which the accused is defenseless. The powers of the judiciary then, according to Montesquieu, should be “invisible,” and only called upon when necessary, so as to avoid an overwhelming presence or looming fear of the judicial powers. An important method used by the United States to declaw the judiciary is, as best stated by Alexander Hamilton in his *Federalist Paper No. 78*,

The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments (Hamilton, *Federalist Paper No. 78*).

In other words, the judiciary branch, as established by the U.S. Constitution, lacks the powers of either “the sword or the purse,” and is thus left powerless and completely unable to oppress, should it so desire. The court is neutered of its will, and the force or ability to conduct itself outside of its legal bounds. The judiciary exists only to make judgements and should not step beyond this limit. Its judgements, even, rely upon the executive to enforce. The executive branch wields “the sword,” or the ability to act and enforce the will of the nation. The legislature clutches “the purse,” or the duty of funding the operation of government and making informed decisions on how to best guide the nation. The danger of the judiciary is dampened, as the branch is not given the powers of the sword or purse, thus, it lacks any power to conduct itself beyond its express purpose, being that of judgement. The other powers, of the legislative and executive, should be given to permanent institutions for the continual exercise of the law—Montesquieu writes: “The other two powers may be given rather to magistrates or permanent bodies, because they are not exercised on any private subject; one being no more than the general will of the state, and the other the execution of that general will” (Montesquieu, *The Spirit of the Laws*). Montesquieu elects a simpler solution for the powers of the legislature—that the legislative powers should be given to a permanent body that is composed of the people, in order to exercise the will of the nation, and that the executive powers should be granted to a permanent body, or office, in order to enact the will of the nation. Although Montesquieu argues in favor of clearly and distinctly separated political bodies to wield the respective powers of government, he also details that, in some instances, slight overlap between the bodies is crucial to the operation of the separation as a whole. For example, on the executive veto power, Montesquieu writes: “The executive power, pursuant to what has been already said, ought to have a share in the legislature

by the power of rejecting; otherwise it would soon be stripped of its prerogative” (Montesquieu, *The Spirit of the Laws*). In other words, though the executive and legislature should be separated in general, the executive should still hold the power of veto above the legislature, as an additional check, a means of denying the legislature from the ability to pass all of the body’s policy into law. If the executive finds that the will of the legislature threatens the authority of the executive, or the common good, or any other necessary circumstance, the executive may then deny the legislature’s passage of that bill into the legal code. Montesquieu continues, defining the necessary and protective restraints of the governmental branches:

Here, then, is the fundamental constitution of the government we are treating of. The legislative body being composed of two parts, they check one another by the mutual privilege of rejecting. They are both restrained by the executive power, as the executive is by the legislative... they are forced to move, but still in concert. (Montesquieu, *The Spirit of the Laws*)

This web of separations, checks, and balances between the branches creates the Constitution from which the government is established. Through the establishment, with the inclusion of these principles, the government may serve to act on behalf of the people, as well as on the behalf of the government itself. This system allows for tyranny, wherever it may be found, to be nipped at the bud and prevents any singular branch from amassing an absurd level of authority. The executive’s free wield of authority is restrained by the legislature, and the legislature is restrained to its legal bounds by the executive. Likewise, a bicameral legislature acts as a restriction upon itself, as both houses work together while also ensuring that neither house develops more power than is justly bestowed unto it. And the judiciary acts as the lens through which the people might define the laws, point to the Constitution for precedent and strike down legislation or action that is found to violate the Constitution, or the common good of the people. Through a government constructed by a constitution of this method, a government of various moving parts can operate in concert and become a functional institution of institutions. Likewise, Montesquieu, as well as

the Founding Fathers, believed in the necessity of a singular, powerful office of the executive, allowing for quick and decisive action to be taken, without the necessity of slow deliberation. One such example of this could be seen in the military, which Montesquieu holds as a power best suited to that of the executive. Montesquieu notes, “When once an army is established, it ought not to depend immediately on the legislative, but on the executive, power; and this from the very nature of the thing, its business consisting more in action than deliberation” (Montesquieu, *The Spirit of the Laws*). The legislature is best suited for the slow processes of deliberation that should be necessary for informed law-making, whereas the executive is best suited for the quick, decisive actions that are essential to proper execution and maintenance of the laws, and of the nation. As such, the military institutions should be under the command of the executive, who may use the military to take rapid action, should it be necessitated. The power of declaration of war, however, is better suited for the deliberation of the legislative body. In other words, the office of the executive is one of action, the houses of the legislature are designed for deliberation, and the judiciary is made for mediation. In her book, *Montesquieu and His Legacy*, author Rebecca Kingston discusses “Montesquieu’s one indisputable legacy... the idea of checks and balances,” as “...the need to divide power against itself, balancing force against force, in order to impede power from realizing its despotic vocation” (Kingston, 97). The single-most valuable contribution of Montesquieu’s work was, of course, his revolutionary concept of the necessity of checks and balances in political systems. In the absence of these checks and balances, as both Kingston and Montesquieu himself argue, power is inclined toward corruption and will meet this “despotic vocation” if, and when, given the chance. How then, can the legislative power be granted simultaneously to the people of the nation, as well as to the political body that they compose? Montesquieu offers the idea of representation; the idea that one lone man may accurately present the opinions of his constituency before the governing body, in conjunction

with another lone man who represents another constituency, and another lone man who represents yet another, and so forth until the whole of the body politic has fair representation. In such a manner of representation, a small body of elected peers may stand on behalf of the beliefs of hundreds, thousands, even millions of citizens across a republic that itself may be hundreds, thousands, or even millions of miles across. Montesquieu writes,

... As, in a country of liberty, every man who is supposed a free agent ought to be his own governor, the legislative power should reside in the whole body of the people. But, since this is impossible in large states, and in small ones is subject to many inconveniences, it is fit the people should transact by their representatives what they cannot transact by themselves... The members, therefore, of the legislature should not be chosen from the general body of the nation; but it is proper, that, in every considerable place, a representative should be elected by the inhabitants. The great advantage of representatives is, their capacity of discussing public affairs. For this, the people collectively are extremely unfit, which is one of the chief inconveniences of a democracy. (Montesquieu, *The Spirit of the Laws*)

Montesquieu, much like Madison and Adams, presents the idea of representation as the greatest cure to the primary flaw of democracy, instituting a republic that may act on the common good of all constituencies, great and small, through the body of proportional representation. Through the methods of representation, the body politic can choose from amongst themselves, the men and women who they view to best embody the distinct ideals and character of any given locality. For the people of coastal Oregon, that representative might be a progressive liberal of the Democratic Party, and for the people of rural Nebraska, that representative might be a conservative of the Republican Party. Neither choice is necessarily right, nor wrong, but instead, a reflection and personal choice grounded in the beliefs and values of that given electorate, choosing a representative amongst its own population who is best qualified to speak on its behalf. On the election of a representative, Montesquieu notes that, "...though few can tell the exact degree of men's capacities, yet there are none but are capable of knowing, in general, whether the person they choose is better qualified than most of his neighbours" (Montesquieu,

The Spirit of the Laws). From the body politic, the people may choose amongst themselves an individual who they view as qualified—likely someone educated and well-versed in the law, and in politics, who is better able to serve their purposes within the body, rather than another individual who may not understand the processes of government. Although it is impossible to precisely know a man’s capacities, or the extent of his political maneuverability and understanding, it is possible for us to reasonably choose amongst ourselves those with greater understanding of how to best represent and lead the constituency. Though, as described by Madison, “Enlightened statesmen will not always be at the helm” (Madison, *Federalist Paper No. 10*). The type of politician that Madison describes as “enlightened” statesmen are uncommon, but still a form of virtue in character and politics that we should wish to see our politicians and representatives embody. And, again, even with the idea that men are not angels, we should still strive to be angels as closely as we might, and always remember the considerations of the common good before the considerations of our own personal good. Through the means of representation, we, as the citizens that form the body politic, can make informed and calculated decisions about our choices of the men and women who represent us, through the electoral processes. And through the nature of our republican government, we can hold virtue as our guiding principle, and the shared love of our republic as the meeting-ground from which all varying manners of opinion and expression can be shared and ordered toward the common good. Montesquieu, then, was a great admirer of liberty, though, importantly, he also cautioned against its excesses. Sharon Krause continues in her “The Spirit of Separate Powers in Montesquieu,” writing that:

It is true that Montesquieu favors moderate governments because they protect individual liberty... Liberty as security appears as an end in itself and not merely as a means to higher ends. That is, no comprehensive human *telos* is specified by Montesquieu for the purpose of justifying individual liberty. Consequently, no higher ends can be found in *The Spirit of the Laws* that would justify *constraints* on liberty. This stance would seem to imply that liberty is an unqualified good, which would mean that more liberty is

always to be preferred. Yet this is a proposition that Montesquieu clearly rejects. He is critical of the “delirium of liberty”... that arose in the Roman republic, for example, which he thinks put liberty in jeopardy there... Montesquieu says... that “the people, in order to establish democracy, attacked the very principles of democracy”... the spirit of extreme liberty causes the decline of democratic republics, for “democracies are lost when the people deprive the senate, the magistrates, and the judges of their functions,” resulting in what Montesquieu calls “the despotism of all” (Krause, “The Spirit of Separate Powers in Montesquieu,” 240).

Montesquieu believed in the great benefits of a society at liberty, though he also recognized the severe danger of a society so hell-bent on liberty that it vainly destroys the institutions that grant liberties in the first place, of course in search of more. Moderation, then, was the key to it all—only a moderate government and a moderate society can maximize liberty without going to the extremes. This “despotism of all” presents a real danger to republican society, and so moderation must be practiced, and the institutions of government must be allowed to wield their powers. Krause notes, “Throughout *The Spirit of the Laws* Montesquieu warns against the tendency of free peoples to push their liberty to extremes—not because extreme liberty violates some higher teleological principle but because extreme liberty tends to undermine liberty itself...” (Krause, “The Spirit of Separate Powers in Montesquieu,” 240-241). Destroying the liberty of the Constitution in favor of the liberty of the citizen will jeopardize the liberty of both—whereas allowing the liberty of the Constitution to thrive will then safeguard the liberties of the citizenry, both reliant upon the other. It is, then, through careful balance that a republic might be ordered toward liberty and the common good, through these systems of checks, balances, and protections that Montesquieu offers. Lastly, and as Rebecca Kingston notes, “Rather than confronting Montesquieu with a conception of liberalism that is largely posterior to him... it is preferable to place Montesquieu at the very root of the modern adoption of liberal values” (Kingston, 281). In other words, Montesquieu and his works cannot be properly understood as an effect or product of liberalism, but instead as the initial root of liberalism itself that formed some of humanity’s first liberal understandings, and informed humanity’s later liberal creations. Montesquieu and his

philosophy were an essential part of the American founding, presenting a wide array of political ideas on how to best order and construct our newly formed government. Montesquieu's ideas had a profound impact on informing the thoughts and actions of the Founding Fathers, leading to the establishment of the nation and government that we live under today.

III. John Locke

John Locke, in addition to Montesquieu and others, played a major role in providing the political philosophy from which the American Revolution and founding was informed. John Locke, an English philosopher of the Enlightenment, published his political works, most notably his *Second Treatise of Government*, anonymously, out of fear of persecution from the British crown or parliament. John Locke represents a shift in the intellectual thought on republicanism, as Locke seeks to answer questions around the formation of political society, and discusses the reasoning behind revolution and reordering of politics. As such, Locke is especially influential in regard to the ideals of the American Revolution, desires for liberty, and justifications behind the Revolution itself. While Montesquieu is particularly influential to the formation of government, Locke is particularly influential as a precursor to formation, instead serving as ideological basis on the severance of political bands in the first place. The most obvious example in which the American Founding was influenced by Locke can be seen in the Declaration of Independence, where Jefferson writes: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness” (Jefferson, *Declaration of Independence*). Jefferson and the founders drew these ideas—almost verbatim—from Locke. The parallel is obvious, as Locke writes: “Man being born, as has been proved, with a title to perfect freedom, and an uncontrouled enjoyment of all the rights and privileges of the law of nature, equally with any other man, or number of men in the world, hath by nature a power, not only to preserve his property, that is, his life, liberty and estate, against the injuries and attempts of other men” (Locke, *Second Treatise of Government*). The American founding, as well as the philosophy of John Locke, maintains the idea that, by nature, man is born into perfect freedom, and born with the natural desire to protect his life, liberty, and property. The Declaration of Independence takes

this idea from Locke, and, in combination with other principles of political philosophy, replaces the term of “property” or “estate” with “the pursuit of happiness,” an important distinction that government should aim toward the protection and preservation of general happiness and the common good of the citizenry. Property, then, is a term that is able to encompass all that a person can own and be in command of—that is, his or her life, liberties, happiness, and the matter of one’s physical ownership. It is natural, of course, for any person to desire the defense of their property from the unjust takings of another. However, as Locke discusses, man moves out of this state of nature, and into the settings of society. As a result, the property and lives of others are encroached upon, and must be protected. As such, society comes together in the formation of government, rather than live in anarchy, in order to construct these basic protections. In contemplation of political society, Locke notes;

But because no political society can be, nor subsist, without having in itself the power to preserve the property, and in order thereunto, punish the offences of all those of that society; there, and there only is political society, where every one of the members hath quitted this natural power, resigned it up into the hands of the community in all cases that exclude him not from appealing for protection to the law established by it. And thus all private judgment of every particular member being excluded, the community comes to be umpire, by settled standing rules, indifferent, and the same to all parties... Those who are united into one body, and have a common established law and judicature to appeal to, with authority to decide controversies between them, and punish offenders, are in civil society one with another... (Locke, *Second Treatise of Government*)

Locke describes the circumstance in which a population exits the state of nature and enters into society, and thus, forms government as an “umpire” between them, to be impartial and administer justice on the scale of society as a whole. This is quite different, Locke supposes, from the state of nature, in which, “but those who have no such common appeal [of society], I mean on earth, are still in the state of nature, each being, where there is no other, judge for himself, and executioner; which is, as I have before shewed it, the perfect state of nature” (Locke, *Second Treatise of Government*). The state of nature is defined by its freedom in totality—but with total freedom also comes the potential of total oppression, in such a case

where another individual uses his own perfect freedom to encroach upon your own. For example, a lone man in the state of nature, left to his own devices, fears the oppression of no other man. But, on the other hand, in a state of nature composed of numerous people, one man may choose to inflict harm upon others, for his own personal benefit—say, stealing the livestock of another man. In the state of nature, there is no legal recourse, police, or other aspect of society by which the thief may be punished or held accountable. As described by Samuel Charles Rickless in his *Locke*, “...the state of nature, a state in which the law of nature applies but in which there is no common judge or authoritative enforcement mechanism to which its subjects can appeal, is not a utopia. Human nature being what it is... [in] the state of nature threatens to devolve into a state of war...” (Rickless, 195). In the state of nature, each man is his own judge and executioner, which can become impractical to defend oneself, and all but ensures oppression under the duress of those naturally stronger individuals within the state of nature. In the state of nature, man is left with the license of his own actions, a total ability to act as one pleases, even if this should harm another individual. However, does this free license equate to freedom? Locke argues otherwise, that despite the free license afforded by the state of nature, the lack of security and stability prevents man in the state of nature from achieving true freedom. How can man be free if he is under the constant and unprotected threat of another? When this population or society comes together, they realize that they all mutually share the same desire, that is, the desire to protect their own lives and property. Thus, and as Rickless notes, “The nature of political society is determined by its function, which is to serve as a ‘Remedy for the Inconveniences of the State of Nature’... by securing the general property... of each member according to natural law...” (Rickless, 196). As such, society can establish rules, as well as institutions, that may serve to bring justice or to protect individuals from harm in the first place—the formation of a governed society as a remedy to the problems suffered in the state of nature. These individuals enter into a

social contract, forfeiting some natural rights in order to establish a government to stand as a guardian of peace between the members of society. Locke describes this forfeiture of liberty in writing that:

for being now in a new state, wherein he is to enjoy many conveniencies, from the labour, assistance, and society of others in the same community, as well as protection from its whole strength; he is to part also with as much of his natural liberty, in providing for himself, as the good, prosperity, and safety of the society shall require; which is not only necessary, but just, since the other members of the society do the like (Locke, *Second Treatise of Government*).

As Locke describes, this surrender of liberty is, on the scale of the entire society, ordered toward the preservation of greater liberties. It is a fair trade-off, then, to surrender one's natural role of judge and executioner in exchange for protection from others. As such, government is formed with the primary purpose of defending the property of its citizens from threats, whether they are local, such as theft or murder from another citizen, or external, such as defending against an invading force. Government allows us to leave the state of nature, and instead, personally elect to follow one's desire in life, and allows the ability of specialization that advances society together. In the state of nature, there are no doctors, lawyers, plumbers, or mechanics; there are only wild men, living on their own whims in order to best suit their survival and prosperity. By entering into society, this wild nature can be tamed and domesticated, removing the ability to act entirely on our own whim, but in exchange for the common protection of everyone's mutual survival and prosperity. This societal decision is, ultimately, a fair choice that is well-suited to everyone; Locke continues noting that;

But though men, when they enter into society, give up the equality, liberty, and executive power they had in the state of nature, into the hands of the society, to be so far disposed of by the legislative, as the good of the society shall require; yet it being only with an intention in every one the better to preserve himself, his liberty and property; (for no rational creature can be supposed to change his condition with an intention to be worse) the power of the society, or legislative constituted by them, can never be supposed to extend farther, than the common good; but is obliged to secure every one's property, by

providing against those three defects above mentioned, that made the state of nature so unsafe and uneasy. (Locke, *Second Treatise of Government*)

John Locke, here, discusses the act of a populace coming together in the formation of government. This act of surrendering natural rights—being one’s equality, liberty, and executive power held in the state of nature—is fundamentally done, on the scale of the whole of society, on behalf of the common good of all. Government, then, is ideally designed to preserve the remaining rights that were not surrendered from the state of nature, and is designed to “secure every one’s property” by protecting against the woes of the state of nature that had made that previous lifestyle so difficult. In the state of nature, we are responsible with the right and duty to the preservation of our own lives, property, and well-being; but in political society, this duty also falls onto the government. Therefore, as Locke holds, government is constituted in the common good, and therefore, must continue to exist solely within the bounds of the common good. In other words, if the cause is the common good, then the effect must also be that of the common good. Locke argues that, in the event of government withdrawing from the common good and instead reigning with tyranny or oppression, it is the right of the people to revolt. On rebellion, Locke states:

...for when the people are made miserable, and find themselves exposed to the ill usage of arbitrary power, cry up their governors... The people generally ill treated, and contrary to right, will be ready upon any occasion to ease themselves of a burden that sits heavy upon them... But if a long train of abuses, prevarications and artifices, all tending the same way, make the design visible to the people, and they cannot but feel what they lie under, and see whither they are going; it is not to be wondered, that they should then rouse themselves, and endeavour to put the rule into such hands which may secure to them the ends for which government was at first erected... that this doctrine of a power in the people of providing for their safety a-new, by a new legislative, when their legislators have acted contrary to their trust, by invading their property... (Locke, *Second Treatise of Government*)

Locke argues on behalf of the right to revolt, that is, the right of the people to overthrow tyrannical or oppressive government, with the purpose of establishing a new government suited for the common good. When government fails to protect the common good and the property of

its citizenry, it has breached and violated the social contract from which it was established. By nature, men are born with the various inalienable rights and liberties of freedom and equality; why then, should any population continue to suffer under oppression? A kicked dog cannot be blamed for his cries, just as an oppressed population cannot be blamed for the desire for their liberty—the blame, then in both cases, falls upon the abuser. By overstepping its bounds, government makes itself hostile to the people, and becomes useless, merely an institution that serves to make its people miserable. And thus, Locke argues, that oppressive regime is liable to revolution from the people who suffered beneath it. One such example of this breach of social contract is seen, of course, in the American Revolution, where, due to oppressive rule from a faraway regime, the people elected to revolt and establish autonomous home-rule. Before listing numerous grievances against the British government, the Declaration of Independence, again, quotes Locke in writing:

But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government... (Jefferson, *Declaration of Independence*)

Locke, as well as the Founding Fathers, did not view revolution lightly. Revolution was only justifiable in the event of “a long train of abuses,” an idea established by Locke, and put into practice by the American Revolution. Revolution, then, is not justifiable on a whim, or on shallow pretenses. Revolution must come as a tipping point, of sorts, and as a rejection of numerous genuine oppressions. Revolution is a tool that must be used with great caution and responsibility, used only for the protection of the good of the people. The ideas of John Locke were paramount to the ideology of the American Revolution, and, later, to the republican tradition established in the United States. His *Second Treatise of Government* provided part of the foundations of the American republican system, and his ideas justified the actions taken to

secure the rights and liberties of man that had been so intolerably violated by the British crown and parliament. The ideas of John Locke were essential to the foundation of modern republics—the concept that “Society is made up of independent or ‘atomic’ individuals, who have voluntarily instituted a government to promote the welfare of the society” was critical in the formation of new and more equitable forms of governance (Simon, 6). While Montesquieu played a larger role in the formation of government, the thoughts of John Locke were fundamental to the justification of revolution in the first place—his writings blazed the trail that the founders followed, creating the concepts of liberalism and liberty that, we, as Americans, so fondly hold onto.

IV. Niccolò di Bernardo dei Machiavelli

Niccolò Machiavelli was a political philosopher of the Renaissance, most famous for his works of *The Prince* and *Discourses on Livy*. Outwardly, Machiavelli is often given a hostile reputation; that of “Machiavellian” rule, of fear and oppression used to maintain power. However, this reputation is often untrue, and is merely a stereotype. This stereotype fails to consider the entirety of Machiavelli’s beliefs, and instead focuses entirely on the harshest ideas of *The Prince*, written as an appeal to the Medici oligarchy. At his core, however, Machiavelli was a republican man. Born into the Florentine Republic, but also experiencing the oppressive regime of the Medici, Machiavelli never lost his sight nor awareness of the benefits of republican rule. Though Machiavelli, as well as his writings, did not influence the American founding in the same obvious ways as Montesquieu, or Locke, his writings arguably began the revival of the republican tradition in the modern world, ultimately culminating in the American Revolution and founding of the American republic. While Montesquieu influenced formation of government, and Locke influenced the ideas behind revolt, Machiavelli influenced the discussion of republicanism in the first place, bringing republicanism to the table of discussion in a new light and in a new age, opening the metaphoric ‘door’ for the future thought of Locke and Montesquieu, and later the Founding Fathers. Machiavelli does not simply recount the history of Roman Republicanism, he instead seeks to view it from a new perspective, and with the hopes of contemporary or future implementation of republican rule based in the history of the Roman Republic but tailored to fit within the modern world. The Renaissance writings of Machiavelli would go on to inspire future generations as well as future thought on republicanism, linking his work with that of the Enlightenment and its prolific authors, and linking his work to the American Founding itself. Niccolò Machiavelli, then, represents not a perfect mirror of Roman republicanism, but instead represents a new form of republicanism constructed for the modern

world, as informed by Roman republican ideals. However, the Founding Fathers make infrequent reference to Machiavelli, despite his importance in ‘getting the ball rolling’ in terms of modern discussion of republicanism. In fact, only John Adams seriously considered Machiavellian philosophy in his arguments, as author C. Bradley Thompson notes;

John Adams was unique among the Founding Fathers in that he actually read and took seriously Machiavelli’s ideas. In his *Defence of the Constitutions of the United States*, Adams quoted extensively from Machiavelli and he openly acknowledged an intellectual debt to the Florentine statesman. Adams praised Machiavelli for having been “the first” to have “revived the ancient politics,” and he insisted that the “world” was much indebted to Machiavelli for “the revival of reason in matters of government.” ... Adams even claimed to have been a “student of Machiavelli.” ... (Thompson, 389-390).

The humanist Renaissance writings of Niccolò Machiavelli set forth the principles of republicanism, inspired and grounded in Rome, but that would feature changes suited for modern governance, and lead to the further development of republican principles in the age of Enlightenment. Adams knew this, and justly recognized the dynamic influence of Machiavelli beyond the wicked stereotypes derivative of *The Prince*. Despite the lack of a more direct connection to the foundation of the United States, Adams and other scholars view Machiavelli as an essential part of the republican movement, as the locus of change from ancient to modern. The primary mode from which Machiavelli’s writings concern the republican tradition is his *Discourses on Livy*, a historic review of Roman republicanism, as well as its triumphs and flaws. Fully aware of the importance of his work, Machiavelli, even, predicts the future establishment of republican regimes. At the beginning of his *Discourses*, Machiavelli writes in a humble tone:

If poor talent, little experience of present things, and weak knowledge of ancient things make this attempt of mine defective and not of much utility, it will at least show the path to someone who with more virtue, more discourse and judgement, will be able to fulfill this intention of mine, which, if it will not bring me praise, ought not to incur blame.
(Machiavelli, *Discourses on Livy*, 5)

Machiavelli uses his *Discourses* to peer into Roman history, and to gain an understanding of the Roman style of republican rule. Drawing from this information, and from the perspective of

Renaissance humanism, Machiavelli seeks to improve upon the republican tradition of Rome and create something that may benefit the modern world. Though Machiavelli is aware that his attempts here may not be fully realized within his own lifetime, he instead appeals to a future people of greater virtue who might seek republican rule for the better ordering of that future society. Machiavelli recognizes and acknowledges little ability to enact republican rule in his own time, though he views the future with the hope and aspiration for better rule through republican regimes. Though Machiavelli experienced republican rule in Florence, it was uncommon throughout the rest of the world, and had not been attempted on a large-scale since Rome. Additionally, both Machiavelli and the later Founding Fathers recognized the imperfect nature of the Florentine republic, and strived to create the groundwork for a truer republic. Thus, he believed in the expansion of republicanism beyond that of the Italian city-states, and the creation of a world with greater liberties in politics. J.G.A. Pocock, in the introduction of his *The Machiavellian Moment*, recognizes Machiavelli's awareness here, in writing;

It is further affirmed that 'the Machiavellian moment' had a continuing history, in the sense that secular political self-consciousness continued to pose problems in historical self-awareness, which form part of the journey of Western thought from the medieval Christian to the modern historical mode... Machiavelli... left an important paradigmatic legacy: concepts of balanced government, dynamic virtù, and the role of arms and property in shaping the civic personality (J.G.A. Pocock, *The Machiavellian Moment*, viii)

Pocock affirms the legacy of the Machiavellian political works, detailing the importance of Machiavelli and his ideas on republicanism relative to the continuation and expanded understanding of political theory as history progresses. Likewise, Pocock recognizes the "paradigmatic legacy" of Machiavelli, as one of the first Western political philosophers to challenge the medieval Christian standard of politics, re-examining the past glory of Rome to usher in a new political era—one that would lead to increasing numbers of political philosophers to grow and expand upon his groundwork, from the Enlightenment to the establishment of the

United States as the first new republic of this political movement. Pocock mentions three of the central concepts of Machiavelli's understanding of, and therefore legacy to, republican government—being his ideas of balanced government, virtue, and the role of arms and property in creating the personalities of civic republican life. All three of these principles are also common in the writings of other political philosophers who followed the precedent of Machiavelli, such as Montesquieu and Locke. Montesquieu, for example, was especially concerned with balanced government and virtue, and Locke, with the primary object of property. Sebastian De Grazia writes in his *Machiavelli in Hell* that, “Niccolò equates republics not only with equality and the common good but with the free way of life as well. ‘The free way of life’ is a synonym for republic...” (De Grazia, 186). As De Grazia finds, Machiavelli's belief was that the “free way of life” could only be provided by a republican government, as only the republican form is ordered and catered to the common good. Having experienced both republican and princely rule, Machiavelli elected republicanism, through the study of Rome, as the greatest political structure. Likewise, and in discussion of the common good, Machiavelli notes in his *Discourses* that:

...a prince who can do what he wishes is crazy; a people that can do what it wishes is not wise. If, thus, one is reasoning about a prince obligated to the laws and about a people fettered by them, more virtue will always be seen in the people than in the prince; if one reasons about both as unshackled, fewer errors will be seen in the people than in the prince—and those lesser and having greater remedies... The cruelties of the multitude are against whoever they fear will seize the common good; those of a prince are against whoever he fears will seize his own good... (Machiavelli, *Discourses on Livy*, 118-119)

Machiavelli finds that the people, rather than a prince, serve as the best protector of the common good. While a singular person—like in the case of a prince— may wish to serve his own ambition, the mass of people will serve the common good of the entire population, and thus serve the ambition of the whole of society. Likewise, in the event of “errors,” even a “licentious and tumultuous people can be spoken to by a good man, and it can certainly be returned to the good

way,” while a singular prince cannot be so easily convinced or persuaded— ultimately, in the opinion of Machiavelli, “if to cure the illness of the people words are enough, and for the prince’s steel is needed...” (Machiavelli, *Discourses on Livy*, 118-119). A republic then, in comparison to a princely regime, when in the best of times, is better suited to the common good and the free way of life, and while in the worst of times it is less apt to error and selfish ambition than a prince. Likewise, and as De Grazia notes, Machiavelli found that: “In any case, while hereditary one-man rule may be legitimate and certainly better than anarchy, while... it may make ruling easier and longer lasting, it can never be the best form of state, which for Niccolò can only be a republic. Only a republic tends to the common good” (De Grazia, 186). Although princely or despotic rule may be a legitimate form of governance, and may even make ruling simpler or longer lasting, it simply can never be considered the best, most just, or most equitable rule—that honor, to Machiavelli, can only be reserved for the republic. Machiavelli finds that despite increased complexity, the commitment to a republican regime is worth it, and is in the best interest of the people as a whole. This “free way of life” is both guaranteed by, and synonymous with, that of republican life. Authors Gisella Bock, Quentin Skinner, and Maurizio Viroli note in their book, *Machiavelli and Republicanism*, that “A crucial part of [Machiavelli’s] argument was that fundamental laws should be devised which more or less forced the individual citizens to place the common good above their private interests” (Bock, Skinner, Viroli, 217). For a republic, civic virtue is necessary for the well and proper function of political life, with civic virtue as a driving social force that unites society under a shared and mutual love and commitment to the laws, the citizenry, and the republic itself. Central to this idea of civic virtue is the placement of the common good in the highest degree of importance to that republican society—a commitment not only to the betterment of oneself, but to the whole population of one’s peers. Through this concept of republican virtue, Machiavelli seeks to establish the

republic as the optimal choice for the governance of human society, and he seeks to place history on a course toward the further future development of republican government and ideals in our world and daily lives. As such, Machiavelli is representative of the birth of the republican movement in the modern world—it was his work that sparked republican ambition for the first time outside of antiquity, beginning the movement toward the ideas of political philosophers like Montesquieu and Locke, and beginning the movement toward the actions of our Founding Fathers.

Chapter 4: Conclusion, Republicanism Remains

Republicanism importantly serves man as a rejection of tyrannic governance, and a choice for the greater abilities and liberties of self-rule. Tyranny, as defined by Encyclopaedia Britannica, is

...in the Greco-Roman world, an autocratic form of rule in which one individual exercised power without any legal restraint. In antiquity the word *tyrant* was not necessarily pejorative and signified the holder of absolute political power. In its modern usage the word *tyranny* is usually pejorative and connotes the illegitimate possession or use of such power. (Sian Lewis, Encyclopaedia Britannica)

Tyrannic government, whether in the context of modernity or antiquity, envelops several forms of government or regime that republicanism actively offers a rejection to. Autocracy has the benefit of definitive use of authority, allowing for quick response and decisive use of power, though the natural greed of mankind especially disposes this form of government to abuse and poor government. No other Roman Emperor famously held the same virtue of Marcus Aurelius, and this would continue to ring true for other autocrats throughout history as well. Tyrannical rulers do not need the consent of the governed, and they often rule the populace through a “Machiavellian”—for lack of a better word—sense of fear through the possession of absolute strength. Likewise, pure democratic rule can be seen as tyrannical as well, though in the form of the tyranny of the majority as a body, rather than as a singular man or monarch. Republicanism is an active rejection of this style of governance, as it strives for equality and representation within the distinct body politic of a nation-state. The consent of the governed is necessary for all governmental action, at least to some extent—allowing a society to be coherent and participatory in the actions of those who wield power. Likewise, republicanism rejects the authority of aristocracy, likening all citizens to the same legal status: titles of nobility and monarchical power lend legitimacy to autocrats, despots, and oligarchs, while equality allows the fair representation

of all citizens. In a republic, citizens are given equal status under the law in terms of rights, the lack of traditional nobility prevents notions of birthright and inherent superiority simply based upon one's circumstances of lineage. This, however, does not prevent a wealthy elite population from forming, though it does give elites no greater or lesser rights or voting power than is possessed by the common man. Politicians in republican governments—however sycophantic they might sometimes be—are elected, chosen by their own peers, as the representative voice of a respective population, rather than placed into authority by birthright, nepotism, or other unequal practice. Likewise, the formation of a republic grants the legitimate use of authority into the hands of the people through elected forms, rather than placing this power into the hands of a singular person, likely apt to abuse it, and thus abuse the populace. The Founding Fathers envisioned a great nation, an extended republic that sought the common good above all else, and promoted the distinct benefits and qualities of republican life. Likewise, political philosophers such as Montesquieu thought about some of mankind's greatest political questions, and how mankind might best suit itself in governance of society. Aristotle, in his *Politics*, famously wrote that “man is by nature a political animal” (Aristotle, 1998, 1253a1) and that “therefore the impulse to form a partnership of this kind is present in all men by nature” (Aristotle, 1998, 1253a29). Whether through the lens of antiquity or modernity, this statement rings true; society demands politics, and politics demands society. Mankind is naturally social, and we come together for mutual benefit. As a result, we must also enact institutions and structures to organize ourselves—beyond Locke's idea of the state of nature— and to establish the rule of law for the protection of our society. Whether this structure is a tribal council of elders, or a Senate—the word itself is derivative of the Latin *senex*, meaning “old,” and thus also “council of elders”— or a monarchy or some other regime, there is some political form for our society to act. However, this leads to the question of “what form is the best choice,” which will have a different answer

for numerous different perspectives—a noble will prefer an aristocracy while the common man might not. Next, the question of “what form is best *for all of us?*” may arise, as it did in the case of the American Founding, just as the same question had arisen for the then-monarch-abused Romans. The Founding Fathers, as well as political philosophers of the Enlightenment, believed the answer to this question to be that of the republican form. Only the republic is ordered toward the common good, and thus only the republic can be the greatest form for the benefit of the entire society. The American Founding serves as the culmination of centuries, the formation of a new government, and a new republicanism, in the modern world. With intricate links going back to the Roman Republic, and to the Renaissance thought of Machiavelli, the Enlightenment thought of Montesquieu and Locke, and to the ideals of the American Revolution, the American Founding sought to create self-government that was worthy of the genius of the American people. Generations of political thought on republicanism yielded the creation of the United States, and the return of republicanism to the forefront of modern governance. The Founding Fathers, in accordance with the principles of the American Revolution, and informed by generations of political philosophy, understood this, and thus built the republic that we understand and live in today. No government is perfect, and perfection is something that can never be attained, though the republican form of government strives to create something greater in the name of the common good. As such, republican government is an excellent choice for society to organize and form itself, in active rejection of tyranny and political oppression, instead—and as Montesquieu argued in favor of— electing to promote the good of all through shared love of the republic. Through analyzing the works of the American Founding, notably the writings of John Adams and James Madison, in addition to the political philosophy provided by Montesquieu, Locke, and Machiavelli, this thesis determines that the Founding Fathers were

justified in their choice of self-governance, electing republicanism as an excellent choice for the ordering of political human society.

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