

Noble Lies: The Platonic Germ in the Constitution of the
United States

by

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To Tushar Irani

To Jae

To my wonderful parents

To Nat

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Chapter 1: Introduction

If there is any city in which the rulers and the ruled are of one mind as to who ought to rule, that condition will be found in this. Don't you think so?

—Plato, *Republic IV*

Between 7 and 8 p.m. on November 7, 2000, polls closed across the state of Florida. Polling places began to methodically count ballots for President and Vice President of the United States—after eight years of Bill Clinton, American voters had gone to the polls to decide which new candidate would take the country in the best direction. At 7:48 p.m. news organizations began to announce who had won the state. The Associated Press led the way, calling the state for Vice President Al Gore. But they had made a fatal miscalculation: though the polls in Florida officially closed at 7 p.m. Eastern Standard Time, the Republican-leaning “panhandle” was in Central Standard Time, an hour behind. This mistake began a series of unforeseen, completely unpredictable events: many voters did not turn out in the “panhandle,” which probably increased Gore’s early lead in the state. As the night drew on, the networks began to announce a new winner—then Texas Governor George W. Bush, who had a lead of more than 100,000 votes by midnight on November 8. While most of the state’s polling places had finished counting their ballots by midnight—when FOX News officially announced that Bush had won the statewide election, and the presidency—polling places in Miami-Dade, Palm Beach, and Broward counties, which were heavily populated, heavily Democratic areas, had only counted about half

of their ballots. As the night grew later, Bush's lead kept slipping; Gore retracted his concession, and at 4:30 am., the two candidates were statistically tied—Gore with 48.84 percent (or 2,912,253 votes), and Bush with 48.85 percent (or 2,912,790 votes).¹

With such a statistically even race, a recount was inevitable, and Al Gore filed for one the next day. According to Florida law, any candidate can file a request for a manual recount, though it might not be accepted:

(4)(a) Any candidate whose name appeared on the ballot, any political committee that supports or opposes an issue which appeared on the ballot, or any political party whose candidates' names appeared on the ballot may file a written request with the county canvassing board for a manual recount. The written request shall contain a statement of the reason the manual recount is being requested.²

The counties in question accepted Gore's request, and began counting; Florida Secretary of State Katherine Harris stopped them almost immediately, and asked each county where a recount was in progress to submit to her office the facts of the case so that she could approve the recount. If she approved the recount, the counties could move forwards; if not, then she would certify the results of the election as they stood, with Bush as the winner. On November 26, 2000 she rejected all the petitions, and certified that George W. Bush had won the election in Florida. Al Gore sued Katherine Harris the next day, claiming that "the results certified by the Canvassing

¹ Federal Election Committee, "2000 Official Presidential General Election Results," November 7, 2000 (Updated December, 2001).

(<http://www.fec.gov/pubrec/2000presgeresults.htm>)

² 2000 Florida Statutes, Title IX: "Electors and Elections," Chapter 102: "Conducting Elections and Ascertaining the Results," Section 166.

Commission included a number of illegal votes, and failed to include a number of legal votes sufficient to change or place in doubt the result of the election.”³

The case was rushed to the Florida State Supreme Court, which ordered that a statewide recount be resumed, and commended Floridians who had worked on counting the ballots for days:

We note that public officials in many counties have worked diligently over the past thirty days in dealing with exigencies that have occurred because of this unique historical circumstance arising from the presidential election of 2000. We commend those dedicated public servants for attempting to make this election process truly reflect the vote of all Floridians.⁴

It is important to note that the Florida Supreme Court emphasized the “vote of all Floridians” during this process. Earlier in the decision, the Court quote from the Florida House of Representatives Committee on Election Reform 1997 Interim Project on Election Contests and Recounts, which stated: “Public confidence in the election process is essential to our democracy. If the voter cannot be assured of an accurate vote count, or an election unspoiled by fraud, they will not have faith in other parts of the political process.”⁵ The Florida Supreme Court recognized the importance of public support in a democracy and the need for the public to believe in the results of an election: they ordered the statewide recount to make sure that the public could fully agree that the election results were not fake or illegal. Thus, “only by examining the contested ballots, which are evidence in the election contest, can a meaningful and final determination in this election contest be made.”⁶ George W.

³ Gore v. Harris, 773 So. 2d 524 (2000).

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

Bush appealed the decision, and the case was rushed to the Supreme Court of the United States.

The very next day, the United States Supreme Court ordered that Florida stop counting ballots—this is called a “stay.” Justice John Paul Stevens (along with Justices Souter, Ginsberg and Breyer) dissented, arguing that,

It is clear, however, that a stay should not be granted unless an applicant makes a substantial showing of a likelihood of irreparable harm. In this case, petitioners have failed to carry that heavy burden. Counting every legally cast vote cannot constitute irreparable harm. On the other hand, there is a danger that a stay may cause irreparable harm to respondents—and, more importantly, the public at large—because of the risk that “the entry of the stay would be tantamount to a decision on the merits in favor of the applicants.”⁷

Stevens rejected the implementation of the stay on the same grounds that the Florida Supreme Court ordered the recount: in a democracy, every legally cast vote needs to be counted for the system to work. This is where the “danger” of causing “irreparable harm to the public” lies: how can a democratic nation survive if it does not believe in the fundamental premise of democracy—that the citizens elect their own leaders?

The whole debate surrounding *Bush v. Gore* centered on this dispute: in his decision to place the stay on the recount, Justice Scalia argued that, “the counting of votes that are of questionable legality does in my view threaten irreparable harm to petitioner Bush, and to the country, by casting a cloud upon what he claims to be the legitimacy of his election. Count first, and rule upon legality afterwards, is not a recipe for producing election results that have the public acceptance democratic

⁷ *Bush v. Gore*, 531 U.S. 98 (2000). Dissent of Justice Stevens on Application For Stay, December 9, 2000.

stability requires.”⁸ Justice Scalia suggested, then, that if—upon review—Al Gore had been deemed the winner based on votes that Scalia believed were “of questionable legality,” then the process would be equally destabilized. The Supreme Court, according to Scalia, needed to rule on whether the process of counting votes was constitutional, and then on whether the recount itself was constitutional—even though the Florida Supreme Court had already ruled on the issue.

The majority of the oral arguments in *Bush v. Gore* centered on when Florida wanted to “select its electors” to be sent to the national convention. The Constitution of the United States stipulates in Article II, that in order to elect a President,

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.⁹

These electors will then gather in the state and submit a list of “all Persons voted for, and of the Number of votes for each.”¹⁰ They will then send this information to the president of the senate, who will tally the votes. In order to have a say in who is elected President, according to the Constitution, each state needs to choose electors; in modern times, whoever wins the states votes wins the states electors—this is what we now call the “electoral college.” As the majority noted in *Bush v. Gore*, however, this has not always been the case:

The individual citizen has no federal constitutional right to vote for electors for the President of the United States unless and until the state

⁸ *Bush v. Gore*, 531 U.S. 98 (2000). Concurrence of Justice Scalia on Application for Stay, December 9, 2000.

⁹ US Constitution, art. II, § 2.

¹⁰ *Ibid.*, § 3.

legislature chooses a statewide election as the means to implement its power to appoint members of the Electoral College. U.S. Const., Art. II, §1. This is the source for the statement in *McPherson v. Blacker*, 146 U.S. 1, 35 (1892), that the State legislature’s power to select the manner for appointing electors is plenary; it may, if it so chooses, select the electors itself, which indeed was the manner used by State legislatures in several States for many years after the Framing of our Constitution.¹¹

As Justice Scalia correctly noted, the framers of the Constitution had no interest in letting the public choose the electors: they created the electoral system, at least partially, to dilute the influence of public opinion in the government. They did not envision a public election for the electors, much less for the President—and while the current system implies the public election of electors, the majority opinion of *Bush v. Gore* is right to remind us that this current system has no Constitutional basis. While the public *does* vote for electors, there is no Constitutional stipulation that they must do so: the power of choosing electors, as Article II says, is vested in the State Legislators, not the people.

Thus, the Supreme Court found that, in fact, the importance was not so much to uphold the democratic institution of Presidential elections—which has no Constitutional basis—but rather to uphold the State Legislature’s “deadline” for selecting electors: “Because the Florida Supreme Court has said that the Florida Legislature intended to obtain the safe-harbor benefits of 3 U.S.C. § 5 Justice Breyer’s proposed remedy—remanding to the Florida Supreme Court for its ordering of a constitutionally proper contest until December 18—contemplates action in violation of the Florida election code.”¹² They admitted that there was a constitutional

¹¹ *Bush v. Gore*, 531 U.S. 98 (2000).

¹² *Ibid.*

violation—of the equal protection clause of the 14th amendment¹³ because there was no universal measure to ensure an equal vote—but refused to allow a recount because Florida “intended to obtain safe-harbor benefits,” or choose their electors by the proper date.¹⁴ In this case, it was more important to uphold the traditional electoral system—where State Legislators chose electors by a specified date—than to allow for a full, comprehensive recount of all the votes cast, a solution that would have been much more democratic.

The thinly veiled implication of *Bush v. Gore* was that had the Supreme Court allowed a recount to take place, Al Gore would probably have won the presidency: taken in this light, it is particularly interesting that the five judges that voted in favor of *Bush v. Gore* were appointed by Republican presidents (and one, Clarence Thomas, was appointed by Bush’s father, President George H. W. Bush).

Of course, this point raises some pertinent questions for the study of American politics: (1) how can we call the United States a “democracy” when 5 people essentially appointed the President? (2) What are the institutions and the history that led to this moment being possible? (3) Is this a perversion of American “democracy,” or is it the fundamental expression of American “republicanism”? (4) What are the institutional and historical contradictions that allowed for these fundamentally anti-

¹³ “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; *nor deny to any person within its jurisdiction the equal protection of the laws.*” US Constitution, Amend. 14, §1 (italics mine).

¹⁴ “Safe harbor” references the ability of electors to obtain “safe harbor” while they decide on their vote. The deadline for “safe harbor” was the day of the ruling, so no recount could be made.

democratic institutions (the Supreme Court and the Electoral College) to be subsumed under the label of “democracy”?

Admittedly, these questions have been asked before: critics and historians have argued for years about the United States’ complicated political history. Hundreds of differing opinions exist with regard to America’s anti-democratic democracy, and surely hundreds more are on the way. This thesis will propose a nuanced interpretation of the development of the contradictory elements that gave rise to *Bush v. Gore* and the “anti-democratic” institutions in the United States. It will trace what I will call the “Platonic germ” of American political life by examining the philosophic-historical influences that shaped the founding of the country. Though contemporary theorists normally begin tracing the Constitution’s (and the Founders’) philosophical lineage to Rousseau and Locke, my thesis will suggest that this lineage should be followed all the way back to Plato. Through tracing this lineage, I will argue that in the debates, drafts, letters, and conventions that created the American Constitution, the Founders were torn between two separate philosophies—Lockean liberalism, as has been outlined by various thinkers (most notably Louis Hartz), and what I call Platonic meritocratic republicanism. This philosophical separation and conflict gave rise to tensions in the structure of the government itself—these tensions, which rise from this Platonic republican germ, I will suggest, are largely responsible for the complicated circumstances surrounding the 2000 presidential election.

This thesis will propose that a close reading of Plato in conversation with the American Founders can provide a new understanding of the seemingly contradictory, anti-democratic parts of the Constitution and the institutions to which it gave birth. It

will suggest that the Platonic republican germ permeated the Constitution—and the fabric of American political society—by giving rise to political structures that run counter to the seemingly democratic nature of the American political system. I will argue that the Founders—torn between two separate political and social philosophies—ultimately tried to merge the two into the American governmental structure, and thereby created a system which delegates authority to the people, while simultaneously trying to ensure that this same system selected a “natural aristocracy”¹⁵ to remain in power.

In Chapter 2 I will focus on Plato’s political philosophy in the *Republic* to explain what I mean by the key Platonic concepts that are related to my argument: the “divided line,” the “tripartite soul,” and the “allegory of the metals” in particular. I will then begin the project of relating these ideas theoretically to the Founders’ political views. In Chapter 3 I will briefly address the contemporary scholarship on the Founders’ philosophical predecessors. I will also begin the process of explaining why many of these traditional interpretations fall short and do not fully explain the problems that I wish to address. I will end this chapter by situating my argument within the contemporary canon of American political history, while explaining where my argument differs from existing interpretations of American political development.

In Chapter 4, I will delve deeper into the Founders’ lives—I will examine their personal political and social philosophies to find the seed of this Platonic republican germ. I will begin with an analysis of their classical education: I will show that the Founders were educated from birth in the classical tradition, that most of

¹⁵ Thomas Jefferson, Letter to John Adams, Monticello VA (October 28, 1813).

them knew both Latin and Greek, and thus, that Plato's ideas were not new concepts for them. I will then proceed to examine their personal views of Plato, paying particular interest to an exchange between Thomas Jefferson and John Adams in 1814, which has turned most modern American scholars away from Plato. Then I will focus on Jefferson's notion of a "natural aristocracy," and argue that this social philosophy was the seed from which the Platonic germ in the Constitution was born: I will study the breadth and influence of this particular philosophy, and suggest that it played a fundamental role in determining the structure of the American government as outlined by the Constitution.

In Chapter 5, I will dive into the Constitution, examining the critical institutions in the document and highlighting the tensions inherent in each of these institutions. From the bicameral legislature outlined in Article I, to the powers of the Presidency and the institution of the Electoral College in Article II, to the guardians of the laws outlined in Article III, I will investigate the manifestations of the Platonic republican germ within each structure. In order to do this, I will delve into the debates that gave birth to the Constitution, emphasizing the moments that reflect this Platonic republicanism, and how these are then replicated in the Constitution itself. I will conclude by showing how this Platonic perspective on the constitution allows us to reexamine the tensions that gave rise to the contradictions in *Bush v. Gore* and how these tensions are still present in modern American politics.

My thesis will not resolve the tensions in the system—that is, the tensions created by mixing meritocratic Platonic republican ideals with Lockean rights-based liberalism in a single government—but it will allow for a more complete

understanding of how an anti-democratic moment like *Bush v. Gore* can occur inside American “democracy.” It will help to explain why, while the American people elected Al Gore to serve as their next President, the system selected George W. Bush. It will provide reasons why this close election, and the complicated scenario which unfolded in response to it, was not an anomalous event in American political history, but rather an example of the power of the Platonic republican germ in the Constitution.

Chapter 2: Plato's Republican Ideals

But fashion and authority apart, and bringing Plato to the test of reason, take from him his sophisms, futilities, and incomprehensibilities, and what remains?

—Thomas Jefferson, Letter to John Adams, July 5, 1814

In *The Republic*, the ancient Greek philosopher Plato attempts to answer the question “is justice better than injustice?” by investigating the nature of justice in terms of the body politic: “then, perhaps, there would be more justice in the larger object, and [it will be] more easy to apprehend.”¹ In doing so he relocates the discussion of justice from the individual to the city, or the polis. This move marks one of the first forays into “political philosophy,” as Plato’s task for most of the *Republic* is to ascertain what a “just” city looks like, and whether it is inherently better than an “unjust” city. This allows him to know what a just individual looks like through his metaphor. A just city for Plato will reveal what “justice” is in the abstract:

For we thought that in a state so constituted we should be most likely to discover justice as we should injustice in the worst governed state, and that when we had made these out we could pass judgment on the issue of our long inquiry. Our first task then, we take it, is to mold the model of a happy state—we are not isolating a small class in it and postulating their happiness, but that of the entire city as a whole.²

Therefore, it is his project in the beginning of the *Republic* to outline the structure of this *eutopia*³ and to contrast it with unjust structures of government. His ideal

¹ Plato, *Republic*, ed. Edith Hamilton and Huntington Cairns (Princeton, NJ: Princeton UP, 2005). 368e.

² Ibid., 420b-c.

³ In Greek, “eu-topia” means “good/ideal place,” which should not be confused with “ou-topia,” or “no place.”

structure of government begins with three separate classes of citizens: philosopher-kings, warriors, and simple laborers. This structure—including the notion of the philosopher-king—is known as Platonic Republicanism.

Though the theme of the dialogue is justice in the abstract, some of the most important contributions of the work stem from this examination of political life. We inherit from Plato (and his teacher Socrates, who appears as the main interlocutor in all of his dialogues) an extensive web of political and philosophical theories, which continue to influence the way we understand and interact with one another in political society. In fact, in this thesis I will propose that we are more than intellectually indebted to Plato—I will argue, rather, that the very fabric of American democracy is imbued with Platonic structures and relationships, and that the way that our Founders conceived of political society is in large part indebted to Plato.

In this chapter I will outline some of the basic methods and themes that Plato uses in his examination of justice and the structure of politics that were particularly relevant to the American Founders. These Platonic ideas and philosophical constructions have since permeated the intellectual lexicon. This notion that the founding of a good political system requires an investigation into the conditions for justice had particular resonance in the United States, and I will examine each of these Platonic philosophical themes in relation to the Founding era. I wish to suggest that each of these philosophical structures—Plato's notion of the philosopher-king, the divided soul of the republic, and his understanding of just guardians of the laws—manifested themselves intellectually during the founding of the American republic.

The Social Structure of the *Republic*: the Allegory of the Metals

At the beginning of Book IV of the *Republic*, Plato has Socrates respond to Adeimantus' claim that in his just city, the ruling class (or Guardians, as Plato referred to them) cannot be happy because they have no access to physical pleasures. What good is it to be a ruler or a soldier, Adeimantus asks, if you cannot enjoy your position by "owning lands and building fine big houses and providing them with suitable furniture"?⁴ For Plato, this question underscores the fact that each sector or class in the city has a distinct *telos*: a goal or purpose that it must fulfill in the city. Guardians were allowed some pleasure, but the experience of pleasure and the acquisition of goods cannot be their *telos*, because they must focus, above all else, on running the city: "but observe that by assigning what is proper to each, we render the whole beautiful. And so in the present case you must not require us to attach to the guardians a happiness that will make them anything but guardians."⁵ Thus, each class must be assigned what its *telos* commands: each class of people in the city has a natural propensity towards a specific type of work and a specific type of happiness. To mistakenly assign too much or too little wealth to a class will distract that class from its duties to the city; thus, "as the entire city develops and is ordered well, each class is to be left to the share of happiness that its nature comports."⁶ We see the state as a living organism: when one part takes on too much work, the organic whole fails.

The ideal state, for Plato, is divided into three separate classes that work together for the betterment of the whole: the artisans and craftsmen, who produce the

⁴ Plato, *Republic*, 419a.

⁵ *Ibid.*, 420d.

⁶ *Ibid.*, 421c.

food and brute labor necessary for the continuation of the city; the auxiliaries, who implement laws and fight in wars; and the guardians, who decide on laws and govern the state. In each case, the people of a specific class have a natural propensity towards their work: guardians are fit to rule, auxiliaries to fight, and artisans to labor. Plato's teleological view of the world informs this structure: each class has a *telos* that is reflected in the fact that every member of the class is best suited to a specific function.

The problem that Plato confronts, however, is how to get the populace to accept this structure: why would anyone want to go through the grueling training to become an auxiliary or a guardian, if they could enjoy the pleasures of the lower classes? How can he get an unwilling or uneducated group of citizens to accept such a seemingly arbitrary structure, especially when it requires so much commitment and sacrifice?

The answer to this question is Plato's noble lie, the myth or allegory of the metals: each member of the ideal city would be inculcated (or even indoctrinated) with this story from birth, so that they will eventually internalize its message. Thus: "while all of you in the city are brothers [...] yet God in fashioning those of you who are fitted to hold rule mingled gold in their generation, for which reason they are the most precious—but in the helpers silver, and iron and brass in the farmers and other craftsmen."⁷ Each class is designated with a different metal in their soul: thus, the citizens internalize the class structure, and are less likely to question their duty to the city. The city can only function under this "noble lie" because it requires sacrifice

⁷ Ibid., 415a.

from each sector: the rulers and the helpers must endure a grueling training regimen, and the farmers and craftsmen must agree to forfeit political power.

Though there cannot be individual movement between classes in the structure of the *Republic*, there can be intergenerational class shifting: this is why the most important task the guardians have is to sort out which children have which metal in their souls. A golden father can have a silver or brass child; likewise, a brass or silver father can have a golden child. Interestingly, this idea of the intermixing of the metals is the philosophical beginning of the idea of a meritocracy (Plato calls it an aristocracy⁸)—for even if a child is born to one of the guardians, if it does not display gold in its soul, it must be sent down to become a craftsman: “the first and chief injunction that the god lays upon the rulers is that of nothing else are they to be such careful guardians and so intently observant as of the intermixing of these metals in the souls of their offspring, and if sons are born to them with an infusion of brass or iron they shall by no means give way to pity in their treatment of them, but shall assign to each the status due to his nature.”⁹ This is the fundamental duty of the guardians: to divorce themselves from parochial commitments and nepotism, and to rationally determine which person should be in which class based on their nature, not their pedigree.

Later in this thesis I will examine Plato’s structure more closely in conversation with the Founders. But for now it should suffice to compare Plato’s teleological aristocracy, as I have just outlined it, with Thomas Jefferson’s conception

⁸ The term “meritocracy” was actually coined in the 20th Century because the word “aristocracy” had been corrupted. “Ariston” and “merit” are actually both Greek and Latin for “best,” and thus “aristocracy” and “meritocracy” are synonyms.

⁹ Plato, *Republic*, 415c.

of a “natural aristocracy.” In a letter to John Adams, Jefferson elaborated on his theory of a natural aristocracy: “there is a natural aristocracy among men. The grounds of this are virtue and talents. [...] There is also an artificial aristocracy founded on wealth and birth, without either virtue or talents; for with these it would belong to the first class. The natural aristocracy I consider as the most precious gift of nature for the instruction, the trusts, and government of our society.”¹⁰ People differ from one another in their natural talents, for Jefferson; though these categories are not exactly the same ones that Plato outlined in the *Republic*, the structure is almost identical, as both aristocracies are based on a natural disposition in human beings. In fact, Jefferson goes so far as to say that “that form of government is the best which provides the most effectually for a pure selection of these natural *aristoi* into the offices of government.”¹¹ I would like to draw attention to two aspects of this statement: (1) that Jefferson suggests that the ideal government would select the natural leaders and place them in positions of power, and (2) that he uses the Greek word *aristoi* when referring to these leaders. In reference to the first point, it is important to remember that Plato’s project in the *Republic* was to create a polis wherein the people most naturally suited to rule would hold power. This is the job of the guardians, more than anything else. It is also interesting to note, in reference to point 2, that Jefferson decided to use a Greek phrase—not necessarily because he is trying to invoke Plato, but rather because of how ingrained the ancient lexicon was in the political and philosophical diction of the era. I will elaborate on both of these points later in the thesis, but my reader should note the similarities in the ideas and

¹⁰ Thomas Jefferson, letter to John Adams, Monticello, VA (October 28, 1813).

¹¹ Ibid.

vocabulary of Jefferson and Plato—the anti-egalitarian view itself, and the language that each uses in expressing this political philosophy.

Constructing the Platonic Citizen: The Tripartite Soul

As Plato continues the logical progression of the dialogue, he elaborates on his theory of the metals by mapping the structure of the republic back onto the individual. In order to decide whether it is better to live a just life than an unjust life, he must define justice in the individual, not merely in the state. He begins this process of classification by defining the individual in terms of the just state: he takes the structure that he created for the state and grafts it onto the soul of the citizen. That is, for Plato, the soul is divided into three categories: the appetitive, reserved for the individualistic emotions that are motivated by the pursuit of pleasure; the spirited, or the higher, social emotions motivated by honor, like anger, shame, and pride; and reason, which is the domain of wisdom. The structures of the soul and the state are thus analogous: “Then does not the necessity of our former postulate immediately follow, that as and whereby the state was wise, so and thereby is the individual wise? Surely. And so whereby and as the individual is brave, thereby and so is the state brave, and that both should have all the other constituents of virtue in the same way?”¹² The philosopher kings represent the place of reason in the soul; the soldiers the place of bravery and courage—high spirit; and the moneymakers the place of desires and inclinations, like hunger.

¹² Plato, *Republic*, 441c-d.

Plato grapples in particular with the distinction between spirit and appetite: this distinction is particularly important because he uses it to justify the structure itself. High spirit, such as bravery and courage, is corruptible by appetite, like hunger, cold, and thirst: “Or just as in the city there were three existing kinds that composed its structure, the money-makers, the helpers, the counselors, so also in the soul does there exist a third kind, this principle of high spirit, which is the helper of reason by nature unless it is corrupted by evil nature?”¹³ Spirit, while more powerful than appetite, is nevertheless corruptible: it needs to be taught, educated in good nature, so that it can serve the faculty of reason. Thus, “in noble souls it endures and wins the victory, and will not let go until either it achieves its purpose, or death ends all, or, as a dog is called back by a shepherd, it is called back by the reason within and calmed.”¹⁴ In the city, the philosopher kings act as the reasonable “shepherds”; in the individual citizen, the faculty of reason functions as the shepherd.

This is not to say that the emotions and appetites should be suppressed, annihilated, or kept down by reason; the point is rather that each faculty in the soul must play its own part and not run wild. Reason keeps the other faculties in check, but does not rule over them with an iron fist like a tyrant: “But we surely cannot have forgotten this, that the state was just by reason of each of the three classes in it fulfilling its own function. [...] We must remember, then, that each of us also in whom the several parts within him perform each their own task—he will be a just man and one who minds his own affair.”¹⁵ Plato designed this structure to work

¹³ Ibid., 441a.

¹⁴ Ibid., 440d.

¹⁵ Ibid., 441d-e.

harmoniously in the citizen and in the state, so that the soul of the individual becomes a mirror of the *polis*. This harmony is also a defense against tyranny—for, if the reasonable part of the soul rules, it will not be given over to tyranny. But if the mass of the soul rules – the appetitive part of the soul – then it will no doubt enslave the rest of the soul to its desires:

And these two [the Guardian classes, reason and spirit] thus reared and having learned and been educated to do their own work in the true sense of the phrase, will preside over the appetitive part which is the mass of the soul in each of us and the most insatiate by nature of wealth. They will keep watch upon it, lest, by being filled and infected with the so-called pleasures associated with the body and so waxing big and strong, it may not keep to its own work but may undertake to enslave and rule over the classes which it is not fitting that it should, and so overturn the entire life of all.¹⁶

Plato is exceedingly worried about the power that the “mass of the soul” has in relation to the reasonable parts, and has constructed this model of the soul—and the state—to try to combat that corrupting power. Each class in the city and each part of the soul must see to its own work and not try to interfere in the work of any other class—a person ruled by appetite is not just, for example, and neither is a state overthrown by a tyrannical majority.

Plato’s distrust of the “mass of the soul” echoes in the Founders’ distrust of the so-called “tyranny of the majority.” Both Plato and the Founders were concerned that a group of irrational people could overwhelm the whole and create unjust laws. James Madison, in *Federalist* 51, famously discussed the notion of a tyranny of the majority, suggesting that, “it is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against

¹⁶ Ibid., 442a-b.

the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure.”¹⁷ For Madison, the key problem in a democratic system was how to prevent those who held power from abusing it: “Wherever the real power in Government lies, there is the danger of oppression. In our Governments the real power lies in the majority of the community, and the invasion of private rights is chiefly to be apprehended, not from acts of Government contrary to the sense of its constituents, but from acts in which the Government is the mere instrument of the major number of the constituents.”¹⁸ Unless it is organized properly, with each piece in its place, the government will become a “mere instrument” of the mass of the people, at the possible expense of a minority group.

Though I will discuss this in more depth later in the thesis, it should be noted that the Founders expended a great deal of intellectual energy working on the problem of the tyranny of the majority: Madison and Hamilton both addressed it in the *Federalist Papers*, and Madison corresponded with Jefferson extensively on the subject.¹⁹ Each person recognized the power that the majority could hold and each tried to find a way to counter it: for Madison, it was to create many divisions in classes so that it would be hard for enough to come together;²⁰ for Hamilton, it was the job of the rulers to be able to accommodate and compromise with their

¹⁷ James Madison, *Federalist No. 51*.

¹⁸ James Madison, Letter to Thomas Jefferson, New York, NY (October 17, 1788).

¹⁹ Gordon Wood (1969), 411. Madison and Jefferson exchanged letters in the fall of 1788, after a series of unpopular elections.

²⁰ James Madison, *Federalist No. 51*.

constituents to find the just solution,²¹ and for Jefferson, it was the job of the law, and of reason, to protect against the tyranny of the majority.²² I will explain later in the thesis the mechanisms that the Founders put in place to combat the tyranny of the majority, both in the constitution and in the very fabric of the American political soul. For now, my reader should again note the similarities in the way that Plato spoke of the power of the “mass of the soul” in an unjust republic, and both the way that the Founders theoretically conceived of this problem with democracy and, perhaps more importantly, the way they expressed the dangers it posed.

The Executive of the *Republic*: The Philosopher-King

Plato ends book V of the *Republic* by making a very bold claim: that, “unless either our philosophers become kings in our states or those whom we now call our kings and rulers take to the pursuit of philosophy seriously and adequately, and there is a conjunction of these two things, political power and philosophical intelligence, [...] there can be no cessation of troubles.”²³ The idea Plato wants to convey with his conception of the philosopher-king is that it is the first step towards the creation of the ideal republic. Just like in the individual where the cultivation of the mind is the first step towards obtaining justice throughout the soul, the first step towards a just society is the establishment of a philosopher-king (or at least the education of the rulers of the society in philosophy). Thus, in order to begin the process of creating a just republic, “we must try to discover and point out what it is that is now badly

²¹ Alexander Hamilton, *Federalist No. 85*.

²² Thomas Jefferson, “First Inaugural Address,” Washington, D.C. January, 1801.

²³ Plato, *Republic*, 473d-e.

managed in our cities, and that prevents them from being so governed, and what is the smallest change that would bring a state to this manner of government, preferably a change in one thing, if not, then in two, and failing that, the fewest possible in number and the slightest in potency.”²⁴ Rather than calling for a broad social reformation—a sort of Marxist grassroots proletarian revolution—Plato believes that change should come from the top down first. A large-scale social restructuring plan like the one outlined in the allegory of the metals cannot come about without a philosopher-king in power—thus, the implementation (or education) of a philosopher-king is the “smallest change” that would bring about the large-scale justice that Plato is seeking in the *Republic*.

Plato then describes the various qualities that a good philosopher-king should have: he should be a lover of wisdom, and reject carnal temptations when they are excessive; he should be temperate, quick to learn, but not forgetful; he should be gracious and friendly, but most importantly, “akin to truth, justice, bravery and sobriety.”²⁵ He must also be of a certain age with deep experience, wise and mature enough to contemplate his whole soul.²⁶ Interestingly, Plato recognizes the peril of the philosopher-king gone awry: those who have the correct nature to be guardians are often corrupted by the way they were raised and the circumstances they grew up in. Philosopher-kings must have a strong nature in order to rule justly over the republic; however, “the nature which we assumed in the philosopher, if it receives proper teaching, must needs grow and attain to consummate excellence, but, if it be

²⁴ Ibid. 473b.

²⁵ Ibid. 485d-487a.

²⁶ Ibid. 487a. I will discuss this in particular later in the thesis.

sown and planted and grown in the wrong environment, the outcome will be quite the contrary.”²⁷ The philosopher is both a great and a terrifying entity for Plato: correctly trained, a true philosopher will be able to construct and run a just republic; but if a person with philosophical potential, with a strong and sharp intellect, is incorrectly trained (or not trained at all), then the consequences may well be disastrous. A strong-willed, well-educated philosopher will be able to rise above the din of the majority and lead justly; a misguided and corrupted philosopher, who, educated in rhetoric and debate but deaf to the claims of justice, will succumb to the “full-throated clamor and clapping of hands” and will “do as they do, and be even such as they.”²⁸ There is much more danger in a strong-willed good man going astray than a weak-willed bad man: “for evil is more opposed to good than to the not-good.”²⁹ Evil is more powerful in relation to the good than to the not good—that is, in relation to the strong-willed good man, than to the weak-willed bad man. This is the danger of the philosopher-king turned tyrant.

Another important thing to note in Plato’s discussion of the philosopher-king is that though he appears to be extremely anti-majoritarian in discussing the importance of having a strong-willed philosopher-king, he actually respects the majority’s ability to be rationally persuaded by good argument. Though they are much more prone to the irrational throes of passion, they are not without rational capabilities. Thus Socrates tells Glaucon that,

I do not thus absolutely condemn the multitude. They will surely be of another mind if in no spirit of contention but soothingly and

²⁷ Ibid., 492a.

²⁸ Ibid., 492c.

²⁹ Ibid. 491d.

endeavoring to do away with the dispraise of learning you point out to them whom you mean by philosophers, and define as we recently did their nature and their pursuits so that the people may not suppose you to mean those of whom you are thinking. Or even if they do look at them in that way, are you still going to deny that they will change their opinion and answer differently? Or do you think that anyone is ungentle to the gentle or grudging to the ungrudging if he himself is ungrudging and mild? I will anticipate you and reply that I think that only some few and not the mass of mankind is so ungentle or harsh a temper to be found.³⁰

In fact, as he states, the mass of mankind is not necessarily against philosophy in particular or against rational arguments. The point is to appeal to their ability to listen to reason, to explain to them what is going on calmly and coherently, and show the logic behind the system: right now, the public hates philosophers and views them as a waste, Plato states. The problem, however, is that they have misunderstood who we mean by philosophers. The first goal of those trying to establish a just republic is to explain the system to the public, to appeal to their rational natures.

The true philosopher-king, then, would not engage in the individual character assassinations and personal back-and-forth of politics; rather, he would raise himself above faction and be compelled to take action, even against his will. Plato believes that the public distrusts philosophers because no just or “real” philosopher has taken power; instead, a “riotous crew” has taken over the political aspect of philosophy, they have “burst in where they do not belong, wrangling with one another, filled with spite, and always talking about persons, a thing least befitting of philosophy.”³¹ Plato is responding in this passage to what he sees as a general dislike, or suspicion, of “philosophers.” His response, however, is that the public must be shown what a real

³⁰ Ibid., 499e-500a.

³¹ Ibid., 500b.

philosopher is through reason. Then, the public will willingly choose the rational structure that Plato has set forth, and though the transition will be difficult, the end result will be justice.

I would like to call my reader's attention to a few specific points in Plato's argument that are echoed in the words of the Founders: in particular, Plato's notion of a philosopher-king mirrors, in many ways, the Founder's notion of the "disinterested statesman" or the "patriot king." I will only discuss one particularly important example now, as I will return to study the rhetorical importance of such phrases in detail later. In *Federalist 10*, James Madison argues for the merits of a republic as opposed to a democracy by highlighting the necessity of passing legislation by appealing to the public good: a small number of wise citizens "may best discern the true interest of their country, and [due to their] 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, convened for the purpose."³² Thus, a small body of wise people in whom the public voice can be channeled best serves the people's interest: these people "must be limited to a certain number, in order to guard against the confusion of a multitude."³³ The best guardians will be able to pitch their ideas to the public and "the suffrages of the people being more free, will be more likely to centre in men who possess the most attractive merit and the most diffusive

³² James Madison, *Federalist No. 10*.

³³ *Ibid.*

and established characters.”³⁴ In many ways Madison and the federalists invert the Platonic model—but they do not change it. The public chooses the guardians, rather than the guardians choosing themselves; however, the guardians are men of just character, who can put themselves above party—they are the “disinterested statesmen” who care about the “great and national objects.”³⁵ Each potential leader would in this sense be disinterested in politics—that is, removed from the petty personal politics, or the “cabals of a few”³⁶—in order to best serve the greater goals of the republic, and to guard it from external and internal threats. Hence we see some of the key overlaps between Platonic political philosophy and the rhetoric and philosophy of the Founders regarding leadership: (1) both groups insist on the ability of leaders to put themselves above personal issues; (2) the guardians of both systems must be lovers of justice; and (3) both use similar words and phrases when describing these ideal leaders—Madison’s use of “guard,” for example, is not incidental.

Determining Wisdom: The Problem of Age in the *Republic*

Plato’s understanding of age, and the way age influences justice and virtue, only make select appearances throughout the *Republic*. Though he does not go into great detail, this link between age, knowledge, wisdom and justice began a long philosophical tradition of thinking, which has influenced political theorists ever since.

At the very end of his discussion of how to educate the philosophers, or guardians, of the ideal republic, Plato sets out to define the more basic criteria that

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

should be used when selecting the guardians. I already discussed the personal traits inherent in the guardians—wisdom, love of truth, etc.—but Plato suggests that a proper schooling, for a set amount of time, is also necessary in the cultivation of the philosophical mind.³⁷ One cannot, according to Plato, simply jump unto politics or discourse: “lads, when they first get a taste of disputation, misuse it as a form of sport, always employing it contentiously, and, imitating confuters, they themselves confute others [...] and when they have themselves confuted many and been confuted by many, they quickly fall into a violent distrust of all that they formerly held true, and the outcome is that they themselves and the whole business of philosophy are discredited with other men.”³⁸ To jump into the business of discourse, of philosophy and politics, too early endangers not only the young man, but also the state itself and the entire institution of philosophy. Thus, those who wish to become leaders—philosophers—must dedicate much of their lives to learning how to control their bodies and minds, so that they can use both properly.

In order to cultivate the soul of the budding philosophers, Plato outlines a specific course of education: early childhood will be focused on the body, on gymnastics and not study;³⁹ after two or three years, the students will begin to “gather the studies which they disconnectedly pursued as children [...] into a comprehensive survey of their affinities with one another and with the nature of

³⁷ In fact, Plato believed this premise so firmly that he established his own Academy around 387 BCE. Aristotle studied with Plato at the academy for over 20 years, and much of Aristotle’s philosophy of virtue can be traced back to conversations that he had with Plato.

³⁸ Plato, *Republic*, 539c-d.

³⁹ Because, ironically for college students everywhere, “great fatigue and much sleep are the foes of study” (537b).

things.”⁴⁰ Then, after another round of selection—some students are weeded out after each step—the students would begin to learn about dialectic. This is the most important part of the process for Plato, because it is so easy for young students to go astray: thus, only those with “orderly and stable natures”⁴¹ are allowed to take part in dialectic. Because this is the most important part of the process, Plato allots double the amount of time to it. Finally, the youths must be then “sent back down into the cave”⁴² to fight in wars, and hold other offices: if they remain steadfast and gain the necessary experience, only then will they be able to become guardians.

The total amount of time that Plato allots for the proper education of the philosopher is fifty years: “at the age of fifty those who have survived the tests and proved themselves altogether the best in every task and form of knowledge must be brought at last to the goal [...] and when they have thus beheld the good itself they shall use it as a pattern for the right ordering of the state and the citizens and themselves throughout the remainder of their lives.”⁴³ After this process, each newly minted guardian will devote himself to knowledge and philosophy. He will view the search for knowledge as his main duty, but when the state calls, he will spend time “toiling in the service of the state and holding office for the city’s sake, regarding the task not as a fine thing but a necessity.”⁴⁴ As I discussed above, the Founders had an extremely similar view of leadership in the state—the model of the disinterested

⁴⁰ Plato, *Republic*, 537c.

⁴¹ *Ibid.*, 539d.

⁴² This is a reference to his “allegory of the cave,” wherein he argues that what we think of as reality is merely a projection onto the wall of a cave, and that it is the duty of the philosopher to escort previously trapped people out to see the sun or the Good.

⁴³ *Ibid.*, 540a.

⁴⁴ *Ibid.*, 540b.

statesman. For Plato, the best leaders are those who do not want to lead, but who recognize their duty to their state for the sake of justice; this was the same, at least rhetorically, for the Founders.

Finally, I would like to call my reader's attention to Plato's age requirement for being a philosopher-king: wisdom and justice are tied to age because you can only know a man's character if you observe him for a long enough time, according to Plato. Not only does one gain wisdom over time—through correct schooling particularly and experience generally—but one's true character is also more clearly expressed. Only those who have proved that they have good character are fit to rule; and in order to prove that, the potential leaders must have expressed their just character over a long period of time.

There are of course many examples throughout history of young people displaying incredible courage and ability to lead: Joan of Arc was only sixteen when she began fighting the English; King Henry V was only twenty-six when he became king of England; and the list continues. Democratically speaking, there is no reason to put an age limit on governing at all—and certainly not one close to 50 years old, considering the average life expectancy in the United States in the late 18th century was 39.5 years old.⁴⁵ Yet in Article I, Section 2 of the Constitution of the United States, we read the following: "No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which

⁴⁵ Michael Haines, "Fertility and Mortality in the United States," ed. Robert Whaples. Last updated: March 19, 2008. <http://eh.net/encyclopedia/article/haines.demography>

he shall be chosen.”⁴⁶ The age limits in the constitution increase with the importance of the branch: for the senate, “No person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.”⁴⁷ Finally, for the President, “No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.”⁴⁸ Nothing in democratic philosophy states that young people should be excluded from top decision-making positions; prohibiting younger citizens from voting⁴⁹ or running for office is decidedly anti-democratic. I will discuss this in more detail later in the thesis, but I would like my reader to focus on the way in which the age requirements rise with the importance of the office; this, I suggest, represents a concerted effort by the Founders to make sure that wiser, more virtuous people were in positions of power. Rather than letting the people decide, the Founders implanted this provision to make sure that the correct, just people were leading the country.

Conclusion

⁴⁶ US Constitution, art. I, §. 2.

⁴⁷ Ibid., art. I, § 3.

⁴⁸ Ibid., art. II, § 1.

⁴⁹ The voting age in the United States was 21 until the 26th Amendment was ratified in 1971.

This chapter has a double *telos*: (1) to get my reader acquainted with some of the basic parts of Platonic political theory and (2) to begin the conversation between Plato and the Founders that the rest of the thesis will explore in more detail. Each section aimed to introduce a Platonic concept as succinctly as possible, and also to highlight exactly which parts of the theory will be particularly important later in the thesis. Furthermore, this chapter looks to introduce the reader to some of the analysis that I will follow up with later in the thesis: in particular, I will focus thematic and rhetorical parallels to highlight the more Platonic—and anti-democratic—elements of the founder’s political thought.

In the next chapter I will quickly examine some of the more commonly cited philosophical influences on the founders, before moving on to contemporary scholarship on the founding era. I will then bridge the gap between Platonic theory and contemporary understandings of the Founder’s political thought by introducing Platonic themes into the discussion.

Chapter 3: Traditional Understandings of Founding Philosophy

We have only the American Way of Life, a nationalist articulation of Locke which usually does not know that Locke himself is involved.

—Louis Hartz, *The Liberal Tradition in America*, 11

In this chapter I will begin the process of identifying some of the flaws of traditional scholarship regarding the Founders' primary philosophical influences. Determining influence is, necessarily, a nebulous process—what one person or group of theorists may propose as the main influence of the Founders may be the exact opposite of what another group proposes, and in most cases both groups are partially correct. To identify intellectual influence is, in most cases, to attempt the impossible—even the subjects themselves have a hard time classifying their thought in reference to particular philosophers or philosophical epochs. The problematic nature of the task is embodied in the multitude of debates and separate theories that have emerged to explain minute details of the Founders' philosophy. In this chapter I do not intend to solve the age-old question of influence; rather, I wish to highlight some of the inherent insufficiencies in the literature about this topic. In order to do this, I will examine some of the more prominent theorists individually, highlighting their contributions (real and perceived) on the Founders; in doing so, I will also describe some of the contemporary theories of influence which link each philosopher to the Founders; finally, I will highlight some flaws in the contemporary theories, calling particular attention to the problems and contradictions inherent in the fabric of the American Republic that I brought up in Chapter 1. In doing so I will begin to

make my own argument about the intellectual fabric of the American Republic, while critiquing some of the contemporary scholars of American Constitutional history.

Perhaps the greatest flaw of modern studies on influence is the tendency to identify a source of potential influence, and then assume that it is dominant or uniquely responsible for theories and actions. This is a point made well by Donald Lutz in his historiographical study, “The Relative Influence of European Writers on Late Eighteenth-Century American Political Thought,” in which he shows how modern theorists have suggested that Thomas Jefferson’s writing reflects the dominance of a myriad of individual sources, from the Scottish Enlightenment, to Locke, or the negative influence of Montesquieu.¹ In this chapter I will develop some criticisms of modern historiographical studies, while simultaneously rejecting the notion that my argument provides a final answer to the questions of influence. If anything, the argument that I will make is an invitation to further study: it is not designed to make a debate-stopping statement, but to encourage further discussion.

Major Philosophical Influences

1. John Locke

Towards the beginning of the Declaration of Independence, Thomas Jefferson wrote, “when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is [the People’s] right, it is their duty, to throw off such Government, and to provide new Guards for

¹ Donald S. Lutz, “The Relative Influence of European Writers on Late Eighteenth-Century American Political Thought.” *The American Political Science Review*, Vol. 78, No 1. Mar., 1984.

their future security.”² This passage, which asserts the right of an oppressed people to revolt against a despotic government, has been copied almost word for word from John Locke’s second treatise of government, *Concerning Civil Government*: “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.”³ It is important to note here that I do not mean to label Jefferson a plagiarist because he adopted Locke’s ideas in the Declaration; rather, Jefferson’s use of such similar language in such an important document is a testament to the influence that John Locke exerted on the American founders—both positively and negatively.

Locke’s philosophy is primarily based on property: though in a state of nature (an idea he borrowed from Thomas Hobbes) people were naturally free, human nature dictates that man is selfish. In order to protect their property⁴—that is, their “life, health, liberty or possessions”⁵—man entered into civil society with other men: this “social contract” is reminiscent of other philosophers of the period, but the philosophical lineage should be traced back to Plato and his famous dialogue *Crito*. In this short dialogue, Socrates refuses to escape from his death sentence because in fleeing the punishment handed down by the city he would undermine the authority of

² The Declaration of Independence, July 4, 1776.

³ John Locke, *Two Treatises of Government* (1824), Chapter XIX.

⁴ Locke uses property very broadly: “lives, liberties and estates, which I call by the general name, property.” (Chapter II).

⁵ *Ibid.*, Chapter II.

the city to govern its people: each citizen who grows up benefiting from the government of the city has tacitly accepted a contract with the city to obey the laws, and should submit to the punishments handed down by the laws. This notion of a contract makes perfect sense for Locke's philosophy: the language of contracts and deeds fits perfectly into a system based on property and rights. For Locke, then, not only did citizens enter into a social contract with the state for the preservation of their fundamental rights, they also entered into contracts with each other for mutual benefit. Thus, even though a man is a king in the state of nature—that is, he makes his own laws—everyone else is a king as well: the state of nature, albeit free, is dangerous and uncertain.⁶ Men need protection from other men, both in their physical person, and in their material possessions: “The great and chief end, therefore, of men's uniting into commonwealths, and putting themselves under government, is the preservation of property.”⁷

When human beings began to produce more goods than they could reasonably consume, they created the notion of currency and durable goods: people could now exchange perishable items, such as food, for durable goods like gold, or even property.⁸ This created inequality in the system, which resulted in the hierarchical society of the 17th and 18th centuries: this social hierarchy is not based on nature, but rather on the way that our tacit agreement on property and currency shaped society. Locke famously explains this by arguing that, “Thus in the beginning all the world was America, and more so than that is now; for no such thing as money was any

⁶ Ibid., Chapter IX, “Of the ends of political society and government.”

⁷ Ibid.

⁸ Ibid, Chapter V, “Of property.”

where known. Find out something that hath the use and value of money amongst his neighbours, you shall see the same man will begin presently to enlarge his possessions.”⁹ Because there was boundless property, each man took only what he needed, until someone found a non-perishable good that they could trade, that is, “something of use and value amongst his neighbours.”

Locke’s property-based theory of political organizations also allowed for individuals to forfeit their rights to their property: for example, a person who committed a heinous crime would forfeit his right to life. The state functions like a political economy, and thus, it has the right to take away property from individuals who do not complete their end of the contract. In the case of criminals who forfeited their right to life—like murderers or enemies captured in war—the state can give that property (their life) to another person. Instead of executing them, the state can decide to enslave them, because the condemned already forfeited their property (he adds the caveat that the slave still has the right to end his life—by resisting the master’s orders): “Indeed, having by his fault forfeited his own life, by some act that deserves death; he to whom he has forfeited it, may (when he had him in his power) delay to take it, and make use of him for his own service, and he does him no injury by it; for, whenever the hardship of his slavery outweigh the value of his life, it is in his power, by resisting the will of his master, to draw on himself the death he desires.”¹⁰ This Lockean justification for slavery is one of the main philosophical justifications behind excluding slaves from the famous dictum of the Declaration of Independence that “all men are created equal.”

⁹ Ibid.

¹⁰ Ibid., Chapter IV, “Of slavery.”

Locke's most obvious influence on the founders is in the philosophy of rights and liberty that formed the backbone of the American Revolution. Jefferson so revered Locke that he went far out of his way to obtain a life-size portrait of Locke (along with Sir Francis Bacon and Sir Isaac Newton), to hang in his Monticello estate. He called these three thinkers, "the three greatest men that have ever lived, without any exception, and as having laid the foundation of those superstructures which have been raised in the Physical and Moral sciences."¹¹ The Declaration of Independence is rife with Lockean analogies and ideas: the notion of "inalienable rights," for instance, refers to Locke's *Second Treatise of Government*, where he argues that man's natural rights cannot be given away or surrendered, even in a condition of slavery.

However, Locke's philosophy does not speak to the mechanisms of constructing a government: thus, "as the writing of state and national constitutions continues in the 1780's, [...] Lockes's rate of citation falls off drastically, never to return to prominence."¹² In the 1760's, Locke accounted for 11% of all citations in political works; by the 1780's he accounted for only 1%.¹³ This precipitous drop in the amount prominent thinkers wrote about Locke underscores which parts of his philosophy were valued during the Founding. His philosophy centers more on the mechanisms of society, not on the construction of a just government: his lone attempt to construct a constitution—*The Fundamental Constitutions of the Carolinas*—was roundly rejected. In *The Fundamental Constitutions of the Carolinas*, Locke provides

¹¹ Thomas Jefferson, Letter to Richard Price, Paris (January 8, 1789).

¹² Lutz (1984), 192.

¹³ Ibid.

an example of the contradictions that were swirling around the philosophical world of colonial America. He began by creating a feudal structure of governors, “leetmen,” who worked on the land and owned a small percentage of it, and slaves—a mirror of the structure of renaissance Europe. However, the government Locke envisioned was semi-democratic: people with 500 acres could hold office, but people with only 50 acres were granted the right to vote. Although Christianity was the official religion, other faiths were granted rights, and were tolerated to a great extent.¹⁴

The *Fundamental Constitutions* represents the deep-seated divisions that strike at the heart of Locke’s philosophy, and in a broad sense, the philosophy of the Founders as well. On the one hand, there is a wish to preserve the social structure of the time and the institutions that made it possible; on the other, there is a belief in the inalienable rights of the individual and of the power of the citizen to affect change. These tensions are evident in Locke, yet few have discerned this internal tension in the Founders’ views. I intend to begin the process.

2. Montesquieu

In *The Federalist Papers*, Alexander Hamilton, James Madison, and to a lesser extent, John Jay, outline the political theory that would govern the new United States. They defended almost every part of the nascent Constitution, which united the disparate states under one powerful government. They called on every sector of contemporary philosophical knowledge to defend their points: more so than any other

¹⁴ John Locke, *The Fundamental Constitutions of Carolinas* (1669). Articles 1-6, 72, 97.

philosopher, however, the Federalists point to Montesquieu as their guiding influence. In *Federalist No. 9*, for example, Alexander Hamilton engages the Anti-Federalists in a debate about Montesquieu's vision of a republic. The Anti-Federalists claimed that the United States would not fit Montesquieu's republic because it was too big, to which Hamilton responded: "[The Anti-Federalists] seem not to have been appraised of the sentiments of that great man expressed in another part of his work, nor to have adverted to the consequences of the principle to which they subscribe with such ready acquiescence. When Montesquieu recommends a small extent for republics, the standards he had in view were of dimensions far short of the limits of almost every one of these States."¹⁵ He then goes on to quote 320 words, or six paragraphs, directly from Montesquieu's *The Spirit of the Laws*, concerning the notion of a "confederated republic," which in Hamilton's view circumvents the necessity of the small republic purported by the Anti-Federalists.

As Hamilton's *Federalist No. 9* prominently represents, Montesquieu was arguably the most famous philosopher of government in the 18th century in the young American nation: for example, no other thinker was directly quoted in both *The Federalist Papers* and in *The Anti-Federalist*. Debate raged over interpretations of Montesquieu: did he allow for a "confederated republic" that was spread out over a large territory? Or did he favor a small republic, where it would be easier to cultivate virtue between representatives and the represented, and where citizens could delegate authority evenly? Importantly, though history has taught us that the Federalists won the war over America's philosophical "soul," they did not manage to conclusively

¹⁵ Alexander Hamilton, *Federalist No. 9*.

prove that their version of Montesquieu's republicanism was correct. The debate still rages today between these two sides, though instead of arguing about how to interpret Montesquieu, we argue about the role of government in society.

Throughout the 18th century politicians looking to change (or create, as in the case of the Americans) their governments used (and abused) Montesquieu. Many of his ideas were widely accepted as inherent truths: for example, the notion of divided government that Montesquieu theorizes in *The Spirit of the Laws*, was widely accepted as truth by 1787. Thus, Montesquieu's famous argument that the powers of government must be divided into three parts, and not united for fear of tyranny, was literally written into the fabric of the Constitution:

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 power of judging be not separated from the legislative and executive powers. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would then be the legislator. Were it joined to the executive power, the judge might behave with all the violence of an oppressor. 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 that of judging the crimes or differences of individuals.¹⁶

The "three powers" that Montesquieu notes here became Articles I (the Congress), II (the President), and III (the Supreme Court). Though his influence is obvious on the American governmental structure, Montesquieu was particularly interested in the freedoms that the English experienced due to their complex lawmaking system of Lords, Commons, the Church and the Crown, and tried to express what made the

¹⁶ Montesquieu, *The Spirit of Laws* (ed. 1977), Book XI, Chapter 6.

English system function so well. His philosophy of the separation of powers deals primarily with the fragile equilibrium of the English structure: “The lines of force between the three [Crown, Lords and Commons] must not be fundamentally altered, or else the political universe will collapse into one power-heavy center. Equilibrium, constant force, the maintenance of distance—these are the mechanical metaphors that Montesquieu’s treatment of the English constitution brings to mind.”¹⁷ He never directly theorized a government with three distinct branches, each designed to fulfill one side of the triangle of powers: rather, he suggested that these three, separate, powers must exist in the government. The American structure was one logical conclusion of Montesquieu’s theory of powers.

More than anything else, Montesquieu was a theorist of structure: his great treatise, *The Spirit of the Laws* should be read as an anthropological study of human governments, and the way humans create governments. His unique conception of the human condition certainly influenced the framers: in his *Considerations on the Causes of the Greatness of the Romans and their Decline*, Montesquieu argues that ambition drives political action, in large part. In *Federalist* 51, James Madison argues that, “Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature?”¹⁸ This argument is very reminiscent of Montesquieu’s anthropological understanding of

¹⁷ David Wallace Carrithers, introduction to *The Spirit of Laws* by Montesquieu (Los Angeles, CA: UCLA UP, 1977).

¹⁸ James Madison, *Federalist No. 51*.

human nature in *The Spirit of the Laws*: ambition is the driving force of political action and it can be made to function positively in the system. This is where Montesquieu differs from John Locke: Montesquieu presents a theory of government, a structure based in the freedom of the English constitution. While Locke's is a theory of freedom and the rights of the individual, Montesquieu's argument focuses on the totality, the government as a whole, and the mechanisms that make it function well. Montesquieu's project is more amenable to the physical act of creating a new republic, whereas Locke presents the reasons why a new republic might be created and maintained: this dichotomy explains, in large part why Montesquieu went from being cited in 7% of American political documents during the 1760's (as opposed to Locke's 11%) to being cited in 14% of documents during the 1780's (as opposed to Locke's 1%).

In terms of the sheer volume of citations, no author comes close to Montesquieu's prominence during the 1780's in America. His precipitous drop in eminence after the founding, from 14% in the 1780's to 4% in the 1790's, suggests that though his philosophy was important during the period leading up to the founding, the framers stopped turning to him after the basic structures of the government were created. Much has been made of Montesquieu's importance in founding philosophy: he has been, and should be, credited for various important parts of the structure of the American republic. I will explore later in this thesis why the importance of Montesquieu's actual philosophy has been overblown in contemporary literature—the precipitous drop in citations of Montesquieu in the 1790's is at least

one indication that he may not have had as long-term an influence on the founders as some have claimed.

3. *Radical Whigs*

Though the first two authors I have discussed have been considered the primary driving influences in the popular founding mythology, the next thinkers I will discuss have had perhaps the most profound impact. I have decided to group the Whig thinkers together because they have similar ideas about the scope and creation of government, and because when they are combined as a group they account for more citations during the 1770's and 1780's than either Montesquieu or Locke.¹⁹ I also include in this group thinkers who did not call themselves "Whigs," but shared the same Republican ideals as many prominent Whigs—the most notable of this group is Henry St. John, First Viscount of Bolingbroke (referred to as Bolingbroke from now on), who wrote extensively about the necessity of opposition to tyrannical parties.

In his epic treatise, *The Creation of the American Republic 1776-1787*, Gordon Wood points out that the American republic was born during the age of reason: the founders fervently believed that they could take many disparate traditions, meld them, and logically create the best possible system. They wanted to create a "science" of politics, as James Iredell claimed in 1771²⁰ and Alexander Hamilton later coined in *Federalist No. 9*. To do this, they looked first to their historical

¹⁹ Lutz, "The Relative Influence of European Writers on Late Eighteenth-Century American Political Thought," 193.

²⁰ James Iredell, Letter to his father (July 31, 1771), in Gordon Wood (1969), 10.

predecessors, the English—the American colonists did not repudiate the English common law simply because they were “American,” but instead sought to replicate it on their own terms. John Adams, for one, fervently believed that the English constitution, and the parliamentary system that it allowed, was the best in the world, that “no Government that ever existed was so essentially free.”²¹

The founders’ conception of the English constitution, however, should be understood with a certain caveat: though they read (and cited) the same authors as politicians in London, they took a decidedly Whiggish view of English government. They tended to focus on “a particular strain of attitudes and ideas,” that gave them “an extraordinarily radical perspective on the English constitution they were so fervently defending.”²² They were more apt to follow in the paths of Whigs like Edmund Burke, an MP who gave various speeches against the tea tax (and who later became a figure of modern conservative thought): though the radical faction of the Whig party was mostly unheeded in England, the American founders encountered solace in the works of anti-monarchical, radical republican writers like James Harrington, John Milton, and Algernon Sidney.

The Whig party was founded on the basis of constitutional monarchy, and quickly evolved into the party of the “country,” the anti-court: they campaigned for lighter tax laws, more representation in government—in short, a sort of early, confused republicanism. Though Whig MP’s were still wealthy white men, they tended to fight for toleration of dissenting protestant sects, and opposition to a strong

²¹ John Adams, March 1761, in *The Earliest Diary of John Adams*, ed. J. H. Butterfield (Cambridge, MA: Harvard UP, 1966).

²² Gordon Wood (1969), 14.

monarchy. The Whig political philosophy should also be included in conversation with Montesquieu: both philosophies stressed the importance of faction and inter-governmental power struggles, or “ambition counteract[ing] ambition,” as Madison says in *Federalist No. 51*.

But perhaps more importantly than any of their other contributions, the radical Whigs proposed the idea that the ideal of government was the protection of liberty, which they defined as “the Power which every Man has over his own Actions, and his Right to enjoy the Fruit of his Labour, Art, and Industry.”²³ In doing so, they began the process of synthesizing the political liberalism of John Locke—and his views about property and freedom—with the institutional mechanisms of power championed by Montesquieu and the English constitution. Liberty as a country or a group—“civil liberty,” as celebrated Whig Richard Price called it—was “the power of a *Civil Society* or *State* to govern itself under its own discretion; or by laws of its own making.”²⁴ This Lockean notion of a government created to protect the property of its citizens was fused with Montesquieu’s notion of divided government²⁵ in the Whig tradition. This odd melding of philosophies forced the American colonial mind away from monarchy and towards a system of self-government, a limited government that exists solely to protect the property (read: life, liberty and the pursuit of happiness) of the people. Jefferson certainly had the Whigs in mind when he drafted the Declaration of Independence in 1776—in fact, in 1823 he famously stated that, “the sickly,

²³ Richard Price (1776).

²⁴ Ibid.

²⁵ It is important to remember that Montesquieu’s division of government was taken, in large part, from the English system of parliament, crown, and church.

weakly, timid man, fears the people, and is a Tory by nature. The healthy, strong and bold, cherishes them, is formed a Whig by nature.”²⁶

Though the belief in self-government was essential to the radical Whigs, some more restrained members of the party were also wary of overstepping the bounds of liberty: they rejected the notion of a uniquely popular government, favoring instead a society of self-restraint and virtue. The people could abuse power as much—or even more so—than the monarchical rulers. Though this notion was roundly rejected by some radical Whigs—who believed that the English crown’s propaganda was the only thing in the way of the power being given to the people²⁷—there were others who suggested that, “nothing next to *slavery* is more to be dreaded, than the anarchy and confusion that will ensue, if proper regard is not paid to the good and wholesome laws of government.”²⁸ Both of these Whig traditions existed in America, and both had an impact on the framing of the Constitution, and the different traditions that emerged in its aftermath: I would even go so far as to suggest that they are in many ways the intellectual precursors to the Federalist-Anti-Federalist debates that occurred in the aftermath of the signing of the Constitution.

What is certain, however, is that the Whig tradition flourished in the young American republic: almost all of the founders referred to themselves as Whigs at one point, some of the first colonists calling for secession referred to themselves as the American Whigs, and a Whig party challenged President Andrew Jackson in the 1830’s by calling for the supremacy of Congress over the Presidency. There have

²⁶ Thomas Jefferson Letter to the Marquis de Lafayette, Paris (November 4, 1823).

²⁷ Gordon Wood (1969), 23.

²⁸ John Carmichael (1775).

been a few important studies of the influence of the Whig political theory on the American republic—mainly by Gordon Wood—and each has stressed the extreme importance of Whig thought on the American framers. While I agree with much of what thinkers like Wood propose about the Whigs, their analysis tends to gloss over, or only marginally mention, various important factors in the creation of the Constitution that the Whigs do not touch on. I will examine some of these problems in depth later in this thesis.

4. *Sir William Blackstone*

I chose not to include Sir William Blackstone earlier in this chapter with the Radical Whigs not only because he called himself a Tory, but because he is singularly important to the development of the American legal system: his treatise, *Commentaries on the Laws of England*, published in 1769, was the only understandable explanation of English common law since the Middle Ages. This section will be brief, and deal primarily with the *Commentaries*, as they were his main contribution to legal discourse.

In *Federalist No. 78*, Alexander Hamilton examines the Judiciary branch—which is “the least dangerous to the political rights of the Constitution,”²⁹ because it holds the least oppressive power. He spends a large section of the essay discussing the need for independent judges, and finally concludes by arguing that the judges should be appointed for life, lest “political appointments” compromise their impartiality.³⁰ To this end, he suggests in his last paragraph that,

²⁹ Alexander Hamilton, *Federalist No. 78*.

³⁰ *Ibid.*

Upon the whole, there can be no room to doubt that the convention acted wisely in copying from the models of those constitutions which have established *good behavior* as the tenure of their judicial offices, in point of duration; and that so far from being blamable on this account, their plan would have been inexcusably defective, if it had wanted this important feature of good government. The experience of Great Britain affords an illustrious comment on the excellence of the institution.³¹

This passage refers directly to Sir William Blackstone's *Commentaries*, specifically to the third book, Chapter 17, where he deals with the writ of *scire facias*, or the right of subject to claim that a person in charge of a patent (in this case, of a tenure for life) has violated the terms of the patent, and should be removed. The idea behind the writ is the necessity of "making the record known" (literally, "to know the making"): a plaintiff would "make it known" that a defendant had violated the terms of a patent. In the case of appointment for life in the British system—which Hamilton lauds in *Federalist No. 78*—the King was in charge of removing the judges from office because only he could execute the writ of *scire facias* if a judge or a person tenured for life failed to comply with the office, or did something injurious to the reputation of the crown. Blackstone recounts a number of possible examples of bad behaviors of public officers, culminating in a discussion of tyranny and oppression: "There is yet another offence against public justice, which is a crime of deep malignity; [...] This is the *oppression* and tyrannical partiality of judges, justices, and other *magistrates*, in the administration and under the colour of their office. However, when prosecuted, either by impeachment in parliament, or by information in the court of king's bench [...] it is sure to be severely punished with the forfeiture of their offices, fines,

³¹ Ibid.

imprisonment, or other discretionary censure.”³² Blackstone’s understanding of “good behavior,” along with his stance against tyranny in all parts of the magistrate (as evidenced above) made him an ideal philosophical influence for the Founders.

As was evidenced by Hamilton’s reference to “the models of those constitutions which have established *good behavior*,”³³ and the fact that the members of the Constitutional Convention spent a good amount of time referencing, as Madison did, “the Commentators on the Brit. Const.,”³⁴ Blackstone’s influence was universal. Much of his work was regarded as fact rather than as opinion, and his specter hovered over the Constitutional Convention. It was his dictum about the rights of states in a federated alliance that formed the legal basis for rejecting the Articles of Confederation, and incorporating all the states into a single sovereign nation:

Blackstone’s influential *Commentaries* had noted that in the case of a nonconfederate, “incorporate union” such as that between England and Scotland (the very kind of more perfect union that, as we shall see, the Constitution would later propose) no rescission option existed: “The two contracting states are totally annihilated [qua sovereign states], without any power of revival; and a third arises from their conjunction, in which all the rights of sovereignty . . . must necessarily reside.” But in the case of a simple “foederate alliance”—that is, a mere confederation or league of sovereign states—an infringement of fundamental conditions “would certainly rescind the compact.”³⁵

Blackstone was not only the philosophical inspiration behind much of the legal machinations inherent in the constitution—he was also a highly useful resource for explaining the mechanisms of government after the ratification of the Constitution. This is why Hamilton cited him so blatantly in *Federalist No. 78*, and why citations

³² Sir William Blackstone (1769), Book 4, Chapter 10, Section 21.

³³ Hamilton, *Federalist No. 78*.

³⁴ James Madison, *Notes*, June 13, 1787.

³⁵ Akhil Reed Amar (2006), 30-31.

of Blackstone began skyrocketing in the 1780's (7% up from 3%) and 1790's (11%) and reached their peak between 1800 and 1805 (15%).³⁶

Interestingly, modern historians tend to qualify Blackstone as a Whig, at least in his influence on the American science of politics. Gordon Wood, for example, includes Blackstone in his section on the “Whig Science of Politics,” and contends that, “the great appeal for Americans of Blackstone’s *Commentaries* stemmed not so much from its particular exposition of English law, which, as Jefferson said, was all “honeyed Mansfieldism,” sliding into Toryism, but from its great effort to extract general principles from the English common law.”³⁷ I agree with Wood on the appeal of the principles that the *Commentaries* espoused; yet I reject the notion that the “particular exposition of the English law” was not important to Americans. In fact, the *Commentaries* were widely circulated among lawyers and judges on the new American frontier, where full precedent was impractical to carry around; even lawyers in the more developed colonies used Blackstone’s work constantly.³⁸ Blackstone’s influence in the purely legal sense is interesting because lawyers and judges used the tenets of classical English law in the American system—an odd nuance to the American legal system that still engenders debate.

My work so far has been about finding distinctions and contradictions that cannot be explained by traditional political theory and traditional interpretations of American history: Blackstone’s influence, from a legal standpoint, calls into question the notion of America as a Lockean, Whig nation in the liberal tradition because

³⁶ Lutz, “The Relative Influence of European Writers on Late Eighteenth-Century American Political Thought,” 193.

³⁷ Gordon Wood (1969), 10.

³⁸ Lawrence Meir Friedman (1985), 112.

Blackstone’s legal philosophy was deeply Tory at heart. Everything began and ended with the King, for Blackstone: “That the King can do no wrong, is a necessary and fundamental principle of the English constitution.”³⁹ This notion of “sovereign immunity” has persisted even to this day: the 11th Amendment to the Constitution states that, “The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.”⁴⁰ While this Amendment is famously unclear (and perhaps was written with this very intention in mind), since its ratification the Court has “exalted *governmental* sovereignty and in fact made it harder for twenty-first-century Americans to achieve redress than it ever was in eighteenth-century England.”⁴¹ This vestige of “sovereign immunity” that carried over from the Tory tradition of constitutional monarchy into the American legal system is the first of my arguments that the trajectory of American political development is not as simple as contemporary historians would have us believe.

Gaps in Contemporary Scholarship: “We the People,” John Locke, and the Platonic Republican Germ

Perhaps the most common misconception about the founding of the United States is the theory that John Locke’s political and economic philosophy was the driving influence of the framers of the Constitution. Both Louis Hartz (1955) and

³⁹ Blackstone (1769), Book 2, Chapter 1, Section 1.

⁴⁰ US Constitution, 11th Amend., Ratified 1795.

⁴¹ Amar (2006), 336.

Bruce Ackerman (1993, 1998)—giants in the field of modern American political history—agree in principle that America was at the time of the founding (and remains today), “a land locked in the grip of a ‘Lockean consensus.’”⁴² According to this theory, Locke’s language of rights, of “life, liberty and the pursuit of happiness,” has a stranglehold on American politics that rejects, and in many ways prevents the invasion of state institutions into the life of the citizens. From the language Americans use to talk about politics, to the very way we conceive of social and political change, everything passes through the Lockean lens—a lens which prevents us from discussing or even conceiving of drastic shifts in governmental power that could make America better. Americans—from the representatives in the government, to the citizens in their homes—are terrified of a powerful government, they say, even if it is benevolent, because of their Lockean mindset. The government will never have the power to radically change society because the people—the ultimate sovereign—are too afraid of governmental tyranny. I wish to challenge these assumptions by bringing to light important contradictions in both Ackerman and Hartz’s theories, suggesting that these modern arguments about the Lockean consensus mistakenly gloss over what I will call the “Platonic republican germ” in the Constitution, a heritage that challenges movements towards popular sovereignty. Simultaneously, I will suggest that this “germ” represents real governmental power, not simply the power to contest populist movements, but to judge which movements are just and should influence lawmaking.

⁴² Bruce Ackerman (1993), 25.

For Hartz, Americans are locked in Locke, trapped from taking any political action that might incur upon what citizens perceive as their property—physical or intellectual.⁴³ Americans, Ackerman and Hartz agree, embraced Alexis de Tocqueville’s argument that they were born equal, and thus were allowed equal rights under the law, rejected feudal structures (and eventually socialism), and committed themselves to classical liberalism. From the Whigs to Thomas Jefferson and on to Lincoln, Americans have been driven to “a devotion to Locke of the wildest kind.”⁴⁴ Even modern American problems must be framed in Lockean language: reforms like the New Deal, Obama’s healthcare reform, even the Civil Rights act, are all couched in the language of John Locke. Louis Hartz goes so far as to say that, “there has never been a ‘liberal movement’ or a real ‘liberal party’ in America: we have only had the American Way of Life, a nationalist articulation of Locke which usually does not know that Locke himself is involved; and we did not even get that until after the Civil War when the Whigs of the nation, deserting Hamiltonian tradition, saw the capital that could be made out of it.”⁴⁵ America is Locke’s greatest accomplishment, a liberal paradise of rights, where nationalism has fused with classical liberal virtues to create a society that is “unanimous”⁴⁶ in their belief.

In most ways Bruce Ackerman agrees with Louis Hartz: Americans are trapped in the language and philosophy of Locke. However, he rejects the notion that this prevents social progress driven by populist movements, by pointing to moments

⁴³ Louis Hartz (1955), 11.

⁴⁴ Ibid., 213.

⁴⁵ Ibid., 11.

⁴⁶ Ibid.

of “higher lawmaking.”⁴⁷ Ackerman’s is a dualist philosophy, which centers on two separate lawmaking “tracks”—normal governmental decisions, which encompass a vast majority of lawmaking, are called “lower lawmaking,” whereas transcendental social revolutions (which are very specifically defined—the people must convince others to deliberate with special attention, then allow their opponents time to counter, then finally they must convince a majority to agree with them) are called “higher lawmaking.”⁴⁸ The Hartzian “Lockean consensus” does not necessarily prohibit major social change—it just makes it harder, according to Ackerman. He argues that these moments of transcendental socio-political change, these “We the People” moments, have only come about three times in American history: the Founding, 19th century Reconstruction, and the “New Deal” of the 20th century. In each case, he argues, Americans mobilized on a large scale, and demanded change that overstepped our Lockean consensus—making them truly uniting “We the People” moments.

But these are isolated moments, alone in the very large expanse of American constitutional time: “often it requires a generation or more of preparatory work before a constitutional critique gains the mobilized support of enough citizens to push it onto the center of the political stage [...and this] may serve only to reveal that a majority of American citizens reject a fundamental reworking of the status quo.”⁴⁹ Ackerman’s brilliance is that he tries to meld Hartzian liberalism with republicanism (embedded particularly in Pocock’s magisterial *The Machiavellian Moment*); his undoing, however, is that though his handiwork is spectacular, this melding reveals holes in the

⁴⁷ Ackerman (1993), 6.

⁴⁸ Ibid.

⁴⁹ Ibid., 31.

American Constitutional fabric, the very glitches and contradictions that I mean to point out.

Perhaps the most interesting part of modern scholars' fascination with Locke (and by extension Lockean liberalism) is that it devalues the individual agency of the representatives. Ackerman rightly points out that Hartz's formation presents the Founders as "Lockean social engineers working out the implications of the "natural" equality miraculously enjoyed by Americans."⁵⁰ But even Ackerman's own Liberal Republicanism falls into a similar conceptual trap: he delegates so much importance to particular moments in time (and the parts of the Constitution, and Constitutional history that they represent), that he fails to consider the myriad points at which a grand "We the People" moment was stopped in its tracks by the very Constitution that he reifies, such as the major "We the People" moment of 19th-century Reconstruction, which became the terribly racist Jim Crow South, or occasions when major national shifts were executed without the implications of "higher lawmaking," as in the case of Jacksonian democracy. Ackerman's moments of "higher lawmaking" do not serve to prove that the American people exist as some magisterial sovereign, capable of creating their own laws, their own destinies; in fact, these moments symbolize the great difficulty of personal and even group agency in the system because they arise so infrequently (if at all), and in all cases were enacted through individual legislative trickery, rather than popular demand. For example, during the Founding, the Federalists redefined ratification, from every state needing to ratify, to only nine out of the thirteen states; during Reconstruction, Republicans passed the 13th and 14th

⁵⁰ Ibid., 28.

Amendments by essentially forcing the Southern states to ratify these laws;⁵¹ the New Deal Democrats almost successfully reorganized the entire judicial branch, and though Roosevelt ultimately failed to “pack the court,” he showed the power of the Presidency over the populace in the 20th century.

All of these moments are based on the power of legislators to change the Constitution so as to make laws that they see as correct; the “People” have little, if any, role in these proceedings outside of their ceremonial duty to express agreement or disagreement with the legislators. These “We the People” moments do not uncover some hidden experience of American popular sovereignty. They mask an uncomfortable truth in American politics: that we are not “born equal,” that in fact, the notion that America’s government was created “by the People, for the People,” is the great American noble lie, a lie that American citizens must believe for the government to function. The synthesis of America’s liberal and republican past (I agree that it does have both) simplifies the structural and philosophical contradictions that these two pasts created, as well as the way in which these contradictions created modern American government and modern America more generally.

Though in some sense I agree with Louis Hartz about the ability of the American people to enact social change, we disagree about the mechanisms: for Hartz, the problem of the “Lockean consensus” forces discussions (and solutions) into the narrow box of liberalism; in contrast, but perhaps not entirely separately, I suggest that the Constitution, and the intellectual fabric on which it was written, contains a Platonic republican germ that serves to contest movements towards popular

⁵¹ See Ackerman (1998), 136-160 for a longer explanation.

sovereignty, and bring focus and power back to representatives: to guardians. While this germ contests movements towards popular sovereignty, it also allows for the representatives to be the final judges as to whether a movement is just, and in the interest of the country as a whole. This intellectual germ is not obvious in the “We the People” moments that Ackerman delineates, though it has its place there as well. It exists most obviously in the in-between time, the moments of slow governmental process, where representatives act in the best interest of their people and the citizens remain disengaged from politics. In the next chapter, I will delve into the Founders’ background in order to examine how this Platonic germ developed, and became part of the American social fabric.

Chapter 4: The Founders' Platonism

There were scattered single-speech sources, to be found in the libraries of squires, lawyers, merchants, and officials; farmers and working men borrowed classical material second hand. One question naturally arises: "Why was Plato almost entirely absent from these debates on the Constitution?"

—Grummere, *The American Colonial Mind and the Classical Tradition*, 179.

The Platonic germ that I outlined in Chapter 3 is not an isolated philosophical anomaly, buried within the Constitution: rather, it existed in the personal social and political philosophies of the Founders, and was expressed with most consequence in the Constitution. In this chapter I wish to examine the Founders' personal philosophies in order to bring to light the prevalence of this Platonic germ outside of the strict, governmental, procedural setting of the Constitutional Convention. In order to do this, I will first situate the Founders within a long-standing educational canon: I will examine the classical influences in their educational foundations and their upbringing. These are the seeds of this Platonic germ. I will then inspect some of the Founders' philosophical relationships with Plato in particular: while this section will reveal their general dislike of Plato's various ideas—and, perhaps even more acutely, their silence with respect to Plato—I will propose that their conception of society, which in turn fed and established their understanding of the role of government, was framed by Plato's views on social organization and the citizenry of a republic, which they learned from an early age. While conventional scholarship has tended to dismiss Plato's influence on the Founders, I wish to suggest that despite some superficial

disagreements, the young American thinkers assumed a great deal under the influence of the ancient Greek philosopher—in their views on governmental structure, society, and the role of government in society.

I wish to remind my reader, however, that I am not suggesting that the Founders rejected notions of popular sovereignty, democracy, or liberty; rather, these notions should be situated within a larger, internal philosophical conversation. The Founders were men of letters—well read, well educated, and well versed in the competing philosophies of the age. To exclude a thinker like Plato from their internal philosophical dialogue—the conversations and thoughts that shaped what they believed, and what they argued for—is to grossly misunderstand both the way in which the mind works and how this incredible group of people came to create the American Republic. This chapter will remind my reader how important the Platonic republican canon was for the Founders, and how they managed to mold and shape Plato's ideas into a modern, meritocratic Republicanism. It will reintroduce Plato and Platonic constructs into the Founding philosophical discourse, which has so long been dominated by Locke, Montesquieu, and enlightenment theoreticians.

The Founders' Classical Education

I begin my examination of the Founders' education at the turn of the 18th Century, which marks the very earliest any of the members of the Constitutional Convention of 1787 could have been born. As families immigrated to the American colonies from England, they began to create schools: at first, early schools exclusively taught Christianity and Christian thought; as more people began to arrive

in the New World, the education system blossomed, until by 1720 every Massachusetts town was required to have a Grammar School.¹ These Grammar Schools were the bedrock of the early American educational system: they began teaching children at age eight, and continued until the children were old enough to attend college. The favored method of instruction was memorization: students were expected to recite large tracts of Latin or Greek from memory and to copy down dictated pieces of classical literature. Colonial colleges expected their students to be able to demonstrate knowledge of Latin and Greek, so “grammar masters [...] exercised their charges in the classics—and little else.”² Students studied early in the morning and late at night; they began with books with English and Latin passages side by side, and eventually progressed to translating.³ Students then moved on to the Greeks, with Plato, Aristotle, Xenophon and Homer among the required texts. This was seen as a transitional moment in their education: Thomas Jefferson, writing to Abigail Adams as a proud grandfather, said, “I have compared notes with Mr. Adams on the score of progeny, and find that I am ahead of him [...] I was glad to learn from Mr. Adams that you have a grandson far enough advanced in age to be reading Greek. These young scions give us comfortable cares, when we cease to care about ourselves.”⁴ Children only began to study English grammar after the Revolution and even then only sparingly.⁵ This program of education had been common since at least the Middle Ages—with the focus on the “trivium” of rhetoric, logic, and grammar,

¹ Sheldon D. Cohen (1974), 83.

² Robert Middlekauf (1963), 76-77.

³ Carl J. Richard (1994), 13.

⁴ Thomas Jefferson, Letter to Abigail Adams, Monticello, VA (August 22, 1813).

⁵ Ibid.

and on the “quadrivium” of arithmetic, music, geometry and astronomy—and only began to fade away in the 19th century.

The emphasis on classical education permeated the early American colonies: educated citizens would routinely write in Latin or Greek in their diaries and many publications would include words in one of the classical tongues that were not translated in the text.⁶ Thomas Jefferson’s tutor famously told him that, “an Acquaintance with the Languages spoken in Greece & Italy, is necessary, absolutely necessary, for those who wish to make any reputable Figure in Divinity, Medicine, of Law,”⁷ and Jefferson was famous for correcting Latin and Greek translations in the margins of his books, and writing notes in Latin and Greek. While most of the Founders did not share Jefferson’s penchant for spontaneously writing in ancient languages, they did share his affinity for the classics because they were all raised in this system. When John Adams was accepted to Harvard, “he was required to ‘understand Tully, Virgil, or such like common classical authors, and to write Latin in prose, and to be skilled in making Latin verse, or at least in the rules of Prosodia, and to read, construe and parse ordinary Greek.’”⁸ John Jay, Alexander Hamilton, and James Madison, for example, were all expected to be fluent in both Latin and Greek, and to have a deep knowledge of classical texts—many were even required to recite long portions of classical texts at random during college interviews.⁹

⁶ Ibid., and see Blackstone’s *Commentaries*, for example, or many letters between Adams and Jefferson. Adams, in particular, enjoyed translating Greek poems in his letters. See his letter to Jefferson dated September 22, 1813, where he translates Cleanthes into English, French, and Latin.

⁷ Silvio A. Bedini (1990), 16.

⁸ Richard (1994), 19.

⁹ Ibid, 20.

Despite brutal teachers, whippings at home and at school, and a constant sense of fear of making mistakes, many of the Founding generation grew up with an enduring love of the classics. John Adams was so inspired by the classics that he began to rue not having worked harder as a child: “By constant dissipation among amusements in my childhood, and by the ignorance of my instructors in the more advanced years of my youth, my mind has laid uncultivated; so that, at twenty-five, I am obliged to study Horace and Homer—*proh dolor* [with painful difficulty]!”¹⁰ Jefferson so loved the Greek classics that he routinely thanked his father for having taught him to read the ancient languages: “I thank on my knees Him who directed my early education, for having put into my possession this rich source of delight; and I would not exchange it for anything which I could then have acquired, and have not since acquired.”¹¹ These were not uncommon sentiments among the educated of the time and they drove Jefferson—among others—to amass vast collections of books, and hundreds (if not thousands) of copies of classic texts.

The Founders classical education not only forced them to learn Latin and Greek, but also instilled in them a love of the classical tradition, of the literature and the philosophy of ancient Greece and Rome. They were submerged in the tradition from age eight, and the tools that they learned in grade school—rhetorically and philosophically—came from these thinkers: it is no wonder, then, that Hamilton, Madison and Jay chose the name “Publius” as their alias while writing the *Federalist*, or that this same document was filled with references to the ancient governments of

¹⁰ John Adams, “Diary,” May 31, 1760 in *The Works of John Adams* (Boston: Little, Brown, 1850-1856).

¹¹ Thomas Jefferson, Letter to Joseph Priestly, January 27, 1800.

Rome, Sparta, and Athens. Their work—both in the case of the framing of the Constitution, and otherwise—was filled with classical allusions, and comparisons to classical moments and thoughts. Even the Anti-Federalists, the famous critics of the Constitution, used “Brutus” as one of their aliases.

Given the Founders’ education—and the way the system was set up more generally—it is impossible to think that they did not read Plato and discuss his ideas. Of the Founders with the best surviving libraries, Jefferson had eight copies of Plato’s works, in Latin, Greek, English and French (and more were certainly destroyed when part of his Monticello estate burned down in 1819); John Adams had five; and Benjamin Franklin had four.¹²

So why have modern scholars been so reticent in their treatment of Plato in conjunction with the Founders? I will briefly address the answer now and go into it in more detail in my next section: some notable Founders (namely, John Adams and Thomas Jefferson) famously dismissed Plato in writing. While I recognize the importance of these Founders’ documented dislike of Plato, I reject that this proves that they did not adapt certain Platonic views to fit their own philosophical frameworks. Rather, that Plato was discussed with such vehemence represents his importance in the philosophical dialogue during the founding. In the next section I will examine the Founders’ letters, speeches, and personal diaries for their documented thoughts on Plato, and will propose that while they may reject Plato on the surface, they took from him various philosophical constructs that informed their

¹² To compile this list, I used various databases: I perused the Library of Congress in Washington, DC, and the Boston Public Library in Boston, MA. I also used an incredible tool called “Library Thing” which is a non-profit website that imports catalogues of famous libraries—it can be found at <http://www.librarything.com/>.

views on society and government. Rather than rejecting Plato's importance because some Founders thought him idealistic or unrealistic, I wish to suggest that their deep classical education inculcated in them Platonic structures and tools that eventually played a part in their conception of how society, and government, should be constructed.

Dismissing Plato: Founding Reactions to Platonic Philosophy

As I briefly mentioned in my last section, modern historians tend to overlook—or even totally discount—Plato and Platonic philosophy when they discuss the Founders' philosophical heritage. At first glance, this dismissal seems understandable: Adams and Jefferson had a very famous negative conversation in writing about Plato at the turn of the 19th Century, and almost none of the other Founders mention his name in any public correspondence. In this section I wish to examine this negative discussion, and highlight some of the common misunderstandings and misrepresentations that have arisen from it. While I will not suggest through this section that Jefferson, Adams, and the other Founders ended their lives with a deep love of Plato, I will endeavor to prove that they spent a long time studying him, and that at various points earlier in their lives they had a philosophical appreciation for Plato's work that went beyond the “sophisms” that Jefferson accuses him of.¹³

¹³ Thomas Jefferson to John Adams, Monticello, July 5, 1814. I obtained some of the letters I will cite in this section from the Massachusetts Historical Society in Boston, MA, and from the Library of Congress in Washington, DC; others have been

In the summer of 1814, Thomas Jefferson left his Monticello, VA estate for five weeks of relaxation: while he was on vacation, he recalls, he took up Plato's *Republic*, which he found to be "the heaviest task-work I ever went through."¹⁴ After completing the work, he felt compelled to write to his good friend, another former President and one-time sparring partner, John Adams: he could not understand "that the world should have so long consented to give reputation to such nonsense as this," and he wanted to vent his frustration about Plato's "unintelligible jargon."¹⁵ His letter primarily attacks Plato for being a sophist, for using unclear language, mystical whimsies, which should have made him obsolete years ago, but were, unfortunately, picked up by the "body of artificial Christianity."¹⁶ They made Jesus' simple aphorisms—which "are within the comprehension of a child"—completely unintelligible, so much so that "thousands of volumes have not yet explained the Platonisms engrafted on them."¹⁷ Plato and the Christian Platonists not only corrupted Jesus' words—a major sin in itself—they also soiled Socrates' good name: "Socrates had reason indeed to claim of the misrepresentations of Plato; for in truth his dialogues are libels on Socrates."¹⁸ It is important to note here that Jefferson held Socrates in the highest esteem: in 1803 he had a series of communications with like-minded spiritual friends where he compared Jesus with Socrates and claimed that,

collected in a volume called *The Adams-Jefferson Letters*, ed. Lester J. Cappon (Chapel Hill, NC: University of North Carolina Press, 1959).

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

like Socrates, Jesus had a group of followers who misinterpreted his words.¹⁹ He blames Plato for misinterpreting Socrates in the same way that he blames the early Christian disciples for misunderstanding Jesus.

This is mostly the extent of the Jeffersonian critique of Plato: that Plato's whimsies were mystical and irrelevant, that Plato used Socrates as a cover for his irrational, jargon-filled theological arguments, and that the Christians in the middle ages only incorporated Plato into Christianity because they liked his indecipherable mysticism. He does say a single word about Plato's political philosophy—save from a passing comment that if Plato had had his way, “we should now have been all living, men, women and children, pell mell together, like beasts.”²⁰ The central philosophical structures of the *Republic*—the tripartite nature of the city and the soul; the levels of citizens both in the government and in society in general; the notion of a philosopher-king—are not mentioned in Jefferson's critique. Hence, rather than rejecting all of Plato simply because Jefferson thought his mysticism muddied Socrates' greatness, we should explore the parts of Plato that influenced Jefferson's philosophy.

In his response to Jefferson, John Adams focuses more directly on Platonic political and social philosophy. While he agrees that reading Plato was a “tedious toil,”²¹ he has much less to say about Plato's mysticism and eventual Christianization. Instead, he attacks the *Republic* and the *Laws*, suggesting that he could “scarcely exclude the suspicion that [Plato] intended the [Republic] as a bitter Satyre upon all

¹⁹ Thomas Jefferson to Dr. Benjamin Rush, Washington, April 21, 1803; Jefferson to William Short, Monticello, April 13, 1820. See also: the “Jefferson Bible,” or the *Life and Morals of Jesus of Nazareth* (unofficially published in 1820) where he strips away all the “superstitions” from the words of Jesus.

²⁰ Thomas Jefferson, Letter to John Adams, Monticello, VA (July 5, 1814)

²¹ John Adams, Letter to Thomas Jefferson, Quincy, MA (July 16, 1814).

Republican Government.” He particularly rejected what he called “a Community of Wives and Property,” which represents Plato’s belief that property should not be a principal part of the lives of the Guardians: “Nothing can be conceived more destructive of human happiness; more infallibly contrived to transform Men and Women into Brutes, Yahoos, or Daemons than a Community of Wives and Property.”²² Plato’s personal social regulations—removing the son from the father, and of making various things communal—dominated many of Adams’ discussions of Plato late in his life. He believed that Plato wanted to create “a Community of Wives; a confusion of Families, a total extinction of all Relations of Father, Son, and Brother,” because Plato was terrified of “the Power of Birth”²³ (hereditary aristocracy). This is also an issue he has with Rousseau and Diderot; he eventually dismisses philosophy in general, arguing that, “In short, Philosophers antient and modern appear to me as Mad as Hindoos, Mahomitans and Christians.”²⁴ Philosophers are too idealistic for Adams—they don’t understand that “as long as Property exists, it will accumulate in Individuals and Families. As long as Marriage exists, Knowledge, Property and Influence will accumulate in families. [...] so sure as the Idea and the existence of property is admitted and established in Society, Accumulations of it will be made, the Snow ball will grow as it rolls.”²⁵

Ultimately, however, Adams accepts the idealistic nature of philosophy, naming a long list of philosophers, from Plato to modern republican thinkers, and finally saying, “[they are] all a little cracked! Be to their faults a little blind; to their

²² Ibid.

²³ John Adams, Letter to Thomas Jefferson, Quincy, MA (September 20, 1813).

²⁴ John Adams, Letter to Thomas Jefferson, Quincy MA (July 16, 1814).

²⁵ Ibid.

Virtues ever kind.”²⁶ Rather than rejecting all of these thinkers for minor problems in their argument or their world-view, Adams wants to interrogate them to try to draw out the virtues from their arguments. Though both Founders express dislike for Plato’s theological structure—and Adams reviles the prohibitions on family life in the *Republic*—neither acutely criticizes the core social principles of the *Republic*. While this conversation appears superficially damning of Plato’s place in the Founders’ philosophical system, it not only does not touch on the important aspects of the *Republic* I have discussed above, it also contradicts earlier statements from John Adams, among others.

Between 1784 and 1786—the years directly preceding the Constitutional Convention—John Adams undertook his first “tedious toil” of re-reading Plato. His letters, and letters written by his wife Abigail and son John Quincy, tell a very different tale than his correspondence with Jefferson in 1813 and 1814 suggests. Abigail Adams—John’s best friend, and most important correspondent—wrote off-handedly in 1785 that, “Know then sir that this fourth of Janry 1785 of which I give you joy, I was sitting by my fire side at one end of a table and at the other my best Friend studying his favorite Author Plato.”²⁷ She would repeatedly mention, over the course of those three years, that John would often retire to his rocking chair and read Plato: for example, in 1784 she remarked, “Mr. A in his easy Chair upon one side the table reading Platos Laws.”²⁸ Adams began invoking Plato as far back as 1763, when he argued that Plato’s maxims—in conjunction with Christianity—allowed him to

²⁶ Ibid.

²⁷ Abigail Adams, Letter to Royall Tyler, Quincy MA (January 4, 1785).

²⁸ Abigail Adams, Letter to Mary Smith Cranch, Quincy, MA (December 12, 1784).

fight in self-defense against someone who would take his freedom.²⁹ He would later call this the “revolution-principle” in a 1775 article condemning people who would not stand up to oppression: “These are what are called revolution-principles. They are the principles of Aristotle and Plato, of Livy and Cicero, of Sydney, Harrington and Lock.—The principles of nature and eternal reason.—The principles on which the whole government over us, now stands.”³⁰

Perhaps the most interesting text from Adams’ philosophical genius is his 1787 *Defence of the Constitutions of Government of the United States*: in this epic treatise, he spends an entire chapter detailing Plato’s political theory, and relating it to the American structure. He is most concerned with the social patterns that Plato posits, the transition from Aristocracy to Oligarchy to Democracy to Tyranny: “Plato has given us the most accurate detail of the natural vicissitudes of manners and principles, the usual progress of the passions in society, and revolutions of governments into one another.”³¹ He uses these structures to show that a republican government is best, one where “the laws govern, and justice is established: where the guardians of the laws are such in reality, and preserve the constitution, instead of destroying it, and promote the happiness of the whole city, not their own particularly: where the state is one, not many.”³² This sort of society circumvents the inevitable transition of democracy into tyranny, because it is based on respect for justice and law, and because one man will not be able to take over simply based on the people’s natural tendency to “set some

²⁹ John Adams, Letter, “To the Printers of the *Boston Gazette*,” September 5, 1763.

³⁰ John Adams, Letter, “To the Inhabitants of the Colony of Massachusetts-Bay,” January 23, 1775.

³¹ John Adams (1787), Volume 1, Letter 33.

³² *Ibid.*

one in a conspicuous manner over themselves, to cherish him, and greatly to increase his power.”³³ It seems, then, that the John Adams of 1814 would not agree with much of what the John Adams of 1787 had to say about Plato, and Plato’s role in society and government. It is important, of course, to understand the change in opinion that Adams underwent. Nevertheless, for my purposes in this study, it is also necessary to examine the role that Plato played in influencing Adams’ political philosophy while he was in the process of writing the Constitution and defending it after ratification.

As Adams’ life shows, it is a mistake to discount Plato’s relevance in the Founders’ philosophy: despite what they may have said later in their lives, both Adams and Jefferson sculpted a philosophy using tools that Plato crafted for them. In the next section I will focus on some of the Platonic characteristics of their and other Founders’ philosophies, particularly their views on society, and the role of government in fashioning and controlling society. At the very least this section should show that Plato should not be overlooked when examining the Founders’ philosophical background—particularly around the time of the Constitutional Convention.

I focused in this section on Thomas Jefferson and John Adams for three reasons: primarily because I believe they are good representative of the Founders views, secondly because they had the most well-publicized debates about Plato, and thirdly because they are the two Founders whose letters and libraries have been best preserved. Madison, Hamilton, Franklin and Jay all had extensive libraries—including numerous copies of Plato—and kept correspondence with other thinkers,

³³ Ibid.

but many of their works have been misplaced, miscataloged, hoarded by relatives or completely lost. A few modern historians have managed to unearth direct, negative references to Plato that fit into their conceptual scheme: Richard M. Grummere argued, for example, that Plato was mainly a theological philosopher for the Founders. He argues that thinkers like “Samuel Johnson of Connecticut, Jonathan Edwards, the Mathers, Mayhew, and Witherspoon rate him as the first among non-Christian writers.”³⁴ Although he recognizes that influential writers like “Milton and the “classical republicans” in England,”³⁵ had a lot to say about Plato, he cites the aforementioned Jefferson-Adams exchange as evidence that Plato’s ideas did not translate to the colonies. It is startling that modern thinkers have overlooked some of the Platonic elements in the philosophy surrounding the Founding of the United States. Unfortunately, every one of them cites the same debate (from 1814-15) instead of examining the time period holistically. In the next section I will delve more deeply into the views of the Founders to unearth Platonic structures and concepts that influenced their views about the role of government.

“There is a natural aristocracy among men”

The most important Platonic structure that I wish to call attention to is Jefferson’s idea of a “natural aristocracy,” which he explained in a letter to John Adams in 1813:

For I agree with you that there is a natural aristocracy among men. The grounds of this are virtue and talents. Formerly bodily powers gave place among the *aristoi*. But since the invention of gunpowder has

³⁴ Richard M. Grummere (1963), 178-179.

³⁵ Ibid.

armed the weak as well as the strong with missile death, bodily strength, like beauty, good humor, politeness and other accomplishments, has become but an auxiliary ground of distinction. There is also an artificial aristocracy founded on wealth and birth, without either virtue or talents; for with these it would belong to the first class. The natural aristocracy I consider as the most precious gift of nature for the instruction, the trusts, and government of society.³⁶

This “natural aristocracy” represents a distinct break from the Democratic tradition: though the people are asked to aid in the selection of the natural *aristoi*, the process of government is delegated to these great men. Nature endows some people with particular gifts—intelligence, wisdom, wit, or “talents”—and if they cultivate enough virtue, they will be fit to govern others. One of the main purposes of government is to test for these *aristoi*, to select them and make sure they occupy positions of power: to create a “government of the best men in the community,” as James Wilson said.³⁷ Jefferson’s understanding of a “natural aristocracy” thus permeated the Federalist discourse on the Constitution and the creation of the American Republic.

The power of this philosophical social framework is evidenced in the extremely virulent criticisms leveled against it by the Antifederalists: one of the major complaints they made in all of their writings was that the Constitution sought to recreate English-style aristocracy on American soil. Every Federalist was at one point accused of being an aristocrat—though, ironically, Jefferson’s image was not associated with the Federalist tradition, in part because of his well-documented feud with Alexander Hamilton. In fact, Jefferson was touted as the “decided opponent of aristocracy, monarchy, hereditary succession, a titled order of nobility, and all the

³⁶ Thomas Jefferson, Letter to John Adams, Monticello, VA (October 28, 1813).

³⁷ James Wilson, in Wood (1969), 493.

other mock-pageantry of kingly government.”³⁸ The Antifederalists focused their attention on the structures of Constitutional aristocracy, especially the powerful Senate and President, because the new Constitution left too much power in the “enlightened few,” who, “if they should combine, [might] at any time [...] destroy the best establishments, and even make the people the instruments of their own subjugation.”³⁹ The Constitution, they said, would “raise the fortunes and respectability of the *well-born few*, and oppress the plebians.”⁴⁰ They rejected Constitutional structures like the bicameral legislature and the Presidency because they thought these parts of the government represented the aristocracy; instead, they wanted the government filled with “the middling and the lower classes of people,” who were connected to the “feelings, circumstances, and interests of the people.”⁴¹ At the same time, these people were considered “more temperate, of better morals, and less ambitious”⁴² than the “natural aristocrats” of the Federalists. While the Antifederalists wanted ordinary, “middling” people in office, they still wanted these people to be temperate, unambitious, and morally strong—they wanted a meritocracy like the Federalists, just one with different principles on which to judge merit. The Antifederalists divided society into levels and social gradations, as did the Federalists; but rather than pursuing merit, wisdom and virtue above all else, they looked for temperance, good morals, and an ability to relate to the common man. While they did

³⁸ “Aristedes” (Anonymous), *Gazette of the United States*, September 8, 1792.

³⁹ Melancton Smith, in Wood (1969), 489.

⁴⁰ George Mason (1788).

⁴¹ William Heath, in Wood (1969), 491.

⁴² *Ibid.*

not follow the Platonic precepts of wisdom and justice when selecting their leaders, even the hyper-democratic Antifederalists functioned inside the Platonic structure.

The Federalists, on the other hand, were concerned uniquely with merit, wisdom, and virtue: as evidenced by Jefferson's letter to Adams, the Federalists wanted a government which would include mechanisms—a bicameral legislature, an electoral college, and age limits on representatives, for example—for sorting potential politicians based on merit. They rejected the Antifederalist arguments because the Antifederalist proposals would lead to a government where “the unjust, the selfish, the unsocial,” would govern, and would be ruled by “the vices, the infirmities, [and] the passions of the people.”⁴³ They wanted, as John Adams put it in 1776, for rulers to be chosen on “Capacity, Spirit, and Zeal in the Cause, [rather than] Fortune, Family, and every other Consideration, which used to have Weight with Mankind.”⁴⁴ Gouverneur Morris, ever the lover of exaggerated rhetoric, responded to Antifederalist calls for democracy by rejecting its social implications: “And thou, too, democracy! Savage and wild. Thou who wouldst bring down the virtuous and wise to thy level of folly and guilt.”⁴⁵ As this bold statement shows, the Founders were not traditional aristocrats in the sense that the Antifederalists repeatedly accused them of being; rather, they were *natural* aristocrats, acutely aware that the people were apt to “more or less run into anarchy”⁴⁶ without some sort of strong, virtuous governmental structure. Rather than allowing the people to directly control their government, the Founders—the Federalists, in this case—wanted to create a society based on virtue,

⁴³ Robert Livingston, “An Oration Delivered July 4, 1787.”

⁴⁴ John Adams, Letter to Abigail Adams, Washington, D.C. (July 10, 1776).

⁴⁵ Gouverneur Morris, *Niles Daily Register*, July 9, 1814.

⁴⁶ Alexander Hamilton, Letter to John Jay, New York (November 26, 1775).

with every citizen feeling what they called “public virtue,” or patriotism and sacrifice for the good of the country.⁴⁷ Allowing direct democracy—or even direct election of leaders—would not allow the people sufficient time to develop their “public virtue.” In the meantime, the government should be run by the wise, the virtuous—the natural aristocrats who could justly guide the people.

Republican virtue had not yet taken hold in America, though the country was on the right track towards establishing it: as Jonathan Jackson, a representative of Massachusetts in the Continental Congress, argued in 1788, “there was never a people upon this earth [...] who were in less hazard than the people of this country, of an aristocracy’s prevailing—or anything like it, dangerous to liberty,” because there was almost no “inequality of fortune,” or “rank of any consequence, or hereditary titles.”⁴⁸ The key problem facing America was to keep the “natural aristocracy” or the “aristocracy of experience, and of the best understandings”⁴⁹ in charge. The Constitution, he argued, was designed to give authority to “those, and those only, who by nature, education, and good dispositions, are qualified for government.”⁵⁰ Part of this system meant that prospective members had to prove themselves worthy, and well qualified: Benjamin Franklin, for example, knew that “to be a mover and shaker in the province, he would have to become a gentleman, one of “the better Sort of

⁴⁷ Interestingly, there is a literal Platonic parallel to this notion of “public virtue,” and sacrifice for the good of the country: in Book IV of the *Republic*, Plato likens the experience of being unjust to being unhealthy. A city, he says, is like a body—and when any part of the body hurts, the whole body must feel the part’s pain, especially the rulers. Each person must sacrifice so that the whole can be just; each cell must sacrifice so that the body can be just.

⁴⁸ Jonathan Jackson (1780), 54.

⁴⁹ *Ibid.*, 57.

⁵⁰ *Ibid.*

People” he had earlier scorned.”⁵¹ The Federal government would, then, take “from the mass of society the purest and noblest characters which it contains,”⁵² thereby assuring that the most qualified, most just members of society would retain control over the “mass of society.”

The concept of a “natural aristocracy,” so clearly outlined by Jefferson, was a social, cultural philosophy which happened to be mirrored in government: the “natural *aristoi*” that Jefferson spoke of existed naturally in society because of the uneven distribution of “talent and virtue.” In his *Defence of the Constitutions of the United States*, John Adams explained the way this social theory was interwoven with the government:

These sources of inequality, which are common to every people, and can never be altered by any, because they are founded in the constitution of nature; this natural aristocracy among mankind, has been dilated on, because it is a fact essential to be considered in the institution of a government. It is a body of men which contains the greatest collection of virtues and abilities in a free government; is the brightest ornament and glory of the nation; and may always be made the greatest blessing of society, if it be judiciously managed in the constitution.⁵³

A correct government would provide for the selection of these natural aristocrats, while simultaneously managing their power to obstruct liberty through its set of rules, its Constitution. Thus, while the purpose of government was to, sieve-like, sort the “wheat from the chaff,”⁵⁴ and to ensure that the natural aristocracy was in power, these *aristoi* existed independently of the government. Society, for the Founders, was

⁵¹ Gordon Wood (2004), 56.

⁵² James Madison, “Vices of the Political System,” in *Writings of James Madison*, ed. Hunt, Vol 2, 369.

⁵³ John Adams (1787), Vol. 1, Chapter 25.

⁵⁴ Thomas Jefferson, Letter to John Adams, Monticello, VA (October 28, 1813).

split into sections: despite their rhetoric of a single, united citizenry, they still approached society with the old structures in mind.

While America may have been a case study in blurring the old lines between social classes—with the exception of the slaves, of course—the Founders intended to create a new set of divisions, based on wisdom and intelligence rather than on name and property. This structure, and the new divisions they intended to create, mirrors the Platonic formation of the state—in fact, Madison’s distrust of the “mass of society” directly parallels Plato’s mistrust of the “mass of the soul.”⁵⁵ The Founders’ notion of a “natural aristocracy,” moreover, mirrors Plato’s understanding of a guardian class. The main function of the guardians in the *Republic* was to select and educate other worthy guardians; the Founders adapted this model for their government. But at the heart of both theories is a notion of society that runs parallel with the government: in the Platonic model, the guardians are naturally born with better instincts, wisdom, and virtue, and are thus elevated above the rest; in the American model, people who are born with wisdom and can demonstrate their virtue and industry rise in society. In both cases, birth, name, and personal fortune have nothing to do with their social rank—in fact, in both cases the traditional characteristics of aristocrats can actually hurt. For Plato, only those in the lowest level of society will be able to accumulate wealth—those in the higher echelons will be more concerned with virtue, justice, and the state to care, or have time to enjoy luxuries; for the Founders, hereditary succession was a supreme evil, so they

⁵⁵ Plato, *Republic*, 442a-b.

constructed mechanisms to avoid classical aristocracy in the Constitution, which I will examine in Chapter 5.

It is therefore from this structure—of a tiered society, with the “natural aristocrats” above all others—that the Platonic germ was born. All the Platonic tensions in the Constitution can be linked back to this fundamental view: a multifaceted, tiered republican government does not represent a fundamentally equal society, but rather a hierarchical one, where some citizens are better equipped than others by nature and are thus delegated more authority and responsibility. This structure is not a traditional aristocracy, a traditional monarchy, or even a traditional democratic republic. It is rather a meritocratic republic (Adams famously called it a “monarchical republic”⁵⁶), created to channel the well-qualified into positions of power. The very nature of representation, that reverently democratic concept, implies the importance of the select few: the novelty of the American system, Madison argued, “lies *in the total exclusion of the people, in their collective capacity*, from any share” in the government.⁵⁷ Instead, Hamilton suggested, “the whole powers of the proposed government, is to be in the hands of the representatives of the people,”⁵⁸ the citizens who rose above the mass of society because of their wisdom, virtue and talents. The bedrock of American government—representation—exemplifies the importance of a natural aristocracy.

If the Founders viewed society as egalitarian, and all people as “born equal,” they would not have created a government that separates the “wheat from the chaff,”

⁵⁶ John Adams, Letter to Roger Sherman, Quincy, MA (July 17, 1789).

⁵⁷ James Madison, *The Federalist No. 63*.

⁵⁸ Alexander Hamilton, *The Federalist No. 28*.

the “purest and noblest characters from the mass of society,” by splitting the political structure into three tiered branches. They would not have spent so much time fretting about the tyranny of the majority and trying to find ways to counteract it; they would not have created any of the governmental checks against popular sovereignty that are in the Constitution, which I will discuss this in the next chapter. They were happy to construct a government “by the People, for the People,” so long as the *right* people were ultimately in charge: Plato’s government, for example, was “by the People, for the People,” because the right people—the Guardians—were looking out for the interests of the “mass of the soul,” who gave them power. Plato even recognized that the public had to be convinced by these philosopher-rulers that it was in their interest to be ruled and maintain the structure;⁵⁹ his “noble lie” of the metals helped convince the mass of the soul to accept the new social structure, to understand that anyone could be a guardian if they had the right mix of justice, virtue, and character. The Founders understood that a similar noble lie was needed in the American context: their social and governmental structure would only work if Americans believed that they were “born equal,” with each person as likely as the next to govern despite any differences in character and natural ability. In this manner, the Constitution would be “by the People, for the People,” rather than “by the Few for the Few.”

This is not to say that the Founders did not believe that the people would be good leaders; rather, they were positive that good leaders would emerge from the mass of society. Their social structure had nothing to do with traditional aristocracy and monarchy because the old structures would only lead to tyranny and destruction;

⁵⁹ Plato, *Republic*, 499e-500a.

instead, they developed a new system, wedding the social structure of Plato's meritocratic republic with the insights of Montesquieu and the English Constitution. Their modern American republic grafted a meritocratic Platonic soul onto a governmental structure perfected by enlightenment thinkers: this uneasy relationship is evident in the tensions within the Constitution itself, and also in the personal social philosophies of the Founders. In my next section, I will examine the tensions that this social structure revealed in the Constitution itself.

Chapter 5: The Platonic Germ in the Constitution

Does it not belong to the rational part to rule, being wise and exercising forethought in behalf of the entire soul?

—Plato, *Republic*, IV.

In Chapter 4 I examined the philosophical beginnings of the Platonic republican germ in the Founders philosophy: in particular, I argued that their understanding of social organization embodied in their conception of a “natural aristocracy” gave rise to the Platonic structures that they wrote into the American political structure. In this chapter I wish to discuss the parts of the Constitution—the founding and most important document of American political thought—that manifest this Republican germ, both (to borrow scientific terms) in their genotype, and in their phenotype. I will explore the debates that surrounded the parts of the Constitution that I wish to analyze, including the notes of the Constitutional Convention in Philadelphia of 1786-7, among other contemporary work. The bulk of the chapter will contain an analysis of the Constitution itself, starting with Article I and working through to the Amendments: in each section I will focus on the Platonic implications of the physical document, and include a discussion of the ramifications that the wording and the debates surrounding the document had on the American republic. Through this combination of textual and historical analysis I wish to bring to light the contradictions and tensions that I have been referencing throughout this thesis, and which are inherent in the Constitution in part because of the long republican canon that began with Plato.

Article I: A Bicameral Legislature

In this section I wish to interrogate various assumptions that are popularly held about the Congress: (1) that the Congress—and in particular, the House of Representatives—is the bastion of democracy in the republic, the part of the governmental structure that most resembles the will of the people; (2) that the new Congress, in its shifts away from the English model and the Articles of Confederation actually became more democratic; and (3) that the Framers intended the Congress to represent the will of the people, and to have representatives essentially “mirror”¹ their constituents. Though I will approach this section with a decidedly anti-democratic slant, I wish to remind my reader that I am not suggesting that democracy does not exist or even that the Founders did not believe in democracy. Rather, I wish to emphasize the anti-democratic, classical republican, and aristocratic elements—the contradictions—that exist in Article I.

Myth 1: The Congress is the Voice of the People Expressed in Government

On the surface, the Congress—the bicameral legislature made up of the House of Representatives and the Senate—seems to be the most populist part of the American government: for example, it is the only section of government (as outlined by the original Constitution) that allows the public to directly choose their representatives. As such, Americans have come to see the Congress as the part of the tripartite government that best encompasses the nation’s opinions on the whole: because representatives are directly answerable to the people, they must make sure

¹ I refer here to Edmund Burke (1774).

their decisions, their votes, correspond with the people's interest; if they take a position that the people—their constituents—do not agree with, then the representatives will be summarily rejected in their next election. The people have the authority to fire their representative every two years, so to speak.²

Yet if this were truly the case—that is, that the framers intended the people to have such a direct voice in government—why did they create a bicameral legislature? To put my question more concretely, what is the function of the senate? In principle, a single legislature, made up of representatives elected for two-year terms gives more power to the people, a stronger voice in government: not only would they choose who represented them directly, they would not need to filter their decisions through another legislature which they did not elect. A single legislature makes much more sense from a democratic angle, and certainly gives the people a more powerful voice in government. So why divide the chambers, why mirror the British model, which created two separate legislatures, one for the people (the “House of Commons”) and one for the rich, the noble (the “House of Lords”)? The answer, we shall see, has less to do with protecting states' rights³ and much more to do with curbing the influence of the people's ignorance of national long-term interests. Montesquieu, perhaps the most important philosophical influence with regard to the physical mechanisms of the American system, suggests in *The Spirit of the Laws* that,

In such a state there are always persons distinguished by their birth, riches, or honors; but were they to be confounded with the common people, and to have only the weight of a single vote like the rest, the

² Ironically, this feeling of power that the people have over the Congress could help to explain why the House is always, by a large margin, the branch of government with the lowest approval ratings (buyer's remorse, so to speak).

³ See Amar (2006), 36-37.

common liberty would be their slavery, and they would have no interest in supporting it, as most of the popular resolutions would be against them. The share they have, therefore, in the legislature ought to be proportioned to their other advantages in the state; which happens only when they form a body that has a right to check the licentiousness of the people, as the people have a right to oppose any encroachment of theirs. The legislative power is therefore committed to the body of the nobles, and to that which represents the people, each having their assemblies and deliberations apart, each their separate views and interests.⁴

The senate, or the “body of the nobles,” as Montesquieu says, not only should be proportionally more powerful than the “body of the people,” but should also be able to check the power of the people, moderating their populist wishes and their excessive love of pleasure (their “licentiousness”), which could lead them to fall under the grip of a tyrant who promised them immediate gratification. This last point in particular is echoed various times in the *Federalist*: Madison, for example, in *Federalist No. 62* (on the Senate), writes,

A good government implies two things: first, fidelity to the object of government, which is the happiness of the people; secondly, a knowledge of the means by which that object can be best attained. Some governments are deficient in both these qualities; most governments are deficient in the first. I scruple not to assert, that in American governments too little attention has been paid to the last. The federal Constitution avoids this error; and what merits particular notice, it provides for the last in a mode which increases the security for the first.⁵

This theory—that governments should care both about the immediate happiness of the people and the means to achieve their long-term happiness—suggests that while the House is devoted to the temporal, immediate happiness of the people, the Senate must exist in order to look out for the people’s long-term interest, to exert their

⁴ Montesquieu (ed. 1977), Book 11, Chapter 6.

⁵ James Madison, *Federalist No. 62*

greater knowledge and wisdom in the service of the future of the country. By breaking up the duties in this way, however, the Founders rejected the notion that the people could look out for anything other than their own temporal happiness—their pleasures, as Plato would say. In fact, this divide between House, Senate, and Presidency (which I will discuss in the next section), between immediate and future interests, mirrors the Platonic concept of “appetite,” “spirit,” and “reason”: without appetite—that is, hunger or thirst, for example—the government would not know how to keep the people happy for even a day; without the “higher” emotions of the soul—that is, bravery and courage—and the power of reason, the government would not be able to contain and channel the appetitive, and would be given over to the tyranny, as Madison put it, of one part of society over another.⁶ The faculty of reason is, as it were, jointly located in the Senate and the Presidency, though the tripartite alignment (and the structure of the American government) places the President above the Senators. The House represents the appetitive, the temporal.

This, then, is the tyranny of the majority that Madison, Jefferson, Adams and Hamilton all wrote about, both in their letters and in the *Federalist*: though Madison uses the notion of faction—that is of separate opinions counteracting each other—to combat the tyranny of the majority, at the base of every argument against tyranny of the majority is a fundamental distrust of public opinion and governance.⁷ The Senate, as Madison points out in *Federalist Nos. 62 and 63*, was divined as a “salutary check on the government,” which moves against “the impulse of sudden and violent

⁶ James Madison, *Federalist No. 51*.

⁷ For more in-depth analysis, see Alexis de Tocqueville (ed. 2003), Volume I, Chapter 7.

passions.”⁸ The Senate “may be sometimes necessary as a defense to the people against their own temporary errors and delusions [...] In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow mediated by the people against themselves until reason, justice, and truth can regain their authority over the public mind?” Public opinion is open to corruption from passion—“appetite” can be used to fuel violence, and can even corrupt the “higher” emotions of the soul, like bravery. However, corrupting emotions can only take hold in people who have “deficient wisdom,”⁹ which has been the cause of a number of legislative blunders. Though these mistakes “have proceeded from the heads rather than the hearts of most of the authors of them,” this is because they have not spent enough time studying “the laws, the affairs, and the comprehensive interests of their country.”¹⁰ This is where the Senate must take action: “true” wisdom must overcome “deficient wisdom” in order to prevent these legislative mistakes. The Senate, as John Adams said in his *Thoughts on Government*, must exemplify “the wisdom and foresight of persons, who have a long acquaintance with the history and manners of mankind.” These “contemplative and well informed” would “command the respect of the people, [and] give a firmness to the government.”¹¹

This analysis is not meant to reject other reasons for the creation of the Senate, but looks rather to add to the insights of these explanations to explain this inherently anti-Democratic body. Amar, for example, suggests that the Senate was

⁸ James Madison, *Federalist No. 62*.

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ John Adams (1776). For more on this subject see Wood (1969), 209.

created partially as a way to appease the states-rights members of the Philadelphia convention: there would be one body where the most populous states would gain power (the House), and another where all the states would be equally represented (the Senate).¹² This certainly makes sense, and Madison addressed the concerns of the small states in *Federalist Nos. 62 and 63*; however, it seems insufficient in explaining why the senators would be elected for such long terms and why they were required to be older than members of the House. The Senate, I suggest, was the first iteration of the Platonic germ in the American Constitution because it reveals the Platonic Republican fabric inherent in any modern republic: that while the people are necessary for the State, they must be controlled by the “wise and learned,”¹³ who are “distinguished Friends of their Country.”¹⁴ While the Congress may in some ways be the voice of the People, this voice was muted by the presence of a Senate, which refined, reigned in, and in some cases stymied the popular will. A bicameral legislature is not democratic, but is certainly republican at heart.

Myth 2: The New Congress was More Democratic than the Old Congress

Akhil Amar begins his chapter on the structure of government, “New Rules for a New World,” by comparing the powers of what he calls the “old Congress”—or the Congress delineated under the Articles of Confederation—with the “new Congress” of the Constitution. The key difference, he states, is that, “the old Congress

¹² Amar (2006), 36.

¹³ Philadelphia, *Pennsylvania Journal*, September 25, 1776.

¹⁴ John Adams, Letter to Francis Dana, Quincy, MA (June 12, 1776).

consisted of states' men; the new Congress would consist of statesmen."¹⁵ That is, the old, British-style Congress enlisted men that were bound to vote according to the needs of their state, as determined by the people in the state and the state's government. In the new Congress, representatives were liberated from the necessity of voting according to what their state deemed correct—they were instead asked to do what they believed to be in the best interest of the nation, their state, and their constituents. In effect, they were transformed from messengers of the states into politicians who rose above petty arguments to adjudicate on the most pressing matters of national importance.

The key theme of the Articles of Confederation (ratified in Congress in 1781) is sovereignty: the states were not united under the banner of a common, overarching nation, but were rather in a "firm league of friendship"¹⁶ with each other. The Articles affirmed each state's sovereign rights, and assumed that each state would act as a separate unit with a singular set of interests. Thus, each state was obliged to send at least two delegates to the national convention, though each state had one vote; no delegate was allowed to serve for more than three years consecutively, though they could run again after three years had passed.¹⁷ The state assembly chose the delegates and if they did not successfully follow the assembly's wishes at the national convention they could be recalled immediately: they were beholden to the state's interest, messengers from the popularly elected assembly. The national assembly was

¹⁵ Amar (2006), 58.

¹⁶ Articles of Confederation, 1777.

¹⁷ Ibid.

not a gathering of people; it was a gathering of states. It was, in essence, an 18th-century United Nations.

In many ways this method of forming national policy was actually more democratic than the subsequent Constitution: though the messengers themselves were separated from the people by their assemblies, the people had a much more direct hand in crafting the message presented to the confederacy because they were so closely tied to their representatives. State assemblies were much more effective in gauging public opinion because they only represented small districts; individual citizens were probably acquainted with their state assemblyman, and could easily pass on messages and even influence policy. In the new Constitution, members of the House had constituencies of 30,000 people; assemblymen represented closer to 3,000 on average.¹⁸ With this degree of connection between the legislators and the people, the will of the people inevitably held a large degree of importance in the state governments. The messengers, the delegates to the national convention as the spokespeople of the state, were thus more beholden to the popular will than the representatives in the Constitution even though they had no direct contact with the people! That is, I suggest that the Congress of the Articles of Confederation, in granting more sovereignty to the states, was actually more *democratic* (and by that I mean was more representative of the popular will) than the new Congress of the Constitution. Though the mechanism was less effective at creating policy—especially with regard to commerce and foreign matters—it contained a more direct relationship with the citizens in the states because it dealt primarily with the state assemblies.

¹⁸ I compiled this number by dividing the total population of the United States in 1790 by the total number of state assemblymen.

Agrippa (i.e. James Winthrop, a famous judge, and antifederalist author) echoed this sentiment in the *Anti-Federalist No. 1*: “There is to be one representative for every thirty thousand people. Boston would nearly send one, but with regard to another there is hardly a county in the state which would have one. The representatives are to be chosen for two years. In this space, when it is considered that their residence is from two hundred to five [hundred] miles from their constituents, it is difficult to suppose that they will retain any great affection for the welfare of the people.”¹⁹ The Anti-Federalist complaint is a legitimate one: classical republics worked because the representatives had “great affection” for their constituents, and could accurately represent their will. In this large space, with constituencies over 30,000 people, how could a representative possibly meet everyone, much less care about them? The answer that the Federalists gave fits more correctly into the next section.

Myth 3: The Will of the Government is the Will of the People

In *Federalist No. 53*, Publius²⁰ responds to Anti-Federalist critiques of the House of Representatives by arguing that, “No man can be a competent legislator who does not add to an upright intention and a sound judgment a certain degree of knowledge of the subjects on which he is to legislate.”²¹ Legislators who come from a state assembly—messengers from the people—will not be able to accurately

¹⁹ James Winthrop, *Anti-Federalist No. 1*.

²⁰ Authorship of this work has been attributed to both James Madison and to Alexander Hamilton. Current scholarship remains relatively divided, though more historians seem to favor Madison as the author.

²¹ James Madison or Alexander Hamilton, *Federalist No. 53*.

deliberate over matters of national and international importance; not only, the Federalists argue, should representatives have two-year terms (as opposed to one-year terms, as was the norm in many states), they must also have sufficient knowledge of the nation to decide what will be best for the people. Throughout the *Federalist*, Madison, Hamilton and John Jay practice a very subtle art: they redefine certain parameters of the discussion in order to push their readers towards their conclusions. In this case, they assume that legislators will have some sort of autonomy from the state assemblies—this was not a given—and then use that assumption to press for more “knowledgeable” legislators, people who will be able to make decisions on matters that the populace would not be able to comprehend. The Federalists shifted the discussion to favor adopting a Burkean, or “trustee” model of representation: thus, a Federalist representative, “owes [the electors], not his industry only, but his judgment; and he betrays, instead of serving [them], if he sacrifices it to [their] opinion.”²² The Federalists, as Amar argued, not only created a new government, but actually redefined American representation: they made state’s men into statesmen.

Federalist rhetoric fits perfectly with the Burkean conception of “trustee” representation because Burke’s system was based on a government that the Federalists idealized—the British parliamentary system. The Federalists wanted to construct a government that would adopt another Burkean argument: “parliament is a *deliberative* assembly of *one* nation, with *one* interest, that of the whole; where, not local purposes, not local prejudices, ought to guide, but the general good, resulting

²² Sir Edmund Burke (1774).

from the general reason of the whole.”²³ Legislators, the Federalists argued, need to look to the good of the whole rather than the particular; they must be “proper guardians of the public weal.”²⁴ It is worth noting here that Madison chose to speak of the representatives as “guardians,” a classic Platonic concept: the representatives are responsible for guiding the public as a whole and must not be “unduly attached to [local interests], and too little fit to comprehend and pursue great and national objects.”²⁵ Even the members of the House of Representatives must keep the overall good of the people in mind: the “local and particular” interests can be dealt with in the state legislatures.²⁶ On the national level, representatives must be the guardians of the national interest and must legislate for the good of the country, not for the temporal good of their constituents. The Federalist conception of representation is another iteration of the Platonic republican germ: they envision a guardian class, a government of wise, just men who will correctly steer the ship of state. An average American citizen (to say nothing of slaves, Native Americans, or women) would not be qualified to be a representative and certainly not a senator; only those with the “most attractive merit and the most diffusive and established characters” should be elected. The continual references throughout *The Federalist*, and other Federalist work, to the merit, character, justice, and wisdom of elected leaders, imply this Platonic notion of a philosopher-class, a class of natural aristocrats, of guardians, because only a very select few are qualified to serve.

²³ Ibid.

²⁴ James Madison, *Federalist No. 10*.

²⁵ Ibid.

²⁶ Ibid.

Thus, the Federalists answered the Anti-Federalist question—“how can one person possibly know or care about 30,000?”—with a new question: how can someone elected by a small number of people not be beholden to popular opinion (or local concerns, as they called it²⁷) when making decisions of continental importance? In reformulating the dilemma of representation, the Federalists dispensed with the democratic nature of the delegate model (that is, a representative is elected to mirror their constituents’ opinions, thereby giving them a direct voice in government) in favor of a classic (Platonic) republican “trustee” model. This subtle reformulation took the power of government away from the people directly, and placed it instead in the capable hands of the “proper guardians of the public weal.”²⁸ All representatives, be they from the House or the Senate, were expected to be men of the highest character, elected or selected based on their merit to guard the public good: thus even the House, billed as the “democratical part of the government,”²⁹ was born from Platonic and democratic parents.

These are the contradictions that arise when the Platonic germ breeds with notions of democracy: a bicameral congress, with an entire branch devoted to revising and overseeing the public’s proposals, and a theory of representation that mimics Platonic republicanism while holding dearly to a notion of public sovereignty, make sense in this context. The Platonic germ did not present itself directly as Platonic concepts on a page of text or in a speech; rather, it infected the philosophical soul from which the American republic was created, binding itself to concepts like

²⁷ James Madison or Alexander Hamilton, *Federalist No. 53*.

²⁸ James Madison, *Federalist No. 10*.

²⁹ Alexander Hamilton, “Farmer Refuted,” in *The Hamilton Papers*, ed. Syrett. Vol. I, 105.

“equality,” or “democracy.” It is in the melding of democracy with republicanism, equality with meritocracy, delegates with trustees, and the people with guardians that we see the effects of the Platonic germ—radically different notions of representation, representatives, and even government itself. All of these contradictions are expressed in Article I, and in the debate surrounding it.

Article II: A Democratic Patriot King?

In chapter 3, I briefly mentioned a notable English political theorist, whom I grouped in the “Radical Whig” tradition (despite his self-description as a Tory): Henry St. John, Viscount of Bolingbroke, whose most famous pamphlet, *The Idea of a Patriot King*, was one of the most widely circulated pieces of political thought in colonial America.³⁰ His notion of a king that would rise above faction or party, self-interest, corruption, or even power became so commonplace in the early American lexicon that, “writers employed it without making any reference to its author.”³¹ This ideal of a patriot-king who would rise above personal interest, faction, or any of the other problems that would beset a lower statesman or a commoner came to dominate the American political lexicon around the time of the founding. Bolingbroke’s eminence within the American political dictionary provides an insight into the Founders’ notions of the executive: his writing is apprehensive of badly run traditional monarchy, but highly supportive of a classically republican monarch, who

³⁰ William D. Liddle, “‘A Patriot King or None’: Lord Bolingbroke and the American Renunciation of George III,” *The Journal of American History*, Vol. 65, No. 4 (Mar., 1979), pp. 951-970.

³¹ *Ibid*, 957.

will patriotically put the welfare of the country above his personal life. In this section I would like to discuss two related points that both emphasize the importance of the Platonic republican germ in the Constitution and mirror Bolingbroke's conception of the executive: (1) that though the Presidency is the monarchical branch of the government, the Founders were profoundly nervous about instituting traditional monarchy; and (2) that instead of traditional monarchs, or even monarchy, the Founders looked to create a position that would be dominated by wise men chosen for their love of serving the country. It is important to remember that the American founders did not want to establish a monarchy—despite their unabashed praise of the British constitutional structure, they fervently disagreed with the idea of a hereditary monarch who ruled for life. In this section I wish to examine how the Platonic republican germ was expressed in their creation of an American Patriot-President.

The Founders Were Deeply Distrustful of Traditional Monarchies

Though, as I have pointed out various times in this thesis, the Founders were amenable to a powerful executive—even, as in the case of Hamilton (who I will discuss later), an executive for life—they were extremely reticent about connecting their government with any notions of classical monarchy. They roundly rejected adding additional titles to the President which would imply monarchy and would not, as Madison said, be “very reconcilable with the nature of our Government, or the genius of the people.”³² The spirit of 1776, of the American Revolution against the British monarchy, still permeated the debates: William Maclay, famed Senator from

³² James Madison, May 11, 1789, in Joseph Gales Sr. (1834).

Pennsylvania, rejected any trace of monarchy in the American government, saying about the proposed title of the state of the union address (to John Adams, incidentally):

Mr. President, we have lately had a hard struggle for our liberty against kingly authority. The minds of men are still heated: everything related to that species of government is odious to the people. The words prefixed to the President's speech are the same that are usually placed before the speech of his Britannic Majesty. I know they will give offense. I consider them as improper. I therefore move that they be struck out, and that it stand simply [as] address or speech, as may be judged most suitable.³³

Interestingly, though Maclay's arguments were initially disregarded—Adams responded with annoyance, and eventually chided Maclay later in the session³⁴—they were adopted in the text of the Constitution in 1810: “No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince or foreign State.”³⁵ The original amendment went even further, calling for a ban on any “honors” associated with the United States, and stripping any citizen who received a title of nobility or honor of their citizenship.³⁶ In *The Federalist No. 39*, James Madison uses the prohibition of titles of nobility to prove that the United States is a republic: “Could any further proof be required of the republican complexion of this system, the most decisive one might be found in its absolute prohibition of titles of nobility, both under the federal and the State governments; and in its express guaranty

³³ William Maclay (ed. 1891), 10.

³⁴ *Ibid.*, 11-12.

³⁵ US Constitution, art. I, §9.

³⁶ The “Title of Nobility Act” of 1810 eventually became the title of nobility clause above. For more reading see: Jol A. Silversmith (1999).

of the republican form to each of the latter.”³⁷ Though the Founders did not have a deep dislike of titles of nobility *per se*, they rejected anything that constituted “the first step of the ladder in the ascent to royalty.”³⁸

Perhaps the most celebrated step away from traditional monarchy that the Founders took was the inclusion of the impeachment clause in Article II: by an easy majority vote, the House of Representatives (the voice of the people) could choose to “impeach,” or effectively bring charges against, a sitting President. Following the initial vote to impeach, the Senate would then try the President and could remove him from office with a two-thirds majority vote. Nothing like this existed in England, where the King was immune from impeachment and even from criminal suits: the King of England had so-called “Sovereign Immunity,” a phrase I will discuss briefly later in this chapter, to the highest extreme. It is also important to note that the Americans removed impeachment from criminal courts, reserving it for the voice of the People themselves—the Congress. Alexander Hamilton made great use of this distinction in *Federalist No. 69*, when he pointed out that, “The person of the king of Great Britain is sacred and inviolable; there is no constitutional tribunal to which he is amenable; no punishment to which he can be subjected without involving the crisis of a national revolution.”³⁹ In fact, much of Hamilton’s defense of the American executive came from pointing out how the office was less powerful than the King of England: much of the essay is structured as a point-counterpoint, comparing the powers of the President with those of the King of England. For example, “The

³⁷ James Madison, *Federalist No. 39*.

³⁸ Maclay (ed. 1891), 28.

³⁹ Alexander Hamilton, *Federalist No. 69*.

President of the United States would be an officer elected by the people for four years; the king of Great Britain is a perpetual and *hereditary* prince. The one would be amenable to personal punishment and disgrace; the person of the other is sacred and inviolable. The one would have a *qualified* negative upon the acts of the legislative body; the other has an *absolute* negative.”⁴⁰ The specter of the King of England hung over the young American republic and the Founders understood that their main problem in implementing the new American Constitution would lie in convincing the people that they were not creating a monarchy.

There is little doubt, as I said above, that the Founders—and most notably the Federalists—wanted a strong Chief Executive who would be able to stand up to the Congress and to foreign leaders alike. But it is equally clear that they were fearful of classical monarchies, and the power of monarchs to take away individual liberty and oppress their people. They recognized that to stand up to the great European powers they needed a leader who would be able to command the army at a moment’s notice, and not a legislature that could spend weeks deciding whether to defend the country and was only in session a few times a year.⁴¹ But they understood the danger that came with making the President the Commander in Chief, and only allowed him to command the armies when he needed to “execute the Laws of the Union, suppress Insurrections and repel Invasions.”⁴² In sum, they did their best to make the President the ruler of a republic, not a classical monarchical despot, though they had to balance their fear of monarchy with their desire for a strong executive. Though we can sense

⁴⁰ Ibid.

⁴¹ Alexander Hamilton, *Federalist No. 24*.

⁴² US Constitution, art. I, §8.

the presence of the Platonic germ in this conflict, it is not until we examine the theory, the fabric, behind the new American executive that we can bring it fully into view.

A Disinterested, Classical Republican, Patriot-President

Though it is evident that the Founders did not want to recreate the British monarchy on American soil, they certainly understood the virtues of a strong executive. They gave him unconditional veto power (which could be overruled with a two-thirds majority in both houses), the power to appoint federal judges and a completely independent set of advisors (a cabinet), the power to negotiate and stall treaties, the power to receive ambassadors, the power to pardon a citizen accused of committing a crime, the power to command the armies of the United States—and more. The previous President—as stipulated by the Articles of Confederation—had none of these powers, and was largely an honorary position; this new President did not simply preside over the government—he presided over the entire country. The President represents arguably the largest change between the Articles of Confederation and the new Constitution: from the ultra-liberal, Lockean Articles, which were intent on protecting state sovereignty and individual liberty, came the new President, a single person with almost king-like power. While the reason for the shift can be relatively well explained—a strong executive would allow, essentially, for a smoother, faster Government, especially in regards to international relations, and security—the question remains of what kind of executive the Founders wanted to create, and who should occupy the role.

It is with this in mind, then, that we return to Bolingbroke, and his popular theory of the Patriot King: though he was completely supportive of a hereditary monarchy (he was also open to the idea of an “elected monarch”⁴³), he was radically against the wrong monarch, a king who did not care about the country or the people. This sort of despot—he uses France’s Louis XIV as an example—was taught that he was better than everyone, that he was the end-point of all government: he was the state, as Louis XIV famously said. Instead, Bolingbroke calls for a monarch who would put the interest of the people and of the country above all else—this is what he means by “patriot.” This is not our modern conception of patriotism as love of country. It is a disposition, a character trait: “Patriotism must be founded in great principles, and supported by great virtues.”⁴⁴ It must be learned and developed in the future king; it must also be supported with other strengths of character. A man may be virtuous and good-hearted, but not have the mettle to be a Patriot King because he has not been trained, inculcated with the virtues of patriotism: “He may, without them and by complexion, be unambitious, generous, good-natured; but, without them, the exercise even of these virtues will be often ill directed: and, with principles of another sort, he will be drawn easily, notwithstanding these virtues, from all the purposes of his institution.”⁴⁵ Even a good person can be corrupted if he is not properly trained, and does not possess the essential virtues and strength of character of a Patriot King. An important part of the education is living in poverty, or at least under less than kingly conditions, to be able to be at once a subject and a king: “He would feel

⁴³ Henry St. John, Viscount of Bolingbroke (1738).

⁴⁴ Ibid.

⁴⁵ Ibid.

grievances himself as a subject, before he had the power of imposing them as a king.”⁴⁶ In this way he could establish his patriotic, kingly character before ascending the throne.

Before we plough onward with our examination of the ways in which Bolingbroke’s Patriot King served as a model for the Founders’ conception of the President, I wish to call my reader’s attention to the interesting parallels between Bolingbroke’s Patriot King and Plato’s Philosopher King. Both require long periods of study, along with a sturdy virtuous character and a commitment to put the good of the country before their individual good; in fact, both stress that the good of the country and the good of the individual are the same thing. Bolingbroke’s Patriot King is a direct philosophical descendent of Plato’s Philosopher King, and bears many of the characteristic Platonic marks to prove it.

As I have already discussed, Bolingbroke’s *Idea of a Patriot King* was widely popular in the young American colonies—so much so that various important people and publications began referencing it without even using Bolingbroke’s name.⁴⁷ His ideas became part of the political lexicon and were so ingrained in much of the political elite that a young John Adams praised George III’s proclamations on ascending to the throne as, “sentiments worthy of a King—a Patriot King.”⁴⁸ While Adams would eventually grow to despise King George, the idea of a Patriot King lived on with him: “in Philadelphia in the summer of 1787, the delegates to the federal convention wrote a republicanized version of Bolingbroke’s patriot king into

⁴⁶ Ibid.

⁴⁷ Liddle (1979).

⁴⁸ John Adams, in *Diary and Autobiography of John Adams*, ed. Butterfield, Faber, and Garrett, Vol. I, 200.

the very heart of the frame of government they proposed to secure the American union.”⁴⁹ The idea of a Patriot King (or in this case a Patriot President) did not die with the American Revolution because King George, as it transpired, was the opposite of a Patriot King: a tyrant bent only on gaining more power. Instead, the Founders looked for the model of a Patriot King, a man, “of distinguished character, or services; some man, if he might so speak, of continental reputation.”⁵⁰ The President should be known across the country for his strength of character and his virtues: his “continental reputation” should precede him and should speak for him. The only way to earn this reputation was to prove oneself a true patriot, either in battle (like Washington), in the courtroom (like John Jay), or even in the statehouse (like John Quincy Adams).

However, the President could not simply have a “continental reputation”—he must also be ascertained to have a “character pre-eminent for ability and virtue.”⁵¹ As with the Congress, the President should be one of a select few, 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.”⁵² His “continental reputation” and preeminence for ability and virtue must make him rise to the top of all the wisest, most patriotic statesmen; he must be the greatest statesman, and have the “most attractive merit and the most diffusive and established character.”⁵³ He must be able to rise above the legislature to defend the people against

⁴⁹ Liddle (1979), 969.

⁵⁰ Gouverneur Morris, in Madison’s *Notes* (July 17, 1787).

⁵¹ Alexander Hamilton, *Federalist No. 68*.

⁵² James Madison, *Federalist No. 10*.

⁵³ *Ibid.*

the cabals and faction of the few: “It is necessary then that the Executive Magistrate should be the guardian of the people, even of the lower classes, agst. Legislative tyranny, against the Great & the wealthy who in the course of things will necessarily compose the Legislative body.”⁵⁴ The idea that the Founders had in mind of the President—both during the Constitutional Convention of 1787 and after the process of ratification—seems to fold nicely into the Bolingbrokean model: they envisioned an independent magistrate of the highest character, filled with wisdom and virtue, patriotically running the country in the service of the people. He would be able to defend the people from the evils of the factions and cabals of the legislature because he would be totally independent of the Congress;⁵⁵ he would look to the future good of the people, not to “temporary or partial considerations.”

I wish to suggest that the way the founders discussed the character of the President represents the most obvious expression of the Platonic republican germ in the founding period: that a people who had so recently been oppressed by a brutal monarch-tyrant and a long, bloody revolution, created a system of government that stressed the wisdom, virtue and character of a single individual as a guardian of the people symbolizes the importance of the Platonic republican model in the American mind. The powers vested in the President, the mechanism of selecting a President, and the relationship the President has to the other branches of government all relate to the basic understanding of the Presidency itself: that it should be occupied by a man of virtue, wisdom, and preeminent character, who has the ability to guide the nation

⁵⁴ Gouverneur Morris, in Madison’s *Notes* (July 19, 1787).

⁵⁵ This was actually a very important debating point during the convention. For further reading, examine Madison’s *Notes* for July 19-23, 1787.

through trouble and prosperity, who can rise above faction and politics to make the wise decisions regardless of “temporary considerations.” This ideal President that the Founders had in mind closely resembles Bolingbroke’s Patriot King; they both have their origin in the Platonic Philosopher King. In this case, the Platonic republican germ is much more obvious than in the contradictions and tensions that I have previously pointed out—it is inherent in the very language, the words and concepts that the Founders articulated. In this case, it bubbled to the surface of the American political soul, and has been partially behind the evolution of the Presidency, from the founding “patrician” President, to the Jacksonian populist president, to the weak presidents of the 19th century, and finally to the modern “Imperial Presidency.” This is not to say that the office of the president is all-powerful, all-consuming; rather, I propose that the struggles we have seen define the modern Presidency are due, in part, to the Platonic republican germ.

“A Number of Electors”

In 21st-century America, the phrase “Electoral College” brings to mind the divisive 2000 presidential election between George Bush and Al Gore, which I discussed in the Introduction. The history of the Electoral College, however, brings to light some of the most fundamental philosophical disagreements in the early American republic. The tensions and contradictions that I have been illuminating throughout this thesis are particularly evident in the debates and rhetoric surrounding this strange institution. The debate about how to elect the President raged for weeks in the Constitutional Convention of 1787: proposals ranged from Gouverneur Morris’

democratic argument that “the people will never fail to prefer some man of distinguished character, or service,”⁵⁶ to a plan that would allow either the Governors of the states to choose, or the Congress to vote.⁵⁷ The rhetoric of the debates, and the arguments surrounding the decision to allow the states to choose “Electors” exemplifies the power of the Platonic germ in the philosophical fabric of the American founders; this section of the Constitution marks a notable compromise between the two warring sides of the American philosophical psyche: democracy, with its focus on individual liberty and rights; and Platonic republican aristocracy. In this brief section I wish to highlight the primary arguments that were used on both sides of the discussion, and examine the conflicting philosophies as they came to be expressed in the Convention.

Gouverneur Morris’ democratic argument—that the entire body of voting citizens should choose the President—came under fire for a number of important reasons: first, it would seem to disadvantage smaller states (who inevitably would have a smaller say); second, there was a sense of skepticism that the population at large could elect someone of the correct character and ability (or even vote for anyone who was not from their own state). While the members of the Convention were particularly wary of proposals that would disenfranchise their individual state, they were also reticent to allow the people such an important voice in government: as George Mason famously said, “It would be as unnatural to refer the choice of a proper

⁵⁶ Gouverneur Morris, in Madison’s *Notes* (July 17, 1787).

⁵⁷ All of these plans were debated from July 15, 1787 to July 30, 1787—in Madison’s *Notes*.

character for chief Magistrate to the people, as it would, to refer a trial of colours to a blind man.”⁵⁸

It is important to note here that the word that keeps cropping up during the debates about the Electors and the Executive is “character”: the key project of the Electors, and of the Government at large, is to make sure that a man of good character assumes the Presidency. Though I explained this in my previous section, it is worth repeating now: the word “character” implies a just, virtuous, wise individual who has proven his patriotism to the country. Any other individual should not run the country because he might abuse his power: this is why the means of choosing such a person was such an important and hotly contested topic for the Founders.

The notion of “character” is a key reason why Morris’ proposal was eventually discarded by the Convention: various members rejected the idea that the people would be able to judge character correctly, arguing instead that “They will be led by a few active & designing men.”⁵⁹ Not only would the people have a hard time judging character correctly, they were also vulnerable to a few conniving people manipulating them into making the wrong decisions. While Morris was sure that the people would be able to judge the characters of the candidates, most of the other members of the Convention were skeptical at best.

At the same time, members of the Convention began to pull away from the idea of electing the Executive through the Congress: in this case, however, the conflict arose over the notion of separation of powers and Executive independence. In response to criticisms of his argument, Morris noted that if the Congress appointed

⁵⁸ George Mason, in Madison’s *Notes* (July 17, 1787).

⁵⁹ Charles Pickney, in Madison’s *Notes* (July 17, 1787).

the President, he would be beholden to them while he served. This, he said, could lead to “usurpation & tyranny on the part of the Legislature.”⁶⁰ Various members of the Convention echoed Morris’ worry, particularly James Madison who, referencing Montesquieu, argued that, “a dependence of the Executive on the Legislature, would render it the Executor as well as the maker of laws; & then according to the observation of Montesquieu, tyrannical laws may be made that they may be executed in a tyrannical manner.”⁶¹ Suddenly, the independence of the Executive from the Legislature became fundamental to the rejection of tyranny, and the Convention was stuck between two opposed philosophies. If, on the one hand, they chose the President via the Congress—which would ensure the good character of the President—they would make the President dependent on the Congress, thus giving the Congress too much power; on the other hand, if they allowed the people to vote directly, then it would be likely that they would choose an unjust man of bad character.

The first proposal to remedy this tension was for Congress to appoint the President “during good behavior.”⁶² This way, though the Congress would choose the President, he would have independence, as they would not be able to remove him whenever they chose. Morris “expressed his great pleasure” in the proposal and began to recant his earlier position, because “His fear that so valuable an ingredient would not be attained had led him to take the part he had done. He was indifferent how the

⁶⁰ Gouverneur Morris, *Ibid.*

⁶¹ James Madison, *Ibid.*

⁶² James McClurg, *Ibid.*

Executive should be chosen, provided he held his place by this tenure.”⁶³ Madison, for his part, understood the point of the proposal, and thought it would work depending on the “practicability of instituting a tribunal for impeachmts. As certain & as adequate in the one case as in the other.”⁶⁴ The response to the “good behavior” proposal indicates that many of the Founders were not particularly averse to implementing an Executive without term limits, so long as he maintained the character, wisdom, and virtue that came with the office. That the Federalists would consider this quasi-monarchical, aristocratic proposal—that the Congress would appoint an Executive who would govern as long as he maintained his “good behavior—exemplifies their dual philosophical conscience: they at once wanted a Platonic philosopher-President and simultaneously the ability to remove him if he infringed on their liberty.

This proposal was ultimately rejected after Mason tied it rhetorically to monarchy: “He considered an Executive during good behavior as a softer name only for an Executive for life. And that the next would be an easy step to hereditary Monarchy.”⁶⁵ After this comparison was made, both Madison and Morris felt it necessary to stand up and proclaim themselves against monarchy and immediately vote the bill down. While the Platonic germ briefly bubbled to the surface, it was quickly submerged again: what they left, however, was a structure built on the tension they created, a compromise between their ideals and the ideals of a more democratic Lockean liberty.

⁶³ Gouverneur Morris, *Ibid.*

⁶⁴ James Madison, *Ibid.*

⁶⁵ George Mason, *Ibid.*

This contradiction, this tension, is what emerged as the Electoral College: a select body of the best men, most apt to correctly judge the character of the Executive, chosen by the direct representatives of the people. These electors, however, could not be members of Congress because that would threaten the independence of the office; the members of the Convention also agreed on a term of service, but allowed the President to seek re-election as often as he wanted because “he who has proved himself to be most fit for an Office, ought not to be excluded by the Constitution from holding it.”⁶⁶ The Electoral College that emerged from these tensions, these contradictions, exemplifies the competition between the Founders’ Platonic republican impulse and their Lockean conception of rights and liberty. On the one hand, they rejected a President chosen by the Congress for fear of tyranny and dependence; on the other, they rejected direct democracy in favor of quasi-aristocratic “electors” and allowed the President to repeatedly seek election. This tension does not show that the Founders were averse to democracy; rather, it suggests they were struggling with two equally important philosophical systems, each of which had valid arguments to make about their government. The Electoral College is a manifestation of this tension, an uneasy compromise between two radically different philosophies: the Platonic republican meritocratic tradition and the Lockean liberal democratic tradition.

Article III: A Supremely “Democratic” Court

⁶⁶ Rufus King, *Ibid.*

On the surface, the Supreme Court—as outlined in Article III of the Constitution—appears to be the most aristocratic, anti-democratic part of the government: it is the farthest away from the people (the President must select a justice, then the Senate must confirm), the Justices are granted what amounts to a lifelong term, and their only interaction with the representatives of the people is to declare laws unconstitutional or to help in impeachment proceedings. Yet their main function—as the Founders envisioned it and Alexander Hamilton outlined in *Federalist No. 78*—was to serve as a barrier between the people and Legislative tyranny: “the courts were designed to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority.”⁶⁷ Despite its perceived anti-democratic presentation, the Court was designed to be the Constitutional protector of the people, a block on the Legislature’s power to make tyrannical laws. While the Legislature could create any law they chose, the Court was bound only to “the fundamental laws, rather than by those which are not fundamental,”⁶⁸ or the will of the people as declared in the Constitution. In this section I wish to briefly explore the contradictory nature of the court, which is at once aristocratic and democratic, and illuminate the Platonic republican tensions inherent in Article III that inform the Court’s role in American history.

The Platonic republican tensions in Article III are evident both in the physical expression of the Court in the Constitution and in the Federalists’ justification of the Court’s existence. While Article III’s aristocratic overtones are obvious, their

⁶⁷ Alexander Hamilton, *Federalist No. 78*.

⁶⁸ *Ibid.*

democratic justification makes sense in a broader, egalitarian structure: the independence of the judiciary is essential to a republican government because otherwise the Court could collude with the Legislature and easily pass tyrannical legislation.⁶⁹ This belief was so widely held that the notion of allowing the Executive to oust individual justices—even with consent of the Senate and House—was immediately overruled with no debate.⁷⁰ Every member of the Constitutional Convention recognized the importance of Judicial independence, and this broad agreement created the notion of a term “in good behavior” for the Justices, who were universally understood as the protectors of the rights of the people at large as expressed in the Constitution.

A larger, less discussed purpose of the Supreme Court, however, was to invalidate individual State laws that violated the federal Constitution. In a sense, the Supreme Court was “the central government’s first line of defense against the excesses of individual states,”⁷¹ a mechanism by which the central government could control the individual states. Rather than presenting a buffer between the Legislature and the people, the Court was simply an arm of the powerful central government: for example, “between 1789 and 1850, although the Court would invalidate more than thirty state statutes, it would only once decline to carry out a provision of a federal law.”⁷² While the Court’s power was theoretically horizontal (over Congress and the Senate) and vertical (over the States and the inferior courts) it would only exercise its vertical power in the early years of the American Republic. Its conceptual existence

⁶⁹ See Madison’s *Notes*, August 27-30, 1787, for a full debate.

⁷⁰ James Madison, *Notes*, August 27, 1787.

⁷¹ Amar (2006), 211.

⁷² *Ibid.*

as the guardian of the people's rights was masked by its physical existence as an arm of the federal government to control the states. This is especially evident in light of various gaps in the Constitutional structure of the branch: the Constitution is silent, for example, on the issue of judicial apportionment. Though the other two branches of government were strictly apportioned and highly contested at the Convention, the Founders did not deem it necessary to specify how different parts of the country would be represented on the court, or even how many members would serve on the Court. This silence left all of these questions up to the other two branches and symbolizes the Founders understanding of the Judiciary as an arm of the central government to ensure compliance with federal laws.

This is not to say, however, that the Founders took the Court's role lightly; rather, they understood the fundamental dual importance of the court's vertical and horizontal power. In theory—and eventually in practice—the Court was the interpreter of the country's laws: this was a sacred duty and only the wisest would be allowed to hold a position on the Court. A great deal of knowledge was required to be a Justice, and the President and Senate were expected to exercise extreme care when choosing one: “there can be but few men in the society who will have sufficient skill in the laws to qualify them for the stations of judges. And making the proper deductions for the ordinary depravity of human nature, the number must be still smaller of those who unite the requisite integrity with the requisite knowledge.”⁷³ In this sense, the Founders created a wise group of guardians who would look after the future of the country's laws (by overseeing Federal regulations of the states) and of

⁷³ Alexander Hamilton, *Federalist No. 78*.

the people's rights (by exercising horizontal control over the Legislature). This group of people would be at once highly populist—in that its main duty was to protect the people from the tyranny of the Legislature—yet it was a group selected Platonically by other wise men, for their wisdom, knowledge, and virtue of character.

Ultimately, however, the Court is the weakest of the three branches of government: while it can hand down pronouncements, it cannot implement them. There have been a series of books written in the last decade about the role of the Court by various Constitutional theorists and each has echoed a similar refrain—that the Supreme Court offers a “hollow hope”⁷⁴ for social change. This weakness, however, represents a tension itself: though the Court's physical structure is aristocratic, its ideal function is democratic—that is, to guard the people against unjust laws implemented by the Legislature. The internal Platonic tensions of the Court's structure and purpose are mirrored by the Court's practical weakness in contrast to the other branches of government. In the case of the Supreme Court, however, it is unclear which side of the argument—between Lockean liberalism and Platonic republicanism—won out. On the one hand, the most overtly Platonic branch of government had the least power of all the branches (it has only exercised real, immediate power a few times, most notably in *Bush v Gore*); on the other, the branch of government whose sole purpose (at least theoretically) was to protect the rights of the people, had no direct mechanism to protect these rights!⁷⁵ The Court represents a

⁷⁴ Gerald N. Rosenberg (2008) is a magisterial study of the weakness of the Court.

⁷⁵ Theorists point to the Civil Rights movement in the 1950's and 1960's as evidence that the Court has no implementational power. Even after the famous case of *Brown v. Board of Education*, which eliminated segregationist Jim Crow laws, it wasn't until the President called in the National Guard that the Court's decision was upheld.

philosophical paradox, a moment in the debate where the Platonic germ and the Lockean consensus could not reach an agreement or compromise. What resulted was a Court with a lot of theoretical power, but almost no practical power—a philosophical stalemate that did not benefit either side.

“A Period of Life Most Likely to Supply These Advantages”: Age Limits and Republicanism

I will now move to another general area of philosophical contention in the Constitution: age limits on representatives. In this section I wish to briefly address three independent clauses in the first two Articles: that members of the House must be at least twenty-five years old; that members of the Senate must be at least thirty years old; and that the President must be at least thirty-five years old. While the common historical interpretation of these limits on representation suggests that they were designed as checks on hereditary aristocracy and “favorite son”⁷⁶ syndrome, I wish to suggest that these age limits belie a much deeper philosophy and again reflect a Platonic basis to the American Constitution. Rather than focusing on the checks these limits represented on aristocratic hereditary succession, the Founders portrayed these age limits as a mechanism of selecting the most virtuous and wise members of society. They at once limit hereditary aristocracy and elevate the natural aristocracy: they reject the notion of the favorite son and implant instead the notion of the wise guardian. These checks represent a very visible manifestation of the Platonic germ:

⁷⁶ See Amar (2006) and Wood (1969).

not only do they assume that with age comes wisdom, but they expect the selection of Guardians based on wisdom rather than on blood.

Though I addressed age limits in the *Republic* in Chapter 2, I wish to return briefly to Plato to remind my reader of his views on the relationship between age and governing. For Plato, “lads” who dabble in politics at too young an age are quickly swept up in the business of argument and quarrel, and endanger themselves and the whole state because of their unstable characters. It is only after a long set of tests, education, and even military battles that a person can become a guardian in Plato’s view—at this point, the weaker, unfit characters will have been sorted out and only the wise will remain. Age was important as a test of character and perseverance: you could only know a person’s character if you observed it over a long period of time.⁷⁷

Various modern philosophers have been quick to point out that nothing in the English Constitution, or in any of the state Constitutions, limited the age of representatives: the American Constitution has no counterpart because it was so decidedly against the hereditary aristocracy of “favorite son” syndrome.⁷⁸ But age limits are certainly not democratic either: they cut out a whole segment of the population, effectively making anyone below the age of twenty-five a second-class citizen. In fact, as James Wilson said, age limits tended to “damp the efforts of genius, and of laudable ambition. There was no more reason for incapacitating *youth* than *age*, where the requisite qualifications were found. Many instances might be mentioned of signal services rendered in high stations to the public before the age of 25: The present Mr. Pitt and Lord Bolingbroke were striking

⁷⁷ See Plato, *Republic*, 537-540 for more clarification (or refer to Chapter 2).

⁷⁸ Both Wood (1969) and Amar (2006) reify the age limit clauses as anti-aristocracy.

instances.”⁷⁹ Meritocratically, there was no reason to put a limit on a person because of their age.

Thus, the function of age limits was a classically (Platonic) republican one: to make sure that the correct individuals, with the correct temperament—people of “continental reputation” and wisdom—were in power. Age limits served as a protection from unruly characters or overly ambitious, ruthless politicians: people under the age of 25, some of the members said, had political views that were “too crude and erroneous to merit an influence on public measures.”⁸⁰ Morris, for his part, believed that “No assurance had ever been given that persons under [25] should be in all cases on a level with those above it.”⁸¹ Thus, James Madison explained, a senator must be thirty years of age at least—in comparison to a House member’s twenty-five—because, “The propriety of these distinctions is explained by the nature of the senatorial trust, which, requiring greater extent of information and stability of character, requires at the same time that the senator should have reached a period of life most likely to supply these advantages.”⁸² Senators must be older because they have more power and thus must have more established, virtuous characters: one rogue Senator could cause more damage than one devious member of the House. This is also why the Constitution requires the President to be thirty-five: the graduated age limits underscore the responsibilities that accompany each office. In that same vein, a member of the House must still have a base level of wisdom and character: the only way that the Founders could control for the character of members of the popularly-

⁷⁹ James Wilson, in Madison’s *Notes* (June 22, 1787).

⁸⁰ George Mason, in Madison’s *Notes* (June 22, 1787).

⁸¹ Gouverneur Morris, in Madison’s *Notes* (August 13, 1787).

⁸² James Madison, *Federalist No. 62*.

elected House was by instituting age limits. This is why James Wilson's argument—that no person of merit should be turned away because of their age—fell on deaf ears: not only was the initial amendment (to enforce 25 as a minimum age for a House member) voted in confidently (7-3-1), every subsequent age-related amendment was voted in unanimously.⁸³ There was no more debate on the matter because every member agreed: age limits were necessary to ensure virtuous characters in the Government.

Interestingly, no age limits govern the Supreme Court: Presidents are free to choose anyone of any age, so long as the Senate confirms their merit. This omission underscores the Court's lack of power, while simultaneously asserting the supremacy of the other two branches of government over the Judiciary. There are no Constitutional limits on members of the Court because the Founders assumed that the President and the Senate would only choose someone of high character and merit—not simply because they had to, but because there would only be a select few who would be qualified with the “requisite knowledge,” Alexander Hamilton argued in *Federalist No. 78*. At the same time, a bad judge would have much less power than a bad President, Senator, or member of the House, because the Court “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.”⁸⁴ The omission of age limits on the Court embodies the general lack of worry about the power of the Court: there is no need to implement a Constitutional control for a body that has almost no oppressive power.

⁸³ James Madison, *Notes*, June 22, 25, and September 7, 1787.

⁸⁴ Alexander Hamilton, *Federalist No. 78*.

Constitutional age limits cannot be explained by any of the most widely accepted philosophies of the Constitution: they are not democratic, egalitarian, meritocratic, or even aristocratic. They exist because the Founders accepted (perhaps only implicitly) a Platonic understanding of the role of age in the formation of the soul, the character, of the representatives. While they did not want to impose any overtly anti-democratic limits on the populace, they needed to control which type of person was chosen as a representative—they adopted age limits so that the populace would have a longer history on which to judge the characters of the prospective candidates. While it was possible that an ambitious person of bad character could be elected to the House, it was less likely—bad characters shine through over time, they reasoned. In adopting these limits, and the rhetoric that they used to defend them, the Founders exhibited the power of the Platonic germ when it is internalized: not only did they adopt overtly Platonic precepts in the Constitution; they also took them, essentially, as a given. There was little debate after June 22nd 1787 (and there was only one exchange on that day) and the authors of the *Federalist* barely gave these limits a passing reference;⁸⁵ even the harshest critics of the new Constitution, the Anti-Federalists, were silent on the matter of age limits despite their Platonic undercurrent.

Conclusion

In this chapter I have examined various important moments of tension in the original Constitution of the United States: in particular, I brought to light moments of

⁸⁵ James Madison called them “reasonable limits” in *Federalist No. 52*, and briefly discussed them in *Federalist No. 62*.

internal philosophical conflict, which reflect the power of the Platonic republican germ in the Constitution. From the tensions inherent in a bicameral legislature to the age limits on representation, this chapter investigated the effects of the internal philosophical dialectic between the Platonic germ and the Lockean consensus—and how this dialectic manifested itself in the Constitution. While this chapter explored the manifestations of this Platonic germ in particular areas of the Constitution, it should not be understood as a complete repudiation of previous historical-philosophical work: rather, it should be considered in conversation with the work of Hartz, Ackerman, Wood, Pocock, and Amar—among others. I have aimed to highlight a Platonic republican counter-current to the Lockean, rights-based republicanism that so many scholars have explored: my argument is not one-sided, but rather rests on a dialogue with the other philosophical foundations of the Constitution. The tensions that I have explored are not the result uniquely of the Platonic republican germ, but rather of the dialectic inherent in the philosophical fabric of the Constitution.

Chapter 6: Conclusion

We shall pursue righteousness with wisdom always and ever [...] and thus both here and in that journey of a thousand years, whereof I have told you, we shall fare well.

—Plato, *Republic*, X

As George W. Bush rode through the streets of Washington DC on the morning of the 20th of January, 2001, he witnessed one of the most fundamental expressions of American politics firsthand: thousands of distraught, angry citizens protesting his election. They chanted, waved signs that read, “Hail to the Thief,” and even threw eggs at his limousine. They were supported throughout the country, by angry citizens writing stories about election fraud, by lawyers signing petitions condemning the Supreme Court’s decision, and by journalists writing scathing editorials. The common theme that permeated the protests was a deep sense of injustice: they felt disenfranchised, they felt that their place in the political system was devalued, that the President had been “appointed” rather than elected. In many ways they were right: George Bush won the 2000 Presidential election despite losing the “popular” vote, the sum of all votes cast, by 543,895 votes, or 0.5%. The People of the United States democratically elected Al Gore on November 7, 2000; the United States Constitution, however, selected George W. Bush to represent the American people as President.

The process by which the Constitution picked George W. Bush over the democratically elected Al Gore embodies the tensions and the contradictions inherent in the American political system—these tensions, I have argued, arise from what I

have called the “Platonic germ” in the American republic. During the hotly contested Presidential election of 2000, these tensions bubbled to the surface, presenting us with the most visible manifestation of the Platonic germ since the election of 1800, when the electors could not make a decision between Thomas Jefferson and John Adams, and the Congress had to step in to choose the winner. Though the 2000 election did not present as extreme a case of “selection” rather than “election,”¹ in both cases the Platonic germ, rooted in the Founders’ social understanding of a natural aristocracy, allowed the guardians of the laws—in 2000, it was the Supreme Court; in 1800, the Congress—to step in and select the “right” leader. The strange circumstances surrounding the 2000 presidential election and its consequences represent in miniature some of the larger arguments I have made in this thesis: while the People have some part in the political process, their wishes, feelings, and opinions are oftentimes disregarded or rejected by the very structure of government that they reify. In the case of the 2000 election, the People expressed their desire to have Al Gore serve as their next President. Yet the Constitution, through structures that I have previously described—namely, the Electoral College and the Supreme Court—managed to place a check on public sovereignty, and to install a President who was not democratically elected.

In both the official ruling of *Bush v. Gore*, offered by Justice Scalia, and in Justice Stevens’ dissenting opinion, the Supreme Court Justices argued that public faith in the system was the highest priority for the proper functioning of the American government. At the same time, however, they disagreed on which was worse—

¹ At least in 2000 there was some semblance of an election—in 1800, as I mentioned in previous chapters, the State Legislators chose electors with no popular input.

counting all votes (including possibly “illegal” votes) or suppressing the count completely so that no “illegal” votes would be tallied. Yet neither of these arguments—or even the argument that public faith in the system was paramount to the success of the government in general—factored into the official reason that the Court ruled in favor of George W. Bush. Instead, the Supreme Court focused on Florida’s inability to choose electors by the “safe harbor” date: the date by which the State has to have chosen its electors, failing which Congress can step in.² The Court ended the recount because the Florida State Legislature—the group who, constitutionally, chooses the electors—wanted these “safe harbor” benefits. The decision had nothing to do with democracy. It had everything to do with the republican system that the Founders envisioned: in this case, the Justices recognized the importance of public faith in the system, while simultaneously rejecting the people’s role as the system’s most important participants. Traditionally—and Justice Scalia mentioned this in his majority opinion—citizens did not vote for President: the State Legislature chose the electors, who then voted in a private meeting at a specified date. The “safe harbor” date is a remnant of this system because it is a protects the authority of the Legislature to choose electors. Citizens had no place in the election of the President and the Justices knew this. In fact, citizens were three levels removed from the President: they voted for their State Legislators, who then voted for the electors, who then voted for the President.

So the citizens who protested Bush’s inauguration on January 20, 2001, did get something right: they *were* disenfranchised and their President *was* selected rather

² See 3 US Code §5.

than elected. What they did not understand was that this was the plan all along—the system was designed to handle moments like the 2000 election. They did not understand that while the United States has a strong democratic past, it also has an anti-democratic, meritocratic Platonic republican germ in its philosophical soul. It is when these two pasts—the two parts of the American political soul—collide that we can see their full effects, both positively and negatively. If we look at the 2000 Presidential election holistically—without any of the political or personal biases we may have—we can see that the system tried to preserve the authority of the selectors over the people, the natural aristocrats over the “mass of the soul.” This moment serves as a stark reminder of America’s Platonic republican germ and its place in the philosophical fabric of the republic more broadly, which conflicts with the idea that the United States is a democracy.

In this thesis I examined this philosophical germ in detail: from the political structures developed in Plato’s *Republic* to the gaps in modern scholarship on the philosophical influences of the Founders, I traced the genealogy of this republican view from Plato into the Constitution. I explored how this Platonic meritocracy has its American counterpart in Jefferson’s views on a “natural aristocracy” populated by people of talent and virtue. I examined how this social concept has its roots in the Founders’ classical education, and how Plato himself directly influenced some of the most famous framers of the Constitution. I delved in to the tensions present in the Constitution that point to moments of conflict between the rights-based liberalism of John Locke and the meritocratic republicanism of Plato; while I rejected the idea that either side had more influence than the other, I highlighted the places in the

Constitution where the Platonic republican germ is most clearly present. From the supposedly democratic Congress to the aristocratic Supreme Court, I explained how Plato's idea of a republican meritocracy influenced the way these governmental structures were formed. Through this process I have begun to explain the origins of anti-democratic governmental structures in America, as well as the competing understandings of the role of government in American society. While scholarship has traditionally rejected the notion that Platonic ideas were involved in the philosophical creation of the American republic, I have sought to explain why these Platonic formations were essential in the Founding of the American government and American society more broadly.

As the American government has aged, it has of course changed and become more democratic: by 1840, universal male suffrage was the norm; after the civil war, voting rights expanded once again, to include newly-freed slaves (though this would be hotly contested until the Civil Rights Act of 1964); in 1917, the 17th Amendment allowed for the direct election of Senators; in 1920, the 19th Amendment gave women the right to vote; and most states these days oblige electoral college delegates to vote for the winning ticket. Yet at the same time there are remnants and reminders of older meritocratic structures: tellingly, proposals to amend the Constitution to eradicate the electoral college have been blocked time after time, despite the fact that the public has always widely supported these measures.³ As the country has changed, these structures, both literal and philosophical—the notion of a “natural aristocracy” and

³ See, for example, the Bayh-Celler Proposal following the 1968 Presidential election. Gallup polls have consistently shown that about 60% of the American public would be in favor of amending the Constitution (Gallup Polls, 2000, 2004—“Public Flunks Electoral College System,” Gallup.com, November 2, 2004).

the idea that representatives should be guardians of the people—have been obscured, covered up by the rise of modern American “democracy.” Yet they still play an important role in the American political system: they provide a stabilizing force against the torrents of democratic change; they allow representatives to push for unpopular legislation that they believe is right; and they represent a roadblock for many social and popular movements. The Platonic republican germ should not be understood as either a positive or a negative aspect of the Constitution and American society; rather, we should view it as a fundamental part of what makes our government function.

In many ways, this thesis has been the beginning rather than the end of a philosophical journey: I traced the birth and original implementation of the Platonic republican germ in the American socio-political soul. I have not, however, examined in great detail the way this Platonic meritocracy has shaped the way in which American government—and American society more generally—has evolved and continues to function. I have touched on one recent reminder of the Platonic germ in American politics: the monumental election of George W. Bush in 2000, followed by the landmark Supreme Court decision in *Bush v. Gore*. However, the implications of this project are far-reaching and in some cases disturbing—my research has consequences for understanding the intentions of the Founders but also the possibility for social change in contemporary America. For while the Founders were not stalwart supporters of democracy in the way their current mythology suggests, they were still very much concerned with the well being of their citizens and the future of the United States, both socially and politically. And while they believed they had created the

greatest government in world history, they were well aware of their capacity to make mistakes. This is why the Constitution includes the unheralded and unrivaled Article V: that with a significant majority, the Constitution, the philosophical (and literal) soul of the Republic, can be changed.

This process of change should not be taken lightly: the overarching theme of this thesis, the soul of my own argument, so to speak, is that change does not come easily in America. The political philosopher Louis Hartz has argued that the process of radical change has been curtailed in America because the country is locked in the grip of a rights-based “Lockean consensus” that prevents people from infringing on what others see as their “rights.” The Lockean language, Hartz argues, prevents radical change because it prevents people from speaking or thinking in ways that benefit their group in detriment to another. Thus, it prevents them from pursuing revolution on a singular scale—that is, without making sure that their revolution does not impinge upon the rights of others. A revolution solely for the benefit of one group—even an oppressed group—will naturally encroach on the rights of other groups: because of the Lockean consensus this type of massive social revolution (no matter how just) could not happen in America, Hartz argues.

I partially agree with Hartz’s conclusion, but reject his reasoning; instead, I suggest that the Platonic republican, meritocratic germ stifles movements for radical popular social change because it works from the premise that the people tend to be unworthy because their opinions are fickle, unstable, and generally not knowledgeable: in other words, they are not members of the natural aristocracy. Popular movements are the antithesis of the Founders’ conception of a meritocratic

republic because they are the definition of democracy: they privilege the populace over the guardians, and assert the importance of the people as ultimate sovereign. This is the disturbing implication of my argument: change in America can be set in motion by the people, but can only truly come about when the guardians, the representatives, the members of the “natural aristocracy,” decide to enact it. While many people will try to enact change politically, the Founders inserted a Platonic republican germ in the Constitution in order to weed out unjust social movements from just social movements, to let the guardians decide. They believed that the responsibility for enacting social change—and thus, the long-term health of the American Republic—should be placed in the hands of people with the most “Courage—judgment—integrity—and dedication,” as one famous modern President said.⁴

In some cases these Platonic structures have backfired: they have led to terrible injustices, like the 1857 *Dred Scott* decision that ruled that African-Americans were not citizens, or the terrible laws that surrounded the 1896 *Plessy v. Ferguson*, “separate but equal” case. But in some notable instances they have worked for the betterment of the country, just as the Founders intended: after the Court’s (unpopular) 1954 ruling in *Brown v. Board of Education of Topeka* that *Plessy*’s “separate but equal” was unconstitutional, President Lyndon Johnson signed the (again unpopular) Civil Rights Act in 1964 to enforce the Court’s decision in *Brown*, and to make discrimination based on race illegal in the United States. While this chain of events was widely unpopular at the time—especially in the highly-

⁴ John F. Kennedy, “Speech to the Members of the Massachusetts State Legislature,” January 10, 1961.

segregated South—almost every American citizen now reveres both the Court’s decision in *Brown* and Johnson’s Civil Rights Act as two of the greatest achievements of American government. We also tie these actions to what we call the “Civil Rights Movement,” a popular social movement that began in the 1950s and continued throughout the 1960s. Though I do not believe this movement was unimportant in the changes that came about during this time period, I suggest that it would not have been successful had it not had support from the elites in the system. The Platonic structures can work in favor of social movements—but only if those movements are deemed “just” by the guardians.

I began this project with a few questions, particularly about the “democratic” nature of the American government: “how can we call the United States a ‘democracy’ when 5 people essentially appointed the President?” I asked, with reference to the 2000 presidential election. The answer I have proposed goes much deeper than simply saying, “We can’t, the United States is not a democracy.” Instead, I have developed a more nuanced understanding of the American political system to explain the contradictory elements inside the structure of our government, which have in turn resulted in anti-democratic elements in our democracy.

These contradictions, America’s Platonic soul, are the fundamental expression of American republicanism, not the perversion of American democracy. The problems that emerged in the 2000 presidential election were not isolated and anomalous moments; they are modern expressions of a long-standing, albeit overlooked, internal dialogue between America’s Lockean and Platonic past. Instead of dismissing moments such as the 2000 election or contradictions in the Founders’

philosophies as anomalies, we should understand them in the context of their intellectual history. I have not denied that America has a democratic past or has become more democratic, nor even that the public exerts more influence now than it ever has; rather, I have begun the process of explaining why the American government still includes anti-democratic elements. I also know that I have not provided a complete answer to the questions posed by American democratic-republicanism or democratic theorists: I have simply asked a question in response, adding a line to the long, Socratic dialogue of American political history.

A Note On Sources

During the course of my research I was lucky enough to visit a few of the great collections of American political and historical documents; each collection provided me with invaluable information about every founder, and provided me with a rich historical background. I collected a large number of letters, pamphlets, and personal papers from each collection, while receiving the priceless help of a number of wonderful research librarians.

From the 25th to the 30th of May, 2010 I visited the Pennsylvania Historical Society in Philadelphia, PA, which provided me with information on Benjamin Franklin, John Adams, John Jay, Alexander Hamilton, Thomas Jefferson, and George Washington. From the 17th to the 21st of June 2010, I visited the Massachusetts Historical Society and the Boston Public Library in Boston, MA: these collections proved extremely helpful in my understanding of John Adams and John Quincy Adams, and provided me with supplementary letters and papers by Jefferson, Washington, Franklin, Gouverneur Morris, Madison, and Jay. I spent a good deal of time during the month of July 2010 in the New York Historical Society and in the Columbia University archives in New York, NY. Both collections provided me with important letters and papers regarding Alexander Hamilton and John Jay in particular, as well as supplementary materials from Morris, Jefferson, and Adams. From the 16th to the 19th of October, 2010 I researched in the Library of Congress in Washington D.C. This was probably the most important collection I visited, and I gained a great deal of knowledge of Thomas Jefferson in particular. I also collected supplementary letters and papers from almost all the Founders, and was able to examine original

copies of the Constitution and Madison's notes on the convention on microfilm, with the original marginalia of Washington, Hamilton, and Madison.

While I took great pains to examine each section of James Madison's *Notes of Debates in the Federal Constitutional Convention of 1787* while I was at the Library of Congress, I would not have been able to examine them to the extent that I have without Yale University's "Avalon" Project, which has digitalized all of Madison's *Notes*.

Finally, while the Internet has revolutionized modern research—and has greatly aided me in the completion of this thesis—I have taken great pains to examine the physical copies of all the letters, books, and pamphlets that I have studied. In part, this was an effort to encounter any marginalia that might be hidden on the texts: the Founders were famous for writing and commenting on their texts, and I did not want to miss any possible clues that might help my research. At the same time, my effort to examine the physical texts themselves was also meant to prevent any inaccuracies that might have arisen had I quoted directly from Internet copies of the documents. I did my best to use the Internet as a resource and a shortcut to finding documents rather than as a source or collection of primary documents.

Bibliography

- Ackerman, Bruce. *We the People: Foundations*. Cambridge, MA: Harvard UP, 1993.
- Ackerman, Bruce. *We the People: Transformations*. Cambridge, MA: Harvard UP, 1998.
- Adams, Abigail. Letter to Royall Tyler. Quincy MA. January 4, 1785.
- Adams, Abigail. Letter to Mary Smith Cranch. Quincy, MA. December 12, 1784.
- Adams, John. Letter to Thomas Jefferson. Quincy, MA. September 22, 1813.
- Adams, John. Letter to Thomas Jefferson. Quincy, MA. July 16, 1814.
- Adams, John. Letter to Thomas Jefferson. Quincy, MA. September 20, 1813.
- Adams, John. Letter to Francis Dana. Quincy, MA. June 12, 1776.
- Adams, John. Letter to Roger Sherman. Quincy, MA. July 17, 1789.
- Adams, John. "To the Inhabitants of the Colony of Massachusetts-Bay." January 23, 1775.
- Adams, John. "To the Printers of the Boston *Gazette*." September 5, 1763.
- Adams, John. *Defence of the Constitutions of Government of the United States*. London: 1787.
- Adams, John. "Diary." In *The Works of John Adams*. Boston, MA: Little, Brown, 1850-1856.
- Adams, John. *The Diary and Autobiography of John Adams*. Edited by L.H. Butterfield, Leonard Faber, and Wendell D. Garrett. Cambridge, MA: Harvard UP, 1966.
- Adams, John. *The Earliest Diary of John Adams*. Edited by J. H. Butterfield. Cambridge, MA: Harvard UP, 1966.
- Adams, John. "Thoughts on Government." In *America's Founding Charters: Primary Documents of Colonial and Revolutionary Era Governance*, Volume 1. Edited by Jon L. Wakelyn. Westport, CT: Greenwood Press, 2006.
- Adams, John and Thomas Jefferson. *The Adams-Jefferson Letters*. Edited by Lester J. Cappon. Chapel Hill, NC: University of North Carolina UP, 1959.

- Amar, Akhil Reed. *America's Constitution: A Biography*. New York, NY: Random House, 2006.
- The Anti-Federalist Papers and the Constitutional Convention Debates: The Clashes and Compromises that Gave Birth to Our Form of Government*. Edited by Ralph Ketcham. New York, NY: Signet, 2003.
- “Aristedes” (Anonymous). Letter. *Gazette of the United States*. September 8, 1792.
- Bedini, Silvio A. *Thomas Jefferson: Statesman of Science*. New York, NY: Macmillan, 1990.
- Blackstone, Sir William. *Commentaries on the Laws of England*. London, 1769.
- Bolingbroke, Henry St. John, Viscount of. *The Idea of a Patriot King*. Edited by Sydney Wayne Jackman. New York, NY: Bobbs-Merrill, 1965.
- Burke, Sir Edmund. “Speech to the Electors of Bristol.” In *Burke's Speeches and Letters on American Affairs*. London: J. M. Dent, 1911.
- Bush v. Gore, 531 U.S. 98 (2000).
- Carmichael, John. *A Self-Defensive War*. London: 1775.
- Chernow, Ron. *Alexander Hamilton*. New York, NY: Penguin, 2004.
- Cohen, Sheldon D. *A History of Colonial Education, 1608-1776*. New York, NY: John Wiley and Sons, 1974.
- Federal Election Committee, “2000 Official Presidential General Election Results,” November 7, 2000 (Updated December, 2001).
(<http://www.fec.gov/pubrec/2000presgeresults.htm>)
- Franklin, Benjamin. *The Autobiography of Benjamin Franklin*. Stilwell, KS: Digireads Books, 2004.
- Friedman, Lawrence Meir. *A History of American Law*. New York, NY: Simon and Schuster, 1985.
- Gales Sr., Joseph. *The Debates and Proceedings in the Congress of the United States of America*. In *Annals of the Congress of the United States*, First Cong., First Sess. Washington, DC: Gales and Seaton: 1834-1856.
- Gallup. “Public Flunks Electoral College System.” Last modified November 2, 2004.
<http://www.gallup.com/poll/13918/public-flunks-electoral-college-system.aspx>

Gore v. Harris, 773 So. 2d 524 (2000).

Grummere, Richard M. *The American Colonial Mind and the Classical Tradition*. Cambridge, MA: Harvard UP, 1963.

Haines, Michael. "Fertility and Mortality in the United States". Edited by Robert Whaples. Last modified, March 19, 2008.
<http://eh.net/encyclopedia/article/haines.demography>

Hamilton, Alexander. Letter to John Jay. New York, NY. November 26, 1775.

Hamilton, Alexander. *The Hamilton Papers*. Edited by Harold C. Syrett. New York, NY: Columbia UP, 1977.

Hamilton, Alexander, John Jay, and James Madison. *The Federalist Papers*. New York, NY: Cosimo, 2006.

Hartz, Louis. *The Liberal Tradition in America*. New York, NY: Harcourt, Brace & World, 1955.

Jackson, Jonathan. *Thoughts upon the Political Situation of the United States*. Worcester, MA: 1780.

Jefferson, Thomas. "First Inaugural Address." Washington, D.C. January, 1801.

Jefferson, Thomas. Letter to John Adams. Monticello, VA. July 5, 1814.

Jefferson, Thomas. Letter to John Adams. Monticello, VA. October 28, 1813.

Jefferson, Thomas. Letter to John Adams. Monticello, VA. July 5, 1814.

Jefferson, Thomas. Letter to Dr. Benjamin Rush. Washington, D.C. April 21, 1803.

Jefferson, Thomas. Letter to William Short. Monticello, VA. April 13, 1820.

Jefferson, Thomas. Letter to Joseph Priestly, Monticello, VA (January 27, 1800).

Jefferson, Thomas. Letter to Richard Price. Paris. January 8, 1789.

Jefferson, Thomas. Letter to the Marquis de Lafayette. Monticello, VA. November 4, 1823.

Jefferson, Thomas. Letter to Abigail Adams. Monticello, VA. August 22, 1813.

- Jefferson, Thomas. *The Jefferson Bible: the Life and Morals of Jesus of Nazareth*. Edited by Forrest Church. Boston, MA: Beacon Press, 2001.
- Kennedy, John F. "Speech to the Members of the Massachusetts State Legislature," January 10, 1961.
- Liddle, William D. "'A Patriot King or None': Lord Bolingbroke and the American Renunciation of George III." *The Journal of American History*. Vol. 65, No. 4. (1979).
- Lim, Elvin. *The Anti-Intellectual Presidency*. Oxford: Oxford UP, 2008.
- Livingston, Robert. "An Oration Delivered July 4, 1787." New York, NY. 1787.
- Locke, John. *Two Treatises of Government*. Printed for C. and J. Rivington, London: 1824.
- Locke, John. *The Fundamental Constitutions of Carolina*. London: 1669.
- Lutz, Donald S. "The Relative Influence of European Writers on Late Eighteenth-Century American Political Thought." *The American Political Science Review*, Vol. 78, No 1. (1984).
- Maclay, William. *The Journal of William Maclay*. Edited by Edgar S. Maclay. New York, NY: Appleton & Co., 1891.
- Madison, James. *Notes of Debates in the Federal Constitutional Convention of 1787*. Edited by Gaillard Hund and James Brown Scott. Oxford: Oxford UP, 1920.
- Madison, James. Letter to Thomas Jefferson. New York, NY. October 17, 1788.
- Madison, James. *Writings of James Madison*. Edited by Gaillard Hunt. New York, NY: Putnam, 1900.
- Mason, George. *Objections to the proposed Federal Constitution, Addressed to the Citizens of Virginia*. Williamsburg, VA: 1788.
- Middlekauf, Robert. *Ancients and Axioms: Secondary Education in Eighteenth-Century New England*. New Haven, CT: Yale UP, 1963.
- Montesquieu. *The Spirit of Laws*. Edited by David Wallace Carrithers. Los Angeles, California: UCLA UP, 1977.
- Morris, Gouverneur. Letter. *Niles Daily Register*. July 9, 1814.
- Philadelphia (Anonymous). Letter. *Pennsylvania Journal*. September 25, 1776.

Plato. *Republic*, ed. Edith Hamilton and Huntington Cairns. Princeton, NJ: Princeton UP, 2005.

Pocock, J.G.A. *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*. Princeton, NJ: Princeton UP, 1975.

Price, Richard. *Observations on the Nature of Civil Liberty*. London, 1776.

Richard, Carl J. *The Founders and the Classics: Greece, Rome, and the American Enlightenment*. Cambridge, MA: Harvard UP, 1994.

Rosenberg, Gerald N. *The Hollow Hope: Can Courts Bring About Social Change?* Chicago, IL: Chicago UP, 2008

Silversmith, Jol A. "The Missing Thirteenth Amendment: Constitutional Nonsense and Titles of Nobility." *Southern California Interdisciplinary Law Journal*. Vol 8., No. 577 (1999).

de Tocqueville, Alexis. *Democracy in America and Two Essays on America*. Translated by Gerald E. Bevan. London: Penguin, 2003.

Tulis, Jeffrey K. *The Rhetorical Presidency*. Princeton, NJ: Princeton UP, 1987.

Wood, Gordon. *The Americanization of Benjamin Franklin*. New York, NY: Penguin Books, 2004.

Wood, Gordon S. *The Creation of the American Republic, 1776-1787*. Chapel Hill, NC: UNC UP, 1969.

Wood, Gordon. *The Radicalism of the American Revolution*. New York, NY: Random House, 1993.

3 US Code §5.

