THE FOUR-NOTE CHORD OF LIBERTY

WHY THE FOUNDERS BELIEVED THAT CHARACTER MATTERED

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ABSTRACT

Words remain in usage while their meanings change without our noticing. This is a particularly vexing problem when a word is intended to capture the central human value in United States history and continues to be the operative word in our social and political dialogues. The thesis developed in this project is that liberty, or freedom (the words are used interchangeably,) does not carry the same meaning today that it did for the founders. The founders’ great experiment with liberty, one that would offer the most expansive freedom to more people than had ever experienced it before, and who would live under the lightest hand of government, hinged on one variable: the good character of the citizens and their representatives.

A metaphor of a four-note musical chord is used to express the network of ideas that were significant to the founders when they undertook the project of establishing a government based on liberty. The four notes are: (1) personal liberty—the ability to do as one pleases within the rule of law, (2) political liberty—the right to participate in the government that makes those laws, (3) internal liberty—the ability to gain control over selfish passions and destructive impulses that prevents a person from making good choices and passing good laws, and (4) public good liberty—a benevolent consciousness of, and participation in, the welfare of the community. All four types of liberty were understood as necessarily working together.
No single idea rang louder than the others; nor were they ranked in order of importance. In the four-note chord of liberty, personal and internal liberty were balanced, and a virtuous person of good character would self-limit behavior that was harmful to the public good. This was the basis for the greatest human flourishing, which was captured in yet another pivotal word that has lost its earlier meaning: happiness.

The genealogy of four-note chord of liberty will be traced through four important lines of lineage: (1) Ancient Athens, (2) the Roman Republic, (3) Christianity, and (4) the Enlightenment. The historic factors that contributed to the changes in the liberty construct from the time of the founding to the present day are addressed.

This conceptualization of the four-note chord of liberty is a new way of articulating a theory of liberty that continually resonated through the founder’s writings. Today we hear in our mind’s ear only the single notes of personal and political liberty, with an emphasis on the former and a diminishment of the latter. Those two notes played without the other two bring to mind an individualistic ideology that did not dominate, as it does today, the thinking of the founders. Gone from the political dialog as well is the irrevocable link between happiness and virtue. The great American tradition of caring about the character issue has been lost. Today the dialog focuses on whether the government simply allows each person enough personal liberty to pursue their own end states based upon personally defined values.

This is a project about an idea, how ideas are realized through human actions, and how the words we use today should connect us to the actions taken in the past. We have profoundly disconnected from the founders’ concept of liberty. We are citizens of the same country, still inspired by the Declaration of Independence, and operate under the same constitution. These connections are clear, the conceptual additions and subtractions from the construct are not.
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CHAPTER 1: INTRODUCTION

WORDS ABOUT A WORD

No word has received more different significations and has struck minds in so many ways as has liberty.

—Montesquieu, The Spirit of the Laws

Words have histories, and perhaps no word has a longer or more complex history than liberty. Hegel wrote that history is the history of liberty. If true, then the history of the United States is one of the most important chapters. Although this nation's history has been periodically marred by visceral attempts to assert that one ethnic, religious, or racial group was more American than another, to be an American does in fact mean that one belongs to a community that is unified by an idea: liberty and the pursuit of a fulfilled life (i.e., happiness) are inalienable rights. The United States was the first nation to be founded not upon myth, conquest, or accident, as most others have before, but upon a demand for the protection of those rights.

This nation’s beginning is not obscured by the vagaries of the ancient past, nor do we need to reach back to a Herodotus-type history, where fact and fiction are blended to both inform and entertain. The United States was founded in the bright light of recent history. We know who the founders were, what they wrote, who they read; and as tenuous as it might be for one person to ever claim this about another, what they were thinking. We group the men together who were instrumental in the formation of the United States and label the collective “the founders.” This singular term is unfortunate for they were a group that was riven by internal conflict with the major players shifting positions in the years between the Declaration and the Constitution. Thomas Jefferson wrote the Declaration but was absent from, and an early critic
Leading supporters of independence such as Patrick Henry and Thomas Paine turned ardent critics of where they believed the newly independent nation was headed. Colleagues such as James Madison and Alexander Hamilton became political enemies with the rise of bitter party politics between the Republicans and the Federalists. Yet despite their profound differences, one transcendent belief allows us to group them as a unity. This was their truth: liberty and the pursuit of happiness were the raison d’etre of good government. The United States is not just a country, it is a cause.

Of all values, liberty has become the first principle of American political and social life and remains the ultimate banner word upon which any cause hoping to gain traction will center its rhetoric. At other times and places values such as a belief in God and religious revelation, or obedience to a monarch were supreme. In America, however, liberty has remained the core value upon which major policies are ultimately justified. The need to defend and promote liberty at home and abroad has been the decisive cause mentioned in every declaration of war by a United States president. Nations that do not encourage liberty are simply thought of as wrong; or in recent decades, in need of rebuilding. Protection of liberty and the right to pursue happiness has been the litmus test for what is good. In the history of the United States, these are the human values that are meant to connect the present to the past.

The Four-note Chord of Liberty

Although liberty and happiness have been analyzed from the pre-Aristotelian to the postmodernist philosophers and the preeminent psychologists of the twentieth century, do we know what the founders had in mind when they used these words? The thesis to be developed in this project is that the way the words are used today is not what the founders intended. The set of ideas that was originally connected with these words has changed. In this project I will
employ a metaphor of a four-note musical chord to help capture the network of thoughts that connected happiness to liberty (Figure 1). The four notes are: (1) personal liberty—the ability to do as one pleases within the rule of law, (2) political liberty—the right to participate in the government that makes those laws, (3) internal liberty—the ability to gain control over selfish passions and destructive impulses that prevents a person from making good choices and passing good laws, and (4) public good liberty—a benevolent consciousness of, and participation in, the welfare of the community. All four types of liberty were understood as necessarily working together. No single idea rang louder than the others; nor were they ranked in order of importance. In the four-note chord of liberty, personal and internal liberty were balanced and a virtuous person would to a large degree self-limit behavior that was harmful to the public good.

![The Four-Note Chord Diagram](image)

**Figure 1. The four-note chord**

To extend the musical metaphor, just as various sound vibrations are related to different emotional states, different types of liberty can lead to dissimilar end states. The notes may be played separately, but when heard together it is a qualitatively different experience. The effect of the four-note chord of liberty was a dignified state of virtuous living—a life that was in tune. This is what the founders had in mind when they used the word “happiness” There was a harmony within the person and a harmonizing within the community. Liberties were not just
“things” that citizens possessed; with each deciding on their own what to do with their freedom. The founders knew what should be done: elevate the human condition.

Personal liberty without internal liberty could lead to extravagance, wastefulness, and licentiousness—a generally disordered life. If one lacked the understanding of when not to act, then liberty simply collapsed into personal chaos. Neuroscientists know that the balance between action and restraint is true down to the smallest unit of behavior—the firing of the neuron. There can be no behavior if neurons do not fire; but for a neuron not to fire and to inhibit action requires more brain energy. The ability to moderate behavior by inhibiting immediate impulses is one of the most important functions of the mature and healthily functioning frontal cortex—the crowning achievement of human evolution.

For the founders, the ideal of moderation was the lynchpin virtue of the intelligent life. From the philosophers of antiquity to the Enlightenment, moderation was the cardinal trait for the achievement of the happy life. Liberty to simply “do your own thing” was liberty misunderstood. Montesquieu, one of the founders’ favorite political philosophers, wrote, “liberty in no way consists of doing what one wants…liberty can consist only in having the power to do what one should want to do and in no way being constrained to do what one should not want to do.”1 Or as Cicero, another founders’ favorite, wrote, “a very distinguished philosopher, was once asked what his pupils achieved, he answered that they learned to do of their own free will what the laws would compel them to do.”2

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My conceptualization of the four-note chord of liberty is a new way of articulating a theory of liberty that continually resonated through the founder’s writings. Their political thought was a blend of utopian idealism and history-based realism. Participatory government had everywhere failed; in America it might be different. On this “vast Continent unpeopled, with Every advantage of Clymate, Soil, and Situation, for the Accommodation of human Life and the Enjoyment of Liberty,” John Adams wrote, “Where Despotism and Superstition have not established their Thrones” an elevated spirit of public good that was morally and politically superior to individual needs and selfish passions should prevail.3

The political theorist Thomas Pangle wrote, “the American Founding came to be dominated by a small minority of geniuses who seized the initiative not merely by conciliating and reflecting common opinion but also by spearheading new or uncommon opinion.”4 What was particularly new and un common was their hope that an exalted liberty and happiness would take root, blossom, and flourish. America provided a fresh start for humanity. There would be more personal and political liberty than had ever been permitted to the citizens at any previous time in history. The individual state constitutions, the Articles of Confederation, and the Constitution all in turn spelled out how political liberty would be structured. The Bill of Rights protected personal liberty. Yet much more was going to take place in this American experiment in good government.

The protection of personal and political liberty was not just the goal of government: it was the means to a grander end. What I have identified as internal and public good liberty would

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thrive. Citizens, both as voters and representatives, who had mastered the internal struggle against personal weaknesses and corruption would make wiser political decisions. It would involve a greatly expanded state of liberty where individuals would experience greater social agreeableness. The goal of a minimally intrusive government could be achieved through the promotion of this virtue-based liberty. People cannot be made good by laws, but without good people you cannot have good laws. Citizens would understand that liberty was to be experienced not by everyone just “doing their own thing” within the boundaries established by law, but by learning to live virtuously, and by becoming more fully actualized human beings through commitment to the public good. Folks would be happy.

Word Metamorphosis

Words are troublesome. Long before the twentieth century philosopher Ludwig Wittgenstein took on the problems of language, perception, and intention, one of the supreme wordsmiths of the founding generation confronted this issue. In *Federalist No. 37* James Madison addressed the problem that words are an imperfect medium though which we express our complex ideas.

Besides the obscurity arising from the complexity of objects, and the imperfection of the human faculties, the medium through which the conceptions of men are conveyed to each other, adds a fresh embarrassment. The use of words is to express ideas. Perspicuity therefore requires, not only that the ideas should be distinctly formed, but that they should be expressed by words distinctly and exclusively appropriated to them. But no language is so copious as to supply words and phrases for every complex idea, or so correct as not to include many, equivocally denoting different ideas. Hence it must happen, that however accurately objects may be discriminated in themselves, and however accurately the discrimination may be conceived, the definitions of them may be rendered inaccurate, by the inaccuracy of the terms in which it is delivered. And this unavoidable inaccuracy must be greater or less, according to the complexity and novelty of the objects defined. When the almighty himself condescends to address mankind in their own language, his meaning, luminous as it must be, is
rendered dim and doubtful, by the cloudy medium through which it is communicated.5

Words matter; and no words matter more than the ones that are meant to capture the most elusive and complex of our mental constructs. The philosopher Isaiah Berlin wrote that "almost every moralist in human history has praised freedom. Like happiness and goodness, like nature and reality, the meaning of this term is so porous that there is little interpretation that it seems able to resist."6 One problem that is generally overlooked is that in typical usage the words liberty and freedom are used interchangeably, depending on how they seem to fit in the flow of a sentence.

In the Declaration, the great verbal stylist Thomas Jefferson began with the claim that liberty was an inalienable right and closed with an assertion about a right to be free. Wittgenstein explained that we may know how and when to use a word even if we cannot precisely explain what it is we are talking about. "The meaning of a word” he wrote, “is its use in the language."7 So perhaps if the words are used in the same way they simply must mean the same thing. While it is generally agreed that liberty and freedom are synonymous, and they will be used interchangeably in this project, they have different origins.

A look back at the different experiences that these words were originally intended to capture provides credence to the theory being developed in this project. The fullest experience of liberty is not a solo experience. Liberty originated from the Latin word libertas which meant unrestricted by restraint. Freedom has an altogether different origin. It comes from a set of


7 Quoted in Jonah Lehrer, Proust Was a Neuroscientist (Boston: Houghton Mifflin, 2008), 155.
ancient northern European languages. Whether it be the English word *free*, the Norse *fri*, the German *frei*, the Dutch and Flemish *vrij*, the Celtic *rheidd*, and the Welsh *rhydd*; they all have the same unexpected root. They come down from the Indo-European *priya*, *friya* or *riya*, which meant dear, beloved, or friend. To be free meant that a person was joined to a community of similar thinking people by ties of kinship and rights of belonging.\(^8\)

It appears as though liberty and freedom, the two interchangeable words, may actually pull us in opposing directions. The origin of liberty implied independence. Freedom, on the other hand, involved connectedness. However, these experiences do not need to cancel each other out. The founders did not think so. Their vision of a free society was not one where the personal, political and social were separate categories. Personal independence functioned best within the context of community connections that nourished virtuous behaviors and wise political participation—the four-note chord.

It is interesting that some of the influential liberty theorists have continued to subdivide the word into two forms. Isaiah Berlin, writing in the hot days of the Cold War, advanced a model of two liberties: negative and positive:

The first of these political senses of freedom or liberty (I shall use both words to mean the same), which (following much precedent) I shall call the 'negative' sense, is involved in the answer to the question, What is the area within which the subject - a person or group of persons - is or should be left to do or be what he is able to do or be, without interference by other persons?" The second, which I shall call the positive sense, is involved in the answer to the question, ‘What, or who, is the source of control or interference that can determine someone to do, or be, this rather than that?\(^9\)


In this project, personal and internal liberty capture the idea of Berlin’s negative and positive liberty. Personal liberty (negative liberty) only means freedom of choice; internal liberty (positive liberty) means that there must be a best choice, and something or someone is making that determination. Benjamin Constant, the early nineteenth century political philosopher identified two distinct types of liberty: the liberty of the ancients and the liberty of the moderns. The liberty of the ancients involved the public deliberation of all matters that affected the community. Modern liberty consisted of representative government and, in a wonderful capture of the essence of the future Bill of Rights,

the right to be subjected only to the laws…. It is the right of everyone to express their own opinion…to dispose of property…. To come and go without permission…. It is everyone’s right to associate with other individuals, either to discuss their interests, or to profess religion… to occupy their days or hours in a way which is most compatible with their inclinations and whims.\(^{10}\)

The founders understanding of liberty was an amalgam of these ideas about negative, positive, ancient, and modern liberty. Today we hear in our mind’s ear only the single notes of personal and political liberty, with an emphasis on the former and a diminishment of the latter. Berlin’s positive liberty—the something that was required for people to be able to make the right choices—has shifted from the founders’ belief in virtue to the paternalistic national government. Today the government must create the conditions for people to feel free and to achieve fulfillment.

This shift in the understanding of liberty happened slowly and imperceptibly. The two notes of personal and political liberty, with a powerful emphasis on the former, played without the other two, is an overly individualistic and subjective approach to life that is a distortion of the

\(^{10}\) Benjamin Constant, "Benjamin Constant, from 'The Liberty of the Ancients Compared with the Liberty of the Moderns' (1819)," in Freedom: A Philosophical Anthology, ed. Ian Carter, Matthew H. Kramer, and Hillel Steiner (Malden, MA: Blackwell Publishing, 2007), 16.
Enlightenment thinking of the founders. The individualism of the Enlightenment led to political revolutions, the questioning of the moral authority of monarchs, and suggested new answers to how Christians should make claims about moral actions and belief in God. Enlightenment individualism, however, was balanced by a belief in the power of human reason to continue mankind on a trajectory of progress. The founders believed they were taking part in a revolution concerning liberty and happiness that was a culmination of three thousand years of human experience.

The narrative of American history has been a repudiation of the founder’s belief in limited government made possible by a virtuously self-regulating and public-spirited citizenry. Gone from the political dialog is the irrevocable link between happiness and virtue. It is the abandonment of the value placed on virtue and the belief in moderation that is particularly troublesome. As Sam Adams wrote in a letter to James Warren in 1775, “We may look up to Armies for our Defense, but Virtue is our best Security. It is not possible that any State should long remain free, where Virtue is not supremely honored.”

It is important to emphasize that when it came to virtue, the founders did not believe that the private and the public were hermetically sealed off from one another. In the same letter cited above, Adams wrote,

> There are Virtues & vices which are properly called political. "Corruption, Dishonesty to one’s Country Luxury and Extravagance tend to the Ruin of States." The opposite Virtues tend to their Establishment…. Therefore "Wise and able Politicians will guard against other Vices," and be attentive to promote every Virtue. He who is void of virtuous Attachments in private Life, is, or very soon will be void of all Regard for his Country. There is seldom an Instance of a Man guilty of betraying his Country, who had not before lost the Feeling of moral Obligations in his private Connections.

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12 Ibid.
We no longer seem concerned with what type of person (i.e., a person of good character) is capable of participating in self-government. In Pericles’ Funeral Oration, that every educated child of the founders’ generation would have been familiar, virtue was an important ingredient to Athenian success. Athenians possessed a “native spirit” and “cultivate refinement without stinting and knowledge without effeminacy; wealth we employ more for use than for show, and place the real disgrace of poverty not in owning to the fact, but in declining to struggle against.”13 Today the dialog focuses on whether the government allows each person enough liberty to make their own choices based upon personal values and their own self-established end states. When the founders thought about liberty the values were clearly established and the end state was well understood. They debated sumptuary laws; we glorify excess. Or as Aristotle might have put it, we have lost the habit of virtuous behavior.

Liberty and happiness have become morally neutral. A person is free to choose what they value and no one should be encumbered by another’s vision of the good life. The idea that self-government ensured liberty, but that self-government was dependent on virtue has been displaced by a glorification of wealth and power—being a winner! Madison wrote that “virtue is the vital principle of a republic, and it cannot long exist without frugality, probity, and strictness of morals.”14 Yet today virtue is so far gone from our modern theory of liberty that we no longer mourn the loss. We celebrate the unfettered expansion of personal liberty that is allowed by the lifting of community limits. On the other hand, government has assumed the responsibility of

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assuring that people live under the proper conditions to feel free. Liberty has been paradoxically both privatized and become the public responsibility.

In George Washington’s first inaugural address, he emphasized the vital connection between the public good and virtue. He expressed confidence that “no separate views or party animosities” would prevent them from forming national policy on “the pure and immutable principles of private morality.” According to Washington, America would win the respect of the world with the understanding that,

> there is no truth more thoroughly established than that there exists in the economy and course of nature an indissoluble union between virtue and happiness; between duty and advantage; between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and felicity.\footnote{Ibid.}

Washington hoped that the citizenry would always remember that “we ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained.”\footnote{Ibid.,}

**Procedure**

Textual interpretation and historical analysis is the methodological framework that will be employed for this project. The genealogy of the four-note chord of liberty will be traced from four major sources: Athens, the Roman Republic, Christianity, and the Enlightenment. (Figure 2) I will begin with an analysis of the two pivotal words, liberty and happiness, in the Declaration of Independence—the most read, listened to, and celebrated of our nation’s foundation documents. “Happiness” is a construct that has not lost its importance over the years. The word

\footnote{My Fellow Americans: Presidential Inaugural Addresses, from George Washington to Barack Obama (St. Petersburg, Fla.: Red and Black Publishers, 2009), 7.}

\footnote{Ibid.}

\footnote{Ibid.,}
“happiness” in a recent search on the Georgetown University Library’s search engine resulted in over three million results. Amazon lists over one-hundred thousand books that are associated with happiness. In 2012 the United Nations General Assembly created a Conference on Happiness, published the *World Happiness Report*, and decreed that March twentieth would be annually observed as the International Day of Happiness. The most popular class in Yale University’s history is a class on happiness. Given that happiness continues to preoccupy, what could be more important than to look at what the word meant when it was included with such prominence in the Declaration, how it was linked to liberty, and how the meaning of both of these words has changed since the eighteenth century?

The common title for the Declaration is a misnomer and misdirects our attention. It would be more useful to call it The Declaration of Liberty; for that was the cause that the founders were declaring. Alexis de Tocqueville, the astute observer of the early United States, wrote that the American Revolution was “produced by a mature and thoughtful taste for liberty, and not by a vague and undefined instinct for independence.” In the Gettysburg Address, Abraham Lincoln directed the nation’s attention to the Declaration’s assertions of liberty and equality. A focus on independence, or a reminder of the right of a “people to dissolve the political bonds which have connected them with another” and assume “the separate and equal station to which the laws of nature and of nature's God entitle them” by forming a new

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19 The Unanimous Declaration By the Thirteen United States of America is the title of the document at the National Archives. In some reprints the words Unanimous and Thirteen were dropped. Jefferson’s original title was: A Declaration by the Representatives of the United States of America, in General Congress Assembled.

government, might have been awkward. That was what the Confederates were fighting for. The Declaration has continued to directly inspire freedom seekers, and not necessarily independence seekers, from around the world, and from the most dissimilar political philosophies, such as the French revolutionaries of 1789 to Ho Chi Minh and Beijing’s Tiananmen Square protesters.

We honor the Declaration without realizing how profoundly this nation has disconnected from the original meaning of the words that the document celebrated. The National Archives can preserve the parchment, but the conceptual additions and subtractions from mental constructs can happen slowly and outside of awareness as a result of human experience. Modern definitions of happiness reference subjective emotional states such as joy, merriment, and cheerfulness. Within the brain, it is a limbic system (often called the mammalian brain) dominated experience. Dictionaries typically provide a dual definition for liberty that covers the political and social: (1) liberty is a state of freedom from a despotic government or foreign rule, and (2) liberty is the ability to choose and act freely. The four-note chord implies much more.

The theoretical framework for this study is built from Bernard Bailyn’s influential and exhaustively researched book *The Ideological Origins of the American Revolution.* After extensive review of the speeches, meeting records, private and public documents, sermons, and—most ubiquitous of all—pamphlets, Bailyn discovered five basic sources for the colonial worldview that fueled their moral and intellectual argument with Parliament. There must have been more going on that fueled their grievances, after all, when some of the most lightly taxed people in the western world would so vehemently object to Parliament’s need to regulate the empire and pay off war debts by instituting a relatively mild tax policy. In ascending order of importance, they were: (1) classical antiquity, (2) the Enlightenment, (3) English common law,
(4) New England Puritan theology, and (5) seventeenth and eighteenth-century English political theory that interpreted history as a never-ending battle between power and liberty.

The reliance upon classical antiquity to bolster colonial arguments was common place. Bailyn observed that pamphleteers would inevitably buttress their arguments and flaunt their intellectual credentials with the most wide-ranging array of classical analogies. Bailyn argued, however, that these frequent references were deceptive, for they were often superficial and inaccurate.21 “Often the learning behind it was superficial,” observed Bailyn, “the citations appear to have been dragged in as window dressing with which to ornament a page or a speech and to increase the weight of an argument.”22

Despite the wide-ranging scope of their classical references, the story that preoccupied the colonial writers was the collapse of the Roman republic. For the founders, the message from history was clear. The corruption that had led to the collapse of Roman liberty was analogous to the threats facing the colonists in the 1760s and 1770s. “They found their own provincial virtues—rustic and old-fashioned, sturdy and effective—challenged by the corruption at the center of power,” wrote Bailyn, “by the threat of tyranny, and by a constitution gone wrong.”23 Bailyn concluded that the history of Rome was more illustrative than determinative, for it was used to exemplify the points the colonists were making about their current conditions.

21 Many scholars disagree with Bailyn’s point that the references to antiquity were superficial. The fact of the ever-present classical reference and that they certainly influenced values and behaviors is beyond dispute. Admittedly most colonists did not read the ancient authors in the original Latin and Greek, and many read popularizations by radical Whigs. Assessing the relative degree of importance is not a debate necessary to this project. See Gordon S. Wood, The Creation of the American Republic: 1776-1787 (Chapel Hill: Univ. of North Carolina Press, 1998), 49-53; Carl J. Richard, Greeks and Romans Bearing Gifts: How the Ancients Inspired the Founding Fathers (Lanham, Md.: Rowman & Littlefield Publishers, 2008)


23 Ibid., 26.
Historically and philosophically more important than the references to antiquity, were the founders’ reliance on the Enlightenment writers, and the venerable lawyers from England’s legal history. Once again, however, Bailyn found these references to be shallow, often misconstrued, and used to support the arguments from across the political spectrum of both radicals and conservatives. Bailyn observed that “Locke is cited, often with precision on points of political theory, but at other times he is referred to in the most offhand way, as if he could be relied on to support anything the writers happened to be arguing.”24 When referencing the great legal scholars such as William Blackstone or Edward Coke, the Revolutionaries also tended to find different meaning depending on the positions they were arguing.25 For the colonists, English common law did not so much provide a blueprint for action as it was a way of putting their accumulated history into a broad philosophical context “embodying the principles of justice, equity, and rights.”26

The fourth, and specifically American, tradition that influenced the founders thinking about the supreme importance of their history can be traced back to the earliest years of New England settlement. Puritan theology inspired the colonists to think about the special role that America was playing in world history. It was a sweeping worldview that added a cosmic dimension to their political struggles:

It carried on into the eighteenth century and into the minds of the Revolutionaries the idea, originally worked out in the sermons and tracts of the settlement period, that the colonization of British America had been an event designed by the hand of God to satisfy his ultimate aims.27

24 Ibid., 28.
25 Ibid., 31.
26 Ibid.
27 Ibid., 32.
These early stirrings of what will later be captured in the phrase “manifest destiny,” added a spiritual dimension that elevated the colonists’ cause beyond provincial economic and political grievances. Though it initially stemmed from the austere Calvinism of New England, the spirit of the message was enlarged and modified by the entire range of American Protestantism.28

The lessons from antiquity, instructions from the Enlightenment philosophers, accumulated wisdom of English common law, and the belief that the American destiny was blessed by God, amounted to a confluence of powerful influences. Yet according to Bailyn there was one more element that influenced the founders’ worldview that was less casually observable yet more determinatively powerful. In seventeenth and early eighteenth-century England there had been a coterie of radical writers, such as John Trenchard and Thomas Gordon, who focused their politics on the eternal battle of power versus liberty. The names of these writers are little known today “but more than any other single group of writers they shaped the mind of the American Revolutionary experience.”29 These writers harangued against the expanding corruption of the age, wrote detailed histories of how free peoples had capitulated to absolutists, worried over the well-being of the individual, and expressed hostility toward the British government. The writers were alarmed by the current circumstances and worried about “the danger to England’s ancient heritage and the loss of pristine virtue.”30

When knit together these five principles became the all-encompassing theme of the American Revolution. History had demonstrated, and religion emphasized, that people were weak and prone to corruption. This pessimism was balanced with the Enlightenment belief in

28 Ibid.

29 Ibid., 35.

30 Ibid., 46.
progress and the rational individual’s ability to live free and flourish. People must remain vigilant to the never-ending tendency of the state to erode their liberty. In thoughts that would be articulated in the Declaration of Independence, government was perceived as potentially hostile to human liberty and should be overthrown if it exceeded “its proper jurisdiction.”

In summary, the founders perceived all actions originating from England’s attempt to simply manage their expanded and debt-ridden empire (e.g., regulation of commerce, stationing troops, imposition of taxes) were nothing less than one more indicator of power trumping liberty. “The disposition of power…. they dwelt on it endlessly, almost compulsively;” wrote Bailyn, “it is referred to, discussed, dilated on at length and in similar terms by writers of all backgrounds and of all positions in the Anglo-American controversy.” Individual liberty was never safe for it existed in a continuous state of potential victimhood. Power in government was not inherently evil, for it had been legitimately created, in a Lockean sense, through a compact among citizens for mutual benefit. The danger was in the corruptibility, vanity, and selfishness of human nature.

The only force that stood between liberty and the powers that could destroy it were the moral qualities of the citizenry. It was the tendency for power to accumulate in one sector of society and crush the happiness and liberty of the citizens that was the problem for any form of government. Known since Aristotle, and such common knowledge that “the veriest smatterer in politics” wrote a Virginian in 1774, “must long since have had them all by rote,” monarchy, aristocracy, or democracy would degenerate into tyranny, oligarchy, or mob-rule if their powers

31 Ibid., 57
32 Ibid., 55-56.
33 Ibid., 58-59
34 Quoted in Bailyn, 70.
were not held in check. The mechanics for keeping power in check would be the Constitution. No rulebook for government, however, would ever resolve this foundational problem: without the inner strength to stay the course of virtuous behavior, liberty would be short lived.

Chapter Two will focus on the classical origins of the founders’ conception of happiness and how it was connected with liberty. It is beyond dispute that the founders’ worldviews were influenced by the ancient philosophers. From grammar school to college, the emphasis was on the study of the classics. They filled their libraries with complete volumes in the original languages, kept “commonplace books” where they copied out long passages in Latin and Greek, adopted classical pseudonyms when they wrote for publication, and in their leisure time translated the classical writers for entertainment as well as to display social status and erudition. They studied with a passionate intensity motivated by the Enlightenment belief that they could discover “permanent truth as regards God, human nature, and politics.”

There is much scholarly debate over which of the great thinkers had more influence, and it is impossible to create a coherent and harmonious narrative from the wide ranging and contradicting philosophers that the founders read and discussed. In this project a manageable few will be spotlighted. The emphasis on virtue and happiness directs our attention to Aristotle, for he undertook the first major examination of the interrelatedness of virtue and happiness as both an activity and the ultimate end state. This Aristotelian definition of happiness greatly influenced the founder’s thoughts about personal and internal liberty. Virtue was an activity that required wisdom and a continual application of effort to achieve an end-state that brought the greatest satisfaction.


36 Pangle, *The Spirit of Modern Republicanism*, 29
The ancient thinker to whom Jefferson claimed to hold in the highest regard was Epicurus.\textsuperscript{37} Scholars are not in agreement over the degree to which Jefferson should be considered an Epicurean.\textsuperscript{38} Nonetheless, if Jefferson wrote that Epicurus, “notwithstanding the calumnies of the Stoics, and caricatures of Cicero, is the most rational system remaining of the philosophy of the ancients, as frugal of vicious indulgence, and fruitful of virtue as the hyperbolical extravagancies of his rival sects,” \textsuperscript{39} then he certainly deserves our attention. What we find in Epicurus’ ethical teachings of particular importance is the emphasis on the value of moderation.

Chapter Three will trace liberty as it was understood by the Athenians, the Romans, the New England Calvinists, and John Locke. From the Athenians and Romans came the idea of the sovereignty of the people. The Enlightenment thinkers shifted the key concept to individual freedom. John Locke, though not the first to have discussed natural law, compact government, or inalienable rights, is considered to be one of the more influential of these philosophers. The publication of \textit{Two Treatises on Government} that immediately followed England’s Glorious Revolution, with its statement of liberties in 1688, assured that this British philosopher would be widely read by the founders.

Evidence for the four-note chord of liberty as it was personally experienced by two of the more well-known founders, Thomas Jefferson and Benjamin Franklin, will be the focus of Chapter Four. With Jefferson and Franklin, we will see their personal struggles with the self-


\textsuperscript{38} Ibid. 278

mastery that was required for one to be truly free. Of particular interest will be the evidence of
their concern for moderation. The importance of moderation must not be overlooked, wrote the
political philosopher Thomas Pangle, “for no moral virtue receives such regular and oft-repeated
praise from the Federalist; and no virtue had been accorded an equal importance in the Spirit of
the Laws, the work to which the new Publius refers more often than to any other.”40 This is the
concept that has been lost—and is most in need of revival—from our modern idea of liberty and
happiness.

The heart of the debate over the structure of government that has been preserved in The
Federalist Papers and the antifederalist speeches and articles, was the assumption that above all,
good government created and preserved the conditions under which liberty may be ensured.
Chapter Five will be an overview of the ratification debate and will highlight the subtle shift in
the connection between virtue and liberty. The ratification of the Constitution began the shift of
power from the states to the national government. One reason for this was the fear that perhaps
the common man was not quite virtuous enough. Chapter Six will bridge the founding
generations’ hopes for liberty with the present. Guided by Alexis de Tocqueville, some of the
causes for the loss of the four-note chord will be considered. The modern conception of liberty
has become highly individualized and happiness is now an emotional state that can only be
subjectively assessed.

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40 Pangle, The Spirit of Modern Republicanism, 89.
Figure 2. Lineage of the four-note chord of liberty

Words About a Word

Theories are not abstractions; we live our theories. Many years ago, while working toward a degree in psychology, I gave a presentation from the area of political psychology. I was particularly interested in how personal values affected political orientation. At the end of, I was sure, an insightful discussion of a poorly understood subject, my professor (who was from the experimental branch of the department) dismissively commented, “these are just words about words.” I have not forgotten that comment. Psychologists may rely more on data and statistical analysis, and philosophy and history may be the wordiest of disciplines, but ultimately our important experiences must be shared through words. Words link us to the past. The link can be lost if the words change their meaning without our noticing.
CHAPTER 2

VIRTUE AND HAPPINESS IN CLASSICALANTIQUITY

The happy life is thought to be one of excellence; now an excellent life requires exertion, and does not consist in amusement. If Eudaimonia, or happiness, is activity in accordance with excellence, it is reasonable that it should be in accordance with the highest excellence; and this will be that of the best thing in us.

—Aristotle, The Nicomachean Ethics

“Ours are the only farmers who can read Homer” boasted Thomas Jefferson in 1787. ¹ Perhaps a time-consuming book to squeeze in between Bible reading and farm chores, but this generation of revolutionaries had a practical need for familiarity with the classics. It was not for room décor nor to display their intellectual credentials that educated men of the founding generation spent fortunes to fill their bookshelves with complete volumes of the ancient Greek and Roman classics. It was not just for the intellectual workout that they grappled with the classical texts in the original languages. It was not merely a desire to incorporate rigor and discipline into the educational system that the children of the well-heeled spent so much of the school day studying the great writers from antiquity, and were required to recite them for admission to college. Eighteenth-century Americans believed that these writings contained the instructions for success, as well as the cautionary lessons, for how life was to be lived and government was to be constructed so that it would promote liberty and happiness.²


This chapter will focus on two of the notes in our four-note chord: internal liberty and public good liberty. I will start with an examination of America’s most memorable philosophical statement: the first paragraph of the Declaration of Independence. From there I will look at three philosophers from classical antiquity who helped to shape the ideology that was articulated in the Declaration: Aristotle, Epicurus, and Cicero. There was much in the collective ideology of the Revolutionary generation that can be traced back to these three great thinkers and their interconnected worldviews concerning a life well-lived. That Cicero—Jefferson called him the father of philosophy—had a particularly powerful influence on the founders is beyond dispute. Not only are the Declaration’s assertions concerning natural law traceable to Cicero, but Jefferson’s manner of underpinning his argument with the claim that “we hold these truths to be self-evident” reminds one of Cicero’s statement that “all that is so obvious that the matter does not need to be debated” (DO 1.6).

This chapter will challenge the Lockean over-emphasis on autonomous self-interest that can dominate interpretations of liberty. As the historian Barry Shain has argued, the excessive prominence placed on the philosophy of liberal individualism leads to a misunderstanding of the foundational ideas about who we were as a historic people, to not see how we have gone astray, “as well as constraining what [we] might become.”3 Consistent with the Christian morality that was dominant in the American colonies, there was a moral depth with an emphasis on human connectedness that was central to the founders’ worldview. This can be overlooked if we limit our perspective and view eighteenth-century Americans as singular “advocates of political

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individualism who defended something like the modern concept of individual freedom—freedom to do what one wishes.”

The quality of the citizen participants in the great American experiment was key. The best government could only happen if the participants were made of superior stuff. This state of excellent character involved both internal and external variables. These included the ability to not only exercise choice in the public sphere and participate in a system of government that would make good laws, the wisdom to deliberate and the moral strength to make good decisions, but also the understanding that the good life has a social context—the four-note chord of liberty. That was what the Revolution was all about. That is why we are drawn back to the classical philosophers for the earliest expositions on the good life upon which the founders clearly relied.

Each of these three philosophers grappled with the architectural framework of good government. They were concerned with the questions of who should participate in the governing of the political unit, and why. With the greatest questions before them—Why was rule by England wrong? What would be better? —it was natural for the founders to look to the classical philosophers who had been most preoccupied with the connections between how people organized their political space and human flourishing. Good government, however, was not the end; it was the means to an end. Only through a justly organized political system could human fulfillment be attained. As the focus of this paper is not on the structure of political regimes but on the human qualities that contribute to failure or success, I will primarily be looking at Aristotle’s *Nicomachean Ethics*, an assortment of the letters written by Epicurus, and Book I of Cicero’s *De Officiis*.

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4 Ibid.
The Declaration of Independence

John Adams was the first to formally present for a vote in Congress a statement that addressed the purpose of government. “The Preamble to the Resolution for Independence” that was approved by the Second Continental Congress in May of 1776 stated that government should preserve “internal peace, Virtue and good order” and that it must “conduce to the happiness and Safety of the people.” This notion of the link between virtue and good government connected the ancients to the founders more than any other single idea. We also see that most interesting word that appeared with such fascinating regularity, from personal letters to political documents, in eighteenth century writings: happiness.

In June of 1776, Richard Henry Lee’s Resolution for Independence concisely stated the Second Continental Congress’s view of the facts: the colonies were free and independent. The revolutionaries, however, were not just political architects who were deconstructing one system and constructing a new model of government. They were political philosophers engaged with the biggest question: how are people supposed to live? That was why John Adams in the Resolution’s Preamble, and Thomas Jefferson in the Declaration of Independence, went well beyond Lee’s straightforward statement to assert a cardinal truth concerning human values. To be free to pursue happiness was the ultimate purpose of life.

In the Declaration, the word “happiness” not only appeared two times—it was in fact the only impactful word to be employed twice—it was the climactic word that ended the sentences where it was used. As both a musician and an architect, Jefferson was acutely attuned to the importance of repetition. The rhythm and design of his sentences were well thought out,

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particularly since Jefferson wrote the *Declaration* to be read aloud. He was aware of the stylistic importance of placing the emphatic word at the end of the sentence. If we imagine Jefferson putting those two sentences to music, one can almost see the crescendo symbols beneath the two stanzas. As Jefferson’s biographer Dumas Malone wrote: “He was a ready writer but he could also be a fastidious one, and he never weighed his phrases more carefully than now.”6 The Declaration underwent extensive editing before it was approved by Congress, with some twenty-six major alterations and two new paragraphs added. Jefferson’s statements about rights and happiness, however, remained untouched.7

As asserted in the Declaration, we have many inalienable rights, hence the use of the phrase “among these;” but Jefferson chose the most fundamental to spell out. People must be able to preserve their life, they must be free to control the direction of their life, and if these two rights were secured, they would be able to pursue the ultimate goal of happiness. Life and liberty were the means to the end state of happiness. When Jefferson wrote of happiness he presented what might initially appear to be a conflict over how happiness was connected to a meaningful life. It was potentially paradoxical because with the dual mentions in the opening paragraph of the Declaration, each time it seemed to present a different perspective.

In the first use of the word it appeared as though happiness was an individual and private matter in that all men were “endowed by their Creator with certain inalienable Rights, that among these are life, liberty and the pursuit of happiness” with the implication that the quest was undertaken by and for the benefit of the individual. As long as a person was in possession of his

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life and was at liberty, he could pursue his own idea of happiness. Toward the end of the paragraph the meaning shifts. Happiness was a goal that was to be achieved collectively through the community and was the government’s responsibility. The Declaration stated that “the People” will create new governments “as to them shall seem most likely to effect their Safety and Happiness.” It could not possibly be a purely private and subjective matter if the ultimate goal of government was to secure happiness for the general population. If each person was at liberty to self-define his ideal end state then one person’s idea of happiness might conflict with another’s. In a situation where the maintenance of happiness was to be achieved by the collective action of government, there must be an agreed upon definition of this happiness experience that everyone was pursuing. The notion that the people will create governments that will both ensure safety and promote happiness was yet another idea potentially loaded with problems.

Much of the past two-hundred plus years of political debate has been a wrangling over the problem of the seemingly zero-sum game between liberty and security. If all are completely free there is no security so we give up some liberty with the hopes of finding some security. How much freedom to give up for how much safeguarding? More than two-hundred years of intense and often hostile political debate in the United States has not answered that question. On the other hand, if the citizenry shared a vision of happiness that was based on an agreed upon definition of the good life that all clear-thinking people would choose, conflict would be minimal. This idea of a communal or public happiness was an idea that was expressed by Jefferson in one of his few published documents. In *A View of the Rights of British America* published in 1774, Jefferson wrote of a peoples’ right to “establish new societies, under which
such laws and regulations as to them shall seem most likely to promote public happiness (italics added).”

Jefferson never clearly explained what or who inspired his use of the word “happiness.” In fact, if Jefferson’s use of the word was unusual, then we might be inclined to dismiss the usage and attribute it to some sort of Jeffersonian eccentricity. Its prominence in the Declaration, however, was far from a deviation from the norms of his day. Both before and after the printing of the Declaration, the word happiness was regularly used when discussing the goal of government. The strength of the Declaration was that it stated what everyone already agreed to be true, or as John Adams wrote in his own prickly sort of way, “there is not an idea in it but what had been hackneyed in congress for two years.”

Happiness was a familiar theme in many of the most well-known writings of the day. The well-known Reverend Jonathan Mayhew of Boston preached in 1754 that the purpose of government was the happiness of men. Although Jefferson claimed not to have read his pamphlet, in 1764 James Otis wrote that the end of government was “to provide for the security, the quiet, and happy enjoyment of life, liberty, and property.” In 1765, the Continental Congress asserted, “that the increase, prosperity, and happiness of these colonies depend on the full and free enjoyment of their rights and liberties.” Jefferson most certainly read the widely circulated work written in 1768 by a man he admired enormously, Joseph Priestly. Priestly

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9 Quoted in Becker, The Declaration of Independence, 151.


That the happiness of the whole community is the ultimate end of government can never be doubted... The great object of civil society is the happiness of the members of it, in the perfect and undisturbed enjoyment of the more important of our natural rights, for the sake of which, we voluntarily give up others.\textsuperscript{12}

Josiah Quincy wrote in 1774 in an essay, \textit{Observations on the Act of Parliament Commonly Called the Boston Port-Bill}, that the utilitarian objective of civil society was "the greatest happiness of the greatest number."\textsuperscript{13} In response to the congressional delegates looking for guidance in writing state constitutions, in April of 1776 John Adams wrote \textit{Thoughts on Government}, where he asserted that "the happiness of society is the end of government."\textsuperscript{14}

In the years immediately preceding the Declaration, numerous essays appeared in the \textit{Virginia Gazette} with titles such as "The Pursuit of Happiness," "Happiness," "Essay on Happiness," and "The Character of the Happy Life." All of these essays connected happiness with virtue.\textsuperscript{15} Fresh in Jefferson’s mind as well, must have been the widely read and commented upon pamphlet \textit{Considerations on the Nature and Extent of the Legislative Authority of the British Parliament}, written in 1774 by James Wilson, one of the most highly respected legal scholars in the colonies. He expressed ideas, as well as the paragraph structure, that will reemerge in the Declaration:

\begin{quote}
All men are, by nature, equal and free: no one has a right to any authority over another without his consent: all lawful government is founded in the consent of those who are subject to it: such consent was given with a view to ensure the happiness of the governed, above what they would enjoy in an independent and
\end{quote}


\textsuperscript{13} Jones, \textit{The Pursuit of Happiness}, 4.

\textsuperscript{14} Ibid.

\textsuperscript{15} Jean M. Yarbrough, \textit{American Virtues: Thomas Jefferson on the Character of a Free People} (Lawrence, KS: University Press of Kansas, 1998), 14
unconnected state of nature. The consequence is, that the happiness of the society is the first law of every government.\footnote{Becker, The Declaration of Independence, 108.}

The most frequently cited source for Jefferson’s statement on rights was from his friend and fellow Virginian, George Mason. In June of 1776, the Virginia Constitutional Convention approved “A Declaration of Rights” that had been written by Mason:

That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.\footnote{“Virginia Declaration of Rights,” The Avalon Project: Documents in Law, History, and Diplomacy, accessed March 7, 2018, http://avalon.law.yale.edu/18th_century/virginia.asp.}

Mason’s emphasis on happiness can be traced to an earlier reference from 1774, when he penned the \textit{Fairfax County Resolves}. He wrote that people are only to be governed by laws passed by elected representatives, and that the laws must protect the “safety and happiness” of the community.\footnote{“George Mason and Historic Human Rights Documents,” Gunston Hall, Home of George Mason, accessed March 7, 2018, http://gunstonhall.org/georgemason/rights.html.} Virginia’s “Declaration of Rights” appeared in the \textit{Pennsylvania Gazette} on June 12, 1776, the same day Congress appointed the committee of five to write the Declaration. We will never know, but we might safely assume, that Mason’s Declaration was discussed.

What, after all, could have been of greater interest to Jefferson than what was coming out of the Virginia Constitutional Convention? It is likely that Mason’s words were fresh in Jefferson’s mind, and it is very possible that a copy of Mason’s Declaration was close at hand.

The similarities between Mason’s and Jefferson’s Declarations are indeed striking. It is also interesting to explore the words that Jefferson decided to exclude. Mason wrote of the rights of “pursuing and obtaining happiness and safety.” Jefferson dropped safety, perhaps...
believing that safety was already covered by the right to preserve one’s life. Jefferson also seemed to believe that we have a right to pursue happiness, but no right to necessarily obtain it. With this, Jefferson was reaching back to the Aristotelian view of happiness: it was a life well lived and dependent on a person’s efforts at a virtuous life as well as the individual’s ability to maximize inherent capacities. Jefferson corrected Mason’s error. It was entirely within a person’s own power to become virtuous and no government could make sure a person obtained it. Mason appeared to be the bridge between John Locke and Jefferson concerning the issue of property and happiness. Mason included both “property” and “happiness” in his statements. Jefferson chose to drop “property” and single out “happiness.”

Historians debate which philosopher may have influenced Jefferson more. Merrill Peterson wrote of Jefferson’s affinity for Lord Shaftsbury, Francis Hutcheson, Henry Home, and Lord Kame.19 Most Declaration scholars discern the clear influence of John Locke.20 The notion that freedom and happiness was inseparably linked to the protection of property and was therefore the primary object of government was Locke’s essential thesis.21 Countering that position was Garry Wills who argued that it was not Locke but the Scottish Enlightenment philosopher, Francis Hutcheson, who influenced Jefferson the most. Hutcheson formulated a mathematical approach to the science of happiness—“the greatest happiness for the greatest

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21 Charles Beard’s 1913 classic, *An Economic Interpretation of the Constitution of the United States*, was one of the earliest and most influential proponents of the theory that the founders were most concerned with the problems associated with the distribution of property and that government’s primary purpose was the protection of economic well-being.
number”—and explored ideas about virtue, benevolence, and man’s innate moral sense. In fact, Jefferson was never attached to any one philosophical creed. He drew from a deep well of often competing philosophical schools, such as the Cynics, Stoics, and Epicureans; he was fascinated by Socrates, Cicero, Seneca, and Tacitus.

Yet if we look to Jefferson’s own words we will find Aristotle at the top of the list. In 1825, the aging Jefferson recollected that when he wrote the Declaration he had been influenced by “the harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, &c.”

Even if we were to concede that Jefferson’s list was chronological—ancient Greece, ancient Rome, Enlightenment—the preeminence of Aristotle’s views on the connections between politics and ethics had a tremendous impact on the Enlightenment thinking that Jefferson assimilated and articulated. The Declaration was the eighteenth-century culmination of two thousand years of thinking about the human condition that begins with Aristotle’s systematic presentation of his view that politics and ethics were not two distinctly separate areas of study. According to Aristotle “We took the end of political science to be the chief good, and political

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science is concerned most of all with producing citizens of a certain kind, namely, those who are both good and the sort to perform noble actions” (NE I.9.1099b29-32).

Aristotle

The lessons gleaned from the study of the classics was twofold: cautionary concerning their political systems and inspirational when it came to their philosophies regarding the good life. Jefferson wrote that there was little to be learned from studying the politics of the classical Greeks because they "had just ideas of the value of personal liberty but none at all of the structure of government best calculated to preserve it," and that the development of representative political institutions "has rendered useless almost everything written before on the structure of government and in a great measure relieves our regret if the political writings of Aristotle, or of any other ancient, have been lost, or are unfaithfully rendered or explained to us." He certainly did not mean, however, that they were to be ignored. The founders were Enlightenment thinkers who were constructing evidence based political theories built from established truths about ethical behavior. They were not, however, reconstructing classical political systems. Madison wrote that it “is not the glory of the people of America, that whilst they have paid a decent regard to the opinions of former times and other nations, they have not suffered a blind veneration for antiquity.”

“The history of antiquity thus became a kind of laboratory in which the autopsies of the dead republics would lead to a science of social sickness and health” wrote the historian Gordon Wood.


The founders were astute critics as they mined the writings of the classical Greeks and Romans for evidence of the weaknesses that led to the failures of their political systems. Athens with its demagogues was a model for how participatory government had been chronically unstable and how free citizens can become unruly mobs led by devious and manipulative men grasping for power and wealth. Adams reflected in his great discourse on government, that Athenian democracy was never simple and it never really worked. Dictators and ruling assemblies “produced a never-ending fluctuation in the national councils, continual factions, massacres, proscriptions, banishment, and death of the best citizens: and the history of the Peloponnesian War by Thucydides, will inform us how the raging flames at last burnt out.”

Alexander Hamilton wrote that it was “impossible to read the history of the petty republics of Greece and Italy without feeling sensations of horror and disgust at the distractions with which they were continually agitated, and at the rapid succession of revolutions, by which they were kept perpetually vibrating between extremes of tyranny and anarchy.” The founders dismissed Athenian democracy; but they embraced the teachings of some of the greatest Athenian philosophers about the good life.

The primacy of virtue as the essential ingredient for the experience of internal liberty, the survival of political liberty, and the fulfillment of public good liberty can best be understood with Aristotle’s teachings as a starting point. Without too much hyperbole one can say that Aristotle covered just about everything. He invented deductive logic as a formal science and influenced


ethics, politics, aesthetics, psychology, biology, and astronomy.\textsuperscript{32} Many of his teachings are offensive to the modern reader (e.g. natural slavery, the inferiority of women, infanticide for population control), but his ideas about the good life and how civic virtue was essential to human flourishing should be of continuing significance. Circumstances and belief systems have certainly changed, but human nature not so much. Aristotle’s teleological framework of conceiving of happiness as the ultimate good and the methods for attaining that goal provide a relevant road map that should not have lost its relevance. For the founders, it was unequivocal. Through studying Aristotle, we can gain important insight into why the founders placed happiness as the pinnacle achievement of a life well-lived and the ultimate goal of government.

If not for Aristotle it was probable that “happiness” may not have taken on the central importance that it did in the eighteenth-century. Aristotle aimed to discover what accounted for the differences among all things that exist in nature. His answer was that all things possess within themselves a unique principle of movement toward a specific goal. The essential point of the two greatest collections of his theories about the good life, the \textit{Nicomachean Ethics} and \textit{Politics}, was that happiness was the end state to which human life was designed. Contrary to what some of the greatest ethicist such as Immanuel Kant concluded, that “the concept of happiness is such an indeterminate concept that, although every human being wishes to attain this, he can never say determinately and consistently with himself what he really wished and wants,”\textsuperscript{33} Aristotle systematically and with great practicality presented a definition of happiness. He explained why it was the greatest good and how it was to be achieved, both individually and


communally. The dual usage of happiness in the Declaration, that it was postulated as both an activity and an end-state, makes Aristotelian sense. The exercise of human reason was the pinnacle human endeavor that would culminate in happiness.

The first problem to be confronted is one of translation. The Aristotelian meaning of happiness was different from how it is used today. Dictionaries typically offer transitory feeling-state definitions of happiness such as “a pleasurable or satisfying experience” from Merriam-Webster; or “good fortune, pleasure, contentment, joy” from the Cambridge Dictionary. The Oxford Dictionary defines happiness as “good fortune or good luck,” a suggestion that it is something that simply happens to a person. No modern dictionary associates happiness with moral correctness or ethical standards of right and wrong, yet that was what Aristotle had in mind. Aristotle used the word *eudaimonia*, and the word has lost its original connotation when translated into English as happiness.

The Greek word does not convey a state of being that was based in the unstable and subjective emotional realm. In fact, there is no single English word that completely captures the idea of *eudaimonia*. Words such as “self-actualization” or “flourishing” come closer. Yet even those two words, which might imply a static state, fail to capture the full meaning. The Greek word *hexis* was also linked to the concept of *eudemonia* and was important to Aristotle’s philosophy of virtuous living. *Hexis* is best understood as a dynamic state of actively bringing about moral virtue. Nor does the modern idea of happiness incorporate the concept of rational choice and moderation. Emotional states are generally viewed on a spectrum, and the synonyms

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35 In fact, Aristotle’s usage of the word represented a shift from an earlier understanding. The word is a compound of the prefix “eu”—meaning well—and “daimōn”—which referred to a spirit guide. For example, according to Plato, Socrates claimed his daimōn warned him of potential mistakes, though never gave him advice about what course of action to take. This would imply that a state of eudemonia would be influenced by forces outside of the person.
for happiness such as joy, glee, or giddiness do not suggest a median point. Aristotle reasoned that true happiness was a character state—not an unstable emotional condition—that was to be achieved through virtuous activity. The central concept that connected happiness to the highest human functioning was virtue.

Aristotle taught that “three things are to be found in the soul—feelings, capacities, and states—so virtue should be one of these.” Feelings were the “things accompanied by pleasure or pain,” capacities were “the things on the basis of which we are described as being capable of experiencing feelings” (NE II.5.1105b 20-25). Our feelings and capacities were not what made us good or bad because they do not engage our human intellect. Virtue required rational choice. As Aristotle taught, “in respect of our feelings, we are said to be moved, while in respect of our virtues and vices we are said not to be moved but to be in a certain state” (NE II.5.1106a 1-6).

Virtuous activity resulted from understanding that human flourishing was inextricably connected to a life of studied moderation. For Aristotle, virtue was a disposition of character which resulted in a particular way of deliberating and choosing so that actions were undertaken for the right reason, at the right time, and for the right goal.

The Nicomachean Ethics presented Aristotle’s thoughts on the human condition and provided the blueprint for how to build the happy life. It opened with an analysis of what Aristotle believed to be the central human problem: the longing for happiness and how it was to be obtained. There was practicality in this undertaking. According to Aristotle, this branch of philosophy “is not purely theoretical like the others, because it is not in order to acquire knowledge that we are considering what virtue is, but to become good people” (NE II.2.1003b 26-30). Beginning from the premise that all actions and choices are aimed at some good, there must be some clarity about what was the highest good for humans. Aristotle believed that the
highest good would be something that was desired purely for its own sake, not because it led to some other good, and that it was the one good that all other goods are intended to bring about. Aristotle taught that “every skill and every inquiry, and similarly every action and rational choice, is thought to aim at some good; and so the good has been aptly described as that at which everything aims” (NE I.1.1094a 1-5). The first decision therefore was to define the goal. As Aristotle metaphorically expressed, “if, like archers, we have a target, are we not more likely to hit the right mark” if we first define the highest goal (NE I.2.1094a24-27)? People will certainly disagree about what is good, so the first step was to resolve the disagreement and determine whether there was in fact one good that was more desirable than all the others—the highest good.

For Aristotle, the ultimate goal of all human activity was happiness because it “is believed to be complete without qualification, since we always choose it for itself and never for the sake of anything else.” Furthermore, no other goals were desired for their own sake but “on the assumption that through them we shall live a life of happiness; whereas happiness no one chooses…for the sake of anything else” (NE I.7.1097b1-6). Aristotle’s understanding of ultimate function was fundamental to his conclusions about happiness. All actions were undertaken with some unique purpose, so it followed that the human being must have some ultimate and unique purpose or function. For Aristotle, “the characteristic activity of a human being is an activity of the soul in accordance with reason” (NE I.7.1098a7-8). It therefore follows that if a person hoped to be the best he could be, he would strive to maximize this faculty—the essence of what it meant to be human—to the greatest extent possible. In other words, happiness was not just about getting what you want, but learning to want the right thing.36

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There were of course other pursuits that a person might believe would bring happiness such as pleasure, wealth, and honor. Of the three Aristotle was most critical of the life devoted purely to sensual pleasure. To lead such a life placed the human at an animal level of existence. We humans can certainly do better than live as the fatted calf. Wealth was not happiness, for money was acquired for the sake of obtaining something else, so it couldn’t be the end that was sought. The pursuit of honor was preferred over the other two, for to be truly honorable one must be virtuous. But honor was something that comes to us from others, so it could not be the ultimate goal. Happiness was achieved by engaging our reason to obtain moral and intellectual excellence. As a result of a steady application of effort a person would become habituated to behaving in a virtuous manner, thereby achieving happiness. Happiness was therefore both an activity and a goal.

Having established the important point that happiness was to be achieved through virtuous activity, Aristotle explored in great detail the specific types of virtues. There were two general categories of virtue: moral and intellectual. These virtues were not present by nature. The intellectual virtues were developed through teaching and the moral habits would be acquired through focused activity. The most important concept when it came to defining virtue and achieving happiness was the doctrine of the mean. A mean was a point of excellence between two extremes; it was at that point where virtue could be found.

Aristotle reasoned that “virtues are naturally destroyed through deficiency or excess…So it is too with moderation, courage, and the other virtues: he who avoids and fears all things and endures nothing becomes a coward, and he who generally fears nothing but advances toward all things becomes reckless” (NE. 1104a 12-18). The question that followed was how to discover the virtuous point between the extremes. Finding the mean, that point of excellence where virtue
exists, was not a simple arithmetic problem. The mean was not the same for everyone; it happened on a sliding scale. Aristotle used the example of the famous sixth century athlete Milo to illustrate his doctrine of the flexibility of the mean. A little food for Milo would be a lot of food for another (NE II.6 1106b 1-8). The mean is the good place, excess or deficiency will always ruin the good, and the wise person will know how to find it. Aristotle explained,

I am talking here about virtue of character, since it is this that is concerned with feelings and actions, and it is in these that we find excess, deficiency and the mean. For example, fear, confidence, appetite, anger, pity, and in general pleasure and pain can be experienced too much or too little, and in both ways not well. But to have them at the right time, about the right things, towards the right people, for the right end, and in the right way, is the mean and best; and this is the business of virtue (NE II.6 1106b 17-23).

To identify the virtuous mean required the development of intellectual virtue. The five intellectual virtues were: understanding (knowledge of first principles and important for scientific demonstration), science (the ability to demonstrate knowledge), wisdom (the ability to understand demonstrations), craft (the ability to make things), and practical wisdom that was explained as “a state grasping the truth, involving reason, concerned with action about what is good or bad for a human being” (N.E. 1140b 4-5). The virtuous person understood this basic truth: that the happy life was not measured by having the most (e.g., rashness or self-indulgence), or the least (e.g., fear or lack of ambition), but in cultivating a habit of moderation (Table I).

Aristotle taught that people needed reasonably healthy and pleasurable lives, they needed to be able to figure out the right thing to do in given situations and have the moral strength to follow through, and they needed to be educated about virtue and develop it with correct practice. Yet that was not enough. The happy life was fulfilled within a social context. Aristotle’s central argument was that happiness was the end to which all human activity was aimed—in his words it was self-sufficient: “we take what is self-sufficient to be that which on its own makes life worthy
of choice and lacking in nothing” (NE.I.7 1097b 14-15). However, the term self-sufficient can be a distraction and misunderstood as it connotes a self-contained individualism. That was not what Aristotle meant to imply. As he explained, “We are applying the term ‘self-sufficient’ not to a person on his own, living a solitary life, but to a person living alongside his parents, children, wife, and friends and fellow-citizens generally, since a human being is by nature a social being” (NE.I.7 1097b 7-10). Virtue was not just a private behavior. Most of the virtues, after all, such as truthfulness or magnanimity, could only be realized through relationships with like-minded individuals. Just as the baseball player requires a team to play on, the virtuous person requires friends with whom to do good and achieve the happy life. Aristotle taught that “it is not easy by oneself continuously to engage in activity,” with others “activity will be more continuous, and will be pleasant in itself, which is what ought to happen in the case of a blessed person…a sort of training in virtue emerges from good people’s living in each other’s company (NE.IX.9 1170a 5-12).

Just as there were many different ways that people have defined and pursued happiness, but only one best way, there were three hierarchical levels of friendship. The two lowest levels of friendship were based simply on usefulness or pleasure. The ideal friendship was centered on the practice of virtue. The first two forms of friendship were based in selfishness. A person labels another as a friend with the hope to “obtain some good for themselves” or because the other’s company is simply pleasant (NE.8.3 1156a 10-17). With these two types of friendships the ethical qualities of the other do not matter so very much. One might find a person of very low character to be useful or entertaining. In the search for the good life we must value the third form of friendship. This highest form involved the love of a virtuous life to be enjoyed through a connection with other virtuous people. The whole is greater than the sum of its parts in that
individual capacities for happiness have expanded through the interactions of virtuous people in the community. The happy life was something that was larger than what individuals could attain on their own. Aristotle’s notion about the virtuous person needing friendship was extended to include the idea of all citizens engaged in a cooperative endeavor toward the common good. Virtuous people were necessary for the maintenance of good government. In turn, good government would promote public-spirited characters.

<table>
<thead>
<tr>
<th>Virtue</th>
<th>Deficiency</th>
<th>Excess</th>
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<tr>
<td>Courage</td>
<td>Cowardice</td>
<td>Rashness</td>
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<td>Temperance</td>
<td>Insensibility</td>
<td>Self-indulgence</td>
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<td>Liberality</td>
<td>Meanness</td>
<td>Prodigality</td>
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<td>Magnificence</td>
<td>Niggardliness</td>
<td>Tastelessness</td>
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<tr>
<td>Proper pride</td>
<td>Pusillanimity</td>
<td>Vanity</td>
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<tr>
<td>Proper ambition</td>
<td>Lack of ambition</td>
<td>Ambition</td>
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<tr>
<td>Good temper</td>
<td>Lack of spirit</td>
<td>Irascibility</td>
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<tr>
<td>Truthfulness</td>
<td>Mock modesty</td>
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<td>Wittiness</td>
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<td>Friendliness</td>
<td>Cantankerousness</td>
<td>Obsequiousness</td>
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<td>Modesty</td>
<td>Shamelessness</td>
<td>Bashfulness</td>
</tr>
<tr>
<td>Proper indignation</td>
<td>Spite</td>
<td>Envy</td>
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Table I: Aristotle’s Virtues of Character

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37 Young, *Negotiating the Good Life*, 83.
The idea of the public good, our fourth note in the four-note chord of liberty, also has Aristotelian roots. As imparted by Aristotle, “For while the good of an individual is a desirable thing, what is good for a people or for cities is a nobler and more godlike thing” (NE.2.1094b 4-15). Without an understanding of what constitutes good government no other feature of the good life could be realized. There was a reciprocal relationship between good laws and good citizens. Good laws only happened as a result of judicious study on the part of virtuously public-spirited citizens. Just as the Nicomachean Ethics explored what was natural for humans—to seek the good life—the Politics examined the context in which human beings could attain happiness. According to Aristotle, “that a human being is by nature a political animal, and that anyone who is cityless by nature and not by chance is either of a depraved sort or better than a human being” (Politics 1.2, 1253a3). Human flourishing would only find its ultimate fulfillment through participation in the community.

The focus of this project precludes the necessity to delve into Aristotle’s theory about the various types of regimes and how they go wrong in any great detail. The most relevant to this project is that the three correct regimes that Aristotle identified—kingship, aristocracy, and polity—were each acceptable so long as they ruled for the common advantage. Regimes turn bad and become tyrannies, oligarchies, or democracies, when they deviate from this requirement and serve only private advantages—the one, the few, or the many (Politics 3.7 1279a22-1279b8). Yet his ideas concerning the public good are in need of revival for they were clearly relevant to

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38 Thomas W. Smith, "Aristotle on the conditions for and limits of the common good," The American Political Science Review 93, no. 3 (September 1999): 626.

39 Today’s lost emphasis on public good that had been important to the experience of liberty in the past, as discussed by writers such as de Tocqueville in the early nineteenth century to Robert Putnam’s recent book on the increasing disconnection between people will be discussed in Chapter Six.
the founders. A problem of translation is once again encountered when we tackle the importance of community that was central to the Aristotelian vision of the good life. When Aristotle wrote about the political unit he used the word Greek word *koinonia* which captured a more complex idea than just a community of individuals.

Today *koinonia* is primarily associated with Christianity, referencing the feeling of fellowship that is the goal of all Christian practice. “For the whole is necessarily prior to the part. For instance, there will be neither foot nor hand when the whole body has been destroyed… for such a foot or hand will have been ruined” expressed the Aristotelian idea of working toward an understanding that the ideal community is greater than the sum of its parts (*Politics* 1.2, 1253a19-22). In the Aristotelian conception, the need for civil society transcended the more modern conclusions of a Lockean or Hobbesian world view. We come together to not just protect our life and property or the hellish “solitary, poor, nasty, brutish, and short” existence that is found outside of a regulated society. Rather, individuals will attain a much greater happiness with the bonds of community than they ever could on their own.\(^40\)

**Epicurus**

Aristotle had dismissed the pursuit of pleasure as the lowest level of human existence, so at first blush it would appear that his teachings would conflict with those of his younger contemporary Epicurus, whose ethical system was a way of life focused on pleasure. Once again, however, we begin with a problem of alteration of meaning from the original. Just as the word happiness has not only lost its Aristotelian meaning but has come to mean something completely different, the word “epicurean” does not mean today what it meant to the original followers of Epicurus. With modern usage, one might describe an epicurean as a person seeking

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\(^40\) Young, *Negotiating the Good Life*, 73.
the pleasurable life through luxurious living and indulgence in fine wine and gourmet food. To the contrary, Epicurus’ believed as did Aristotle, that through engaging the faculty of reason one would discover that moderation was the key to the good life. “One must reason about the real goal and every clear fact,” Epicurus instructed his followers, “if not, everything will be full of indecision and disturbance.” The “real goal” in life was to master the appetites; as Epicurus wrote, “It is impossible to live pleasantly without living prudently, honorably, and justly and impossible to live prudently, honorably, and justly without living pleasantly.”

Although Jefferson was a connoisseur of French food and wine, this was not what he meant when he indicated that his favorite philosopher was Epicurus. “I too am an Epicurian” Jefferson wrote to a longtime friend, for he gave us the best “laws for governing ourselves.”

Epicurus taught that the goal of life was pleasure; yet this was not a “more is better” hedonistic definition of pleasure. Epicurus’ life of pleasure was defined by a freedom from an agitated state that resulted from unlimited craving. It was the happiness of equanimity. As one of Epicurus’ early followers wrote, “don’t fear god, don’t worry about death; what’s good is easy to get, and what’s terrible is easy to endure.”

Jefferson held that the doctrines of Epicurus contained “the most rational system remaining of the philosophy of the ancients, as frugal of vicious indulgence, and fruitful of virtue as the hyperbolical extravagancies of his rival sects.”

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41 Brad Inwood and Lloyd P. Gerson, trans., The Epicurus Reader: Selected Writings and Testimonia (Indianapolis: Hackett, 1994), 32.

42 Ibid.

43 Richard, The Founders and the Classics, 187.


In an outline believed to have been written in 1799, Jefferson sketched out what he found most valuable in the doctrine of Epicurus. Jefferson wrote “that happiness was the aim of life, virtue was the foundation of happiness, utility was the test of virtue.” \(^{47}\) Perhaps as a result of their reading of Cicero’s scathing critique, not all of the founders shared Jefferson’s fondness for Epicurus. Adams begrudgingly admitted that Epicurus’ thoughts contained “a mixture of good morals, manly virtues & true opinions among their errors” \(^{48}\) It was indeed Epicurus’ teachings about ethics and virtue that are most relevant to the founders’ vision. The cardinal virtues that Epicurus emphasized related to the self-restraint that is at the foundation of internal liberty: “prudence, temperance, fortitude, justice.” \(^{49}\)

The founders studied the classical writers because they believed, as quintessential men of the Enlightenment, that life as it was meant to be lived could be understood through thoughtful reasoning about human nature and from historical evidence. Moral values were to be based on the comprehension of the true and permanent essence of mankind—for that the founders had looked to the Greeks. Aristotle and Epicurus explained that the good life was dependent on self-regulation, the employment of reason, and the cultivation of virtue. Yet it was the style of government that had been implemented by the Romans that would permit the good life to be realized. The Roman Republic ultimately failed but that did not diminish the founders’ powerful ideological link with Rome. They believed that the collapse had not been caused by an inherently weak design but from other situational variables.


\(^{49}\) Inwood and Gerson *The Epicurus Reader*, vii.
Cicero

Classical Rome had been “rent by the most bitter factions and tumults, where the government of a heavy-handed unfeeling aristocracy over a people rendered desperate by poverty and wretchedness… could not be allayed under the most trying circumstances, but by the omnipotent hand of a single despot” as Jefferson summarized.50 In America the context was entirely different and therefore the outcome might be different; for there was no historical aristocracy and the abundance of land and opportunity would allow for a republican style of government to flourish. This was the historic pivot upon which the founders placed all their hopes for the future of America. A Roman styled representative republic would only work if the citizens understood the importance of virtuous living. As creators of a new system of representative government, the founders were intensely interested in the classical writer who offered the most insight on Roman decline, corruption, and decadence: Cicero

Cicero’s influence was both direct and secondary. In a count of the citations in the political literature produced between 1760 and 1805, Cicero was cited significantly more than all other classical authors from Greece and Rome combined.51 From the fourth to the nineteenth century it was believed that the proper education of children included, above all, two important books: the works of Cicero and the Bible.52 Cicero’s indirect influence on the founders was through his impact on John Locke (particularly in his respect for private property) and Montesquieu—two of the most significant Enlightenment philosophers for the founders. Cicero

51 Donald S. Lutz, A Preface to American Political Theory (Lawrence, Kan.: Univ. Press of Kansas, 1992), 136.
was not only one of the most widely read but his diverse career as philosopher, politician, rhetorician, and lawyer would have appealed to the pragmatic founders: he was one of their own as a man of action and not just words. “All the praise that belongs to virtue” wrote Cicero, “lies in action” (*DO* 1.19). Without the citation, it would be an arbitrary guess to attribute the following statement about public service to Cicero, Jefferson or Adams (or Theodore Roosevelt53):

> Men of outstanding ability who have devoted themselves to learning rather than choose public life…. I do not think that should be counted as praiseworthy—indeed no, but rather a vice… they appear to be afraid of hard work and trouble, and also, or so it seems, the humiliation and disrepute which results from failure and defeat (*DO* 1.71).

Cicero wrote of the reciprocal relationship between individuals and of the existence of natural law—ideas that greatly influenced the founders’ conception of liberty. The founders knew that Cicero’s misty-eyed and embellished portrayal of the collapsed Roman Republic was unrealistic, yet they projected his veneration of Rome’s recent past on to their idealized future of the American Republic.

Cicero attributed to the citizens of the Roman Republic a virtuous wisdom that the founders hoped would be revitalized in America. According to the historian Gordon Wood “the literature of critical lamentation and republican nostalgia had spoken directly to the revolutionary concerns of the eighteenth century.”54 As Jefferson wrote to Adams in 1819, the one whom he most relied upon in his declining years to be a sympathetic auditor of his deepest thoughts, the letters of Cicero breathed “the purest effusions of an exalted patriot” although he doubted that

53 See Roosevelt’s “Man in the Arena” speech, where he wrote; “The credit belongs to the man who is actually in the arena… who spends himself in a worthy cause… and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat.”

the good government that Cicero had hoped to restore had ever actually existed in Rome. The Roman people, according to Jefferson, had never been “like ours, enlightened, peaceable, and really free…their people were so demoralized and depraved as to be incapable of exercising a wholesome controul.” Many years earlier, Adams had expressed similar thoughts when he wrote that “Cicero had the most Capacity and the most constant as well as the wisest and most persevering Attachment to the Republick.” After rereading a book about the life of the great statesmen, Adams proclaimed that “I Seem to read the History of all ages and Nations in every Page, and especially the History of our own Country for forty years past.”

Cicero’s major ethical work was *De Officiis*, which focused on the inextricable connection between the internal qualities of virtue and its external manifestations of social cohesion. In addition to the many activities he had carried out as a citizen of Rome, he hoped to introduce to his Latin readers the philosophy of the Greeks—most notably Aristotle. Ostensibly written as an extended letter of advice to his son who was studying in Greece, it was intended as instructions for the Roman governing class. Cicero’s familiarity with the Greek philosophers was demonstrated through his discussion of how reason could lead people to appreciate what qualities were associated with a life well lived. The Aristotelian and Stoic influences were present in Cicero’s discussion on the importance of engaging reason to control the unvirtuous impulses. Cicero wrote, the human spirit was twofold:

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58 Ibid, xvii.
... one part of it consists of impulse, called in Greek *horne*, which snatches a man this way and that; the other of reason, which teaches what should be done and what avoided. Reason therefore commands, and impulse obeys. All action should be free from rashness and carelessness; nor should anyone do anything for which he cannot have a persuasive justification: that is practically a definition of duty. (DO 1.101)

Rejecting the utilitarian approach that posits that the good or evil of an action was determined by its effects, Cicero taught that the virtuous life was the highest good and was sought for its own sake. Cicero explained:

But there are some teachings that undermine all duty by the ends of good and evil things that they propound. The man who defines the highest good in such a way that it has not connection with virtue, measuring it by his own advantages rather than by honourableness, cannot (if he is in agreement with himself and is not occasionally overcome by the goodness of his own nature) cultivate either friendship or justice or liberality. There can certainly be no brave man who judges that pain is the greatest evil, nor a man of restraint who defines pleasure as the highest good (DO 1.5).

Cicero identified four interwoven virtues that were necessary for an honorable and happy life. First there was the ability to perceive truth (wisdom); second was the ability to preserve good fellowship through respect of property and faithfully following through on agreements (justice); third was the strength of spirit (magnanimity); and fourth dealt with proper decorum “with order and limit in everything that is said and done (modesty and restraint are included here)” (seemliness) (DO 1.15). The pursuit of truth happened without effort. Cicero wrote, the learning of truth, most closely relates to human nature. For all of us feel the pull that leads us to desire to learn and to know; we think it a fine thing to excel in this, while considering it bad and dishonourable to stumble, to wander, to be ignorant, to be deceived” (DO 1.17).

The other three virtues related to the practical importance of communal living. Justice was the most important of the virtues for it is the one that allows “the fellowship of men with one another, and the communal life, are held together” (DO 1.20). Much of Book I was devoted to elaborating on the when and how to behave justly toward others, taking into account the
circumstances and each person’s social standing. Cicero returned repeatedly to the importance of social cohesion and the necessity for men of good character to be focused on the public good. As Cicero explained:

We are not born for ourselves alone, to use Plato’s splendid words, but our country claims for itself one part of our birth, and our friends another. Moreover, as the Stoics believe, everything produced on the earth is created for the use of mankind, and men are born for the sake of men, so that they may be able to assist one another (DO 1.23).

Conclusion

Aristotle had identified the median point between two behavioral extremes as the place where virtue was found. Epicurus asserted that moderate living was the key to the good life. Cicero, as well, emphasized the importance of moderation that was so important to eighteenth century Americans. Cicero wrote that no one was perfectly wise and thoroughly virtuous, so we “must particularly foster those who are most graced with the gentler virtues, modesty, restraint, and the very justice which I have now been discussing at length. For a brave and great spirit in a man who is not perfect nor wise is generally too impetuous; but those other virtues seem rather to attach themselves to a good man” (DO 1.46). This important connection between living virtuously and moderately that was important to eighteenth-century Americans will be explored in greater detail in Chapter Three.

At the beginning of this chapter the question was addressed whether happiness could plausibly be thought of as a private or subjective experience that everyone could pursue in their own idiosyncratic way. Cognizant of the intellectual connection that the founders maintained with the classical philosophers, it can be concluded that happiness was an experience that rational people would agree upon. The happy life was a virtuous and honorable life. In 1776, both Adams and Jefferson had connected happiness with good order. Furthermore, it was an
approach that would bind the community together. As Cicero wrote, expanding on the ideas he had gathered from Aristotle,

For honourableness—the thing that I so often mention—moves us, even if we see it in someone else, and makes us friends of him in whom it seems to reside. (All virtue indeed lures us to itself and leads us to love those in whom it seems to reside, but justice and liberality do so the most.) Moreover, nothing is more lovable and nothing more tightly binding than similarity in conduct that is good. For when men have similar pursuits and inclinations, it comes about that each one is as much delighted with the other as he is with himself; the result is what Pythagoras wanted in friendship, that several be united into one (DO 1.56).
CHAPTER 3
CLASSICAL ANTIQUITY, CHRISTIANITY AND ENLIGHTENMENT ROOTS
OF THE FOUR-NOTE CHORD OF LIBERTY

Then you will know the truth, and the truth will set you free.
—John 8:32

This chapter will continue with the exploration of the ancestry of the four-note chord of liberty. The focus will be on what the founders indicated was the pertinent history of these concepts. For example, some would begin the history of the freedom to participate in choosing their government with the covenant between God and the people of ancient Israel. God offered to rule, and the people accepted and agreed to follow his laws. There is little evidence, however, that this was an engendering experience for the founders’ belief in participatory government. The founders’ unique understanding of liberty descended from four ancestral lines of lineage: Greece, Rome, Christianity, and the Enlightenment.

From the Greeks and Romans, they inherited the idea of the sovereignty of the people—political liberty—that was both promoted and stabilized by virtue. “Democracy” and “Republic,” often used synonymously, were important words to the colonists and stirred thoughts about both the best and worst in the human experience with government.1 The word democracy originates from the Greek word demokratia which translates to “people power.” The theory of balanced government was an inheritance from the Romans that was an improvement over the democratic

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chaos of Athens. This was also where the earliest recognition of a nascent concept of personal liberty began to emerge.

With Christianity there was an important emphasis on the internality of freedom. True freedom did not come from the laws of man; it resulted from personal choices to abide by an ethical system that came from God. The teachings of Jesus reemphasized the significance of virtue that had been important to the Greeks and Romans. Placing community interests before the self—public good liberty—had been a principal value to the ancients, and Christian teachings underscored the importance of communal well-being. As the Jewish scholar Hillel wrote two thousand years ago, the most important message of what would become Judeo-Christian morality was to love thy neighbor, the rest was commentary.

Enlightenment beliefs in rationality and progress clarified the founders’ understanding of what personal and political liberty meant and why it was important. As products of the Enlightenment, the founders believed in progressively evolving constitutionalism that was based on ideas about limited government, with separate and balanced institutions that existed by consent of the governed, and the existence of natural law. They held that these ideas originated in antiquity and were restored by the Enlightenment philosophers. Though the actual historic evidence does not always agreeably fit with the conclusions, the history of western civilization—idealized, abridged, and contorted as it may have been—was important because it fit with the founders’ view that they were engaged in a project that was the culmination of western civilization.

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2 The neoclassical architecture in the nation’s capital was meant to evoke the principles that guided the founders. There is some inconsistency here in that the great majority of the surviving buildings were constructed during the period of the Roman Empire and not the Republic.

Although this project is an attempt to bring clarity to a complex symbol, it will not participate in the debate over theories about liberty. There will be no engagement in the long-running definitional debate over what the word precisely means. Much of the most penetrating analyses that concerned the characterization of liberty involved debates among philosophers who, in many cases, were ultimately trying to promote political viewpoints. The most influential philosophers of the past centuries (i.e., Hobbes—seventeenth, Kant—eighteenth, and Marx—nineteenth) have dealt with the problem of defining freedom and each came up with different answers. The central question of existentialism as it evolved in the twentieth century was the degree to which people exist as free agents.

More recent philosophers have taken on the problems of the social and political manipulations of liberty. For example, Hannah Arendt was concerned with issues of political power and the nature of freedom, F.A. Hayek addressed the problems of coercion, and Nancy Hirschmann developed a feminist theory of freedom. Of course, philosophical debates about freedom must ultimately address the questions of determinism or free will. This project will not add to these problems.

Philosophers search for transcendent definitions removed from historic context, and the heart of this project is what the founders understood as liberty can only be understood within the framework of what was being experienced at their time. The founders did not engage in abstract taxonomic or ontological debates about liberty as they declared and fought for independence.

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Liberty was immediate and uncomplicated. Struggles with different conceptions of liberty were not prevalent during the revolutionary era. “It is possible to piece together a relatively coherent picture of what our Founders meant by liberty,” wrote Georgetown University Professor George Carey, “what they believed its sources to be, and where they differed concerning its limits.”

They knew what the word meant and were energized by the immediacy of the need to apply their unique awareness of liberty to alter the course of history. As articulated by John Jay in 1777,

> The Americans are the first people whom Heaven has favored with the opportunity of deliberating upon and choosing the forms of government under which they should live; —all other constitutions have derived their existence from violence or accidental circumstances, and are therefore probably more distant from their perfection, which, though beyond our reach, may nevertheless be approached under the guidance of reform and experience.

**Greek *Eleutheria* and Roman *Libertas***

Although the emergence of any abstract idea that originated in antiquity will remain mysterious to some degree, the founders generally began with the early history of Athens. Although the ancient Greeks had little conception of personal liberty as it is understood today, the earliest seed of the idea of an inalienable right to freedom was planted during the sixth century BC under the leadership of Solon. With the rise of commerce, trade and the increasing problems of debt bondage, Solon was the first to introduce the idea of an inalienable right to freedom. Solon forbade citizens from selling themselves into slavery to pay off a debt. Plutarch

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wrote, “the first thing which he settled was…. no man, for the future, should engage the body of his debtor for security.” An Athenian was not to be oppressed or tyrannized by the wealthy. Cleisthenes is known as “the father of Athenian Democracy,” who with the support of the middle class, reformed the constitution and established equality among citizens in the years 508-507 B.C.

The way in which freedom was first connected to slavery is important, for freedom was understood in how it was in complete opposition with slavery. Professor Kurt Raaflaub wrote, “awareness of the positive value of any kind of freedom (and thus the ability to coin a term for it) presupposes a strong and general consciousness of the negative value of the corresponding kind of nonfreedom.” There were two fundamentally distinctive social groups in Athens (aside from the differences between men and women): the free person and the slave. The Greek word for freedom was *eleutheria* which roughly translates to *not unfree* or *not a slave*. A free person could move about, choose his occupation, have access to legal redress, and be allowed to speak freely; a slave lived a life of total domination. Aristotle emphasized this point in his discussion of one of the defining marks of freedom: “Another sort of freedom is live as one likes, for they say this is the work of freedom since to live as one does not like is characteristic of the slave” (*Politics* VIII.2 1317b 11-13). This idea of freedom as a social concept that distinguished a

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10 The American revolutionaries commonly used the rhetoric of slavery when they spoke of their relationship with England. Leading to the Civil War, Southerners (ironically) also spoke of their fear of being enslaved by the North.


citizen from a slave was related to freedom as a geopolitical concept. A polis was free if it was not dominated or enslaved by foreigners.\textsuperscript{13}

Athens was the birthplace of a style of government that required citizen participation, what has become known to us as political liberty.\textsuperscript{14} Participatory government in Athens was vibrant and fluid. Native-born, land-owning male citizens gathered to decide all current matters according to majority vote. There was no superior authority and the citizens ruled themselves directly without entrusting their political voice to representatives. Meetings of the citizenry were frequent and previously agreed upon policies could be easily modified or abandoned. Certain powers were necessarily delegated, such as military leader or foreign ambassador, but these officials served for only one year and were reelected or replaced according to the will of the people.

Pericles was an Athenian politician who emphasized the importance of the moral and social basis of politics. In Thucydides’ account of Pericles’ funeral oration, he referred to Athens as a “free state” that “does not copy our neighbors’, but is an example to them. It is true that we are called a democracy, for the administration is in the hands of the many and not of the few”. Although he was certainly engaging in some hyperbole with the flowery rhetoric expected in a funeral oration, Pericles claimed that Athenians valued equality, self-sufficiency, personal autonomy, recognition of merit above social status, respect for the laws, and most


\textsuperscript{14} Ibid.
importantly, the “courage to be free.”15 He suggested that freedom of speech was the reason why Athenians were so wise and successful:

our strength lies, in our opinion, not in deliberation and discussion, but that knowledge which is gained by discussion preparatory to action. For we have a peculiar power of thinking before we act, and of acting, too, whereas other men are courageous from ignorance but hesitate upon reflection.16

Neither Aristotle nor Plato shared Pericles’s idealized opinion of democracy.17 The problems they addressed echoed through the centuries and were reasons why an Athenian style democracy was always considered to be unsuitable by the founders. Nonetheless, Aristotle wrote that equality was fundamental to political freedom:

Freedom is the supposition of the democratic regime, for it is the usual thing to say that only in this regime do people partake of freedom, since freedom, they say, is what every democracy aims at. One sort of freedom is to rule and to be ruled in turn, for popular justice is numerical equality… each citizen must have equality (Politics VIII.2 1317a 40-47).

Although he insisted upon the importance of equality, Aristotle was unable to figure out how equality in the polis could be harmoniously obtained and furthermore, “achieving this is still easier than convincing those people of it who have the power to gain more for themselves. For the inferior always seek equality and justice, but the dominant care nothing for them” (Politics VIII.3 1318b 1-4). Plato wrote scathingly of the foibles of democracy in the Republic. The freedom found in democracy would lead to a degenerate situation where only the worse sort of people would become leaders and this would ultimately devolve into tyranny. According to


17 Pericles’ flowery oration was inconsistent with his own governing style. One example was the way he shrank the franchise during his two decades of rule.
Plato, the singular pursuit of freedom was the result of a muddled and unhealthy soul and the belief in equality would lead to a disorganized life:

And so he lives on, yielding day by day to the desire at hand. Sometimes he drinks heavily while listening to the flute; at other times, he drinks only water and is on a diet; and sometimes he goes in for physical training; at other times, he’s idle and neglects everything; and sometimes he even occupies himself with what he takes to be philosophy. He often engages in politics, leaping up from his seat and saying and doing whatever comes into his mind. If he happens to admire soldiers, he’s carried in that direction, if money-lenders, in that one. There’s neither order nor necessity in his life, but he calls it pleasant, free, and blessedly happy, and he follows it for as long as he lived.  

Although our ideas about freedom may be traced to Athens, it must be stressed that our modern ideas about personal and political liberty are quite different. The concept of arete, the idea of living up to one’s individual fulfillment, was important in many of the Greek myths, yet the Athenians had little understanding of autonomous freedom as an inalienable political right. Despite the relative freedom of movement and speech that was glorified by Pericles, in Athens there was no concept of an individual right to non-interference by the community. Responsibility to the polis was the key to understanding their conception of freedom. All citizens were required to participate in government and to join the military during times of war. If a citizen was willing to vote for war he had to be personally willing to fight in that war. With no requirement for a specific law to have been violated, anyone could be sent into exile (ostracized) by a majority vote of his fellow citizens for nothing more serious than just being an annoyance. Socrates was sentenced to death for the vague charge of corrupting the youth and worshiping foreign gods. He in turn argued that as a citizen it was his duty to abide by the decision of the Athenian legal system and willingly give up his own life.

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Not only were Athenians untroubled by the institution of slavery, they had no problem with depriving foreigners of freedom as they expanded their empire. Freedom was not a universal value. They believed that during the Greco-Persian wars of 499-449 B.C., the Persians were beaten because the Athenians enjoyed freedom and the Persians were slavish barbarians. Their greater autonomy in conducting their own affairs was what had allowed them to defeat a much larger army.\(^\text{19}\) According to Herodotus, the reason why freedom was a good thing was that it led to the collective greatness of Athens:

> And it is plain enough, not from this instance only, but from many everywhere, that freedom is an excellent thing since even the Athenians, who, while they continued under the rule of tyrants, were not a whit more valiant than any of their neighbors, no sooner shook off the yoke than they became decidedly the first of all. These things show that, while undergoing oppression, they let themselves be beaten, since then they worked for a master; but so soon as they got their freedom, each man was eager to do the best he could for himself. So fared it now with the Athenians.\(^\text{20}\)

The level of political engagement by citizens that was the cornerstone of Athenian democracy was rejected by the founders who saw it as impracticable and undesirable. History had demonstrated that democracy would collapse into tyranny because the people could be too easily manipulated by errant leaders. The founders’ vision of political liberty existed on the continuum between what was theoretically practiced in Athens and what was advocated by Plato. Plato’s vision of a well-run state was that government should be run by the capable and qualified. “The natural thing is for the sick person, rich or poor, to knock at the doctor’s door,” Plato explained, “and for anyone who needs to be ruled to knock at the door of the one who can

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\(^{19}\) Schmidtz and Brennan, *A Brief History of Liberty*, 46.

rule him.”21 The idealization of personal freedom, however, that was expressed by Pericles (and disdained by Plato) continued to resonate. Personal freedom, as opposed to unjustified or excessive tyranny from others, was invigorating to the soul and allowed for the greatest human flourishing. The more direct source for the founders’ vision of political liberty was indisputably Rome.22

“There is no good government but what is Republican,” wrote John Adams in his influential pamphlet, Thoughts on Government.23 This was not only due to Rome’s importance in the ancient world, but resulted from the founders reading of their favorite ancient Roman writers such as Cicero, Sallust, Tacitus, and (the originally Greek) Plutarch. These writers from the later period of the Empire compared the political corruption and social sickness they were experiencing with an imagined former time of an idealized republic. They explained how the social and political structures of the Roman republic had promoted virtue, happiness, and stability. They perceived their current times as being spoiled by factions concerned only with short-term benefits and no common purpose, with the feckless people voting for anyone who made the best promises.24

The concept of liberty took form in Rome around 500 B.C. with the expulsion of the last king by Brutus, the early great leader of the republic. The Roman political principle of consent


rather than coercion was symbolized in the idealization of the goddess Liberty.\textsuperscript{25} As it had in Athens, the existence of slavery brought clarity to the concept of personal liberty. To be free meant that one was not a slave: they were free of total subjection by another.\textsuperscript{26} The wearing of the white toga was what distinguished the free citizen from the slave. Freedom included a variety of privileges such as the right to choose an occupation or marriage partner, but just as with the Athenians, it was never considered to be a universal or inalienable right. Few other than the Roman people were believed to be capable or deserving of liberty.\textsuperscript{27} Neither did the Roman idea of liberty include the idea of significant autonomy or non-interference by the community. Historians debate the significance or influence of sumptuary laws in ancient Rome, nonetheless, the fact of the existence of legal efforts at limiting personal choices—particularly when deemed hurtful to the community—would indicate an acceptance of permeable limits to free choice.\textsuperscript{28} Roman citizens were expected to participate in religious pageants, and there were no guarantees of free speech.\textsuperscript{29}

What constituted political liberty for the Roman people was not direct participation, but the sovereignty that was placed in the people as a whole. Freedom meant that one was governed by laws that one participated in establishing and enforcing. From the Romans, the founders inherited the idea of a balanced constitution that contained a mixture of democracy, aristocracy, and monarchy. Government required a broad base of support from the mass of the people, but it


\textsuperscript{26} Raaflaub, \textit{The Discovery of Freedom in Ancient Greece}, 267.

\textsuperscript{27} Fears, "Antiquity", 10.

\textsuperscript{28} See Valentina Arena, "Roman sumptuary legislation: Three concepts of liberty," \textit{European Journal of Political Theory} 10, no. 4 (2011)

\textsuperscript{29} Fears, "Antiquity," 11.
should be ruled by those most capable of handling power, and it required a strong leader to execute the laws. The center of power was in a senate that was composed of aristocrats and former magistrates. The assemblies were made up of the citizens of Rome who elected the consuls. The consuls were the highest elected political officers who served important judiciary and military functions. Whether the wealthy influenced the voters through outright patronage or subtler methods of persuasion can be debated, the fact remained that the Roman Republic was oligarchic with the voice of the great mass of citizens somewhat limited.30

The exact architecture of Roman political liberty was chaotic and idiosyncratic at different points in their history, but it was certainly not democratic in the Athenian sense. The concept of collective political authority was more important than the degree to which any one individual was able to participate in law making. For the founders, there were two great messages about political liberty from the history of the Roman republic: the first was historic evidence and the other was an abstract ideal. The first lesson was that the Romans under the republic had achieved the best form of government up to that point in time. Balanced government was the ideal. When the republic was properly functioning the powers of the consuls (monarchy), the senate (aristocracy), and the plebeian assemblies (democracy) were balanced. As Cicero explained:

But in monarchies, no one else has sufficient access to shared justice or to deliberative responsibility; and in the rule of an aristocracy the people have hardly any share in liberty, since they lack any role in common deliberation and power; and when everything is done by the people itself, no matter how just and moderate it may be, that very equality is itself inequitable, in that it recognizes no degree of status (On the Commonwealth, 1.43).

The second lesson was that the people were protected, and that all liberty was ultimately founded on a concept of justice based in equality before the law—and ultimately on a belief in the existence of natural law. Once again, in the words of Cicero:

True law is right reason, consonant with nature, spread through all people. It is constant and eternal; it summons to duty by its orders, it deters from crime by its prohibitions. Its orders and prohibitions to good people are never given in vain; but it does not move the wicked by these orders or prohibitions. It is wrong to pass laws obviating this law; it is not permitted to abrogate any of it; it cannot be totally repealed. We cannot be released from this law by the senate or the people, and it needs an exegete or interpreter like Sextus Aelius. There will not be one law at Rome and another at Athens, one now and another later, but all nations at all times will be bound by this one eternal and unchangeable law, and the god will be the one common master and general (so to speak) of all people. He is the author, expounder, and mover of this law; and the person who does not obey it will be in exile from himself (On the Commonwealth, 3.33).

Athenian prosperity was built on slavery and the Roman republic was dominated by the wealthy; these ancient models were nonetheless important to the founders. They provided an historic framework for expressing the importance of liberty. The day-to-day details and the many fluctuations in how these governments functioned was not as important as what they symbolized: an exaltation of liberty. Their use of the ancient models was imprecise, the details frequently blurred, and much of their histories had been refracted and refined by the British Whig historians, but the underlying message was unmistakable.\(^3\)

**Christianity**

The fact that Christianity influenced the founders does not make this a Christian nation any more than the fact of Athenian and Roman influence has made this a Greek or Italian nation. Debates about the founders’ religious beliefs can distract from the fact that Christianity, especially Puritanism, was an important line of lineage that contributed to the eighteenth century

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understanding of freedom, particularly pertaining to what has been referred to in this project as internal and public good liberty. Throughout United States history, numerous political movements have woven Christianity into their political agendas. Both the Populist and Progressive movements of the late nineteenth and early twentieth century worked Christian images into their ideologies. William Jennings Bryan mesmerized his audiences with rhetorical references to a “crown of thorns” and crucifying “mankind upon a cross of gold.” The Progressives popularized the question “what would Jesus do?” In the late twentieth-century Christianity was appropriated by the evangelical right wing of the Republican party. From the other end of the political spectrum, liberation theology has taken a Marxist orientation to Christianity. Each of these political movements held that revitalized Christian principles of morality and community would ameliorate the perceived threats to the nation’s well-being.

The religious attachments of the founders and the degree to which they were directly influenced by those affiliations has been the subject of much scholarly attention. This can be an unnecessary distraction. It is beyond dispute that Christianity was important in eighteenth-century America and it helped shape revolutionary thinking. Professor Donald Lutz, for example, looked at over three-thousand of the citations in a wide range of the founders’ writings. He found that a full thirty-four percent were from the Bible. The Christian perspective that liberty was a spiritual condition served to lift the concept above the worldly experience of politics. In important ways, it also connected with some of the perspectives on freedom that

32 Many of the founders such as Patrick Henry and Samuel Adams expressed traditional Christian beliefs. Thomas Jefferson was a Deist who denied the divinity of Christ or the miracles that were recorded in the Bible, he believed however, in the moral teachings of Jesus. See David Lynn Holmes, The Religion of the Founding Fathers (New York: Oxford University Press, 2006).

came from the ancients. Freedom was understood as it contrasted with nonfreedom. A lack of self-control was slavery—slavery to evil—and submission to a moral code was fundamental to the founders’ concept of internal freedom.

The Athenians and Romans held that freedom came from the laws and was fulfilled within the community. The veneration of the individual citizen was not a significant concept in the politics of the ancient world. Yet one of the most important ideas for the founders’ vision of liberty was the awareness of individual choice and that good choices were dependent upon the sound foundation of morality. When Jesus said “the truth will set you free” he was referring to this higher form of knowledge that was the basis for true freedom. The realization that an individual must choose to be free played a critical role in the history of freedom; and for that we look to the teachings of Jesus. That the Puritan settlers of New England suffused their understanding of liberty as a spiritual condition into the early American psyche can be seen in the following three examples.

In 1645 John Winthrop, the governor of the Massachusetts colony, delivered a speech that stressed the connections between liberty and Christianity. Liberty was the ability to resist evil, and Christian morality was the basis upon which citizens would tolerate authority. First of all, there was a liberty for a man to simply do anything he wanted “it is a liberty to evil as well as to good…. The exercise and maintaining of this liberty makes men grow more evil and in time to be worse than brute beasts… This is that great enemy of truth and peace, that wild beast, which all of the ordinances of God are bent against, to restrain and subdue it.” The second type of liberty was what he called civil liberty. It was moral in that it was connected to the “covenant between God and man” but only remained so if the civil authority remained “good, just, and honest.” Subjection to authority that was not operating according to principles of Christian
justice was wrong and should be resisted. Proper authority “is of the same kind of liberty wherewith Christ hath made us free.” 34

In a sermon preached in 1757, true human freedom was inextricably connected with Christianity. Lovers of liberty must love the Christian religion for it “sets you at liberty from evil, and gives you a liberty to all that is good.” The contrasting association of slavery with freedom, that had been important to the Greeks and Romans, was highlighted. Sin was slavery, for “all sinners are bonds-men and slaves, many persons are greatly mistaken, they do not know when they are slaves and when they are at liberty.” These were the truths that seekers after freedom must understand:

We must know this, that the freedom wherewith Christ had made us free, has nothing of licentiousness or lawless liberty in it; we must by no means imagine that it is a freedom from the obligation of the law of nature, and right reason; as it is a rule of obedience, none are born with a liberty to do what they will, neither has our Savior purchased any such liberty, for any to follow the dictates of their own mind… 35

Jonathan Boucher was an American clergymen and Loyalist who was eventually forced to flee the colonies in 1775 before the outbreak of the war. Although his beliefs led him to reject the move toward colonial independence, they were a clear expression of the Christian ideas that connected liberty to self-control and obedience to government that promoted morality. “True


liberty,” wrote Boucher, “is a liberty to do everything that is right, and being restrained from doing anything that is wrong.” Boucher wrote that obedience was every man’s duty because it is every man's interest; but it is particularly incumbent on Christians, because (in addition to its moral fitness) it is enjoined by the positive commands of God; and, therefore, when Christians are disobedient to human ordinances, they are also disobedient to God. If the form of government under which the good providence of God has been pleased to place us be mild and free, it is our duty to enjoy it with gratitude and with thankfulness and, in particular, to be careful not to abuse it by licentiousness.36

Christianity emphasized the importance of the community and social responsibility. True freedom was not a private experience but could only occur with an understanding of our connections to others. This was a central religious truth that connected religion to policy, for even “wall of separation” Jefferson believed that the most important message from Jesus was to love our neighbors and to promote social harmony.37 Jefferson wrote that the teachings of the ancient philosophers “related chiefly to ourselves, and the government of those passions which, unrestrained, would disturb our tranquility of mind. In this branch of philosophy, they were really great.” However, Jefferson went on to write, “In developing our duties to others, they were short and defective.” It was in the teachings of Jesus where “a system of morals is presented to us… the most perfect and sublime that has ever been taught by man.” 38 In his summary of Jesus’s message, Jefferson articulated the essence of public good liberty:

His moral doctrines, relating to kindred and friends, were more pure and perfect than those of the most correct of the philosophers, and greatly more so than those of the Jews; and they went far beyond both in inculcating universal philanthropy, not only to kindred and friends, to neighbors and countrymen; but to all mankind,
gathering all into one family, under the bonds of love, charity, peace, and common wants and common aids. A development of this head will evince the peculiar superiority of the system of Jesus over all others.39

The earliest evidence of these vital notes of liberty that would resonate in America can be found in the writings of the original settlers. In the first recorded sermon delivered at Plymouth in 1621, Robert Cushman preached to the settlers that social bondedness was required if they were to prevail. A man who does not acknowledge his social connectedness was living as “a beast in the shape of a man.” Cushman wrote:

Now brethren, I pray you, remember yourselves, and know, that you are not in a retired monastical course, but have given your names and promises one to another and covenanted here to cleave together in the service of God, and the King; What then must you do?. …you must seek still the wealth of one another; and enquire as David, how liveth such a man? How is he clad? How is he fed? …. He is as good a man as I, and we are bound each to other…. and his welfare my welfare, for I am as he is.40

This idea of living in a commonwealth where the welfare of others must take precedence over individualism in order to attain a higher level of human flourishing was the unmistakable theme in John Winthrop’s famous 1630 sermon “A Model of Christian Charity” more commonly known as the “City Upon a Hill” speech. The idea that togetherness was inextricably connected with the good life was the unmistakable theme:

… we must be knit together in this work as one man, we must entertain each other in brotherly Affection, we must be willing to abridge ourselves of our superfluities, for the supply of others necessities, we must uphold a familiar Commerce together in all meekness, gentleness, patience and liberality, we must delight in each other, make others Conditions our own rejoice together, mourn together, labor, and suffer together, always having before our eyes our Commission and Community in the work, our Community as members of the same body,41

39 Ibid.
The earliest written constitutions from New England provide insight into the settlers’ original attempts at self-definition.42 The Mayflower Compact of 1620 is identified as the first written effort at creating a political community and the intention was unambiguous: advance the Christian faith, and combine themselves into one body to make laws that were for the good of the community. The voyage was undertaken for the “Glory of God, and Advancement of the Christian Faith, and the Honour of our King and Country,” and they promised to covenant and combine ourselves together into a civil Body Politick, for our better Ordering and Preservation, and Furtherance of the Ends aforesaid: And by Virtue hereof do enact, constitute, and frame, such just and equal Laws, Ordinances, Acts, Constitutions, and Officers, from time to time, as shall be thought most meet and convenient for the general Good of the Colony; unto which we promise all due Submission and Obedience.43

There was no mention of protecting individual rights. A concern for promoting behavior based upon Biblical mores was always within the clear purview colonial laws. In a code of law written in 1650 for Connecticut, for example, along with murder or theft, grounds for the death penalty included blasphemy, homosexuality, adultery, and cursing one’s parents.44

These early expressions of how people were expected to live was not exclusively a northern worldview. The Calvinist sects were strongest in New England but they affected all parts of the country to an extent that is often downplayed. The Calvinist’s familiarity with biblical covenants was the basis upon which the earliest communities were typically formed.

Their purpose was to follow the Christian tradition by living virtuously and they existed for no greater purpose than to support one another.45

**The Enlightenment Philosophy of John Locke**

Some historians have objected to an overly simplified view that the founders’ understanding of liberty was derived primarily from John Locke. Donald Lutz pointed out, “it makes more sense to call Locke an American than it does to call America Lockean,” for the American colonists were establishing governments based on what came to be called liberalism long before Locke published his treatises on government.46 Undoubtedly, the earliest examples of contract government in the colonies emerged spontaneously in response to the immediate needs of the settlers. When it came to articulating the revolution against England, however, it was the writings of Locke whom they rephrased and summarized:

> The natural liberty of man is to be free from any superior power on earth and not to be under the will or legislative authority of man, but to have only the law of nature for his rule. The liberty of man, in society, is to be under no other legislative power, but that established by consent, in the commonwealth, nor under the dominion of any will, or restraint of any law, but what the legislative shall enact, according to the trust put in it.47

These ideas continually reappeared in the revolutionary documents as the following example demonstrates. It was written by a committee of correspondence in 1772 that was formed to state the rights of the colonists and publish the ways in which they had been violated. John Locke was explicitly cited as the source:

> Among the natural Rights of the Colonists are these: First, a Right to *Life*; secondly, to *Liberty*, thirdly, to *Property*, together with the Right to support and

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46 Ibid., 11.

defend them in the best Manner they can. These are evident… from the Duty of Self-Preservation, commonly called the first Law of Nature…. All Men have a Right to remain in a State of Nature as long as they please… When Men enter into Society, it is by voluntary Consent; and they have a Right to demand and insist upon the Performance of such Conditions and previous Limitations as form an equitable original Compact…. Every natural Right, not expressly given up…. remains…. All positive and civil Laws, should conform as far as possible, to the Law of natural Reason and Equity…. The natural Liberty of Man, by entering into Society, is abridged or restrained so far only as is necessary for the great End of Society, the best Good of the Whole…. By entering into Society, he agrees to an Arbiter or indifferent Judge between him and his Neighbors…. Governors have no Right to seek and take what they please…. instead of being content with the Station assigned them, that of honorable Servants of the Society, they would soon become absolute Masters, Despots and Tyrants… the Right to Freedom being the Gift of GOD ALMIGH-TY, it is not the Power of Man to alienate this Gift, and voluntarily become a Slave.48

Scholars of the Declaration of Independence generally agree that Locke had the most direct influence on Jefferson’s words. Richard Henry Lee’s assertion that the Declaration was “copied from Locke’s treatise on government” 49 may be a bit of hyperbole. Jefferson’s phraseology was very close, as the following comparison demonstrates of the citizens’ reluctance to take the trouble to throw off a government that has gone wrong. The first is an excerpt from Locke and the second from the Declaration

Great mistakes in the ruling part, many wrong and inconvenient laws, and all the slips of human frailty, will be borne by the people without mutiny or murmur. 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. 50

But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right,  


it is their duty, to throw off such Government, and to provide new Guards for their future security.

According to Locke, natural law was God's truth. Locke believed that natural law could be discovered through the activation of our human capacity to reason; hence the doctrine of self-evidence. Our God-given powers of reason, if properly engaged, would enlighten mankind to the laws of nature and the appropriate behaviors that lead to true happiness. In Locke’s hypothetical original state of nature, all were “equal and independent” members of one universal community; and “no one ought to harm another in his life, health, liberty, or possessions.” Yet the experience of liberty in this natural state had its drawbacks. Some men can become degenerate and noxious, conflicts would arise over resources, and the weak would be dominated by the powerful. God’s intended state—for all to be free to flourish—could be undermined. To protect freedom violators must be punished. In the state of nature, the punishment that an injured party imposed upon an offender, though justified by the right of self-preservation, might not be reasonable and proportionate. An important barrier to tyranny is the belief that no one person can be judge, jury, and executioner for their own cause. To prevent this from happening, men form a civil society where they work out reasonable rules concerning acceptable behaviors and punishments. Civil society ensured greater peace and safety. Natural law was antecedent to civil law, yet civil law could not totally overcome natural law in that natural law could never be violated. Civil law existed in order to protect natural freedom; it could not prohibit the freedom that natural law allowed.

Locke’s twofold theory of liberty concerned both personal and political liberty. The people instituted governments that allowed for a sphere of protection for the individual, or as Jefferson wrote when he summarized Locke in the Declaration, “organizing its powers in such...

form, as to them shall seem most likely to effect their Safety and Happiness.” In Locke’s ontology, humans lived independently and it was self-interest that motivated the creation of political communities. Individualism was first; the political community was second. American romanticizing of the rugged individual was influenced by Locke and accentuates the importance of personal liberty. This idea that was introduced by Hobbes, who had concluded that only an all-powerful central authority could govern, was softened by Locke who concluded that humans were not so completely antagonistic and could participate in government.

Locke’s theories about political and personal liberty have significant connections to the importance of the concept of internal liberty that is integral to this project. The condition of freedom in nature was not to be under the will of another, yet this freedom was not an absolute license to do whatever. One was also not free if they were under the influence of one’s own irrational wants or unchecked passions. People needed internalized self-set limits so they would not violate the laws of nature and harm themselves or their neighbors. Locke’s reasoning in this regard is connected to the premises concerning human nature that come from Aristotle and Christianity.52 Locke’s theories are based on an Aristotelian view of human nature in that liberty and the hoped for human flourishing could only be accomplished through reason:

The freedom then of man, and liberty of acting according to his own will, is grounded on his having reason, which is able to instruct him in that law he is to govern himself by, and make him know how far he is left to the freedom of his own will. To turn him loose to an unrestrained liberty, before he has reason to guide him, is not the allowing him the privilege of his nature to be free; but to thrust him out amongst brutes, and abandon him to a state as wretched, and as much beneath that of a man, as theirs.53

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Rational thought is employed not only to discover the best way to live, but to discover God’s truth concerning our moral obligations:

For men being all the workmanship of one omnipotent, and infinitely wise maker; all the servants of one sovereign master, sent into the world by his order, and about his business; they are his property, whose workmanship they are, made to last during his, not one another’s pleasure.54

Locke suggested that if more people operated with internal restraints, then fewer external restraints would be necessary. This idea of internal liberty, or the practice of enlightened virtuous living, was the essential factor to the great experiment in liberty that the founders were undertaking.

Conclusion

The founders were armed with the historic evidence that liberty was the foundation of human flourishing. From ancient Greeks and Romans, the founders learned that the best protection of liberty was to be found in a government where sovereignty rested with the people. It is important to remember that in both Greece and Rome slaves made up a very high percentage of the population. Given that women, foreigners, and slaves had no political power, these states were actually ruled by a relatively small group of elites. The importance of individual freedom and of the existence of a natural equality came from Christianity and was expanded upon by the Enlightenment.

The founders also knew that all governments that had honored liberty had collapsed due to social changes, political factions, and been ultimately corrupted by wealth and the love of luxury. Could Americans handle liberty? Were they virtuous enough? These questions were central to the colonial debates preceding the revolution. Gordon Wood wrote that these

questions about “the kind of people Americans were and wanted to be” were more important than the specific economic or political questions. Americans believed that “on the one hand, they seemed to be particularly virtuous people, and thus unusually suited for republican government” and yet they worried over the potential for luxury and corruption that would undermine the republic. Thomas Paine warned that “virtue… is not hereditary, neither is it perpetual.” In the next chapter I will move from the abstract to the personal with a close-up examination of two founders and their struggles to “stay the course” toward the good life.


56 Ibid., 65.
I say it, and it seems that I have written this work only to prove it: the spirit of moderation should be that of the legislator, the political good, like the moral good, is always found between two limits.

—Montesquieu, *Spirit of the Laws*

In the previous chapter moderation emerged as a central pillar to building the good life. Aristotle, Epicurus, and Cicero taught that the primary activity for the fulfilled life—as opposed to the hedonistic existence—was to sustain a constancy of purpose in searching for the middle point between behavioral extremes. A portrait of the temperate and self-controlled individual emerged as the ego-ideal for the founders’ generation. A wise person would understand that the good life was guided by internalizing well-understood standards of virtuous conduct. Navigating the middle course was the route to discovering this state of virtue. To live a life of moderation, to be reasonable, modest, sensible, judicious, restrained—all synonyms for moderation—was the vital characteristic for the successful life. One must wonder, however, about our founders’ psychological integration.

They were revolutionaries. The idea of moderation, in our current excess glorifying postmodernist era, more readily brings to mind an image of a conservative fence-straddler. Engaging in a revolution against the mother-of-all-mother countries, attempting to separate a colony from the empire—something that had never happened before—and establish a new nation based on liberty, would certainly be the work of throw-caution-to-the wind, fire-breathing radicals. Indeed, the founders never claimed to be modest men, for diffident men do not become bold
revolutionary leaders. They believed that a natural aristocracy existed among men and that the gifted elite should rise above the rabble to lead. The aging Jefferson wrote to Adams in 1813 concerning the commonly held opinion that, “there is a natural aristocracy among men.”¹ One of the most important reasons, after all, for why the founders preferred a representative republic, which will always lean toward aristocracy, over a democracy was that the former would be more likely to lift the “natural aristoi into the offices of government.”²

How did this work? How did a generation fight for ideas that were the most radical for their time, be willing to risk their lives and everything they held dear, yet be considered men of moderation? The answer circles back to the metaphor of a four-note musical chord that is at the core of this project: the founders’ understanding of liberty involved an equilibrium among four important conditions. Political and personal liberty, with all the potential for civic chaos and personal excess that those two activities may lead to (as history has taught,) must be stabilized with the vigilant self-policing of internal liberty and a benevolent spirit of public good liberty. Since the American revolutionaries were determined to replace British rule with a form of limited government that would greatly expand political and personal liberty beyond traditional boundaries, an even greater moral fortitude would be required from the citizens.

Moral strength, especially among the leadership, would be crucial in order to resist the consolidation of power to which liberty had always fallen victim. This was essentially a battle against nature. Just as entropy in nature is a drive toward disorder, political systems with a balanced distribution of power always declined. A concerted exertion of energy was required to

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² Ibid.
slow entropy in nature. To resist the slide into political disorder, it was supremely important that
the citizens be prepared to exert the effort to self-regulate. This chapter will explore the
psychological framework of the founders that placed a premium on mental fortitude to sustain
the virtuous life. Their central political truth was simple: governments go bad. Corrupt
government, however, was the end result of a people having lost their moorings. Personal
collapse came before political breakdown. To illuminate this point, this chapter will shine a
spotlight on Benjamin Franklin and Thomas Jefferson to see how they managed the problem of
moderating their own behavior. An autobiography written by Franklin and a twelve-page letter
written by Jefferson will be the primary sources.

In writing an autobiography an author essentially becomes two people separated by time;
one is the protagonist of the story and the other is the judge. Franklin constructed his narrative
around the leitmotif of his personal failings and his efforts at taking control of his life through
rigorous efforts at moderating his behavior and becoming a more virtuous and orderly person.
To find first-hand evidence of Jefferson’s internal struggles with psychological moderation
presented more of a challenge. Jefferson was not one to let his feelings show. A letter written
to Jefferson’s love interest Maria Cosway, the only love letter in the massive collection of
Jefferson’s correspondences, has been identified by scholars as a portal through which we
might glimpse his efforts toward mental orderliness that makes the virtuous life possible. Here
as well we will see Jefferson as the actor and the judge as he struggled to moderate his behavior
and uphold a balanced ideal.

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4 Monticello, "Maria Cosway (Engraving)," Research and Collections, accessed February 4, 2018,
Case studies from two men of such different backgrounds and who achieved positions of
great power will demonstrate that the character issue was a central concern for the founders and
not just idiosyncratic to one generation or demographic. One came from a position of privilege,
the other from hard-scrabble scarcity. It will be seen that each gave voice to a virtuous response
to temptations of inappropriate behavior. They practiced what their generation preached: people
can be easily degraded and true liberty in the long-term will be lost. Both Franklin and Jefferson
were deeply committed to the proposition that a free people could conduct public affairs in an
orderly manner and this was dependent on citizens internalizing virtuous behavior. In no place
was this as important as in America, where a relatively egalitarian context would allow for men
from a variety of backgrounds to achieve political prominence. Alexis de Tocqueville addressed
the importance of character for men who achieved status in a socially fluid society when he
wrote “what is to be feared, moreover, is not so much the sight of the immorality of the great as
that of immorality leading to greatness.”

**Benjamin Franklin and Thomas Jefferson**

When we look at two of the most well-known sponsors of the American Revolution we
can see that each struggled with the need to moderate their private lives and live a life of virtue.
Both Franklin and Jefferson dealt with challenges at different points in their lives that personally
revealed this essential truth: good character must be cultivated and the tendency toward personal
license must be moderated. Or as Aristotle so famously taught: we are what we continually do.
Franklin and Jefferson’s generation was preoccupied with the possibility that the new nation
would collapse into anarchy or autocracy. Success or failure would ultimately be based on two
variables: (1) Could they create a system of government that would be designed in such a way

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that liberty destroying power in any one part of society would be moderated? (2) Would the citizens be virtuous enough to handle liberty?

The lessons from history would suggest a very low probability for a positive outcome. Nonetheless, Franklin and Jefferson devoted themselves to what must be the quintessential Enlightenment answer to both of those questions: yes—improvement of the human condition was possible. On the macro level, government could be created that would protect liberty (not destroy it as it always trended in the past.) On the micro level, citizens must be devoted to self-improvement and be conscious of the potential for internal impulses that could steer a person off the path of immoderate, and therefore unvirtuous, behavior. Personal liberty was protected by understanding its boundaries and through a concerted effort to lead a disciplined and moderate life. Gordon Wood, the author of numerous books on the people and ideology of the Revolution, wrote that the founders were keenly aware that “it was not the force of arms which made the ancient republics great or which ultimately destroyed them. It was rather the character and spirit of their people. Frugality, industry, temperance, and simplicity—the rustic traits of the sturdy yeoman—were the stuff that made a society strong.”

For Franklin, who did not write any formal political treatises, I will explore his *Autobiography* for access to his thoughts about the importance of virtue in human nature. The plan is to look at examples from his life where he was taking on the struggle of immoderate behavior. The *Autobiography* can be a puzzling source to work with. Franklin’s writing style was charmingly humorous and at times quite revealing. On the other hand, as Wood described, “he always seems to be holding back… reticent, detached, not wholly committed” and scholars

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disagree over what Franklin was trying to accomplish in his autobiography. Franklin’s biographers tend to agree that he wore many masks. Works on Franklin typically begin with a statement concerning the trouble with ever knowing who the real Franklin was. Nonetheless, as a man who may have had “the fullest and deepest understanding of human nature” of any of the founders, Franklin will be accepted as he endeavored to present himself. He was a truth-seeker and was not just posturing for admirers. It was through his personal account that Franklin intended to present his views on everything that mattered: “God and religion, moral virtue and morality in general, justice, equality, natural rights, love and the good life, the modern technological project, and the place and limits of reason in politics and human experience.”

Jefferson is more enigmatic for he was always reticent about his personal life. His autobiography reads more like a narrative history than a personal memoir. The narrative in Franklin’s autobiography intertwined a description of his extraordinary achievements with a personal story of a flawed person, making mistakes, and struggling with self-improvement. The same cannot be said for Jefferson’s brief autobiography. There was no mention of personal scrapes—Franklin’s errata—or struggles with how to build a virtuous life. “Biographers have always found Jefferson’s private life a puzzle,” wrote Richard Bernstein the author of numerous books and articles on Jefferson “in large measure because he carefully cloaked his inmost

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10 Ibid., 72.


thoughts and feelings.” 13  “Elusive, reserved, aloof” are the words most often used to describe him. 14  There was a glimpse, nonetheless, of Jefferson’s personal struggles: the famous letter to Maria Cosway written as a dialogue between his head and his heart.

I would not be so presumptuous as to claim that this essay will expose the real Franklin and Jefferson. “The reputations of those who the shape the fate of nations,” wrote Bernard Bailyn, “are twisted and turned to fit the needs of those who follow, until, it seems, there is no such actual person left.” 15  Indeed, Franklin and Jefferson have been both revered and disparaged according to changing political or social agendas. Jefferson’s reputation, more so than Franklin’s, “has been more malleable than the reputation of any of the other great figures” and the “hysteria of denunciation and the hysteria of exaltation” began during his lifetime. 16  There are many reasons for the roller coaster ride of Jefferson’s reputation; undoubtedly, he has become “the mirror in which each generation finds reflected its most urgent moral and political concerns.” 17

The choice of Jefferson should not require any further explanation, but perhaps a bit of clarification is required for why Franklin was chosen as opposed to any of the far more scholarly founders such as John Adams, John Dickinson, or James Wilson. Although Jefferson claimed that George Washington and Benjamin Franklin stood together as the two greatest heroes of the


16 Ibid.

Revolution, Franklin’s persona may seem to lack a certain gravitas when juxtaposed with the others. Since Jefferson wrote those words, the images of Washington and Franklin have diverged in the popular constructions of their identities. The tendency has been to dismiss Franklin as morally shallow and self-serving. Washington was the archetypal leader; the mythologized Cincinnatus. He has remained the severe and remote commanding general and president, with a personality as impervious as the Jean-Antoine Houdon statue or as one-dimensional as the Gilbert Stuart portrait.

Franklin’s story has been more complex in the way that he has been both diminished and glorified; and his visage shifts depending on perspective. He was the charmingly quaint, kite-flying, racoon hat wearing writer of humorously witty sayings. He was the quintessential rags-to-riches American success story. He was one of the most lauded and brilliant Enlightenment scientists and inventors in the colonies. Although clearly a master of self-promotion and one of the more popular authors of his generation, his complex and poorly recorded diplomatic efforts during the Revolution cannot be easily summed up in a simplified and easily understood label such as “Father of Our Country,” or “Author of the Declaration of Independence.”

Jefferson and Franklin also present to this writer a delightful sort of odd-couple earthy/ethereal polarity in everything from their physicality to their personas as history has transmitted them to the popular audience. Franklin’s never wore “his brains on his sleeve” and

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20 Ibid, 118.

his best-known contributions are the Poor Richard’s aphorisms where he appealed to his reader as down-to-earth and at ease with the everyday predicaments of life. For this reason, perhaps, Franklin’s reputation has been attacked by credentialed historians and other members of the intellectual elite.\textsuperscript{22} This is in stark contrast with Jefferson’s forceful summary of the Enlightenment in the Declaration that has ensconced him as a man of unfathomable brilliance.\textsuperscript{23}

Although both are grouped in the collective we call \textit{The Founding Fathers}, they were from different generations, with Franklin old enough to have been Jefferson’s father. Jefferson was the oldest son from a prominent “First Family of Virginia,” who benefitted from early contact with some of the most preeminent colonial scholars while a student at William and Mary. “From his earliest memories his financial position was assured,” wrote Jefferson’s Pulitzer Prize winning biographer Dumas Malone, “and the best educational opportunities which the Colony afforded were later available to him.”\textsuperscript{24} Franklin, from poor New England immigrant stock, was the youngest son of a youngest son for five generations (and the fifteenth child in a family of seventeen) and attended only two years of formal education. Yet from this obscure beginning we come to the image of Franklin amiably bustling about Philadelphia or charming the regulars in the French salons with his “untroubled high spirits, his gaiety and wit, his social success, and above all his casual insouciance.”\textsuperscript{25} Franklin might be the most European of any of the founders, having lived so many years abroad and mixing easily with “lords and aristocrats in Britain and

\textsuperscript{22} See Weinberger (2005)

\textsuperscript{23} President Kennedy welcomed a group of Nobel prize winners with the following: “I think this is the most extraordinary collection of talent, of human knowledge, that has ever been gathered together at the White House, with the possible exception of when Thomas Jefferson dined alone.”

\textsuperscript{24} Malone, \textit{Jefferson}, 5.

\textsuperscript{25} Bailyn, \textit{To Begin the World Anew}, 65.
the rest of Europe. He conversed with kinds and even dined with one.”

Then we have the long-limbed Jefferson, as humorless as his nineteen-foot statue in the Memorial. He was always first and foremost a Virginian, feeling only fully at home on his mountain top refuge where he retreated when political life became too conflicted.

John Adams had grumpily fretted about the future construction and consumption of history, and that Franklin’s contributions to the Revolution would be disingenuously magnified:

The History of our Revolution will be one continued Lye from one End to the other. The Essence of the whole will be that Dr. Franklin’s electrical Rod, Smote the Earth and out Spring General Washington. That Franklin electrified him with his Rod—and thence forward these two conducted all the Policy Negotiations Legislation and War.

To the contrary, Franklin’s multifaceted contributions to the success of the Revolution and the writing of the Constitution were largely simplified into a homey narrative for popular consumption in the earliest decades of the Republic, with most of the early attention focused on his work with electricity. As the story of America was written through the remainder of the nineteenth century, with the need to imbue it with patriotic messages, Franklin fell victim to the myth making that was important to building a spirit of nationalism. Accordingly, his story of


27 Such as in 1782 after criticism of his behavior as governor of Virginia during the War, conflicts with Alexander Hamilton during Washington’s administration, disagreements with Adams when he served as vice president, and with most everything during the last months of his presidency.

28 John Adams’ descendants, particularly Charles Francis Adams carried on the campaign to diminish Franklin as morally corrupt and superficial. See Miles (1957)


success and self-dependence—a man who took control of his own destiny—was crafted for the young and new immigrants and he became “exhibit A” of the American spirit and a man worth emulating in every way. His story was a type of celebrity endorsement for the American way of life. Franklin became a unifying metaphor for the nation and his story proved that in America greatness can come from the most difficult and humblest beginnings. All that was required was a lot of pluck and a virtuous determination for self-betterment. A poem written in 1908 conveyed the essence of the Franklinian myth:

Free-born, the bearer of a freeman's name
That proved him of no servile ancestry,
Into the ranks of a new race he came-
His mind unshackled, as his limbs were free-
To show his fellow-men their rights the same
As his-their Sovereign Will in liberty
Gave them the Right Divine to claim
Theirs was the shaping of their destiny-
That evermore a nation they would

*The Autobiography*

The essential message of Franklin’s story was that the happiest fulfillment was to be discovered through the management of our messy impulses, the cultivation of virtue, and an engagement in public service. As he wrote in the opening paragraph of *The Autobiography*, he had led a life “with a considerable Share of Felicity” and posterity might like to know how this was accomplished. His biography was divided into four parts. Part One, written along the

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33 Ibid., 440.

lines of Cicero’s *De Officiis*, began as a letter to his son. Part Two was less biographical in the
traditional sense and addressed his efforts at becoming a more virtuous person. In parts Three
and Four, Franklin returned to a biographical narrative and described the events of his life after
achieving financial success and retiring from the printing business. These last sections covered
many of his inventions and projects that were intended to promote the public good. The tone in
parts Three and Four was less intimate than the first as it focused not just on personal stories but
on the important political events of the day. This summary therefore will focus on parts One and
Two where he explicitly addressed his efforts at assuming authentic responsibility for moral
improvement and are directly connected to the current project concerning moderation in the
pursuit of virtue.

The basic outline of his narrative in Part One can be quickly sketched. Franklin reports
that he was the socially and intellectually precocious son of poor yet upstanding parents. His
father was a well-known man of sound judgement who was often “consulted by private Persons
about their Affairs when any Difficulty occur’d, & frequently chosen an Arbitrator between
contending parties.”35 Unable to pay for formal education, Franklin’s father did his best to turn
time at the crowded dinner table into an informal school room where the importance of virtuous
living was inculcated. Franklin wrote that his father “lik’d to have as often as he could, some
sensible Friend or Neighbour, to converse with…. which might tend to improve the Minds of his
Children. By this means he turn’d our Attention to what was good, just, & prudent in the
Conduct of Life.”36

35 Ibid., 575.
36 Ibid.
At the age of twelve Franklin was apprenticed as a printer to an older brother in Boston. Ongoing conflicts with his brother ultimately resulted in his moving to Philadelphia where he continued in the printing trade. Franklin’s pattern of rigorous efforts at self-improvement was established early. Painfully aware of his lack of formal education, he busied his non-work hours with reading, writing, and studying arithmetic, logic, and rhetoric.37 To direct more funds for the purchase of books he reduced his living costs by becoming a vegetarian.

In Philadelphia, Franklin made some prestigious contacts. One of Franklin’s admirers arranged for him to travel to London where he lived for two years. Returning to Philadelphia he was briefly employed as a store clerk but ultimately found his way back to the printing business at which he clearly excelled. Part One ends with a description of how Franklin along with a small group of friends established the first subscription library. This was the earliest example of Franklin’s belief that self-betterment was best promoted within a community context and that the protection of liberty was inextricably tied to the promotion of the public good. In other words, there was not only a lack of tension between the personal and the public good, but also, they worked together. Additionally, the theme that the more intellectually inclined could through their efforts uplift the common man would be important to the success of our system of government. Franklin wrote,

> These libraries have improved the general Conversation of the Americans, made the common Tradesman & Farmers as intelligent as most Gentlemen from other Countries, and perhaps have contributed in some degree to the Stand so generally made throughout the Colonies in Defense of their Privileges38

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37 Ibid., 580-581.

38 Ibid., 632.
Using a printer’s term for a mistake that is later corrected—errata—Franklin interspersed his narrative with the discussion of important turning points in his life. Scholars have determined that the discussion of the errata were added at a later point in time and all at one sitting.\textsuperscript{39} Perhaps the younger Franklin who wrote Part One for the benefit of his son did not think he needed to include the less admirable interludes. It was the older Franklin who may have shifted the purpose of the narrative. Rather than just a recitation of the facts of his life that he would like to have remembered by posterity, he focused on life lessons about his struggles with virtue. He forthrightly addressed five significant occurrences of troublesome behavior. These errata had wrought short-term advantages but were, in hindsight, deviations from his moral ideal and were important turning points in his long-term project of self-improvement. They were points in his life when his self-absorption eclipsed his sense of decency and fairness to others.

To have presented his personal story as having turned on a series of mistakes that he was able to correct, was important to a people undertaking a revolutionary experiment in democratic government. Alexis de Tocqueville wrote of how this process of truth seeking that was built from the acknowledgement of mistakes was of particular interest to Americans:

If democracy has more chance to make a mistake than a king or a body of nobles, it also has more chances to return to the truth, once enlightenment comes…. But democracy can only gain the truth by experience…So the great privilege of the Americans is not only to be more enlightened than others, but also to have the ability to make mistakes that can be corrected.\textsuperscript{40}

The first two errata related to Franklin’s difficulties with establishing economic and professional independence. He took advantage of some difficulties his brother encountered with the local government and connived his release from his indenture contract. The other involved a

\textsuperscript{39} McClure, "Learning from Franklin’s Mistakes," 72.

\textsuperscript{40} Tocqueville, “Part II: Chapter 5,” Democracy in America, 1:365.
sum of money that a family friend had entrusted him for safe-keeping. He improvidently used
the money to support himself and his friends and placed a large amount of the blame for this
misappropriation of funds on the excessive drinking of a close friend. During this time, he lived
in a perpetual state of worry that the money would be recalled. Franklin believed that he made
amends for the injustice he committed against his brother when much later in life he was able to
offer assistance to the brother’s son. Fortunately, the family friend did not ask for the money
until Franklin was able to replace the pilfered funds (with interest) for an unpaid debt might have
landed Franklin in prison and would certainly have damaged his reputation.

Franklin’s time in London account for the other three errata. The first two involved
youthful blunders with women. Sidetracked by the distractions of life with his first great
adventure across the Atlantic, he wrote only one cursory letter to his future wife to state he
would not be returning to Philadelphia any time soon.\textsuperscript{41} Youthful exuberance, as well as “being
at this time under no Religious Restraints,”\textsuperscript{42} led him to make an improper romantic overture to
a friend’s mistress. The final erratum was in a different category from the others but according
to Franklin was the underlying cause for all of them. Problems with a domineering older brother,
money management, and women were common problems for a young man; an indiscretion that
involved the printing of a metaphysical treatise, not so much.

Franklin wrote \textit{A Dissertation on Liberty & Necessity, Pleasure and Pain} while still
holding to a radical interpretation of Deism that he had adopted around the age of fifteen.\textsuperscript{43} In
this pamphlet he argued that since God had created a universe based on his “infinite Wisdom,

\textsuperscript{41} Franklin, \textit{Autobiography}, 607.

\textsuperscript{42} Ibid.

\textsuperscript{43} Ibid., 606.
Goodness & Power” it followed that there was no such thing as evil and that “nothing could possibly be wrong in the World, & that Vice & Virtue were empty Distinctions.” He ultimately rejected this belief because he found them to be, quite simply, not useful (irrespective of whether or not they were true). Friends whom Franklin had influenced to adopt Deist thinking had done him harm, and Franklin himself had committed his errata while under the influence of this “freethinking”. He admitted to a youthful error in his metaphysical argument and became convinced that “Truth, Sincerity & Integrity” were the most important practices important to “the Felicity of Life.”

There is a pedagogical logic to the arrangement of Part One and Part Two. Franklin knew that the Autobiography would be widely read and therefore wrote with the intention of teaching future generations about the connection between virtue and a happy life. His approach to persuasion took a variety of forms. In Part One he followed his own advice about how information was best communicated:

I wish well meaning sensible Men would not lessen their Power of doing Good by a Positive assuming Manner that seldom fails to disgust, tends to create Opposition, and to defeat every one of those Purposes for which Speech was given…. Pope says, judiciously Men should be taught as if you taught them not…”

His coverage of the mistakes he had made as a result of youthful shortsightedness or when he was still under the spell of misguided beliefs were presented as simple parables that would

44 Ibid., 619
45 Ibid.
46 Ibid.
47 Ibid.
48 Ibid., 582

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illustrate the larger moral message. This arrangement allowed him to appear humbly flawed and neither dogmatic nor didactic. Part Two takes a less subtle approach and directly addressed the need to educate the future generations of a “rising people”\(^{49}\) Perhaps for the readers who failed to be “taught as if you taught them not,” Franklin adopted the more direct manner of a worldly elder statesman and presented a list of thirteen essential virtues with a brief clarifying description. He enumerated the virtues in order of importance; and the astute reader is reminded of the stories from Part One where a lack of one of the qualities had been implicated in an errata:

1. Temperance.
   Eat not to Dullness. Drink not to Elevation
2. Silence.
   Speak not but what may benefit others or yourself. Avoid trifling conversation.
3. Order.
   Let all things have their places. Let each part of your business have its time.
4. Resolution.
   Resolve to perform what you ought. Perform without fail what you resolve.
5. Frugality.
   Make no expense but to do good to others or yourself (i.e., waste nothing).
   Lose no time. Be always employed in something useful. Cut off all unnecessary actions.
7. Sincerity.
   Use no hurtful deceit. Think innocently and justly; and if you speak; speak accordingly
   Wrong none, by doing injuries or omitting the benefits that are your duty.
   Avoid extremes. Forbear resenting injuries so much as you think they deserve.
10. Cleanliness.
    Tolerate no uncleanness in body, clothes, or habitation.
11. Tranquility.
    Be not disturbed at trifles, or at accidents common or unavoidable.
12. Chastity.
    Rarely use venery but for health or offspring; never to dullness, weakness, or the injury of your own or another’s peace or reputation.
13. Humility.
    Imitate Jesus and Socrates.\(^{50}\)

\(^{49}\) Ibid., 634

\(^{50}\) Ibid., 644-645.
Part Two opened with two letters from friends that explained the motivation to resume writing the *Autobiography*.

The little private incidents which you will also have to relate, will have considerable use, as we want above all things, *rules of prudence in ordinary affairs*; and it will be curious to see how you have acted in these. It will be so far a sort of key to life, and explain many things that all men ought to have once explained to them, to give them a chance of becoming wise by foresight.⁵¹

Only through the development of virtuous character would the future be sustainable. Franklin’s list of virtues was similar to Aristotle in that good character was found at the midpoint between extremes of action or inaction. Although the utilitarianism of Franklin’s moral system has elicited some contempt, he adopted this approach after his earlier flirtations with metaphysics had led him to some erroneous conclusions and contributed to some regrettable behaviors. In this way, however, he should also be seen as essentially an American in his pragmatic approach to the problems of living.

Franklin’s humorous discussion of the rigorous program of record keeping he attempted and maintained for about a year to attain moral perfection softens the presentation of prohibitions and moral imperatives. After a time, he abandoned the laborious undertaking of moral perfection. In his explanation he pointed toward the need for moderating the impulse to be the best, and in so doing expresses a toleration for weakness while still maintaining the effort at virtuous living:

Such extreme Nicety as I exacted of my self might be a kind of Foppery in Morals, which if it were known would make me ridiculous; that a perfect Character might be attended with the Inconvenience of being envied and hated; and that a benevolent Man should allow a few Faults in himself, to keep his Friends in Countenance…. But on the whole, tho’ I never arrived at the Perfection

⁵¹ Ibid., 635-636
I had been so ambitious of obtaining, but fell far short of it, yet I was by the
Endeavor made a better and a happier Man than I otherwise should have been, if I
had not attempted it…\textsuperscript{52}

He accepted Americans—as he accepted himself—as they were: materialistic, religiously
self-directed, egocentric, determined and practical. There was no condemnation or expectation
that the earthier impulses would be eliminated; just suggestions that people endeavor to adopt
habits of virtue and moderation. The emphasis was on the practicality of these behaviors as a
means to the end of a happy life. At one time he had thought about expanding his list of virtues
into a book called the \textit{Art of Virtue} that would have shown the “Means & Manner of obtaining
Virtue.”\textsuperscript{53} He claimed that was too busy to complete the project. Perhaps it would have been too
assertive, and the autobiography accomplished the same thing.\textsuperscript{54} Then again, such a dogmatic
book would have attracted critics and ultimately diminished his reputation. He observed that the
published sermons of the eminent Great Awakening preacher George Whitefield provided grist
to his enemies and his standing might have been improved if he had written less.\textsuperscript{55}

Franklin’s most ambitious project was to form an international party of virtue. Taking a
figurative page from Plato’s \textit{Republic}, Franklin envisioned the possibility of a nation ruled by the
most virtuous. He observed that few leaders “act with a View to the Good of Mankind”\textsuperscript{56} and
believed that a core group of wise individuals might, with proper instruction, work together to
“work great changes… among Mankind.”\textsuperscript{57} The first recruits would declare their belief in an all-

\textsuperscript{52} Ibid., 650-651
\textsuperscript{53} Ibid., 652
\textsuperscript{54} McClure, "Learning from Franklin’s Mistakes," 87.
\textsuperscript{55} Franklin, \textit{Autobiography}, 670.
\textsuperscript{56} Ibid., 655
\textsuperscript{57} Ibid., 657
powerful God who rewarded virtue, and would practice the thirteen virtues. The endgame of this effort was the protection of freedom. For Franklin, there was a practical and inextricable connection between virtue and freedom. The virtuous person was “free from the Dominion of Vice;” an industrious and frugal person was “free from Debt, which exposes a Man to Confinement and a Species of Slavery to his Creditors.”

Although he believed the project was feasible, he had been distracted by necessary business when he was younger, and when older he lacked the strength and energy to carry out a project of such magnitude. Perhaps he believed that his compensation for having failed to accomplish this great project was his life long effort at instructing the common man. Franklin considered Poor Richard’s Almanack to be the “proper Vehicle for conveying Instruction among the common People” that was filled with proverbs that would inculcate virtue.

The Head and the Heart

In Notes on the State of Virginia, Jefferson wrote of his concerns with the institution of slavery. He prophetically wrote, “I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever” and he looked to the future “for a total emancipation, and that this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation.” His problem with slavery, however, was not that it was injurious to the humanity of the slaves. He held that the main problem with slavery was the negative impact on the

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58 Ibid., 656

59 Or perhaps, as Plato had worried, he was never willing to set aside his own personal happiness long enough to work towards the greater goal of the happiness and well-being of the community.

60 Franklin, Autobiography, 657

slaveholding class. The slaveholder was the ultimate victim of this labor system because it undermined good morals and moderation. “The whole commerce between master and slave is a perpetual exercise of the most boisterous passions,” wrote Jefferson, “the most unremitting despotism on the one part, and degrading submissions on the other.”62 The slaveholder provided a poor role model to his children when it came to the importance of regulating the passions. Reflecting either his personal experience or his observations, Jefferson wrote that “the parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives loose to his worst passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be a prodigy who can retain his manners and morals undepraved by such circumstances.”63 Jefferson believed that the presence of slaves undermined efforts at self-regulation that was so important to the virtuous life. His description was a graphic portrayal of the circumstances of power that are destructive to virtuous behavior and create tyrants.

The use of the word tyranny in the above passage should not be bypassed. On an individual scale, a tyrant was a person who was without morals. At the political level it was the leader who must not be allowed to rule. The climactic statement in the Declaration was where Jefferson asserted that the bad character of the King of Great Britain made him “a Tyrant…unfit to be the ruler of a free people.” Character mattered. On both the personal and political level, the willingness to apply the energy to prevent the proliferation of tyrants was not assured. Jefferson addressed this potential for lethargy in the Declaration when he wrote that “experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.” Just as it was a people’s

62 Ibid., 214.
63 Ibid., 215.
“right, it is their duty, to throw off such Government,” it was incumbent upon the citizens to resist the tyrant within. That was no easy task. Jefferson played an important role in disposing of the British tyrant, the story of his success at modulating the potential tyrant within was a bit murkier.

This is why one letter written in 1786 has attracted so much attention. A letter that is referred to as the “Head and Heart letter” may be the only one in existence where Jefferson addressed his personal struggle with the polarities of passion and rationality. Did Jefferson think he was writing a letter that was meant for an audience beyond his love interest? Did the contents of the letter mean more to him than just an expression of personal longing? One might safely conclude that he did. Jefferson made a copy of this letter, which he did with most of his letters to help him remember what he had written and to whom. He was aware of how his written words would be important to posterity. The only letters we know that Jefferson destroyed, and were therefore meant to be kept completely private, were the letters between he and his wife.64

The famous letter was written after Maria Cosway, a married woman to whom he was deeply attracted, had departed from Paris. Suffering from a broken wrist that forced him to write with his off hand, the lovelorn Jefferson produced a twelve-page letter constructed as a dialogue between his head and his heart. The head was utilitarian and selfishly calculating, while the passionately irrational and impulsive heart longed for social connections. Historians argue over whether the head or the heart came out the winner.65 The letter ends with the heart having the last word, and for that reason some give the win to the heart. This was a love letter, after all, and Jefferson hoped to see the recipient again so perhaps too much is made of that. The digression

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64 James Hershman, "Jefferson's Head and Heart letter," e-mail message to author, February 4, 2018.

about winners, however, misses the point. It was an ongoing struggle. At any one point in time one part might dominate the other but there was never meant to be an ultimate winner. There would be no tyranny of either the head or the heart. A moderate balance between the two was the ideal. An overview of the letter makes it clear that to be dominated by either polarity would lead to misery. The head would discipline the irrational passions of the heart, and the work of the heart was to maintain social cohesion through promoting prosocial behavior. A balance must be found at the Aristotelian median point.

    Jefferson wrote of the psyche as “a divided empire” with an amoral rational sense ameliorated by the demands of the heart where the moral sense resided. The heart speaking to the head maintained that,

    when the circle is to be squared, or the orbit of a comet to be traced; when the arch of greatest strength, or the solid of least resistance is to be investigated, take you the problem: it is yours: nature has given me no cognizance of it. In like manner in denying to you the feelings of sympathy, of benevolence, of gratitude, of justice, of love, of friendship, she has excluded you from their controul. To these she has adapted the mechanism of the heart. Morals were too essential to the happiness of man to be risked on the uncertain combinations of the head.66

In turn, the head argued for the importance of mental serenity and the need to calculate the rational benefit that might result from any behavior. Speaking to the mental anguish over the loss of his beguiling friend, the head reminded the heart of his earlier reluctance to risk a new relationship: “I never ceased whispering to you that we had no occasion for new acquaintance; that the greater their merit and talents, the more dangerous their friendship to our tranquility, because the regret at parting would be greater.” The head, perhaps drawing on the teachings of Epicurus concerning the need for self-sufficiency and to maintain mental tranquility, continued:

The art of life is the art of avoiding pain: and he is the best pilot who steers clearest of the rocks and shoals with which it is beset. Pleasure is always before us; but misfortune is at our side: while running after that, this arrests us. The most effectual means of being secure against pain is to retire within ourselves, and to suffice for our own happiness. Those, which depend on ourselves, are the only pleasures a wise man will count on: for nothing is ours which another may deprive us of. Hence the inestimable value of intellectual pleasures. Ever in our power, always leading us to something new, never cloying, we ride, serene and sublime, above the concerns of this mortal world, contemplating truth and nature, matter and motion, the laws which bind up their existence, and that eternal being who made and bound them up by these laws. Let this be our employ.67

Yet this was a model that Jefferson never lived nor argued for in other writings. This assertion made by the head was balanced by the heart’s moral sense that we must live connected with others. As the heart responded, “this world abounds indeed with misery: to lighten it’s burthen we must divide it with one another. But let us now try the virtues of your mathematical balance, and as you have put into one scale the burthens of friendship, let me put its comforts into the other.” The heart praised the comfort and encouragement that friendship provides, and with a hint of utilitarianism that the head would agree with, adds that “assuredly nobody will care for him who cares for nobody.”68 The heart reminds the head, that despite the current state of misery, most friendships involved more pleasure than pain. Connections with others, was ultimately a condition that would satisfy both the head and heart.

To further the point about the necessity for neither the head nor the heart to overpower the other, the heart reminded the head of two mistakes that had been made when Jefferson ignored the importance of helping others when a false calculation of self-interest indicated otherwise. One occurred when he encountered a soldier on a road in the outskirts of Paris. The weary soldier asked for a ride in Jefferson’s carriage but was turned down after Jefferson

67 Ibid.

68 Ibid.
calculated that there were too many soldiers on the road “and that if all should be taken up our horses would fail in their journey.” He later regretted this decision and admitted to the faulty reasoning. It was not rational to conclude that if “we cannot relieve all the distressed we should relieve as many as we can.” Another instance occurred in Philadelphia when a disheveled looking woman asked Jefferson for money. He dismissed her as drunkard. In a maxim that could just as easily be attributed to Franklin, Jefferson’s heart chides him with the reminder that “those who want the dispositions to give, easily find reasons why they ought not to give.” The heart later led Jefferson back to the woman and he gave her money that she immediately used to place her child in school.69 Once again, the head had simply come to a faulty conclusion. To contribute to the education of children was a project of the utmost importance to Jefferson’s understanding of how a well-ordered society could be maintained. In both of these cases the heart did not reject the process of rational calculation, only that the head had come to the wrong conclusions and the kindly inclinations of the heart helped to correct the mistake.

In the Declaration, Jefferson couched the reasons for revolt in the rationality of the “Laws of Nature and of Nature’s God.” In this letter, however, Jefferson’s heart takes some of the credit:

If our country, when pressed with wrongs at the point of the bayonet, had been governed by its heads instead of its hearts, where should we have been now? hanging on a gallows as high as Haman’s. You began to calculate and to compare wealth and numbers: we threw up a few pulsations of our warmest blood: we supplied enthusiasm against wealth and numbers: we put our existence to the hazard, when the hazard seemed against us, and we saved our country: justifying at the same time the ways of Providence, whose precept is to do always what is right, and leave the issue to him. In short, my friend, as far as my recollection serves me, I do not know that I ever did a good thing on your suggestion, or a dirty one without it.70

69 Ibid.
70 Ibid.
Great deeds are accomplished when consequences are calculated by the head and the passions of the heart are engaged. This is the point of moderation where the virtuous path of righteous behavior is held in a delicate balance. In a letter written towards the end of his life, Jefferson wrote of the disaster that resulted for the French when the passions were not modulated, but indicated in addition that there were broader lessons to be learned:

if ever, we are to guard against ourselves. not against ourselves as we are, but as we may be, for who can now imagine what we may become under circumstances not now imaginable?... Jacobins, in another country, was instituted on principles and views as virtuous as ever kindled the hearts of patriots. It was the pure patriotism of their purposes which extended their association to the limits of the nation, and rendered their, power within it boundless; and it was this power which degenerated their principles and practices to such enormities as never before could have been imagined.”

In this chapter a closer look was taken at the importance of virtue to the sustainment of liberty. This was a time when leaders knew that if one was not moral enough to govern themselves, then they could not be trusted with the government of others. Two of the greatest thinkers of the revolutionary generation struggled to manage the tyrants within. Power in society must be balanced; the powers within the person must also be held in a delicate state of equilibrium. Franklin worked out his ideas and presented them to posterity by writing his autobiography. He discussed his errata as events that resulted from an imbalance between what was good and what had been momentarily convenient. His virtues were Aristotelian in that they aimed for a middle point between undesirable extremes. The personal Jefferson has always been more impervious. Fortunately for us there was an evening in October of 1786 when a heart (and right wrist) broken Jefferson wrote a letter where he expressed his deepest feelings about human

nature and the potentialities for trouble when the passions are not held in check. Perhaps when forced to write with his left-hand, Jefferson unconsciously gave us greater access to his more emotional right brain than under normal circumstances.

The survival of liberty was psychologically challenging. It required that citizens be continually on guard against avaricious leaders as well as the corrupting impulses from within. The tyrant without was as dangerous as the tyrant within. Plato wrote that people must let their best parts rule over their worst:

Should we say that this is the original basis for the conventions about what is fine and what is shameful? Fine things are those that subordinate the beastlike parts of out nature to the human—or better, perhaps to the divine; shameful ones are those that enslave the gentle to the savage?"72

Conclusion

In this project I am suggesting that the founders understood liberty as consisting of four ideas that were linked together and defined the good life. Freedom meant the right to choose what one wanted to do and who the political leaders would be. One must have knowledge and understanding, however, to choose what is ultimately beneficial to the good life, otherwise freedom would not last. Internality impacted externality. These are abstract ideas that are only meaningful if it can be demonstrated that they affected behavior. Granted that the self-promoting writings of two of the more ambiguous of the founders does not reveal much beyond how they wanted to be perceived. Unless we are willing to dismiss them, however, as being the most manipulative of hypocrites, we should accept what they wrote as expressing something about how they wished to live. Character mattered a great deal.

Franklin and Jefferson each expressed an understanding that freedom happened within a common medium or a common space of reciprocity. It was a fragile state. One of the ways that we play with our liberty is with political constitutions. Can the people structure a system of government that will both protect and nourish liberty? Are the people ethically strong enough not to abuse their personal and political liberty and undermine the public good? For a generation that set about the business of constructing new governments, these were not abstract questions. They lived their theories. In the next chapter the urgent problems that the founders faced over how constitutions actually answer those questions will be addressed.
CHAPTER 5

THE BEGINNING OF THE END

OF THE FOUR-NOTE CHORD OF LIBERTY

When you give power, you know not what you give.

—Montesquieu, *Spirit of the Laws*

This chapter will address the turbulent period between 1787 and 1789 that signaled the beginning of the end of the four-note chord of liberty. During the ratification debate over the alleged merits and disadvantages of the proposed Constitution, one can perceive a significant shift in how the founders believed that virtue could be sustained. The thesis advanced in this paper is that the founders’ understanding of liberty encompassed four important concepts: 1) personal liberty was a belief in individual rights, 2) political liberty focused on the ability of the citizen to influence government, 3) internal liberty was the understanding that true freedom cannot exist without virtue, and 4) public good liberty expressed the understanding that all experiences are shaped by context, and freedom will only flourish within a community of citizens benevolently concerned with the common welfare. This was an abstract construct, the metaphorical four-note chord, that was manifested through virtuous citizens who honored good character.

Through the contentious dialogue between the Constitution’s advocates and critics—the so-called federalists and antifederalists1—there was a lessening of concern with virtue in the citizenry (internal liberty.) It is important to take a close look at this period to see the shifting of

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1 Both groups agreed that maintaining a federal form of government, that is a structure that shared power between the states and a central authority, was important. To be accurate therefore, to refer to the group that was against ratification as anti-federalists was a misnomer. In this writer’s opinion, better names for the two would have been nationalists and anti-nationalists.
values as they were worked out in the political dialogue. The slow transformation in how virtue was understood would eventually result in the present day understanding of liberty: it is all about rights without responsibilities, and whether the government can solve all problems.

The antifederalists expressed a heightened concern that personal liberty (i.e., rights) was threatened. The unfortunate prefix of anti to their label was somewhat misleading. They were decidedly against particular aspects of the Constitution but that was because they were most zealously for personal and political liberty. Their apprehensions led to the eventual addition to the Constitution of ten specific guarantees of individual liberty known as the Bill of Rights. Herbert Storing wrote that the “Antifederalists are entitled…to be counted among the Founding Fathers.” I agree in that the Bill of Rights has become the cornerstone of liberty for most Americans. Unfortunately, this emphasis on rights and personal liberty without the expectation of a responsibility to exercise moderation and thoughtful attention to the public good represents an important shift away from the original idea of liberty.

The fact that the weightiest of words—happiness—was not written anywhere in the United States Constitution was emblematic of this change. As the idealistic revolutionaries aged out of the political dialogue and were replaced by the more practical minded of the next generation, the apprehensions of the latter allowed them to succeed in establishing a consolidated government with enhanced power. Perhaps Americans were not the most virtuous people after all, and therefore not capable of sustaining the freedom that they had so recently won. With the ratification of the Constitution, the expectation diminished that liberty would only flourish if the citizens were virtuous, instead, the necessity of virtue was shifted to the leadership. The degree

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of political liberty that citizens had enjoyed during the period of the Confederation was reined-in as their influence upon two and half (the executive, judicial, and upper house of Congress) of the three branches of government was minimal. Political liberty was devalued for safety to be ensured. Central to this shift in value structure was the future transformation in what happiness was going to mean. The back-and-forth between the federalists and antifederalists was not just a wrestling over the why and how of structuring a balanced government. The heartfelt conversation between the federalists and antifederalists was a continuation of the search for truth concerning the human potential that reaches back to antiquity.

This was their truth: God meant for people to live free and to treat one another as equals, to be secure in their property, and to pursue happiness. The Creator had endowed humankind with a rational mind with which they should realize that virtuous living would promote the good life. Civil society was established so that God’s will for people could be carried out. We willingly gave-up some of our freedoms to ensure that all citizens could live with comfort and security. John Locke wrote, and the founders declared, that to protect these natural rights was the essential feature of good government. To create a government that protected freedom, promoted human flourishing, and assured security was to be carrying out God’s work. Perhaps that was why John Adams referred to politics “as the divine science” in that it was “the science of social happiness, and the blessings of society depend entirely on the constitutions of government.” Establishing this “social happiness” by finding an agreed upon balance between promoting liberty and protecting security has been an elusive goal. In Locke’s state of nature, it had been the abuse of liberty and the threat to safety that required the loss of some freedoms.

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The problem of balancing these two values—liberty and security—has determined much of the history of the United States.

At certain crisis points in our nation’s history the conflict has become so powerful that it resulted in an alteration to our constitutional form of government. These were times when the ideological girders that support government were shaken and some feared the entire structure could come crashing down. The response has always been to increase the powers of the federal government. The first example of this was when the nation’s original attempt at government failed. Historians refer to the time when the sovereign states were knit together by the Articles of Confederation as the critical period. There arose a belief that the young republic was failing. The lynchpin of liberty—virtue-based happiness among the people at large—did not seem to be adequately widespread, and so the country adopted a new constitution.

The revised plan replaced the Articles of Confederation in order to produce “a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.” What about happiness? A word that was pervasive during the revolutionary period had vanished in the United States Constitution of 1787. The founders’ emphasis—if not obsession—with happiness had been illustrative of what the expanded liberty that they had hoped for would both necessitate and nurture: a virtuous citizenry. The omission of this one word so heavily weighted with history and meaning; that was omnipresent in the letters, speeches, and pamphlets of the revolutionary period was significant. It was indicative of the transformation from the heady days of the Revolution, when the founders dreamed of a utopia of liberty, to the reality of a citizenry that perhaps was not so virtuous after all.
Chapter One investigated the meaning of happiness as a key concept in the Declaration; and it must be emphasized that it was central to so many revolutionary publications. In the following example the very sober John Adams comes across as veritably giddy with hope that the type of republican government that could be established in America would be the pinnacle for mankind. In his highly influential pamphlet *Thoughts on Government* Adams wrote (italics added):

*The happiness* of society is the end of government, as all Divines and moral Philosophers will agree that the *happiness* of the individual is the end of man. From this principle it will follow, that the form of government, which communicates ease, comfort, security, or in one word *happiness* to the greatest number of persons, and in the greatest degree, is the best.... All sober enquiries after truth, ancient and modern, Pagan and Christian, have declared that the *happiness* of man, as well as his dignity consists in virtue. Confucius, Zoroaster, Socrates, Mahomet, not to mention authorities really sacred, have agreed in this.... a form of government then, whose principle and foundation is virtue, will not every sober man acknowledge it better calculated to promote the general *happiness* than any other form?.... When! Before the present epocha, had three millions of people full power and a fair opportunity to form and establish the wisest and *happiest* government that human wisdom can contrive?  

It would be expected, therefore, that in 1787 the word happiness might continue to be prominent in the United States Constitution. Certainly, the fitting place to remind of the importance of happiness would be in the preamble to the Constitution. It was not there. Instead of Jefferson’s *pursuit* the Constitution will *promote*, but now *happiness* has morphed into *general welfare*. Admittedly, the preamble to the Constitution has never been interpreted as having any legal standing. So perhaps the better place to look might be Article I, Section 8, where the specific duties of the national government were enumerated. Paragraph one begins with a statement about how taxes will be justified: “to pay the Debts and provide for the common

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4 Adams, "Thoughts on Government."
defense and general welfare of the United States.” It appears that “general welfare” has indeed replaced happiness as the broadest goal of government.

The mystery of why happiness was not mentioned in the Constitution has not been investigated from a human values perspective; nor is it a trivial oversight. They did not simply forget.\(^5\) The human capacity for happiness and the different ways it has been culturally experienced and promoted has been explored in other fields such as arts and literature. Professor of Literature Vivasvan Soni, for example, examined the narrative transformations in the eighteenth century that resulted in the loss of happiness as a guiding political principle. Soni wrote of the eighteenth century’s “dramatic and unprecedented” obsession with happiness:

> The topic was a perennial favorite among essayists and pamphleteers in the period, resulting in a deluge of writing about happiness. Many of the period’s boldest and most innovative thinkers thrilled to the allure of a new age in which human happiness would matter before all else. The quest for a politics of happiness is evident in the distinctive concern for “public happiness,” which engaged Rousseau, Jefferson, and Chastellux among others. Soni also remarked on the perplexing absence of happiness from the Constitution:

> When it came right down to it, confronted with the opportunity to write their visionary politics into law, the period’s revolutionary thinkers balked. Although eighteenth-century intellectuals were obsessed with the concept of happiness, the French and American revolutions produced constitutions that are surprisingly reticent on the subject. The United States Constitution speaks vaguely of its intention to “promote the general welfare” … neither document dares to speak of the fabled “right to happiness.”\(^6\)

According to Soni, by the late eighteenth century the classical Greek idea of happiness (eudemonia) as a style of virtuous living, well-being, or flourishing that could be judged objectively was changing. Happiness had become a private, affective state that could only be

\(^5\) According to Alexander Hamilton’s biographer Ron Chernow, “when [Hamilton] was asked why the framers omitted the word God from the Constitution, he replied, ‘We forgot’. ”—perhaps apocryphal. Ron Chernow, *Alexander Hamilton* (New York: Penguin Books, 2005), 235. The omission of any reference to God in the Constitution is interesting and tangentially related to the omission of happiness. The Declaration had made it clear that this was a statement of purpose by a people who were directed by God.

judged individually; an idea we are more familiar with today. This can be seen, for example, in
the rise of sentimentalism, a late eighteenth and early nineteenth century philosophical and
literature movement. The theory to be presented in this chapter provides an alternative, though
not contradictory, explanation for the absence of happiness in the Constitution. The omission of
“happiness” was not simply rhetorical, for “general welfare” was not conceptually
interchangeable with “happiness.” Nor may it be claimed that constitutions are not the proper
place for statements about happiness. To the contrary, the loss of this important word symbolized
the dawning realization that the functioning of government could not rely on virtuous citizens.

In previous chapters the theory has been advanced that for the founders, the liberty
construct captured four important experiences, and happiness and liberty were inextricably
connected. The idealized free citizen was virtuous and self-regulating, and experienced his God-
given personal and political freedom in a socially productive manner. The founders therefore
used the word happiness in an Aristotelian sense: happiness was a style of virtuous living that
could be habituated through reason and practice. Virtuous citizens possessed the self-regulation
to exist comfortably and securely under the auspices of the relatively light-hand of government.
Honorable and moral citizens would promote good government, in turn, good government would
encourage and inspire virtue in the people. Adams pointed out this reciprocity between the
virtuous citizen and good government when he sketched out the ideal design of a government
that was founded on the proper principles:

[Good government] introduces knowledge among the People, and inspires them
with a conscious dignity, becoming Freemen. A general emulation takes place,
which causes good humor, sociability, good manners, and good morals to be
general. That elevation of sentiment, inspired by such a government, makes the
common people brave and enterprising. That ambition which is inspired by it
makes them sober, industrious and frugal. You will find among them some
elegance, perhaps, but more solidity; a little pleasure, but a great deal of
business—some politeness, but more civility. If you compare such a country with
the regions of domination, whether Monarchial or Aristocratical, you will fancy yourself in Arcadia or Elisium.7

Following Adams’ conclusions, if Arcadian harmony was not widespread it may have been due to the fact that the government the Americans had constructed after the Revolution was not structured correctly. A new constitution would bring about a needed correction. In the intervening decade between Adams’ pamphlet and the Constitution, however, a change took place in the optimism that a minimal government authority could ensure happiness and safety for the people.

First, the issue needs to be addressed that perhaps statements about happiness simply do not belong in constitutions. The opening efforts at constitution writing were undertaken at the state level. In May of 1776 the Continental Congress instructed the states to compose new constitutions eradicating all relationships with Great Britain. New Hampshire had a jump on the movement and in January of 1776 was already organizing a new government while still expressing hope that the conflict with Great Britain could be resolved. The Continental Congress had not yet voted for independence which might be why New Hampshire only mentioned happiness in the negative, in reference to the current circumstances with Great Britain: “[We] have taken into our serious consideration the unhappy circumstances…we conceive ourselves reduced to the necessity of establishing A FORM OF GOVERNMENT to continue during the present unhappy and unnatural contest with Great Britain.”8

It is widely believed that Jefferson’s words in the Declaration of Independence were a rephrasing of George Mason’s language in the Virginia Constitution concerning man’s inherent

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7 Adams, "Thoughts on Government."
rights, “namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.”\textsuperscript{9} After publication of the Declaration, the state constitution writers chose to paraphrase Jefferson’s invocation of happiness. The constitutions of New York, New Jersey and Georgia all set out to create governments that would “best conduce to the happiness and safety of their constituents.”\textsuperscript{10} The North Carolinians anticipated that their government would be “most conducive to their happiness and prosperity.”\textsuperscript{11} The first lines of Pennsylvania’s new Constitution supply the best evidence that Jefferson’s words, if not his talent for graceful construction, were echoing in the Pennsylvanians’ thoughts:

\begin{quote}
WHEREAS all government ought to be instituted...to enable the individuals who compose it to enjoy their natural rights...and whenever these great ends of government are not obtained, the people have a right, by common consent to change it, and take such measures as to them may appear necessary to promote their safety and happiness.\textsuperscript{12}
\end{quote}

The fact of the existence of thirteen written constitutions with the majority of them specifically mentioning happiness is particularly remarkable when it is recalled that by 1778 the only written constitutions in the world existed in these thirteen states.\textsuperscript{13} And so it was that the states were the venue where the people’s happiness would be promoted. The Confederation Congress was the central governing authority that was designed to hold together the sovereign

\begin{footnotes}
\item[10] Ibid.
\item[11] Ibid.
\item[12] Ibid.
\end{footnotes}
states in a firm league of friendship. Within just a few years however, the Congress appeared to be, according to James Madison, “so thin as to be incompetent to the dispatch of the more important business before them.”14 The belief that had inspired the Revolution was that the republic based on expanded liberty would only survive if the citizens were virtuous, but it looked to some that the state legislatures had been seized by unvirtuous political mediocrities. The middling class was being elected into the newly reconstituted state legislatures, appalling many members of the old ruling elite. The Articles of Confederation left the centralized authority with no power to stabilize events within the states.

The most pressing problem, the same problem that has confronted all new republics after throwing off their imperialistic oppressors, was an economic crisis. The Congress could not directly tax the citizens; it could only request revenue from the states. As it turned out, the revolutionaries who initially rallied around the cause of a tax revolt, did not necessarily become great tax collectors themselves. The state governments with their fumbling efforts at dealing with currency issues were adding to the problem. Debtors and poor farmers, who generally lived in the more western regions of the states, were having trouble paying their taxes and were in danger of losing their farms. Economic misery precipitated violent revolt in many of the states. During the summer of 1787 in Greenbriar County, Virginia, the state legislature passed a new tax with the intent of paying off the war debt. Rebels burned the county court house and vowed not to pay. The most famous revolt by poor western farmers was led by Daniel Shays in Massachusetts, a state that had experienced years of factional conflicts and was suffering a particularly severe economic depression as a result of the disruptions of the war. Shays was a

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veteran of Lexington, Bunker Hill, and Saratoga; and for all his patriotic service had received no compensation. Burdened with debt and taxes that could not be paid, Shays led an angry mob to close down the court house to prevent foreclosures on their farms. Shays’ Rebellion was the momentous proximal event to the call for a convention to revise the Articles of Confederation.

Was there a widespread failure of the state governments to carry out the most important duty of government: protect individual rights and promote happiness? Historians argue over whether or not there truly was a crisis. Was the parade of horribles leading the fledgling republic to collapse, or was the country relatively stable and the catastrophizing overwrought? Were the deplorables ruining the states? Determining the degrees of dreadful cannot possibly be resolved today if the folks living at the time could not agree. We seem no better in the present, after all, with immediate and constant communication, to distinguish facts from opinion or to avoid succumbing to confirmation bias in the search for truth. Consider for example the contrary perspectives from two Virginians from the years 1787 and 1788 respectively.

James Madison favored the adjective “evil” when discussing the states. They failed to respond to requisitions from Congress. They encroached upon the federal authority by ignoring foreign treaties and forming separate treaties with the Indians. As a result of “the sphere of life from which most of their members are taken, and the circumstances under which their legislative business is carried on,” the state legislatures were trespassing “on the rights of each other” which was “destructive of the general harmony.” The multiple and continually changing laws passed by the state legislatures “prove a want of wisdom” and “their injustice betrays a defect still more alarming… it brings more into question the fundamental principle of republican Government,

that the majority who rule in such Governments, are the safest Guardians both of public Good and of private rights.” 16

This evil was caused by the state representatives being motivated by ambition and personal interest and not with protecting the welfare of the people. Subsequent elections failed to “displace the offenders, and repair the mischief” because the voters were deluded and convinced that the “base and selfish measures” were for the public good. “Varnishing his sophistical arguments with the glowing colors of popular eloquence” candidates deceived the unwary.17 Not even the religious oaths of office were helping to restrain the immoral actions, for “the conduct of every popular assembly acting on oath…proves that individuals join without remorse in acts, against which their consciences would revolt if proposed to them under the like sanction, separately in their closets.”18

Even more fatal than the tendency for the unscrupulous to rise to positions of leadership was the problem with the people themselves. Self-interested factions felt no qualms over violating the rights of individuals.

All civilized societies are divided into different interests and factions, as they happen to be creditors or debtors—Rich or poor—husbandmen, merchants or manufacturers—members of different religious sects—followers of different political leaders—inhabitants of different districts—owners of different kinds of property &c &c…. Whenever therefore an apparent interest or common passion unites a majority what is to restrain them from unjust violations of the rights and interests of the minority, or of individuals?19

17 Ibid.
18 Ibid.
19 Ibid.
Madison’s fellow Virginian Patrick Henry did not agree that the times were so dire, that the country was collapsing into factions, and rights were being violated. According to Henry, the hoped for moral and social improvement that would follow the revolution had been achieved:

Is there a man in this Commonwealth, whose person can be insulted with impunity? Cannot redress be had here for personal insults or injuries, as well as in any part of the world? .... Is not the protection of property in full operation here? ... Those severe charges which are exhibited against it, appear to me totally groundless. On a fair investigation, we shall be found to be surrounded by no real dangers…. Public and private security are to be found here in the highest degree. Sir, it is the fortune of a free people, not to be intimidated by imaginary dangers. Fear is the passion of slaves. Our political and natural hemisphere are now equally tranquil. 20

Although many of the antifederalists agreed that there were a few problems pertaining to currency and commerce that should be addressed, the current form of government “was the best calculated of any form hitherto, to secure the rights of our persons and of our property, and that the general circumstances of the people show an advanced state of improvement never before shown.”21 The antifederalists claimed that the federalists were representing the situation to be “so critically dreadful” in order to frighten the people into accepting a radically new plan of government, “however reprehensible and exceptionable the proposed plan of government may be.” Citizens needed to be wary about the warnings of danger because those who “want a man to change his condition” will describe it as “miserable, wretched, and despised; and draw a pleasing picture of that which we would have him assume.”22 To be “criminally alarming our fears” was

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21 Agrippa, "To the People (3 December 1787)," in The Anti-Federalist, 235.

22 Federal Farmer, "Letter I (October 8, 1787)," in The Anti-Federalist, 34.
“the argument of tyrants.”23 Europe was not threatening security, and the domestic situation was not so dreadful as to hurry the people into a new form of government.24

The vital point was that many of the most respected leaders, such as George Washington and Benjamin Franklin, believed that times were critical. In addition, the founders understood current events within a historic context that highlighted the fact that all governments that had attempted an expanded political liberty were inherently fragile and had fallen into oppression and corruption. It was incumbent upon the more virtuous citizens to be watchful for signs of vice that inevitably infected the people and be ready to institute reform in order to protect liberty, happiness, and safety. History had taught that leaders can be latent enemies and all political communities were potential mobs.25 They did not just worry about the ever-present threats to liberty. They anticipated a crisis. Through their vigilance and willingness to address the problems of government they would be carrying forward with the work of the men who fought the Revolution. Those brave men had struggled to make it clear to their fellow citizens that England’s efforts to stabilize the empire was at its core a crisis of liberty, and that it was their duty to “disperse ‘the clouds of obscuring ignorance’ and trace with enquiring minds the principles of government.”26 The source was different but the problem was eternal: liberty was fragile.

Jefferson’s statement that the people must “preserve the spirit of resistance,” that “lethargy” was “the forerunner of death to public liberty,” and that “the tree of liberty must be

23 Agrippa, "To the People of Massachusetts (27 November 1787)," in The Anti-Federalist, 232.

24 "Centinel, Letter I (October 1787)," in The Anti-Federalist, 13

25 Lienesch, "Historical Theory and Political Reform."

refreshed from time to time with the blood of patriots & tyrants”27 may appear overwrought to the present-day reader. It was an accurate expression, however, of the eighteenth-century belief that the survival of liberty required a fearless and unyielding exertion of effort on the part of its guardians. It would be a never-ending test to determine whether or not Americans were truly up to the task. If they failed, reflected Alexander Hamilton, it would “be considered as the general misfortune of mankind.”28

A belief in progress and the ability to analyze problems with fresh evidence and reason were the twin pillars of the Enlightenment. It activated the founders’ readiness to reform. John Adams wrote in 1787 of this confidence in reformist improvement:

THE arts and sciences, in general, during the three or four last centuries, have had a regular course of progressive improvement. The inventions in mechanic arts, the discoveries in natural philosophy, navigation, and commerce, and the advancement of civilization and humanity, have occasioned changes in the condition of the world, and the human character, which would have astonished the most refined nations of antiquity. 29

Hamilton wrote that “the history of the petty republics of Greece and Italy” fill one with “horror and disgust” and these disorders from the past have been used by despots to decry “all free government, as inconsistent with the order of society.”30 The cause of liberty, however, would continue to expand because the original designs had been improved by modern minds. Hamilton captured this spirit of the Enlightenment when he wrote:


The science of politics, however, like most other sciences, has received great improvement. The efficacy of various principles is now well understood, which were either not known at all, or imperfectly known to the ancients. The regular distribution of power into distinct departments; the introduction of legislative balances and checks; the institution of courts composed of judges holding their offices during good behavior; the representation of the people in the legislature by deputies of their own election: these are wholly new discoveries, or have made their principal progress towards perfection in modern times.31

It was not only the glory of America to be carrying forward the greatest cause for mankind, but also be given the opportunity to continue with enlightened innovation. To cling to what we were comfortable with was contrary to the true spirit of the Revolution. This Enlightenment belief in progressive improvement encouraged them to seize opportunities for reform. They could fearlessly reject, for example, the outdated certainty of a Montesquieu who had counseled against the establishment of a unified republic over a large territory. Hamilton wrote in Federalist 14 that although they have paid “a decent regard to the opinions of former times… they have not suffered a blind veneration for antiquity.” They are now destined to set an example to the world with innovations “in favor of private rights and public happiness.” Americans have thus far “reared the fabrics of governments which have no model on the face of the globe. They formed the design of a great Confederacy, which it is incumbent on their successors to improve and perpetuate.”32

With their optimistic belief in the benefits of innovation, a group of concerned representatives from five states met in Annapolis, Maryland to discuss the current crisis in September of 1786. They determined that another meeting should be called in May of the following year:

31 Ibid., 38.

That there are important defects in the system of the Federal Government is acknowledged by the Acts of all those States... That the defects, upon a closer examination, may be found greater and more numerous... your Commissioners are of opinion, that a Convention of Deputies from the different States, for the special and sole purpose of entering into this investigation, and digesting a plan for supplying such defects as may be discovered to exist...  

Although Madison admitted that “what may be the result of this political experiment cannot be foreseen,” some of the most brilliant men to have ever lived at one time—James Madison, Benjamin Franklin, Alexander Hamilton, James Wilson, John Dickinson, George Wythe—collected in Philadelphia to address the “defects.” A little over three months later a freshly drafted Constitution was submitted to the states for ratification.

After two hundred years, this document is viewed as the most stable protector of personal and political liberty ever written and a template for good governments everywhere. It can therefore be difficult to understand how the Constitution could have been ratified by only the thinnest of margins and that many regarded it as a threat to liberty. “I feel it among the first distresses that have happened to me in my life” wrote Richard Henry Lee to Washington “that I find myself compelled by irresistible conviction of mind to doubt about the new System for federal government... in consequence of long reflection upon the nature of Man and of government, that I am led to fear the danger that will ensue to Civil Liberty from the adoption of the new system.”

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The opinions on the Constitution were diverse and ranged on a continuum of support and should not simply be boxed into categories of for or against. For purposes of simplification, two positions have been labeled by historians as either federalists or antifederalists. As stated above, whether the times were indeed so calamitous was a matter of opinion. Consistency would require that for those who saw no disease, no curative would be required. During the ratification debate the worldviews became more polarized as opinions on the Constitution were determined by a conflict over where they saw the greatest threats to liberty to be originating. Not only did the federalists believe that a lack of virtue was leading to recklessness in government, but that only the “virtuous citizens, equally the friends of public and private faith, and of public and personal liberty” will admit that the legislative bodies under the Articles were unstable. The antifederalists, on the other hand, argued that the greatest threat to personal and political liberty was an abuse of power in a centralized authority.

In one important way the federalist and antifederalist argument begins with an agreement. If people were virtuous enough to conform to the laws of nature and to simply get along, no government would be needed. Madison wrote “if men were angels, no government would be necessary,” and Brutus agreed that if men “had been disposed to conform themselves to the rule of immutable righteousness, government would not have been requisite.” People cannot be trusted so government was necessary, but it logically followed that government created by people cannot be trusted either. Liberty was the potential victim of tyranny, and tyranny could come from the top down or the bottom up. The power held by those in government, if they

37 Madison, "No. 10," in The Federalist Papers, 42.
38 Madison, "No. 51," in The Federalist Papers, 269
39 Brutus, "To the Citizens of the State of New York, 1 November 1787," in The Anti-Federalist, 118.
lacked virtue, can become oppressively authoritarian; unbridled liberty among the unvirtuous people can lead to decadence, chaos and the rise of a demagogue. The point of divergence between those arguing for or against ratification of the Constitution came down to this: which was feared more?

**Antifederalists and the Destruction of Liberty**

The principle grievance that activated the antifederalists was their certainty that the federalists were hijacking the spirit of the Revolution. The belief that the Constitution as proposed was placing the nation on the road to despotism was the leitmotif of the antifederalists’ writings. The Constitution has many “deformities” observed Patrick Henry, “it has an awful squinting; it squints towards monarchy.” 40 They interpreted the actions of the federalists in the light of history. Henry believed that the move to strip the people of their liberties by the ambitions of a few had “happened in almost every country in Europe: Similar examples are to be found in ancient Greece and ancient Rome.” 41 From their standpoint, the proposed plan of government was “calculated totally to change, our condition as a people” 42 by placing excessive power in the national government. Through the work of an unscrupulous yet well organized and highly energized minority, the history of all republics was about to be replicated. The antifederalists knew that

rulers have the same propensities as other men; they are as likely to use the power with which they are vested for private purposes, and to the injury and oppression of those over whom they are placed, as individuals in a state of nature are to


41 Ibid., 299.

42 Federal Farmer, "Letter I (October 8, 1787)," *The Anti-Federalist*, 35.
injure and oppress one another…. Those who have governed, have been found in all ages ever active to enlarge their powers and abridge the public liberty. 43

One of the earliest responses to the proposed plan of the federal government claimed that under the new Constitution the people would surrender forever their “great and valuable privileges.” 44 According to one alarmed writer “all the blessings of liberty and dearest privileges of freemen, are now at stake.” Rights would “be sacrificed at the shrine of despotism” and the people were warned that ratification would “rivet the shackles of slavery on you and your unborn posterity.” 45 The antifederalists were preoccupied with fear of the abuse of power and the trickery of those who were moving with such haste to restructure the nation.

In that the antifederalists tended to downplay the current problems, they saw nefarious motives in those who were advocating for a radical change. They were “aristocratical” and “overbearing unprincipled men.” The move to try “to deprive [the people] of their constitutional liberty, by a pitiful trick” 46 was motivated by the “wealthy and ambitious, who in every community think they have a right to lord it over their fellow creatures” and who schemed for “power and aggrandizement.” 47 Those who had first called for the convention had been deceptive with their stated purpose. They had said they were only going to address a few of the problems pertaining to currency and commerce. The people had assumed that the convention would result in an assortment of amendments to the federal system; “and that had the idea of a


46 Agrippa, “To the People of Massachusetts (27 November 1787),” in The Anti-Federalist, 232.

total change been started, probably no state would have appointed members to the convention.”

As no mention had originally been made of destroying the old constitution and writing a new one, the states did not know “they were passing the Rubicon” when they sent members to the convention in Philadelphia. Though the antifederalists admitted that many honorable republican men attended the convention, such as the irreproachable Washington, their number was not sufficient to alter the outcome. Once gathered, some of the delegates who realized that the convention was going well beyond the stated purpose left Philadelphia. “Whilst the gilded chains were forging in the secret conclave,” others continued to alarm “the fears of the people with dangers which did not exist, and exciting their hopes of greater advantages from the expected plan than even the best government on earth could produce.” The most scandalous accusation that the antifederalists could hurl at their opponents was that they were European in their sentiments:

If we look upon the men we shall find some of their leaders to have formed pretty strong attachments to foreign nations. Whether those attachments arose from their being educated under a royal government, from a former unfortunate mistake in politics, or from the agencies of foreigners, or any other cause, is not in my province to determine. But certain it is. that some of the principal fomenters of this plan have never shown themselves capable of that generous system of policy which is founded in the affections of freemen.

The antifederalists argued that it was incorrect to accept the theory that the checks and balances among the three branches of the national government would protect the liberty of the

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49 Ibid.

50 “The Address and Reasons of Dissent of the Minority of the Convention of Pennsylvania to Their Constituents (18 December 1787),” in The Anti-Federalist, 204.

people or prevent an unlimited increase in the size and power of the national government in relation to the states. The equilibrium among the three branches would not last and power would eventually “preponderate to one or the other body,” this would cause an eventual accumulation of all power in one branch. The antifederalists presciently observed how both Congress and the Supreme Court would expand their powers overtime. Article I, Section 8, Clause 18 gave Congress power “to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof” and would be used to expand the powers of taxation for any purpose that might “be for the general welfare.” It was impossible to have a clear understanding of how far the powers could be stretched in the future. “or of the extent and number of the laws which may be deemed necessary and proper.”

The people might hope “that a wise and prudent congress will pay respect to the opinions of a free people… but a congress of a different character” might not respect those principles. The antifederalists placed little faith in the virtuous self-restraint or good character of future leaders as they pondered the meaning of “necessary and proper.” Future administrations would probably look to expand their influence and “take every occasion to multiply laws, and officers to execute them, considering these as so many props for its own support.” Taxes would be increased “to support the government, and to discharge foreign demands.” “The expense of the new plan [was] terrifying” with all the new complexities and inconveniences created by expanding the national level of government.

52 “Centinel, Letter I (October 1787),” in The Anti-Federalist, 15.

53 Federal Farmer, "Letter IV (October 12, 1787)," in The Anti-Federalist, 56.

54 Federal Farmer, "Letter III (October 10, 1787)," in The Anti-Federalist, 49.

55 Agrippa, "To the People (23 November 1787)," in The Anti-Federalist, 230.
The Supreme Court and the Senate would certainly expand their power. Armed with the knowledge of how the courts in England with “ingenious sophisms” had expanded their authority, it was predicted that the judicial branch would also extend “the sphere of influence.”56 The term of six years with no term limits for senators would make it probable, “from their extensive means of influence,” that they would continue in office for life. The entire plan of government, therefore, was certainly going to result in “a permanent aristocracy.”57 Contributing to the foreseeable increase in the power of the national government was the complexity of the system. “If you complicate the plan by various orders, the people will be perplexed… about the source of abuses or misconduct” and the judgment of the people will be inoperable. The protection of liberty required that the sources of abuse be easily identifiable and that short terms in office will permit the people to quickly discard them at the next election.58

The antifederalists believed that the chief danger of the new plan was that liberty could only be protected through local government and that the Constitution was going to destroy the states.59 The first words of the preamble caught the distrustful attention of Patrick Henry who wrote, “The question turns, Sir, on that poor little thing—the expression, We, the people, instead of the States of America.”60 The accusation that the federalists had “calculated ultimately to make the states one consolidated government”61 was a frequent refrain reaching back to the

56 “Centinel, Letter I (October 1787),” in The Anti-Federalist 17.
57 Ibid., 19.
58 Ibid., 16.
61 Federal Farmer, "Letter I (October 8, 1787)," in The Anti-Federalist, 37.
earliest days of the Philadelphia Convention. The delegates had been gathered for less than a week and were still working it out amongst themselves about what they were hoping to accomplish, when the question was asked “whether [the new plan] was intended to annihilate State governments?”

The source of this concern was the cardinal fear of the new constitution: the size and great geographical and cultural heterogeneity of the nation was not conducive to being governed by a central authority. The newly consolidated government therefore, was the first step down the road to a liberty destroying despotism. Expressing the inherent acceptance of sectionalism that made it impossible for the national government to make policy for the entire nation, as well as foreshadowing the Civil War and the pretentious superiority toward the South that northerners will embrace, James Winthrop of Massachusetts wrote:

> The idle and dissolute inhabitants of the south, require a different regimen from the sober and active people of the north…. Many circumstances render us an essentially different people from the inhabitants of the southern states. The unequal distribution of property, the toleration of slavery, the ignorance and poverty of the lower classes, the softness of the climate, and dissoluteness of manners, mark their character. Among us, the care that is taken of education, small and nearly equal estates, equality of rights, and the severity of the climate, renders the people active, industrious and sober. Attention to religion and good morals is a distinguishing trait in our character. It is plain, therefore, that we require for our regulation laws, which will not suit the circumstances of our southern brethren, and the laws made for them would not apply to us.

It was steadfastly held that “the respective state governments must be the principal guardians of the people’s rights.” As far as the antifederalists were concerned, the commonsense of this

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64 Federal Farmer, "Letter I (October 8, 1787)," in The Anti-Federalist, 38.
matter was settled and they reach back to Montesquieu, whose name was mentioned more than any other authority on the Constitution, for support 65:

It is natural for a republic to have only a small territory; otherwise it cannot long subsist. In an extensive republic there are men of large fortunes, and consequently of less moderation; there are trusts too considerable to be placed in any single subject; he has interests of his own; he soon begins to think that he may be happy and glorious, by oppressing his fellow-citizens; and that he may raise himself to grandeur on the ruins of his country.
In an extensive republic the public good is sacrificed to a thousand private views; it is subordinate to exceptions, and depends on accidents. In a small one, the interest of the public is more obvious, better understood, and more within the reach of every citizen; abuses have less extent, and, of course, are less protected.66

History had demonstrated what the ablest writers had expressed—only smaller states are capable of protecting freedom:

No instance can be found of any free government of considerable extent which has been supported upon any other plan. Large and consolidated empires may indeed dazzle the eyes of a distant spectator with their splendor, but if examined more nearly are always found to be full of misery. The reason is obvious. In large states the same principles of legislation will not apply to all parts.67

The antifederalists responded with disdain to the federalist’s assurances that the states would retain significant authority and that the national government would be restricted to exercising only the delegated powers. They believed instead “that the direct tendency of the proposed system, is to consolidate the whole empire into one mass, and, like the tyrant’s bed, to reduce all to one standard.”68


67 Agrippa, "To the People (3 December 1787)," in *The Anti-Federalist*, 235.

68 Ibid., 236.
Federalists and the Protection of Liberty

The federalists’ position was that a more energetic national government was not to be feared. The chief difference between the antifederalists and the federalists might be captured in this one statement of Madison’s that followed the famous “if men were angels” passage: “you must first enable government to control the governed; and in the next place oblige it to control itself.”69 The antifederalists would reverse this declaration of priorities. The new government would not control itself and would soon be crushing the liberties of the people. It was spurious to think that the supposed checks and balances would work. For that reason, the antifederalists believed the new plan was putting the nation on the road to despotism. Government could not be trusted and those who had deceptively created a new constitution had shown themselves to be men of low character. The antifederalists recoiled with fear at the picture of the despotism that would result from the expansion of the national government. To the contrary, argued Madison:

There was less danger of encroachment from the General Government than from the State Governments [and] the mischief from encroachments would be less fatal if made by the former, than if made by the latter. All the examples of other confederacies prove the greater tendency in such systems to anarchy than to tyranny; to a disobedience of the members than to usurpations of the federal head.70

Madison’s position that catastrophe will result if the national authority continued to be unable to control the states originated with his observations during the Revolution. In letters to Jefferson he complained that the army was faced with the choice of disbanding or “living on free quarter.” The treasury was empty, credit exhausted, and Congress lacked the ability to enforce

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any measures. They could only “[recommend] plans to the several states for execution” and wait for the states to separately “[rejudge] the expediency of such plans.” Hamilton, who witnessed first-hand the deprivations that the army endured during the war, wrote that only a vigorous government could secure liberty and that the antifederalists who were objecting to the needed improvements in government were uninformed and short-sighted. He reminded his readers of the connection between safety, that only an active government can ensure, and liberty:

> vigor of government is essential to the security of liberty; that in the contemplation of a sound and well-informed judgement, their interests can never be separated; and that a dangerous ambition more often lurks behind the specious mask of zeal for rights of the people, than under the forbidding appearance of zeal for the firmness and efficiency of government. History will teach us, that the former has been found a much more certain road to the introduction of despotism, than the latter, and that of those men who have overturned the liberties of republics, the greatest number have begun their career, by paying an obsequious court to the people.  

It was clear that the federalists were contextualizing the problem of virtue in a new way. Due to a lack of virtue, the people were not fit to hold the unfiltered power that they had abused under the former style of government. There existed a positive correlation between virtue and ability to rule and it had become alarmingly apparent that nature had not been equitable in her distribution. In Hamilton’s forthright manner of stating the problem, he reminded his readers of the tendency for the people to be “ambitious, vindictive, and rapacious.” For the benefit of the

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71 James Madison, "To Thomas Jefferson (March 27, 1780)," in James Madison: Writings, 11.


common welfare, certain features of the invigorated national government would result in the selection of leaders with greater wisdom and better qualifications than had been the rule in the state legislatures. Though Madison admitted that “enlightened statesmen will not always be at the helm,” he expected to find more men of good character in the rarified offices of the national government, particularly in the senate and the presidency, than in the state legislatures. In addition, the method for determining who would serve would allow for increasing levels of detachment from, and thereby the ability to resist, the impulsive, ignorant and leading-to-tyranny passions of the people.

Firstly, the revised federal system was designed in such a way so that the virtuous few could be lifted above the hoi polloi in the states and granted greater authority in the national government. Secondly, through enlarging the sphere of government, the ability for the unvirtuous rabble to exert a harmful influence was limited. A sinister group might easily assume a majority in a state, but their influence will be checked as their views were refined by those serving in the national government. The influence of factious leaders and the poor decisions of the people will be dissipated “by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country.”

Federalist No.10 was Madison’s first contribution to the collection and is known for the discussion on the many advantages of the extended republic over the many evils of smaller units of government where factions could tyrannize. Madison went beyond just doubting the ability of the people to directly self-govern, he claimed that it was unjust. “No man is allowed to be a

75 Madison, "No. 10," in The Anti-Federalist, 45.

76 Madison, "No. 10," in The Anti-Federalist, 46.
judge in his own cause;” wrote Madison in one magnificent dismissal of democracy, “because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity.”

Decision making must be lifted up and away from the people, continued Madison,

> With equal, nay, with certain reason, a body of men are unfit to be both judges and parties, at the same time; yet, what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens?... Is a law proposed concerning private debts? It is a question to which the creditors are parties on one side, and the debtors on the other. Justice ought to hold the balance between them. Yet the parties are, and must be, themselves the judges; and the most numerous party…must be expected to prevail.”

The representatives in the national government would not be held captive to the selfish concerns of the people. The national government in a sense, as Garry Wills observed, would become “a school of virtue.”

The senators and the president, served relatively longer terms than was typically allowed in the state constitutions, there were no term limits, and they were not dependent on the states for their pay. The representatives were given the time and distance that would allow them to take a more expansive view on what was fair and just. They were to be impartial judges, not slaves to passion.

Happiness, understood as behaving in a moderate style, had been the highest goal that would lead to a harmonious community. Unfortunately, people in the states had proven to be self-indulgent and careless of the nation’s collective welfare. Recall that the virtues in the Aristotelian sense were not just useful, they were ends in themselves, they were meant to be the highest purpose of life (i.e., happiness). Virtue would only flourish where it was habituated and understood to be the highest good. And only when the citizens were virtuous could liberty

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77 Ibid., 44.

survive. “A republican, or free government, can only exist where the body of the peoples are virtuous” because in such a government the people establish “the criterion of every public measure.” The federalists’ scathing evaluation of the behavior of the people in the sovereign states indicated that they were lacking in the most important virtues. They were not moderating their passions, they were dishonoring justice by disrespecting the laws and public welfare, they were not exercising wisdom when electing representatives and in passing laws. Liberty would be destroyed by “the licentiousness of the people, and turbulent temper of some of the states” and not through “the conspiracies of federal officers.”

To the antifederalists who were alarmed by the power that the Constitution placed in the national government, Madison responded:

I confess that a certain degree of [suspicion of those who govern] is highly necessary to the preservation of liberty; but it ought not to be extended to a degree which is degrading and humiliating to human nature; to a degree of restlessness, and active disquietude, sufficient to disturb a community, or preclude the possibility of political happiness and contentment.

The federalists’ opinion on the level of virtue that will be found in the national government was waveringly confident. Madison’s vacillating views can be discerned across three of the Federalist essays. In Federalist 51, for example, he downplayed the importance of virtue. It was the separation of powers above all else that was “essential to the preservation of liberty.” Madison interestingly rested his defense of the structure of the Constitution and its ability to limit power on the vice of personal ambition of the representatives. He wrote that the

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79 “Centinel, Letter I (October 1787),” in The Anti-Federalist, 16.  
“great security” against concentrated powers was the “necessary constitutional means, and personal motives,” that would allow every member to self-interestedly “resist encroachments.”

Each branch will be so protective of its own prerogatives that it would block the expansion of power in the other branches. The power shared between the states and national government, and the checks and balances among the three branches—would allow for “ambition to counteract ambition” and resulted from “the defect of better motives” that “might be traced through the whole system of human affairs, private as well as public.”

Power was viewed as a zero-sum game. Each branch would be watchful for usurpations of power from one of the other departments. In *Federalist 57*, Madison argued that the motives of pride and vanity would restrain the representatives from wrong-doing. Selfish concern would “attach him to a form of government which…gives him a share of its honors and distinctions.” The frequent elections will prevent their degeneracy by reminding the representatives of their dependence on the people. Before the love of power had time to be too deeply impressed upon their minds “they will be compelled to anticipate the moment when their power is to cease.”

In *Federalist 55* Madison appeared to be feeling a little more confident that virtue will be motivating the conduct of those in the national government. He argued that the exaggerated fears that those vested with expanded authority in the new structure of government could easily abuse their power was unreasonable. He admitted that “there is a degree of depravity in mankind, which requires a certain degree of circumspection and distrust” but the belief in republican government was dependent on the belief that human nature consisted of other

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83 Ibid., 270.

qualities “which justify a certain portion of esteem and confidence.” If human nature was as vile as the antifederalists had portrayed, “the inference would be, that there is not sufficient virtue among men for self-government; and that nothing less than the chains of despotism can restrain them from destroying and devouring one another.”

Perhaps in a move to ameliorate the defensiveness in the states caused by his earlier excoriations, Madison wrote of the “present genius of the people of America, the spirit which actuates the state legislatures, and the principles that are incorporated with the political character of every class of citizen.” Responding to the concern that the small number of representatives (sixty-five at the time of ratification) who will sit in the House cannot be safely trusted with their delegated powers, he claimed to be unable to imagine that the American people would choose so large a number of men of low character “who would be disposed to form and pursue a scheme of tyranny.” He reminded his readers of the virtue of the Continental Congress that had governed through the revolution. That governing body had been less numerous… they were not chosen by, nor responsible to, their fellow citizens… they held their consultations always under a veil of secrecy… they had the fate of their country more in their hands, than it is hoped will ever be the case… yet we know… that the public trust was not betrayed; nor has the purity of our public councils in this particular ever suffered, even from the whispers of calumny.

A virtuous concern for the public welfare that Madison referred to in Federalist 57 as a “communion of interest, and sympathy of sentiments” will prevent representatives from making selfish decisions. Numerous structures within the constitutional system will help, but “above all,

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86 Ibid., 289. 
87 Ibid., 290.
the vigilant and manly spirit which actuates the people of America; a spirit which nourishes freedom, and in return is nourished by it” will prevent the nation from sliding into tyranny.\textsuperscript{88}

The premise of the federalists’ argument that the power placed in the national government was less likely to be abused than it had been in the state governments rested on a new perspective on virtue. The burden of virtue was shifted to the leadership. There is no doubt that “aristocratical principles” was an important assumption to the new plan.\textsuperscript{89} Men selected to govern under the proposed Constitution would be more virtuous, more trustworthy, and more rational, than the average. Whereas Locke had established the rationale and expectations for government, the federalists raised the stakes for what it meant to be a leader. Their writings represented a theory concerning lowered expectations of virtue in the citizenry and a return to the ancient Greek and Roman idealization of the leader.

The virtue of the common people became less important as it was assumed that a natural aristocracy would flourish, particularly in the senate and the presidency.\textsuperscript{90} This was a model of leadership that was expressed in the legend of Cincinnatus, a virtuous leader who gave up the opportunity to be a dictator in order to return to modest life on the farm. Many of the founders’ heroes had been Athenian aristocrats who had tried to contain the vices of the people. Solon, for example, was often praised by the founders as the model of wisdom and moderation. The most romanticized of all their heroes were Cato the Younger, Brutus, Cassius, and Cicero; all of whom were hero-worshiped for their selflessness and struggles to protect liberty.\textsuperscript{91} The convention that

\textsuperscript{88} Madison, ”No. 57,” in \textit{The Federalist}, 297.

\textsuperscript{89} Wood, \textit{The Creation of the American Republic}, 515.

\textsuperscript{90} See David R. Weaver, ”Leadership, Locke, and the Federalist,” \textit{American Journal of Political Science} 41, no. 2 (April 1997).

produced the Constitution, Hamilton reminded the reader, was composed of men of unimpeachably good character,

who possessed the confidence of the people, and many of whom had become highly distinguished by their patriotism, virtue, and wisdom, in times which tried the souls of men, undertook the arduous task... they passed many months in cool uninterrupted and daily consultations.... without having been awed by power, or influenced by any passion, except love for their country.92

One of the many advantages of having a centralized government was that it could “collect and avail itself of the talents and experience of the ablest men, in whatever part of the union they may be found.” 93 Numerous features within the Constitution would ensure that men of talent and integrity would be selected to serve. There were “no qualifications of wealth, birth, of religious faith, or of civil profession” for election to the Congress that could “fetter the judgement” of the electors. Merit will have distinguished them.94 “There are strong minds in every walk of life, that will arise superior” wrote Hamilton “and will command the tribute due to their merit.”95 The new constitution not only created a national government where the more virtuous leaders would be lifted above the common man, but it was clear that the federalists believed the common man could be quite feckless and their voices needed to be muffled.

The expectation that the Senate would proceed with more “coolness” and “wisdom than the popular branch was a reason given for keeping the numbers small, for to “enlarge their number and you communicate to them the vices which they are meant to correct. The more the representatives of the people therefore are multiplied, the more they partook of the infirmities of

93 Jay, "No. 4," 15.
their constituents.”96 “There is reason to presume” that the state legislatures would select senators “who have become the most distinguished by their abilities and virtue.” By setting an age qualification at thirty-five “it confines the elections to men of whom the people have had time to form a judgment…who best understand our national interests... who are best able to promote those interests, and whose reputation for integrity inspires and merits confidence.” 97

When it came to the selection of officers to serve on the Supreme Court, the method of appointment by the president and approval by the Senate as opposed to leaving it the judgement of the people, assured that only the properly prepared would serve. It did not make sense that all officers in the government should be “drawn from the same fountain of authority, the people” for they lacked the knowledge to make the best selections. In choosing people to serve in the judiciary branch it was of particular importance that it not be left to the people at large. The primary consideration was that only the people of good character with the best qualifications would be chosen to serve.98

In defending the method of appointment for the president, there was a particular effort made to assure that the ever-present vices of human nature could be circumvented. The system of selecting the electors would ensure that the “sense of the people” would be felt but that “tumult and disorder” would be avoided. The “detached and divided” manner in which the electors would cast their votes “will expose them much less to heats and ferments” and “cabal, intrigue, and corruption” would be avoided.99 It was optimistically predicted that

96 James Madison, "Remarks in the Federal Convention on the Senate (June 7, 1787)," in James Madison: Writings, 98.


99 Hamilton, "No. 68," in The Federalist, 354
this process of election affords a moral certainty, that the office of president will seldom fall to the lot of any man who is not in an eminent degree endowed with the requisite qualifications… It will not be too strong to say, that there will be a constant probability of seeing the station filled by characters preeminent for ability and virtue.100

The president would enjoy a serene separation from the people and remain above any prevailing “ill-humors” in society. In Federalist 71 Hamilton stressed the importance for the president not to be influenced by “every sudden breeze of passion, or to every transient impulse” that may activate the people.” The people may succumb to “the wiles of parasites and sycophants, by the snares of the ambitious, the avaricious, the desperate, by the artifices of men who possess their confidence more than they deserve it” but it was the “the persons whom they have appointed to be the guardians of those interests, to withstand the temporary delusion, in order to give them time and opportunity for more cool and sedate reflection.101

Conclusion

On July, 3 1776 John Adams wrote to Abigail of his concerns that America will soon be facing “calamities” and “distresses” as the result of the break from England. He added, however, that trying times might have a good effect:

It will inspire Us with many Virtues, which We have not, and correct many Errors, Follies, and Vices, which threaten to disturb, dishonor, and destroy Us. -- The Furnace of Affliction produces Refinement, in States as well as Individuals. And the new Governments we are assuming, in every Part, will require a Purification from our Vices, and an Augmentation of our Virtues or there will be no Blessings. The People will have unbounded Power. And the People are extremely addicted to Corruption and Venality, as well as the Great.102

100 Ibid., 354.


In 1776 Adams could only hope for the best. Although people were indeed prone to corruption, perhaps the trials of the coming years would bring about an improvement in virtue and be character building for the citizens. Eleven years after Adams wrote that letter to his wife, the hope that a republic of virtue would flourish had diminished. Virtue was not strong enough to inhibit the people from passing bad laws and impinging on the rights of others. A stronger national government would fill the void. It was hoped that the system of checks and balances would prevent the newly increased powers in the national government from expanding. In addition, there was great faith that the qualifications for office and other structural processes would lead to the lifting up of the most virtuous into the offices of the national government.

The founders’ ideal of virtuous citizenship was never fully realized, but it was slow to be completely abandoned. It lingered in cultural niches. If the common man was not as naturally virtuous as many had hoped, then education became more important (as Aristotle would agree.) Men would be converted “into republican machines,” wrote Benjamin Rush, and “taught that he does not belong to himself.”103 Political virtue became domesticated in the home as the focus of responsibility to bring up virtuous citizens became the responsibility of mothers and was captured by the ideology of republican motherhood.104 Nineteenth-century school children read McGuffey Readers that were filled with moral and Biblical stories. If a child happened to miss the ethical point of the story, there were follow-up questions that directed attention to important lessons about good manners, selflessness, and citizenship.


John Dickinson had written that this new government would prevent “corruption of manners,” was devised “to the very nature of man,” and that it would be nothing less than a “crime to be equaled only by its folly” for the Constitution not to be ratified. In 1776 many Americans believed that virtue infused the American character, but the events of the 1780s caused some to look “to mechanical devise and institutional contrivances as the only lasting solution to America’s ills.” The Constitution would be the bulwark against those corrupted manners that had tyrannized the community in the years since the Revolution. The nature of man apparently required a stronger system of government, and so the Constitution was adopted. This was the beginning of a change from the emphasis on the need for virtuous citizens to look inward and take personal responsibility for making good decisions.

The Constitution was ratified, however, by a narrow margin and only with the promise that it would be amended with provisions that would delineate the individual rights that Congress could not violate. For just as we could not trust the virtuous citizens, neither could we be confident that only men of the best character would always rule. With the strengthening of the national government there was an increased concern that it would be violating, and not protecting, the inalienable rights that were essential to freedom. This was a shift in focus from what had previously been believed to be the most dangerous enemy of personal freedom and the political sovereignty of the people. In the four-note chord of liberty the good character of the people, who were virtuously concerned with the welfare of the community, was the essential element.


From 1789 forward, liberty was increasingly an issue of individual rights, devoid of any self-set limits emanating from a virtuous understanding of personal or public welfare when making choices. Rather than an expectation that personal liberty must be controlled by internal self-regulation, it was an experience that would be worked out between the individual and government. In the next chapter, I will look at how internal and public good liberty in the four-note chord have been largely eliminated from our current understanding of liberty. The four-note chord of liberty has been hushed.
CHAPTER 6

MOURNING LIBERTY

The deterioration of every government begins with the decay of the principles on which it was founded.

—Montesquieu, *On the Spirit of the Laws*

This project began with the assertion that liberty was the central value in American history. The praise for liberty has been a continuing tradition that reaches back to antiquity. It was Americanized by the Christianity of the seventeenth-century settlers, was elaborated upon by the Enlightenment context of the revolutionaries, and was documented as the nation’s most important value in the Declaration of Independence and the preamble to the Constitution. We continue to honor our inheritance of liberty without understanding what it originally meant, or how much the meaning has changed. This project began with an emphatic “yes” to the question posed by Professors Carey and Kendall in their book concerning the American political traditions. If we are going to honor our great traditions, they asked, “hadn’t we better go find out what has been traditional amongst us?”¹ The four-note musical chord metaphorically captured our original understanding of liberty.

Unfortunately, the genus has mutated.

This chapter will present evidence that this is no longer how we experience liberty, and grapple with the complexity of why. We no longer expect that virtue is the foundation of good government. As a result, the lack of virtue in our political leaders, that was so important

to the founders and was essential to the federalists’ argument, is no longer a central concern. The value that was traditionally placed on virtue meant that the exercise of liberties carried with it some important responsibilities; this has also diminished. Rather than virtue being the internalized force for good, the responsibility for maintaining the good life has been externalized and is now largely the responsibility of the national government. Virtue had placed internal limitations upon the exercise of liberty and established an agreed upon standard of the good life. The only true value that remains is an aggressively individualistic concern for personal liberty.

Today’s individualism has taken an ugly turn. Personal fulfillment has ceased to be inextricably connected with the well-being of the community. In the four-note chord of liberty, the individualism that underpinned personal liberty was balanced by a concerned involvement with the community. What it means to be connected to the community has radically changed. The manner of relating to others through Facebook, Twitter, and Instagram is more about incessant self-defining than creating community. Researchers in the social sciences have looked at the growing problems of social isolation that are accentuated through social media. In a recent meta-analysis, a strong connection was found between the use of social media, such as Facebook, and high levels of both loneliness and narcissism. A bidirectional relationship was suggested with the characteristics leading to greater use of social media, and the greater use causing higher levels of distress. In the social media non-community there is communication without obligations of civility. The Aristotelian virtue of

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moderation is never rewarded in an environment where outrage, novelty, and boundary pushing receives the most attention.

The need for virtue was important to the foundation narrative, and so it was perpetuated. Values can shift, however, with historic context. To help structure the explanation for how this happened in the United States, I will look for guidance from the French aristocrat Alexis de Tocqueville. The discussion on Tocqueville will be limited to his more pessimistic suggestions concerning the possible progression of events in democratic nations. The potentialities that Tocqueville identified concur with my beliefs about what has happened to liberty. Internal and public good liberty are no longer relevant to modern notions of liberty. Tocqueville described the manner by which people who believe in equality become less virtuous, more individualistic, distracted by material well-being, and quite frankly, too busy. The loss of the unifying principles concerning virtue and the importance of good character has undermined the spirit of the community. Tocqueville wrote,

> No society is able to prosper without similar beliefs… without common ideas, there is not common action, and, without common action, there are still men, but not a social body. So, for a society to exist, and, with even more reason, for this society to describe a prosper, all the minds of the citizens must always be brought and held together by some principal ideas.4

Tocqueville used the words *democracy* and *equality* not to describe a society of absolute equality, but rather, a fluid society where there are no “castes, fixed classes, privileges, particular and exclusive rights, permanent riches, properties fixed in the hands of families, in which all men can constantly rise or descend and mingle together in all means.”5

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5 Ibid., “Part I, Chapter 1,” 2:700, note g.
Tocqueville recognized the fundamental importance of virtue—what he called *mores*—to the maintenance of liberty. Democracy was the inevitable direction that Tocqueville believed that all nations were headed, it was a question however, “whether equality leads them to servitude or liberty, to enlightenment, or barbarism, to prosperity or misery.” He believed that moral standards, through the influence of Christianity, had been deeply woven into the American way of life. If Americans hoped to obtain “the happy fruits that they expect” from democracy they must realize that it would only come from “combining it with morality, spirituality, [and] belief.” He also expressed unease over the growth of a materialistic and competitive culture. This could result in a new type of wealthy elite that would dominate society. The new aristocracy of wealth and power would be more harmful to the public good than the hereditary aristocracies of old. Unfortunately, the undesirable outcomes that he projected as only possibilities was the direction that the United States ultimately went.

Following the discussion on Tocqueville, there will be a brief overview of the watershed events in American history that resulted in a strengthening of the national government along with a radical shift in the concept of rights. To bridge Tocqueville’s observations and predictions to the present, I will present a portrait of America based largely upon two books. *Habits of the Heart* (a phrase coined by Tocqueville) examined the anxiety

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6 Ibid., “Part IV, Chapter 8,” 2:1285.

7 Ibid., “Foreword,” 2:693, note f.

8 In 1790 John Adams wrote that this nation would never be a true republic because “*alieni appetens sui profusus* (covetous of the property of others and prodigal of his own) reigns in this nation as a Body more than any other I have ever seen.” John Adams, *John Adams: Writings from the New Nation 1784-1826*, ed. Gordon S. Wood (New York: Library of America, 2011), 244.
that many sense about the country today. *Bowling Alone* explored the problem of how Americans have become increasingly disconnected from one another.

In 1831 Tocqueville began a tour of the United States that was intended to be a study of the American prison system. Having lived through the turmoil of the French Revolution, it was not unexpected that his interests would broaden to include observations concerning the American values of equality and liberty. In an interesting digression about language, he addressed a problem about words that is at the center of this project. Words can subtly shift their meaning without us being fully aware. He commented upon the vagueness of language that resulted from vacillating thoughts. He observed that men who live in democratic countries prefer to use words with unclear meanings “since they never know if the idea they express today will suit the new situation that they will have tomorrow.”9 This is exactly what we have done to our most important value: liberty. Tocqueville wrote, “an abstract word is like a box with a false bottom; you put the ideas that you want into it, and you take them out without anyone seeing.”10

In *Ideological Origins of the American Revolution*, Bernard Bailyn wrote of the fragility of liberty. It was forever the potential victim of power. In the preceding chapters the two sources of this power were investigated. One was interior: the power of the emotions and the lower drives that cause a person to make bad choices; to develop a flawed character that was ultimately inimical to the good life. The great philosophers from antiquity addressed this, and we have examined how two of the founding fathers, Jefferson and Franklin, dealt with it in their own lives. The other slayer of liberty was external: one of the three types of

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10 Ibid.
government—democracy, aristocracy, or monarchy—could collapse into a liberty destroying tyranny. The early years of this nation’s history was dominated by the struggle over how to structure a government that would stabilize the Republic yet protect liberty. The first attempt failed. In 1789 the people ratified a new constitution that established a federal style of government with the central powers greatly increased.

The antifederalists, convinced that the power in the national government would continue to grow at the expense of the states, worried that this was the first step toward a liberty crushing centralization of power. They were right in that the momentum to move power away from the states and toward the central authority, that began during the Philadelphia Convention, continued. They had argued that it was an inherent fallacy to think that the system of checks and balances would limit the growth of power. They correctly predicted that the national government would take an elastic view of the delegated powers and the necessary and proper clause. The federalists, on the other hand, believed that the Constitution would save the floundering republic. Neither side in the Constitutional debate foresaw the most profound change that the future would bring: a radical change in what it meant to be free. It was the genius of Tocqueville who understood the complex process that would result from the gradual centralization of power, the growth of a wealthy elite, the loss of concern for virtue, and an apathy toward government. It all began with an overvaluing of individualism.

**Tocqueville’s Dystopian Vision**

In the preface to his book on the French Revolution, Tocqueville referred to words he had written twenty years earlier in *Democracy in America*. He claimed “that nothing has since happened that could lead me to think or write otherwise.” Recapping in 1856 what he
had boldly stated two decades earlier, he wrote of three truths: 1) the destruction of traditional aristocracies was inevitable, 2) establishment of a democratic despotism will follow, and 3) these sorts of despotisms facilitated the development of vices. Tocqueville believed that the world was experiencing an historic transition that involved the spread of democracy and the advocacy of political and social equality. We may trace the origins of democracy to ancient Athens, but as Tocqueville explained,

What was called the people in the most democratic republics of antiquity hardly resembled what we call the people. In Athens, all citizens took part in public affairs; but there were only twenty-thousand citizens out of more than three hundred fifty thousand inhabitants; all the others were slaves and fulfilled most of the functions that today belong to the people and even the middle class. So Athens, with its universal suffrage, was, after all, only an aristocratic republic in which all the nobles had an equal right to government.11

Tocqueville observed that with the collapse of a system where people are bound by class ties “they are only too prone to give their whole thoughts to their private interest, and to wrap themselves up in a narrow individuality in which public virtue is stifled.”12 Tocqueville coined an interesting phrase—“democratic despotism”—that could lead the country in the wrong direction. Unlike a situation where the people are ruled by a single tyrant, it is a mild brand of despotism that can slowly evolve without awareness. This new form of despotism was the end result of the movement toward centralization of government authority. It threatened to change the very nature of the citizens, for above them would stand,

an immense and tutelary power, which takes upon itself alone to secure their gratifications and to watch over their fate. That power is absolute, minute, regular, provident, and mild. It would be like the authority of a parent if, like that authority, its object was to prepare men for manhood; but it seeks, on the contrary, to keep them in perpetual childhood: it is well content that the people

11 Ibid., “Part I, Chapter 15, 2:815.

should rejoice, provided they think of nothing but rejoicing. For their happiness such a government willingly labors, but it chooses to be the sole agent and the only arbiter of that happiness; it provides for their security, foresees and supplies their necessities, facilitates their pleasures, manages their principal concerns, directs their industry, regulates the descent of property, and subdivides their inheritances: what remains, but to spare them all the care of thinking and all the trouble of living?¹³

The origins for democratic despotism was the exultation of equality that followed the destruction of the tradition of aristocracy. Tocqueville claimed that equality was the defining and most celebrated American value. It was certainly overstated.¹⁴ Nonetheless, when compared to Europe, America was the land of equality. Furthermore, American equality was not the result of a sudden revolutionary overthrow of aristocracy, as had happened so horrifically in France. Americans were born equal. Fifty years before Tocqueville’s grand tour, Hector St. Jean de Crevecoeur wrote in 1782 of the spirit of equality that a European traveler would find when he visited America:

> It is not composed, as in Europe, of great lords who possess everything and of a herd of people who have nothing. Here are no aristocratical families, no courts, no kings, no bishops, no ecclesiastical dominion, no invisible power giving to a few a very visible one; no great manufacturers employing thousands, no great refinements of luxury. The rich and the poor are not so far removed from each other as they are in Europe….  We have no princes, for whom we toil, starve, and bleed: we are the most perfect society now existing in the world. Here man is free; as he ought to be; nor is this pleasing equality so transitory as many others are.¹⁵

There was a downside to the expansion of equality. Equality made people focus on their individual independence, and this independence allowed for the centralization of power. “It

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¹⁴ See Carla Gardina Pestana and Sharon V. Salinger, eds., *Inequality in Early America* (Hanover, NH: Univ. Press of New England, 1999),

must be recognized,” Tocqueville wrote, “that equality, which introduces great advantages into the world, nevertheless suggests…very dangerous instincts to men; it tends to isolate them from one another and to lead each one of them to be interested only in himself. It opens their souls excessively to love of material enjoyments.”16 Tocqueville described this dystopia of individualism:

Every man is constantly spurred on by a desire to rise and a fear of falling. And as money, which is the chief mark by which men are classified and divided one from the other, fluctuates incessantly, passes from hand to hand, alters the rank of individuals, raises families here, lowers them there, everyone is forced to make constant and desperate efforts to acquire or retain it. Hence the ruling passions become a desire for wealth at all cost, a taste for business, a love of gain, and a liking for comfort and material pleasures.17

Tocqueville guided us through the steps that led toward democratic despotism. The first step was the centralization of power. Tocqueville described two types of centralization: administrative and governmental. The United States Constitution had established governmental centralization. The delegated powers to the national government dealt with relationships among the states, foreign affairs, and other issues that would be uniformly and efficiently handled at the national level. Administrative centralization occurred when the unique concerns that were specific to certain places and particular people were taken up by the central power.18 This form of centralization was to be avoided because it “enervates” the people and diminished the spirit of citizenship19 No central power, regardless of how “enlightened” or “skillful” could “encompass by itself all the details of the life of a great

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17 Tocqueville, The Old Regime.

18 Tocqueville, “Part I, Chapter 5,” Democracy, 1:143.

19 Ibid., 147.
people. It cannot, because such a task exceeds human power. When, on its own, it wants to create and put into operation so many different mechanisms, it either contents itself with a very incomplete result or exhausts itself in useless effort.”

As the antifederalists would have been pleased to hear, Tocqueville did not believe that administrative centralization existed in the United States in the 1830s. The Constitution had established a system of administrative de-centralization that had reserved to the states all non-delegated powers. As the antifederalists had predicted, it was not going to last. The tendency was for the central government to gradually assume more and more administrative functions. Tocqueville wrote that “when the same power is already vested with all the attributes of government, it is highly difficult for it not to try to get into the details of administration.” The people unwittingly “establish liberty and the instruments of despotism… and it hardly ever fails.”

Tocqueville further stated, “administrative centralization assumes a skillful organization of authority; it forms a complicated machine in which all the gears fit together and offer mutual support.” No lawmaker would be able to reverse the process of administrative centralization “because he cannot remove one piece of the mechanism without disrupting the whole thing.” Tocqueville identified a complex explanation for the fundamental cause of this drift toward liberty destroying centralization: American equality. “I

20 Ibid., 154.
21 Ibid., 147.
22 Ibid., 163.
23 Ibid., 148.
am convinced,” wrote Tocqueville, “that there are no nations more at risk of falling under the yoke of administrative centralization than those whose social state is democratic.”

In Volume II, Part 4 of *Democracy in America*, Tocqueville spelled out the spiraling of cause and effect events that began with equality. The unique circumstances for the earliest settlements placed America “on a natural slope that leads them to free institutions.” Where there is a spirit of equality, the differences among people becomes less important. The love of equality among the citizens naturally leads them to “conceive the idea of a unique and central power that by itself leads all citizens” and produces the uniform legislation that is the “first condition of good government.” This desire for uniformity becomes a mindless instinct that can cause governments to exhaust themselves “in order to impose the same customs and the same laws” on everyone. Over time, individual differences become progressively less important and the only thing one notices is “the vast and magnificent image of the people itself.”

Tocqueville recognized the potential for the establishment of an industrial aristocracy in America, but greatly underestimated the true threat to democracy that it would become. Democracy favored the development of industry, its growth could lead to the establishment of a new aristocracy. He underestimated the degree to which this would become a reality in America. In the 1830s the manufacturing revolution was just beginning to percolate in

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24 Ibid., 162
25 Tocqueville, “Part IV, Chapter 1,” 2:1191
27 Ibid., 1196.
28 Ibid.
America. Foreshadowing a Marxian perspective on the alienation of the worker that resulted from industrialization, Tocqueville wrote

But he loses, at the same time, the general ability to apply his mind to directing the work. Each day he becomes more skillful and less industrious, and you can say that in him the man becomes degraded as the worker improves… In a word, he no longer belongs to himself, but to the profession that he chose.29

As the existence of the worker is lowered, the masters of industry are lifted and they form a new type of aristocracy.30 This aristocracy will not resemble the old for it lacks permanent class bonds. Marketplace fluctuations can make today’s rich tomorrow’s poor. The elements that form the class of the rich are not fixed by birth and tradition. Lacking permanent connections, they will not exert the benevolent influence over society that had been expected of the old aristocracy. Tocqueville observed that “the manufacturing aristocracy that we see arising before our eyes is one of the harshest that has appeared on the earth” due to the fact that they lacked compassion for the misery of the workers. Tocqueville cautioned that we must be attentive to how democracy could move the country in this direction, “for if permanent inequality of conditions and aristocracy ever penetrate the world again, you can predict that they will come in through this door.31

Tocqueville hoped that continued direct involvement in local government, that had been symbolized by the New England townhall, might prevent the creation of the monolithic central authority. As individualism increased, however, citizens would find it increasingly

29 Ibid., 982.


31 Ibid. 985.
difficult to “tear themselves away from their particular affairs in order to occupy themselves with common affairs.”

Furthermore, according to Tocqueville,

Not only do they not naturally have the taste for occupying themselves with public matters, but also they often lack time to do so. Private life is so active in democratic times, so agitated, so full of desires, of work, that hardly any energy or leisure is left to any man for political life.

The agitations and fluctuations caused by the “mobile nature of property” caused people to fear disorder and increasingly to look to the government to maintain law and order. Public tranquility would be valued above all else and becomes

the only political passion that these people retain, and it becomes more active and more powerful among them, as all the others collapse and die; that naturally disposes citizens to give new rights constantly to or to allow new rights to be taken by the central power, which alone seems to them to have the interest and the means to defend them from anarchy while defending itself.

Tocqueville did not believe that the United States was necessarily headed in this dire direction of self-absorbed individualism or of massive administrative centralization; his primary goal had been to heighten the awareness and thereby combat them. He had come to America in order to study the best example of what he believed to be a worldwide historic trend: the expansion of democracy and equality. He wrote Democracy in America in order to illuminate the strengths and potential dangers. He believed that the long tradition of liberty, the rights guaranteed in the Bill of Rights, local government, proper mores, and the strength of local governments would prevent the fall. He was wrong on two counts: (1) he misjudged the sustaining power of virtue, and (2) the loss of the power of local government.

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33 Ibid.
34 Ibid.
35 Ibid.
Tocqueville used the word “mores” in the same way that the word virtue has been used in this project. He considered them to be vital, as did the founders, to the maintenance of the freedom and equality that he observed in America. The earliest title that Tocqueville proposed for his book, *American Institutions and Mores*, expressed his theory that the religious mores of the American people were of central importance to the maintenance of democracy. It was what maintained the stability that he observed in the 1830s:

> I considered the mores as one of the great general causes to which maintaining the democratic republic in the United States can be attributed. I understand the expression *mores* here in the sense that the ancients attached to the word *mores*; I apply it not only to mores strictly speaking, which could be called habits of the heart, but to the different notions that men possess, to the diverse opinions that are current among them, and to the ensemble of ideas from which the habits of the mind are formed.37

In a footnote to this section he clarified what he understood by the word *mores*. It conveyed the “ensemble of ideas” that was expressed in this project by the metaphor of the musical chord: “the whole of the dispositions that man brings to the government of society… enlightenment, habits, knowledge.”38 Tocqueville believed that the centrality of religion to the earliest settlers had been significant in the development of American mores. The New England settlers “passed on to their descendants the habits, ideas and mores most appropriate to make the republic flourish.” “I seem to see the whole destiny of America contained in the first Puritan,” Tocqueville rhapsodized, “who reached its shores, like the whole human race in the first man.”39

36  Eduardo Nolla, introduction to *Democracy in America*, 1: lxxxviii.

37 Tocqueville, “Part II, Chapter 9,” 1:466

38 Ibid.

39 Ibid., 455.
It was not the specific doctrines and dogmas associated with religion, but the way all Christian religions influenced moral behavior and prevented licentiousness. Tocqueville’s statements about the importance of religious mores was what the founders meant when they stressed the significance of virtue. Tocqueville wrote that “despotism can do without religion, but not liberty.”\textsuperscript{40} Christianity was fundamentally important because it taught Americans “the art of being free.”\textsuperscript{41} The capacity for liberty was the ability to moderate destructive passions and understand our duties to one another. The political arrangements in America may have been what gave the citizens their taste for liberty, but it was Christianity that “singularly facilitates their use of it.”\textsuperscript{42}

The other factor Tocqueville identified that could prevent the destructive growth of individualism was the way the Americans had constructed their political system. The Constitution had created a federalism that left significant authority to local government “in order infinitely to multiply for citizens the occasions to act together, and to make the citizens feel every day that they depend on each other.”\textsuperscript{43} Tocqueville described the activities of the national government as such that would foster little unity in that only the “principal citizens” gathered “in the same places only from time to time; and, as it often happens that afterward they lose sight of each other, no lasting bonds are established among them.”\textsuperscript{44} Citizens maintain only a very limited interest in national affairs because they tend not to have an

\textsuperscript{40} Ibid., 467. \\
\textsuperscript{41} Ibid., 472. \\
\textsuperscript{42} Ibid., 475.  \\
\textsuperscript{43} Ibid., “Part II, Chapter 5,” 2:891.  \\
\textsuperscript{44} Ibid.
immediately perceivable impact on everyday life. Local government, on the other hand, fostered relationships among the representatives and interest within the community.

The understanding that there were personal benefits to involvement with others is what kept drawing people away from their destructive individualism. The selfishness that was inherent in human nature had a beneficial consequence: it kept citizens involved with the public good. Tocqueville offered this example of what he called the “doctrine of interest well understood”:

But if it is necessary to have a road pass by the end of his property, he will see at first glance that there is a connection between this small public affair and his greatest private affairs, and he will discover, without anyone showing him, the close bond that here unites particular interest to general interest.45

Political liberty when exercised at the local level “make a great number of citizens put value on the affection of their neighbors and of those nearby, constantly bring men back toward each other despite their instincts that separate them, and force them to help each other.”46 This practice of community involvement leads toward feelings of benevolence for one’s neighbors. Citizens may first get involved with local government out of personal necessity, “what was calculation becomes instinct; and by working for the good of your fellow citizens, you finally acquire the habit and taste of serving them.”47

Local government would not only foster the benevolent interest in the public good, but would in turn promote virtue in the citizenry that was otherwise undermined by individualism. If not redirected toward a concern for the welfare of the community, individualism collapsed

45 Ibid.
46 Ibid., 892.
47 Ibid., 893.
into egoism, and “egoism parches the seed of all virtues.” 48 Concern for others was the cultivator of virtue “it forms a multitude of steady, temperate, moderate, farsighted citizens who have self-control; and if it does not lead directly to virtue by will, it imperceptibly draws closer to virtue by habits.”49

**The Centralization of Power**

Federalism, as originally conceived, no longer exists in the United States. The federal system has evolved, as all systems will do. Our federal system was intended to operate in such a way that power would be divided between the states' and the national government. The federal system that was established in 1789 was not meant to improperly dominate the states, or so Madison had promised when he wrote in *Federalist No. 45*:

The powers delegated by the proposed constitution to the federal government, are few and defined. Those that to remain in the state governments, are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce… The powers reserved to the several states will extend to all the objects, which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people; and the internal order, improvement, and prosperity of the state.50

For the founders, liberty was a word that captured what it meant to be a good American. We valued our right to make personal choices and participate in government; but within a framework of understanding the important connection between virtue and the good life, and a benevolent concern for the common good. Virtue ceased to be important to liberty because it never really worked. The nation has faced a number of crisis points that were

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caused by a fundamental disinterest in virtuous living and the common good, and a greater concern for individualistic pursuits of wealth and power. The major conflicts were: ending slavery, reining in unfetter capitalism, implementing measures to alleviate the Great Depression, and expanding civil rights in the 1950s. There has been no crisis that was resolved through an expansion of state authority at the expense of the national. The power of the national government was expanded in order to promote the objectives of the Union that were expressed in the preamble to the Constitution: “establish Justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty…”

Contrary to James Madison's assurance that "all the more domestic and personal interests of the people will be regulated and provided for" by the state governments, from the relatively non-contentious question of determining the legal drinking age, to the most incendiary moral problems of abortion and gay marriage, to the major public policy debates over mandatory health insurance and education, the ultimate course of action has been determined by the national government. The Constitution lists none of these as delegated areas of concern for the executive or legislative branches. As the antifederalists in the 1780s, and Tocqueville fifty years later had argued, it was a fundamental truth that any central power would naturally tend to take on more power.

In addition to the enlargement of the federal government, the power of the presidency has been outrageously inflated beyond anything the founders had in mind. Terms such as the “imperial presidency” and the “bully pulpit” are routinely applied to the chief executive. The only reference Tocqueville made to Andrew Jackson, the president who was serving at the

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time of his visit, was to dismissively wonder about how the people could have elected “a man of violent character and middling capacity; nothing in all the course of his career had ever proved that he had the qualities necessary to govern” and to whom “the enlightened classes had always been opposed.” His explanation was that the people just let themselves be “carried away by the prestige” of an inconsequential battle (i.e., New Orleans).52

One of the key parts of the Constitution, as understood by Tocqueville, was the weakness of the presidency. It was therefore an interesting omission that he did not reflect on the power-extending and Constitution-violating tendencies of the men who had held the office.53 Tocqueville argued that the tendency would be for the legislative body “to take hold of the government.”54 The president did “not really take part in making the law,” nor did he take the imitative in proposing laws.55 He viewed the presidency, when compared to the legislature, “as an inferior and dependent power.”56 He may prepare treaties or designate officers for government, but they must be approved by the legislature, he is the head of the army and navy, but they are inconsequentially small.57 When Tocqueville wrote that in “America, the President cannot stop the making of laws; he cannot escape the obligation to

52 Tocqueville, “Part II, Chapter 9,” in Democracy in America, 1:453.
53 A few examples may suffice. John Adams fought an undeclared war with France and signed the First Amendment violating Alien and Sedition Acts. Thomas Jefferson believed that the Louisiana Purchase was unconstitutional, but thought it too important to turn down. Jefferson, supported by Madison, greatly expanded the national authority with the passage of the Embargo of 1807. John Quincy Adams supported a nationalistic and Constitution stretching program of internal improvements, the advancement of science, and the establishment of a national university.
55 Ibid., 206.
56 Ibid., 207.
57 Ibid., 209.
execute them… his support is undoubtedly useful, but it is not necessary,”

58 he lacked the prescience to see a future where presidents would carry out undeclared wars or would rule through executive orders.

Tocqueville did predict that if the power of the central authority were to grow, that was when the power of the presidency could become dangerous. As the powers of the presidency increased, so would the inherent dangers of the elective system. The greater the power, wrote Tocqueville, the more “the ambition of the pretenders is excited, the more it finds support among a host of men of lesser ambition who hope to share power after their candidate has triumphed.”

59 Limited power encouraged moderation; expanded power fueled passion:

Political passions become irresistible, not only because the objective that they pursue is immense, but also because millions of men experience those political passions in the same way and at the same moment…nothing is so contrary to the well-being and to the liberty of men.”

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The beginning of the end for the style of federalism that the founders had defended was the Civil War. By the mid-nineteenth century, with the growth of abolitionism, it had become too difficult to sustain the travesty that a nation established on principles of equality and liberty would continue to countenance slavery. It has been repeated so often that it has become historic doctrine, that the founders had no choice but to allow slavery for the sake of unity. That is assuming that we know the answer to the counter factual event. We do not

58 Ibid., 210.
59 Ibid., 211
60 Ibid., 258
know what would have happened if the founders had possessed the Aristotelian virtue of courage to have done what they knew was morally correct.\textsuperscript{61}

By 1860, slavery could no longer remain a state issue. The South seceded, a war was fought, and the slaves were freed. "Cannon conquer, but they do not necessarily convert,"\textsuperscript{62} and at the end of the war southern state legislatures worked to undermine the liberty of the freed slaves. Congress responded with an extraordinary level of intervention in the domestic affairs of the southern states. The Freedmen's Bureau, established in 1865 under the jurisdiction of the War Department, was the first welfare agency funded by the national government. Nowhere in Article I of the Constitution can even the loosest of constructionists find the delegated authority for Congress to establish hospitals and schools, oversee marriage and employment contracts, and provide food, shelter, and clothing to the destitute.

When the Civil War culminated in the end of slavery, Lincoln promised “a new birth of freedom.” This renewed commitment to freedom became part of the Constitution with the Thirteenth Amendment. This was the first time that the Constitution was used to specifically restrict the liberty of one group (slaveholders) in order to promote the freedom for another. All of the previous amendments had been written to restrict the powers of the national government. The operative phrase being: “Congress shall make no law.” The need to

\textsuperscript{61} George Mason: “The augmentation of slaves weakens the states; and such a trade is diabolical in itself, and disgraceful to mankind”; Patrick Henry: “I believe a time will come when an opportunity will be offered to abolish this lamentable evil;” Thomas Jefferson: “Nothing is more certainly written in the book of fate than that these people are to be free;” George Washington: “There is not a man living who wishes more sincerely than I do, to see a plan adopted for the abolition of it;” John Adams: I have, throughout my whole life, held the practice of slavery in ... abhorrence;” John Jay: “The honor of the States, as well as justice and humanity, in my opinion, loudly call upon them to emancipate these unhappy people.” See Walter E. Williams, ed., "What the Founders Said About Slavery," Quotations from Framers of the Constitution and Others, last modified July 2, 2015, accessed February 7, 2018, http://econfaculty.gmu.edu/wew/quotes/slavery.html.

explicitly state the activities that Congress shall not engage in implied an inherent tension between the freedom loving good citizens and a potentially freedom destroying bad government. In the Thirteenth, Fourteenth, and Fifteenth Amendments—collectively known as the Reconstruction Amendments—there appeared a startlingly new phrase: “Congress shall have power.” Congress assumed the power to make the citizens do the right thing.

The free enterprise system harmonized with the belief in personal liberty, but not with the tradition of virtuous moderation or concern with the common welfare. By the late nineteenth-century the people of this nation witnessed how freedom for industrialists resulted in brutal class conflict, increasing inequality, and fundamental threats to democracy with the accumulation of wealth among the politically powerful. Once again, the national debate focused on the central value of freedom. The power to oppress that resulted from too much money in too few hands led to the Progressive Era. Another property and freedom limiting amendment was added to the Constitution. The Sixteenth Amendment—the income tax—was a response to the concern that the wealthiest Americans had consolidated too much power. The expansion of the power of the national government to restrict capitalism continued through the nineteenth and twentieth centuries with the loosening of the interpretation of the commerce clause.

This redefining and restructuring of the power of the national government has continued under every administration, regardless of political party. Franklin Roosevelt’s solution to the Great Depression called for more business regulation and central economic planning. Most important, he promoted a new value concept that was captured by the phrase “positive freedom.” The Constitution was not amended, but the Supreme Court eventually altered their interpretation of the document to allow such government expanding legislation as
Social Security. Franklin Roosevelt was the early architect of the welfare state and every president since has known better than to try to dismantle it. In 1954 the Supreme Court told the southern states to desegregate their schools and President Dwight Eisenhower sent in the Eighty-second Airborne in response to state resistance. Today it is simply expected that problems will be met by assertive policy from the national government led by a president who will not be limited by a "parchment barrier."

**Problems in Contemporary United States**

As the previous chapters have explained, the founders were not confused about what freedom should lead to or the definition of the good life. It was explicitly tied to a virtuous life. This is no longer true. Two books that were built from thousands of interviews investigated the individualism that has become the foremost American value. In *Habits of the Heart*, first published over twenty years ago, Robert Bellah and a team of researchers presented the evidence accumulated after five years and over two hundred in-depth interviews. Their research supported the concerns that had worried Tocqueville about the undesirable potentialities of democracy. America might lose its strong moral tradition. Individualism would increase, people would withdraw into themselves and be disconnected from and uninterested in the larger community beyond their immediate family and closest friends. After interviewing thousands of Americans, Robert Putnam came to the same conclusion. The title of his book, *Bowling Alone*, came from the fact that although more people are bowling than ever before, there are fewer bowling leagues. Putnam believed this was symptomatic of a growing loss of interest in social connections.
Individualism has indeed become the preeminent cultural value; and we have disengaged from the founders’ understanding of freedom. Bellah discovered a general agreement over what freedom meant to the people he interviewed: “being left alone by others, not having other people’s values, ideas, or styles of life forced upon one, being free of arbitrary authority in work, family, and political life.” 63 The values of initiative, independence, and success were prioritized, but according to Bellah, people had forgotten that “freedom lies not in rejecting our social nature.” 64 Although people seemed to have no problem articulating the importance of personal freedom, they tended to lack a vocabulary for what they should be accomplishing with their freedom. Bellah observed, “parents advocate ‘values’ for their children even when they do not know what those ‘values’ are.” 65

There was something arbitrary and diffuse about what defined the good life; there was no “common conception of the ends of a good life or ways to coordinate cooperative action with others.” 66 A good life was where you set your own goals according to your own self-set priorities. That was where the confusion often began. There was a lack of clarity about the value to be placed on any set of priorities, and they could fluctuate according to how a person was feeling at any one moment according to a great variety of life circumstances. Bellah concluded that many Americans found themselves in an “inarticulate search” for any values.


64 Ibid., xv.

65 Ibid., 144

66 Ibid., 24
that should serve as guidelines or a “vision of a good life or a good society.” The commitment to freedom was “strangely without content.” 67

Putnam’s research confirmed Bellah’s. A majority of Americans believed that selfishness was a serious problem and that the country was on the wrong track morally and culturally. 68 With the ultimate value placed on the individual, the meaning of life was now found through private experience. The “touchstone of truth and goodness” was “individual experience and intimate relationships.” 69 The impact of the demise of the community was the topic that interested Putnam. He investigated a concept called “social capital.” The core idea being that dense social networks that involve reciprocity and trust contribute to productivity. 70

From the Aristotelian perspective, the acquisition of virtue was what defined the good life for the individual. However, many of the virtues, such as truthfulness, generosity, even-temperedness, friendliness, and modesty are exercised within a social context. These virtues made for a better person, but they also were the foundation that holds social networks together. Research has demonstrated that people who believe that others are virtuous, are more likely to behave virtuously themselves. 71 Social trust is the expectation that others will behave virtuously. In studies that compared social trust over the past decades, evidence seems to indicate that it has been falling since the 1960s. 72

67 Ibid., 25.


69 Bellah, Habits of the Heart, 143.

70 Putnam, Bowling Alone, 19.

71 Ibid.,137.

72 Ibid.,141-142.
Virtue, as Aristotle had taught, required a constancy of effort. In *Democracy in America* there was a suggestion of a possible future state where citizens were isolated, worried about their financial well-being, disengaged from politics, and much too distracted. Who would have the time or energy to care about virtue? One of the factors that Tocqueville believed would contribute to a disconnect from the community was that changes in the market economy would make everyone just too busy. According to research it does appear that if there is any one value that Americans care about today it is busyness. Americans are captivated by the cult of busyness. Putnam reported on how many people report feeling continually hurried. “I don’t have enough time” is the major reason people give for not participating in community activities.73 A 2015 analysis by the Gallup organization supported Putnam’s research. For the past fourteen years, roughly forty-eight percent of Americans say they do not have enough time.74

Examining the changing value placed on being busy, investigators looked at the change from Thorstein Veblen’s late nineteenth-century perspective on leisure as a status symbol to the present-day busyness as a status symbol. They reported on the dramatic increase of references to having “crazy schedules” in holiday letters since the 1960s. Certainly, mid-twentieth century Americans seemed not to have worried too much about hectic schedules. In one of the more interesting examples of side-tracked anxiety during a time of heightened concern over nuclear annihilation, a 1958 study concluded that “the most dangerous threat hanging over American society is the threat of [too much] leisure.”75


75 Putnam, *Bowling Alone*, 16.
overworked lifestyle has become associated with other valuable characteristics such as competence and ambition. Busyness has become the modern version of conspicuous consumption with celebrities associating their popularity with “having no life” in their Twitter humblebrags.\(^{76}\)

The highest obligation of Americans, from the Mayflower Compact to the Constitution, was self-government conducted by virtuous citizens, albeit with a subtle shift in the expectation of virtue from the common people to the leadership. In the Declaration, one of the greatest transgressions in the long list of grievances was that the king had “violated the sensibilities and morals of a virtuous people.” Such behavior as the king had exhibited was “scarcely paralleled in the most barbarous ages,” wrote Jefferson, “and totally unworthy the Head of a civilized nation.” A leader lacking in virtue was not to be tolerated.\(^{77}\) Then again, if the people were lacking in virtue, would good character in the leader matter? Furthermore, does the lack of virtue in the community have an effect on how people report their overall satisfaction with life? If the answer to the above two questions is “no,” that would surely be indicative of how virtue has ceased to be an issue of concern. Findings from a 2018 Gallup poll provided some evidence that perhaps that may be true. Only twenty-eight percent of Americans reported that they were “very or somewhat satisfied” with the moral and ethical


climate of the country. Yet a solid eighty-percent agreed that they were reasonably satisfied with the overall quality of their own life.

Here are a few other poll numbers to consider. In a 2017 poll, only thirty-six percent of Americans believed that President Trump was honest or trustworthy. This was not simply a rebuke to Trump, for honesty does not appear to have been of any great importance when it came to the presidency in 2016. Although Hilary Clinton won the popular vote, just days before the election only thirty-eight percent of voters believed that Hilary Clinton was more honest and trustworthy than Trump. Both Trump and Clinton saw the highest unfavorable ratings since polling began in 1956. Juxtapose those numbers with the myth that American children grow up believing about George Washington.

Washington confessed to cutting down the cherry tree because he could not tell a lie. The first president’s cardinal characteristic was that he valued the virtue of truthfulness. At the age of sixteen Washington wrote out a copy of *110 Rules of Civility*. It is believed to have been more than a mere exercise in good penmanship, but was formative in the development of his beliefs about good character that emphasized respect toward others, moderation in

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78 “Political Splits Widen on Satisfaction With Life in U.S.,” Gallup, last modified January 25, 2018, accessed February 6, 2018, [http://news.gallup.com/poll/226211/political-splits-widen-satisfaction-life.aspx?g_source=CATEGORY_WELLBEING&g_medium=topic&g_campaign=tiles](http://news.gallup.com/poll/226211/political-splits-widen-satisfaction-life.aspx?g_source=CATEGORY_WELLBEING&g_medium=topic&g_campaign=tiles). There was an interesting flip between Democrats and Republicans between 2017 and 2018 when asked about whether they were satisfied with the overall quality of life 2017: 85% of Democrats agreed and 74% of Republican agreed; 2018: 76% of Democrats agreed and 90% of Republicans agreed.


demeanor, and to always aim for reason over passion.\textsuperscript{81} A little over forty years later in his first inaugural address, Washington remained consistent with those themes when he spoke of what his generation expected to be the essence of liberty:

\begin{quote}
The foundations of our National policy will be laid in the pure and immutable principles of private morality… there is no truth more thoroughly established, than that there exists in the economy and course of nature, an indissoluble union between virtue and happiness, between duty and advantage.\textsuperscript{82}
\end{quote}

Jefferson believed that the success of the republic and the protection of liberty was dependent upon an educated population’s active participation. There is ample evidence today for loss of interest in the political process that Tocqueville predicted. In a recent survey, only thirty-six percent of respondents could name all three branches of government, thirty-five percent could not name a single one.\textsuperscript{83} In a 2017 survey only thirty-seven percent could name their district’s member in the House of Representatives, although a little over half could name the party affiliation.\textsuperscript{84} Turnout in presidential elections hovers between fifty and sixty percent and between thirty-five and forty-five percent for midterm elections. When the fact that about fifteen percent of potential voters are not even registered, with a high of over twenty-six

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\footnotetext{82}{George Washington, "Washington's Inaugural Address (April 30, 1789)," National Archives, \url{https://www.archives.gov/exhibits/american_originals/inaugtxt.html}.}


\footnotetext{84}{Just 37% of Americans can name their Representative," Haven Insights, last modified May 31, 2017, accessed February 10, 2018, \url{http://www.haveninsights.com/just-37-percent-name-representative/}.}
\end{footnotes}
percent for males between the ages of eighteen and twenty-four, it is clear that politics is hardly the national past-time. 85

As Tocqueville predicted, the loss of active participation, or even an awareness of who is serving, in local government has contributed to the lack of concern for the public good. This in turn has been a factor that has encouraged the growth of individualism and the diminishment of virtue. With the loss of two of the notes in the four-note chord of liberty we are left with a form of liberty that did not resonate for the founders.

CHAPTER 7

CONCLUSION: THE BOX WITH THE FALSE BOTTOM

That is the key to history. Terrific energy is expended—civilizations are built up—excellent institutions devised; but each time something goes wrong.

—C. S. Lewis, *Mere Christianity*

The United States was founded on an accepted truth: citizens have an inalienable right to liberty. This project explored the network of ideas that the founders meant to communicate when they recognized liberty as the human value upon which the new nation would be based. In the four-note chord of liberty there was harmony among four important ideas. Citizens must be free to make personal choices within the rule of law and be participants in the making of those laws. Neither of those two freedoms would contribute to the stability of the republic, and the good life for all, unless the people were virtuous. Good character mattered.

Virtuous citizens would also realize that freedom happened within a social context and would demonstrate a generous spirit toward the public good. These liberties were the means to the end of the ultimate human value: happiness. Of all the operative words, too much has been removed from the happiness construct. Happiness was not a blissful state of smiling cheerfulness. It was a life based on self-knowledge, virtue, and shared community values. Whether learned from Aristotle, Cicero’s speeches, Franklin’s aphorisms, or so many other sources; honorable people would seek to cultivate truthfulness, good fellowship, nobility of spirit, and proper decorum. This was happiness.

Tocqueville pointed out, an abstract word is “like a box with a false bottom.” We do not always fully understand what is in the box at any one time or what is being taken out. The most important concept that has been removed from the box is that virtue must set the
boundaries around rights. There was an art to being free that was based on moral values. Without this expectation, the ever-lengthening list of rights (i.e., college education, internet access, bathroom choice) becomes just an empty demand for “more” without a reciprocal understanding of obligations. The commitment to liberty has become content diffuse. The current debate over a right to healthcare, for example, is devoid of any discussion of the recipient’s obligations to make healthy lifestyle choices. The philosophers from antiquity knew that the ability to make good choices came from the acquisition of virtue. Christian traditions rephrased this as a personal choice to follow the moral teachings from the Bible.

In 1944 Franklin Roosevelt was looking at the post-war world and envisioned a new era of national unity, comfort, and security for all Americans. “We cannot be content,” spoke Roosevelt in his State of the Union Address, “if some fraction of our people—whether it be one-third or one-fifth or one-tenth- is ill-fed, ill-clothed, ill housed, and insecure.” The first Bill of Rights had proved inadequate when it came to assuring equality and the pursuit of happiness. He went on to recommend a second Bill of Rights for the American people:

- The right to a useful and remunerative job in the industries or shops or farms or mines of the Nation;
- The right to earn enough to provide adequate food and clothing and recreation;
- The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;
- The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;
- The right of every family to a decent home;
- The right to adequate medical care and the opportunity to achieve and enjoy good health;
- The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment;
- The right to a good education.1

The first Bill of Rights were concerned with what Congress was forbidden from doing; the 1944 addendum was a collection of expectations of what the government must guarantee. Congress never passed this second Bill of Rights, but the expectation that citizens have these rights, that they define the good life, and that the government is responsible for ensuring them, has permeated society. The course of history has proven what Isaiah Berlin wrote,

> to offer political rights, or safeguards against intervention by the state, to men who are half-naked, illiterate, underfed, and diseased is to mock their condition: they need medical help or education before they can understand, or make use of an increase in their freedom. What is freedom to those who cannot make use of it?... individual freedom is not everyone's primary need.²

There is no doubt that the modern globalized economy has made life too complex for all to achieve the good life through mere application of honest effort. From the earliest years of American settlement, the importance of community was emphasized. As the first settlers knew and the founders believed, the good life was experienced in a context of a benevolent concern for others; expressed in this project as one of the notes in the four-note chord, public good liberty. This 1630 inspirational speech from John Winthrop expressed the essence of Roosevelt's 1944 vision for the post-War nation (spelling has been modernized):

> We must be knit together in this work as one man, we must entertain each other in brotherly Affection, we must be willing to abridge ourselves of our superfluities, for the supply of others necessities, we must uphold a familiar Commerce together in all meekness, gentleness, patience and liberality, we must delight in each other, make others Conditions our own rejoice together, mourn together, labor, and suffer together, always having before our eyes our Commission and Community in the work, our Community as members of the same body, so shall we keep the unity of the spirit in the bond of peace.³

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The significant difference between Winthrop and Roosevelt’s idealistic hope for the community was that for the former the results depended on individual efforts, but for the latter the responsibility shifted to the government.

The founders envisioned a society where citizens would experience an expanded liberty that would lead to a state of virtue-based happiness. In the introduction to this project, I suggested that Berlin’s notion of negative liberty as an absence of restraint was similar to what I was labeling personal liberty. The Declaration’s statement about an inalienable right to liberty, and the Bill of Rights’ enumeration of the restraints on liberty that Congress was forbidden from imposing, expressed Berlin’s concept of negative liberty. There can be additional causes, however, for a lack of freedom beyond obstruction from others. This was where Berlin’s notion of positive liberty originated. The founders were acutely aware of what Berlin would be describing when he discussed positive liberty. The existence of personal (negative) freedom did not guarantee the good life. The experience of liberty required the ability to make the right choices. Berlin referred to this as an alternative “self;” what the founders would have associated with the exercise of virtue. Berlin described it as the 'higher nature,'

which calculates and aims at what will satisfy it in the long run, with my 'real', or 'ideal', or 'autonomous' self, or with myself 'at its best'; which is then contrasted with irrational impulse, uncontrolled desires, my 'lower' nature, the pursuit of immediate pleasures, my 'empirical' or 'heteronomous' self, swept by every gust of desire and passion, needing to be rigidly disciplined if it is ever to rise to the full height of its 'real' nature.4

Central to the founders’ concept of liberty was the confidence that the right circumstances would promote the people’s ‘higher nature.’ This was an expression of the

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4 Berlin, Two Concepts of Liberty, 23.
belief in progress that permeated the eighteenth-century moral consciousness of the Enlightenment. As Thomas Paine wrote, “We have it in our power to begin the world over again. A situation, similar to the present, hath not happened since the days of Noah until now.” This country was not stultified by an entrenched aristocracy and would therefore provide the opportunity for the emergence of a natural aristocracy of virtuous men to help guide the people toward a better way of living.

The need for moderation was a significant contribution from the philosophers of antiquity for the founders’ ideas about liberty. Virtuous living was found at the midpoint between extremes. The mark of the superior person was a constancy of effort toward this ideal, as the chapter on Franklin and Jefferson demonstrated. This should be a relevant message for us today, as our modern conception of liberty has become dominated by personal excess and extreme expressions of immodesty, arrogance, and boastfulness.

Roosevelt’s suggestion for a Second Bill of Rights was evidence that the responsibility for the good life had been externalized. The founders knew that liberty was destroyed externally by excessive power in the government, or internally by a lack of virtue. Today the modern understanding of liberty is not only commensurate with a powerful centralized authority, but is perceived as a necessity. As the Federalist writers were aware, the lack of virtue in the citizenry had not been sufficient. The onus of responsibility for promoting freedom and assuring the good life, that had begun with the Constitutional Convention, continued to shift to the national government. Madison expressed the hope that virtue would continue to be a quality that we would find in our national leaders, particularly in the senate.

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and the presidency. Events would indicate that virtue and the importance of good character has been removed from the “box with the false bottom.” We do not appear to mourn the loss.
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