

"The Federalist" and the Classical Foundations of the American Republic

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Abstract of the Thesis

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This paper examines the classical themes and ancient historical examples presented through the Federalist Papers of Alexander Hamilton, James Madison, and John Jay. The Federalist Papers represent a lucid sample of early American political theory, and the ideologies of three prominent founders. The study focuses on the Greco-Roman states within those essays that were deemed analogous or relevant to the American Confederacy under the Articles of Confederation, or were used to promote a new federal union under the Constitution. This paper also analyzes the formation of mixed governance constitutions, a vital construction for the creation of modern nations, as the idea progressed through the classical writers Plato, Aristotle, Polybius, and Cicero. Through this analysis, the influences of the Greek and Roman classics are shown to be a formative element in the formation of the American Republic. By reestablishing and reasserting the Classics into the political ideology of that time, insight into the creation of a new Constitution through the combined insight of the *Federalist* becomes readily apparent. The first section presents an introduction to the *Federalist*, and the ratification debates of 1787-88. Section two covers the classical influences to American history. The third section is a brief overview of five current works relating to this scholarship. Section four comprises the analysis of the five sections of the Federalist Papers as outlined by Alexander Hamilton. The final section of this paper investigates the writings of Plato, Aristotle, Polybius and Cicero to discover the evolution and creation of theories of mixed constitutions.

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"The Federalist" and the Classical Foundations of the American Republic

Before the creation of the Constitution of the United States, the Framing generation met in Philadelphia to remedy the highly unsatisfactory Articles of Confederation and create a more lasting and effective form of government. The arguments for a new constitution were carried out through the formal convention, but attendees also circulated various public and private publications to influence opinion. The formative influences of these men are imprinted on such writings and proposals, which are exemplified in the collection of writings now known as the Federalist Papers.

Chief among the substantial presence of more modern political ideologies is the guiding light of the "Classics," the ancient models and lessons of Greco-Roman history, philosophy, and political theory that provided ample insight for creating a new Republic. My project will closely analyze the eighty-five collected essays of *Publius*, a pseudonym used by Alexander Hamilton, James Madison, and John Jay, in their efforts to rationalize and promote the proposed federalization of these United States through the creation and ratification of a new Constitution.

This analysis will also demonstrate how the ancient sources that defined and developed the themes of republicanism and mixed governance assisted the framers of the American Constitution. Analyzing the development of political theories of just and proper governance that began with the minds of Plato and Aristotle, followed by Cicero and Polybius, and then fused with authors such as Machiavelli and Montesquieu before reaching American shores is of decisive importance to this paper. An understanding of how the mixed governance systems were first perceived, with their known perversions

and possibilities, and how each blended form came to be understood and progressed, will connect this study to the minds of our founders. By reestablishing and reasserting the Classics into the political ideology of that time, insight into the creation of a new Constitution through the combined insight of the *Federalist* becomes readily apparent.

My study aims to establish two base premises that require each simple assertions. First is that the Federalist Papers are an acceptable, accurate, and telling example of American ideals and opinions on how best to establish a federal government, and why such a new system was necessary. The second is that the ancient Greeks and Romans were consulted by the founders. They were not simply window-dressing or concrete models requiring strict adherence, but influences to the proposed Constitution. In addition to these two points is a third issue that requires clarification. In the same way the American “Founders” are traditionally limited to exclude loyalists while focusing on roughly a dozen men,¹ the ‘The Classics’ are also here defined as solely the Greek and Roman writings extending to ca. 400 CE at the latest. While the ancient authors themselves can range from Thucydides to Tacitus and Plato to Polybius, the writings of Hamilton, Jay, and Madison will be limited to the debates around the Philadelphia conventions and any personal letters of the same period.

The *Federalist* and the Debates of 1787-88

Much has been written on the choice of *Publius* as the preferred pseudonym of Hamilton, Madison, and Jay, as well as the other classical names early American authors

¹ Richard Morris, for example, limits it to only seven men: Adams, Franklin, Hamilton, Jay, Jefferson, Madison, and Washington. Richard B. Morris. *Seven Who Shaped Our Destiny: The Founding Fathers as Revolutionaries*. (New York: Harper & Row, 1973)

utilized.² The name served two purposes for the *Federalist* authors, this first of which is its resemblance to the English and Latin *populus*, the people, which could relate to the readers that these papers too are the work of the people, the public. The second reason, shared by all authors who adopted classic names, is an attempt to resemble or draw from the legacy of that author. In the case of *Publius*, this is Publius Valerius Publicola (also Poplicola) whose cognomen means ‘friend of the people.’³ Using either reason for the name, it was intended that this collection of papers seem authored by and for the people to aid in their decision towards ratifying the Constitution. The adoption of classical heritage to increase the appeal of the work, as well as rely on the anonymity of such a practical name, was a shrewd decision on the part of the *Federalist* authors.

Published under the original title of the *Federalist*, the collection of essays now called the Federalist Papers began to appear in *The Independent Journal* on October of 1787, which was sometime after the Constitutional Convention (sometimes called the Philadelphia/Federal Convention) had presented a final document.⁴ The convention in Philadelphia had been under way since May of the same year, and the Constitution itself was finalized and submitted for signing by September 17th.⁵ The document would not

² The scholarship is summarized in these three books on the provided pages. Albert Furtwangler. *The Authority of Publius: A Reading of the Federalist Papers*. (London: Cornell University Press, 1984), 51;

Carl J. Richard. *The Founders and the Classics: Greece, Rome, and the American Enlightenment*. (Cambridge: Harvard University Press, 1994), 41;

David J. Bederman. *The Classical Foundations of the American Constitution: Prevailing Wisdom*. (Cambridge: Cambridge University Press, 2008), 31

³ Furtwangler, *Authority of Publius*, 51. Also in use in this period were the pseudonyms *Cato*, *Brutus*, *Caesar*, *Helvidius*, and others.

⁴ Madison, James and Alexander Hamilton and John Jay. *The Federalist Papers*. New York: Penguin, 1987. Reproduction of *The Federalist: A Collection of Essays, Written in Favour of the New Constitution, As Agreed Upon by the Federal Convention*. New York: J. and A. McLean, 1788. *Federalist* #1

⁵ Furtwangler, *Authority of Publius*, 19-20

pass the ratification process with the requisite two-thirds vote until September 1788, or gain the unanimous consent of all thirteen states, which happened when Rhode Island signed in May of 1790. The Federalist papers were continuously written and published until late May 1788, operating within the year the thirteen states were meant to debate ratification of the proposed Constitution.⁶ This period of eight or nine months saw an original seventy-seven essays published in local papers and spread throughout the states, with the final seven appearing in the bound collections of all the papers that was published by J. and A. McLean.⁷ As such it is this period that began with the Convention in May 1787, and culminated when the ratified Constitution was passed seventeen months later, that requires careful analysis.

The men who called themselves *Publius* should also have their more personal writings and letters included with this public collection to gather a more complete assessment of their opinions and politics throughout the ratification period. James Madison and Alexander Hamilton would, after all, sign the Constitution as delegates of Virginia and New York, respectively. These two in particular would have drastically different opinions on the formation of the government, but John Jay's letters to John Adams, Thomas Jefferson, and George Washington concur with Madison and Hamilton on the inefficacy of the American Confederation.⁸ What James Madison referred to as the "Vices of the Political System of the United States," problems of authority, taxation, want of concert, multiplicity of state laws, and the impotence of the general Articles are

⁶ *Federalist* #85

⁷ *The Federalist: A Collection of Essays, Written in Favour of the New Constitution, As Agreed Upon by the Federal Convention.* (New York: J. and A. McLean, 1788)

⁸ Henry P. Johnston, edit., *The Correspondence and Public Papers of John Jay 1763-1826.* (New York: Da Capo Press, 1971), 212. John Jay Letter to Thomas Jefferson.

sentiments the three authors shared.⁹ Each author also had their own opinions of popular democracy and representation, one of the most well-known was Alexander Hamilton's preference for the British constitution and his leanings towards monarchical checks against demagogues.¹⁰ Letters and correspondences like these illuminate the true opinions of the Articles or Constitution the three authors may have chosen to remove from their collaboration as a unified *Publius*. They also serve to reinforce and clarify the deficiencies and difficulties the authors chose to include in the *Federalist*.

The *Federalist Papers* echoed these feelings and framed the arguments of particular papers to engage the deficiencies in the Articles of Confederation as well as debate the critiques, anticipated and actual, of the proposed Constitution. That said, the *Federalist* is not the Constitution, nor did it directly engage the proposed formations of that document presented through the various plans (New Jersey, Virginia, etc.), but the ultimate creation of a new form of government.¹¹ It was a series of papers submitted anonymously to New York newspapers that addressed deficiencies in the Articles of Confederation and how to correct them. These papers were also not the work of a single man, as *Publius* was the collective work of Alexander Hamilton, James Madison, and John Jay, and thus is not always entirely consistent. As a collaborative piece, the character and preferences of each author may emerge in each paper, but there are also

⁹ Jack N. Rakove, edit., *Writings of James Madison*. (New York: Library of America, 1999), 69

¹⁰ Harold C. Syrett, edit., *The Papers of Alexander Hamilton, Volumes Five and Six*. (New York: Columbia University Press, 1962), 184-85. Many of Hamilton's notes and proposals hint at these preferences, but his Constitutional Convention Notes present it in simplest terms. "British constitution best form," and "Representation alone will not do. Demagogues will prevail. And if separated they need a mutual check. This check is a monarch."

¹¹ This fact is made expressly clear in *Federalist* # 47, which states that *Publius* neither prefers nor proposes a specific or distinct plan.

papers with heavily disputed authorship.¹² The finality of the *Federalist* is that the work was not simply influential to the ratification debates in New York or any particular state, but that these papers became the formative language for how federalism and a new constitution itself was to be understood. They are a collection of essays to be discussed with the Declaration of Independence and more obviously the Constitution itself as the primary writings and idealized arguments of many of the Founding American minds.¹³

Attempts to rationalize an acceptance of the *Federalist* is comparatively easier than a vindication of the classics. Any critique of these papers is easily dismissible. Ignoring the true purpose of the pseudonym Publius, the true author of each paper is a common question. Authorship of roughly a dozen disputed essays has been narrowed down to two or three "collaborative" works, where Hamilton and Madison both seemingly guided a paper to completion.¹⁴ The fight for credit began as both men later published lists of essays they recalled to be their own writings, but considering the level of collaboration and compromise involved in this project, the true author is of little significance. An additional critique minimizes the persuasive power of the Federalist Papers, as they seemingly failed to instill upon the people of New York the importance of this new government. The state ratified the Constitution only after the requisite number a states had passed the proposal. But the relatively light impact upon the ratification in New York can be offset by the ideological significance for Americans in these writings.

¹² Furtwangler, *Authority of Publius*, 57

¹³ The most comprehensive analyses of the *Federalist* papers come from Albert Furtwangler's *The Authority of Publius*. It addresses many of the representations and implications of the papers themselves, the authority of the work as it was formed and as it was received, and the relevance it continues to occupy in American ideology.

¹⁴ Furtwangler, *Authority of Publius*, 33, 57

The significance and authority given to these papers is inconsistent and in need of continued evaluation. They were, after all, anonymously written in haste between convention and ratification meetings, by men of sometimes drastically different opinions, solely for the advancement of a ratification constitution. The three authors wrote in favor of a new federal government, despite having been initially called to convention to refine or repair the Articles of Confederation, and are thus linked to the success of the Philadelphia Conventions. The significance and influence of the Federalist Papers only continues to expand from that connection, however, and endure as a requisite piece of American ideology.

Classica Americana

The Classical influence in American history is one that has realized significant growth since the works of Richard Gummere and Meyer Reinhold truly expanded a subset of history in the decades before Gordon Wood and Bernard Bailyn wrote their towering books on early American ideology during the late 1960's. Gummere and Reinhold's guiding texts are now joined by studies analyzing how individual founders, the Constitution, and even the standard education of the late 18th century were each impacted by the Classical mentality.¹⁵ As John Shields put it, his text and others like it are attempting to remove the "cultural blindness" against Classical influences, while attempting to "infuse the study of American letters and culture with new vitality" that

¹⁵ Meyer Reinhold's *The Classick Pages: Classical Reading of Eighteenth-Century Americans* is an impressively thorough analysis of the standard uses of the classics. Detailing not simply the uses of Cicero and Plutarch, but the role of particular authors for very specific roles, e.g.; works on morality or Republicanism, or those simply read for pleasure.

these sources would provide.¹⁶ The surviving texts of notable Greeks and Romans permeated much of the literature of the time, on both sides of the Atlantic. The Classics represent many centuries of history, with knowledge and experience that extends well beyond utilitarian models of previous forms of governance. Coupled with the lessons of such timeless history were instrumental moral and political philosophies, principles preserved well beyond the late 18th century.

In his indispensable text, *Classica Americana*, Meyer Reinhold redefined this presence and inclusion of Classicism as part of what he deemed a uniquely American mindset.¹⁷ This is the quest for and appropriation of useful knowledge that could be incorporated within their own American creations. This sentiment is repeated by Murphy Cullen in *Are We Rome? Which* remarks that, “The genius of America may be that it has built ‘the fall of Rome’ into its very makeup: it is very consciously a work in progress, designed to accommodate and build on revolutionary change.”¹⁸ This may well be the best representation of how and why the Classics remain vital knowledge throughout the centuries for any culture. It was pre-requisite knowledge for the educated, as much as it was the common knowledge of children: Aesop and Aristotle could have shared a shelf in just about any American home. The works remain invaluable because of their inherent ability to remain equally entertaining, informative, and academic, be it the Augustan Age poetry of Virgil or the historical biography of Plutarch.

¹⁶ John C. Shields, *The American Aeneas. Classical Origins of the American Self*. (Knoxville: University of Tennessee Press, 2001), xxiv

¹⁷ Meyer Reinhold, *Classica Americana*. (Detroit: Wayne State University Press, 1984), 69

¹⁸ Murphy Cullen. *Are We Rome? The Fall of an Empire and the Fate of America*. (Boston: Houghton Mifflin Company, 2007), 206

Of these Classical authors, there are a few that were clearly consulted throughout the Federalist Papers for both specific lessons and examples as well as over-arching constructions and themes. Of prime consideration in the *Federalist* were Aristotle, Cicero, Demosthenes, Livy, Plato, Polybius, Plutarch, Sallust, Tacitus, and Thucydides.¹⁹ The sources are written roughly two-to-one in Latin instead of Greek, though there is no clear favoritism or division in the examples *Publius* presents.²⁰

There have been very few detractors of the ancient legacy of the Greeks and Romans in this period. Among the Founders, these criticisms rested more with the Greek and Latin languages as it pertained to education. Fluency in Latin and familiarity with Greek as collegiate pre-requisites may have seemed, or was beginning to seem, a touch pretentious. The Romance languages, like French and Italian, as well as Germanic languages, like German and English, were more realistic alternatives to languages starting to seem archaic. Educational reform and updated subjects still called for history to remain a valued subject (among geography, law, mathematics, and others) for any educated person in the late eighteenth century, but in the pursuit of wealth and business Latin and Greek offered little.²¹ Advocates of English replacing Classical languages

¹⁹ This is a list of authors I witnessed as particular influences to solely the Federalist Papers. This is by no means a list of complete citations, or a list of authors consulted in the early American period. For that I recommend *The Classic Pages*, in which Meyer Reinhold categorizes and analyzes all the authors that were vital to late eighteenth century education.

²⁰ For texts written in either language, I have chosen translations from the Loeb Classical Library, which provide the original text in its native language on one page and the English translation opposite that page. These translations offer a bridge between the languages, and permit easy reference and analysis for readers lacking fluency in either Classical language.

²¹ Reinhold, *Classica Americana*, 68-70

were emerging in the colonies/states of this period, and in such a more utilitarian society they seemed poised to act for reform.²²

As the languages were under assault, so too were the character and legacies of many prominent Classical heroes. In a letter to John Adams, Thomas Jefferson confessed the ancient role models they had so revered may not have been ideal for the new American Republic. Despite his portrayal in the "universally popular and influential" play *Cato* by Joseph Addison, the character of Cato the Younger (or Uticensis) is scrutinized.²³ Cato was thought of very highly by early Americans, for embracing liberty and promoting austere Roman patriotism and pastoralism, and they viewed him as a proper idol.²⁴ Caesar, by contrast, was viewed as a militaristic demagogue, and, as Margaret Malamud points out, certain American leaders took a very elitist response towards men like Washington and Jackson when they likened the men to Caesar.²⁵ In Jefferson's confession, the Cato/Caesar dynamic is flipped. Cato is revealed to be a "bulwark of the aristocratic rule of a few," whereas Caesar was taking efforts to open the Republic, subverting a highly corrupt system for a more populist one.²⁶ This realization does not, however, impact the influential presence of all ancient history and theory upon American intellectual history.

There is only one prominent American Intellectual historian that attempts a critique against the Classics. In chapter Two of his *Ideological Origins of the American Revolution*, Bernard Bailyn believes that "The classics of the ancient world are

²² Reinhold, *Classica Americana*, 70

²³ Shields, *The American Aeneas*, 174-793.

Addison's *Cato* was written in 1712, and regularly appeared in the colonies.

²⁴ Margaret Malamud. *Ancient Rome and Modern America*. (UK: Wiley-Blackwell, 2009), 10-15

²⁵ Malamud, *Ancient Rome and Modern America*, 25

²⁶ Malamud, *Ancient Rome and Modern America*, 21

everywhere in the literature of the Revolution, but they are everywhere illustrative, not determinative, of thought."²⁷ Though they are regularly cited, referenced, and built upon, Bailyn believes the Enlightenment thinkers held the formative authority in the early American period. His generalization (*everywhere*) may be wholly applicable to Enlightenment thinkers as well, and this is acknowledged. When Bailyn presents the argument against “glittering generalities” of the European Enlightenment, it is simply dismissed; since anyone "who claimed a broad awareness" quoted these Enlightenment works, they simply must have been determinative. How this exact reasoning applies differently to two sources, permitting one type of literature to be determinative and one illustrative based on identical merits, is perplexing.

Ignoring the ideological debt the Enlightenment thinkers owed to Greece and Rome (Polybius within Montesquieu being my favorite example) is a great enough error. But rather than accept a premise of unity, or even a fusion of many ideologies, in his efforts to magnify the Enlightenment thinkers, Bailyn attempted to banish an equally formative element of American ideology.

Classical Themes in Modern Theories

There have been a handful of authors whose books have multiple sections or parts that engage the same themes as my paper. Some analyze the Classical influences of specific American institutions or creations, others Classics in political and literary theory, and still a third set recognizes the role of the Classics as it pertained to the American ideology that is the focus of those books. These three types of scholarship comprise the

²⁷ This line, as well as the preceding argument, comes from Bernard Bailyn. *Ideological Origins of the American Revolution*. (Harvard University Press, 1967), 26-27

secondary sources that have been used in concert with this paper. Of these, five books are worth additional analysis to aid in the understanding of how the Federalist Papers can help to illustrate the Classical foundations of the American republic. These books will be succinctly addressed in the following order: John Bederman's *The Classical Foundations of the American Constitution*, Albert Furtwangler's *The Authority of Publius*, Richard Gummere's *The American Colonial Mind and the Classical Tradition*, Meyer Reinhold's *Classica Americana*, and John Richard's *The Founders and the Classics*.

Each book presents elements analogous to this paper, but none more so than *The Classical Foundations of the American Constitution*. A Law Professor, Bederman's introduction says he studies the practical impact international laws could have on the American government, and this study easily fits that criteria. Like many American intellectual monographs, it analyzes the United States Constitution, and to that scholarship Bederman adds the Classical tradition to his analytic devices. The first two chapters contain the type of information shared by all five books in this section, inquiries into the value of Classicism, and how studies of Greece and Rome were integral to early American education, formation of law, and political theory. He also provides a brief list of themes and references he identified within the Constitution, but also within the Federalist Papers.²⁸ As an introduction to the blend of Classical and American scholarship, Bederman's book excels in establishing a comprehensive understanding of the Constitutional period.

²⁸ The Bederman list, p 329-30, is not a complete nor an accurate list, however. Many of the papers he cites do not actually possess Classical references, citations, or allusions. The list also does not include all the same items I and other authors have compiled. As his original goal was an analysis of the Constitution, not the *Federalist*, this is a strong enough foundation to build off at the very least.

Before Bederman embarked on his analysis of the Classical foundations within the Constitution, he aptly summarized the Classical literature that pertained to the separation of powers, civic republicanism, and the theory of mixed constitutions.²⁹ Bederman remarked on the lessons people can learn from the failed ancient republics, especially as it would uncover particular “cancers” to be avoided in the current formation of government.³⁰ His third chapter, “Constitution Making and Ancient History” offers many of the examples presented in the Federalist Papers, with arguments similar to Hamilton, Madison, and Jay as to why these ancient governments must be studied and their problems corrected.

This chapter is also where the brunt of his *Federalist* sources are used, and section four is entitled “The *Federalist Papers* and the Ratification Debates.”³¹ This section provides a summation of the points present in the Federalist Papers as they related to creating a new form of government. This chapter is in need of bolstering from alternative sources, as Gummere, Reinhold, and Richard are briefly consulted elsewhere in this book, but none are present in this section. Millar and Furtwangler are entirely absent, despite Bederman as the most recent author of the five books. *Classical Foundations of the American Constitution* does include some of the most extensive citations and references to the Classical authors, however, many of which are in this chapter of the book. Bederman did not set out to study the Federalist Papers, but did identify them as a

²⁹ Bederman, *Classical Foundations of the American Constitution*, 59, 85

³⁰ Bederman, *Classical Foundations of the American Constitution*, 111

³¹ Bederman, *Classical Foundations of the American Constitution*, 119-126. As stated in previous notes many of his *Federalist* citations are inaccurate or incomplete, but Bederman does provide for some of the more extensive citations of Classical authors.

crucial segment to his own study, essential to understanding modern attempts to expand the Classical models of constitutional creation.

The author which promotes the most interesting analysis of the Federalist Papers is from Albert Furtwangler in *The Authority of Publius*. For Furtwangler the Federalist Papers are more than reputable representation of the ideology of these American framers. Despite the fact that the three authors, Hamilton, Madison, and Jay wrote as *Publius*, this book promotes a reading of the *Federalist* with *Publius* as a single person. Furtwangler says the Federalist Papers deserve a better reading than they are usually given, and in *The Authority of Publius* he analyzed the form, structure, contents, and uses of the *Federalist* to that end.³²

Out of the five chapters, the first three are more relevant to this topic. Chapter Four tackles the criticism that the moneyed, highly literate men were speaking honey words in the hopes of becoming future leaders, that the lawyers and highly educated were fleecing the poorer, less literate populace. Chapter Five analyzes the famous *Federalist* #10, “a compact sample of the *Federalist* at its best.”³³ Each of these chapters engages specific criticisms and problems some have found within the Federalist Papers, but it is in the first three chapters that the legacy, form, and authority of the papers, and *Publius*, are analyzed.

One of the larger critiques presented against the *Federalist* is how little influence the papers seemingly made in New York, which ratified the Constitution not only after

³² Furtwangler, *Authority of Publius*, 17

³³ Furtwangler, *Authority of Publius*, 112

ten other states, but after it had been voted into use.³⁴ Furtwangler counters this opinion in Chapter One by presenting the total influence the papers displayed once spread throughout the states, and how this more than made up for individual votes. This section also shows how “such essays did help sharpen these debates and lent strength of conviction to state delegates who favored the Constitution,” allowing for many Americans to share the influence of *Publius* beyond the debate in New York.³⁵

Much of the *Authority of Publius* sought to investigate legacy of the Federalist Papers, and Furtwangler studies each case to confirm or deny its validity. One such example is from Thomas Jefferson, as founder of the University of Virginia. In a letter to James Madison, Jefferson placed the *Federalist* with the Declaration of Independence and the Constitution as evidence of the general opinions of the framers.³⁶ This list included the “best guides” to general principles of government in America.³⁷ This book solved many of the popular issues a work like the Federalist Papers presents. When criticized for the differing, sometimes even conflicting nature of multiple papers, Furtwangler found the proper response. The authors attempted to remove their own opinions on detailed and specific matters, preferring instead to leave such decisions to the Philadelphia Convention, and the voters themselves.³⁸ They worked hard to promote a ratification of the constitution, and little more. This is the type of confirmation that solidified the importance of the Federalist Papers to American history, such analyses are the reason why Furtwangler’s book is useful to my analysis.

³⁴ Furtwangler, *Authority of Publius*, 22

³⁵ Furtwangler, *Authority of Publius*, 23

³⁶ Furtwangler, *Authority of Publius*, 36-40

³⁷ Furtwangler, *Authority of Publius*, 37

³⁸ Furtwangler, *Authority of Publius*, 33

“When looked upon as efforts of active statesmanship,” Furtwangler says, “as high political rhetoric,” as the philosophies, theories, and political outlooks of some of the United States most revered minds, the *Federalist* justifies its legacy.³⁹ It is in the *Federalist* that the principles of the federal constitution, and the foundation of many American institutions, are found.⁴⁰ The *Authority of Publius* confirms the Federalist Papers as a true piece of founding American literature, and an ideal document for continued focused studies in intellectual history. Though the classics do not factor in Furtwangler’s analysis, his book served to eliminate many of the critiques that could have been presented against such an inquiry into the Federalist Papers. Through a

The next study belongs to Richard Gummere, who’s *American Colonial Mind and the Classical Tradition* featured the colonial reaction to the classical tradition.⁴¹ Gummere’s work may well have been the pioneering work of this field, as such his analyses tend to overstate the classical impact to many references and allusions. Gummere analyzed the impact of the classics on education, theology, colonial American theory, as well as through specific proponents of classical learning. Though Gummere believed his work was intended for the layperson, many lines and quotations go untranslated, and this is true for French far more than Latin.⁴² What makes this book truly relevant to this type of scholarship is the efforts to prove the colonial debts to classical antiquity, and the academic monopoly such studies had on colonial and early America.⁴³

³⁹ Furtwangler, *Authority of Publius*, 146

⁴⁰ Furtwangler, *Authority of Publius*, 40

⁴¹ Richard Gummere, *The American Colonial Mind and the Classical Tradition*. (Cambridge: Harvard University Press, 1963), xii

⁴² Gummere, *American Colonial Mind*, xii-xiii

⁴³ Gummere, *American Colonial Mind*, 55

Of particular use for my study were chapters six and ten, “Colonies, Ancient and Modern,” and “The Classical Ancestry of the Constitution.” The former presents the Roman contribution, especially that of Cicero, in the formation of natural law, as true law “is right reason in agreement with nature,” but also of the contribution to many American institutions.⁴⁴ The colony-mother state relationship is also investigated in this chapter; Thucydides and the Peloponnesian War amounted for the bulk of the examples. Chapter ten confirms the validity of a later segment of this paper, where Gummere cites three of the four authors (Aristotle, Cicero, and Polybius) as essential to understanding the debates of the Constitutional Convention.⁴⁵ This chapter, which focuses on the Constitution, links with the later studies of Bederman and Furtwangler in many ways. All three of which agree to a single premise, “In no field were Greeks and Roman sources often more invoked; and at no time were the more frequently cited,” than the period in which the *Federalist* and the Constitution, as well as the debates of this era, occurred.⁴⁶

The purpose for Gummere’s work is to prove that “it is evident to anyone who reads widely in American colonial literature that the fields of politics, theology, and education, as well as experimental science, were enriched by the classical tradition.”⁴⁷ This included all the positive and negative aspects, the “beauties and defects,” of the ancient republics.⁴⁸ *The Colonial Mind and the Classical Tradition* transitioned out of the colonies and into the early American era, and Gummere analyzed specific founders and the Philadelphia convention meetings much like Bederman. Since this text is the earliest

⁴⁴ Gummere, *American Colonial Mind*, 97

⁴⁵ Gummere, *American Colonial Mind*, 175

⁴⁶ Gummere, *American Colonial Mind*, 173

⁴⁷ Gummere, *American Colonial Mind*, 139

⁴⁸ Gummere, *American Colonial Mind*, 181

of the five books, much of the scholarship they present can be traced back to Gummere in this fashion. Where Gummere differs from later authors may be in the direct influence the classics are given to every reference or citation. Many later authors believed in a blending of many ideologies and theories, but Gummere may have split the scholarship too finely between classical and Enlightenment philosophy. *The American Colonial Mind and the Classical Tradition* covered a broad range of topics to illustrate just how ingrained the classics are to early American political thought, education, language, theology, and law. Though the complete impact of antiquity can seem slightly overstated, Gummere displayed how the formative influence of the classics fit into the mix of influences present in this era.

The fourth book of this set, Meyer Reinhold's *Classica Americana*, is the most comprehensive study of the classical-American mesh thus far.⁴⁹ This book analyses many of the problems within this field, from the failing prestige of the Latin and Greek languages, to the polarity presented by Americanists and Classicists lacking a more unified "center" for the scholarship. It is also useful for outlining many areas where the principles of antiquity directly impacted formations of American political institutions. Above all else Reinhold illustrates the usefulness of the classics, and their importance to the study of early American history.

Reinhold begins his book with a survey of the field, believing one of the unique problems these historians face is one of polarization; Classicists often over-emphasized the Greco-Roman contribution, whereas American historians tended to undervalue those

⁴⁹ It is for this reason that a previous section, detailing the classical niche in American history, was named *Classica America*, to reflect the spirit of Reinhold's work.

same contributions.⁵⁰ Some interdisciplinary problems are to be expected, and the increased scholarship since Richard Gummere is proof enough that such divisive issues may have started abating.⁵¹ But this split in scholarship is comparable with the split between ancient and modern theories that often permeates such studies: only the authors which will admit a level of collective influence, and build a collaborative study, can understand the entire puzzle.

With that synthesis established, Reinhold's first chapter can be truly appreciated as immediate evidence for the classics in multiple facets of American life. Language, education, and the Classical tradition are blended together as the first chapter yields to the second, "The Quest for Useful Knowledge in Eighteenth-Century America."⁵² These two chapters are filled with the groundwork studies that each and every author after Reinhold has expanded or individually investigated. These two chapters contain the views of the founders, the early classical tradition, the role of translations and the decline of Latin, and the Revolutionary principles which were founded upon the ideas of Aristotle or Polybius.⁵³ Each section could, and in some cases have, spawned into new studies of their own.

Classica Americana presents a unique amalgamation of historical insight into the "Golden Age of Classical Tradition in America."⁵⁴ It is the principles "of Aristotle and Plato, of Livy and Cicero, and Sidney, Harrington, and Locke," that guided the Revolution. Chapter's Three and Ten fill out the more unique sections of Reinhold's

⁵⁰ Reinhold, *Classica Americana*, 18

⁵¹ Reinhold, *Classica Americana*, 20

⁵² Reinhold, *Classica Americana*, 50.

⁵³ Reinhold, *Classica Americana*, 98-99. Though not present in the first two chapters, these pages exhibit better examples of the Roman influence specifically.

⁵⁴ Reinhold, *Classica Americana*, 39

study. The former analyzed Eighteenth century American political thought with a classical focus, while the latter, "Plutarch's Influence in America" took the colonial studies of Gummere and brought it to the 1800's, while also acknowledging the significance of one of history's better known biographers. These sections present the Roman constitution as a perfect model, with the addition of hindsight, to prevent decay and promote stability.⁵⁵

Like Gummere, Reinhold created a broad yet insightful study that eventually allowed for works like Bederman's *Classical Foundations of the American Constitution*, and the final book of this set, John Richard's *The Founders and the Classics* to build from. *Classica Americana* is both a useful primer and a focused study, illustrating that the Greek and Roman heritage of the United States was vibrant and deeply ingrained in early American culture. Reinhold's book attempted an interdisciplinary inquiry, and produced the right balance of principle, theory, and practice to properly assess the instrumental formative influence of the classics in America.

The final text of this brief historiographic assessment belongs to John Richard and his book *The Founders and the Classics*. Where Reinhold attempted to shrink the disciplinary gap between the ancient and modern authors, Richard may have nearly closed it. Richard's book surpasses the classical background of the founders, assessing the symbolism, models and anti-models, and philosophies that instructed many Americans. His text defines the type of scholarship that can appease both fields, easily blending the classical and the American, the ancient and modern. In this it is much like Bederman's work, but with the founders replacing the Constitution, they represent a new generation

⁵⁵ Reinhold, *Classica Americana*, 101

of scholars that combine pointed individual studies with a solid framework. Many of Richard's passages embody the themes of this field, elucidating the meaningful lessons the classics provided and incorporating those lessons into their chief study.

The crux of Richard's thesis is in establishing a justification for the classics which is on par with Reinhold's useful knowledge; Richard's is the "Tradition of Liberty."⁵⁶ He does this by weaving the Greco-Roman, Whig, and colonial-American influences, not segregating them into "separately marked boxes, as modern historians are inclined to do," and presenting this mesh as a single unified tradition.⁵⁷ This style blends the best of American intellectual history with the classical works that influenced those ideologies.

Each of Richard's chapters present information and analysis relevant to this study, but Chapters Four and Five, "Anti-models" and "Mixed Government and Classical Pastoralism," offer the most comparative content. Contrast, Richard rightly says, offers as many meaningful lessons as analogies, or models as anti-models.⁵⁸ Throughout the *Federalist*, many of the examples presented are exactly the type of governments the Americans do not want to mimic, and by learning of their failures, newer, better political theories could emerge. This is true in Richard's study as well, as the classics provided the American founders with a plethora of information, and many lessons, examples, histories, models, and theories to choose from and analyze.⁵⁹

Much of the scholarship presented thus far has fought against, or completely denied, the theory that the classics began a noticeable and definite decline after this early

⁵⁶ Richard, *Founders and the Classics*, 83

⁵⁷ Richard, *Founders and the Classics*, 9

⁵⁸ Richard, *Founders and the Classics*, 87

⁵⁹ Richard, *Founders and the Classics*, 118

American period. The usefulness of Latin was failing, and some linked this to the fate of the classics.⁶⁰ Proponents of the Enlightenment and other modern theorists believed the classics were too dated, and should be replaced by more modern, as they saw more applicable, treatises. Others claimed the history was tainted, written by only the most devoted servants.⁶¹ Richard engages these types of claims and more in his final chapter, "The Myth of Classical Decline."⁶² The missing portions of Cicero's *Republic* and Aristotle's *Politics*, vital texts concerning mixed government, left many wanting.⁶³ Critics of the ancient languages were unjustified as critics of ancient history and theory, and many utilized frequent citations and references to make even their anti-classical points.⁶⁴ Anti-classical statements were easily reconciled, many as irrational claims that all models must be concrete, exact, and positive to be influential.

Classical Influences to the Federalist Papers

When delving into the pages of the *Federalist*, a few clarifications must be made to avoid confusion. *Publius* frequently refers to the various formation of states, the Leagues, Confederacies, Commonwealths, and Unions, as "Republics" without offering a precise criteria for what defines a republic. The basest definition that emerges is simply a non-monarchy, as any formation of smaller states joined by an expanded democracy, oligarchy, or mixed governing body could be construed as a type of republic in these papers. A republic could be a representative democracy, but not a direct-democracy, where the people directly voted on all things. It could also be a commonwealth, or a

⁶⁰ Reinhold, *Classica Americana*, 69

⁶¹ Richard, *Founders and the Classics*, 228

⁶² Richard, *Founders and the Classics*, 196

⁶³ Richard, *Founders and the Classics*, 228

⁶⁴ Richard, *Founders and the Classics*, 205

federation, so long as the union exhibited a layered joint-government. Essentially a republic is a state, sovereign and unified of its own volition, where the governing process are considered public matters, hence the word's origin from the Latin phrase *res publica* ("public matters").

It is also unclear if the term "democracy" carried the ancient stigma of ochlocracy which Polybius used, the fear that all democracy will degenerate into mob-rule. The word "democracy" is only used ten times in the Federalist Papers, "polity" only three, and "republic" well over one hundred and fifty times, which clearly made it the definition of choice. If the American republic was a state like any other, either definition of mixed government or non-monarchy would have seemed very promising to *Publius*, and to Americans. By choosing this method of a mixed constitution, The Federalist Papers followed in the Roman example, an idea first promoted by Aristotle in his *Politics*, and by Polybius in his *Histories*. Thus the majority of the Federalist Papers incorporate this type of government into their promotion of a federal union, a more perfect union, to replace the confederacy of the time.

Despite the criticism against democracies, theories of mixed governments emerged as a method to combine the more preferred structures of many governments, while lessening the risk of their negative aspects. Four of the most prominent minds of classical antiquity have each analyzed this experiment through various methods, some by practical examples, and others by theory. Through the developments of these authors, any government which attempts to mix the forms of aristocracy, monarchy, oligarchy, or democracy can be called a republic. Thus the definition is an ambiguous one, but had *Publius* attempted to explain how the constitution should be formed in the Platonic style, the

Federalist Papers would have been simply another political treatise. Hamilton, Madison, and Jay could instead draw from these authors, their examples and histories, and with just a little ambiguity created a more encouraging case for adopting the new Constitution.

For many of the papers, the classical Greek city-state, the *polis*, occupies a special position analogous to the American state in the confederacy. The city-states might have formed temporary unions and alliances based on common interest or need, but the Greeks remained intrinsically separate, and so too would the American states under the current Articles. They both were under consistent fears of a former oppressor, the Persians and the British respectively, and had potentially dangerous neighbors. But if *Publius* was aware of these similarities, they were not alluded to, and were not necessarily desired. The *Federalist* authors were promoting a more unified government that would transcend such organizations which polarized Greece in conflicts such as the Peloponnesian War. Virginia, Pennsylvania, or New York could have been the new Athens and Sparta of the North Americas, but such divisiveness is the exact thing the changes recommended by the Federalist Papers attempted to discourage.

The classical formations of concepts like *res publica* or *politeia* are not engaged in the *Federalist*, but they will receive analysis in the next section of this paper. The Federalist Papers instead focus on the progression of concepts like representation, the separation of powers, and the role central governing bodies in addition to the six themes Hamilton laid out in *Federalist* #1. Those themes were the following:

"(1) The Utility of the Union to your Political Prosperity. 2) The Insufficiency of the Present Confederation to Preserve that Union. (3) The Necessity of a Government at Least Equally Energetic with the one Proposed to the Attainment of this Object. (4) The Conformity of the Proposed Constitution to the True Principles of Republican

Government. (5) Its Analogy to your own State Constitution. (6) The Additional Security which its Adoption Will Afford to the Preservation of that Species of Government, To Liberty, and to Property.”

These six themes structure the papers into topical sections for ease of navigation and clarity of purpose, thus this section of my essay mirrors Hamilton's format.

The three authors also provide somewhat limited citations, pushing the greatest limits on what can be considered common knowledge, mostly referencing quotations and obscure passages of more modern authors. In line with the use of the umbrella term 'republic', many historical examples are not always given in their most recognizable form. As many of these references also go without citation, this can prove to be very confusing. These gaps in explanation must be filled to fully understand the relevance of certain examples, beyond sounding plausible for the points *Publius* was aiming for in a particular paper.

A. "The utility of the UNION to your political prosperity"

The first true endeavor of the *Federalist* engages the single largest flaw present in any Confederacy, and how a new, stronger and more united system of states will correct this deficiency. In papers 2-14, all three authors grapple with this glaring lack of unity and the fear of a divided country crippling itself. Not only is a divided union insecure, presenting little chance of a formidable common defense, but the presence of standing armies, or even militias of each state, will only serve to sow discord and tension between the states. Included with the dangers of alliances and factionalism is the Peloponnesian

War, “that famous and fatal war” which ended the prosperity of the Athenians, and their form of democracy.⁶⁵

Publius spends much effort in assuring the people that if our union were permitted to remain in its current form, separate but equal mini-republics, each with their own laws, currencies, and forms of governance, they will become formidable only to one another. This system of Confederacy was only a form of utopian ideal, an impossible formation that lacked authority, and more importantly security, to remain a viable style of government for our states. As the Peloponnesian War proved, jealousy, fear, and hostility are only natural outcomes for neighboring states. In his *History of the Peloponnesian War*, Thucydides documented one of the most famous wars in antiquity, knowing it would prove useful if he did so.⁶⁶ One interpretation of his writings suggests that if a union of nations lacked a unified center, the fringes would rebel, or if one state becomes too powerful and influential, rivalry and factionalism crippled the remaining chances of unity and joint prosperity. The American confederation was formed in the wartime state of the Revolutionary period, to create a system that would survive through war with Great Britain, but did not have the faculties to remain a viable solution once the war-time unity began to dissipate.

In a topic that will be resumed in later papers, standing armies presented another piece to this challenge of unity. As the vast Atlantic Ocean provides for a fairly defensible natural border for those states that have it, westward expansion seemed inevitable for a nation with such a poorly regulated western boundary. This too would

⁶⁵ *Federalist #6*

⁶⁶ C.F. Smith, trans., *Thucydides' History of the Peloponnesian War, Books 1-2*. (Cambridge: Harvard University Press, 1919), 1.1

possibly incite war between the states fighting for each new expansion of land or territory, and with foreign intervention a less likely, though still wholly present threat, those armies and regulated militias would naturally turn on one another as gaining new territory became more of an issue than claiming, or reclaiming, it from the British.⁶⁷

Despite the tendency for inter-state conflict, the reality of war is again revisited for any republican union. Sparta, Athens, Rome, and Carthage are all presented in *Federalist #6*, Athens and Carthage as commercial republics, the desired form of republic for the United States.⁶⁸ *Publius* reminds us how all four were often engaged in some type of conflict or war with their neighbors, even going as far as to relate Sparta to “little better than a well regulated camp.”⁶⁹ Greed from within or from neighbors presents a serious hazard to a commercial republic, and the reality of a weak confederacy turns this classical reminder into a more serious consideration.

It is through these types of examples and history, *Publius* reminds us, that such republics are only now truly possible to maintain.⁷⁰ By not using such history as concrete examples, but as useful ones, we may learn from and expand upon the features of these republic deemed admirable or just by more modern founding minds. It is as lessons that Ancient Greece and Rome may help the United States avoid the fate of so many once-powerful people. Through an understanding of where these nations failed, and a modern attempt at balancing democratic systems with the representation of oligarchies and the

⁶⁷ *Federalist #8*

⁶⁸ *Federalist #6.8*

⁶⁹ *Federalist #6*

⁷⁰ *Federalist #9*

authority of monarchies, a newer, unified, system with a solid classical foundation could finally emerge.⁷¹

B. "The insufficiency of the present Confederation to preserve that Union"

In one of the smaller divisions of the *Federalist*, eight papers seek to restate the insufficiency of the Articles of Confederation, and resumes the antagonistic assault against the deficiencies that would lead to division and strife. Three papers, #18-20, each present a different confederate formation from three governments: the Greek Amphictyonic and Achaean Leagues, the German systems from Charlemagne to slightly more modern Germanic examples, and the United Netherlands. Of these three governments, *Publius* considered only the Greeks as truly instructive analogies, proving once more how weak governments tend to fall apart when not unified by war. As a very young, essentially newborn nation, Americans would have hardly considered becoming a belligerent power a suitable solution for sustaining the current confederation.

From the sixth to second centuries BCE, these two ancient confederations, the Amphictyonic⁷² and Achaean Leagues, saw the rise of Athenian, Spartan, Theban, Macedonian, and Roman domination of Greece. *Publius* explains how the more powerful members of the group consistently overpowered the organizations, and outside hostility

⁷¹ *Federalist* #14

⁷² Though *Publius* never cites it, one possible source could be Strabo's *Geography* 8.6.14, which says "And there was also a kind of Amphictyonic League connected with this temple, a league of seven cities which shared in the sacrifice; they were Hermion, Epidaurus, Aegina, Athens, Prasæis, Naupliæis, and Orchomenus Minyeius." Horace Leonard Jones, trans., *Strabo's Geography: Volume IV*. (Cambridge: University of Harvard Press, 1927)

with Macedon or Rome led to either group asserting their authority through battle. An effort that ultimately proved futile, as Macedon or Rome would conquer the two organizations. The “most considerable of the ancient Grecian Republics,” as *Publius* calls the Amphictyonic League, is also presented as wholly analogous to the Confederation of our states.⁷³ The members never responded to threats with a united faction or response, were frequently at the whims of either the strongest member or foreign intervention, and often devolved into conflict between the few truly influential member-states.

The reality of the Amphictyonic League is not as clear, however, and is one of the few configurations of states which is stretched to fit into the Federalist Papers. This League is rarely referenced in Classical literature, only Strabo's *Geography* had a clear reference to this organization of city-states.⁷⁴ The Oxford Classical definition on Amphictiony adds that the states in this type of organization were connected through sanctuaries and the maintenance of local cults, and that the body could declare a ‘Sacred war’ against any individual state.⁷⁵ Even considering the loose definition of a republic presented through the Federalist Papers, this Amphictyonic League would not qualify. Given this quote it was an agreement among seven cities allowing for mutual sacrifice and governance of a temple, in this case to the temple of Apollo at Delphi during the sixth century BCE.⁷⁶ It should in no way be considered as analogous to the American Confederation.

⁷³ *Federalist* #18

⁷⁴ That reference is again from the Horace Leonard Jones, trans., *Strabo's Geography: Volume IV*. (Cambridge: University of Harvard Press, 1927), 8.6.14

⁷⁵ Simon Hornblower and Anthony Spaworth edit., *The Oxford Classical Dictionary*. (New York: Oxford University Press, 1996), 75

⁷⁶ Hornblower, *OCD*, 75

The Achaean League, because of their more unified presence and effectiveness in driving the Macedonians out of the Peloponnesus for a time, deserve more consideration. Also referred to as the Achaean Confederacy, this federal organization was first mentioned in 453 BCE, and by 446 had fallen under the influences of Sparta in the Peloponnesian War spheres of alliance.⁷⁷ The group had common laws, coinage, and general practices, by the second century BCE, and Polybius stated this included a democratic constitution.⁷⁸ *Publius* restates how this League offers valuable instruction, for proving once more that fear and jealousy between states led to conflict, and in this case it also led to foreign usurpation. The updated reforms of a functioning senate, equality under law and custom, even similar currency, combined with a general authority of a stronger union, proved to be a great improvement over the Amphictyonic model.⁷⁹ But we are reminded how each city “was seduced into separate interest; the union was dissolved,” only to then lead to renewed fears of Macedon and Sparta. In the end, factionalism, fear, and jealousy separated a weakened confederacy.

These two Leagues offer numerous instructive insights, but paper #18 ends with their most valuable clarification, as it “emphatically illustrates the tendency of federal bodies rather to anarchy among the members, than to tyranny in the head.”⁸⁰ The *Federalist* was attempting to show every example of how a weak union, much like the Confederacy, would turn on each other well before it would elect a tyrant. The Achaean League is one case in which the strengths of federalism and the weakness of factionalism

⁷⁷ Hornblower, *OCD*, 4

⁷⁸ Polybius, *Histories*, 2. 41. 4-6. And 2. 37. 10-11. Both citations referenced through Hornblower, *OCD*, 4.

⁷⁹ *Federalist* #18

⁸⁰ *Federalist* #18.21

can both be displayed. Its successes against Macedon are attributed to that unified defense as much as inter-state relations are blamed for the eventual fractures within that defense. *Publius* offers no alternative for the Achaeans, though he clearly believed a strong federal union made the League strong, and separate interests made it weak, this only speaks to the strength of a federal union of a confederation of states.

This section of the *Federalist* scrutinized the insufficiencies of the Articles of Confederation. Much of the discussion focused on fears of factionalism, inter-state conflict, and the vulnerabilities of a poorly unified body of states. The Classical examples are presented with this in mind, and *Publius* does alter a few examples to make them perfectly fit this criteria. The question of a standing army or multiple militia forces was of serious consideration in this period, but few modern Americans, or modern people in general, would question the need for a unified military force. While this may be considered an anachronism from the post-Napoleonic era, few would doubt that a union is strengthened more from a centralized force (of any size) than separated units independent of one another.

Also of consideration is the end of *Federalist* #18, and the likelihood of federal tyranny versus inter-state anarchy. This constitutional convention occurred within a decade of the American Revolution, thus the plausibility of those same Americans submitting to tyranny were slim. The legacy that revolution established would also significantly lessen this possibility, but as the conflict over representation between states even at this convention proved, the states were far more likely to turn on one another than submit to unduly authoritarians.

C. "The necessity of a government at least equally energetic with the one proposed to the attainment of this object"

The third section comprises fourteen papers with a unique theme binding them together: the necessity of an energetic government, willing to act when action is needed, and actively attempt reform when necessary. While it can be said the Philadelphia Constitutional conventions are indeed an active attempt at reforming the government, they are also advocating a replacement of the entire system. The necessity of effective and efficient methods of taxation, legislative authority and the powers necessary for common defense, and the regulation of militia forces are each considered from papers # 23-36 of the *Federalist*. Sparta and Rome play heavily in this section, serving as potentially dire warnings against the danger of ignoring necessity in favor of formality, and the ever-present threat of military usurpations.

In a task that is intended to be divided among the three branches of government, four vital powers are required of any effective form of government. *Federalist* #23 lists them as the powers to provide for or administrate: common defense of each member state, the preservation of the peace against foreign and domestic threats, regulation of commerce that is also foreign and domestic, and the "superintendence of our intercourse" or essentially securing the political and commercial will of the American people in foreign relations.⁸¹

⁸¹ *Federalist* #23.3

The common defense capabilities of a new republic weighed heavily on the mind of Alexander Hamilton, as he begins this section of entirely self-authored papers with that theme. After thoroughly establishing the need for a secure and united defense, especially where a naval force is concerned, the topic shifts to Sparta, and the appointment of Lysander to command the joint navy of the Peloponnesian League.⁸² The post of admiral, *Publius* points out, was not to be conferred on the same person twice.⁸³ This would change, however, after a defeat at the hands of the Athenians made Sparta's allies demand Lysander return to command their forces.⁸⁴ Lysander would only be eventually recalled, however, possibly due to excessive ambition, and given secondary command under a man Plutarch described as his chief friend, Agesilaus.⁸⁵ Despite this eventual replacement, need and joint recommendation overturned legal precedent. As the appointment of Lysander was what the people initially demanded, necessity defeated formality in the form of term limits. The new constitution would need to be flexible enough that even military decisions could be circumvented.

Considering term limits, it is interesting that though President Washington would establish a two-term precedent to the Presidency, it remained an unofficial policy. This policy was only put into law after President Franklin D. Roosevelt was voted into office four times. This law would become the twenty-second amendment, proving both the

⁸² Federalist #25

⁸³ Though not actually cited, this can be confirmed through Xenophon's *Hellenica* Book II 1.2. The quotation states that "The Lacedaemonians responded by sending them Lysander as second in command, with Aracus as admiral, since it was contrary to their custom that the same man should be admiral twice. At the same time the fleet was entrusted to Lysander." Carleton L Brownson trans., Xenophon's *Hellenica: Volume I*. (Cambridge: Harvard University Press, 1918)

⁸⁴ Rex Warner trans., Plutarch, *Life of Lysander*, (New York: Penguin, 1958), 7.1-2

⁸⁵ Plutarch, *Lysander*, 23.3-5 (Rex Warner translation)

amendment process did indeed work as envisioned, but that term limit flexibility can be both included and excluded in a constitution to fit the wishes of the people.

The military remains a central theme for the next few papers, but this time as a potential threat to the liberty of a republic, not as a liberating force defending national interests. In *Federalist* #28 and #29, military usurpation, corrupt representatives, and the general maintenance of the military are interwoven topics requiring careful consideration. The first paper is clearly influenced by the Marian reforms and subsequent civil war in first century BCE Rome. In 107 BCE Gaius Marius changed the Roman army from hastily recruited citizens to a standing army, with set training and equipment. He enlisted the poorer class of citizenry, and, one could argue, began the process by which soldiers were more loyal to their commanders than Rome itself.⁸⁶ The Civil War that followed can be directly linked to these events, and *Publius* certainly connected the fears of standing armies and marches on the capital to this series of events. *Federalist* #28 was warning against allowing a federal government to raise an army capable of despotism without the proper, in this case state-centric, steps to check that power. It may also be with this in mind that the American oaths of enlistment always begin by stating the person will "support (and defend) the Constitution of the United States."⁸⁷

The danger of a standing army remained an important discussion point in the next paper. Military forces occupied a unique role in early American society as both vital for defense yet potentially dangerous to liberty. Auxiliary or militia troops are recommended in *Federalist* # 29, but in any state-centric system they pose as equal a threat as a

⁸⁶ Plutarch, *Marius*, 9.1 (Rex Warner Translation)

⁸⁷ Act of the 1st Congress. September 29, 1789 (Sec. 3, Ch. 25, 1st Congress).

regulated and stationary force, which many previous papers have explained. This is one issue the *Federalist* authors seemingly leave to the will of the convention. The dangers of a federal army are just as tangible as a group of small, independently organized forces. Any military force is potentially threatening, though they are meant to defend their state or nation, and the possibility of uprisings will be present from any armed citizenry. The only way either decision is truly redeemed depended solely on the division of executive powers. The devised system, wherein the President is commander-in-chief, but only the House of Congress has the power to declare war, has thus far avoided any separation of powers issues. This system has only been recently challenged by the War Powers Act of 1941, wherein President Roosevelt was give such Congressional power, though this has since been reversed by the War Powers Resolution of 1973, which took the powers from President Nixon and returned the powers to Congress.⁸⁸

Balancing the legislative powers remained a crucial theme of the remaining papers, despite the power of taxation as their intended focus. Representation among these proposed three branches of government was also a sticking point for *Publius*. In the only stated example of a well-known and supposedly balanced system, the Comitia Centuria and Comitia Tributa of the Roman Republic, illustrated how balanced and properly divided powers was necessary for the American people.⁸⁹ These first of the two bodies

⁸⁸ First War Powers Act, 1941. 50 USC App, First War Powers Act, 1941: Act Dec. 18, 1941, CH. 593, 55 STAT. 838.
<http://uscodebeta.house.gov/view.xhtml?path=/prelim@title50/title50a/node213/node215&edition=prelim> Second War Powers Act, 1942. 50 USC App, Second War Powers Act, 1942: Act Mar. 27, 1942, CH. 199, 56 STAT. 176.
<http://uscodebeta.house.gov/view.xhtml?path=/prelim@title50/title50a/node232/node234&edition=prelim> War Powers Resolution, 1971. 50 USC CH. 33 – War Powers Resolution.
<http://uscode.house.gov/download/pls/50C33.txt> and
http://avalon.law.yale.edu/20th_century/warpower.asp

⁸⁹ *Federalist* #34

was organized by property and age, the second by district location (i.e. rural or urban). These two could pass legislature independent of one another, however, and were organized heavily around property rights.⁹⁰ In both cases the voting units were designed so the smaller, wealthier group of people were divided into a larger number of units, and in both cases majority vote of the units won out.⁹¹ In both cases the dominant control of both voting assemblies favored those with property, but the average citizen was still given some authority.⁹² The split between those with and without property may have seemed acceptable in the early American period. Much of the law of this period would center on property qualifications, so the focus of this example was more inclined to the division of powers than precisely how they were divided.

Splitting the authority, prestige, power, and influence between separate branches and each class of the populace was deemed necessary for a republic to survive. The popular majority and what is commonly still referred to as the nobility must share in the process of governing, or the system will fall apart.⁹³ In the penultimate paper of this section, Hamilton as *Publius* even goes as far as postulating a representative body for

⁹⁰ Hornblower, *OCD*, 372.

⁹¹ T.C. Brennan, "Power and Process in the Roman Republic" in *The Cambridge Companion to the Roman Republic*, ed. Harriet I. Flower. (New York: Cambridge University Press, 2004), 62 as well as Hornblower, *OCD*, 310-311. This adds that the bulk of the Centuriate Assembly was present in 18 centuries of equites, horsemen of the Roman military and traditionally wealthier citizens.

⁹² Hornblower, *OCD*, 1550. The entry "tribus" says that by the Republican era, 495 BCE, the divisions was 4 urban and 17 rural or "rustic" units. By 241 BCE, this was increased to 4 urban and 31 rural/rustic units, for a total of 35.

⁹³ In *Federalist #35* Hamilton refers to this wealthy class as nobility, which is an interesting distinction. Aristocracy may seem more dangerous a word, but what of simply referring to these people as wealthy, and in most cases, landed property owners or merchants? Why must the people be split between popular majority and nobility. The formation of ideas of middle class had emerged by this period, and been implemented previously, and yet Hamilton splits rule between a dichotomy, a solely financially influenced split.

each and every class of citizen.⁹⁴ This can be dismissed, however, as simply ensuring every person feels they are being adequately accounted for in a new, larger system and not lost in the proposed federal machine as a meaningless voice.

It is interesting to note that the section of the Federalist Papers intended to comprise notions of energetic government and various inquiries into taxation is also the section that consistently engages arguments of representation. When the Virginia, New Jersey, British, and other plans were being debated in the Constitutional Convention, the bodies of the House and Senate were eventually decided on to be a compromise, among other things, between the more and less populated states. One body with votes scaled to population, the other providing equal votes to all states, wherein legislation had to be passed by both forms of assembly to reach the President. The United States became a Federal Republic with representative democracy built in to its type of mixed constitution. In this section of the Federalist Papers, legislative authority and the powers of common defense are tied together with problems of just taxation. A system properly balanced and representative of all its people, in all of its states, engages and satisfies each of these common governmental issues.

D. "The conformity of the proposed constitution to the true principles of republican government"

It is in the largest division of the *Federalist* that the case for Classical antiquity resumes its role as unparalleled instructor, and readings about Solon, Draco, and

⁹⁴ *Federalist* #35

Romulus begin to far outweigh and outnumber any significant insight given by Enlightenment thinkers. Far more than the examples and influence of specific classical minds or events is presented in papers # 37-84, however, as the true principles of republican government can only be intimately understood once their origins and progressions through the Classical mediums have been addressed and analyzed. *Publius* does not disappoint in this regard, as nearly every other paper contains their views of antiquity, and the three authors each display their reverence not only for the ancients they utilize, but for the presence of the Classics in any reasonable discussion of such themes.

This feeling is best represented by a few lines from *Federalist* # 49, which implies that reason alone cannot be a guiding principle for the creation of a new governing system. We were never, and remain far from, Plato's idealized nation of philosophers, which is referenced in this paper. The positions of power and authority in any nation are not held by men capable of reflecting his image of a Philosopher King, and therefore must be guided not by Enlightenment principles of reason alone, but by a more carefully constructed republic. What should be done, and what can actually be achieved, are not always the same. Even a system that utilizes for its foundations the histories which may best instruct it, framed with principle and purpose, may still require reinforcement. The men that signed these papers as *Publius* knew the Classics well, and believed that "when the examples which fortify opinion are *ancient* as well as *numerous*, they are known to have a double effect."⁹⁵ The Classics help ensure strengthened foundations through history and practical example. The remaining references within this section of the

⁹⁵*Federalist* #49

Federalist illustrate this understanding, and affirm their formative role of the Classics upon early American history.

The agency of the Founders dawns on Madison after this discussion of foundations, and the role of individual men in creating that infrastructure.⁹⁶ In what will be later shown of many democracies or republics, the group of men or single man that held the power to form a new system of governance will undoubtedly lay the foundations by their own ideologies. This founding moment, performed by some of the preeminent citizens of their time, must be undertaken with precise planning and uniform consent. For the early United States, the flaws within the Confederation were not as disputed as the processes by which to rectify them. Once a convention was underway, the path to a compromise began as well.

The mythical and traditional founders of many of the ancient republics are then described and analyzed, including Minos, Theseus, Solon, Romulus, and more.⁹⁷ Though Solon is the only leader not considered mythical, even his reputation has been influenced by legend when he became the founding hero for Athenian democrats.⁹⁸ Despite their origins, these examples are meant to confirm the legitimacy of a core group of lawmakers in handling the initial formation of a new government, even among a people equally suspicious and fearful of their leaders as Americans. *Publius* says that, “jealous as the Greeks were of their liberty” and though they utilized an army commanded by no less

⁹⁶ *Federalist* #37

⁹⁷ *Federalist* #38

⁹⁸ Though he is not mentioned by Thucydides, Herodotus called Solon a sage, lawgiver, and a poet. Solon is perhaps best known for his reforms, such as creating the four property classes in Athens, and his attempts to lessen the gaps between rich and poor, powerful and powerless. Hornblower, *OCD*, 1421

than ten separate men, they still placed their destiny, willfully, in the hands of Solon.⁹⁹ A single citizen may shape the course of his people, or even a few citizens, but for that destiny to succeed these great leaders still require the assent of the people. Some who opposed the Constitution proposed this tainted influence may have infected the document's creation. But as this section of papers points out, given the history of such respected systems began in a similar fashion, believing such things could impair the document was an erroneous assertion.

It is with that in mind that *Federalist* # 38 presents two of the entire project's greater analytic points. It is not necessary for this new system to be perfect, just better than the previous government. Despite any one Founder's opinion regarding a proposed Bill of Rights, the amendment process attached to a new constitution ensured future changes could be made when necessary; even this Constitution was not designed to be concrete and infallible. *Publius* reminds us to admire the American improvements on the ancient models and plans of government, to learn from their mistakes the hazards and difficulties inherent in the creation of a new system.¹⁰⁰ These histories of the ancient Greek and Roman peoples are given here to instruct, to be a foundation upon which a truly successful new republic can be established. Any opinion of a single framer, or even the initial founding document itself, cannot and should not interfere with the will of a people desiring reform. These are not unbending or unblemished creations, by any imagination, and should not be treated as sacrosanct.

⁹⁹ *Federalist* #38.5

¹⁰⁰ *Federalist* #38

In order to somewhat remove themselves from the constitutional debates as *Publius*, Paper #47 makes a definitive statement to partly diminish this dilemma of framing agency. In analyzing how specific state constitutions have functioned thus far, the strengths and weaknesses of each of these is pointed out. As this paper is authored by James Madison, one assumes that the Virginia Plan would be proposed. It was not, nor was the New Jersey Plan, which opposed this large-state minded plan, poorly assessed. Personal opinion was placed as secondary to the jointly authored *Publius*, behind the ultimate true goal not of correcting the Articles, but of replacing them. Thus it was an efficacious decision not to advocate any particular formation that would be an improvement to their Confederation. The divide between Hamilton and Madison is well known, but this appears only minimally in the *Federalist*.¹⁰¹ Of course these men sought to influence the discussion and engage with critiques on a public scale. But the assertion that no actual plan should gain preference in their writings, only that whatever plan proposed is investigated and supported, is a unique position for *Publius* to maintain.

The papers return to the formation of a new government, and the question of representation, discussing how the bodies that would become the House and Senate should be constructed. In a paper with abundant classical references, a striking reminder is presented: all long-lived republics had a Senate in some capacity.¹⁰² Sparta and Rome went as far as giving them appointments for life, with the system of representation varying, or in some cases lacking entirely. Though the United States would have no formal term limits until the 22nd Amendment was enacted in 1951, the two term precedent set by George Washington was largely maintained. Athens before the reforms

¹⁰¹ Furtwangler, *Authority of Publius*, 24-32

¹⁰² *Federalist* #63.10

of Solon elected their nine Archons, chief magistrates for the different tasks of governance, by popular vote. Representative democracy in the style of the proposed Congress are not truly equitable to the popular appointments of Sparta's ephors or Rome's tribunes, but these examples are none the less presented as ancient positions requiring considerable inquiry.

The size of the three branches is also worth investigating. The sizes of the House and Senate are compromises between larger and smaller states to divide the legislative authority between population and equal representation. With one proportioned by population and the other by an equal number of votes for each state, the size of these assemblies could regulate themselves once established. The branch of the executive is then considered in Paper #70, where a larger council had been proposed in addition to the singular executive that emerged. This was either an attempt to limit the monarchic presence in the Constitution, or to increase the oligarchic, by dividing the highest level of authority into multiple leaders. This effort was compared to the Decemvirs of Rome, the two organizations responsible for the Twelve Tables of Roman law. When all magisteries were suspended in 451 BCE, this group was organized to compile a code of laws, the first group created ten tables in this year, the second finished with two more in 450 BCE.¹⁰³ These Decemvirates were a body made of ten men (thus their name), mostly former consuls, which eventually refused to relinquish their office, and became increasingly tyrannical, once the laws had been set.¹⁰⁴ Fear of such actions was likely the reason for the comparison in the *Federalist*. Also included in this paper are the disagreements between Roman praetors and consuls, very powerful roman officials that

¹⁰³ Hornblower, *OCD*, 435

¹⁰⁴ *Ibid* 435

were designed as pairs or larger groupings, and their tendencies to cause sizable conflict, despite the power split among as few as two individuals.¹⁰⁵ Considering a large presence in the Federalist Papers were attempts to minimize factionalism, it is of little wonder why a single President was chosen to wield the most power in the American government.

Included with the style of representation, and the number of members for each body, is how these legislatures would come to decision. Unanimity cannot reasonably be expected for each and every decision these bodies debate. Abstention too, cannot be allowed to interfere when the President and Senate seek to pass a resolution. Paper # 75 uses the Roman tribunes as one of three examples illustrating the impotency and general disorder of political bodies which did not require the proposed provision to the Constitution requiring two-thirds of the body to be in agreement. As the tribunes required unanimous consent, even a single voter could effectively block legislation. The idea of a Senate or Congress vote requiring complete and unanimous approval would have been frightening.

The tendency of members to complicate governmental proceedings occupies the remainder of the direct references for this section of the *Federalist*. Most of the critiques are aimed at the failures of confederacies, ancient and American. The Amphictyonic Council reemerges in #43, again warning against foreign interference overwhelming unprepared republics, a frequent warning in the Federalist Papers. The Achaean League and Lycian Confederacy¹⁰⁶ are presented as groupings that had member states “despoil

¹⁰⁵ *Federalist* #70

¹⁰⁶ Though never actually cited, this reference was found in Strabo's *Geography*, Book XIV Chapter 3. Section 2 refers to a Lycian League, and section 3 describes their voting process as follows: "There are twenty-three cities that share in the vote. They come together from each city

the general governing of its authorities,” an additional warning thoroughly received at this time.¹⁰⁷ Conflict and quarrels will have to be as natural to the formation of government as the labels we have given them. Reason alone cannot be the sole guiding principle for political assemblies, as their members, regardless of their formation or duties, can and often will turn to unreasonable behavior. *Publius* phrases this fact well, commenting that “Had every Athenian citizen been a Socrates, every Athenian Assembly would still have been a mob,” and an unprepared republic can become consumed by this fear of factionalism as much as the factions themselves.¹⁰⁸

E. "Its analogy to your own state constitution" and "The additional security which its adoption will afford to the preservation of that species of government, to liberty and to prosperity"

The final two sections of the Federalist Papers are covered in the same four page essay, *Federalist #85*. The key question throughout this paper asks if the American people should adopt an imperfect document, the Constitution, simply because it is a vast improvement to the previous Articles. The amendments process and the Bill of Rights proposal factor into this analysis, providing options for two critical problems some critics had of the Constitution, clearly stating certain rights and adding to a document as

to a general congress, after choosing whatever city they approve of. The largest of the cities control three votes each, the medium-sized two, and the rest one." Leonard Horace Jones, trans., *Strabo's Geography: Volume VI*. (Cambridge: University of Harvard Press, 1929,) 8.3.2. Also found in Hornblower, *OCD*, 894, though this cites Strabo, 14. 644-5.

¹⁰⁷ *Federalist #45*

¹⁰⁸ *Federalist #55*

necessary. In sync with the preceding papers, the message *Publius* shares with the American people is one favoring ratification.

But the nature of adopting an imperfect model, with clear and practical room for improvement, presents another interesting connection to the critiques against the Classics. Ancient history and theory are not perfectly analogous to early America, and the references and examples presented in the Federalist Papers alone prove no republic is perfect. The Classics are, however, a strong foundation to build upon, with inherent strengths and weaknesses open for improvement and consolidation. They require no amendment process, one may simply pick and choose the lessons they require and the models they deem relatable. Ignoring the obvious deficiencies of the Articles of Confederation, and choosing not to adopt a more advanced system when it had been so thoroughly prepared, would be akin to ignoring the Classics altogether, simply because those peoples, their systems, and the history they imparted eventually fell into relative disuse.

Republicanism and Mixed Constitutions

The core themes presented in the Federalist Papers originated from the theories of four classical authors: Plato, Aristotle, Cicero, and Polybius. The treatises of Plato and Aristotle on the forms of government, both factual and preferred, and the analyses of Cicero and Polybius regarding those works as well as the Roman constitution provided invaluable instructive authority for millennia to come. These authors were widely cited and consulted by later political theorists like Machiavelli and Montesquieu as they were creating their own unique twists to this Classical scholarship. Though there may be lines, pages, even whole sections missing from some of these texts, what has survived

continues to influence statecraft and political theory. Only of consideration in these texts is their formative roles in shaping the political theories of mixed constitutions and the ideal state. The development of these political ideas shaped the discourse of government to its present foundations, defining just and moral rule in all its forms and functions.

This development of political theory begins with Plato (428-347 BCE) the Greek philosopher whose *Republic* is a definitive classical text. A fond lover of Aristocracy, in which his ideal Philosopher King rules his people with the most utopian senses of justice and honor, Plato may seem an odd origin for the more modern notions of a republic. Many of his ideals are largely unrealistic, theoretical wishes for an ideal formation of state, down to the types of citizenry. For example, Plato frequently discusses the creation of a so-called guardian class, aristocrats without claims to wealth, prodigy, or landed title as a solution to the question of justice among the people. Plato's *Republic* is one of, if not the, earliest effort to understand and perfect political theory. As such not all of the ideas present translated well into future ages.

Plato's theories on the forms of state, and their ultimate degeneration into tyranny, did maintain serious considerations well into the Roman period of Western history. Book VIII of the *Republic* identifies the four forms of governance inferior to the aristocracy which Plato envisioned. Aristocracy is the highest form of state in this book, as rule by the most just and "best" men would surely seem. But when the aristocracy begins to fail, as all human endeavors undoubtedly will, rule is left to the spirited men, and a Timocracy is formed.¹⁰⁹ In the degradation of states Plato describes, this form is the second-best option, left for men who cannot seem to trust the philosophers to perform their duties.

¹⁰⁹ Benjamin Jowett trans., Plato, *Republic*, (New York: Barnes and Nobles, 2004), 545c

This form of rule by honor and spirit is, Plato believes, inherently warlike, and an intermediary between aristocracy and oligarchy.¹¹⁰

Love of money and the lavish life leads this rule of honor and spirit to turn to oligarchy, where the wealthy class of men runs the government.¹¹¹ Private interests of the rich spoil the rule of honor and spirit, replaced with jealousy. It is interesting that this is the definition of oligarchy Plato provides. Commercial Republics, previously identified as the preferred form of government by *Publius*, would surely adhere to part of this oligarchy. The wealthy class framed the United States, and created its constitution. The oligarchic man is an ambitious one, greedy and hungry for power.¹¹² But this is Plato's form of republic, heavily favoring aristocracy as the single form above all others, and mixed form had yet to be theorized. This oligarchy is the middling form of state, not yet too evil or unjust, but still beneath the previous Aristocracy and Timocracy.

Democracy factors in as the worst possible state of governance beyond complete tyranny. Keeping in mind this distinction is compared with the perfect form of Aristocrat kingship, it is through this work that democracy first gained the stigma for simply feeding the mob. This form of rule is steeped in jealousy and greed, mismanaged wealthy men fall into poverty, and the poor seek to share in the wealth of other men.¹¹³ The people are brought up "in a vulgar and miserly way," Plato says, making democratic people seem dependent, weak, and nefarious to rule.¹¹⁴ It is clear Plato had little love for Democracies, and in this section of the *Republic* not even the redeeming feature of democratic equality

¹¹⁰ Plato, *Republic*, 547a (Benjamin Jowett trans)

¹¹¹ Plato, *Republic*, 550c-d. This is defined as "A government resting on the valuation of property, in which the rich have power and the poor man is deprived of it." (Benjamin Jowett trans)

¹¹² Plato, *Republic*, 553e (Benjamin Jowett trans)

¹¹³ Plato, *Republic*, 555-556e (Benjamin Jowett trans)

¹¹⁴ Plato, *Republic*, 559d (Benjamin Jowett trans)

is given positive consideration.¹¹⁵ Considering he deemed Democracies second only to Tyranny as negative formations of state, this was to be expected.

The work of Plato is a foundation upon which the remaining three authors have built their own theories and definitions. The *Republic* has many flaws as a political treatise, and not all of Plato's ideas were maintained even a single generation after his death. The theory of forms did not last through his student Aristotle. He banished poets from his utopian city for stirring unjust inclinations, while promoting his own profession as the new ruling class.¹¹⁶ Favoring aristocracy, he desired specialization, preventing class and even professional mobility.¹¹⁷ By solidifying the ruling class with what may be considered an odd form of tyranny, most people are kept from defending their city, or even having a hand ruling it.

Aristotle (384-322 BCE), most likely the most well-known student of Plato, incorporated an analysis of Plato's *Republic* and *Laws* into his own ideas of political theory, a book entitled *Politics*. Book II of *Politics* investigates what is considered the best theoretical form of government, and also analyzes three of the practical applications of good governance in Sparta, Cretan, and Carthage.¹¹⁸ Book IV discusses the best form of state, and Book VII resumes this task by defining and theorizing possible forms of democracy and oligarchy that could best mimic the ideal state.¹¹⁹ These two books come to form the first political theory of a mixed state, the *politeia* and a constitutional government.

¹¹⁵ Plato, *Republic*, 558b (Benjamin Jowett trans)

¹¹⁶ Plato, *Republic*, 607a (Benjamin Jowett trans)

¹¹⁷ Plato, *Republic*, 423 (Benjamin Jowett trans)

¹¹⁸ H. Rackham trans., Aristotle, *Politics*, (Cambridge: Harvard University Press, 1932), 1273b11

¹¹⁹ Aristotle, *Politics*, 1295a11-b11 (Rackham trans)

Much like Plato, Aristotle also identified the formations of government and their perversions, though the latter's list has naturally expanded. Royalty has a negative form in Tyranny, Aristocracy may turn to Oligarchy, and Constitutional governments finds their perverted form in Democracies.¹²⁰ The same negative beliefs in democracy and oligarchy are shared by Plato and Aristotle, in *Politics* only the wealthy run oligarchies and the people of democracies are needy, neither are right for the common good.¹²¹ The stigma attached to these forms of governance have different origins, however. For Plato, Aristocracy reigned as the best formation of government led by Philosopher Kings, with democracies being the second worst option. In Aristotle this is no longer true, democracy is now the least harmful of the negative forms, partly because it is a degradation from his idealized state.

When this best political community (*politeia*) is analyzed in Book IV, it is clearly stated Aristotle believed it should be "formed by citizens of the middle class," and is most likely to succeed when "the middle class is large, and stronger if possible than both other classes (the rich and poor)."¹²² The attempt to balance power solely between the richer minority and poorer majority results in class based conflict should one feel slighted. But if the power rests in a happy medium, very literally the middle class, that strife could be lessened. Book IV also proposes options for a constitutional government to be formed, each requires combining elements of democracy and oligarchy, in some form. It is when

¹²⁰ Aristotle, *Politics*, 1279b7 (Rackham Jowett trans)

¹²¹ Aristotle, *Politics*, 1279b7 (Rackham Jowett trans)

¹²² Aristotle, *Politics*, 1295b11 (Rackham trans)

"the same state can be termed either a democracy or an oligarchy," Aristotle says, the fusion is complete and a *politeia* is formed.¹²³

This concept is more fully explored two books later in the beginning of Book VI. Aristotle adds to this concept of mixed constitutions, presents a few examples as to how they could function: "When the deliberative part of the government and the election of officers is constituted oligarchically, and the law-courts aristocratically... or when in any other way there is a want of harmony in the composition of a state."¹²⁴ The significance of this quote cannot be overemphasized, despite the government this example postulates. Harmony in the composition of a state, a balance of the three forms, began with Aristotle's *Politics*.

At the time, Aristotle considered most governments to be either democratic or oligarchic, so the theories in *Politics* primarily engage these formations.¹²⁵ To add further consideration to the definition of a form, Aristotle problematizes the theories of democracy and oligarchy. Democracy is not the government in which the majority of the people rule, he points out.¹²⁶ If the majority of people were a wealthy ruling class, by Aristotle's definitions this would be oligarchy, despite the majority ruling. If the free are to rule, this is a democracy despite their numbers, and the traditional fact that the rich are normally the smaller of the two groups is "only an accident."¹²⁷ This only leads to increased reasoning for the third, middle, class of people to be the rulers. It also serves to prove the definition of a government had become increasingly subjective, as the types

¹²³ Aristotle, *Politics*, 1294b9 (Rackham trans)

¹²⁴ Aristotle, *Politics*, 1317a1 (Rackham trans)

¹²⁵ Aristotle, *Politics*, 1295b11 (Rackham trans)

¹²⁶ Aristotle, *Politics*, 1290a4 (Rackham trans)

¹²⁷ Aristotle, *Politics*, 1290a4 (Rackham trans)

began to blend, definitions of democracy and oligarchy may no longer have been enough to define the characteristics of specific states.

It is in *Politics* that modern republican theories begin to emerge. This included notions of a strong middle class, and a polity which could blend democratic and oligarchic tendencies so well one can barely distinguish it as either form. When *Publius* had difficulty labeling ancient peoples, referring to seemingly every union of states as a republic, it may have been with this theory in mind. For if there was ever a formation of government which could so successfully blend the types of rule together as to be an indiscernible new formation, we would call this formation a republic.

The previous two authors had been Greek writers whose works concerned Greek states. Though the formations of Sparta or Carthage were identified as preferable, there was no people which Plato or Aristotle could praise for resembling their criteria. By the time of Polybius (200-118 BCE), Rome had emerged as a dominant power and conquered Greece. Though a Greek historian, and former Hipparch of the Achaean League, Polybius documented the rise of Rome, and praised its balanced government in his *Histories*.¹²⁸ In Rome there emerged what some believed to be the ideal theoretical formation of government, Polybius among them. This feeling is echoed by Cicero, who saw in the Roman commonwealth, the *res publica*, an ideal state he wished to defend.

Before analyzing the *Histories* of Polybius, it must first be noted that only a small part of the entire work remains, and only Book VI engages the themes of mixed constitutions the previous authors have introduced. Like Plato and Aristotle, Polybius

¹²⁸ Hornblower, *OCD*, 1210. Polybius' father Lycortus of Megalopolis was a leading figure in the Achaean Confederacy, and Polybius himself eventually served as Hipparch of the Confederacy.

presents the types of government, and their positive and negative formations. These forms also adhere to a strict sequence of degeneration, from Monarchy to Ochlocracy (mob-rule), which follows Platonic and Aristotelian models. Polybius marks the transition between the Greek *politeia* and the Roman *res publica*, and with a mixed constitution in Rome to examine and analyze.

Polybius created a new cycle of government, crediting Plato and others for the theory of how governments transform, that has six forms and seven transitions.¹²⁹ One-man rule is the natural first formation, but full of defects, which are corrected through kingship. Tyranny rises from this and is replaced by aristocracy. "Aristocracy by its very nature degenerates into oligarchy, and when the populace rises in anger to avenge the injustices committed by its rulers, democracy is born."¹³⁰ The cycle is completed by the transition of democracy, a positive formation of state to Polybius, into mob rule, Ochlocracy.

The progression of ideas relating to democracy by this time is interesting. Once thought of by Plato as the second worst formation of government, and by Aristotle as the least harmful of the negative forms, Polybius lists it as one of three positive forms of government. The concept of *okhlokratia* assumes the negative and corrupt qualities of a democracy. Through Polybius the stigma of the mob can be lifted, if only theoretically, from the character of popular rule.

How then does Polybius see the Roman constitution? The consuls represented the monarchy, as all magistrates were subordinate to the decisions of the consuls, at home or

¹²⁹ W.R Paton trans., Polybius, *Histories: Volume III*, (Cambridge: Harvard University Press, 1922), 6.4-6.5

¹³⁰ Polybius, *Histories*, 6.4.2 (W.R. Paton trans)

in the field. They supervised virtually all the affairs of the state, and ran the Senate.¹³¹ A check was built in the form of the Tribunes, who had vetoing powers and could prosecute corrupt officials.¹³² Thus the monarchs were not truly absolute authorities, but very powerful rulers. The second form of government is represented by the Senate, which controlled the finances, the revenue, public works funds, trials of treason or conspiracy, and was the only body capable of declaring war.¹³³ In this manner the Senate was, for Polybius, the aristocracy. By Aristotle's definitions, however, it would have been an oligarchy, where all those landed in property and wealth ruled. Through the Senate and the Consuls all the military and financial roles of statecraft are occupied, and Polybius notes the role left for the people, the form of democracy in Rome, may appear slim.¹³⁴ He proclaims this is simply untrue, and the people occupy significant authority, as only they control the law courts, the election of public officials, and the processes of alliance and treaties.¹³⁵

Through the Consuls, Senate, and people of Rome, the three positive forms of government in *Histories* are found in a single government. This mix between monarchy, aristocracy, and democracy can be both volatile and balanced, as one branch can work with or against the others, which Polybius provides a few examples.¹³⁶ The ability to help or harm the other branches, the system of checks and balances, is the trait which Polybius says provides the Romans with the best form of constitution, capable of withstanding all

¹³¹ Polybius, *Histories*, 6.12 (W.R. Paton trans)

¹³² Polybius, *Histories*, 6.12. It is in the note to my translation I would like to call attention, which describes the role of the Tribunes. "The tribunate was specifically designed as a check upon the consular power," and "motions proposed in the Senate by a tribune could not be vetoed by a consul," (W.R. Paton trans)

¹³³ Polybius, *Histories*, 6.13.1 (W.R. Paton trans)

¹³⁴ Polybius, *Histories*, 6.14.1 (W.R. Paton trans)

¹³⁵ Polybius, *Histories*, 6.14.2 (W.R. Paton trans)

¹³⁶ Polybius, *Histories*, 6.15-6.18 (W.R. Paton trans)

emergencies.¹³⁷ Any fault or ambition within one branch is meant to be corrected by the other two, though the period of civil war that began well after the completion of the *Histories* may dispute the effectiveness of those checks. The Roman Republic may not have been a perfect combination of the positive formations of government, but it may have been the most successful iteration of its time.

Part of Book VI was reserved for just such comparisons, and the section "*The Roman Republic Compared with Others*" looks at four historically commended systems in Carthage, Sparta, Mantinea, and Crete.¹³⁸ Sparta and Carthage, it should be reminded, were praised through Plato's *Republic* and were frequently discussed in the Federalist Papers. The fluctuation of the power of Athens is considered by Polybius as abnormal, an error of good fortune and poor luck, but he spends the first part of this section to analyze Athens, specifically under Themistocles. Athens is likened to a people that are in a leaderless ship, with calm waves leading to overconfidence, and only the fear of storms and rough waters maintaining good behavior among the sailor-citizens.¹³⁹ Athens succeeded only by the "heroism of her people and their leaders," a state of vigilance which cannot last forever.¹⁴⁰

Polybius finds fault with each of the four historical systems, but of these only the government of Carthage is truly praised for its construction, so that is where attention will be paid. Carthage had a form of mixed government with Kings as ruling monarchs, and assembly of elders to be its aristocracy, and the same ambiguous role reserved for the

¹³⁷ Polybius, *Histories*, 6.18.1 (W.R. Paton trans)

¹³⁸ Polybius, *Histories*, 43.1 states that "Almost all historians have commended to us the repudiation for excellence of the Constitutions of Sparta, Crete, Mantinea, and Carthage." (W.R. Paton trans)

¹³⁹ Polybius, *Histories*, 44.1 (W.R. Paton trans)

¹⁴⁰ Polybius, *Histories*, 44.2 (W.R. Paton trans)

people as was in the Roman government.¹⁴¹ Truly the only problem the state had, in the eyes of Polybius, was that it was in decline and Rome was ascending. "Ascending or descending" did not mean militaristically, however, but in the role the people played in military decisions. Carthage was deemed weaker for allowing its citizenry too much power in decision-making, whereas Rome was superior in that the Senate still decided certain matters.¹⁴²

Much like the bias Plato held for Aristocracy, and the stigma he placed on the rule of the people, Polybius appears to have shared similar beliefs. His other analyses on the Carthaginians were simply belittling to their ceremonies, warriors, monetary customs, and even religious ceremonies and deities.¹⁴³ Each of those was considered to have some impact on the state or its citizenry, but little in relation to the constitution of Carthage. Considering this Carthaginian formation receives the most praise of the four, and the only real critique against it was being too democratic, their blending of the forms of government would appear altogether adequate outside this mistrust of democratic practices, which all three Greek authors have thus far shared.

Also among the many formations of government, Polybius contemplated Plato's ideal republic, eventually deciding it should not be considered. The author's reasoning is steeped in practicality, as all the examples of this section had been factual formations of historical constitutions. The governments of Carthage or Sparta exhibited both theoretical and practical flaws, confirmed in the eyes of Polybius by the decline of those states as compared to Rome. Thus Plato's republic should not be considered, as it is purely a

¹⁴¹ Polybius, *Histories*, 51 (W.R. Paton trans)

¹⁴² Polybius, *Histories*, 51 (W.R. Paton trans)

¹⁴³ Polybius, *Histories*, 53, 56 (W.R. Paton trans)

theoretical formation, lacking a formal constitution, and a people to put it into practice. This effort, Polybius states, would be like comparing even a perfect statue to a breathing man, a comparison both "inadequate and incongruous," to the discussion.¹⁴⁴ It is unfortunate Polybius did not engage Plato's work. His comparison of that republic to the Roman republic would have proved both interesting and telling. The role of mixed governments should be discussed as Polybius presents them, however, only through functioning examples of various theories, and not as idealized creations that will forever lack tangible substance.

The Roman republic occupied this role as the best blending of governments in Polybius' *Histories*, and this position is further entrenched in Cicero's *De Re Publica*. Cicero (106-42 BCE) was a Roman statesman, famous orator and lawyer, and one of the more influential writers of Western history, whose works heavily influenced not only modern history, but modern and classical (Latin) languages. The *Republic*, or "on the Commonwealth," mimicked the style and content of Plato's *Republic*, with Scipio Aemilianus taking the role of Socrates as the primary voice the author speaks through.¹⁴⁵ Scipio Aemilianus, grandson of the famous Scipio Africanus, held many theories on how best to prevent the ultimate fall of Rome. As a very prominent aristocrat, stemming the decay of aristocratic "morality" was a chief concern, but so too were limiting dangers from

¹⁴⁴ Polybius, *Histories*, 47.2 (W.R. Paton trans)

¹⁴⁵ How to properly address this work is a subject I'd like to set aside. Many translations refer to *res publica* as "commonwealth," (mine included) but as the editor notes, this project mirrors Plato's so intentionally Cicero's *Republic* seems almost fitting. Regardless of the classical intentions, however, the modern term "Republic" is drawn from this, and that is how I will address the Roman formation, as a republic. Clinton Walker Keyes, trans., *Cicero's The Republic, The Laws*. (Cambridge: Harvard University Press), 1928.

the democratic elements of Rome, notably the Tribunes.¹⁴⁶ With the inclusion of Cicero, all four authors share the same analytic progression which begins with labeling the positive and negative individual forms of government. In *De Re Publica*, Kingship, aristocracy, and "popular government" (*civitas popularis*) are all potentially tolerable, as Cicero puts it, and capable of producing a stable government on their own.¹⁴⁷

After establishing his definitions, Cicero presents unique analyses as to why a combination of these forms is superior to any individual style in government. In kingship and aristocracy, the people are often too marginalized, in popular governments the lack of distinction and title sets the higher classes at odds with those people.¹⁴⁸ The fact that the nobility, the highest classes of society, must feel distinct, separate, and elevated from the average citizen was the only significant critique against democratic governments. Cicero presents further problems against the other forms of government, which are more-rationally reasoned. Oligarchies, he states, are just another type of tyranny, enforced by a group rather than a single man, and "as to aristocrats, who could tolerate men that have claimed the title without the people's acquiescence, but merely of their own will?"¹⁴⁹

All three types of government are deemed capable of their own distinct despotisms and tyrannies, but the dialogue in which Scipio, Mummius, and Laelius¹⁵⁰

¹⁴⁶ Hornblower, *OCD*, 397. The fear of excessively popular aristocrats was also concerning, according to the *OCD*, but this is not a constitutional concern.

¹⁴⁷ Cicero, *De Re Publica*, I §42 (C.W. Keyes trans)

¹⁴⁸ Cicero, *De Re Publica*, I (C.W. Keyes trans)

¹⁴⁹ Cicero, *De Re Publica*, I §68, 50 (C.W. Keyes trans)

¹⁵⁰ Lucius Mummius and Gaius Laelius were two senators and friends of Scipio Aemilianus, both are found in the *Oxford Classical Dictionary*, pages 999 and 811 respectively. Lucius Mummius was praetor and proconsul from 153-52. He commanded the Roman forces against the revolt of the Achaean Confederacy in 146, when he was consul. After this conflict Mummius consulted Polybius for advice on how to organize the Macedonia province, and keep the Greek city-states in line. He was censor in 142 with Scipio Aemilianus. Gaius Laelius is described as the closest

debate this further is lost.¹⁵¹ The only praise Cicero issued for popular government is found at the end of Book III, which is also lost. We know this system was in place at Rhodes, which had rotating representatives, paid service, and a Senate which "possessed as much power and influence as the multitude."¹⁵²

Like Aristotle and Polybius, Cicero considers the form which "is a combination of all them superior to any single one of them," and Rome at the time of Africanus the ideal state.¹⁵³ Cicero's reasoning is much like that of Polybius, Rome's greatness as a government is reinforced by its continued survival and dominance. With Plato and Aristotle, the remainder of *De Re Publica* engages the idealized citizen and the pursuit of law and justice. Cicero believed it was law that unified any civic association, and a state was an "association or partnership in justice."¹⁵⁴ It is unfortunate that so many of his unique analyses that would engage the same themes as Plato, Aristotle, and Polybius are lost.

Every author has a claim for law, justice, or representation uniting the people of any government. But what about equality? Through the character Mummius, Cicero presents an opinion apparently held in Rome; elements of kingship are more promising than those of democracies, "the worst of all governments."¹⁵⁵ The rule by select good

friend of Scipio Aemilianus, and served with him in Africa. Laelius was consul in 140 and praetor in 145, he also assisted in the persecutions against the friends/supporters of Tiberius Gracchus.

¹⁵¹ Cicero, *De Re Publica*, III §45-46 (C.W. Keyes trans)

¹⁵² Cicero, *De Re Publica*, III. §48 (C.W. Keyes trans)

¹⁵³ Cicero, *De Re Publica*, I §54 and repeated in II §65; Rome as the ideal state appears in II §66. (C.W. Keyes trans)

¹⁵⁴ Cicero, *De Re Publica*, I §49. "Civic association" reads as *civilis societatis* in this section. (C.W. Keyes trans)

¹⁵⁵ Cicero, *De Re Publica*, III §46. Cicero presumably did not believe this, as Scipio Aemilianus is the main character, and keeping with Platonic tradition that character would express the author's opinions, not Mummius. (C.W. Keyes trans)

men, aristocracy, would naturally be the preference of an aristocrat, and it emerging as a favorite among the four authors is not surprising. As had been shown in *Federalist* #34, the Roman system heavily favored the wealthy and those with property, and Cicero was included in that category. Also presented in *De Re Publica* is the vanity and ambition of this class as one of the main reasons why democratic governments are poorly constructed. Why must the nobility (to use Hamilton's words)¹⁵⁶ have their ambitions checked by rank and title? Why are the only consistent critiques on democracies based upon this fear of mob-rule, or wealth based distinctions?

This stigma against democracies is not limited to classical authors, as *Publius* exhibits this tendency as well. Though "republic" may be the definition of choice for a state in the *Federalist Papers*, in no small part thanks to Cicero, even Athens was considered a republic. Athens was in fact a direct democracy, lacking representative bodies like a Senate, the people voted for the legislation directly.¹⁵⁷ Even though republics are essentially non-monarchies throughout the *Federalist*, they usually contain elements of a mixed governing body. Athens did not possess this type of government, and was decidedly a democracy. If what has been defined as ochlocracy represented the negative forms of democracy in Polybius, and Cicero marked popular government as a positive institution, why omit this fact against Athens? The same was true when *Publius* used the Amphictyonic League, a grouping of states allowing for joint religious rights is not a republic. While it may be difficult to place more modern definitions on ancient governments, these two examples are quite clear. The use of republic may have been a

¹⁵⁶ *Federalist* #35

¹⁵⁷ The Athenian constitution was referenced from J.M Moore trans., *Aristotle and Xenophon: On Democracy and Oligarchy*, (Berkeley: University of California Press, 1986), 37-47

case of ideal definitions for *Publius*, but in the case of Athens, as well as the Amphictyonic League, this is not the correct term.

Conclusion

It is clear that the Federalist Papers were influenced by Greco-Roman history, philosophy, and political theory. Every classical example which *Publius* presented has been analyzed for these themes to illustrate just how formative classical literature was to the creation of the American state. The Federalist Papers purposefully incorporated the examples which would prove to be the most analogous and thought provoking for their readers, and the vast majority of these references were of the Greeks and Romans.

The Federalist Papers were an idealized collaboration of American ideology, promoting a very direct series of topics, and offered a broad sample of early American political beliefs. The fact that so many of the examples which *Publius* utilized were classical confirms two things about this period in American history. The classics were clearly both prevalent and essential to this era of American history, capable of supplementing complex political rhetoric while remaining easily understood to the average reader. More importantly the classics remained applicable and analogous to the Americans because so much of their history was built from the very same peoples the *Federalist* examined.

The ancient Greeks and Romans created and developed the theory of mixed government, a staple of the modern polity. They also put those theories into practice, and the valued lessons and models which both the failed and the successful republics provided American founders may be invaluable. Famous Americans chose to use the

names of classical writers as pseudonyms to share in their legacy, and borrow their prestige. The *Federalist* presents a unique method of analysis to promote classicism in American history. Throughout the eighty-five essays, *Publius* willfully endorsed an imperfect system to replace a broken system, and cited many failed confederations and leagues to prove the point. In the same sense, the classical states were not ideal, but models of varied successes. The Greco-Roman states contained practical room for improvement from more modern theories of representation, or the separation of powers, and that principle was pursued by the American founders.

The balance between democracy, monarchy, and oligarchy/aristocracy frequently shifted as the concept of mixed governments developed. Once monarchy had been considered the premier formation of state, and democracy the dangerous element which flirted with anarchy. For the late eighteenth century American states, this dynamic had seismically shifted, if not reversed. What the *Federalist* was advocating, what the Constitution of the United States decided, was that this mixed governing theory was worth reassessment. What *Publius* proved was that this substantial ideological task could not be accomplished without the classics guiding the way. The ancient Greeks and Romans are part of the American system, they are an essential element in the foundation of the American republic.

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The ancient Greeks and Romans created and developed the theory of mixed government, a staple of the modern polity. They also put those theories into practice, and the valued lessons and models which both the failed and the successful republics provided American founders may be invaluable. Famous Americans chose to use the names of classical writers as pseudonyms to share in their legacy, and borrow their prestige. The *Federalist* presents a unique method of analysis to promote classicism in American history. Throughout the eighty-five essays, *Publius* willfully endorsed an imperfect system to replace a broken system, and cited many failed confederations and leagues to prove the point. In the same sense, the classical states were not ideal, but models of varied successes. The Greco-Roman states contained practical room for

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