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REPUBLICS LARGE AND SMALL

I

In the beginning, the American Revolution was about liberty. To the Americans, as to their ideological mentors, the radical English Whigs, liberty was the antithesis and eternal antagonist of power. Power meant simply control over the lives of one's self and others, and its relation to liberty was reciprocal; any increase in one man's power implied a decrease in another's. Personal liberty, as the influential Whig Thomas Gordon put it in 1748, was the minimal power over one's self given every person by natural law, "the Power which every Man has over his own Actions, and his Right to enjoy the Fruit of his Labour, Art, and Industry." The political or civil liberty of the people as a whole, accordingly, was the sum of every individual's personal liberty, the power to control the actions and destiny of all the people, and when the two came into conflict, civil liberty, the expression of the people's will, would supersede personal liberty. It was manifested in the institutions of "free government," which necessarily meant democracy, or government by the people themselves. Civil liberty, the Boston revolutionary Benjamin Church told his audience in 1773, is "the happiness of living under laws of our own making [and] is exactly proportioned to the share the body of the people have in the legislature," and where it existed at all, it was always threatened by despots seeking power for themselves (Bailyn [1967] 2017, 55-61; Wood [1969] 1998, 18-25, 60-65, quotations at 21, 24).

Civil liberty was the inspiration of the English Whigs and the goal of the American revolutionaries. Both embraced the potential of England's "mixed government," which had evolved to balance the powers of the Crown, the nobility and the people at large in the government, empowering each of the three estates to protect its interests against the others, so that when the balance

was properly maintained, it became an effective guardian of the people's civil liberty. But as the eighteenth century wore on, both also came to see English government as deeply corrupted by the Crown's systematic attempt to unbalance it and increase its own power by seducing members of Parliament with offers of lucrative sinecures and persuading them to support measures that placed important administrative functions beyond Parliament's control. This was abetted, they thought, by a general deterioration of the social fabric induced by the wealth and luxury conspicuously enjoyed by the governing elites, putting the Empire on a procession, as one American orator declaimed in 1775, "in fatal round, from virtuous industry and valour, to wealth and conquest; next to luxury, then to foul corruption and bloated morals; and last of all, to sloth, anarchy, slavery and political death." Like the Whigs, Americans felt increasingly estranged from the life of cosmopolitan London and alienated from its governing institutions, and saw the people's liberty as gravely threatened by the passing of power from a tolerably representative Parliament to the Crown's administrative machinery. English as they were and thought themselves to be, the Whigs sought to win their civil liberty through reform rather than revolution. But Americans throughout the colonies were beginning to understand themselves as a people distinct from their English rulers and America as a place where civil liberty might thrive among an uncorrupted, industrious population. Whig principles fused in the colonies with the revolutionary politics of Locke and the contractarians, and in the summer of 1776, the Americans chose to separate from the Empire, to create thirteen independent states of their own (Bailyn [1967] 2017, 40-54, 86-93; Wood [1969] 1998, 14-18, 28-36, quotation at 35).

In their common alienation from existing institutions of government, their hostility toward powerful elites and their sense that those in power did not share their objectives or tend to their interests, and in the differing paths they took in response, the English Whigs and the American revolutionaries each anticipate the phenomenon of contemporary populism. Populism has proven

very hard to define because the many political and social movements around the world that seem "populist" in some dimension or other are themselves so variegated. Their forms, tactics and influence vary considerably and depend on the peculiar local conditions and histories that give rise to them. Some, like the Whigs, call for reform of existing institutions, others, like the Americans, call for separation or revolution. Some are faithful legions led by strongmen, others open themselves to broader leadership and more points of view. Some are tightly organized, others more spontaneous. Any definition that comprehends even a few of them must necessarily tend toward abstraction, distilling one or a few essential characteristics of a highly diverse population.

The definition offered by political scientists Jane Mansbridge and Stephen Macedo (2019, 60), spare as it is, sheds useful light on the phenomenon. *The four core elements of populism are (a) the people (b) in a morally charged (c) battle against (d) the elites.* All of these elements are easily visible in both the Whigs and the American revolutionaries: both claimed to represent a more or less homogenous "people" unjustly denied the civil liberty to which natural law entitled them by a powerful, corrupt elite acting against their interests. Their anger and sense of alienation from the existing institutions of government is important. They felt themselves outside these institutions, not part of them, but their antagonism was not directed at the institutions themselves so much as the men who controlled them. Their examples suggest two important points about populism. The first is that populist movements may be seen as good or bad, as authentic, democratic expressions of popular will or as unjustified threats to a system worth preserving, depending on the political commitments of the observer. The exclusion populists feel so acutely has always lent their cause the scent of disrepute; to both themselves and their targets among the elite, populists are hostile outsiders, often proudly or militantly innocent of the more subtle ways in which, as the insiders know, political institutions actually operate. They are often cast by their opponents (and by scholars) as unsophisticates, easily duped and incapable of responsible self-

government. But the American revolutionaries, whatever the English elite thought of them, were hardly rustics or rubes. We venerate them because they weren't, and because their cause is ours.

A second, related point is suggested by the differing fates of the two early populisms. The movement may (or may not) lead to substantive reform, change in the governing institutions or the identities of the officeholders whose effect is to bring the populists, politically and emotionally, back inside those institutions and make them more responsive to their interests. This is the outcome the Whigs eventually achieved, and to the extent that slower, incremental change in existing institutions is preferred to revolution, it represents success for a populism with which we sympathize – the house of government has been expanded to include more of "the people," and in responding to their interests, expanded their civil liberty as well. But like the Americans, the populists may conclude that separation or revolution, leaving a corrupted house from which "the people" have been unfairly excluded to build one of their own, is their only hope of civil liberty. How we think about these outcomes, and their proponents, again, turns on our sympathies in the moral struggle.

The thirteen new states created in 1776 would be republics, none governed in exactly the same way as any of the others. "What is called a 'republic' is not any *particular form* of government," Thomas Paine explained in 1792. "It is wholly characteristic of the purport, matter, or object for which government ought to be instituted and on which it is to be employed: *res publica*, [or] 'the public good'" (Paine [1792] 1953, 127-128). Republican government, that is, was more a matter of public spiritedness and disinterested judgment than of institutional form. Any kind of regime could be a republic, so long as its sole end was the public good and all its activities were directed toward identifying and achieving it. But a republic of liberty must be, or aspire to be, a democracy. In a free government, the people themselves must be the sole judge of the public good, and their voice its only expression. But what was this good, and how was it to be

discovered? When independence was declared, the answer seemed simple to the revolutionaries. "The people," or at least the part of them that counted politically at the moment, were a homogeneous body of individuals whose most fundamental interests were identical: what was good for the whole community was ultimately good for each of its parts. The public good was a sovereign entity, independent of and superior to the superficial interests of individuals, and discoverable by the people themselves and their disinterested legislators and magistrates through reasoned discussion and debate among people imbued with the virtues of self-abnegation and sacrifice for the common good. For the republican revolutionaries of 1776, argues the historian Gordon Wood, "the commonweal was all-encompassing – a transcendent object with a unique moral worth that made partial considerations fade into insignificance." In the ideal republic, *res publica* would obliterate the individual. "Every man in a republic," insisted Benjamin Rush, "is public property. His time and talents – his youth – his manhood – his old age – nay, more, life, all belong to his country" (Wood [1969] 1998, 53-70, quotations at 61).

The Americans also believed that the virtues required for the success of republican liberty, the ability to recognize the public good and act on it, the willingness to sacrifice personal interests to it, and the readiness to obey the law as a matter of conscience rather than fear, could be inculcated in the people by the operation of republican liberty itself. Liberty would beget ever more perfect liberty, in a truly virtuous circle. A republican constitution, John Adams wrote in 1776,

introduces knowledge among the people, and inspires them with a conscious dignity becoming freemen; a general emulation takes place, which causes good humor, sociability, good manners, and good morals to be general. That elevation of sentiment inspired by such a government, makes the common people brave and enterprising. That ambition which is inspired by it makes them sober, industrious, and frugal.

The mechanism of this inculcation, as Adams intimated, was the spreading of knowledge among the people. "The strength and spring of every free government," Moses Mather declared in 1775, "is the virtue of the people; virtue grows on knowledge, and knowledge on education." And education, the shaping of minds for republican liberty, was both the responsibility and the wellspring of republican government (*ibid.* 118-124, quotations at 119-120).

The echoes of all of this, the presumption of a homogeneous people whose simple interests are easily accessible to a disinterested, virtuous government, and the idea that human personality can be molded to fit the needs of the political system, sound uncomfortably in the utopian "people's republics" of the twentieth century, with their dreams of creating a New Man, free of bourgeois self-interest, in Mao Zedong's words, "heart and soul for the people" (*cf.* Lindblom 1977, 52-62, 276-290). Perhaps the kindest thing to be said about these radically illiberal, often murderous modern revolutionaries is that they profoundly mistook the complex realities of human nature and social life. But reality conspired against the liberal utopian populists of 1776 as well. They understood that the search for a single common good through reasoned deliberation of the people required that the ideal republic be small in territory and population, to ensure the necessary similarity of interests and outlook and to enable the whole people to gather for discussion (Wood [1969] 1998, 25, 58, 356). But even the smallest states were far too big to approach this ideal, and every state was home to all kinds of real men and women, unique individuals sorted by the conventions of the day into economic, social and political classes whose interests plainly diverged, sometimes violently. Their revolution, moreover, turned immediately into a war, which at the very least necessitated cooperation, if not unified government, over a huge territory populated by people mostly united by their desire for civil liberty, and very little else.

From 1776 to 1789, from the almost powerless Continental Congress, to the first United States of America constituted by the Articles of Confederation, to the chaotic experiments with

state government through the 1780s, to the convention and Constitution that created the second United States of America in 1787, Americans struggled under difficult political circumstances to maintain their independence and establish civil liberty and republican government over the entirety of the land they occupied. They watched events unfold from their differing perspectives and debated the nature of government and society, the idea of representation and the institutional forms it might take, the legitimacy and significance of constitutions, the organization of legislatures, the powers of magistrates, the rights of individuals, and the notion of "the people" itself. As they came to understand the impossibility of consensus in the people and disinterest in the governing classes, they adapted their republican vision to the realities of civil liberty, replacing the conception of a single, articulable common good with the democratic will of the people, expressed in the unpredictable outcomes of representative legislative processes. And as they struggled to achieve political stability and effective economic coordination over a vast territory, the institutions of government moved, seemingly inexorably, from the periphery to the center, from the towns to the states, and from the states to the first and then the second federal governments. Increasing political power, held in increasing part by men of property and refinement and exercised in new, centralized institutions, extended over ever greater numbers and ever more territory. Inevitably, centralized government became more distant from the people. Representation seemed artificial to many, more a comforting simulation of democracy than the real thing, and the influence of individuals, particularly those without property or education, and small groups on legislative outcomes and the machinery of government diminished.

The revolutionaries were not the only American populists, or even the first. By 1776, there was already a long tradition in England and the colonies of extra-legislative economic and political action by more or less organized groups, often little more than angry mobs, that sometimes resulted in coerced acquiescence to their demands by frightened merchants and voters but more

often ended in riots and violence. These actions, Wood notes, "were not the anarchic uprisings of the poor and destitute; rather, they represented a common form of political protest and political action . . . by groups who could find no alternative institutional expression for their demands and grievances, which were more often than not political." These were "the people out of doors," as the English Whigs called them, acting outside the established institutions of representative government because they felt they had little voice inside them. They too were populists, alienated from any regime controlled by people they thought disdained and did not represent them, and ready to assemble and raise their voices in the name of civil liberty to exert what power they could. There was a place for them in Whig ideology, and a path to respectability, even legitimacy, in American politics. In the years before independence, their rowdy, intimidating public demonstrations were often used (and sometimes instigated) by the American revolutionaries to harass the British and spread discontent among the colonists. But war and the disintegration of royal authority created an institutional vacuum into which some of the more organized, less violently inclined "committees" quickly flowed, and in many areas, they became independent, *de facto* governments (Wood [1969] 1998, 319-328, quotation at 320).

This posed a problem for the revolutionaries, once populists themselves but now the established authority across the United States. The people out of doors were disturbers, always militating for more liberty, a greater say in the conditions of their lives. This, the revolutionaries knew, could be a healthy part of a democratic republic, an alternative outlet for the people to make their voice heard and influence events and policy, though its dangers were clear. Unlike their English counterparts, once they had concluded that the house of British government would not expand to include them in the way they wished, they had chosen revolutionary populism, separating violently from Britain to build a new house of their own. But if the new American governments were to remain both free and stable, American populists in the future would have to be, or be

made to be, reformers, not revolutionaries. Populist energy must not be allowed to remain outside the institutions of free government, where it might become hostile and threaten their violent overthrow. It must somehow be rechanneled within the existing structure of institutions, pushing that structure toward incremental change that assimilates the interests of the populists so as to dissipate their alienation and bring them back to those institutions. From the birth of the thirteen American republics to the present day, bringing and keeping all the people indoors has been a continuing challenge to the American experiment in civil liberty.

II

Almost all the delegates sent by the states to Philadelphia in the spring of 1787 to discuss the defects of the Articles of Confederation agreed on the need for a national government. There was sharp disagreement as to what that government should look like, and what its powers should be. The states had surrendered almost no meaningful powers to the first national government in 1781, and it was clear that they themselves could not thrive in a hostile world without centralized administration of foreign affairs and some rudimentary regulation of trade by a stronger national authority. The controversy lay in how extensive the reach of the new government would be, and its resolution, all sides understood, would largely determine the economic and political character of the new nation. On one side stood the *Antifederalists*, who clung to the republican ideal of the public good and the small government it implied and argued that the sovereign states, where, as Montesquieu had prescribed, government remained as close to the people as practicable, should govern the nation in a cordial confederation of decentralized centers of power. Among the many things that separated them from their antagonists was their recognition that the point of republican government was not wealth and luxury, what we now call "economic growth," but virtuous commitment to the common good, and that when the two were in conflict, as they often would

be, the public good must prevail. "You are not to inquire how your trade may be increased," thundered Patrick Henry in 1788, "nor how you are to become a great and powerful people, but how your liberties can be secured; for liberty ought to be the direct end of your Government" (Storing 1981 *passim*, quotation at 31).

On the other side were the *Federalists*, disturbed by the spectacle of popular state government run amok, who believed that a strong (and for some, unified) national government capable of effectively governing what was already a huge territory, and doing so without too much disruptive interference from the unpropertied classes, was essential to the survival and prosperity of the new nation. They too knew that a republic of liberty had to be small in numbers and extent, and that the new government they were advocating could be neither. To maintain the fiction, inevitable even for the individual states championed by their opponents, that the national government would indeed be a republic, republicanism itself would need to be redefined. Inspired by Hume and given eloquent voice by James Madison ([1787] 2008), the Federalists did just that, turning the impossibility, even in the smallest states, of an articulable common good shared by a single, homogeneous people against the Antifederalists. Only in a large republic, Madison maintained in *Federalist #10*, could the irrepressible demon of faction be held at bay, not by attempting to deny the conflicting interests that were an inescapable part of the human condition but by including so many of them in government, and putting them in contention with one another, that none could easily seize a majority to tyrannize the others. Republican virtue could not be counted upon to sustain a large republic. Only the balancing of competing interests in a mixed regime not unlike Britain's, professing popular sovereignty and representative government but actually managed by an educated, propertied elite and protected against untutored levelers and the licentiousness of the common people in power, could ensure domestic peace, increasing prosperity and civil liberty for the entire nation (Wood [1969] 1998, 483-506).

In such a regime, politics would no longer be, as it once was, a contest between the people and their rulers, but a struggle "among the people themselves, among all the various groups and individuals seeking to [gain] control of a government divested of its former identity with the society" (Wood [1969] 1998, 608). Where in the older republicanism, a public act would be judged against a common good presumed to be discoverable through disinterested debate, for the Federalists, not unlike modern economists who identify "optimal" outcomes, whatever they may be, with the unpredictable results of consensual exchange, the public good would presumptively be served by any act able to win a majority of self-interested votes in the legislature. "The regulation of these various and interfering interests," wrote Madison ([1787] 2008, 50), "forms the principal task of modern legislation." No longer was the public good to be accessible to reason and distinct from the interests of its parts. It was instead, as an editorial of 1784 put it, "the general combined interest of all the state put together, as it were, upon an average," and discoverable only through the free play of partisan interests in representative legislatures (Bailyn [2017] 1967, 366-379; Morgan 1988, 266-277; Wood [1969] 1998, 606-615, quotation at 608).

The Federalists, of course, won the day, in Herbert Storing's view because the Antifederalists were paralyzed by contradiction. Storing argues that the Antifederalist case for the small republic as the only sure guarantor of civil liberty rested on three central claims: that only a small republic can bind people voluntarily to government and the laws; that only a small republic can ensure the accountability of the government to the people; and, crucially, that only a small republic can produce the kind of citizens who are capable of maintaining civil liberty. But this reasoning had no logical limit – the quality of government in these terms would continuously improve as it became smaller and smaller, until society was ultimately atomized into single, self-governing individuals. In acknowledging the need for even a minimal national government, the Antifederalists thus put themselves in a bind. They "could not consistently hold to the doctrine of state

supremacy because they admitted it would lead to anarchy among the states. They could not accept national supremacy because they thought it would lead to centralized tyranny." So they had no choice but to acquiesce in the Federalists' novel solution, "dual sovereignty" of the state and federal governments across the whole United States (Storing 1981, 15-37, quotation at 33).

But the national government, considerably enlarged by the Constitution of 1787, is now almost unimaginably more expansive and powerful than even the most Hamiltonian of the Federalists could foresee, and there is today a significant part of the people that is alienated from its institutions and what they see as a disdainful, corrupt elite that has stolen the power of government from them. In 1787, the question was how much power the states would surrender to a weak national government; now, as a powerful, often distant national government encounters a new, often irresponsible populism, the question is posed in reverse. Should power revert from the center to the periphery? Would this expand the house of government and bring more of the people inside? Reconsidering the promise of the small republic for our own time lets us glimpse a way forward that would challenge contemporary populists to come indoors, to assume the responsibility of civil liberty and choose between reform and separation.

Addressing the New York ratifying convention in 1788, Melancton Smith argued that republican legislators ought to "resemble those they represent. They should be a true picture of the people, possess knowledge of their circumstances and wants, sympathize in all their distresses, and be disposed to seek their true interests." Legislatures certainly ought to include people of distinction, what Americans called the "natural aristocracy" of education and talent, but they should also include ordinary people, farmers, mechanics and shopkeepers, the substantial yeomanry of the country. These, he said, were "more temperate, of better morals, and less ambition than the great," whose wealth and social rank would ease their way to the legislature in any case. But the elite ought to be balanced by "a sufficient number of the middling class to control them." The

people's liberty could not be ensured unless the people, all of them, made the laws, and this was possible only where the legislature governed a small enough population to give ordinary people a fair chance of election and effective representation (Morgan 1988, 278-279).

This might well bring more of the people indoors, skeptical Federalists might respond, but what would happen when they arrived? The natural aristocracy rose to the top for a reason; they had the education, experience and judgment to govern in the people's name. How could ordinary people, even with the best of intentions, hope to do as well? The answer, as John Adams understood, lay in elevating the ordinary people themselves, making them capable of responsibly governing first their own affairs and then the public's, and the key to this was universal education. By far the most important task of republican government, Adams's rival Thomas Jefferson believed, is the diffusion of knowledge, particularly of world history, especially among the poor and laboring classes, from the earliest years of schooling. Knowledge of the past would guarantee the future by ensuring good judgment in the present. "Every government degenerates when trusted to the rulers of the people alone. The people themselves therefore are its only safe depositories. And to render even them safe their minds must be improved to a certain degree" (Jefferson 1993, 57-59, 76-77, 188, quotation at 58).

How could ordinary people use their knowledge to achieve and expand civil liberty? Jefferson's answer was decentralization, epitomized in the "ward system" he prescribed for simultaneously preparing people to meet the responsibilities of free government and bringing that government closer to them and their daily lives. In his ideal republic, civil liberty would proceed from the ground up. Every town or county would be divided into dozens or hundreds of wards, each one just large enough to provide funds for a public school and a few essential services. Responsibility for administering the wards would lie with the residents, who would meet to determine the ward's needs, how much they could afford to pay for them, and who would oversee it all. From

these self-governing wards would come representatives to higher bodies suited to a broader field of operations, and so on to the highest levels of government. Active participation in government at ground level by men accustomed to managing themselves and the small holdings they worked would produce not just free, responsible government at all levels but responsible individuals capable and worthy of it. "Where every man is a sharer in the direction of the ward-republic, or of some of the higher ones, and feels that he is a participator in the government of affairs, not merely at an election one day in the year, but every day, . . . he will let the heart be torn out of his body sooner than his power be wrested from him by a Caesar or a Bonaparte" (*ibid.*, 161-162, 183-185, quotation at 185).

This is the great virtue of small republics and decentralized government for our own time and place. The American republic is now so large that it cannot contain an increasing polarization of opinion and outlook within a single conception of the common good or set of governing institutions, putting the people at war with one another, immobilizing the machinery of democratic government and nourishing the angry alienation of populists. This has moved some to propose breaking the country into smaller state or regional republics (e.g. Kreitner 2020; Buckley 2020), a salutary willingness to deconstruct the national government that would free us from the contradiction that trapped the Antifederalists and let us think about decentralization more fully. Jefferson's ideal of developmental liberty would give ordinary people little alternative to responsible self-government, and thus give them the means and the opportunity to learn how to govern themselves responsibly. There would be few distant institutions for populists to be alienated from and no moral war to be waged, since the doors of government would be open at the most local level, with strong incentives for all to come inside. Populists would then have to choose which house of government to enter, settling for reform and commitment to an existing set of institutions or separating from them to form their own, defusing their alienation whatever their choice.

In the end, as Buckley (2020, 97-107) reminds us, pursuing this ideal might make us materially poorer, as economies of scale are forfeited, smaller economies become less diverse, and free trade across borders is impeded. But honest American advocates of smallness from Henry and Jefferson to the present have always understood that the increase in liberty that would attend meaningful decentralization can be only be had at a price in material wealth. As one of them, the reform populist William Jennings Bryan, insisted in 1898, in questions as fundamental as these, "we should find out what will make our people great and good and strong rather than what will make them rich" (quoted in Blicksilver 1985, 61).

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