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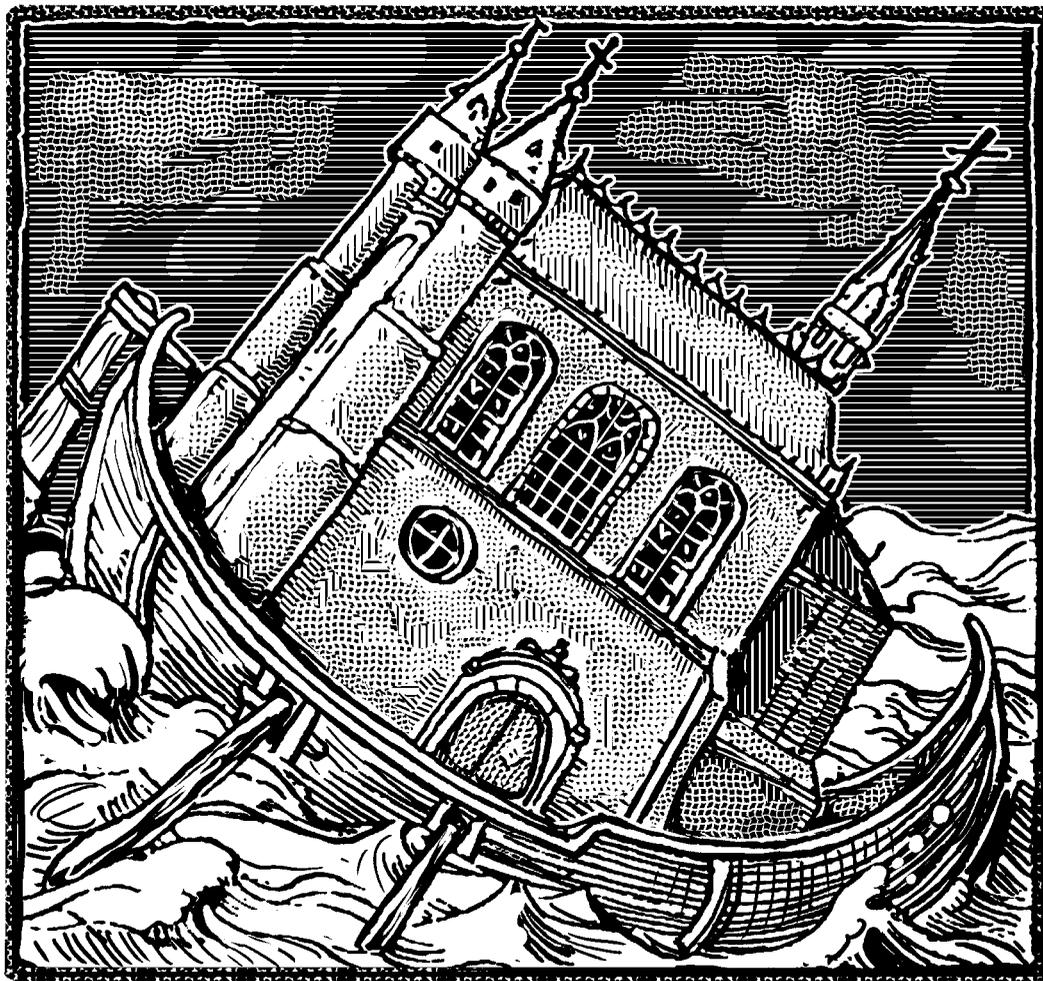
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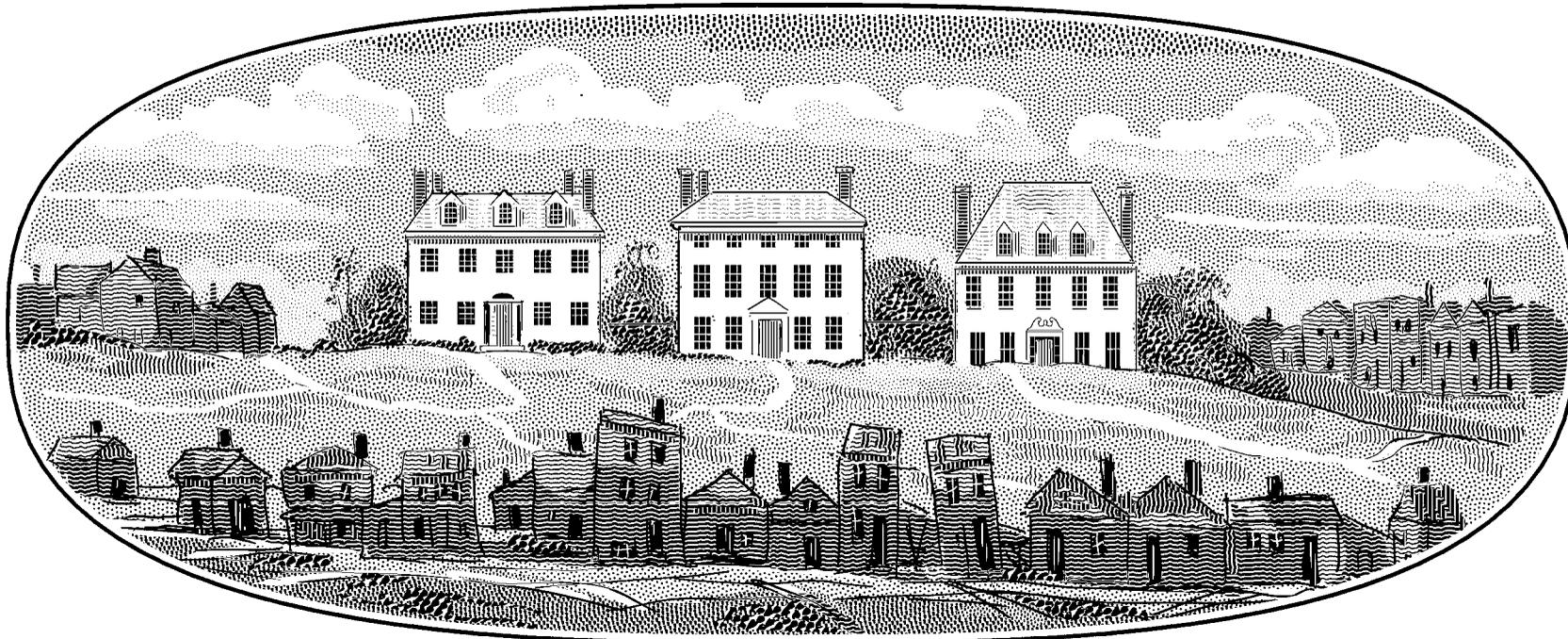


Book Review by Richard Samuelson

A GOVERNMENT OF LAWS, NOT OF MEN

John Adams's Republic: The One, the Few, and the Many, by Richard Alan Ryerson.
Johns Hopkins University Press, 576 pages, \$60

John Adams and the Fear of American Oligarchy, by Luke Mayville.
Princeton University Press, 232 pages, \$29.95



“I CAN NEVER TOO OFTEN REPEAT THAT aristocracy is a monster to be chained,” John Adams cautioned Benjamin Rush, “yet so chained as not to be hurt, for he is a most useful and necessary animal in his place. Nothing can be done without him.” Since the republic’s earliest days, critics have accused Adams of harboring aristocratic sympathies. In truth, he both feared aristocracy and recognized that fostering an aristocracy of the talented and virtuous—what we today call an elite—was essential for the good of the nation. Two recent books—Richard Ryerson’s *John Adams’s Republic: The One, the Few, and the Many* and Luke Mayville’s *John Adams and the Fear of American Oligarchy*—ably demonstrate this element of Adams’s thought.

Ryerson’s is the more polished book. At over 400 pages of text, and nearly a hundred of notes, it is a hefty tome. Ryerson, the long-time editor-in-chief of the Adams Papers, is unsurpassed in his knowledge of Adams’s writings, particularly of Adams’s writings up to the mid-1780s on which he worked. His method is historical: “the foregoing study, has

proceeded under the...assumption that Adams’s political ideas arose out of certain features of his birth family and community, to be shaped by his profession and the culture of his native province, and given their final form by the course of his public career in America and Europe.” The harmonious, well-ordered New England community, run by a public-spirited elite, was his model society. Shocked by the greed and self-interest he saw during the Revolution, Adams was convinced that the wealthy new American aristocracy—based upon commerce and speculation, rather than land—had to be tamed.

Ryerson reads Adams carefully, and his account of Adams’s use of terms like “aristocrat,” “republican,” and “executive” is well done, though it says something about his focus that he doesn’t also trace Adams’s use of “checks and balances.” Ryerson is rare among scholars in pointing out that Adams’s *Defence of the Constitutions* [1787–1788] was written as a series of letters to his son-in-law William Smith. Adams sought to teach the rising generation how to think about constitutionalism

through this “guidebook for lawgivers” (as political scientist C. Bradley Thompson called it). Ryerson at times substitutes chronology for analysis, and his focus on the linguistic flow and sources of Adams’s writings distracts from an account of Adams’s argument as a whole. Ryerson’s historical bias is to assume change over time, rather than to prove it.

MAYVILLE’S BOOK PROVIDES AN excellent complement to Ryerson’s historical account. Where Ryerson’s is long, biographical, and elegant, Mayville’s is short, theoretical, and focused. Mayville, a postdoctoral research scholar at Columbia University’s Center for American Studies, argues that Adams had a long-standing concern with “the threat of oligarchy.” He divides his book into four chapters: “A Perennial Problem” (the oligarchy/aristocracy problem is not going away); “The Goods of Fortune” (some will always hold power through caprice rather than merit); “Sympathy for the Rich” (man’s natural sympathies will always, among numerous equal citizens, produce a reverence



for the rich and powerful); and “Dignified Democracy” (examining Adams’s efforts to entice Americans to virtue rather than riches). Together, they outline Adams’s concern with the peril posed by elites, and examine his efforts to ameliorate the danger.

Ryerson describes Adams’s growing fear of the vulgar rich; Mayville argues that Adams feared that modern republicanism itself was vulgar. Ryerson believes this development represented an important change. Yet as early as April 1776 Adams reminded Mercy Otis Warren that Americans were not Spartans:

Our dear Americans perhaps have as much of it [virtue] as any Nation now existing, and New England perhaps has more than the rest of America. But I have seen all along my Life, Such Selfishness, and Littleness even in New England, that I sometimes tremble to think that, altho We are engaged in the best Cause that ever employed the Human Heart, yet the Prospect of success is doubtfull not for Want of Power or of Wisdom, but of Virtue.

HOW TO ENNOBLE THE NEW REGIME? The most talented must be made to serve their country, rather than their selfish desires. That was what a well-designed regime did. One of Adams’s odder schemes for accomplishing this, which Mayville highlights, was his campaign for establishing high-toned titles for public office holders. Adams hoped these would serve as counterweights to oligarchic passions, as hereditary titles did in the Old World. The honorable pursuit of earned titles would lead the noblest minds away from avaricious money-making and into public service. Adams supported titles not, as critics charged, because he wished to foster an American aristocracy, but, instead, because he believed one would exist whether Americans liked it or not. The choice was between a public-spirited aristocracy or a selfish oligarchy, not between aristocracy or democracy.

Mayville notes Adams’s (possible) reliance, in this regard, on Jean-Jacques Rousseau, who argued for “the role of illustrious offices and signs of rank in countering the popular passion for material wealth.” Mayville’s account of Adams’s connection to Rousseau is fascinating—after all, Adams was America’s greatest contemporary critic of the French Revolution. According to Mayville, Adams read Rousseau closely and comprehensively, and earlier than others have thought (He notes, for example, that “Adams is the only American recorded to have engaged with Rousseau’s *Dissertation on Political Economy* and his *Considerations on*

Poland”). His account of what Adams possibly learned from Jean-Louis de Lolme, best known for his *The Constitution of England*, is similarly fresh. De Lolme, Mayville notes, “departed from Montesquieu by singling out aristocracy, rather than the people or the monarch, as the primary source of disorder in republics.” This is a fine corrective to an old historical charge: that Adams learned his love of aristocracy from de Lolme.

NOT ALL OF ADAMS’S SCHEMES WERE as chimerical as his defense of titles. He chiefly relied upon constitutional architecture to check the rise of a debased commercial aristocracy. Adams maintained that an “aristocratical” senate, a strong, independent executive power, and a house for “the people” would secure the public good. This three-part lawmaking structure (including, if Adams had his way, a full veto for the president) was the beating heart of his proposed system. In his plan, the legislative, executive, and judicial powers would remain separate; any overlaps would allow each branch to protect itself from the others. Neither book addresses Adams’s effort to merge the classical mixed regime of the one, the few, and the many with the modern separation of powers. Although Ryerson and Mayville are concerned about the power of the rich, neither addresses what Adams could teach us about the power of unaccountable administrative bureaucracy.

In Adams’s model, the pushing and pulling between Senators Henry Clay, Daniel Webster, and others on one side, and President Andrew Jackson and the people on the other, demonstrates the kind of public-spirited contention that Adams expected to take place under a good constitution. Abraham Lincoln—who rose to national prominence during his losing Senate battle against Stephen A. Douglas—was exactly the kind of noble statesman Adams hoped would lead the nation. At least for part of the 19th century, Pennsylvania’s John Dickinson seemed prophetic in thinking the “Connecticut Compromise” would lead to the Senate acting as a House of Lords, with states as proxies for Baronies. It is probably no coincidence that James Madison penned his letter to Jefferson denouncing Adams’s *Defence* the very same day Dickinson introduced that idea to the Constitutional Convention.

Both Ryerson and Mayville make significant contributions to the field. But neither adequately assesses Adams’s understanding of the interplay of human nature and constitutional architecture. Adams thought both common people and elites are predictably irrational. A good constitution is required to keep any would-be elite in line, and, at the same time, to

keep the lazy many from bartering away their liberty for a bowl of porridge. Adams thought the *aristoi* needed nudging even more than the *demos* did. His mockery of the French philosophes anticipates 20th-century mockery of the cult of expertise. It is not a coincidence that his great-grandson, Charles Francis Adams II, tried to head off the delegation of powers to unelected administrative elite. There is, in other words, a shade of Machivelli’s “the end of the people is more decent than that of the great, since the great want to oppress and the people want not to be oppressed” in Adams. A well-crafted constitution would check the human tendency to “emulation,” a favorite term of Adams’s, to draw Americans up, from the common farmer or mechanic to the most powerful senator or the president. It would, if the system worked, make it more likely that a statesman like Abraham Lincoln was around when we needed him.

ADAMS BELIEVED CONSTITUTIONS, AND the principles upon which they are based, shape political character. That he placed Book 8 and the start of Book 9 of Plato’s *Republic* at the very center of volume one of his *Defence* (after his discussion of political philosophers, and just before he turns to history) is no accident. A surprising number of examples in the rest of the *Defence*’s first volume, and in volumes two and three, provide historical illustrations of the *Republic*’s cycle of regimes. The work, in other words, contains philosophy and then examples. From those examples, lawgivers might learn how to break the cycle, or, at least, mitigate it.

And what, according to Adams, were to be the principles at the heart of the American regime? The principles of nature. Adams famously called a republic “a government of laws, not of men.” He was quoting James Harrington. The context is worth noting: “Empire of laws, not of men,” Harrington wrote, is “according to ancient prudence.” In contrast, “modern prudence” counsels that “some man, or some few men, subject a city or a nation, and rule it according to his or their private interest: which, because the laws in such cases are made according to the interest of a man, or of some few families, may be said to be the empire of men, and not of laws.” The empire of laws is concerned with right; the empire of men, with power.

Checks and balances were the means to secure the rule of law. Adams also borrowed his favorite metaphor for checks and balances from Harrington: two girls cutting a cake. One cuts and the other chooses, making a fair division likely. Such a process, repeated time and time and time again in the political sys-



tem, would help form the American character. Adams returned to this idea in the *Defence's* conclusion:

The best republics will be virtuous, and have been so; but we may hazard a conjecture, that the virtues have been the effect of the well ordered constitution, rather than the cause. And, perhaps, it would be impossible to prove that a republic cannot exist even among highwaymen, by setting one rogue to watch another; and the knaves themselves may in time be made honest men by the struggle.

Checks and balances were not merely a means of preventing the abuse of power. Done right, they pointed republican souls toward virtue.

For Adams, in other words, the rule of law, rightly understood, was the rule of a *higher* law. Near the end of the *Defence's* introduction, Adams quotes (in Latin) Augustine's paraphrase of Cicero: "where there is no justice there can be no right...denying the definition commonly given by those who misconceive the matter, that right is what is useful to the stronger." He later quotes Cicero on the rule of law: "Those laws, which are right reason, derived from the Divinity." Without a transcendent standard, justice is arbitrary.

ADAMS LAMENTED MODERN POLITICAL thought's tendency to focus on power at the expense of law and morality. The refusal to accept natural limits on change in human life was of a piece with the rejection of nature as a moral standard. Adams's political thought, ultimately, revolves around the effort, however imperfect, to steer the republic away from the shoals of this modern immorality—what we now call nihilism. As he writes in *Discourses on Davila* [1790-91]:

Is there a possibility that the government of nations may fall into the hands of men who teach the most disconsolate of all creeds, that men are but fireflies, and that this *all* is without a father? Is this the way to make man, as man, an object of respect? Or is it to make murder itself as indifferent as shooting a plover, and the extermination of the Rohilla nation [the people Governor-General of India Warren Hastings was charged with destroying] as innocent as the swallowing of mites on a morsel of cheese?... A certain duchess of venerable years and masculine understanding, said of some of the philosophers of the eighteenth century, admirably well,—"*On ne croit pas dans*

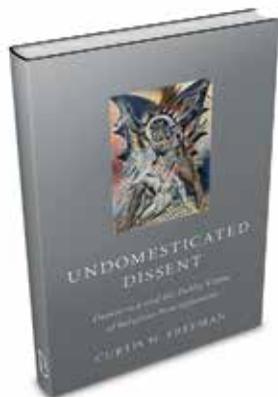
le Christianisme, mais on croit toutes les sottises possibles." ["They don't believe in Christianity, but they believe in every possible nonsense."]

This, essentially, was the heart of Adams's response to the French Revolution. It's what he meant when he said to Thomas Jefferson "there can be no philosophy without religion" (a few lines before writing "You and I, ought not to die, before We have explained ourselves to each other"). Every "philosophy" is, ultimately, built upon certain foundational beliefs.

Richard Ryerson and Luke Mayville each provide compelling accounts of Adams's fears of oligarchy and hopes for an American aristocracy. Neither fully appreciates the relationship of Adams's mixed regime with his concern for the separations of power and both with the rule of law. Beyond that neither gets to the moral, philosophical-religious dimension of Adams's politics, and its relation to the rule of law, rightly understood. Until scholars understand this relation, the true depths of Adams's constitutionalism will remain unplumbed.

Richard Samuelson is associate professor of history at California State University, San Bernardino.

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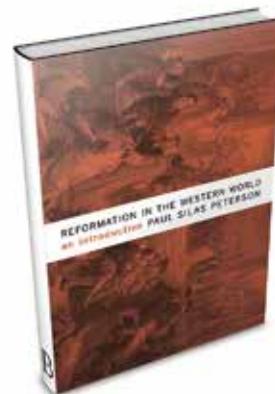


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