THE WORKS OF

JOHN ADAMS

VOL. 6: DEFENCE OF THE CONSTITUTION IV DISCOURSES ON DAVILA

The Works of John Adams

Volume 6

JOHN ADAMS

The Works of John Adams Volume 6
Jazzybee Verlag Jürgen Beck
86450 Altenmünster, Loschberg 9
Deutschland

ISBN: 9783849648220

www.jazzybee-verlag.de
www.facebook.com/jazzybeeverlag
admin@jazzybee-verlag.de

Editor's Note: The Page Referrals inside this book are part of the edition that was used to build this book. Due to layout changes and fonts used then and now these referrals might not be valid for this edition.
We appreciate your understanding.

CONTENTS:

A DEFENCE OF THE CONSTITUTIONS OF GOVERNMENT OF THE UNITED STATES OF AMERICA.

CHAPTER FIRST.: MARCHAMONT NEDHAM. THE RIGHT CONSTITUTION OF A COMMONWEALTH EXAMINED.

The English nation, for their improvements in the theory of government, has, at least, more merit with the human race than any other among the moderns. The late most beautiful and liberal speculations of many writers, in various parts of Europe, are manifestly derived from English sources. Americans, too, ought for ever to acknowledge their obligations to English writers, or rather have as good a right to indulge a pride in the recollection of them as the inhabitants of the three kingdoms. The original plantation of our country was occasioned, her continual growth has been promoted, and her present liberties have been established by these generous theories.

There have been three periods in the history of England, in which the principles of government have been anxiously studied, and very valuable productions published, which, at this day, if they are not wholly forgotten in their native country, are perhaps more frequently read abroad than at home.

The first of these periods was that of the Reformation, as early as the writings of Machiavel himself, who is called the great restorer of the true politics. The “Shorte Treatise of Politicke Power, and of the True Obedience which Subjects owe to Kyngs and other Civile Governors, with an Exhortation to all True Natural Englishemen, compyled by John Poynet, D. D.,” was printed in 1556, and contains all the essential principles of liberty, which were afterwards dilated on by Sidney and Locke. This writer is clearly for a

mixed government, in three equiponderant branches, as appears by these words:—

"In some countreyes they were content to be governed and have the laws executed by one king or judge; in some places by many of the best sorte; in some places by the people of the lowest sorte; and in some places also by the king, nobilitie, and the people all together. And these diverse kyndes of states, or policies, had their distincte names; as where one ruled, a monarchie; where many of the best, aristocratie; and where the multitude, democratie; and where all together, that is a king, the nobilitie, and commons, a mixte state; and which men by long continuance have judged to be the best sort of all. For where that mixte state was exercised, there did the commonwealthe longest continue."

The second period was the Interregnum, and indeed the whole interval between 1640 and 1660. In the course of those twenty years, not only Ponnet and others were reprinted, but Harrington, Milton, the Vindiciæ contra Tyrannos, and a multitude of others, came upon the stage.

The third period was the Revolution in 1688, which produced Sidney, Locke, Hoadley, Trenchard, Gordon, Plato Redivivus, who is also clear for three equipollent branches in the mixture, and others without number. The discourses of Sidney were indeed written before, but the same causes produced his writings and the Revolution.

Americans should make collections of all these speculations, to be preserved as the most precious relics of antiquity, both for curiosity and use. There is one indispensable rule to be observed in the perusal of all of them; and that is, to consider the period in which they were written, the circumstances of the times, and the personal character as well as the political situation of the writer. Such a precaution as this deserves particular attention in examining a work, printed first in the Mercurius Politicus, a periodical paper published in

defence of the commonwealth, and reprinted in 1656, by Marchamont Nedham, under the title of “The Excellency of a Free State, or the Right Constitution of a Commonwealth.” *Endnote 002* The nation had not only a numerous nobility and clergy at that time disgusted, and a vast body of the other gentlemen, as well as of the common people, desirous of the restoration of the exiled royal family, but many writers explicitly espoused the cause of simple monarchy and absolute power. Among whom was Hobbes, a man, however unhappy in his temper, or detestable for his principles, equal in genius and learning to any of his contemporaries. Others were employed in ridiculing the doctrine, that laws, and not men, should govern. It was contended, that to say “that laws do or can govern, is to amuse ourselves with a form of speech, as when we say time, or age, or death, does such a thing. That the government is not in the law, but in the person whose will gives a being to that law. That the perfection of monarchy consists in governing by a nobility, weighty enough to keep the people under, yet not tall enough, in any particular person, to measure with the prince; and by a moderate army, kept up under the notion of guards and garrisons, which may be sufficient to strangle all seditions in the cradle; by councils, not such as are coördinate with the prince, but purely of advice and despatch, with power only to persuade, not limit, the prince’s will.” *Endnote 003* In such a situation, writers on the side of liberty thought themselves obliged to consider what was then practicable, not abstractedly what was the best. They felt the necessity of leaving the monarchical and aristocratical orders out of their schemes of government, because all the friends of those orders were their enemies, and of addressing themselves wholly to the democratical party, because they alone were their friends; at least there appears no other hypothesis on which to account for the crude conceptions

of Milton and Nedham. The latter, in his preface, discovers his apprehensions and feelings, too clearly to be mistaken, in these words:—“I believe none will be offended with this following discourse, but those that are enemies to public welfare. Let such be offended still; it is not for their sake that I publish this ensuing treatise, but for your sakes that have been noble patriots, fellow soldiers; and sufferers for the liberties and freedoms of your country.” As M. Turgot’s idea of a commonwealth, in which “all authority is to be collected into one centre,” and that centre the nation, is supposed to be precisely the project of Marchamont Nedham, and probably derived from his book, and as “The Excellency of a Free State” is a valuable morsel of antiquity well known in America, where it has many partisans, it may be worth while to examine it, especially as it contains every semblance of argument which can possibly be urged in favor of the system, as it is not only the popular idea of a republic both in France and England, but is generally intended by the words republic, commonwealth, and popular state, when used by English writers, even those of the most sense, taste, and learning.

Marchamont Nedham lays it down as a fundamental principle and an undeniable rule, “that the people, (that is, such as shall be successively chosen to represent the people,) are the best keepers of their own liberties, and that for many reasons. First, because they never think of usurping over other men’s rights, but mind which way to preserve their own.”

Our first attention should be turned to the proposition itself,—“The people are the best keepers of their own liberties.”

But who are the people?

“Such as shall be successively chosen to represent them.”

Here is a confusion both of words and ideas, which, though it may pass with the generality of readers in a fugitive pamphlet, or with a majority of auditors in a

popular harangue, ought, for that very reason, to be as carefully avoided in politics as it is in philosophy or mathematics. If by the people is meant the whole body of a great nation, it should never be forgotten, that they can never act, consult, or reason together, because they cannot march five hundred miles, nor spare the time, nor find a space to meet; and, therefore, the proposition, that they are the best keepers of their own liberties, is not true. They are the worst conceivable; they are no keepers at all. They can neither act, judge, think, or will, as a body politic or corporation. If by the people is meant all the inhabitants of a single city, they are not in a general assembly, at all times, the best keepers of their own liberties, nor perhaps at any time, unless you separate from them the executive and judicial power, and temper their authority in legislation with the maturer counsels of the one and the few. If it is meant by the people, as our author explains himself, a representative assembly, “such as shall be successively chosen to represent the people,” still they are not the best keepers of the people’s liberties or their own, if you give them all the power, legislative, executive, and judicial. They would invade the liberties of the people, at least the majority of them would invade the liberties of the minority, sooner and oftener than an absolute monarchy, such as that of France, Spain, or Russia, or than a well-checked aristocracy, like Venice, Bern, or Holland.

An excellent writer has said, somewhat incautiously, that “a people will never oppress themselves, or invade their own rights.” This compliment, if applied to human nature, or to mankind, or to any nation or people in being or in memory, is more than has been merited. If it should be admitted that a people will not unanimously agree to oppress themselves, it is as much as is ever, and more than is always, true. All kinds of experience show, that great numbers of individuals do oppress great numbers of other individuals; that parties often, if not always, oppress other

parties; and majorities almost universally minorities. All that this observation can mean then, consistently with any color of fact, is, that the people will never unanimously agree to oppress themselves. But if one party agrees to oppress another, or the majority the minority, the people still oppress themselves, for one part of them oppress another.

"The people never think of usurping over other men's rights."

What can this mean? Does it mean that the people never unanimously think of usurping over other men's rights? This would be trifling; for there would, by the supposition, be no other men's rights to usurp. But if the people never, jointly nor severally, think of usurping the rights of others, what occasion can there be for any government at all? Are there no robberies, burglaries, murders, adulteries, thefts, nor cheats? Is not every crime a usurpation over other men's rights? Is not a great part, I will not say the greatest part, of men detected every day in some disposition or other, stronger or weaker, more or less, to usurp over other men's rights? There are some few, indeed, whose whole lives and conversations show that, in every thought, word, and action, they conscientiously respect the rights of others. There is a larger body still, who, in the general tenor of their thoughts and actions, discover similar principles and feelings, yet frequently err. If we should extend our candor so far as to own, that the majority of men are generally under the dominion of benevolence and good intentions, yet, it must be confessed, that a vast majority frequently transgress; and, what is more directly to the point, not only a majority, but almost all, confine their benevolence to their families, relations, personal friends, parish, village, city, county, province, and that very few, indeed, extend it impartially to the whole community. Now, grant but this truth, and the question is decided. If a majority are capable of preferring their own private

interest, or that of their families, counties, and party, to that of the nation collectively, some provision must be made in the constitution, in favor of justice, to compel all to respect the common right, the public good, the universal law, in preference to all private and partial considerations.

The proposition of our author, then, should be reversed, and it should have been said, that they mind so much their own, that they never think enough of others. Suppose a nation, rich and poor, high and low, ten millions in number, all assembled together; not more than one or two millions will have lands, houses, or any personal property; if we take into the account the women and children, or even if we leave them out of the question, a great majority of every nation is wholly destitute of property, except a small quantity of clothes, and a few trifles of other movables. Would Mr. Nedham be responsible that, if all were to be decided by a vote of the majority, the eight or nine millions who have no property, would not think of usurping over the rights of the one or two millions who have? Property is surely a right of mankind as really as liberty. Perhaps, at first, prejudice, habit, shame or fear, principle or religion, would restrain the poor from attacking the rich, and the idle from usurping on the industrious; but the time would not be long before courage and enterprise would come, and pretexts be invented by degrees, to countenance the majority in dividing all the property among them, or at least, in sharing it equally with its present possessors. Debts would be abolished first; taxes laid heavy on the rich, and not at all on the others; and at last a downright equal division of every thing be demanded, and voted. What would be the consequence of this? The idle, the vicious, the intemperate, would rush into the utmost extravagance of debauchery, sell and spend all their share, and then demand a new division of those who purchased from them. The moment the idea is admitted into society, that property is not as sacred as the laws of God, and that there is not a

force of law and public justice to protect it, anarchy and tyranny commence. If “Thou shalt not covet,” and “Thou shalt not steal,” were not commandments of Heaven, they must be made inviolable precepts in every society, before it can be civilized or made free.

If the first part of the proposition, namely, that “the people never think of usurping over other men’s rights,” cannot be admitted, is the second, namely, “they mind which way to preserve their own,” better founded?

There is in every nation and people under heaven a large proportion of persons who take no rational and prudent precautions to preserve what they have, much less to acquire more. Indolence is the natural character of man, to such a degree that nothing but the necessities of hunger, thirst, and other wants equally pressing, can stimulate him to action, until education is introduced in civilized societies, and the strongest motives of ambition to excel in arts, trades, and professions, are established in the minds of all men. Until this emulation is introduced, the lazy savage holds property in too little estimation to give himself trouble for the preservation or acquisition of it. In societies the most cultivated and polished, vanity, fashion, and folly prevail over every thought of ways to preserve their own. They seem rather to study what means of luxury, dissipation, and extravagance they can invent to get rid of it.

“The case is far otherwise among kings and grandees,” says our author, “as all nations in the world have felt to some purpose.”

That is, in other words, kings and grandees think of usurping over other men’s rights, but do not mind which way to preserve their own. It is very easy to flatter the democratical portion of society, by making such distinctions between them and the monarchical and aristocratical; but flattery is as base an artifice, and as pernicious a vice, when offered to the people, as when given to the others.

There is no reason to believe the one much honester or wiser than the other; they are all of the same clay; their minds and bodies are alike. The two latter have more knowledge and sagacity, derived from education, and more advantages for acquiring wisdom and virtue. As to usurping others' rights, they are all three equally guilty when unlimited in power. No wise man will trust either with an opportunity; and every judicious legislator will set all three to watch and control each other. We may appeal to every page of history we have hitherto turned over, for proofs irrefragable, that the people, when they have been unchecked, have been as unjust, tyrannical, brutal, barbarous, and cruel, as any king or senate possessed of uncontrollable power. The majority has eternally, and without one exception, usurped over the rights of the minority.

"They naturally move," says Nedham, "within the circle of domination, as in their proper centre."

When writers on legislation have recourse to poetry, their images may be beautiful, but they prove nothing. This, however, has neither the merit of a brilliant figure, nor of a convincing argument. The populace, the rabble, the canaille, move as naturally in the circle of domination, whenever they dare, as the nobles or a king; nay, although it may give pain, truth and experience force us to add, that even the middling people, when uncontrolled, have moved in the same circle; and have not only tyrannized over all above and all below, but the majority among themselves has tyrannized over the minority.

"And count it no less security, than wisdom and policy, to brave it over the people."

Declamatory flourishes, although they may furnish a mob with watchwords, afford no reasonable conviction to the understanding. What is meant by braving it? In the history of Holland you will see the people braving it over the De

Witts; and in that of Florence, Siena, Bologna, Pistoia, and the rest, over many others. *Endnote 004*

"Cæsar, Crassus, and another, made a contract with each other, that nothing should be done without the concurrence of all three: Societatem iniere, ne quid ageretur in republica, quod displicuisset ulli e tribus."

Nedham could not have selected a less fortunate example for his purpose, since there never was a more arrant creature of the people than Cæsar; no, not even Catiline, Wat Tyler, Massaniello, or Shays. The people created Cæsar on the ruins of the senate, and on purpose to usurp over the rights of others. But this example, among innumerable others, is very apposite to our purpose. It happens universally, when the people in a body, or by a single representative assembly, attempt to exercise all the powers of government, they always create three or four idols, who make a bargain with each other first, to do nothing which shall displease any one; these hold this agreement, until one thinks himself able to disembarrass himself of the other two; then they quarrel, and the strongest becomes single tyrant. But why is the name of Pompey omitted, who was the third of this triumvirate? Because it would have been too unpopular; it would have too easily confuted his argument, and have turned it against himself, to have said that this association was between Pompey, Cæsar, and Crassus, against Cato, the senate, the constitution, and liberty, which was the fact.

Can you find a people who will never be divided in opinion? who will be always unanimous? The people of Rome were divided, as all other people ever have been, and will be, into a variety of parties and factions. Pompey, Crassus, and Cæsar, at the head of different parties, were jealous of each other. Their divisions strengthened the senate and its friends, and furnished means and opportunities of defeating many of their ambitious designs.

Cæsar perceived it, and paid his court both to Pompey and Crassus, in order to hinder them from joining the senate against him. He separately represented the advantage which their enemies derived from their misunderstandings, and the ease with which, if united, they might concert among themselves all affairs of the republic, gratify every friend, and disappoint every enemy. *Endnote 005* The other example, of Augustus, Lepidus, and Antony, is equally unfortunate. Both are demonstrations that the people did think of usurping others' rights, and that they did not mind any way to preserve their own. The senate was now annihilated, many of them murdered. Augustus, Lepidus, and Antony were popular demagogues, who agreed together to fleece the flock between them, until the most cunning of the three destroyed the other two, fleeced the sheep alone, and transmitted the shears to a line of tyrants.

How can this writer say, then, that, "while the government remained untouched in the people's hands, every particular man lived safe?" The direct contrary is true. Every man lived safe, only while the senate remained as a check and balance to the people; the moment that control was destroyed, no man was safe. While the government remained untouched in the various orders, the consuls, senate, and people, mutually balancing each other, it might be said, with some truth, that no man could be undone, unless a true and satisfactory reason was rendered to the world for his destruction. But as soon as the senate was destroyed, and the government came untouched into the people's hands, no man lived safe but the triumvirs and their tools; any man might be, and multitudes of the best men were, undone, without rendering any reason to the world for their destruction, but the will, the fear, or the revenge of some tyrant. These popular leaders, in our author's own language, "saved and destroyed, depressed and advanced whom they pleased, with a wet finger."

The second argument to prove that the people, in their successive single assemblies, are the best keepers of their own liberties, is,—

"Because it is ever the people's care to see that authority be so constituted, that it shall be rather a burden than benefit to those that undertake it; and be qualified with such slender advantages of profit or pleasure, that men shall reap little by the enjoyment. The happy consequence whereof is this, that none but honest, generous, and public spirits will then desire to be in authority, and that only for the common good. Hence it was that, in the infancy of the Roman liberty, there was no canvassing of voices; but single and plain-hearted men were called, entreated, and, in a manner, forced with importunity to the helm of government, in regard of that great trouble and pains that followed the employment. Thus Cincinnatus was fetched out of the field from his plough, and placed (much against his will) in the sublime dignity of dictator. So the noble Camillus, and Fabius, and Curius, were, with much ado, drawn from the recreation of gardening to the trouble of governing; and, the consul-year being over, they returned with much gladness again to their private employment."

The first question which would arise in the mind of an intelligent and attentive reader would be, whether this were burlesque, and a republic travesty? But as the principle of this second reason is very pleasing to a large body of narrow spirits in every society, and as it has been adopted by some respectable authorities, without sufficient consideration, it may be proper to give it a serious investigation.

The people have, in some countries and seasons, made their services irksome, and it is popular with some to make authority a burden. But what has been the consequence to the people? Their service has been deserted, and they have been betrayed. Those very persons who have flattered the meanness of the stingy, by offering to serve them gratis,

and by purchasing their suffrages, have carried the liberties and properties of their constituents to market, and sold them for very handsome private profit to the monarchical and aristocratical portions of society. And so long as the rule of making their service a burthen is persisted in, so long will the people be served with the same kind of address and fidelity, by hypocritical pretences to disinterested benevolence and patriotism, until their confidence is gained, their affections secured, and their enthusiasm excited, and by knavish bargain and sale of their cause and interest afterwards. But, although there is always among the people a party who are justly chargeable with meanness and avarice, envy and ingratitude, and this party has sometimes been a majority, who have literally made their service burdensome, yet this is not the general character of the people. A more universal fault is too much affection, confidence, and gratitude; not to such as really serve them, whether with or against their inclinations, but to those who flatter their inclinations, and gain their hearts. Honest and generous spirits will disdain to deceive the people; and if the public service is wilfully rendered burdensome, they will really be averse to be in it; but hypocrites enough will be found, who will pretend to be also loth to serve, and feign a reluctant consent for the public good, while they mean to plunder in every way they can conceal.

There are conjunctures when it is the duty of a good citizen to hazard and sacrifice all for his country. But, in ordinary times, it is equally the duty and interest of the community not to suffer it. Every wise and free people, like the Romans, will establish the maxim, to suffer no generous action for the public to go unrewarded. Can our author be supposed to be sincere, in recommending it as a principle of policy to any nation to render her service in the army, navy, or in council, a burden, an unpleasant employment, to all her citizens? Would he depend upon finding human

spirits enough to fill public offices, who would be sufficiently elevated in patriotism and general benevolence to sacrifice their ease, health, time, parents, wives, children, and every comfort, convenience, and elegance of life, for the public good? Is there any religion or morality that requires this? which permits the many to live in affluence and ease, while it obliges a few to live in misery for their sakes? The people are fond of calling public men their servants, and some are not able to conceive them to be servants, without making them slaves, and treating them as planters treat their negroes. But, good masters, have a care how you use your power; you may be tyrants as well as public officers. It seems, according to our author himself, that honesty and generosity of spirit, and the passion for the public good, were not motives strong enough to induce his heroes to desire to be in public life. They must be called, entreated, and forced. By single and plain-hearted men, he means the same, no doubt, with those described by the other expressions, honest, generous, and public spirits. Cincinnatus, Camillus, Fabius, and Curius, were men as simple and as generous as any; and these all, by his own account, had a strong aversion to the public service. Either these great characters must be supposed to have practised the Nolo Episcopari, to have held up a fictitious aversion for what they really desired, or we must allow their reluctance to have been sincere. If counterfeit, these examples do not deserve our imitation; if sincere, they will never be followed by men enough to carry on the business of the world.

The glory of these Roman characters cannot be obscured, nor ought the admiration of their sublime virtues to be diminished; but such examples are as rare among statesmen, as Homers and Miltons are among poets. A free people of common sense will not depend upon finding a sufficient number of such characters at any one time, still less a succession of them for any long duration, for the

support of their liberties. To make a law that armies should be led, senates counselled, negotiations conducted, by none but such characters, would be to decree that the business of the world should come to a full stand. And it must have stood as still in those periods of the Roman history as at this hour; for such characters were nearly as scarce then as they are now. The parallels of Lysander, Pericles, Themistocles, and Cæsar, are much easier to find in history, than those of Camillus, Fabius, and Curius. If the latter were with much difficulty drawn from their gardens to government, and returned with pleasure at the end of the consular year to their rural amusements, the former are as ardent to continue in the public service; and if the public will not legally reward them, they plunder the public to reward themselves. The father of Themistocles had more aversion to public life than Cincinnatus; and to moderate the propensity of his son, who ardently aspired to the highest offices of the state, pointed to the old galleys rolling in the docks. “There,” says he, “see the old statesmen, worn out in the service of their country, thus always neglected when no longer of use!” *Endnote 006* Yet the son’s ardor was not abated, though he was not one of those honest spirits that aimed only at the public good. Pericles, too, though his fortune was small, and the honest emoluments of his office very moderate, discovered no such aversion to the service; on the contrary, he entered into an emulation in prodigality with Cimon, who was rich, in order equally to dazzle the eyes of the multitude. To make himself the soul of the republic, and master of the affections of the populace, to enable them to attend the public assemblies and theatrical representations for his purposes, he lavished his donations; yet he was so far from being honest and generous, and aiming solely at the public good, that he availed himself of the riches of the state to supply his extravagance of expense, and made it an invariable maxim

to sacrifice every thing to his own ambition. When the public finances were exhausted, to avoid accounting for the public money, he involved his country in a war with Sparta.

But we must not rely upon these general observations alone; let us descend to a particular consideration of our author's examples, in every one of which he is very unfortunate. The retirement of Cincinnatus to the country was not his choice, but his necessity. Cæso, his son, had offended the people by an outrageous opposition to their honest struggles for liberty, and had been fined for a crime; the father, rather than let his bondsmen suffer, paid the forfeiture of his recognizance, reduced himself to poverty, and the necessity of retiring to his spade or plough. *Endnote 007* Did the people entreat and force him back to Rome? No. It was the senate in opposition to the people, who dreaded his high aristocratical principles, his powerful connections, and personal resentments. Nor did he discover the least reluctance to the service ordained him by the senate, but accepted it without hesitation. All this appears in Livy, clearly contradictory to every sentiment of our author. *Endnote 008* At another time, when disputes ran so high between the tribunes and the senate that seditions were apprehended, the senators exerted themselves in the centuries for the election of Cincinnatus, to the great alarm and terror of the people. *Endnote 009* Cincinnatus, in short, although his moral character and private life were irreproachable among the plebeians, appears to have owed his appointments to office, not to them, but the senate; and not for popular qualities, but for aristocratical ones, and the determined opposition of himself and his whole family to the people. He appears to have been forced into service by no party; but to have been as willing, as he was an able, instrument of the senate.

In order to see the inaptitude of this example in another point of view, let the question be asked, What would have

been the fortune of Cincinnatus, if Nedham's "right constitution" had then been the government of Rome? The answer must be, that he would have lost his election, most probably even into the representative assembly; most certainly he would never have been consul, dictator, or commander of armies, because he was unpopular. This example, then, is no argument in favor of our author, but a strong one against him.

If we recollect the character and actions of Curius, we shall find them equally conclusive in favor of balanced government, and against our author's plan. Manius Curius Dentatus, in the year of Rome 462, obtained as consul a double triumph, for forcing the Samnites to sue for peace. This nation, having their country laid waste, sent their principal men as ambassadors, to offer presents to Curius for his credit with the senate, in order to their obtaining favorable terms of peace. They found him sitting on a stool before the fire, in his little house in the country, and eating his dinner out of a wooden dish. They opened their deputation, and offered him the gold and silver. He answered them politely, but refused the presents. *Endnote 010* He then added somewhat, which at this day does not appear so very polished: "I think it glorious to command the owners of gold, not to possess it myself."

And which passion do you think is the worst, the love of gold, or this pride and ambition? His whole estate was seven acres of land, and he said once in assembly, "that a man who was not contented with seven acres of land, was a pernicious citizen." As we pass, it may be proper to remark the difference of times and circumstances. How few in America could escape the censure of pernicious citizens, if Curius's rule were established. Is there one of our yeomen contented with seven acres? How many are discontented with seventy times seven! Examples, then, drawn from times of extreme poverty, and a state of a very narrow

territory, should be applied to our circumstances with great discretion. As long as the aristocracy lasted, a few of those rigid characters appeared from time to time in the Roman senate. Cato was one to the last, and went expressly to visit the house of Curius, in the country of the Sabines; was never weary of viewing it, contemplating the virtues of its ancient owner, and desiring warmly to imitate them.

But, though declamatory writers might call the conduct of Curius “exactissima Romanæ frugalitatis norma,” it was not the general character, even of the senators, at that time. Avarice raged like a fiery furnace in the minds of creditors, most of whom were patricians; and equal avarice and injustice in the minds of plebeians, who, instead of aiming at moderating the laws against debtors, would be content with nothing short of a total abolition of debts. Only two years after this, namely, in 465, so tenacious were the patricians and senators of all the rigor of their power over debtors, that Veturius, the son of a consul, who had been reduced by poverty to borrow money at an exorbitant interest, was delivered up to his creditor; and that infamous usurer, C. Plotius, exacted from him all the services of a slave, and the senate would grant no relief; and when he attempted to subject his slave to a brutal passion, which the laws did not tolerate, and scourged him with rods because he would not submit, all the punishment which the consuls and senate would impose on Plotius was imprisonment. This anecdote proves that the indifference to wealth was far from being general, either among patricians or plebeians; and that it was confined to a few patrician families, whose tenaciousness of the maxims and manners of their ancestors, proudly transmitted it from age to age.

In 477, Curius was consul a second time, when the plague, and a war with Pyrrhus, had lasted so long as to threaten the final ruin of the nation, and obliged the centuries to choose a severe character, not because he was beloved, but because his virtues and abilities alone could

save the state. The austere character of the consul was accompanied by correspondent austerities, in this time of calamity, in the censors, who degraded several knights and senators, and among the rest, Rufinus, who had been twice consul and once dictator, for extravagance and luxury. Pyrrhus was defeated, and Curius again triumphed; and because a continuance of the war with Pyrrhus was expected, he was again elected consul, in 478. In 480, he was censor. After all, he was so little beloved, that an accusation was brought against him for having converted the public spoils to his own use, and he was not acquitted till he had sworn that no part of them had entered his house but a wooden bowl, which he used in sacrifice. All these sublime virtues and magnanimous actions of Curius, make nothing in favor of Nedham. He was a patrician, a senator, and a consul; he had been taught by aristocratical ancestors, formed in an aristocratical school, and was full of aristocratical pride. He does not appear to have been a popular man, either among the senators in general, *Endnote 011* or the plebeians. Rufinus, his rival, with his plate and luxury, appears, by his being appointed dictator, to have been more beloved, notwithstanding that the censors, on the prevalence of Curius's party, in a time of distress, were able to disgrace him.

It was in 479 that the senate received an embassy from Ptolemy Philadelphus, King of Egypt, and sent four of the principal men in Rome, Q. Fabius Gurges, C. Fabius Pistor, Numer. Fabius Pistor, and Q. Ogulnius, ambassadors to Egypt, to return the compliment. Q. Fabius, who was at the head of the embassy, was prince of the senate, and on his return, reported their commission to the senate; said that the king had received them in the most obliging and honorable manner; that he had sent them magnificent presents on their arrival, which they had desired him to excuse them from accepting; that at a feast, before they

took leave, the king had ordered crowns of gold to be given them, which they placed upon his statues the next day; that on the day of their departure, the king had given them presents far more magnificent than the former, reproaching them in a most obliging manner, for not having accepted them; these they had accepted, with most profound respect, not to offend the king, but that, on their arrival in Rome, they had deposited them in the public treasury; that Ptolemy had received the alliance of the Roman people with joy. The senate were much pleased, and gave thanks to the ambassadors for having rendered the manners of the Romans venerable to foreigners by their sincere disinterestedness; but decreed that the rich presents deposited in the treasury should be restored to them, and the people expressed their satisfaction in this decree. These presents were undoubtedly immensely rich; but where was the people's care to make the service a burden? Thanks of the senate are no burdens; immense presents in gold and silver, voted out of the treasury into the hands of the ambassadors, were no "slender advantages of profit or pleasure," at a time when the nation was extremely poor, and no individual in it very rich. But, moreover, three of these ambassadors were Fabii, of one of those few simple, frugal, aristocratical families, who neither made advantage of the law in favor of creditors, to make great profits out of the people by exorbitant usury on one hand, nor gave largesses to the people to bribe their affection on the other; so that, although they were respected and esteemed by all, they were not hated nor much beloved by any; and such is the fate of men of such simple manners at this day in all countries. Our author's great mistake lies in his quoting examples from a balanced government, as proofs in favor of a government without a balance. The senate and people were at this time checks on each other's avarice; the people were the electors into office, but none, till very lately, could be chosen but patricians; none of the senators,

who enriched themselves by plundering the public of lands or goods, or by extravagant usury from the people, could expect their votes to be consuls or other magistrates; and there was no commerce or other means of enriching themselves; all, therefore, who were ambitious of serving in magistracies, were obliged to be poor. To this constant check and balance between the senate and people the production and the continuance of these frugal and simple patrician characters and families appear to be owing.

If our author meant another affair of 453, it is still less to his purpose, or rather still more conclusively against him. It was so far from being true, in the year 454, the most simple and frugal period of Roman history, that “none but honest, generous, and public spirits desired to be in authority, and that only for the common good,” and that there “was no canvassing for voices,” that the most illustrious Romans offered themselves as candidates for the consulship; and it was only the distress and imminent danger of the city from the Etrurians and Samnites, and a universal alarm, that induced the citizens to cast their eyes on Fabius, who did not stand. When he saw the suffrages run for him, he arose and spoke: “Why should he be solicited, an old man, exhausted with labors, and satiated with rewards, to take the command? That neither the strength of his body or mind were the same. He dreaded the caprice of fortune. Some divinity might think his success too great, too constant, too much for any mortal. He had succeeded to the glory of his ancestors, and he saw himself with joy succeeded by others. That great honors were not wanting at Rome to valor, nor valor to honors.” *Endnote 012* It was extreme age, not the “slender advantages of honors,” that occasioned Fabius’s disinclination, as it did that of Cincinnatus on another occasion. This refusal, however, only augmented the desire of having him. Fabius then required the law to be read, which forbade the reëlection of

a consul before ten years. The tribunes proposed that it should be dispensed with, as all such laws in favor of rotations ever are when the people wish it. Fabius asked why laws were made, if they were to be broken or dispensed with by those who made them; and declared that the laws governed no longer, but were governed by men. *Endnote 013* The centuries, however, persevered, and Fabius was chosen. “May the gods make your choice successful!” says the old hero; “dispose of me as you will, but grant me one favor, Decius for my colleague, a person worthy of his father and of you, and one who will live in perfect harmony with me.”

There is no such stinginess of honors on the part of the people, nor any such reluctance to the service for want of them, as our author pretends; it was old age and respect to the law only. And one would think the sentiments and language of Fabius sufficiently aristocratical; his glory, and the glory of his ancestors and posterity, seem to be uppermost in his thoughts. And that disinterest was not so prevalent in general appears this very year; for a great number of citizens were cited by the ædiles, to take their trials for possessing more land than the law permitted. All this rigor was necessary to check the avidity of the citizens. But do you suppose Americans would make or submit to a law to limit to a small number, or to any number, the acres of land which a man might possess?

Fabius fought, conquered, and returned to Rome, to preside in the election of the new consuls; and there appear circumstances which show that the great zeal for him was chiefly aristocratical. The first centuries, all aristocratics, continued him. Appius Claudius, of consular dignity, and surely not one of our author’s “honest, generous, and public spirits,” nor one of his “single and plain-hearted men,” but a warm, interested, and ambitious man, offered himself a candidate, and employed all his

credit, and that of all the nobility, to be chosen consul with Fabius; less, as he said, for his private interest, than for the honor of the whole body of the patricians, whom he was determined to reëstablish in the possession of both consulships. Fabius declined, as the year before; but all the nobility surrounded his seat, and entreated him, to be sure; but to do what? Why, to rescue the consulship from the dregs and filth of the people, to restore the dignity of consul and the order of patricians to their ancient aristocratical splendor. Fabius appears, indeed, to have been urged into the office of consul; but by whom? By the patricians, and to keep out a plebeian. The senate and people were checking each other; struggling together for a point, which the patricians could carry in no way but by violating the laws, and forcing old Fabius into power. The tribunes had once given way, from the danger of the times; but this year they were not so disposed. The patricians were still eager to repeat the irregularity; but Fabius, although he declared he should be glad to assist them in obtaining two patrician consuls, yet he would not violate the law so far as to nominate himself; and no other patrician had interest enough to keep out L. Volumnius, the plebeian, who was chosen with Appius Claudius. Thus facts and events, which were evidently created by a struggle between two orders in a balanced government, are adduced as proofs in favor of a government with only one order, and without a balance.

Such severe frugality, such perfect disinterestedness in public characters, appear only, or at least most frequently, in aristocratical governments. Whenever the constitution becomes democratical, such austerities disappear entirely, or at least lose their influence, and the suffrages of the people; and if an unmixed and unchecked people ever choose such men, it is only in times of distress and danger, when they think no others can save them. As soon as the

danger is over, they neglect these, and choose others more plausible and indulgent.

There is so much pleasure in the contemplation of these characters, that we ought by no means to forget Camillus. This great character was never a popular one. To the senate and the patricians he owed his great employments, and seems to have been selected for the purpose of opposing the people.

The popular leaders had no aversion, for themselves or their families, to public honors and offices with all their burdens. In 358, P. Licinius Calvus, the first of the plebeian order who had ever been elected military tribune, was about to be reëlected, when he arose and said, “Romans, you behold only the shadow of Licinius. My strength, hearing, memory, are all gone, and the energy of my mind is no more. Suffer me to present my son to you, (and he held him by the hand,) the living image of him whom you honored first of all the plebeians with the office of military tribune. I devote him, educated in my principles, to the commonwealth, and shall be much obliged to you if you will grant him the honor in my stead.” Accordingly, the son was elected. The military tribunes acted with great ardor and bravery, but were defeated, and Rome was in a panic, very artfully augmented by the patricians, to give a pretext for taking the command out of plebeian hands. Camillus was created dictator by the senate, and carried on the war with such prudence, ability, and success, that he saw the richest city of Italy, that of Veii, was upon the point of falling into his hands with immense spoils. He now felt himself embarrassed. If he divided the spoils with a sparing hand among the soldiery, he would draw upon himself their indignation, and that of the plebeians in general. If he distributed them too generously, he should offend the senate; for, with all the boasted love of poverty of those times, the senate and people, the patricians and plebeians, as bodies, were perpetually wrangling about spoils, booty,