

THE IMPACT OF CLASSICAL GREEK SPIRIT ON THE AMERICAN CONSTITUTION

Edward McWall Burns, in his brilliant article «The Philosophy of History of the Founding Fathers» notes that «it may be doubted that any group of statesmen anywhere in the world was more conscious of the lessons of antiquity and more determined to profit from them»¹.

Indeed, this group, of which it was successfully suggested that «perhaps never before or since in history has so able and intelligent a group been assembled»², in its original fifty-five included at least thirty-one lawyers, of whom twenty-four were college graduates: nine from Princeton, three from Yale, two from Harvard, two from the College of Philadelphia, four from William and Mary, and one each from Columbia, Edinburgh, Oxford, and Glasgow.

The men most active in the shaping of the American Constitution (Philadelphia, 1787) were also those most educated: Alexander Hamilton graduated from Columbia College, James Madison from Princeton, Rufus King from Harvard, etc.³ And the same, more or less, applies to other famous American leaders of that time, John Adams, John Quincy Adams, Benjamin Franklin, Benjamin Rush, James Logan, Samuel Adams, Francis Hopkinson, Hugh Henry Brackenridge, and others⁴.

But, as Howard Mumford Jones put it, because of the decline of knowledge of the classics, today the notion that the classical past has

1. *The Historian* 16 (1954), 142-168, esp. 142.

2. L. A. Ames and H. C. Montgomery, «The Influence of Rome on the American Constitution», *The Classical Journal* 30 (1934), 19-27, esp. 20.

3. John Rohine, «Classical Political Theory and the United States Constitution», *passim*.

4. Meyer Reinhold, *Classical Americana*, Detroit, 1984, 299 f.

exerted an important influence on the culture of the United States seems to many absurd⁵.

Many stands of political theory and practice —English, Continental (European), early American and, above all, classical, especially Greek—, were woven into the complex fabric of the American Constitution. With regard to the classical influences, the ancestry of the Constitution in the thought of Plato, Aristotle, Polybius and Roman theorists, especially Cicero, and in the constitutions and history of the Greek cities as well as Rome and Carthage, is too authentic to require repeated legitimation any longer⁶. Though the American appeal to natural law has its roots in antiquity (Aristotle, Cicero and Stoicism), Americans were indebted for this not so much through direct knowledge of the classical sources as from the English heritage of law and government, especially through Milton, Coke, Algernon Sidney, John Locke and the continental jurists De Vattel, Pufendorf, and Burlamaqui⁷.

But, although the Founding Fathers were not scholars but practical politicians, they were knowledgeable enough about the constitutions of the Greek states, as well as of that of Rome and of Carthage, and were especially interested in cyclical theories of government and the notion of the «μικτὴ πολιτεία» (=mixed constitution). John Adams declared in 1772 that «the best governments of the World have been mixed. The Republics of Greece, Rome and Carthage were all mixed Governments», and John Corbin that «the theory of our Constitution derives from Aristotle, and was put into successful practice in ancient Rome, in eighteenth century in England, and in our early state constitutions before it was given its most perfect embodiment by the Convention of 1787»⁸.

The principle e.g. of «equality of all citizens before the law» known as *ισονομία* (isonomy), with whose introduction into the American

5. «*The Strange New World*», *American Culture: The Formative Years*, New York, 1952, 228.

6. The bibliography is enormous: to my pleasant surprise there is on the issue a doctoral dissertation, written by some scholar-unknown to me— E. P. Panagopoulos, *Classicism and the Framers of the Constitution*, Chicago, 1952; if M. Reinhold, *op. cit.*, 301 and 320.

7. Edward S. Corwin, *The «Higher Law» Background of American Constitutional Law*, Ithaca, 1955, 149 ff and 365 ff.

8. Richard Mott Grummere, «The Classical Ancestry of the United States Constitution», *American Quarterly* 14 (1962), 3-18, esp. 6.

governmental system, Cleisthenes, the founder of democracy in classical Athens, is originally credited, is echoed in the famous Funeral Speech of Pericles in Thucydides' Work: «If we look into the laws» he says, «they afford equal justice to all in their private differences», and again below: «but all this case in our private relations does not make us lawless citizens. Against this fear is our chief safeguard, teaching us to obey the magistrates and the laws»⁹.

Plato, too, emphasizes the rule of law: «It is really necessary for men to make themselves laws and to live according to laws, or else to differ not at all from the most savage of beasts»¹⁰. And Aristotle stresses that «rightly constituted laws should be the final sovereign» and that «law should be sovereign on every issue, and the magistrates and the citizen body should only decide about details»¹¹.

But why did the Founding Fathers prefer the mixed constitution, i.e. the mixture of democracy and oligarchy, the middle between freedom and order? Simply, because this is the preference also of the great Greek political theorists of Classical Greece.

In Thucydides e.g. we find, apart from a superb praise to the Athenian Democracy, the critique of the *excesses* and irrationality which the 'Εκκλησία τοῦ Δήμου, the Assembly, was subject to after Pericles' death. Athenian democracy in the hands of Pericles' successors degenerates into mob rule and demagoguery. And this explains, partly, Plato's and Aristotle's antipathy to democracy. But the same philosophers and political theorists were also aware of the abuses, which prevailed under oligarchy and tyranny. As a consequence, to safeguard against the dominance of any one social class and the oppression of another, the ideal of a mixed constitution was developed. And it was this ideal in Greek political theory reached its highest peak in the works of Plato and Aristotle, and was further refined by the political writings of Polybius from Megalopolis and Cicero in Rome¹².

9. *History of the Peloponnesian War*, II, 6 (in Χατζηεμμανουήλ's uncomparable translation in Modern Greek: «Όλοι οί πολίτες είναι ίσοι ἀπέναντι τῶν νόμων σέ ὅ,τι ἀφορᾷ τὰ προσωπικά τους συμφέροντα» and «ἐνῶ ἡμῶς ἀποφεύγουμε νά γινόμαστε ἐνοχλητικοί στοὺς ἄλλους σέ ὅ,τι ἀφορᾷ τήν προσωπική ζωή, πειθαρχοῦμε στίς διαταγές τῶν ἀρχόντων τῆς πολιτείας καί στοὺς νόμους τῆς πόλεως ἀπό σεβασμό»).

10. *Laws*, IX 847e.

11. *Politics*, 1292a 32 κ.έ.: «δεῖ γάρ τὸν μὲν νόμον ἄρχειν πάντων... τῶν δὲ καθ' ἕκαστα τὰς ἀρχάς». Cf. Rexine, *op. cit.*, 323.

12. Rexine, 325.

But the paramount political model for the Founding Fathers of a constitution structured to retard political decay and assure at the same time freedom and stability was the constitution of Rome of the end of the third —early second centuries B.C.— as analyzed by the Greek historian Polybius in book VI, the vaunted prototype of a commonwealth since the Renaissance, the favorite source for classical republicanism in *the seventeenth and eighteenth centuries*¹³. And John Adams was fully aware that the blessings of the Roman constitution did not long survive Polybius' analysis and proceeded to assess the weaknesses of the Roman government, attributing the fall of the republic —with the advantages of hindsight— to imperfect, «ineffectual balance» and prescribing stronger negative votes, separated powers, and checks and countercheques. As it turned out, indeed, rather than a melting pot of a mixed system, the Constitution of the United States of America was a document of numerous compromises, based on the principles of a broadly pluralistic balance and separation of powers, despite the confidence placed by the Founding Fathers in the Polybian mixed constitution of Rome¹⁴.

It was the Constitutional Convention of 1787, at the various state ratifying conventions, and in the pamphlet literature and political tracts spun off in great numbers to influence the structure of the new government, that the appeal to classical political theory and practice reached its peak. The same John Adams, in Europe at the time as American representative, in writing his *Defense of the Constitutions of Government of the U.S.A.* (1787-88) ransacked ancient sources and modern works for classical constitutions and leagues¹⁵. Many of the delegates to the Convention in Philadelphia did their classical homework diligently, especially Madison, Hamilton and James Wilson. William Pierce, delegate from Georgia, said of Madison, for example, that the «ran through the whole Scheme of the Government —pointed out the beauties and defects of ancient Republicans; compared their situation with ours wherever it appeared to bear any analogy¹⁶. It is clear that the precedents, analogies, and lessons Madison and others quarried from antiquity were not mere window dressing or «pendantry in politics» but solemn exercises in comparative political institutions

13. M. Reinhold, *op. cit.*, 101.

14 *id. ibid.*

15. *Works*, vols IV-VI.

16. *Records of the Federal Convention*, vol. I, 110.

and history. The records of the Federal Convention, and the *Federalist* papers, written by Madison, Hamilton and John Jay (notably nos. 6, 9, 18, 38, 63, 70) are dotted with classical parallel and lessons. It is discernible that some of these were extracted from translations of Plato, Aristotle, Demosthenes, Polybius, Strabo, Plutarch and of Latin authors¹⁷.

Great attention was directed at the time of the Convention to the theoretical and practical aspects of federalism, and in this connection the debates and polemical literature analyzed the merits and failures especially of ancient Greek leagues. Of all classical political Models ancient Greek federalism was the most extensively studied, because there were no precedents in the English experience or in colonial America¹⁸.

The test informed about Greek leagues (συμπολιτεῖες, ὁμοσπονδίες) were Adams, Madison and James Wilson, yet their knowledge was limited; for the most part they repeated similar information on greek leagues found in secondary Works¹⁹.

The confederation most frequently cited by the Founding Fathers was the Amphictyonic Council, because it was the one most commonly instanced in handbooks and histories. For example, in the frequently used work of Abbé Mably on Greek institutions they found the Amphictyonic Council elevated to «une république fédérative», and «des états généraux de la Grèce»²⁰. James Wilson's vacillation is instructive. In 1790-91, in support of the U.S. Constitution, he lectured that the Amphictyonic Council was «the Congress of the United States of Greece» that «the general intention and invariable aim of all its modellers and directors was, to form a complete representation of all Greece»; and that «the establishment of the Amphictyons should be admired, as a great masterpiece in human politics»²¹.

17. M. Reinhold, *op. cit.*, 102.

18. H. Walter H. Bennet, *American Theories of Federalism*, Alabama, 1964, 54, 68f.

19. See, e.g., Madison's sources on Greek leagues in *Letters and Other Writings of James Madison*, Philadelphia, 1865, vol. I, 293-8 («Notes on Ancient and Modern Confederacies Preparatory to the Federal Convention of 1787»).

20. *Observations sur l'histoire de la Grèce*, Paris, 1766, 9f.

21. «Of Man as a Member of a Confederation», Wilson, *Works*, vol. I. 247f.