

THE RATIONIST

TWELVE ESSAYS INTRODUCING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA TO PRESERVE THE DEMOCRATIC-REPUBLICAN MODEL OF GOVERNMENT.

ADDRESSED TO THE PEOPLE OF THE UNITED STATES OF AMERICA.

BY *GRACCHUS*, A LOYAL CITIZEN.

NUMBER EIGHT:

THAT THE CONSTITUTION IS POWERLESS TO PRESERVE THE DEMOCRATIC-REPUBLICAN MODEL OF GOVERNMENT.

To the People of the United States of America:

I wish to assemble together the opinions and reasonings of philosophers, politicians, and historians, who have taken the most extensive views of men and societies, whose characters are deservedly revered, and whose writings were in the contemplation of those who framed the American constitutions. It will not be contested, that all these characters are united in Polybius.

John Adams

The final deliverables of Greek political theory are united in Polybius's account of the Roman constitution. The first is Anacyclosis, or **THE WHEEL**: the idea that every unchecked regime is corrupted and every corrupted regime is replaced in a recurring cycle of political revolution. Polybius gives the natural and probable – but not inevitable – sequence as chiefdom, kingship, tyranny, aristocracy, oligarchy, democracy, and mob-rule, thence back to chiefdom. The second is the tripartite mixed constitution, or **THE BRAKE**: the idea that since no unbridled regime alone maintains stability, the optimal constitution blends and counterbalances all three primary forms, which are kingship, aristocracy, and democracy.

Both deliverables descend from rich anthropologies of Greek thought. On the wheel, Plato first elaborated an order of regimes. Polybius's introduction to Anacyclosis references Plato and "*some other philosophers*," possibly contemplating Aristotle, Panaetius, Dicaerchus, Isocrates, Protagoras, and Hecataeus. On the brake, Pindar was the first to imply a classification of regimes by one, few, or many rulers; Herodotus to enunciate the primary archetypes of kingship, aristocracy, and democracy; Thucydides to describe a mixed constitution (in regard to Athens); and Plato to describe the tripartite mixed constitution (in regards to Sparta).

We have already considered the wheel at length in our prior essays. And seeing how easily it rolled over the constitution of the Roman Republic, we now consider our Founders' efforts to arrest Anacyclosis with the constitution of the American Republic. For the Roman constitution, and the death throes of popular government encompassed in our prior essay, were foremost in their classically-trained minds, John Adams writing: "*the Period in the History of the World, the best understood, is that of Rome from the time of Marius to the Death of Cicero.*"

THE LYCURGAN BRAKE.

Our third essay introduced the matrix of Greek constitutional archetypes and explained their tendency for rapid corruption. Polybius reports that in remote antiquity, before Rome was even founded, the Spartan lawgiver Lycurgus:

Combined together all the excellences and distinctive features of the best constitutions, that no part should become unduly predominant, and be perverted into its kindred vice; and that, each power being checked by the others, no one part should turn the scale or decisively out-balance the others.

In Sparta, the element of kingship belonged to the kings, aristocracy the Gerousia, and democracy the people. This Lycurgan blend was so perfect that observers were “*at a loss to say definitely to which of these polities it belongs.*” “*The result of this combination,*” Polybius contended, “*has been that the Lacedaemonians retained their freedom for the longest period of any people with which we are acquainted.*” He credited Spartan success to the principle of **CHECKS AND BALANCES**. Looking next to Rome’s constitution circa the Second Punic War, Polybius found kingship in the Consuls, aristocracy in the Senate, and democracy in the popular assemblies, balanced as perfectly as in Sparta’s. He attributed Rome’s constitutional durability to this equilibrium, informing his advice to all future constitution-makers: “*It is plain that we must regard as the best constitution that which partakes of all these three elements.*”

America’s Founding Fathers adopted this rationale, following their British forebears. Just before the English Civil War began, Charles I invoked this Lycurgan equilibrium in rejecting Parliament’s demands for greater authority, appealing to the balance between kingship (the Crown), aristocracy (the Lords) and democracy (the Commons). Just before the American Revolutionary War began, John Adams described the tripartite mixed constitution as common knowledge to his contemporaries: “*It is allowed, both by Englishmen and foreigners, to be the most perfect system that the wisdom of ages has produced.*”

Conceived by Lycurgus, filtered through Plato and Polybius, embodied in the Roman constitution, and adapted to Aristotelian and Lockean classifications of legislative, executive, and judicial power by Montesquieu, the tripartite mixed constitution matured into the doctrine of **SEPARATION OF POWERS**, which forms the nucleus of the United States Constitution. James Madison, acclaimed as the “Father of the Constitution,” summarized its mechanism of action in *Federalist No. 51*: “*Ambition must be made to counteract ambition.*” Writ large across Articles I (legislative branch), II (executive branch), and III (judicial branch) of the Constitution, and explicit in forty of the fifty State constitutions and the constitution of Mexico, the separation of powers is the fundamental constitutional doctrine upon the North American continent.

THE CONSTITUTION SPEAKS TO THE FORM OF A DEMOCRATIC REPUBLIC.

The Declaration of Independence holds that governments derive “*their just powers from the consent of the governed.*” It is a republic, Adams asserted, where government is “*bound by fixed laws, which the people have a voice in making, and a right to defend,*” a definition which he construed to encompass Great Britain. Madison defined a republic as “*a government in which the scheme of representation takes place.*” Although they erected the American republic upon a foundation of popular sovereignty consistent with these Enlightenment principles, the framers bridled the Constitution’s democratic features obedient to the lessons of Classical Antiquity.

Generally oblivious to its eminent anthropology, Americans today often complain that the Constitution is not democratic enough, but the Lyncurgan brake dictates that democracy be moderated for the reasons aforesaid.

The Constitution therefore quite deliberately blunts its democratic aspects. Frequent elections and voting rights are delineated by Article I, Section 2; Article II, Section 1; and Amendments XIV, XV, XVII, XIX, XXIII, XXIV, and XXVI. The will of the people is nevertheless tempered by various non-democratic features such as the scheme of representation, separation of powers, checks and balances, bicameralism, the Electoral College, and equal State suffrage in the Senate. It is worth noting in regard to the last feature that before Amendment XVII (ratified in 1913), Senators were not elected, but appointed by the State legislatures.

The Constitution itself nowhere references the notions of referendum, plebiscite, or even democracy. It does however require revenue bills to originate in the lower proportionally-elected, more democratic assembly, while it empowers Congress to declare war, and the President to wage war. Recalling as established in our fourth essay that the fundamental authority of government resides in the powers over the sword and purse, the Framers accorded the Constitution's democratic share this much: **THE PEOPLE WOULD DIRECTLY CHOOSE THOSE HOLDING THE POWER OF THE PURSE, AND INDIRECTLY CHOOSE THOSE HOLDING THE POWER OF THE SWORD.** This was all the democracy the lessons of Classical Antiquity would countenance.

The Constitution supplements democracy's partial share of sovereignty with various procedural and substantive rights, including Article I, Section 3, Clause 7 (Impeachments); Article I, Section 9, Clause 2 (*Habeas Corpus*); Clause 3 (No Bills of Attainder or *Ex Post Facto* laws); Clause 8 (No Titles of Nobility; Foreign Emoluments); Article III, Section 2, Clause 3 (Trial by Jury); Article III, Section 3 (Treason); and Amendments I to X, XIII, and XIV. As an additional assurance, the Guarantee Clause in Article IV, Section 4 guarantees to every State in the Union "*a Republican Form of Government.*"

BUT THE CONSTITUTION IS SILENT CONCERNING THE SUBSTANCE OF A DEMOCRATIC REPUBLIC.

The Constitution, though it did it as well as any charter of government ever has, only established the **LEGAL FORM** of a democratic republic. It addresses the division of political power, the organization of political offices, and the powers, procedures, and limitations of government. These powers are extensive, the Commerce Clause alone authorizing Congress to regulate virtually every species thereof. The Constitution nevertheless contains no provision designed to preserve the **POLITICAL SUBSTANCE** of a democratic republic: an upright and independent middle class. Not one syllable of its text is devoted to the preservation of the middle classes, the de-concentration of wealth, or the cultivation of the middling virtues.

This omission was not due to want of knowledge, prudence, resolve, or even the proper legislative purview. The Founders understood that responsible and sustainable popular government depends upon a diffusion of wealth sufficiently broad to sustain the middling virtues, topics encompassing the subject matter of our fourth, fifth, and sixth essays. Their own writings confirm America's egalitarian founding principles, beginning with John Adams's opening words to this series:

Property Monopolized, or in the Possession of a Few is a Curse to Mankind. We should preserve not an Absolute Equality — this is unnecessary — but preserve all from extreme Poverty, and all others from extravagant riches.

Thomas Jefferson expressed the imperative for broad wealth diffusion no less clearly and forcefully to James Madison:

I am conscious that an equal division of property is impracticable. But the consequences of this enormous inequality producing so much misery to the bulk of mankind, legislators cannot invent too many devices for subdividing property, only taking care to let their subdivisions go hand in hand with the natural affections of the human mind.

Jefferson even sought to translate this precept into action. His 1776 draft Virginia constitution included this Gracchan-like clause to ensure that all citizens had the means of independent subsistence: “Every person of full age neither owning nor having owned [50] acres of land, shall be entitled to an appropriation of [50] acres.” That same year, as previously noted, John Adams praised Gracchus’s *Lex Sempronia Agraria* – which capped household claims to public land – calling it “A genuine republican Measure.” Adams ratified not only the link between middling status and the middling virtues, but also Jefferson’s effort to induce the growth of an upright and independent citizenry, stating:

Power always follows Property. ... the Ballance of Power in a Society, accompanies the Ballance of Property in Land. The only possible Way then of preserving the Ballance of Power on the side of equal Liberty and public Virtue, is to make the Acquisition of Land easy to every Member of Society.

Noah Webster most succinctly summarized the need for government intervention to promote broad wealth de-concentration, stating: “The basis of a democratic and a republican form of government, iz, a fundamental law, favoring... a general distribution of property.” Thomas Paine furnished the moral justification for both intervention and taxation, arguing:

Separate an individual from society, and give him an island or a continent to possess, and he cannot acquire personal property. He cannot be rich. ... All accumulation, therefore, of personal property, beyond what a man’s own hands produce, is derived to him by living in society; and he owes on every principle of justice, of gratitude, and of civilization, a part of that accumulation back again to society from whence the whole came.

The Founders therefore not only favored the broad diffusion of wealth, they endorsed government intervention to ensure it. They were never the hardline anti-interventionists *laissez-faire* theorists often make them out to be. The reason they did not account for the middle class in the Constitution was not because it was inappropriate, but because it was then unnecessary.

REMEDIATING EXTREME WEALTH CONCENTRATION WAS NOT THE CHALLENGE OF THE FOUNDERS' GENERATION, BUT OF OURS.

America's first days saw many challenges, but contending with a swelling urban proletariat, offshoring, and proliferating automation and cognitive technologies were not among them. The first national census in 1790 reports that ninety percent of the population was farmers. America's citizen body then perhaps approached as nearest as mankind ever has – at least since archaic Greece – the yeoman ideal of a pastoral, agrarian nation of independent, self-sufficient farmers.

Setting aside for our purposes any retrospective condemnation regarding the treatment of indigenous tribes, America's first generations enjoyed the social pressure-relief valve of westward colonization, relieving the nation of any immediate apprehension of urbanization and wealth concentration. Among these rugged and rural smallholders there was little demand for subsidies and interventions for there was little need of them. George Washington celebrated America's original egalitarianism:

America ... will be the most favorable Country of any in the world for persons ... possessed of a moderate capital ... it will not be less advantageous to the happiness of the lowest class of people because of the equal distribution of property, the great plenty of unoccupied lands, and the facility of procuring the means of subsistence.

Alexis de Tocqueville observed the same conditions fifty years later, remarking that of all he saw during his tour of the new republic, “*nothing struck me more forcibly than the general equality of conditions.*” As Drs. Lindert and Williamson remarked: “*Visiting contemporary observers were unanimous in describing colonial America as a utopian middle-class democracy.*”¹ They cited comments from British Colonel Lord Adam Gordon in 1764: “*The levelling principle here, everywhere operates strongly and takes the lead, and everybody has property here, and everybody knows it.*” They verified these circumstances in their study of colonial incomes, concluding that in 1774, New England and the Middle Colonies were the most egalitarian places in the known world.

The Gini coefficient measures income and wealth inequality, where 0 represents absolute equality and 1 maximum inequality. While the historical data is open to interpretation, Dr. Jones's analysis concludes that America's 1774 wealth coefficient was below 0.70 – slaves included. Her data also indicates that the top one percent then owned around fourteen percent of national wealth and the top ten percent slightly above half. It also suggests that £75 would be a reasonable estimate for America's national median household net worth in 1774, while £50 would be conservative. Relative to Dr. Edgar's £33,000 estimate for America's largest fortune in late 1773, these data imply a median-top household wealth ratio of perhaps 600:1.

In 2022, by contrast, America's median-top household wealth ratio surpassed 2,000,000:1, while its 2019 Gini wealth coefficient exceeded 0.85. The share held by the top one percent today exceeds one-third of national wealth, while the top ten percent now boasts a roughly seventy percent share. The share held by the middle three quintiles, meanwhile, is only around twenty-five percent. In today's America, the median bank account balance is around

¹ *Long-Term Trends in American Wealth Inequality.*

\$5,000, most Americans have less than \$1,000 in savings and live paycheck-to-paycheck – increasingly stimulus check-to-stimulus check – and household debt has never been higher.

Whereas America was once more egalitarian than the Mother Country, the opposite now prevails: the United Kingdom's 2019 Gini wealth coefficient was 0.75, while its median-top household wealth ratio is today below 100,000:1. It would be provocative to say that America's socioeconomic configuration today more closely resembles the stratified European monarchies the Founders repudiated than the hopeful egalitarian republic they established. It would, however, be more accurate to say it more closely resembles the Roman republic during the time of Tiberius Gracchus than the American republic during the time of John Adams.

For America is today not only an advanced, highly-stratified commercial republic more than eighty percent urbanized with an expanding precariat. It is the world's global hegemon. Though increasingly challenged by regional powers, America's geopolitical dominance since the Second World War – just like Rome's achievement of uncontested sovereignty following the Third Punic War – makes the United States most susceptible of all the Western democracies to the consummation of Anacyclosis for the reasons considered in our third essay. Foreign nations may test our might, and can mock our internal politics, but they would not safely distract us from our tournament of demagogues.

AMERICA IS POISED TO REAP THE POLYBIAN WHIRLWIND.

Over the past fifty years, our middle class has endured extreme wealth concentration, intensifying social stratification, rising household precariousness, and diminished upward mobility. These economic effects have contributed to those political consequences discussed in our sixth essay: political faction, pessimism, polarization, demagoguery, civic unrest, and an increasingly unalterable authoritarian political trajectory pursuant to the wheel of Anacyclosis. As we presently witness, the Constitution's clever political architecture is utterly powerless to suppress the socioeconomic consequences flowing from extreme wealth concentration. And the more effectively it frustrates the people's multiplying economic grievances by plutocratic recalcitrance, the nearer it draws its own circumvention via monarchic resolve.

America's culture wars, for their part, today eliciting both a lunacy and a cacophony that is hard to ignore, will alone lead neither to despotism nor civil war. Though James Madison noted in *Federalist No. 10* that "*the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts,*" factions do not usually become armies over pronouns or mating rituals. A shared prosperity in any event tranquilizes the philosophical antagonism that exists between permissive and traditionalist beliefs, whatever they may be. When the economic sedative is removed, the latent animosities are noticed and inflamed. It is therefore not the erosion of conservative morals which continually relaxing social customs must by definition perpetually irritate, but the loss of middling confidence and prospects, that George Washington warned finally "*incline the minds of men to seek security and repose in the absolute power of an individual.*"

The last-surviving major Founding Father foresaw our present distress. Madison knew that just as Rome's *hoi mesoi*, America's middle class would eventually be alienated from its agrarian roots, rendering the constitutions of both the ancient and new republic inadequate to the ever-changing economic reality, changes which advancements in automation and cognitive technologies today may well exacerbate and accelerate:

It is a law of nature, now well understood, that the earth under a civilized cultivation is capable of yielding subsistence for a large surplus of consumers beyond those having an immediate interest in the soil; a surplus which must increase with the increasing improvements in agriculture, and the labour-saving arts applied to it. And it is a lot of humanity, that of this surplus a large proportion is necessarily reduced by a competition for employment to wages which afford them the bare necessaries of life. The proportion being without property, or the hope of acquiring it, cannot be expected to sympathize sufficiently with its rights to be safe depositories of power over them.

Our Constitution is a brake that is unequal to the engine which now rotates the wheel forward. Without an appropriate and significant egalitarian economic intervention, the long-term survival of legitimate popular government in the United States is both historically and theoretically improbable. The remaining portion of this series will introduce an idea that would preserve and protect both the Constitution and the democratic-republican model of government which it was ordained to establish, one that our Founding Fathers would approve.

GRACCHUS.