

A Defence of the Constitutions of Government of the United States of America

THE arts and sciences, in general, during the three or four last centuries, have had a regular course of progressive improvement. The inventions in mechanic arts, the discoveries in natural philosophy, navigation, and commerce, and the advancement of civilization and humanity, have occasioned changes in the condition of the world, and the human character, which would have astonished the most refined nations of antiquity. A continuation of similar exertions is every day rendering Europe more and more like one community, or single family. Even in the theory and practice of government, in all the simple monarchies, considerable improvements have been made. The checks and balances of republican governments have been in some degree adopted by the courts of princes. By the erection of various tribunals, to register the laws, and exercise the judicial power — by indulging the petitions and remonstrances of subjects, until by habit they are regarded as rights — a controul has been established over ministers of state, and the royal councils, which approaches, in some degree, to the spirit of republics. Property is generally secure, and personal liberty seldom invaded. The press has great influence, even where it is not expressly tolerated; and the public opinion must be respected by a minister, or his place becomes insecure. Commerce begins to thrive: and if religious toleration were established, and personal liberty a little more protected, by giving an absolute right to demand a public trial in a certain reasonable time — and the states invested with a few more privileges, or rather restored to some that have been taken away — these governments would be brought to as great a degree of perfection, they would approach as near to the character of governments of laws and not of men, as their nature will probably admit of. In so general a refinement, or more properly reformation of manners and improvement in knowledge, is it not unaccountable that the knowledge of the principles and construction of free governments, in which the happiness of life, and even the further progress of improvement in education and society, in knowledge and virtue, are so deeply interested, should have remained at a full stand for two or three thousand years? — According to a story in Herodotus, the nature of monarchy, aristocracy, and democracy, and the advantages and inconveniences of each, were as well understood at the time of the neighing of the horse of Darius, as they are at this hour. A variety of mixtures of these simple species were conceived and attempted, with different success, by the Greeks and Romans. Representations, instead of collections, of the people — a total separation of the executive from the legislative power, and of the judicial from both — and a balance in the legislature, by three independent, equal branches — are perhaps the three only discoveries in the constitution of a free government, since the institution of Lycurgus. Even these have been so unfortunate, that they have never spread: the first has been given up by all the nations, excepting one, who had once adopted it; and the other two, reduced to practice, if not invented, by the English nation, have never been imitated by any other except their own descendants in America. While it would be rash to say, that nothing further can be done to

bring a free government, in all its parts, still nearer to perfection — the representations of the people are most obviously susceptible of improvement. The end to be aimed at, in the formation of a representative assembly, seems to be the sense of the people, the public voice: the perfection of the portrait consists in its likeness. Numbers, or property, or both, should be the rule; and the proportions of electors and members an affair of calculation. The duration should not be so long that the deputy should have time to forget the opinions of his constituents. Corruption in elections is the great enemy of freedom. Among the provisions to prevent it, more frequent elections, and a more general privilege of voting, are not all that might be devised. Dividing the districts, diminishing the distance of travel, and confining the choice to residents, would be great advances towards the annihilation of corruption. The modern aristocracies of Holland, Venice, Berne, &c. have tempered themselves with innumerable multitudes of checks, by which they have given a great degree of stability to that form of government: and though liberty and life can never be there enjoyed so well as in a free republic, none is perhaps more capable of profound sagacity. We shall learn to prize the checks and balances of a free government, and even those of the modern aristocracies, if we recollect the miseries of Greece which arose from their ignorance of them. The only balance attempted against the ancient kings was a body of nobles; and the consequences were perpetual altercations of rebellion and tyranny, and butcheries of thousands upon every revolution from one to the other. When the kings were abolished, the aristocracies tyrannized; and then no balance was attempted but between aristocracy and democracy. This, in the nature of things, could be no balance at all, and therefore the pendulum was for ever on the swing. It is impossible to read in Thucydides, lib. iii. his account of the factions and confusions throughout all Greece, which were introduced by this want of an equilibrium, without horror. During the few days that Eurymedon, with his troops, continued at Corcyra, the people of that city extended the massacre to all whom they judged their enemies. The crime alleged was, their attempt to overturn the democracy. Some perished merely through private enmity; some, for the money they had lent, by the hands of the borrower. Every kind of death, every dreadful act, was perpetrated. Fathers slew their children; some were dragged from altars, some were butchered at them; numbers, immersed in temples, were starved. The contagion spread through the whole extent of Greece: factions raged in every city; the licentious many contending for the Athenians, and the aspiring few for the Lacedæmonians. The consequence was, seditions in cities, with all their numerous and tragical incidents. Such things ever will be, says Thucydides, so long as human nature continues the same. But if this nervous historian had known a balance of three powers, he would not have pronounced the distemper so incurable, but would have added — so long as parties in cities remain unbalanced. He adds — Words lost their signification: brutal rashness was fortitude; prudence, cowardice; modesty, effeminacy; and being wise in every thing, to be good for nothing: the hot temper was manly valour; calm deliberation, plausible knavery; he who boiled with indignation, was trustworthy; and he who presumed to contradict, was ever suspected. Connection of blood was less regarded than transient acquaintance: associations were not formed for mutual advantage, consistent with law, but for rapine against all law: trust was only communication of guilt: revenge was more valued, than never to have suffered an injury: perjuries were master-pieces of cunning; the dupes only blushed, the villains most impudently triumphed. The source of all these evils is a thirst of power, from rapacious or ambitious passions. The men of large influence, some contending for the just equality of the democratical, and others for the fair decorum of aristocratical government, by artful sounds, embarrassed those communities, for their own private lucre, by the keenest spirit, the most daring projects, and most dreadful machinations. Revenge, not limited by

justice or the public welfare, was measured only by such retaliation as was judged the sweetest — by capital condemnations, by iniquitous sentences, and by glutting the present rancour of their hearts with their own hands. The pious and upright conduct was on both sides disregarded: the moderate citizens fell victims to both. Seditions introduced every species of outrageous wickedness into the Grecian manners. Sincerity was laughed out of countenance: the whole order of human life was confounded: the human temper, too apt to transgress in spite of laws, now having gained the ascendant over law, seemed to glory that it was too strong for justice, and an enemy to all superiority. — Mr. Hume has collected, from Diodorus Siculus alone, a few massacres which happened in only sixty of the most polished years of Greece: — From Sybaris 500 nobles banished; of Chians, 600 citizens; at Ephesus, 340 killed, 1000 banished; of Cyrenians, 500 nobles killed, all the rest banished; the Corinthians killed 120, banished 500; Phæbidas banished 300 Boeotians. Upon the fall of the Lacedæmonians, democracies were restored in many cities, and severe vengeance taken of the nobles: the banished nobles returning, butchered their adversaries at Phialæ, in Corinth, in Megara, in Phliasia, where they killed 300 of the people; but these again revolting, killed above 600 of the nobles, and banished the rest. In Arcadia, 1400 banished, besides many killed: the banished retired to Sparta and Pallantium; the latter were delivered up to their countrymen, and all killed. Of the banished from Argos and Thebes, there were 509 in the Spartan army. The people, before the usurpation of Agathocles, had banished 600 nobles; afterwards that tyrant, in concurrence with the people, killed 4000 nobles, and banished 6000; and killed 4000 people at Gela: his brother banished 8000 from Syracuse. The inhabitants of Ægesta, to the number of 40,000, were killed, man, woman, and child, for the sake of their money: all the relations of the Libyan army, fathers, brothers, children, killed: 7000 exiles killed after capitulation. These numbers, compared with the population of those cities, are prodigious; yet Agathocles was a man of character, and not to be suspected of cruelty, contrary to the maxims of his age: such were the fashionable outrages of unbalanced parties.

In the name of human and divine benevolence, is such a system as this to be recommended to Americans, in this age of the world? Human nature is as incapable now of going through revolutions with temper and sobriety, with patience and prudence, or without fury and madness, as it was among the Greeks so long ago. The latest revolution that we read of was conducted, at least on one side, in the Grecian style, with laconic energy; and with a little attic salt; at least, without too much patience, foresight, and prudence, on the other. — Without three orders, and an effectual balance between them, in every American constitution, it must be destined to frequent unavoidable revolutions: if they are delayed a few years, they must come, in time. The United States are large and populous nations, in comparison of the Grecian commonwealths, or even the Swiss cantons; and are growing every day more disproportionate, and therefore less capable of being held together by simple governments. Countries that increase in population so rapidly as the States of America did, even during such an impoverishing and destructive war as the last was, are not to be bound long with silken threads: lions, young or old, will not be bound by cobwebs. — It would be better for America, it is nevertheless agreed, to ring all the changes with the whole set of bells, and go through all the revolutions of the Grecian states, rather than establish an absolute monarchy among them, notwithstanding all the great and real improvements made in that kind of government.

The objection to these governments is not because they are supported by nobles, and a subordination

of ranks; for all governments, even the most democratical, are supported by a subordination of offices, and of ranks too. None ever existed without it but in a state of anarchy and outrage, in a contempt of law and justice, no better than no government. But the nobles, in the European monarchies, support them more by opposing than promoting their ordinary views. The kings are supported by their armies: the nobles support the crown, as it is in full possession of the gift of all employments; but they support it still more by checking its ministers, and preventing them from running into abuses of power, and wanton despotism: otherwise the people would be pushed to extremities and insurrections. It is thus that the nobles reconcile the monarchical authority to the obedience of the subjects; but take away the standing armies, and leave the nobles to themselves, and they would overturn every monarchy in Europe, in a few years, and erect aristocracies.

It is become a kind of fashion among writers, to admit, as a maxim, that if you could be always sure of a wise, active, and virtuous prince, monarchy would be the best of governments. But this is so far from being admissible, that it will for ever remain true, that a free government has a great advantage over a simple monarchy. The best and wisest prince, by means of a freer communication with his people, and the greater opportunities to collect the best advice from the best of his subjects, would have an immense advantage in a free state more than in a monarchy. A senate consisting of all that is most noble, wealthy, and able in the nation, with a right to counsel the crown at all times, is a check to ministers, and a security against abuses, that a body of nobles who never meet, and have no such right, can never accomplish. Another assembly, composed of representatives chosen by the people in all parts, gives the whole nation free access, and communicates all the wants, knowledge, projects, and wishes of the nation, to government; excites an emulation among all classes, removes complaints, redresses grievances, affords opportunities of exertion to genius though in obscurity, and gives full scope to all the faculties of man; opens a passage for every speculation to the legislature, to administration, and to the public: it gives a universal energy to the human character, in every part of the state, which never can be obtained in a monarchy.

There is a third particular which deserves attention both from governments and people. The ministers of state, in a simple monarchy, can never know their friends from their enemies: cabals in secret undermine their influence, and blast their reputations. This occasions a jealousy ever anxious and irritated, which never thinks the government safe without an encouragement of informers and spies, throughout every part of the state, who interrupt the tranquillity of private life, destroy the confidence of families in their own domestics and one another, and poison freedom in its sweetest retirements. In a free government, on the contrary, the ministers can have no enemies of consequence but among the members of the great or little council, where every man is obliged to take his side, and declare his opinion, upon every question. This circumstance alone, to every manly mind, would be sufficient to decide the preference in favour of a free government. Even secrecy, where the executive is entire in one hand, is as easily and surely preserved in a free government as in a simple monarchy; and as to dispatch, all the simple monarchies of the whole universe may be defied to produce greater or more examples of it than are to be found in English history. — An Alexander, or a Frederic, possessed of the prerogatives only of a king of England, and leading his own armies, would never find himself embarrassed or delayed in any honest enterprize. He might be restrained, indeed, from running mad, and from making conquests to the ruin of his nation, merely for his own glory: but this is no argument

against a free government. — There can be no free government without a democratical branch in the constitution. Monarchies and aristocracies are in possession of the voice and influence of every university and academy in Europe. Democracy, simple democracy, never had a patron among men of letters. Democratical mixtures in government have lost almost all the advocates they ever had out of England and America.

Men of letters must have a great deal of praise, and some of the necessities, conveniences, and ornaments of life. Monarchies and aristocracies pay well and applaud liberally. The people have almost always expected to be served gratis, and to be paid for the honour of serving them; and their applauses and adorations are bestowed too often on artifices and tricks, on hypocrisy and superstition, on flattery, bribes, and largesses. It is no wonder then that democracies and democratical mixtures are annihilated all over Europe, except on a barren rock, a paltry fen, an inaccessible mountain, or an impenetrable forest. The people of England, to their immortal honour, are hitherto an exception; but, to the humiliation of human nature, they shew very often that they are like other men. The people in America have now the best opportunity, and the greatest trust, in their hands, that Providence ever committed to so small a number, since the transgression of the first pair: if they betray their trust, their guilt will merit even greater punishment than other nations have suffered, and the indignation of heaven. If there is one certain truth to be collected from the history of all ages, it is this: That the people's rights and liberties, and the democratical mixture in a constitution, can never be preserved without a strong executive, or, in other words, without separating the executive power from the legislative. If the executive power, or any considerable part of it, is left in the hands either of an aristocratical or a democratical assembly, it will corrupt the legislature as necessarily as rust corrupts iron, or as arsenic poisons the human body; and when the legislature is corrupted the people are undone.

The rich, the well-born, and the able, acquire an influence among the people, that will soon be too much for simple honesty and plain sense, in a house of representatives. The most illustrious of them must therefore be separated from the mass, and placed by themselves in a senate: this is, to all honest and useful intents, an ostracism. A member of a senate, of immense wealth, the most respected birth, and transcendent abilities, has no influence in the nation, in comparison of what he would have in a single representative assembly. When a senate exists, the most powerful man in the state may be safely admitted into the house of representatives, because the people have it in their power to remove him into the senate as soon as his influence becomes dangerous. The senate becomes the great object of ambition; and the richest and the most sagacious wish to merit an advancement to it by services to the public in the house. When he has obtained the object of his wishes, you may still hope for the benefits of his exertions, without dreading his passions; for the executive power being in other hands, he has lost much of his influence with the people, and can govern very few votes more than his own among the senators.

It was the general opinion of ancient nations, that the divinity alone was adequate to the important office of giving laws to men. The Greeks entertained this prejudice throughout all their dispersions; the Romans cultivated the same popular delusion; and modern nations, in the consecrations of kings, and in several superstitious chimeras of divine rights in princes and nobles, are nearly unanimous in preserving remnants of it: even the venerable magistrates of Amersfort devoutly believe themselves God's

vicegerents; Is it that obedience to the laws can be obtained from mankind in no other manner? — Is the jealousy of power, and the envy of superiority, so strong in all men, that no considerations of public or private utility are sufficient to engage their submission to rules for their own happiness? Or is the disposition to imposture so prevalent in men of experience, that their private views of ambition and avarice can be accomplished only by artifice? — It was a tradition in antiquity that the laws of Crete were dictated to Minos by the inspiration of Jupiter. This legislator, and his brother Rhadamanthus, were both his sons: once in nine years they went to converse with their father, to propose questions concerning the wants of the people; and his answers were recorded as laws for their government. The laws of Lacedæmon were communicated by Apollo to Lycurgus; and, lest the meaning of the deity should not have been perfectly comprehended, or correctly expressed, were afterwards confirmed by his oracle at Delphos. Among the Romans, Numa was indebted for those laws which procured the prosperity of his country to his conversations with Egeria. The Greeks imported these mysteries from Egypt and the East, whose despotisms, from the remotest antiquity to this day, have been founded in the same solemn empiricism; their emperors and nobles being all descended from their gods. Woden and Thor were divinities too; and their posterity ruled a thousand years in the north by the strength of a like credulity. Manco Capac was the child of the sun, the visible deity of the Peruvians; and transmitted his divinity, as well as his earthly dignity and authority, through a line of incas. And the rudest tribes of savages in North America have certain families under the immediate protection of the god war, from which their leaders are always chosen. There is nothing in which mankind have been more unanimous; yet nothing can be inferred from it more than this, that the multitude have always been credulous, and the few artful. The United States of America have exhibited, perhaps, the first example of governments erected on the simple principles of nature: and if men are now sufficiently enlightened to disabuse themselves of artifice, imposture, hypocrisy, and superstition, they will consider this event as an æra in their history. Although the detail of the formation of the American governments is at present little known or regarded either in Europe or America, it may hereafter become an object of curiosity. It will never be pretended that any persons employed in that service had any interviews with the gods, or were in any degree under the inspiration of heaven, any more than those at work upon ships or houses, or labouring in merchandize or agriculture: it will for ever be acknowledged that these governments were contrived merely by the use of reason and the senses. As Copley painted Chatham, West, Wolf, and Trumbull, Warren and Montgomery; as Dwight, Barlow, Trumbull, and Humphries composed their verse, and Belknap and Ramzay history; as Godfrey invented his quadrant, and Rittenhouse his planetarium; as Boylston practised inoculation, and Franklin electricity; as Paine exposed the mistakes of Raynal, and Jefferson those of Buffon, so unphilosophically borrowed from the *Recherches Philosophiques sur les Américains* those despicable dreams of De Paw — neither the people, nor their conventions, committees, or sub-committees, considered legislation in any other light than ordinary arts and sciences, only as of more importance. Called without expectation, and compelled without previous inclination, though undoubtedly at the best period of time both for England and America, to erect suddenly new systems of laws for their future government, they adopted the method of a wise architect, in erecting a new palace for the residence of his sovereign. They determined to consult Vitruvius, Palladio, and all other writers of reputation in the art; to examine the most celebrated buildings, whether they remain entire or in ruins; compare these with the principles of writers; and enquire how far both the theories and models were founded in nature, or created by fancy: and, when this should be done, as far as their circumstances

would allow, to adopt the advantages, and reject the inconveniences, of all. Unembarrassed by attachments to noble families, hereditary lines and successions, or any considerations of royal blood, even the pious mystery of holy oil had no more influence than that other of holy water: the people universally were too enlightened to be imposed on by artifice; and their leaders, or more properly followers, were men of too much honour to attempt it. Thirteen governments thus founded on the natural authority of the people alone, without a pretence of miracle or mystery, which are destined to spread over the northern part of that whole quarter of the globe, are a great point gained in favour of the rights of mankind. The experiment is made, and has completely succeeded: it can no longer be called in question, whether authority in magistrates, and obedience of citizens, can be grounded on reason, morality, and the Christian religion, without the monkery of priests, or the knavery of politicians. As the writer was personally acquainted with most of the gentlemen in each of the states, who had the principal share in the first draughts, the following letters were really written to lay before the gentleman to whom they are addressed, a specimen of that kind of reading and reasoning which produced the American constitutions.

It is not a little surprising that all this kind of learning mould have been unknown to any illustrious philosopher and statesman, especially one who really was, what he has been often called, “a well of science.” But if he could be unacquainted with it, or it could have escaped his memory, we may suppose millions in America have occasion to be reminded of it. — The writer has long seen with anxiety the facility with which philosophers of greatest name have undertaken to write of American affairs, without knowing any thing of them, and have echoed and re-echoed each other’s visions. Having neither talents, leisure, nor inclination, to meet such champions in the field of literary controversy, he little thought of venturing to propose to them any questions: circumstances, however, have lately occurred, which seemed to require that some notice mould be taken of one of them. If the publication of these papers mould contribute any thing to turn the attention of the younger gentlemen of letters in America to this kind of enquiry, it will produce an effect of some importance to their country. The subject is the most interesting that can engage the understanding or the heart; for whether the end of man, in this stage of his existence, be enjoyment or improvement, or both, it can never be attained so well in a bad government as a good one.

The practicability or the duration of a republic, in which there is a governor, a senate, and a house of representatives, is doubted by Tacitus, though he admits the theory to be laudable: — “Cunctas nationes et urbes, populus, aut priores, aut singuli, regunt. Delecta ex his et constituta republicæ forma, laudari facilius quam inveniri; vel, si evenit, haud diuturna esse potest.” Ann. lib. iv. — Cicero asserts — “Statuo esse optime constitutam rempublicam, quæ ex tribus generibus illis, regali, optimo, et populari, modice confusa.” Frag. — in such peremptory terms the superiority of such a government to all other forms, that the loss of his book upon republics is much to be regretted. From a few passages that have been preserved, it is very probable he entered more largely into an examination of the composition of monarchical republics than any other ancient writer. He was so far from apprehending “disputes” from a variety of orders, that he affirms it to be the firmest bond of justice, and the strongest anchor of safety to the community. As the treble, the tenor, and the bass exist in nature, they will be heard in the concert: if they are arranged by Handel, in a skilful composition, they produce rapture the most exquisite that harmony can excite; but if they are confused together without order, they will

“Rend with tremendous sound your ears asunder.”

“Ut in fidibus ac tibiis, atque cantu ipso, a vocibus concentus est quidam tenendus ex distinctis sonis, quem immutatum ac discrepantem atres eruditæ ferre non possunt; is que concentus, ex dissimillarum vocum moderatione, concors tamen essicitur et congruens: sic ex summis et infinis et mediis interjectis ordinibus, ut sonis, moderata ratione, civitas consensu dissimillimorum concinit; et quæ harmonia a musicis dicitur in cantu, ea est in civitate concordia, arctissimum atque optimum omni in republica vinculum incolumitatis; quæ sine justitia nullo pacto esse potest.” Cicero, *Frag. de Repub.* — As all the ages of the world have not produced a greater statesman and philosopher united in the same character, his authority should have great weight. His decided opinion in favour of three branches is founded on a reason that is unchangeable; the laws, which are the only possible rule, measure, and security of justice, can be sure of protection, for any course of time, in no other form of government: and the very name of a republic implies, that the property of the people should be represented in the legislature, and decide the rule of justice. — “Respublica est res populi. Populus autem non omnis coetus multitudinis, sed coetus juris consensu, et utilitatis communione sociatus.” *Frag. de Rep.* “Respublica res est populi, cum bene ac juste geritur, sive ab uno rege, sive a paucis optimatibus, sive ab universopopulo. Cum vero injustus est rex, quem tyrannum voco; aut injusti optimates, quorum consensus factio est; aut injustus ipse populus, cui nomen usitatum nullum reperio, nisi ut etiam ipsum tyrannum appellem; non jam vitiosa, sed omnino nulla respublica est; quoniam non est res populi, cum tyrannus eam factione capessat; nec ipse populus est si sit injustus, quoniam non est multitudinis juris consensu, et utilitatis unione sociata.” *Frag. de Repub.*

Ubi vero justitia non est, nec jus potest esse; quod enim jure fit, profecto juste fit; quod autem fit injuste, nec jure fieri potest. Non enim jura dicenda sunt, vel putanda, iniqua hominum constituta, cum illud etiam ipsi jus esse dicant quod de justitiæ fonte manaverit; falsumque sit, quod a quibusdam non redemptis dicitur, id jus esse, quod ei, qui plus potest, utile est.” According to this, a simple monarchy, if it could in reality be what it pretends to be — a government of laws, might be justly denominated a republic. A limited monarchy, therefore, especially when limited by two independent branches, an aristocratical and a democratical power in the constitution, may with strict propriety be called by that name.

If Cicero and Tacitus could revisit the earth, and learn that the English nation had reduced the great idea to practice, and brought it nearly to perfection, by giving each division a power to defend itself by a negative; had found it the most solid and durable government, as well as the most free; had obtained, by means of it, a prosperity among civilized nations, in an enlightened age, like that of the Romans among barbarians: and that the Americans, after having enjoyed the benefits of such a constitution a century and a half, were advised by some of the greatest philosophers and politicians of the age to renounce it, and set up the governments of ancient Goths and modern Indians — what would they say? That the Americans would be more reprehensible than the Cappadocians, if they should listen to such advice. It would have been much to the purpose to have inserted a more accurate investigation of the form of government of the ancient Germans and modern Indians; in both, the existence of the three divisions of power is marked with a precision that excludes all controversy. The democratical branch, especially, is so determined, that the real sovereignty resided in the body of the people, and was

exercised in the assembly of king, nobles, and commons together. These institutions really collected all authority into one center of kings, nobles, and people. But small as their numbers, and narrow as their territories were, the consequence was confusion; each part believed it governed the whole: the chiefs thought they were sovereign; the nobles believed the power to be in their hands; and the people flattered themselves that all depended upon them. Their purposes were well enough answered, without coming to an explanation, while they were few in numbers, and had no property; but when spread over large provinces of the Roman empire, now the great kingdoms of Europe, and grown populous and rich, they found the inconvenience of not knowing each its place. Kings, nobles, and people claimed the government In turn: and after all the turbulence, wars, and revolutions, which compose the history of Europe for so many ages, we find simple monarchies established every where. Whether the system will now become stationary, and last for ever, by means of a few further improvements in monarchical governments, we know not; or whether still further revolutions are to come. The most probable, or rather the only probable change is, the introduction of democratical branches into those governments. If the people should ever aim at more, they will defeat themselves; and indeed if they aim at this, by any other than gentle means, and by gradual advances; by improvements in general education, and informing the public mind. The systems of legislators are experiments made on human life and manners, society and government. Zoroaster, Confucius, Mithras, Odin, Thor, Mahomet, Lycurgus, Solon, Romulus, and a thousand others, may be compared to philosophers making experiments on the elements. Unhappily a political experiment cannot be made in a laboratory, nor determined in a few hours. The operation once begun, runs over whole quarters of the globe, and is not finished in many thousands of years. The experiment of Lycurgus lasted seven hundred years, but never spread beyond the limits of Laconia. The process of Solon blowed out in one century; that of Romulus lasted but two centuries and a half; but the Teutonic institutions, described by Cæsar and Tacitus, are the most memorable experiment merely political, ever yet made in human affairs. They have spread all over Europe, and have lasted eighteen hundred years. They afford the strongest argument that can be imagined in support of the point aimed at in these letters. Nothing ought to have more weight with America, to determine her judgment against mixing the authority of the one, the few, and the many, confusedly in one assembly, than the wide-spread miseries and final slavery of almost all mankind, in consequence of such an ignorant policy in the ancient Germans. What is the ingredient which in England has preserved the democratical authority? The balance, and that only. The English have, in reality, blended together the feudal institutions with those of the Greeks and Romans; and out of all have made that noble composition, which avoids the inconveniences, and retains the advantages, of both. The institutions now made in America will never wear wholly out for thousands of years: it is of the last importance then that they should begin right; if they set out wrong, they will never be able to return, unless it be by accident, to the right path. After having known the history of Europe, and of England in particular, it would be the height of folly to go back to the institutions of Woden and of Thor, as they are advised to do: if they had been counselled to adopt a simple monarchy at once, it would have been less mysterious. Robertson, Hume, and Gibbon have given such admirable accounts of the feudal institutions, and their consequences, that it would have been more discreet to have referred to them, perhaps, without saying any thing more upon the subject. To collect together the legislation of the Indians, would take up much room, but would be well worth the pains. The sovereignty is in the nation, it is true, but the three powers are strong in every tribe; and their royal and aristocratical dignities are much more generally hereditary, from the popular partiality

to particular families, and the superstitious opinion that such are favourites of the God of War, than the late writers upon this subject have allowed.

Grosvenor Square, January 1, 1787.

The logo for The Jefferson MONTICELLO. It features the name "The Jefferson" in a cursive script font, with "MONTICELLO" in a bold, uppercase, sans-serif font directly below it.