

The Enduring Question

*All the complexities of constitutional theory and American political history come down to a single question: will citizens control their rulers, or vice versa? By **Bruce S. Thornton**.*

The media and pundits treat politics like a sport. But politics rightly understood is not about the contest of policies or politicians. It's about the philosophical principles and ideas that create one policy rather than another—at least that's what it should be about.

From that point of view, the conflict between Democrats and Republicans concerns the size and role of the federal government, which is no surprise. But more important are the ideas that ground arguments for or against limited government. These ideas include our notions of human nature and what motivates citizens when they make political decisions. Our political conflicts today reflect the two major ways Americans have answered these questions.

The framing of the Constitution itself was predicated on one answer, best expressed by the Italian philosopher Niccolo Machiavelli: “It is necessary to whoever arranges to found a republic and establish laws in it, to presuppose that all men are bad and that they will use their malignity of mind every time they have the opportunity.” Throughout the debates during the constitutional convention, the state ratifying conventions, and the essays in *The Federalist*, the basis of the Constitution was the view that human nature is flawed.

BRUCE S. THORNTON is a research fellow at the Hoover Institution, a member of Hoover's Working Group on the Role of Military History in Contemporary Conflict, and a professor of classics and humanities at California State University, Fresno.

As Alexander Hamilton wrote in *Federalist* No. 6, men are “ambitious, vindictive, and rapacious,” and are motivated by what James Madison called “passions and interests.” These destructive passions and selfish interests were particularly predominant among the masses, whose ignorance of political theory and history left them vulnerable to demagogues. Hence the people “are daily misled into the most baneful measures and opinions by the false reports circulated by designing men,” as Elbridge Gerry said during the constitutional convention debates.

This low estimation of the people partly explains the “democracy deficit” in the original Constitution, which allowed the people to elect directly only the House of Representatives. But unlike Plato, who proposed an elite with superior wisdom to run the state justly and efficiently, early Americans believed that the flaws of human nature were universal, and that all people, no matter their wealth or intelligence, were corruptible. More important, they were firm believers in the tendency of concentrated power to corrupt, for power is “of an encroaching nature,” as George Washington and James Madison said, and is ever striving to increase its scope. Vanity, greed, pride, and selfishness, John Adams wrote, “are the same in all men, under all forms of simple government, and when unchecked, produce the same effects of fraud, violence, and cruelty.”

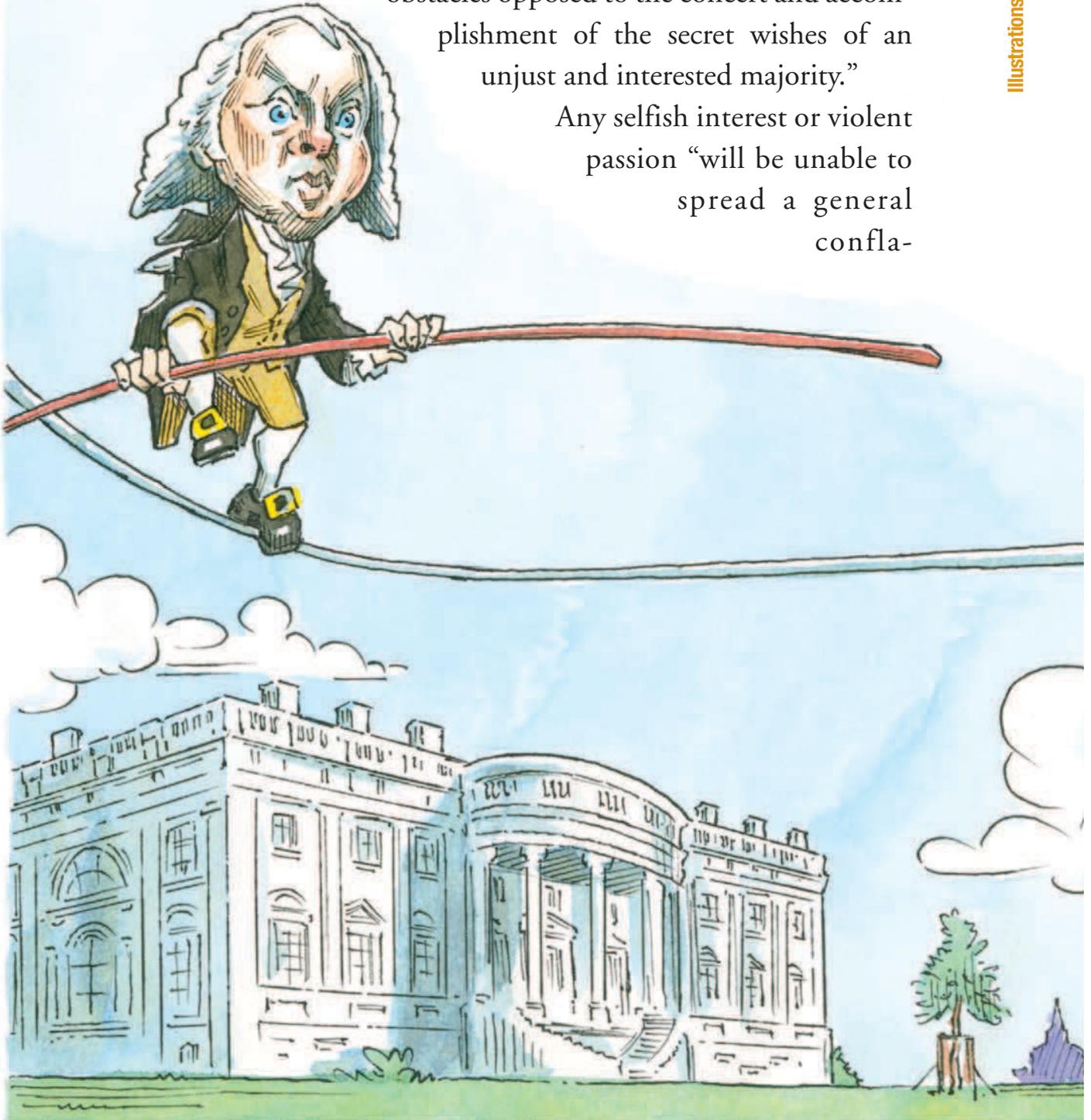
The basis of the Constitution is the view that human nature is flawed.

Universal human depravity thus precluded any simple form of government, whether democratic, monarchical, or aristocratic. The solution of the framers was the mixed government in which the democratic House of Representatives, the aristocratic Senate (chosen by the state legislatures), and the monarchical president (chosen by the Electoral College) would, along with the judiciary, divide the powers and functions of government and thus check and balance the tendency of each branch to maximize its power at the expense of the people’s freedom. As James Madison explained in *Federalist* No. 51, the “separate and distinct exercise of the different powers of government” would allow each branch “to resist the encroachment of the others,” for “ambition must be made to counteract ambition.”

Equally important was the principle of federalism, the protection of the power of the states evident in giving state legislatures the responsibility for selecting senators and the presidential electors. Given the variety of conflicting interests among the states, Madison wrote in *Federalist* No.

10, there will be a “greater security afforded by a greater variety of parties, against the event of any one party being able to outnumber and oppress the rest,” and “greater obstacles opposed to the concert and accomplishment of the secret wishes of an unjust and interested majority.”

Any selfish interest or violent passion “will be unable to spread a general conflagration.”

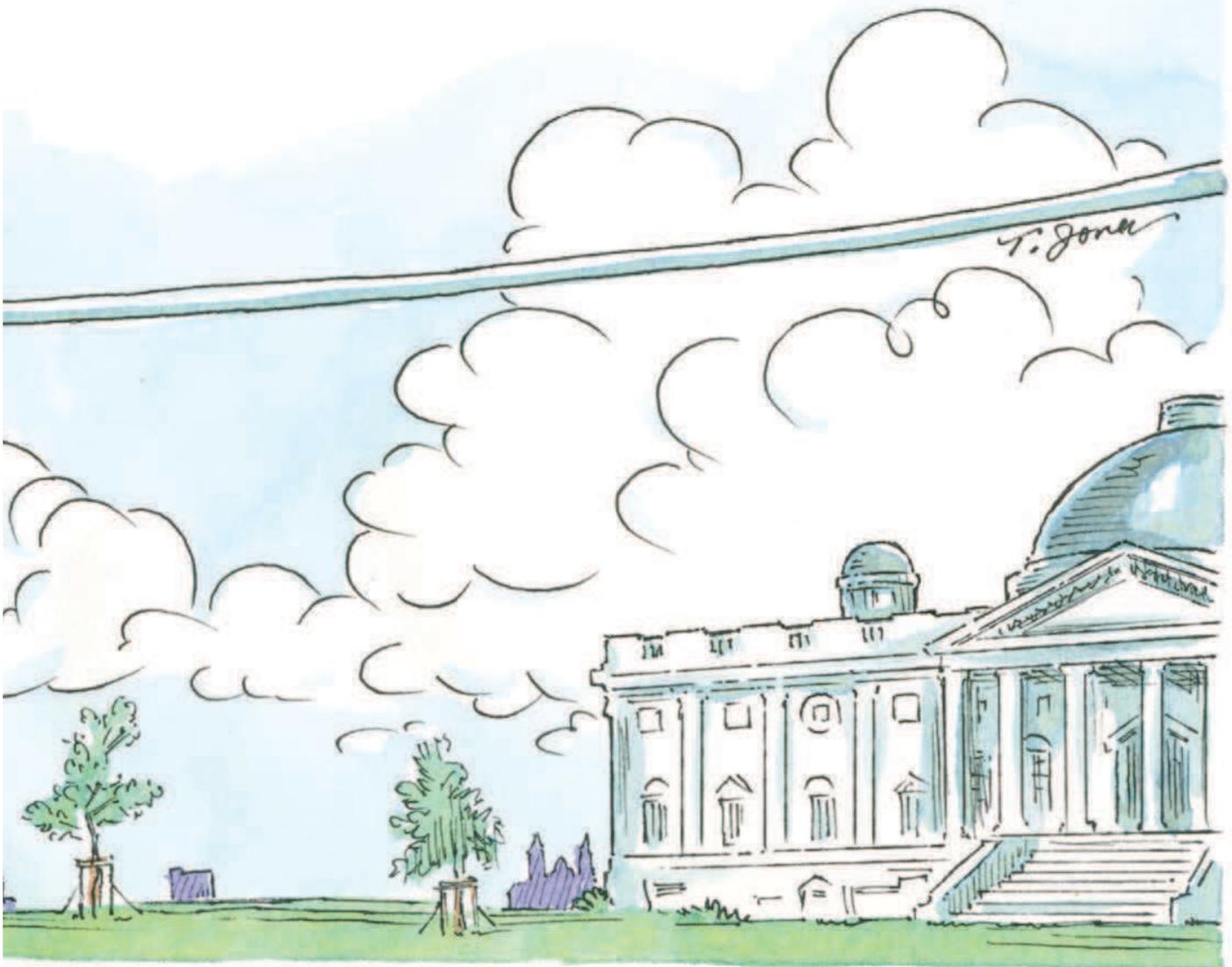


gration through the other states,” Madison wrote, and “the variety of sects dispersed over the entire face of it [the nation] must secure the national councils against any danger from that source.”

Just as the variety of interests and passions among the people will check and balance each other, so too will the variety of state interests check and balance the power of the federal government.

THROW OUT THE OLD

Starting in the late nineteenth century, a different view of human nature and its motivations developed. The Progressive movement rejected the founders’ assumption of the universal depravity of human nature. Progressives believed human nature could be improved under the environmental pressures of technologi-



cal, scientific, and economic changes. New “sciences” like sociology and psychology had developed and were discovering the material causes of human behavior, whether social, economic, or political. From this knowledge came the technical means of alleviating the social and economic disruptions attending these changes. Masters of this new knowledge and the techniques for applying them, if given power, could apply these insights into governing and managing the state, and solving the new problems that had arisen from industrialization and technological change.

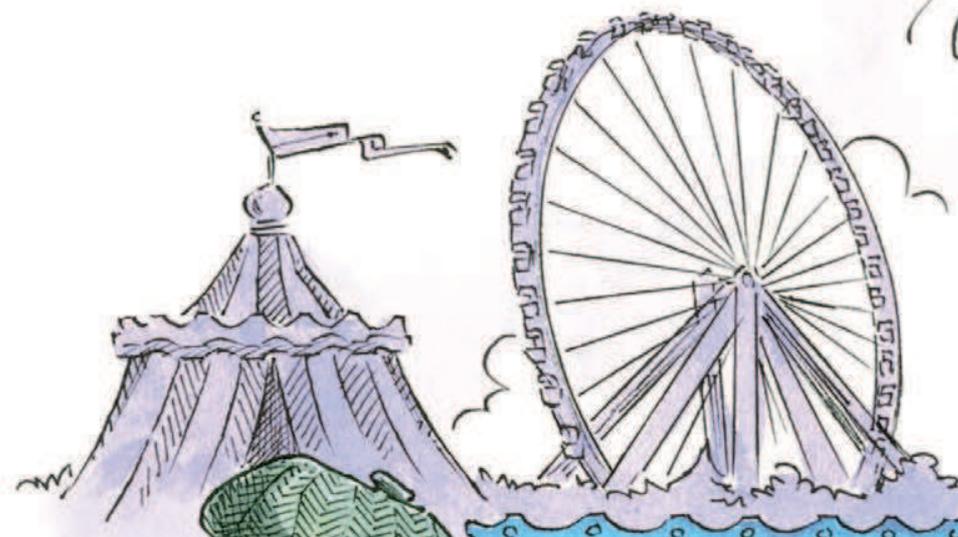
“Ambition must be made to counteract ambition,” Madison wrote.

From the Progressive perspective, the Constitution and its structure of checks and balances were outmoded. Industrialization and technological development had created new problems that required a different form of federal government. According to Progressive president Theodore Roosevelt in his 1901 State of the Union speech, “The old laws, and the old customs which had almost the binding force of law, were once quite sufficient to regulate the accumulation and distribution of wealth. Since the industrial changes which have so enormously increased the productive power of mankind, they are no longer sufficient.”

Woodrow Wilson made the same argument. Politics must now be understood as a Darwinian process, and the Constitution must evolve to meet new circumstances. “All that progressives ask or desire,” Wilson wrote in 1913 in *The New Freedom*, “is permission—in an era when ‘development,’ ‘evolution,’ is the scientific word—to interpret the Constitution according to the Darwinian principle.”

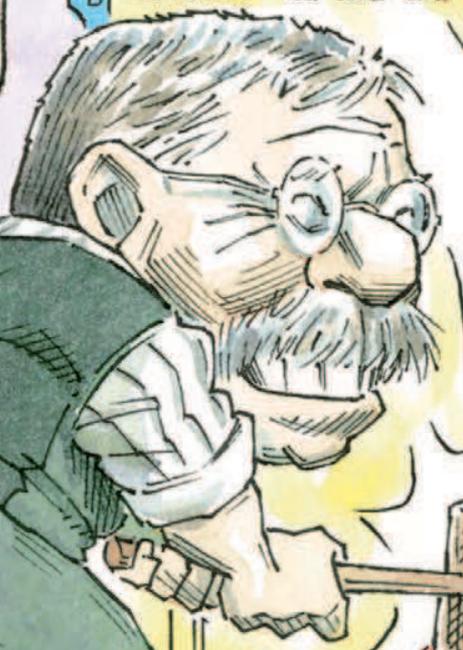
The limited government of the founders, then, was incapable of effective government given the developments in economic and social life that were changing human nature. The national interest could no longer be served by the state governments, the free market, or civil society. A bigger and more powerful national government was necessary to control big business and corporations, and to more equitably distribute wealth and improve the general welfare. The clash of the various interests and passions of individuals and factions must be neutralized, and national unity must be created through a national

CLANG!



ARE YOU A
PROGRESSIVE
HE-MAN?

BULL
MOOSE
OX
TOUGH
GUY
GENTLE-
MAN
DANDY
RAIL
SHRIMP



T. Jones

government and its technocratic administration. The individual rights enshrined in the Constitution had to be redefined in terms of the larger society and its welfare.

The right to property, for example, so crucial for the framers, now must be “subject to the general right of the community to regulate its use to whatever degree the public welfare may require it,” as Theodore Roosevelt said in his famous “New Nationalism” speech delivered during the 1912 presidential campaign. Enforcing this concern for the “general right of the community” required a “policy of a far more active government interference with social and economic conditions.”

The founders' main goal in crafting our government was not to create utopia. It was to protect everyone's freedom from the dangers of concentrated power, whether embodied in a majority or a minority.

In his last State of the Union speech, Roosevelt said, “The danger to American democracy lies not in the least in the concentration of administrative power in responsible and accountable hands. It lies in having the power insufficiently concentrated” to serve the unified interests of the collective people. Wilson concurred. Imagining in *The New Freedom* the Progressive utopia that would come into being once the existing politico-social order had been rebuilt by what Wilson calls political “architects” and “engineers,” he describes it as a structure “where men can live as a single community, cooperative as in a perfected, coordinated beehive.”

To achieve these aims, the federal government had to grow, with agencies and bureaus created to administer the laws and regulations presumably made necessary by new economic and social conditions. “There is scarcely a single duty of government which was once simple which is not now complex,” Wilson wrote in his essay “The Study of Administration.” He went on to write:

The functions of government are every day becoming more complex and difficult, they are also vastly multiplying in number. Administration is everywhere putting its hands to new undertakings. . . . Whatever holds

of authority state or federal governments are to take upon corporations, there must follow cares and responsibilities which will require not a little wisdom, knowledge, and experience.

This wisdom, knowledge, and experience would be the purview of those schooled in the new sciences, not the traditional wisdom and practical experience of the people pursuing their various and conflicting interests. As Progressive journalist Walter Lippmann wrote in 1914, “We can no longer treat life as something that has trickled down to us. We have to deal with it deliberately, devise its social organization, alter its tools, formulate its method, educate and control it. In endless ways we put intention where custom has reigned. We break up routines, make decisions, choose our ends, select means,” which we can do because “the great triumph of modern psychology is its growing capacity for penetrating to the desires that govern our thought.”

Wilson asked for “permission . . . to interpret the Constitution according to the Darwinian principle.”

The instrument of this process necessarily must be the federal government, now enriched by the Sixteenth Amendment, which in 1913 instituted a national income tax.

NEVER PERFECT

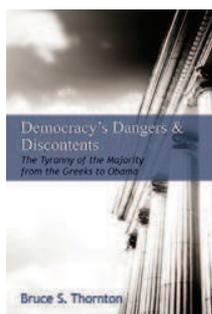
The Progressives, then, discarded the founders’ vision of an eternally flawed human nature. Also discarded was the constitutional architecture that balanced and checked the tendency for people and factions to pursue their interests and maximize their power at the expense of others. Now a more powerful federal government—currently comprising over five hundred agencies and offices, with 2.3 million employees costing \$200 billion annually—armed with new knowledge and backed by coercive federal power, will organize, regulate, and manage social and economic conditions to improve life and create a more just and equitable society.

But the founders’ main motive in crafting the government they did was not to create utopia, but to protect the freedom of all from the dangers

of concentrated power, whether embodied in the majority or a minority. As Alexander Hamilton said in *Federalist* No. 85, “I never expect to see a perfect work from imperfect man. The result of the deliberations of all collective bodies must necessarily be a compound, as well of the errors and prejudices, as of the good sense and wisdom, of the individuals of whom they are composed.” A powerful minority of federal technocrats unaccountable to the people is no exception to the maxim that “power is of an encroaching nature,” its growth always coming at the expense of freedom.

These are the two visions behind the politics of debt and government spending, much in the news lately, that are necessary to finance a technocratic big government. The outcome of budget negotiations will reflect which idea prevails: that of government limited to protect the autonomy and freedom of flawed humans, or that of big government creating a better world for perfectible humans through entitlement spending financed by taxes and debt. That is the debate we need to be having. ■

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