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The Republic of the Moderns: Paine's and Madison's Novel Liberalism

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The relationship between republicanism and liberalism has emerged as a central issue for students of political thought. Neo-republican scholars in particular have advanced a stark conceptual opposition between two competing intellectual and political projects, and have claimed that liberalism decisively defeated and replaced republicanism. By contrast, in exploring the writings of Thomas Paine and James Madison, this article shows how they initiated a radical and unexpected reconfiguration within the republican tradition that fashioned a surprisingly liberal doctrine for a modern republic. Their "republic of the moderns," we argue, altered the contours and content of classical republicanism, transmuting it into an important strand of liberal political thought and institutions.
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Introduction

The relationship between republicanism and liberalism has emerged as a central issue for students of political thought, especially those concerned with the early American republic. For a time, this issue defined an important axis of debate among historians, especially as they discovered republicanism as an alternative to the putatively hegemonic status of the liberal tradition in America.[1] Today, this concern has largely migrated to the realm of theory.[2] By bringing republicanism and liberalism into juxtaposition, the theoretical literature, in part building on earlier debates among historians, has helped reveal features in each tradition that otherwise might have been ignored or reduced to secondary status. An example concerns typologies of liberty, more particularly, how to think beyond Isaiah Berlin's famous binary distinction.[3]

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[1] See, for instance, J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, NJ: Princeton University Press, 1975); Dorothy Ross, "The Liberal Tradition Revisited and the Republican Tradition Addressed," in *New Directions in American Intellectual History*, ed. John Higham and Paul K. Conkin (Baltimore: Johns Hopkins University Press, 1979); Lance Banning, "Jeffersonian Ideology Revised," *William and Mary Quarterly* 43 (1986): 3–19; Richard C. Sinopoli, "Liberalism, Republicanism, and the Constitution," *Polity* 19 (1987): 331–52; Morton Horwitz, "Republicanism and Liberalism in American Constitutional Thought," *William and Mary Law Review* 29 (1987): 57–74; Thomas L. Pangle, *The Spirit of Modern Republicanism: The Moral Vision of the American Founders and the Philosophy of Locke* (Chicago: The University of Chicago Press, 1988); Joyce Appleby, *Liberalism and Republicanism in Historical Imagination* (Cambridge: Harvard University Press, 1992); Daniel T. Rodgers, "Republicanism: The Career of a Concept," *The Journal of American History* 79 (1992): 11–38; and James T. Kloppenberg, *The Virtues of Liberalism* (Oxford: Oxford University Press, 1998).

[2] Jeffrey Isaac, "Republicanism vs. Liberalism? A Reconsideration," *History of Political Thought* 9 (1988): 349–77; Frank Michelman, "Law's Republic," *The Yale Law Journal* 97 (1988): 1493–1537; Cass R. Sunstein, "Beyond the Republican Revival," *The Yale Law Journal* 97 (1988): 1539–90; Philip Pettit, "Liberalism and Republicanism," *Australian Journal of Political Science* 28 (1993): 162–89; Jürgen Habermas, "Three Normative Models of Democracy," in *Democracy and Difference. Contesting the Boundaries of the Political*, ed. Seyla Benhabib (Princeton, NJ: Princeton University Press, 1996), 21–30; Michael P. Zuckert, *The Natural Rights Republic: Studies in the Foundation of the American Political Tradition* (Notre Dame, IN: University of Notre Dame Press, 1996); Quinter Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998); and Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1999).

[3] Isaiah Berlin, "Two Concepts of Liberty," in his *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), 118–72; Quentin Skinner, "The Idea of Negative Liberty: Philosophical and Historical perspectives," in *Philosophy in History*, ed. Richard Rorty, J.B. Schneewind, and Quentin Skinner (Cambridge: Cambridge University Press, 1984), 193–221; Quentin Skinner, "The Paradoxes of Political Liberty," in *The Tanner Lectures on Human Values*, ed. S. McMurrin, Vol. VIII (Cambridge: Cambridge University Press, 1986), 225–50; Quentin Skinner, "The Republican Ideal of Political Liberty," in *Machiavelli and Republicanism*, ed. Gisela Bock, Quentin Skinner, and Maurizio Viroli (Cambridge, Cambridge University Press, 1990), 293–309; Quentin Skinner, "A Third Concept of Liberty," *Proceedings of the British Academy* 117 (2002): 237–68; John Charvet, "Quentin Skinner on the Idea of Freedom," *Studies in Political Thought* 2 (1993): 5–16; Philip Pettit, "Negative Liberty, Liberal and Republican," *European Journal of Philosophy* (1993): 15–38; Pettit, *Republicanism*, 17–50; Philip Pettit, "Keeping Republican Freedom Simple," *Political Theory* 30 (2002): 339–56; and Eric Nelson, "One Concept Too Many?" *Political Theory* 33 (2005): 58–78.

But more important is the chance this inquiry provides to revisit the origins and development of the modern liberal tradition, and to answer the vexing question of how liberalism ascended, despite many challenges, to today's leading position. The growing interest in republicanism, further, has produced an influential critique of the limits of liberalism that has substantially displaced both the Marxist and communitarian bases of a progressive anti-liberal stance. As a result, the focus of liberalism's critics has shifted from the economic and ethical domains to more political, legal, and institutional subjects.[4]

The issues raised in this literature have proceeded along three parallel lines—conceptual, methodological, and normative. The conceptual is primarily concerned with contrasts, as in the distinction between freedom as non-interference and as non-domination.[5] The methodological seeks to measure the balance between continuity and rupture in the history of political thought.[6] The normative challenges us to evaluate and choose from among these traditions.[7] Each of these concerns has appeared together, as in a braid, in the strongest (indeed also earliest) versions of the republican revival. The work of authors as diverse as Hannah Arendt, Gordon Wood, J. G. A. Pocock, Quentin Skinner, and Philip Pettit painted a portrait that describes a stark conceptual opposition between two competing, distinct, rival intellectual and political projects.[8] This thesis has gone hand in hand with the claim that liberalism decisively defeated and replaced republicanism, thus emphasizing a historical rupture.[9] Neo-republican scholars have viewed this development elegiacally, lamenting the victory of liberalism and wistfully longing for a renewed republicanism.[10]

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[4] For an early appreciation of the effects of the new (republican) literature on Marxist approaches on the American Revolution, see Jack P. Greene, "The Flight from Determinism: A Review of Recent Literature on the Coming of the American Revolution," *South Atlantic Quarterly* 61 (1962): 235–59.

[5] Pettit, *Republicanism*, 51–80; Philip Petit, *A Theory of Freedom: From Psychology to a Politics of Agency* (New York: Polity Press, 2001).

[6] Skinner provides a clear defense on the benefits of the study of discontinuities in the history of modern political thought. Skinner, *Liberty before Liberalism*, 111.

[7] Skinner, *Liberty before Liberalism*, 120; Viroli, *Republicanism*, 12, 64, 95, 102–03.

[8] Hannah Arendt, "What is Freedom?" in her *Between Past and Present* (New York and London: Penguin Books, 1961), 143–72; Pocock, *The Machiavellian Moment*, 424, 545–46, 550–51; J. G. A. Pocock, *Politics, Language, and Time: Essays on Political Thought and History* (New York: Atheneum, 1971), 144; J. G. A. Pocock, "Virtue and Commerce in the Eighteenth Century," *Journal of interdisciplinary History* 3 (1972): 120, 124–29; J. G. A. Pocock, "Virtues, Rights, and Manners: A Model for Historians of Political Thought," *Political Theory* 9 (August 1981): 363; Rowland Betthoff, "Independence and Attachment, Virtue and Interest: From Republican Citizen to Free Enterpriser," in *Uprooted Americans: Essays to Honor Oscar Handlin*, ed. Richard L. Bushman (Boston: Little, Brown, & Co., 1979), 97–124; Michael Zuckerman, "A Different Thermidor: The Revolution beyond the American Revolution," in *Transformation Of Early American History: Society, Authority and Ideology*, ed. James A. Henretta (New York: Knopf, 1991), 170–93; Skinner, *Liberty Before Liberalism*, ix–x, 10, 12, 84–99; and Pettit, *Republicanism*, 297–303.

[9] Hannah Arendt, *On Revolution* (New York and London: Penguin Books, 1963), 215–81; Gordon Wood, *The Creation of the American Republic, 1776–1787* (Chapel Hill: The University of North Carolina Press, 1998), 606–15; J. G. A. Pocock, "Virtue and Commerce in the Eighteenth Century," *Journal of Interdisciplinary History* 3 (1972): 130–31, 134; John M. Murrin, "Self-Interest Conquers Patriotism: Republicans, Liberals, and Indians Reshape the Nation," in *The American Revolution: Its Character and*

Recently, a number of leading neo-republican thinkers have moderated the conceptual and historical moves made by the strongest versions of this approach. Wood himself, a quarter-century ago, began to revise the most radical claims in his masterpiece on the founding of the United States. "I probably contributed my mite," he reflected, "to this distortion of past reality and to the mistaken notion that one set of ideas *simply replaced* another en bloc." He now cautioned that it was an error to suggest that "the entire republican tradition came to an end in 1787–1788 and was abruptly replaced by something called liberalism." Rather, he insisted, "cultural changes of that magnitude do not take place in such a neat and sudden manner."[11] This insight has been reiterated by Maurizio Viroli, who likewise challenges the idea "that republicanism is an alternative to liberalism." Rather, he proposes that "liberalism is a doctrine derived from republicanism," thus rejecting both the claims of a sharp conceptual dichotomy and decisive historical break.[12] These moves distinguish both Wood and Viroli from the strong civic humanist tradition advocated most vigorously today by both Skinner and Pettit. Despite these differences, however, Wood and Viroli have continued to voice regret; concern by Wood for "how America moved into this liberal world of business, moneymaking, and the open promotion of interests," and more intensively by Viroli who laments the "intellectual loss" entailed by the triumph of liberalism, which "can be considered an impoverished or incoherent republicanism."[13]

The revisionist republicanism of Viroli and more recent writings by Wood formulate a provocative and appealing thesis about the historical and conceptual relationship between republicanism and liberalism. Rather than repeat the absolute formulation of a paradigmatic break,[14] they invite interest in the critical juncture when, through multiple links and imbrications, modern liberal doctrine emerged from within the classical republican tradition. "From a historical point of view, the relationship of liberalism to republicanism is one of derivation and

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Limits, ed. Jack P. Greene (New York: New York University Press, 1987), 224–29; Skinner, *Liberty Before Liberalism*, 96–99; and Pettit, *Republicanism*, 12, 21, 41–50.

[10] For a critical discussion of the normative claims of republicanism in relation to liberalism, see Alan Patten, "The Republican Critique of Liberalism," *British Journal of Political Science* 26 (1996): 25–44.

[11] Wood, *The Creation of the American Republic*, xi (italics added). Wood may have been responding to critics such as Gary Schmitt and Robert Webking who have questioned his earlier claim about a clean break between the two political traditions. See Gary J. Schmitt and Robert K. Webking, "Revolutionaries, Antifederalists, and Federalists: Comments on Gordon Wood's Understanding of the American Revolution," *Political Science Reviewer* 9 (1979): 195–229.

[12] Maurizio Viroli, *Republicanism*, trans. Antony Shugaar (New York: Hill and Wang, 2002), 6, 58.

[13] Gordon Wood, "Ideology and the Origins of Liberal America," *The William and Mary Quarterly* 44 (1987): 635; Wood, *The Creation of the American Republic*, 610–13; Viroli, *Republicanism*, 8, 61.

[14] Wood, "Ideology and the Origins of Liberal America," 634.

innovation," Viroli writes.[15] His claim that liberalism is a "transformation of classical republicanism" echoes Wood's suggestive proposition that "republicanism was indeed gradually transformed into something we call liberalism, but in subtle and complicated ways that kept many republican sentiments alive."[16]

Neither Wood nor Viroli follows up on this insight. Viroli is silent on the mechanisms, means, and reasons republicanism was transformed into a new body of thought he considers to be demonstrably worse. Why should this diminution have happened? Wood, by contrast, has provided a primarily cultural and socio-economic hypothesis about such causes, which he perceives mainly as external to the trajectory of republicanism itself. The rise of mass evangelical Christianity from within a rapidly changing society produced an irresistible popular energy demanding a more liberal and egalitarian polity, economy, and society. Republican elites could not successfully resist these demands.[17] Instead, as he later stressed, such elites were compelled to transmute their republicanism:

> People confronted particular problems, argued about them, and often presented new ways of dealing with them; in the process they inadvertently transformed important strains in the classical republican tradition. It was not that there were simply new kinds of people and new social groups emerging that required new values and new justifications for their behavior; though this was certainly true enough; it was also that circumstances often compelled those who wished to remain loyal to republican values to challenge and to subvert those values.[18]

The goal of this paper is to explore these "circumstances" and help reveal the mechanisms that accompanied and shaped this "transformation." We are particularly interested to observe and discern the key features and underlying motivations that triggered this political and conceptual change. Like Wood, we take the creation of the American republic as a decisive site. It was there and then that the most important chapter of the republican to liberal transformation unfolded. It was there and then that the globe's first modern republic became the world's archetypical liberal democracy. It also was there and then that this complex development became the explicit and focused object of an almost obsessive analysis by leading thinkers and political actors.

The strategy we adopt is to examine closely the conceptual changes in key theoretical works written in the midst of the circumstances and pressures identified by Wood. A luminous generation of revolutionaries and founders grappled at both a practical and theoretical level with how their commitments to the classical republican tradition could guide their choices and actions about the character of the revolution and the republic it spawned. By examining this process in their writings, we can see how republican themes and ideas could turn in a liberal direction.

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[15] Viroli, *Republicanism*, 58.

[16] Viroli, *Republicanism*, 8; Wood, *The Creation of the American Republic*, xii.

[17] Wood, "Ideology and the Origins of Liberal America," 635, 636–40.

[18] Wood, *The Creation of the American Republic*, xii.

Among this group, we have selected the work of Thomas Paine and James Madison for particular attention. They were, of course, figures of enormous influence. “I know not whether any man in the world,” John Adams opined in October 1805, “has had more influence on its inhabitants or affairs for the last 30 years than Tom Paine.”[19] Madison was his generation’s most important thinker, often regarded as “the Father of the Constitution.”[20] But it is not for their uncommon impact on their contemporaries, or even the longevity of their writings, that we are focusing on their thought. More interestingly, these thinkers cover an enormous political range, spanning a continuum from radical democracy to elitist commitments. Paradoxically, it is just these familiar differences that prod us to try to see whether and how Paine and Madison came to share a common political project. At least as deep as their dissimilarity is their respective and broadly aligned quest to discover the essential and necessary features of republican government under modern conditions. They sought to discern “the distinctive character of the republican form” and “what republicanism was, or is.”[21]

Their primary goals, of course, were the success of the War of Independence and the creation of lasting constitutional government. They were political actors, above all, and their thought was disciplined by these purposes. But their texts offer a good deal more than strategic and rhetorical interventions into the day-to-day struggles of their time. They also compose major reflections on the nature of republicanism, which, after all, was central to their political purposes, for it bore on the values, content, and aims of the American Revolution. Their commitments at the level of ideas ran deep, and exceeded the circumstances within which they wrote. By attending to their writings, and especially by observing and understanding transmutations in their thought over time, we can better grasp the complex relationship between republicanism and liberalism.[22]

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[19] John Adams in Charles Francis Adams, ed, *Familiar Letters of John Adams and His Wife Abigail Adams* (New York: Hurd and Houghton, 1876), 167.

[20] It was Charles Jared Ingersoll who in 1825 proposed this famous title for Madison. See Irving Brant, *James Madison: Commander in Chief, 1812–1836* (Indianapolis and New York: Bobbs-Merrill 1961), 471. For this characterization, also see Clinton Rossiter, *1787: The Grand Convention: The Year that Made a Nation* (New York: Macmillan Publishing Company, 1966), 247–52; Harold S. Schultz, “James Madison: Father of the Constitution?” *Quarterly Journal of the Library of Congress* 37 (1980): 215–22; Robert A. Rutland, *James Madison: Father of the Constitution* (New York: Macmillan Publishing Company, 1986).

[21] James Madison, “The Federalist No. 39,” in *Writings*, ed. Jack Rackove (New York: The Library of America, 1999), 211 (all Madison works are from this source unless otherwise indicated); Thomas Paine, “Rights of Man,” in his *Collected Writings* (New York: The Library of America, 1995), 565.

Paine and Madison never departed from republican discourse, motivations, and such key concepts as civic virtue and the public good. Yet by investing new meanings, arguments, and justifications into existing republican ideas and political forms, they fashioned a doctrine for a modern republic, the core of which was surprisingly liberal. Without compromising republican principles or abandoning republican language, both thinkers came to see that this tradition unrevised could not grapple successfully with the political problems posed by large-scale, heterogeneous, and commercial settings that, together, defined the formative challenges with which modern political thinking had to come to terms. No political theory or full-grown regime yet existed from which they could draw. In setting out to accomplish their most challenging task, they initiated a radical and unexpected reconfiguration within the republican tradition, extending its boundaries and transforming its qualities.

Once they had completed this program, republicanism—not as an intention but as a result—no longer resembled its past. Their "republic of the moderns" altered the contours and content of republicanism, transmuting it into an important strand of liberal political thought and institutions. Madison and Paine, in short, transformed existing republican resources to which they were both committed. Where necessary, they were prepared to look outside that tradition's conceptual and institutional boundaries to introduce new principles, ideas, and arguments drawn from other intellectual and philosophical currents. It is our central claim that out of this process, amendments, and synergies, a particular, indeed dominant, strand of constitutional liberalism emerged, but not as an external alternative to republicanism. This liberalism was incubated within classical republicanism. The more they sought to retrofit this political tradition for modern conditions, the more they advanced predominantly liberal formulations. Their political liberalism, we thus argue, burst forth from the shell of a republican chrysalis.

We examine this intellectual and conceptual transformation at work by first portraying how these two intellectual and political figures challenged the understandings of their contemporaries regarding how to judge whether a regime qualifies as a republic. From their historical and comparative perspective, ancient and modern republics were found to be equally deficient, lacking the fundamental attributes of an authentic republican form. Paine and Madison traced this republican deficit to the wider problem of political power and its institutionalization. For this reason, they explored the meaning of sovereignty, representation, and liberty and the right balance among them. Although not unknown to prior republicans, representation and popular sovereignty previously had occupied an ambivalent and subordinate place to such master commitments as the public good, civic virtue, rule of law, strong citizenship, mixed government, patriotism, and the contest for excellence and glory. Equally significant, they also imported theories of natural individual rights, religious freedom, and social contract that earlier had found no persisting expression or integrated place within republican doctrines of private property, civic religion, and political authority. In so doing, they placed these concepts at the very center of their visions of a free government, drastically affecting the meaning and character of classical republicanism.

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[22] It goes without saying that this article is not a comprehensive analysis of the writings of these two prolific authors. Further, we make no effort here to emplace particular texts chronologically, with specific attention to the exact audiences and issues that were being addressed. The approach we have used, ranging across texts thematically, allows us access to how they constructed their own relationships between the two political traditions.

Our concluding discussion briefly engages with the large body of scholarship that has probed the doctrinal identity of Madison's and Paine's ideas as either primarily republican or liberal. This binary choice we will have shown to be far too limiting, for it forces a classification that is excessively stark. We argue, instead, that both thinkers remained republican as they became liberal. By searching for a "republican remedy for the diseases most incident to republican government," each, in his own way, arrived at a liberal constitutional cure.[23] In tracing this development, we observe a complex, dynamic, and creative relationship between republican and liberal ideas. Of course, the liberal doctrine that ushered out of their republicanism was not uniform or fixed, but included, in a wide spectrum, Paine's radical artisanal democratic liberalism as well as Madison's propertied aristocratic liberalism. By reading both together across this range, we can gain a particularly promising point of entry to explore the surprisingly republican origins of modern liberalism.[24]

Defining Republicanism

In redefining republican government, Paine and Madison critically considered the period's prevailing understandings, shared by critics and advocates of classical republicanism alike. Committed to republicanism as the best system of government, but thinking it needed to be redefined, they defended the republican project against disparagements targeted at ancient republics, from which they also distanced themselves. They also dismissed as ersatz republics modern regimes that wrongly claimed to be free governments. Only the young

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[23] James Madison, "The Federalist No. 10," 167.

[24] See, for example, Norman Jacobson, "Political Science and Political Education," *American Political Science Review* 57 (1963): 561–69; Eric Foner, *Tom Paine and Revolutionary America* (Oxford and New York: Oxford University Press, 1976), 88–89.

United States, they believed, qualified as a country that had developed nascent and authentic republican government, but only by making adjustments that we would recognize as demonstrably liberal.[25]

In the first instance, it was necessary to transcend, as Madison observed, how the "science of government" utilized "republic" as a term "with extreme inaccuracy. . . in political disquisitions."[26] Paine similarly complained about the tendency by the "political craft of courtiers and court-governments to abuse something which they called republicanism."[27] The "inaccuracy" and "abuse" against which both protested referred primarily to the cities of ancient Greece and Rome, as well as to temporary self-designated republics.

These misleading characterizations, Paine and Madison recognized, were not politically indifferent or theoretically inconsequential. Critics of classical republicanism, they noticed, identified the most doleful or no longer germane features of the governance by the ancients to dismiss republicanism as anachronistic, irretrievable, and dangerous. Arguing in this manner, Paine and Madison's contemporaries who were critics of classical republicanism asserted that this antiquarian system could not be a viable option for modern, large commercial societies.

They rejected this claim. As Paine put it, "the opinion that the system of *Republicanism* is only adapted to a small Country" is but a fallacy propagated by "Monarchic Ignorance or knavery."[28] Such a dismissal wrongly confounded the essence of republicanism with ancient patterns of government.[29] Republicanism is not identical with what Madison and Paine described, variously, as "pure democracy," "ancient," "single," and "pure" republics, or "original simple democracy."[30] For Madison, there were two "great points of difference between a democracy" and "other antient republics" "and a [modern] republic": representation, "the delegation of the government . . . to a small number of citizens elected by the rest," and scale, "the greater number of citizens, and greater sphere of country."[31] Similarly, from Paine's perspective, "Representation was a thing unknown in the ancient democracies."[32] This absence, he observed, made them obsolete "as these democracies increased in population, and the territory extended." Regarding size, he continued, "the simple democratical form became unwieldy and impracticable; and as the system of representation was not known, the consequence was, they either degenerated convulsively into monarchies, or became absorbed into such as then existed."[33] Madison and Paine, in short, deduced that the political regimes of the Greek city states and ancient Rome could not, indeed should not, be reproduced under modern conditions. Now, republicanism required new features lacking in the past but required in more complex and pluralistic circumstances.

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[25] For an illuminating discussion of the conceptual dispute over the meaning of "republic," see Terence Ball, "A Republic—If you can keep it," in *Conceptual Change and the Constitution*, ed. Terence Ball and J. G. A. Pocock (Lawrence: University Press of Kansas, 1988), 237–64; Franco Venturi, *Utopia and Reform in the Enlightenment* (Cambridge: Cambridge University Press, 1971); Claude Nicolet has examined a parallel conceptual and intellectual debate in France in his *L'idée républicaine en France (1789–1924)* (Paris: Gallimard, 1982), 23–28, 48–81, 479–84. For a different, less convincing, interpretation, see Garrett Ward Sheldon, *The Political Philosophy of James Madison* (Baltimore: The Johns Hopkins University Press, 2001), 67.

[26] James Madison, "The Federalist No. 37," 197; "The Federalist No. 39," 211.

[27] Paine, "Rights of Man," 565.

[28] Paine, "Rights of Man," 377.

[29] Here, Madison and Paine differed in their emphases and vocabularies. What for Paine had been an ancient democracy was for Madison a small Republic. Paine, "Rights of Man," 564; Madison, "Speech in the Federal Convention on Suffrage," 133; James Madison, "Letter to Thomas Jefferson, October 24, 1787," 149–50. On Paine's and Madison's attitude towards the ancients, see A. Owen Aldridge, "Thomas Paine and the Classics," *Eighteenth-Century Studies*, 1 (1968): 370–80; Carl J. Richard, *The Founders and the Classics. Greece, Rome, and the American Enlightenment* (Cambridge: Harvard University Press, 1994), 104–07, 109–18, 139–41, 154–58, 215–17, 235–37; Jennifer Tolbert Roberts, *Athens on Trial. The Antidemocratic Tradition in Western Thought* (Princeton, NJ: Princeton University Press, 1994), 179–93; and Caroline Winterer, *The Culture of Classicism: Ancient Greece and Rome in American Intellectual Life 1780–1910* (Baltimore: The Johns Hopkins University Press, 2002), 10–76. For a broader approach, see Charles F. Mullett, "Classical Influences on the American Revolution," *Classical Journal* 35 (1939–1940): 92–104; Richard Gummere, "The Classical Ancestry of the United States Constitution," *American Quarterly*

They also rejected the claim to possess a genuine republican character made by many modern regimes. Because such slack usage tamed the doctrine's most attractive egalitarian and popular impulses, they resisted this claim that an array of existing regimes qualified as republican. If the ancient republics often were portrayed as overweeningly participatory, factional, and unstable, their modern equivalents regrettably had close and unhappy affinities with aristocracy and monarchy. In *Federalist No. 39*, Madison thus observed that,

> Holland, in which no particle of supreme authority is derived from the people, has passed almost universally under the denomination of a republic. The same title has been bestowed on Venice, where absolute power over the great body of the people, is exercised in the most absolute manner, by a small body of hereditary nobles. Poland, which is a mixture of aristocracy and of monarchy in their worst forms, has been dignified with the same appellation. The government of England, which has one republican branch only, combined

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14 (1962): 3–18; and Edwin A. Miles, "The Young American Nation and the Classical Word," *Journal of the History of Ideas* 35 (1974): 259–74.

[30] Madison, "The Federalist No. 10," 164; Madison, "Letter to Thomas Jefferson, October 24, 1787," 149; James Madison, "The Federalist No. 51," 296; James Madison, "The Federalist No. 58," 336; James Madison, "The Federalist No. 63," 348–50; Paine, "Rights of Man," 567.

[31] Madison, "The Federalist No. 10," 164 and "The Federalist No. 63," 348.

[32] Paine, "Rights of Man," 564.

[33] Paine, "Rights of Man," 564–65.

> a hereditary aristocracy and monarchy, has been with equal impropriety been frequently placed on the list of republics.[34]

Strikingly, in *Rights of Man*, Paine concurred that,

> Various forms of government have affected to style themselves a republic. Poland calls itself a republic, which is an hereditary aristocracy, with what is called an elected monarchy. Holland calls itself a republic, which is chiefly aristocratical, with an hereditary stadtholdership.[35]

Earlier that year, he already reasoned that,

> The states at present styled *Republican*, as HOLLAND, GENOA, VENICE, BERNE &c. are not only unworthy of the name, but are actually in opposition to every Principle of a *Republican* Government, and the Countries submitted to their Power are, truly speaking, subjected to an *Aristocratic* Slavery.[36]

By contrast, only the adoption of the new American Constitution fully abolished monarchy and hereditary aristocracy, two of republicanism's most distinct and central yearnings. Paine adamantly underscored the incompatibility of kingship of any kind with republicanism.[37] At its core, monarchy "signifies *the absolute Power of a single Individual*, who may prove a fool, an hypocrite, or a tyrant"—the very obverse of republican principles. As a model for others, including revolutionary France, the new North American federal union, he observed, "can now afford to Monarchy no more than a glance of disdain."[38] Likewise, for Madison "monarchy is even more unfit for a great state, than for a small one."[39] He also attended to the irreconcilability of aristocracy and republicanism. "Could any further proof be required," he asked, "of the republican complexion of this system, the most decisive one might be found in its absolute prohibition of titles of nobility, both under the federal and the state governments."[40] Paine, similarly, deplored aristocracy as "a law against every law of nature, and Nature herself calls for its destruction."[41]

From this common perspective, to live under monarchy is to live as a slave. Paine seeks to explain why the possession of sovereignty by a single person must ineluctably produce tyranny. Citizens are rendered as slaves by a monarchical sovereign who commands limitless and absolute capacity to the exclusion of all other agents. Slavery, "being subject to the will of another," is best understood from Paine's point of view as exclusion from sovereign power; that is, when the people are banned from "a power over which there is no control, and which controls all others."[42] In a monarchy, "this power is lodged in a single person, or sovereign," and the king's subjects are wholly dependent on the arbitrary and discretionary desires of an individual "whose will is law; which he declares, alters, or revokes as he pleases, without being accountable to any power for so doing."[43] Perhaps even more oppressive is the forfeiture of the right by future generations to choose the form of rule and the persons who will govern them. Monarchy offers the people "a perpetual exclusion" from sovereignty.[44] The key word here is "perpetual." It is the *hubris* of monarchical government, grounded in a theory of hereditary rights, to extend its monopoly of sovereign power and indivisible abilities not only in space but in boundless time.

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[34] Madison, "The Federalist No. 39," 211.

[35] Paine, "Rights of Man," 566.

[36] Paine, "To the Authors of *The Republican*," *Collected Writings*, 378.

[37] Jack P. Greene, "Paine, America, and the 'Modernization' of Political Consciousness," *Political Science Quarterly* 93 (1978): 80–83.

[38] Paine, "To the Authors of *The Republican*," 377

[39] James Madison, "Government," 501.

[40] Madison, "The Federalist No. 39," 213.

[41] Paine, "Rights of Man," 478.

Madison shared this concern, though for slightly different reasons. Rather than highlight the absolute and arbitrary character of kingship, he drew attention to the threats of partiality and militarism. Moving from the scope of power to its content and direction, he noted, "In absolute Monarchies, the prince is sufficiently, neutral toward his subjects, but frequently sacrifices their happiness to his ambition or avarice."[45] But although monarchy is a putative site of neutrality, the king "too often forms interests of his own repugnant to those of the whole."[46] Madison also described the monarchies that "oppress . . . in almost every country of Europe, the quarter of the globe which calls itself the pattern of civilization, and the pride of humanity," as governments "operating by a permanent military force, which at once maintains the government and is maintained by it."[47] By nature, executives are prone to war. Monarchies, as unlimited executives, thus are especially militaristic. On their watch, "the propagation and management of alarms has grown into a kind of system," reinforcing the capacity of rulers to extract resources and control their populations.[48]

Having decisively rejected monarchy, Madison searched for a non-monarchical site of impartiality, placing this quest at the center of his republicanism. This quest informed his attention to constitutional innovation. But he could not turn to the model of the ancients, for they, too, did not, indeed could not, satisfy the quest for neutrality. In such settings, "the sovereign will is sufficiently controuled from such a Sacrifice of the entire Society, [it] is not sufficiently neutral towards the parts composing it."[49]

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[42] Thomas Paine, "On First Principles of Government," in *The Thomas Paine Reader*, ed. Isaac Kramnick (New York and London: Penguin Books, 1987), 461; Paine, "Dissertations on Government, the Affairs of the Bank, and Paper Money," in *Thomas Paine Reader*, 167.

[43] Paine, "Dissertations on Government, the Affairs of the Bank, and Paper Money," 168.

[44] Thomas Paine, "Common Sense," in *Collected Writings*, 16.

[45] James Madison, "Vices of the Political System of the United States," 79.

[46] Madison, "Vices of the Political System of the United States," 82.

[47] James Madison, "Spirit of Government," 510.

[48] James Madison, "Political Reflections," 605.

Madison thus understood the main challenge confronting modern republicanism to be the invention of a compound institutional configuration that successfully could address the problem of neutrality without endangering popular sovereignty or eradicating the plurality of interests and passions always found among free people in complex civil societies. "The great desideratum which has not yet been found for Republican Governments," he powerfully asserted, thus charting a direction for fellow republicans, "seems to be some disinterested & dispassionate umpire in disputes between different passions & interests in the State."[50]

Popular Sovereignty and Representation

From somewhat different critical vantages, to be sure, both Paine and Madison converged on a sharp critique of monarchy and inauthentic republics focusing on problems of absolute power and partial authority. For solutions, they combined popular sovereignty with political representation.

Motivated by a common fear of tyranny, their point of departure was popular sovereignty. In the new American republic, the place of the king unambiguously was taken by the people, "the fountain of power," as Paine put the point.[51] "The people, not the government, possess absolute sovereignty," Madison concurred.[52] He not only rejected vesting sovereignty in a monarch, but insisted on placing it with the people. Consonant with Paine, he thus reserved the term "republic" exclusively for "a government which derives all its powers directly or indirectly from the great body of the people."[53] Reasoning along these lines, he exhorted,

> It is *essential* to such a government, that it be derived from the great body of the society, not from an inconsiderable proportion, or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a

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[49] Madison, "Vices of the Political System of the United States," 79.

[50] Madison, "Vices of the Political System of the United States," 81.

[51] Paine, "Dissertations on Government, the Affairs of the Bank, and Paper Money," 168.

[52] James Madison, "On the Alien and Sedition Acts," 645. Also, see Joshua Miller, "The Ghostly Body Politic: The Federalist Papers and Popular Sovereignty," *Political Theory* 16 (1988): 99–119; John Ferejohn, "Madisonian Separation of Powers," in *James Madison: The Theory and Praxis of Republican Government*, ed. Samuel Kernell (Stanford, CA: Stanford University Press, 2003), 150.

[53] Madison, "The Federalist No. 39," 211–12; "Government," 502; "Spirit of Governments," 511.

> delegation of their powers, might aspire to the rank of republicans, and claim for their government the honorable title of republic.[54]

We can see how Madison applied the principle of popular sovereignty in the recommendations he offered for the ratification of the new Federal Constitution. Discussing this issue at the Convention, he distinguished the Articles of Confederation, approved by agreement among the states, from the new charter, which, he insisted, should require popular electoral assent in order to convey sovereignty from ordinary legislatures to the people themselves.[55] In Philadelphia he is reported to have argued, "the difference between a system founded on the Legislatures only, and one founded on the people, to be the true difference between a *league* or *treaty*, and a *Constitution*."[56] Precisely because such a federal union, as distinct from a confederation of states, would be created by the people, it could not be dissolved by the decision of any single party to exit without "the authority of the people themselves."[57]

In advancing popular sovereignty, Paine put even more emphasis on the problem of arbitrary power. Committed to the normative ideal that the object of politics is the public good, this ideal, he reasoned, requires the incorporation of all members of the polity into the sphere of sovereignty. Such inclusion makes each person a free citizen, eliminates subjection by discretionary personal will, and hence accomplishes the critical initial step in effectuating "the interest of the public, as well individually as collectively."[58] With this accomplishment, "the sovereign power . . . remains where nature placed it—in the people."[59]

Although "essential," Madison and Paine thought it is not "sufficient" for republican government to be based on popular sovereignty.[60] The derivation of legitimate authority from the people qualifies a government as "popular" but, not, on its own, as a republic. Both insisted that a republic, above all, must emplace political representation at its center together with popular sovereignty. Not just Madison, who famously argued that a republic is "a government in which the scheme of representation takes place," but Paine underscored the pivotal standing of representation.[61] Addressing Abbé Sieyès in

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[54] Madison, "The Federalist No. 39," 212.

[55] But each state one at a time, creating a compound, federal nation, not a simple nation with a single people. Madison, "The Federalist No. 39," 214.

[56] James Madison, "Speech in the Federal Convention on Ratification," 129.

[57] Madison, "The Federalist No. 39," 214.

[58] Paine, "Rights of Man," 565.

[59] Paine, "Dissertations on Government, the Affairs of the Bank, and Paper Money," 168; Howard Penniman, "Thomas Paine—Democrat," *The American Political Science Review* 37 (1943): 245–52.

[60] Madison, "The Federalist No. 39," 212; Paine, "Rights of Man," 567.

[61] Madison, "The Federalist No. 10," 164.

1791, he declared, "By Republicanism . . . I understand simply a government by representation."[62]

Of course, their views concerning the purposes of political representation starkly diverged. For Madison, it was, among other purposes, a check on pure majoritarianism and on unbridled passion. For Paine, it was a means to better actualize democratic values. But what they shared must not be gainsaid, for it constituted nothing less than a joint emplacement of political representation at the core of a republican doctrine of government. In this way, Madison and Paine definitively resolved in the same way a recurring ambivalence among republicans. Some of its leading thinkers, notably James Harrington and Algernon Sidney, previously had favored this institutional device.[63] Yet, famously, Rousseau's distinctive version of republicanism abjured representation.[64] Crucially, Madison and Paine brought this ambivalence to a close.

Each time these thinkers addressed the centrality of popular sovereignty for the republican program, they almost immediately turned to representation. For each, representation under modern conditions realizes, while superceding, the normative ambitions of the ancients. Madison understood that a republic standing primarily on the foundation of popular sovereignty loses the capacity to discern "its general interest" and thus becomes exposed to self-subversion by a "blow mediated by the people against themselves."[65] Independent of the ethical qualities and political virtues of its citizens, direct democracy produces turbulent and intemperate suboptimal outcomes. "Had every Athenian citizen been a Socrates," Madison wrote, "every Athenian assembly would still have been a mob."[66] Without representation to secure "the benefits of free consultation and discussion," the citizenry becomes a mass, prone to passion, lacking means to transcend "temporary or partial considerations" or discern "the true interests of their country."[67]

Madison's celebrated anxiety about factions is allayed by this reliance on appropriate representation. By itself, the popular sovereign cannot be "sufficiently neutral" without this institutional mediation. Passionate, unfiltered, and mobilized, the populace—whether ruling directly or via large popular

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62. Thomas Paine, "Letter to the Abbé Sieyès," in *Collected Writings*, 380.

63. James Harrington, *The Commonwealth of Oceana* and *A System of Politics*, ed. J. G. A. Pocock (Cambridge: Cambridge University Press, 1992); Algernon Sidney, *Discourses Concerning Government*, ed. Thomas G. West (Indianapolis: Liberty Fund, 1996). Also see J. R. Pole, *Political Representation in England and the Origins of American Revolution* (Berkeley, Los Angeles: University of California Press, 1971), 7–16; and Skinner, *Liberty Before Liberalism*, 32–36.

64. Jean-Jacques Rousseau, "Du Contract Social; ou, Principes du Droit Politique," *Œuvres Complètes*, Volume III (Paris: Gallimard: Bibliothèque de la Pléiade, 1964), Book III: xv, 429–30.

65. Madison, "Letter to Thomas Jefferson," 152; "The Federalist No. 63," 347.

66. Madison, "The Federalist No. 55," 316.

67. Madison, "The Federalist No. 55," 316; "The Federalist No. 10," 165.

assemblies—inescapably divides into parts "united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interest of the community."[68] Where such factionalization is rampant, "the sovereign will . . . is not sufficiently neutral towards the parts composing it."[69] True and effective republics can redeem the promise of popular sovereignty by producing neutrality through the institutionalization of representation. Unaided, the sovereign people cannot discover a common good. By contrast, inside a system of representation, "it may well happen that the public voice pronounced by the representatives of the people, will be more consonant to the public good, than if pronounced by the people themselves convened for the purpose."[70]

Guardianship of the public weal, an emblematic feature of Roman republicanism, found its highest expression, Madison thought, in the American national legislature and its elected representatives. They were, as he put it, "the guardians of the people, selected by the people themselves."[71] Here, too, we discern a suggestive resemblance with Paine, who likewise found in representation the means to realize the cherished republican pursuit of "RES-PUBLICA, the public affairs, or the public good; or, literally translated, the *public thing*."[72] Such a discovery, he strongly asserted, "most naturally associates with the representative form."[73]

Paine and Madison did not agree about the novelty of modern representation. Madison argued that the ancients knew the concept of representation. Notwithstanding, they never integrated it into their dominant political forms. As a result, they could not effectively discern the public good in the face of an inherent tendency to faction.[74] For Paine, however, representation is an entirely modern invention, whose absence had wounded ancient democracy.[75] When faced with an enlarged territory and a greater population, such government "degenerated convulsively into monarchies" as the result of a "want of some method to consolidate the parts of society, after it became too populous, and too extensive for the simple democratical form."[76] Here, and in many other discussions, Paine underscored representation as a solution to "unwieldy and impracticable" empirical problems caused by size.[77] This justification subtly differs from Madison's. Madison found inherent structural flaws within unrepresentative democracy. Paine, it would seem, thought such regimes could function well under conditions of modest scale, but not in large polities.

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[68] Madison, "The Federalist No. 10," 161.

[69] Madison, "Letter to Thomas Madison," 152.

[70] Madison, "The Federalist No. 10," 165.

[71] Madison, "The Federalist No. 55," 319. Also see Madison, "The Federalist No. 10," 165; and "The Federalist No. 56," 324. This republican element of Madison's approach to political representation is commonly underplayed or overlooked even in highly informed treatments, which instead emphasize the "liberal" aspect of Madison's theory of representation that stresses the balance of interests and not the search for a common, public good. An important example is Hanna F. Pitkin, *The Concept of Representation* (Berkeley, Los Angeles: University of California Press, 1972), 191–98. For two notable exceptions, see Sunstein, "Beyond the Republican Revival," 1559–61; and Garry Wills, *Explaining America: The Federalist* (New York and London: Penguin Books, 2001), 180–264. For a detailed and informed presentation of the debate regarding Madison's theory of representation, see Alan Gibson, "Impartial Representation and the Extended Republic: Towards a Comprehensive and Balanced Treatment of the Tenth *Federalist* Paper," *History of Political Thought* 12 (1991): 263–304.

[72] Paine, "Rights of Man," 565.

[73] Paine, "Rights of Man," 565–66.

[74] Madison, "The Federalist No. 63," 349–50.

[75] Paine, "Rights of Man," 564.

Paine also hinted at a deeper normative argument in favor of representation, a redolent claim that trumps direct democracy under all conditions. A representative republic, he wrote, "is preferable to simple democracy even in small territories. Athens, by representation, would have outrivalled her own democracy."[78] This strong declaration calls to mind Madison's arguments. To be sure, Paine does not copiously explain his reasoning, but the hints he provides offer points of contact with Madison. Like Madison, he claims that the representative system "concentrates the knowledge necessary to the interest of the parts, and of the whole. It places government in a state of constant maturity."[79] "The representative system is calculated to produce the wisest laws, by collecting wisdom from where it can be found," because it brings a range of knowledge and talents into politics, and "because the representative system admits of none but men properly qualified into the government," it remedies "at once the defects of the simple democracy."[80]

These observations were concerned with more than the changes associated with magnitude. Paine also alluded to the issue of the plurality of interests. Representation, he argued, is "capable of embracing and confederating all the various interests."[81] Regimes without representation lack this capacity. Regrettably, Paine did not explicitly discuss why large popular assemblies are unable or less able to include and affiliate "various interests," but we can make a reasonable inference. What representation does is draw the various interests into what he calls "a common center, in which all the parts of society unite."[82] He insisted, further, that "this cannot be accomplished by any method so conducive to the various interests of the community, as by the representative system."[83] The method of representation can achieve this goal by closely associating useful knowledge, plural interests, and political power. Any society, he believed, composed of "the various and numerous circumstances of a nation, its agriculture, manufacture, trade, commerce, &c. &c. requires a knowledge of a different kind, and which can be had only from the various parts of society. It is an assemblage," he continued, "of practical knowledge."[84] Without the institution of representation, democracies thus are too decentered and unstable, unable to harness sufficient knowledge to configure the public good. This simple or direct democracy leans naturally towards "ignorance and incapacity."[85]

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[76] Paine, "Rights of Man," 565.

[77] Paine, "Rights of Man," 564.

[78] Paine, "Rights of Man," 568.

[79] Paine, "Rights of Man," 568.

[80] Paine, "Rights of Man," 563, 567; Thomas Paine, "Letter Addressed to the Addressers on the Late Proclamation," in *The Thomas Paine Reader*, 376.

[81] Paine, "Rights of Man," 567.

[82] Paine, "Rights of Man,"568.

[83] Paine, "Rights of Man," 568.

Of course, the reasoning here is not identical to that of Madison who understood representation as a limiting corrective to democracy, whereas Paine thought representation to be the key means by which to enhance democracy. Representation thus upgrades a simple into a complex democracy. Therefore, a modern representative republic is more, not less, democratic than the democracies of the ancients. For Madison, by contrast, representation confines democracy by turning the "pure democracies of Greece" into a new "impure" type of regime that, precisely because of this impurity, can reach successfully for the public good. Madison's representative republic is less democratic than and thereby superior to the governments of the ancients, both Greeks and Romans.[86] For Madison, representation elevates reason and checks passion; for Paine, it generates social knowledge that both integrates interests into national legislative considerations and improves the character of public statutes. Madison's ideal representative is distinguished by wisdom and the ability to transcend partial interests. In fact, it is the republican constitution, whose aim is "to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue the common good of the society," that allows the selection of the most virtuous citizens.[87] Paine's model legislator possesses the expertise of particulars and the skill of combining and blending them "for the interest of the public, as well individually as collectively."[88]

Notwithstanding this discrepancy in tone, evaluation, and strategy, at the deepest level both thinkers strongly advocated representation as the best available means to achieve the republican ideal of a common interest. Moreover, their views of the role of representation are compatible when they grapple with the problem of societal fragmentation. They share a deep disquiet about what Madison identified as faction and Paine described as decomposition; that is, the inability of non-republican governments to find a center and hold it together while facing social complexity, various interests, and plural preferences.

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[84] Paine, "Rights of Man," 566–67.

[85] Paine, "Rights of Man," 567.

[86] Madison, "The Federalist No. 63," *Writings*, 350–52.

[87] Madison, "The Federalist No. 57," *Writings*, 326.

[88] Paine, "Rights of Man," 565.

These views concerning political representation display a deep republican lineage. For example, representation as the institutionalized quest for the public good under conditions of heterogeneity does not abandon the ideal of civic virtue. In Madison's thought, civic virtue finds a particular locus—the legislature. Members of Congress in both houses exhibit virtues reminiscent of the classical republican citizen—wisdom, patriotism, vigilance, honor, manly spirit, and distinction. Such representatives, people of "wise and enlarged patriotism," are deeply dedicated to "the public welfare" and "popular rights."[89] These qualities are indispensable resources for discerning and promoting the interest of the whole against those of the parts.

Despite this institutional emplacement, and although Madison's view of human motivation was informed by a recognition of interest, power, and egoism, nonetheless civic virtue persisted in key parts of the wider society and induced public-oriented action.[90] Speaking as a member of Congress in 1792, he identified the country's farming population as "the class of citizens" who are "the most truly independent and happy. They are more: they are the best basis of public liberty, and the strongest bulwark of public safety. It follows, that the greater the proportion of this class to the whole society, the more free, the more independent, and the more happy must be the society itself."[91] Such is their role because of the "reciprocity of dependence" that inspires "a dignified sense of social rights."[92] Relying on agrarian, and other, sources of such republican virtues, Madison could invoke "the people" as the "guardians" of "constitutional liberty" and "every good citizen" as "a centinel over the rights of the people."[93] Although the primary mechanism on which he depends is institutional in character, classical republicanism echoes in his summons, counseling citizens that "their eyes must be ever ready to mark, their voice to pronounce, and their arm to repel or repair aggressions on the authority of their constitutions; the highest authority next to their own, because the immediate work of their own, and the sacred part of their property, as recognizing and recording the title to every other."[94]

A corollary concern is Madison's apprehension about "corrupt influence."[95] Affirming a typical fear by republicans, he turned against the contamination of the public by the private, which he thought to have become characteristic of the English political system. Echoing a traditional republican idiom, he cautioned against "a government . . . substituting the motive of private interest in place of public duty, . . . accommodating its measures to the avidity of a part of the nation instead of the benefit of the whole."[96]

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[89] James Madison, "Seventh Annual Address to Congress," *Writings*, 716, 718; James Madison, "Charters," 502.

[90] Drew R. McCoy provides an illuminating discussion of the relationship between citizenship and virtue in Madison. See Drew R. McCoy, *The Last of the Fathers. James Madison and the Republican Legacy* (Cambridge: Cambridge University Press, 1989), 175, 192–207.

[91] James Madison, "Republican Distribution of Citizens," 512–13.

[92] James Madison, "Fashion," *Writings*, 514.

[93] Madison, "Government," 502.

[94] James Madison, "Government of the United States," *Writings*, 509.

[95] Madison, "Spirit of Government," 510.

Paine similarly charged the English regime with a proclivity toward corruption, and stressed the danger inherent in combining concentrated economic resources—"the man who is in the receipt of a million a year"—with political power—"the power of creating and disposing of places" and "the power of making laws."[97] Paine's emphasis on civic virtue, however, was more prominent than Madison's. It drew more on the egalitarian impulses of ancient republics than on the aristocratic strains and institutional commitments also present in the republican vision. Fully agreeing with Madison's characterization of the desirable civil qualities of elected representatives, Paine underscored that the virtues of representatives, though necessary, are insufficient. In a modern republic, as in an ancient one, the "criterion of public spirit" also should be widely diffused, thus not confined in the legislature.[98] Representation must lean on the social and economic bases of citizenship, exemplified above all in the classical republican figure of independent farmers, whom Paine called "citizens of the first necessity."[99] In this respect, we can see how Paine and Madison shared a surprisingly similar appreciation not only of the rural basis of civic virtue but of the complementary relationship between the design of institutions and the ethical support offered by a free society.

Renovating the Republican Project

To meet the various criteria they identified for the existence of a genuinely modern republic, Paine and Madison looked to individual rights, especially religious freedom. They believed that ancient republics and simple democracies did not, indeed could not, address issues of social complexity, value plurality, and individual autonomy given their relatively small-scale and homogeneous composition. Modern republics cannot avoid these issues. Their size, diverse population, division of labor, extension and intensification of commerce, and fragmentation of Christendom had reconfigured the relationships between diversity and order, freedom and authority, and the individual and the community. Turning decisively away from civic religion, value homogeneity, and an exclusive reliance on strong citizenship, they redefined republicanism to include the twin pillars of institutionalized religious freedom and natural individual rights. Both had been underestimated in the republican canon.[100]

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[96] Madison, "Spirit of Government," 510.

[97] Paine, "Rights of Man," 590, 592, 510; Thomas Paine, "The American Crisis No. V," in *Collected Writings*, 170; Thomas Paine, "The American Crisis No. VII," in *Collected Writings*, 200.

[98] Thomas Paine, "The Necessity of Taxation," 313.

[99] Thomas Paine, "Letter to Henry Laurens," *Writings*, 211.

Instead, that tradition privileged civic religion as a pathway to social harmony. In classical republican texts, the zone of the gods possessed an unmediated relationship to the zone of the political. Worshipping each particular god connoted a specific political meaning. This relationship had a spatial dimension. Loyalty to a god (or gods) equaled loyalty to a city.[101] These gods sustained individual urban political communities. A central feature of civic religion thus was its capacity to forge social unity and political solidarity by fashioning citizens with shared commitments to the common realm and its republican institutions, citizens who were willing even to sacrifice their lives to the superior good of their city and country.[102] Religion, as Jean-Jacques Rousseau had argued in writing about the "religion of the citizen," "combines the divine cult and love of the laws and by making the homeland the object of the citizens' prayers, it teaches them that to serve the State is to serve its tutelary God."[103] To this positive contribution in molding and sustaining a collective patriotic ethos was attached the corresponding negative task of transcending the impulses of self-interest and self-love that could threaten the stability of the republic. Civic religion thus was perceived as a powerful and efficient tool, a means to contain and neutralize egotistic passions, if not to erase them.[104]

Paine adamantly rejected this constitutive aspect of classical republicanism. His principal concern was fear of persecution, whose causes he traced to civic religion. "Persecution," he argued, "is always the strongly marked feature of all law-religions, or religions established by law."[105] The solution to this threat was the institutionalization of religious freedom. The justification he offered was based on a theory of universal, natural rights. With this turn, Paine inserted into his republican stance a decidedly external element, that of individual, natural rights. Those, he wrote, "which appertain to man in right of his existence," are outside and prior to the political organization of society.[106] These inalienable and "pre-existing" individual rights,[107] as we know, are not present in classical republicanism, where the individual was most often understood not as free-standing, but as integrated within, indeed constituted by, the community. For Paine, by contrast, the very constitution of political society is the product of the collective choice individuals make prior to any political structure. Moreover, this introduction of the concept of rights into republican discourse alters perspectives on the ends of government. The prime goal of this voluntary creation protects each individual against the depredation of others while enhancing the capacity of all to achieve collective goals.[108] In turn, if these are the purposes of Paine's social contract, it also is necessary to delineate and circumscribe anew the legitimate scope of political power. "Rights of the mind" or "intellectual rights"—that is, the liberty of individual conscience and religion—are absolute, and set explicit, nonnegotiable limits on political authority.[109]

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[100] For the absence of theories of natural rights from classical republicanism, see Viroli, *Republicanism*, 7. For a contrary interpretation of the relationship between republicanism and natural rights, see Pettit, *Republicanism*, 101, 303–04 and Skinner, *Liberty Before Liberalism*, 18–21. A more detached and historically informed approach can be found in Nicolet, *L'idée républicaine en France*, 338–48, 356–57. For a serious attempt to address and solve the tension between republicanism and rights, see Michelman, "Law's Republic," 1493–1537.

[101] Jean-Jacques Rousseau, "Du Contract Social," Book IV: viii, 460.

[102] Niccolò Machiavelli, *Discourses on Livy*, trans. Harvey C. Mansfield and Nathan Tarcov (Chicago: The University of Chicago Press, 1996), Book I: xi–xvi, 34–47.

[103] Rousseau, "Du Contract Social," Book IV: viii, 464–65.

[104] For a recognition by Viroli of republicanism's dependence on civic religion and his attempt to address the threats posed by this relationship with its secularized version of patriotism, see *Republicanism*, 92. Also see Nicolet, *L'idée républicaine en France*, 473–507.

[105] Paine, "Rights of Man," 484.

Unlike Roman republicanism, therefore, Paine's approach based the foundations of political society on a distinct version of social contract theory, according to which the creation of government must be predicated on securing religious and intellectual freedom. In a stateless natural condition, "this state of natural liberty," individuals lack the power or capacity to protect this right from human vices and the "defect of moral virtue."[110] In an account of the passage from a state of nature composed of twenty individuals to an organized political community, Paine expressed the fear that without adequate government "the consequence would be that each might be exposed, not only to each other, but to the other nineteen."[111] Collective safeguards replace fear. "It would then occur to them that their condition would be much improved, if a way could be devised to exchange that quantity of danger into so much protection, so that each individual should possess the strength of the whole number."[112] The creation of government also facilitates the achievement of collective ambitions. By entering into a mutual agreement to partially give up some of their liberties, mainly their right to property, members of society increase their overall capacity by aggregating the power of each and every individual.[113] That which is "defective in the individual in point of power, and answers not his purpose, . . . when collected to a focus, becomes common to the purpose of every one."[114]

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[106] Paine, "Rights of Man," 464.

[107] Paine, "Rights of Man," 465.

[108] Thomas Paine, "Letter to Thomas Jefferson, 1788," in *Collected Writings*, 368–69.

[109] Paine, "Rights of Man," 464–65; Thomas Paine, "The Age of Reason," in *Collected Writings*, 665.

[110] Paine, "Common Sense," 7–8; "Letter to Thomas Jefferson, 1788," 368. For a discussion of the relationship between social contract theories and republicanism, see Nicolet, *L'idée républicaine en France*, 362–74.

[111] Paine, "Letter to Thomas Jefferson, 1788," 368.

[112] Paine, "Letter to Thomas Jefferson, 1788," 368.

[113] Paine, "Common Sense," 7; "Letter to Thomas Jefferson, 1788," 368; "Rights of Man," 465.

Government, on this view, "is a badge of lost innocence."[115] It is a solution that is necessary but dangerous because it not only protects but potentially endangers natural rights. For this reason, articulating an anxiety not found in the republican tradition, Paine expressed an element of distrust in public authority as such. Observing that "government even in its best state is but a necessary evil," thus recognizing an inherent disjunction and tension between state and society, Paine's political thought took on a cast we now appreciate as unmistakably liberal.[116] Consequently, the protection of "natural rights which are retained in the individual" is fundamental, and outside the scope of legitimate public intervention. At the core of these rights lies the "sacred" sphere of religious freedom.[117] It is in that sense that religious freedom becomes the cornerstone of Paine's constitutional doctrine. Quite suggestively, this natural rights justification for religious freedom was identified by Paine as the "liberal principle" positively welcoming the "diversity of religious opinion among us" as a social good.[118]

Reciprocally, Paine did not remain unaffected by the insertion of these liberal ideas into his republican imagination. His approach to social contract, as an example, was tinted by this broader political perspective. What stands out from Paine's distinct theory of the social contract is his claim that its purpose is to increase the total sum of collective power. His founding covenant aims at augmenting rather than diminishing power "by a condensation of all the parts."[119] In this version, the contracting parties form an alliance which gathers together the isolated strength of all the allied partners and binds them into a new power structure in which all the co-associates partake, "so that each individual should possess the strength of the whole number."[120] This approach differs from theories in which the contracting members give up, in the form of a transfer, their personal powers to create a political state. The classical version of social contract tends to disempower and dispossess the covenanting parties, who far from gaining a new power, and possibly more than they had before, resign their powers as such. There is also an additional difference. Paine's natural individual has a "propensity to society."[121] Egoism and the motivation of self-interest do not exhaust "man" because nature "has implemented in him a system of social affections."[122] In fact, although it originally placed him in "a state of natural liberty," "nature has created him for social life."[123] According to Paine's reasoning, the political state is the finality of the state of nature. With this reformulation of human nature, Paine does not only insert a social teleology in his concept of the natural state, he also introduces a republican anthropology in his understanding of "man." This reformulation of the social contract transforms it from an instrumental act of self-interested selfishness to a collective founding political deed.[124]

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[114] Paine, "Rights of Man," 465.

[115] Paine, "Common Sense," 7.

[116] Paine, "Common Sense," 6.

[117] Paine, "The American Crisis, No. III," in *Collected Writings*, 135.

[118] Paine, "Common Sense," 43.

[119] Paine, "Letter to Thomas Jefferson, 1788," 368.

[120] Paine, "Letter to Thomas Jefferson, 1788," 368.

[121] Paine, "Rights of Man," 552.

[122] Paine, "Rights of Man," 552.

Like Paine, Madison understood religious freedom as a natural, unalienable right, marking the limits of politics.[125] But Madison's approach is slightly different from Paine's in that it incorporates a deeper awareness of the weakness of classical republicanism. In Madison, discourses of civic religion reveal a particular vulnerability, truly unique, for republics. As this form of government depends on the internalization of common values, its existence is conditional on the subjective orientation of its members. Having renounced the coercive option of discretionary force and the tyrannical use of fear, both of which, by contrast, are available to monarchies, republics constantly are exposed to threats of violent discord, internal strife, even secession, hence their short life span.

With the exception of Montesquieu and David Hume, perhaps no one recognized this problem besetting ancient and modern republics better than Madison, who identified as their "mortal disease" their "factitious spirit."[126] Endemic to republics, factions can endanger the public good, subvert justice, threaten freedom, and undermine order. Searching for a cure, Madison dismissed the standard solution of classical republicanism that sought to give "to every citizen the same opinions, the same passions, and the same interests."[127] Value pluralism and diversity of interests that in a free, popular government usually lead to factional conflicts are, for Madison, ineradicable facts of human nature and consequently "in all civilized Societies, distinctions are various and unavoidable."[128] "We know," he wrote," that no society ever did or can consist of so homogeneous a mass of citizens."[129] Therefore, attempts to eradicate diversity not only fail, but backfire. They abolish liberty, and ultimately can lead to the collapse of the republic.

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[123] Paine, "Common Sense," 7; "Rights of Man," 551.

[124] For Paine's unique theory of the constituent power and his proposal for a Constituent Convention, see Paine, "Rights of Man," 572–81; Paine, "Common Sense," 32–34.

[125] James Madison, "Memorial and Remonstrance Against Religious Assessments," 30.

[126] Montesquieu, *The Spirit of Laws*, ed. Anne Cohler, Basia Miller, and Harold Stone (Cambridge: Cambridge University Press, 1992), Book IX, chap. i, vi–vii, 131–32, Book VIII, chap. i, 112–14. David Hume, "Whether the British Government inclines more to Absolute Monarchy, or to a Republic," "On Parties in General," "On Civil Liberty," "On Commerce," and "Idea of a Perfect Commonwealth," in *Essays Moral, Political, and Literary*, ed. Eugene F. Miller (Indianapolis: Liberty Press, 1987), 47–53, 54–63, 87–96, 253–67, 512–29; Madison, "The Federalist No. 10," 160, 161. In addition, see Douglas Adair, "'That Politics May Be Reduced to a Science': David Hume, James Madison, and the Tenth *Federalist*," in *Fame and the Founding Fathers: Essays by Douglas Adair*, ed. Trevor Colbourn (New York: W. W. Norton, 1974), 93–106; Theodore Draper, "Hume and Madison: The Secrets of Federalist Paper No. 10," *Encounter* 58 (1982): 34–47; Edmund S. Morgan, "Safety in Numbers: Madison, Hume, and the Tenth *Federalist*," *Huntington Library Quarterly* 49 (1986): 95–112; Marc M. Arkin, "The Intractable Principle: David Hume, James Madison, Religion, and the Tenth Federalist," *The American Journal of Legal History* 39 (1995): 148–76; James Conniff, "The Enlightenment and American Political Thought: A Study of the Origins of Madison's *Federalist Number 10*," *Political Theory*, 8 (1980): 381–402; Anne M. Cohler, *Montesquieu's Comparative Politics and the Spirit of American Constitutionalism* (Lawrence: University Press of Kansas, 1988); Judith N. Shklar, "Montesquieu and the New Republicanism," *Political Thought and Political Thinkers*, ed. Stanley Hoffman (Chicago: The University of Chicago Press, 1998), 244–61.

If religion is used to homogenize beliefs, habits, mores, and interests, the result only can be tyranny, oppression, and persecution. Turning the logic of the civic religion doctrine on its head, Madison proclaimed that publicly sponsored religion degrades civil society by creating "a spiritual tyranny" and by upholding "the throes of political tyranny."[130] In this way, arguing from republican principles against republican practices, Madison showed how the public good, a conception to which he held fast, was undermined rather than advanced by politically inflected religion as a means to impose uniformity.

Extending the republican critique of political subjection to the symbolic sphere of religious belief, and deploying the central republican fear of tyranny, but this time in the zone of religion, Madison concluded that the independent citizen only could flourish when protected from a state-sponsored religious establishment. If such religion had prevailed, young Madison wrote, "it is clear to me that slavery and Subjection might and would have been gradually insinuated among us."[131] Not just Paine, well-known for his antipathy to religious authority, but Madison judged the fruits of official Christianity to be "pride and indolence in the Clergy, ignorance and servility in the laity, in both, superstition, bigotry, and persecution," hardly proper bases for a free republic.[132]

In an extended 1787 letter to Thomas Jefferson, the fullest statement on this subject he produced, Madison explained why religion accompanied by civic status is extremely dangerous for a republic. Rather than create solidarity based on shared religious faith and practice, the imbrication of state and religion produces two distinct sources of passionate division, each a kind of factionalism. The first is wanton majoritarianism. Sanctioned by government, the religion of the majority "even in its coolest state, it has been much oftener a motive to oppression than a restraint from it."[133] When religion unites a population in this manner, there is a high probability that the majority "cannot be restrained from repressing the minority."[134] The second is the response of "depressed sects."[135] In a variety of interventions, Madison signaled a concern that under conditions of majority oppression, "a religious sect, may degenerate into a political faction," (167) and that "turbulence, violence, and abuse of power, by the majority, trampling on the rights of the minority," can result in the production "of factions and commotions."[136]

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[127] Madison, "The Federalist No. 10," 161.

[128] Madison, "Letter to Thomas Jefferson," 150.

[129] Madison, "Letter to Thomas Jefferson," 150.

[130] Madison, "Memorial and Remonstrance Against Religious Assessments," 33.

[131] Madison in Ketcham, *James Madison*, 57.

[132] Madison, "Memorial and Remonstrance Against Religious Assessments," 32.

[133] Madison, "Letter to Thomas Jefferson," 151.

We infer from this assessment of the harms of state-sponsored religion that any quest for homogeneity based on civic religion, as for any other basis of uniformity, was, for Madison, horribly ill-conceived, even what he called "altogether fictitious."[137] If civic religion cannot solve a republic's endemic problem of social strife based on factionalism, what can? One solution, monarchical imposition, is ruled out by republican commitments. It is impermissible to solve the problem of factions by eliminating the liberties that facilitate their composition.[138] This remedy, he asserted, "is worse than the disease." "Torrents of blood have been spilt in the old world by vain attempts of the secular arm to extinguish Religious discord, by proscribing all difference in Religious opinion."[139]

What is needed in light of the lack of guidance that can be obtained either from classical republicanism or from monarchical power is a new, modern republican impulse based on the proposition that "a just Government," as Madison wrote, "will be best supported by protecting every Citizen in the enjoyment of his Religion with the same equal hand which protects his person and his property; by neither invading the equal rights of any Sect, nor suffering any Sect to invade those of another."[140] Freedom of religion, in short, was his answer to this aspect of the problem of religious factionalism. The challenge was not to eliminate the sources of religious division, an impossible quest with pernicious consequences, but, as Madison put the point when discussing factions more generally, to discern "the means of controlling its *effects*."[141]

Madison's main answer was to enlarge the scope of freedom by conferring it on all manner of religious beliefs, by giving them equal rights and by refusing public privilege to any particular sect. In such circumstances, no religious group can dominate or overwhelm others. Religious freedom solves the problem of religious factionalism by enhancing the likelihood of religious plurality and altering asymmetrical relations of power into horizontal structures of controlled and peaceful interaction. Whereas classical republicanism thought such diversity to be the deep source of the problem, Madison's modern republicanism drew the opposite conclusion. Pluralism, supported by equal rights to faith and not buttressed by political power, itself was the cure. Writing about religious as well as civil rights, Madison explained that by extending freedom and increasing pluralism "society becomes broken into a greater variety of interests, of pursuits, of passions, which check each other while those who may feel a common sentiment have less opportunity of communication and concert."[142] The American experience already had demonstrated the capacity of freedom "to assuage the disease."[143] Individual freedom and diversity have "exhibited proofs that equal and compleat liberty, if it does not wholly eradicate it, sufficiently destroys its malignant influence on the health and prosperity of the state."[144]

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[134] Madison, "Letter to Thomas Jefferson," 151.

[135] Madison, "Letter to Thomas Jefferson," 151.

[136] Madison, "The Federalist No. 10," 167; James Madison, "Speech in the Virginia Ratifying Convention in Defense of the Constitution," *Writings*, 355.

[137] Madison, "Letter to Thomas Jefferson," 149.

[138] Madison, "The Federalist No. 51," 297.

[139] Madison, "The Federalist No. 10," 161; "Memorial and Remonstrance Against Religious Assessments," 34.

[140] Madison, "Memorial and Remonstrance Against Religious Assessments," 33.

[141] Madison, "The Federalist No. 10," 163.

Religious freedom thus alters the context and logic of collective action.[145] In so doing, this tempering device weakens dispositions that are "adverse to the rights of other citizens, or to the permanent and aggregate interests of the community," while permitting depoliticized forms of metaphysical beliefs that are not inimical either to the public good or the principle of equal freedom.[146] Madison understood that to prevent the formation of religious factions from flooding the political with their partial and private passions, more, not less, freedom and diversity are required. Under such conditions, religious groups that otherwise harbor ambitions of domination and supremacy "will find sufficient motives to restraint . . . from oppressing the minority."[147] It is religious freedom in the context of the perpetual threat of republican factionalism that can cool down harmful passions while respecting "the diversity in the faculties of men."[148] As Thomas Lindsay has correctly argued, in Madison's discussion of religious liberty his "concern all along was political liberty from tyrannical majorities."[149]

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[142] Madison, "Vices of the Political System of the United States," 79.

[143] Madison, "Memorial and Remonstrance Against Religious Assessments," 34.

[144] Madison, "Memorial and Remonstrance Against Religious Assessments," 34.

[145] For a detailed discussion of Madison's understanding of the problem of collective action that draws different conclusions regarding his constitutional proposals against factionalism, see Keith L. Dougherty, "Madison's Theory of Public Goods," in *James Madison: The Theory and Praxis of Republican Government*, ed. Kernel, 55–56.

[146] Madison, "The Federalist No. 10," 160, 163.

[147] Madison, "Letter to Thomas Jefferson," 150.

[148] Madison, "The Federalist No. 10," 161.

[149] Thomas Lindsay, "James Madison on Religion and Politics: Rhetoric and Reality," *The American Political Science Review* 85 (1991): 1333. Also see Lance Banning, "The Practicable Sphere of a Republic. James Madison, the Constitutional Convention, and the Emergence of Revolutionary Federalism," in *Beyond the Confederation. Origins of the Constitution and American National Identity*, ed. Richard Beeman, Stephen Botein, Edward C. Carter II (Chapel Hill: The University of North Carolina Press, 1987), 183–85.

Generalized free exercise of religion, therefore, is not only a protection of religion but also a protection of the public good from religious factionalism. As a tempering mechanism, in short, it is Madison's pathway to reasonable pluralism.[150]

The Republic of the Moderns

A central concern of the vast literature on Madison and Paine is the political character of their writings, especially the tradition—republican, liberal, or both—to which these belong. This concern, of course, has resonated in the even larger body of work on the intellectual and ideological qualities of the American Revolution, which has wrestled with the respective influence of Niccolò Machiavelli and John Locke. Both sets of questions are nested within an even broader quest to understand the historical and conceptual relationships between republicanism and liberalism during the turbulent eighteenth and nineteenth centuries. By undertaking a close textual reading of Madison's and Paine's political thought we gain access to the texture of the republican–liberal association that has vexed students of the Revolution and of modern political ideas for some time.

Much writing about these thinkers has sought to classify each as either republican or liberal.[151] The result has been an oversimplification. Fortunately, this kind of binary construction has been challenged and superseded by richer and considerably more nuanced bodies of work. Instead of searching for differences and oppositions, such scholarship also has probed ties and affinities. Broadly summarizing, two types of reading stand out. There is, first, the thesis of a new arrangement, arguing that both Madison and Paine created hybrids of republicanism and liberalism (with variation regarding which political tradition predominates).[152] There is, second, the theory of intellectual transitions, moving, depending on the particular scholar, either from republicanism to liberalism or even, counterintuitively, from liberalism to republicanism.[153]

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[150] James Conniff, "The Obsolescence of the General Will: Rousseau, Madison, and the Evolution of Republican Thought," *The Western Political Quarterly* 28 (1975): 47–58.

[151] For the "liberal" Madison, see, Pocock, *The Machiavellian Moment*, 531, 535; Wood, *The Creation of the American Revolution*, 608; John Patrick Diggins, *The Lost Soul of American Politics. Virtue, Self-Interest, and the Foundations of Republicanism* (New York: Basic Books, 1984), 48–54; Isaac Kramnick, "The 'Great National Discussion': The Discourse of Politics in 1787," *The William and Mary Quarterly* 45 (1988): 3–32; Pangle, *The Spirit of Modern Republicanism*, 46–47, 125–26; Jerome Huyler, *Locke in America: The Moral Philosophy of the Founding Era* (Lawrence: University Press of Kansas, 1995), 261–64; Richard K. Matthews, *If Men Were Angels: James Madison and the Heartless Empire of Reason* (Lawrence: University Press Kansas, 1995), 1–25; and Gary Rosen, *American Compact: James Madison and the Problem of Founding* (Lawrence: University Press of Kansas, 1999), 1–9. For the "republican" Madison, see Neal Riemer, "The Republicanism of James Madison," *Political Science Quarterly* 69 (1954): 45–64; David F. Epstein, *The Political Theory of the Federalist* (Chicago: University of Chicago Press, 1984),. 67–68, 109–10; Ralph Ketcham, "Publius: Sustaining the Republican Principle," *The William and Mary Quarterly* 44 (1987): 576–82; and M.N.S. Sellers, *American Republicanism: Roman Ideology in the United States* (New York: New York University Press, 1994), 199–210. For the "republican" Paine, see Wood, *The Creation of the American Republic*, 92; Foner, *Tom Paine and Revolutionary America*; Michael Durey, "Thomas Paine's Apostles: Radical Emigres and the Triumph of Jeffersonian Republicanism," *The William and Mary Quarterly* 44 (1987): 661–88; Bernard Vincent, ed., *Thomas Paine ou La Republique sans Frontieres* (Nancy: Presses Universitaires de Nancy, 1993); For the "liberal" Paine, see Isaac Kramnick, "Republican Revisionism Revised," *The American Historical Review* 87 (1982): 637, 644, 649, 651; Isaac Kramnick, "Editor's Introduction: The Life, Ideology, and Legacy of Thomas Paine," *The Thomas Paine Reader*, 22–29; Joyce Appleby, "Republicanism and Ideology," *American Quarterly* 37 (1985): 470; Richard Ellis, "Radical Lockeanism in American Politics," *The Western Political Quarterly* 45 (1992): 825–49.

Yet curiously, despite the advances made by these strands of scholarship, its authors continue to rely on just the dichotomy they have sought to transcend. Republican and liberal ideas are treated, sometimes explicitly but always implicitly, as distinct schools.[154] It is as if the Founders either selectively created syncretic combinations from pre-existing sets of ideas or replaced one doctrine with the other (albeit with the persistence of elements drawn from their prior commitments).

Like these works, we reject the earlier binary approach. But our argument is different. We claim the development of liberalism as a full-fledged, full-scale political and constitutional doctrine was the unplanned result of actors and thinkers situated within classical republicanism who sought to institutionalize a stable, well-functioning republic under the modern conditions of their time. As we have seen, both Paine and Madison discovered that this effort paradoxically required that they set aside or make secondary features that had been central to the classical tradition, including civic religion, an objective and unitary concept of the public good, and the ideal of the virtuous citizen. In turn, other republican pillars of free governments, including the mixed regime, the rule of law, and popular participation were reformulated, even radically, to accommodate the specific challenges of modern politics and society, including value fragmentation and pluralism, the enlarged boundaries of the political, and the individualism and self-interest associated with early capitalism. Further, Madison and Paine also enriched the republican tradition by introducing concepts and arguments that were most closely associated with the natural law tradition, especially Locke—the social contract, natural rights, universal freedoms, legislative representation, and religious pluralism.

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[152] Paul Eidelberg, *The Philosophy of the American Constitution. A Reinterpretation of the Intentions of the Founding Fathers* (New York: Free Press, 1968); Sunstein, "Beyond the Republican Revival," 1561–63, 1569–71; Drew R. McCoy, *The Last of the Fathers: James Madison and the Republican Legacy*, xiv–xv; Colleen A. Sheehan, "The Politics of Public Opinion: James Madison's 'Notes on Government'," *The William and Mary Quarterly* 49 (1992): 609–27; Lance Banning, *The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic* (Ithaca, NY: Cornell University Press, 1995), 1–12, 396–402; Zuckert, *The Natural Rights Republic*, 1–8, 202–43; C. E. Merriam, Jr., "Thomas Paine's Political Theories," *Political Science Quarterly* 14 (1899): 389–403.

[153] Gary Kates, "From Liberalism to Radicalism: Tom Paine's Rights of Man," *Journal of the History of Ideas* 50 (1989): 569–87; Sheldon, *The Political Philosophy of James Madison*, xi, xiv–xvi, 37, 65, 77–85, 98, 110–11, 125.

[154] For example, see Lance Banning, "Jeffersonian Ideology Revised," *William and Mary Quarterly* 43 (1986): 11–12, 16–17.

The result cannot be accurately described as a simple synthesis on a middle ground between two contending traditions. Nor can it be designated sequentially as the story of replacement. Rather, a republic of the moderns was fashioned by the three processes of rejection, adaptation, and absorption. Starting with republican motivations, yet realizing the limits of the classical model for issues of social pluralism, political factionalism, order, and individual freedoms, both Paine and Madison innovated at the level of ideas and institutions. Seeking to refurbish republicanism, to make it modern, and to soothe their fears about the corruption, instability, and decay that had been endemic to the history of free governments, they contributed to the development of a strand of political thought that had not previously existed, one that today we broadly understand as liberal.

As this intellectual achievement advanced central elements found much earlier in Locke's writings, it is tempting to treat it as a direct heir in a rather linear history of the unfolding of liberal thought. This accomplishment, however, cannot be deduced from or seen to be preordained by Locke's philosophical liberalism. There was no straight line from *The Second Treatise* to *The Federalist* and *Rights of Man*. Paine and Madison's political liberalism was not an institutional translation of Lockean principles (as it also was not a simple application of Machiavellian themes). Rather, they invented a liberalism attuned to concerns that Locke had not had to confront.

This history has largely been overlooked.[155] Late twentieth- and early twenty-first-century debates among political theorists have proceeded as if liberalism and republicanism originated in entirely distinct moments, locations, and impulses. Historians of ideas recognize, for sure, that at some point these traditions encountered each other and entered into a largely contentious relationship. This orientation, even in its most sophisticated forms, fails to acknowledge, however, the way modern liberalism grew out of republicanism's protracted struggle to adapt to the modern world. By ignoring this crucial formative moment, the familiar narrative of liberalism moves seamlessly from Locke to Immanuel Kant to John Stuart Mill to John Rawls. Ironically, the neo-republican revival, while challenging liberalism, has internalized just this inadequate history. It has come to see the history of liberalism just as most liberals have come to see their own past. By neglecting the significance of the kind of intellectual invention undertaken by Paine and Madison and thus misperceiving their own past, both ‘sides’ have reproduced the stereotypical understanding of two starkly opposed theories of politics. For this reason, they often insist that we choose. Liberalism and republicanism thus take aggressive stances against each other.

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[155] The challenging issue of why this history has been overlooked is beyond the scope of this paper. We would, however, venture a preliminary hypothesis. In much of the twentieth century, liberalism has been shaped by its putative competition with various socialist alternatives. Within this context, the focus was placed, not without reason, on such matters as liberalism's individualism, privacy, property, rights, and protections. With the collapse of Soviet Marxism and a broader disaffection from socialism, republicanism reappeared as the most conspicuous alternative and as a rival, rather than, in full richness, as having experienced a much more complex relationship with the liberal political tradition.

With its forgetting, liberalism—thinned out, increasingly abstract, and insufficiently rooted in time and place—makes itself more vulnerable to the republican critique. Liberalism’s amnesia has repressed its own republican past, seeing itself as *sui generis*. As a result, in failing to advance important aspects of their own republican lineage, liberal thinkers have unduly replaced the good with the right, have mainly restricted political participation to competitive elections, and have demoted the ethical dimensions of politics, thus tilting toward a formal proceduralism that would have been alien to Paine and Madison’s republican allegiances. Correspondingly, neo-republicanism—skipping over the fears and anxieties of thinkers like Madison and Paine, and ignoring the answers they devised—places itself in an unrealistic and romantic position, pining for a lost halcyon world that modern republicans themselves set aside for good reasons some two centuries ago. The attempt at a republican revival thus seems beside the point. The dissipation of this tradition, from the vantage of Madison and Paine, seems both foreordained and not to be regretted. Lamentations about the loss of the classical tradition and the call to resurrect it miss the way their novel liberalism became a republic of the moderns.[156]

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[156] If one could say that liberalism is the “republicanism of the moderns,” one might also add that republicanism is the “liberalism of the ancients.” This is exactly what Leo Strauss suggests when he argues that the “liberal man cannot be a subject to a tyrant or to a master, and for almost all practical purposes he will be a republican. Classical political philosophy was liberal in the original sense.” Leo Strauss, “The Liberalism of Classical Political Philosophy,” *Liberalism Ancient and Modern* (Ithaca, NY: Cornell University Press, 1989), 28–29.