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# Political Thought and the Intellectual Origins of the American Presidency

## Royalism, Executive Power, and the History of Ideas

BEN LOWE

The smash hit musical *Hamilton* attempts to pack a lot of history into a show that runs just under three hours, mainly through fast-paced rap lyrics inspired by Ron Chernow's best-selling biography of the title character. Two songs sung by the actor playing George III bring levity to an otherwise intense and rollicking portrayal of the protagonist's life. At one point in the tongue-in-cheek "You'll Be Back," which playfully asserts a long-standing fondness between George and his American subjects, the king declares: "You'll remember that I served you well. Oceans rise, empires fall. We have seen each other through it all. . . . You say our love is draining and you can't go on. You'll be the one complaining when I am gone." While this is meant to be humorous, even ironic, it in fact may not be far from historical truth. Modern scholarship on the American Revolution has consistently played up the close relationship the patriots had with their monarch, and with British royalty in general, which left a profound imprint on the framers' conception of executive power in their new federal constitution.

To varying degrees, the essays in this volume reiterate that point, building on recent studies that have examined the charged, fluctuating nature of patriot ideology that emerged throughout the course of the War of Independence and for years afterward when a new national government was being constructed. All the authors here clearly recognize the pathbreaking work of their predecessors, who also wrestled with just how monarchical early Americans thought a republican executive should be. In fact, to enter the realm of eighteenth-century American intellectual history is in some

ways to annotate and extend the work of its pioneers, Bernard Bailyn, Gordon Wood, and John Pocock.

Bailyn's *The Ideological Origins of the American Revolution* (1967) challenged Progressive historians who claimed the Revolution was largely about economics by taking seriously the impact of English oppositional thought that within a uniquely American context formed a "logic of rebellion." Bailyn found especially important the commonwealth literature encapsulated in *Cato's Letters* (1720–23), written by John Trenchard and Thomas Gordon, which represented a country party of landowners who were sympathetic to republicanism and concerned about early Georgian political corruption. For Bailyn, "more than any other single group of writers they shaped the mind of the American Revolutionary generation."<sup>1</sup>

More so than Bailyn, who found ideas to be more of a cultural product,<sup>2</sup> Wood coupled social conflict with ideology. Several essays contained in this volume echo his contention that after 1776, the nation shifted toward radical democracy and egalitarianism and away from classical republicanism, leading federalists to construct a newer, constitutional republicanism fixed on a balance of powers that included an "energetic president."<sup>3</sup> The obsession of patriot leaders with governmental tendencies toward corruption that Bailyn and Wood identified gets extended treatment in Pocock's groundbreaking *Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (1975), which grew out of a groundbreaking 1968 article.<sup>4</sup> Pocock's investigation into the various ways adherents of classical republicanism struggled with how to preserve liberty and civic virtue during periods of crisis in Renaissance Florence, Civil War England, and the American revolutionary age permeates much subsequent scholarship, most notably on the political debates waged during the period between independence and the writing of the Constitution.<sup>5</sup>

All of these works may only tangentially deal with how both the office of the presidency and executive power came to be defined during a time of political turmoil and national anxiety after independence had been won, but they set the scene with their concern for the questions patriot leaders asked themselves in their quest to configure the new republic. Was it to be essentially a democratic state that the people ruled through their elected representatives or did there need to be a check residing in some form of separated executive power to protect against potential legislative despotism? Bailyn and Wood both held that attitudes toward this problem shifted over time and that the swings were often swift, fervent, and tinged with paranoia and fears of "freedom" being eroded.

Many current historians and political scientists have decided that the existence of any such panic has probably been exaggerated due to a scholarly bias toward seeing the American experiment as founded on noble, uncompromising republican principles. For example, Eric Nelson has most recently argued that the colonists actually had an affinity for the king and that in the 1760s a strong royalist sentiment existed in America that did not end until the drafting of state constitutions in 1776. Patriot leaders such as James Wilson, Benjamin Rush, Alexander Hamilton, and Thomas Jefferson held that after abolishing the monarchy and passing the Navigation Acts of 1651, England's Rump Parliament began to assert greater—eventually tyrannical—control over the American colonies. The early Stuarts, by contrast, had granted colonial charters through an exercise of their royal prerogative, which limited Parliament's role in colonial policy. In addition, after the Stamp Act crisis, Benjamin Franklin and others insisted that the colonies were autonomous dominions subject only to the authority of the Crown, not to Parliament. It was only after the Continental Congress in 1775 called on George III to reclaim his prerogative powers and he refused, insisting that king and parliament formed a sovereign, unitary authority, that the colonists rescinded their loyalty and moved decisively toward independence.<sup>6</sup>

Thomas Paine's popular *Common Sense*, according to Nelson, so delegitimized monarchy that once the war had ended and fears of a disorderly, tyrannical legislative reemerged, the founders of the new nation reverted back to embracing the trappings of royalty and prerogative power but vested it now in a new chief executive, or president.<sup>7</sup> These "patriot royalists" ended up convincing skeptics that the presidential office would help unify a divided nation, and because it exercised a limited negative over Congress and its other powers could be checked, it would not simply reconstitute a newfangled form of monarchy (though some of them would have liked as much).<sup>8</sup>

Nelson is not the only scholar who has detected a royalist strain in the American political culture of the 1780s that helped shape the eventual conformation of the presidential office. The earlier imperial school historians and many of their followers argued that until the 1770s, the colonists sincerely wanted "to rebalance the English constitution in favor of the Crown."<sup>9</sup> In an important recent study, Saikrishna Bangalore Prakash invokes originalism as he seeks to understand the intended meaning of Article II and concludes that the presidency has been "imperial from the beginning." Unlike Arthur Schlesinger Jr.'s famous thesis that the framers

gave only narrow powers to the president and that occupiers of the office have wrongly expanded them over the years, Prakash insists that the vesting clause in Article II was made broad deliberately, giving the chief executive unrestrained power except where it is specifically limited elsewhere in the Constitution. The actual language here is determinative, as the framers endowed Congress with “all legislative Powers herein granted” in Article I but then followed it with “the executive Power shall be vested in a President of the United States of America” without a comparable qualifier. The derivation of Prakash’s originalism is both contextual and intertextual. In state practice and within the overall legal culture, “president” and “monarch” were essentially equivalent terms in eighteenth-century usage. In creating their new office, Americans were essentially aping a British convention with which they remained enamored.<sup>10</sup>

A number of scholars have taken issue with the way Prakash arrived at his notion of originalism and the meaning of Article II, but like most of his contemporaries, he is very attentive to method.<sup>11</sup> He and most of those who study the history of ideas today owe a great debt to the Cambridge School, which established the contours of modern practice in the 1970s and 1980s, beginning with Quentin Skinner’s justly famous and influential 1969 essay in *History and Theory*.<sup>12</sup> Skinner recognized that intellectual history had fallen on hard times within the academy, largely because of the sloppy readings of canonical texts by scholars looking for how writers anticipated modern ideas such as humanitarianism, democracy, balance of power, separation of church and state, individualism, liberty, etc. The value of a text was often based on how close it came to prefiguring future ideas. There was no rigorous attempt to root ideas within particular historical contexts as the assumption was that these “classics” were simply engaging in a timeless dialogue across centuries and cultures. Skinner demonstrated that this kind of purely textual historical investigation was spurious as it enabled the investigator to manipulate texts to say things that the writer could not have possibly meant. The quest for authorial intention was therefore the necessary corrective to this careless approach, and some sense of the illocutionary force applied by the author. The context of the written “speech act” was thus critical in understanding the original meaning.

For those interested in eighteenth-century American history the search for the original meaning of those foundational yet protean concepts that served as underpinnings for the new republic and its constitution continues to the present day. It is no wonder then that Bailyn considers himself a Skinnerian with his attention to context and his focus on pamphlets that

do not usually constitute part of the canon.<sup>13</sup> Eric Nelson dedicated his *Royalist Revolution* to Skinner, his “friend and teacher,” while almost everyone in the field acknowledges the other major Cambridge School pioneer, John Pocock, as an inspiration and touchstone for their work.

As we have seen, Pocock’s *Machiavellian Moment* proved highly influential in the study of early American political ideas, but he also made a major contribution to the practice of intellectual history as a whole. In one of his most impactful essays, he extended Skinner’s appeal to authorial intention by calling on intellectual historians to consider the writer’s linguistic context and the languages within which they expressed their ideas. These languages exist within a particular cultural realm, or *habitus* (to use Pierre Bourdieu’s term), in which each has its own “vocabularies, rules, preconditions and implications, tone and style.” As paradigms, they attempt to structure thought and speech in certain unique ways. “The language determines what can be said in it, but is capable of being modified by what is said in it; there is a history formed by interactions of *parole* and *langue*. . . . History can be viewed as the interaction of speech act and language.” Languages—or discourses—are learned through frequent usage that breeds familiarity with them; some examples are common law, civil law, classical republicanism, medieval scholasticism, and Renaissance emblematic.<sup>14</sup> In the essays collected here, therefore, you will find that concepts such as checks and balances, bill of rights, social contract, and even nation all possess different, unfamiliar meanings as appropriated by interlocutors of particular historically constituted languages.

While much of the earlier work on early American political ideas has resulted in sweeping arguments made through studying works of political theory, legal treatises, pamphlet literature and letters, the authors in this volume tend to follow a Pocockian course by establishing a deep familiarity with contemporary words and languages while paying careful attention to and adopting the discourses in which positions were staked and commitments to action were taken up. Simultaneously, much as Joseph Levine describes it, they also conceive of language as an event, as “a process of thinking that results from having both outward circumstances and internal thought . . . put together by the historian who wishes to understand [an event’s or text’s] original historical meaning.”<sup>15</sup> This is particularly important for understanding the early presidency, since many of the debates over its character—and its description in the final version of the Constitution—were formulated within particular historical settings and discursive environments that when studied carefully give us some sense of what the

framers were thinking. In addition, engaging in such a practice reveals just how far removed we are today from the eighteenth century and original intentions.

This volume constitutes a collaborative effort to understand the presidency as a novel idea for a republic. The authors are engaged in stripping away accumulated meanings that have been layered onto the office since the time of George Washington. The essays are divided into three groups. The first set examines the intellectual antecedents of executive office in European thought and culture. As stated, many early Americans were familiar, even comfortable, with Britain's monarchical government. As Blair Worden shows us, that was at least in part because of the difficult if not disastrous experiment with republicanism during the Cromwellian period. The arbitrary actions of the Rump Parliament exposed the prospect of a tyrannical legislature and propelled new discussions about balanced government as the various political players began drafting the nation's first written constitution, the Instrument of Government. One writer in the middle of it all, the underappreciated Marchamont Nedham, and the lord protector himself posited a separation of executive power from the legislature as a necessary fixture of mixed constitutionalism while recasting the meaning of government "balance" to include a system of interlocking "checks" that deemphasized harmony in favor of setting interests against each other so no one power could become overly dominant. It is with this understanding that "the principle of checks and balances was a guiding premise in the drafting of the Constitution and in the definition of the presidency," as Blair Worden notes in chapter 2.

In chapter 3, Max Skjönsberg argues that checks and balances were central to the development of political parties. In fact, England's Whigs and Tories "represented the two pillars of the mixed constitution, parliament on the one hand and monarchy on the other," with "mutual checking and balancing" existing between them. David Hume believed that parties were at root about conflicting economic interests, and Bolingbroke held that there needed to be an organized opposition to whichever one was in power in order to help protect the government against corruption. In a similar vein, James Madison came to hold that freedom coupled with ambition necessitated political parties to manage competing interests and enable mutual restraint. Skjönsberg shows that Jeffersonian Republicans took up Bolingbroke's argument for a loyal opposition party in the 1790s, when they came to believe that George Washington's popularity had been co-opted by Federalists such as Alexander Hamilton ("another Walpole")

and had so intimidated the Congress that the balanced constitution was at risk of being upset. In this way, organized political parties served as a necessary good for parliamentary governments, and as they were theorized in eighteenth-century Britain, they came to have a profound effect on early America and the president's role as party leader.

At the time of the ratifying conventions, Jefferson did not anticipate the need for parties to ensure a balanced government but instead promoted a constitutional guarantee of rights to prevent any branch from attempting to curtail essential personal liberties. As Eric Slauter points out in chapter 4, "bills of rights" were a contested "idea" or "genre" in postrevolutionary America since they had traditionally been extended only by monarchs under pressure as "an antimonarchical barrier against royal prerogative" and had never been associated with republics. To federalists such as Hamilton and James Wilson, rights were to be assumed in republics and need not be enumerated, for "the people might be said to gift rights and powers to their new chief executive, the president, not the other way around." But Madison, who originally opposed a bill of rights yet eventually sided with Jefferson, more fundamentally changed what the genre or idea meant when he reasoned that danger could come from legislatures as much as from kings, a position that detached bills of rights from their usual monarchical context. For Slauter and many of the other contributors to this volume, the combination of the persistence of royalist sentiment in early America and a new executive office that had few precedents to draw from created an institutional void that both European antecedents and novel, homegrown designs attempted to fill.

One influential model of executive power was not British but embodied the contemporary trend in enlightened absolutism that was prevalent in continental Europe. In chapter 5, through an assessment of the impact of King Frederick the Great's writings in America, Caroline Winterer shows us that the leaders of the new United States were not as radical as conventional scholarship would suppose. For many, Frederick represented the highly educated virtuous ruler, committed to reform, whose executive power and self-identification as the country's "first citizen" might unify a nation. Because monarchy was the executive prototype most were familiar with, it comes as no surprise that some early Americans saw the presidency as analogous to a constitutional monarchy. Frederick, who was held in high esteem for his strength and intelligence, famously wrote against Machiavelli, but unlike Rousseau and other Enlightenment political thinkers, he "interpreted the social contract in authoritarian terms." Following