

Civic Virtue in the American Revision of Rome

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The Roman Republic and the American Republic are often compared to show how the American Constitution built on the structures designed for the ancient era. However, there are also important differences between how the two republics function. Although the Americans and the Romans share the same fundamental republican values, and even many of the same governmental structures, they differ on the modes and means of sustaining republican ideals. The Romans genuinely believe in themselves and their ability to sustain civic virtues through the collective strength of deeply inculcated individual understanding. American constitution makers invoke a purported civic spirit the Romans embodied, while actually relying on the crafted structures that the new constitution creates. The Romans believe in themselves, while the American believe in their system. Americans neither completely emulate nor completely reinvent the Roman model. In their repeated invocations of Rome, the American constitution makers both adopt and revise Roman insights.

To develop this basic contrast between Roman and American constitutional understandings, I compare the ancient era accounts of the founding of the Roman Republic in Livy's *History of Rome* and Polybius' *The Rise of the Roman Empire* to the modern era accounts in *The Federalist* and the Anti-Federalist essays by "Brutus." Some invocations of Rome in contemporary political accounts neglect the differences between ancient and modern understandings of political virtue, while others question the importance of comparing contemporary America to Rome. In the first part of this paper, I will indicate the flaws in previous comparisons of America to Rome. In the next section, I will discuss Livy's account of the forming of the Roman Republic and explain how these events highlight the ideals of the Roman people and present the Roman virtues that Livy wanted remembered. *The Federalist* less explicitly presents the American virtues by explaining the nuances of the new constitution. However, both sets of texts show the ideas upon which their respective republics are founded. A comparison of the Roman ideals found in Livy and the American ideals conveyed in *The Federalist* will show how the two republics' desires to protect themselves from the corruption of others and for equal opportunity come from their shared understanding of liberty. Looking closely at these two texts will also show the contrast in the use of civic virtue to protect those

ideals. The Romans rely upon and nurture individual reason of citizens to uphold their ideals, while the American system relies primarily on “institutional reason” – the logic of their government system to protect their ideals. This argument is further understood when comparing elements of the American constitution to Roman constitution as described by Polybius. The two republics design similar constitutions, but they have different ideas of regarding the specifics of their central power and the powers they give to their citizens. Similar ideals link the Americans with the Romans, but the different use of civic virtue more clearly shows how each republic functions.

Secondary Literature

Many have noticed the reference and the use of references to the Roman Republic in *The Federalist* and implicit the American Constitution, but prevailing interpretations tend to focus on the similarities of the two republics while neglecting the differences between the regime understandings of political virtue. In Arthur Schlesinger, Jr.’s “America: Experiment or Destiny?” the Founders’ relationship with the Roman Republic is oversimplified. He notes how heavily “the first generation of the American republic” relied on the Roman influence by telling how the Founders “designed its buildings, wrote its epics, called the upper chamber of its legislature the Senate, signed its greatest political treatise ‘Publius’” (Schlesinger 507). While all of these examples of Roman influence exist, this list fails to appreciate the differences in how the two republics function. Schlesinger explains the similarity of one branch of the American and Roman republic, the Roman Senate and the American congress, but does not consider the differences in the other branches, the judicial system or the roles of the Roman citizens and the American citizens. Without considering both the similarities and differences in the two republics, one cannot fully understand the different role that civic virtue plays in each republic. Stephen Bertman’s “The Perils of America’s Progress” also describes similarities between America and Rome. Bertman examines Rome’s fall and compares the circumstances of the fall to contemporary American circumstances. Bertman cites the Romans distancing from their “civic virtue” as one of the factors that contributed to their fall (Bertman 24). He then

goes on to describe how Americans are distancing themselves from civic virtues and uses that as an argument for America's potential fall (Bertman 25). This comparison of the two republics' civic virtue focuses on the similarity of the roots of the virtue, but it does not consider the difference in the role civic virtue plays in the republics. Romans rely on individual civic virtue to protect their ideals, while Americans rely on government structures of reason. Because the civic virtue is used differently by each republic, Bertman's argument is weakened by not considering those differences. Comparisons of the Roman republic and the American republic are not complete without considering the similarities and differences.

Amy Kaplan discusses the role of comparing the Romans to the Americans in a different way in "Imperial Melancholy in America." Kaplan calls the "parallels between America and the Roman Empire... clichés" (13). She sees the comparisons only as historians searching for ways to keep America from perishing in the same way Rome did (Kaplan 31). While this claim is compelling, it leaves out another important reason for comparing the two. The reason the American republic is often compared to Rome is to better understand the ideals the Americans inherit from the Romans and to understand how those ideals are preserved. The characters in Livy's history exemplify ideals that the Founders held and that are still appealed to in contemporary America. Understanding Roman civic virtue provides a better understanding of the ideals upon which the American Constitution is based. The American Constitution uses a system of reason to protect these ideals, and fully understanding those ideals and where they come from is the only way to fully understand the constitution.

Roman Virtue in Livy

Livy begins his account of the forming of the Roman Republic in the first chapter of Book II and shows what can be considered a shining moment in the history of Rome. Livy shows the reader that devotion to country begins with an "exercise of governmental authority" (Livy 71). In the case of the Romans, this authority was a king. When the people that will soon be Romans arrive in their new land, they are a hodgepodge of runaways that have little in common except for wanting to start a new life. Without any

common goals as a people, Livy says that liberty, the true root of devotion to country, would do them more harm than good. He argues that “they would have been stirred up by tribunician agitation and would have begun battling in a city not their own” (Livy 71). In other words, if the young nation had been given freedom straight away, each faction of vagabonds would make selfish demands to the Senate without thinking of his neighbor or his nation. Livy pushes that in order to fully appreciate liberty a group of people must become “united in spirit by commitment to wives and children and by love for the soil—a love that takes a long time to develop” (Livy 71). For liberty to work, people need to feel ties to their country. A string of lawful autocrats gives the people the time they need to develop these ties. Only when these ties are developed can a people “enjoy the excellent fruits of liberty” (Livy 71).

While it takes many great kings to foster the sense of identity in a nation, it only takes one tyrant for the people to unite against the idea of a king and turn their faces towards liberty. Superbus Tarquin took rule by force, ruled by fear, unjustly murdered senators and citizens he saw as a threat, fined citizens and took their property arbitrarily, and finally his son raped the virgin, Lucretia (Livy 58-68). At the end of the rule of Superbus Tarquin, the Romans definitively want liberty, but the type of liberty they desire is unclear. Liberty has been defined in a number of ways. To show this, I begin with two working definitions of liberty. The first is the freedom to act – the liberty to do as one pleases without being restricted by the law. The second liberty is a protection against discrimination. This kind of liberty provides all the citizens of a republic a certain equality. In Livy’s telling of Rome’s transition to a republic, it seems that Junius Brutus and the plebeians are more concerned with protecting the people from the discrimination of a king than with providing absolute liberty to act as one pleases. After all, “the first consuls enjoyed all the rights and insignia of the highest office” –in other words, kingship. The only difference between the first consuls and the previous kings was that they had annual terms that kept them from becoming tyrants (Livy 71). The check on tyranny that these terms provided gave the citizens protection from discrimination without really giving them anymore freedom to act.

Creating this second version of liberty in Rome requires symbolic measures to be taken. While the enthusiasm towards liberty

is still fresh, Brutus compels the Romans to take an oath vowing to never again name a man king in Rome (Livy 71). By constructing a hostility towards the title of king, Brutus hopes to keep the people from being persuaded to name a new king in the future, especially in times of crisis. Next, the people demand that all the Tarquins be exiled from Rome. Although Tarquinius Collatinus had helped in ending the rule of Superbus, he was still asked to leave Rome because his “name was an anathema” and therefore “a threat to liberty” (Livy 72). Because the name Tarquin is seen as the opposite of liberty, it is not possible for both to exist in Rome. The Romans saw banishing the Tarquins as a way to ensure their liberty in the future. Due to his innocence, Brutus was hesitant to speak against Collatinus, but Livy writes that “the love he bore his country compelled him” (Livy 72). Brutus not speaking up for his colleague is the first example of many that Livy gives of a Roman choosing his country over himself. Brutus is confident in the innocence of Collatinus but sees that it will be best for the spirit of his country to completely eliminate the Tarquin name from Rome. Brutus exiles all Tarquins and Publius Valerius is elected as his new colleague. These symbolic measures make it possible for the people to continue to find their identity in the liberty of Rome.

While most people found more freedom in their new Rome, some citizens felt as if their freedoms were more restricted than before. Although the liberty lovers did not at first see it, this inner contempt was just as threatening as the Tarquins. Livy describes the young upper class as missing “the license that had once been theirs; and with everyone now enjoying equal rights they began to complain among themselves that the freedom of others had brought subjection on to themselves” (Livy 73). In other words, the well-off citizens of Rome were used to their own kind of liberty, and the new-found freedom of the people was much more threatening to them than a king. The Roman people’s liberty that protected them from discrimination, imposed on the young aristocrats’ previous freedom to do as they pleased. Now that everyone was equal, it made the aristocrats “less free.” When a king reigns supreme, there is room for people in a position of power to persuade the king to their way of thinking by offering favors, friendship, or funds (Livy 73-74). However, when the law reigns supreme everyone has an equal amount of power. The law cannot be bribed. For this reason, liberty in Rome was not loved by all causing the wealthy youth to conspire

to bring the Tarquins back into power. In the same way that liberty and the Tarquin name cannot coexist, neither can liberty and its opponents coexist.

The aftermath of this conspiracy against Roman liberty gives the model example of a Roman choosing the best outcome for their nation over the best outcome for themselves. The conspirators are condemned to be publicly “stripped, flogged, and beheaded” (Livy 75-76). Among these traitors are the two sons of Brutus. Due to his status as the “liberator” of Rome, Brutus carried out the punishment of his sons and the others. When the day came, Livy tells the reader that all eyes were on Brutus and “they were painfully aware of Brutus’ eyes and expression, for as he fulfilled his duty as a public official the natural feelings of a father could be read in his face” (Livy 76). Brutus possesses an obvious personal favor and love for his sons, but he still chooses to put his duty to the law and to his city above his own interest. By doing this, he provides a powerful example to the Roman people that no one is above the law. He shows that in order for liberty to remain the highest principle in Rome, the people must be willing to submit to it.

After the exile of Collatinus Tarquin, the Senate elects and approves Publius Valerius to sit beside Brutus as the second consul. Together, the two consuls address the uprising of the Roman youth and the war waged on Rome by Tarquin, the people of Tarquinius, and the Veientes that followed (Livy 73-77). Brutus led the cavalry in this battle. Although the enemies of Rome eventually retreated, Brutus was killed by Tarquin. After the war, Publius put on a funeral of necessary “pomp” for a man as highly respected as Brutus, and the matrons of the country mourned for a year (Livy 78). During this time of mourning, Publius neglected to name a new consul, and the public began to turn against him and accuse him of trying to take up the throne for himself. In order to reassure the people that he was still a man of the republic, Publius called a meeting with the people. Publius entered this meeting “with fasces lowered” (Livy 78). The lowering of these wooden rods was significant to the Roman people because the rods were a symbol of the power of the Roman magistrate. By lowering them, Publius communicated to the people “that the people’s power was superior to that of the consuls” (Livy 78). The people were very pleased with this symbol of their power, and Publius went on to please them more by asserting that “Publius

Valerius will never be an obstacle to your freedom” (Livy 78).

Publius’ symbolic measures and strong statements were necessary for the Roman people to see and hear because of their love of liberty. After the death of Brutus, the man that helped win their liberty, the people of Rome needed reassurance the leaders of their republic would secure the liberty for which they previously risked their lives.

Brutus and Publius show the Roman people several times what serving liberty means. Their actions set an example for the Romans, and their devotion to liberty extended its power beyond their individual actions and bled into the spirit of the people. While Brutus and Publius’ devotion to liberty is demonstrated early on, we see the Roman people’s devotion as a whole in their later dealings with Porsenna. The Tarquin family was forced to flee to Porsenna seeking help in reinstating the monarchy in Rome, and the king of Porsenna agreed that it would benefit his country for the monarchy to be reinstated. For this reason, the king began a war against Rome. In a siege that followed, Gaius Mucius, a Roman youth, felt that it was “intolerable, that the Roman people, when subject to a monarch, had never been besieged in war or by an enemy, but now, having gained their freedom, were hemmed by the same Etruscans whom they had so often defeated” (Livy 82-83). However, instead of seeing that as a reason to turn back to the defensive military success they had under the monarchy, Mucius takes the problems of his country into his own hands and plans a solo mission to assassinate Porsenna. Despite the fact that he was ultimately unsuccessful in his assassination, Mucius instills enough fear in Porsenna for the king to start sending envoys to Rome (Livy 84). Mucius’ willingness to risk his life for his country is exemplifies another single Roman citizen’s devotion to liberty, and we see the nation’s devotion as a whole in the negotiations that follow it. Porsenna pushes again for the Tarquins to be reinstated as monarchs, but this argument is quickly put to rest by the Roman people who, Livy says, “would sooner open their gates to an enemy than to an autocrat” (Livy 86). The people of Rome were willing to continue to fight a war they seemed to be losing if it meant they kept their freedom. Their willingness to risk losing the war shows how much it meant to the Romans to be free. For the Romans, “the end of freedom would be the end of the city” (Livy 86).

Roman Symbols in Early America

In 1788, the people of the newly established American Republic felt a similar devotion to liberty as the citizens of the circa 508 BC Roman Republic. After recently securing their liberty from a monarch, the people were not eager to place that liberty in the hands of a strong central executive. In the same way that the Romans were wary of the power of the consul Publius, the Americans were wary of the ratification of a new constitution with a strong central government. The members of the Constitutional Convention who shared those same concerns called themselves the “Anti-Federalists,” and they each wrote a series of essays accusing the newly written constitution of having federal power that was so strong that it would take away the liberty of the states and the people. In order to defend the new constitution to the American citizens, supporters of the constitution from the Constitutional Convention set out to write a series of essays in response to the Anti-Federalist. These constitution defenders would eventually be called the Federalists. In order to protect their reputations, the authors of *The Anti-Federalist* works and *The Federalist* both intended to remain anonymous, but they each signed off all their essays with a pseudonym. Many Anti-Federalists chose to sign their papers as figures from antiquity, of the most prominent authors was “Brutus.” The pseudonym of *The Federalist* was Publius.

It is popularly thought that the Anti-Federalist pseudonym, Brutus, is referencing Marcus Brutus of the time of Caesar, not Junius Brutus of the beginning of the Roman Republic, discussed herein. However, Marcus Brutus is said to be descended of Junius Brutus, and they embody many of the same traits. Marcus Brutus is described as “thinking it his duty to prefer the interests of the public to his own private feelings” (Plutarch 574). This is very similar to what Junius Brutus does in the early Roman Republic. For example, despite his private feelings, Junius Brutus chooses to execute his own sons in order to uphold the laws of the new republic. Both Junius Brutus and Marcus Brutus free Rome from monarchy in a sense. Junius Brutus frees Rome from the long rule of the Tarquin monarchy, and Marcus Brutus from Caesar’s monarchical rule. In Plutarch’s story of Marcus Brutus’ life, Plutarch shows the people exclaiming to Marcus Brutus, while he was still at the righthand of Julius Caesar, that “You are not a true Brutus!” and “O that we had a

Brutus now!” (Plutarch 578). The people in this case are referencing Junius Brutus in an attempt to convince Marcus Brutus to act as his ancestor did and free the Roman citizens from tyranny. The Anti-Federalist never explicitly state which Brutus they are referencing. However, both Julius Brutus and Marcus Brutus embody the same virtues, so the specific Brutus the Anti-Federalist are referencing becomes inconsequential.

While the debate of which “Brutus” the Anti-Federalist cites is not particularly significant, the fact that he cites a Brutus is significant. Brutus stands for someone who frees and protects citizens from monarchy or tyranny. The Anti-Federalist chose this pseudonym to make a statement to the American people that there is a tyrannical threat they need protecting from. This threat being the new constitution. The Anti-Federalist view the new constitution as having elements that “would prove the destruction of your liberties” (“Brutus” 678). These elements include: putting the thirteen states under one government, not including a bill of rights, and giving rights to the national government which once belonged to the state governments. By writing these essays, the Anti-Federalists hope to show the American citizens that ratifying this new constitution would require them to place their recently won liberties they just won into the hands of a strong national government. While the Anti-Federalists see the new constitution as an improvement from the English monarchy, they still see it as a lesser form of tyranny, and no “Brutus” would willingly allow his country to fall back into tyranny.

Regardless of the uncertainty over which Brutus is contemplated by the Anti-Federalist’s pseudonym, Publius Valerius appears in the press a month after the first Brutus essay, so the Federalists’ use of the pseudonym Publius is a response to the Anti-Federalists’ Brutus. Depending on which Brutus the Anti-Federalist intended to cite, the Federalists’ use of Publius may be even more clever than perceived at first glance. If the Anti-Federalist are citing Marcus Brutus, then Publius Valerius would have little in common with him. They are both figures from Roman history, but they live in different time periods. However, if the Anti-Federalist cites Junius Brutus, then we know that the lives of Publius and Brutus intertwine. Junius Brutus and Publius Valerius served side by side as consuls in the beginning of the Roman Republic, and they worked together to secure the liberty of Rome throughout their time together as consuls.

By choosing Publius, the Federalists make the statement that they are interested in the same thing as the Anti-Federalist: securing the liberty of the citizens. The use Publius by the Federalists offsets the weight of the Anti-Federalists' implied accusations through the use of Brutus. The Federalists seek to communicate with the American people that they are not a threat to their liberties, but, like Brutus, are seeking to protect them.

The authors of *The Federalist* also used the name Publius to make the same statement to their citizens as the Roman Publius had made to his own citizens; the power is still in the hands of the people. Publius of *The Federalist* would go on to make arguments for a federal government with more central power, a more energetic executive power, and for more subtle separation of powers among the federal government. Most of these arguments do require the American people to give up some of their liberty to the federal government, but in doing so they also receive more protection and services from said government. The intentions of the Federalists' Publius may not align perfectly with the intentions of the Roman Publius, but the authors of *The Federalist* use the symbol of Publius to try to reassure the American citizens that the new constitution "will never be an obstacle to [their] freedom" (Livy 78). The authors of *The Federalist* use the pseudonym Publius as a tool to persuade the American people to trust the government with their liberty.

Shared Ideals

The pseudonyms chosen by the Federalists and the Anti-Federalists are obvious appeals to the Roman Republic, but there are even deeper appeals to the Roman ideals that are seen in the beginning of the American Republic. The two peoples faced many of the same issues in the beginnings of their respective republics and had similar realizations about themselves that lead to the laws and governments they put in place. Obvious similarities exist between the beginning of the Roman Republic and the beginning of the American Republic. Both republics became dissatisfied with their treatment by their reigning autocrat, were freed from monarchy, had influential leaders that the citizens looked up to, and created a new system of government that was respected by much of the world. These similarities are easy to point out from general knowledge of the

history of each of these republics, but the similarities go deeper than just circumstance. The Americans and Romans both deeply value the fundamental ideas of republicanism. These ideals include the focus on giving power to written law over giving power to a single ruler and the desire to give citizens equal opportunities through liberty. However, the two peoples go about protecting these ideals in different ways. The Roman government requires the individual citizens to uphold the values of republicanism in order for their system of government to remain successful. The Romans put more trust into the civic spirit embodied by the people. On the other hand, the framers of the American constitution put very little trust in the virtue of their people. The American Constitution creates a system that relies primarily on logical reasoning to protect the republic's ideals. This system protects the republican values of America, not the actions of individual citizens. The Romans believe in themselves, while the Americans believe in their system.

The Americans' lack of faith in the individual's ability to uphold virtue is seen in *Federalist* 1. Alexander Hamilton, writing as Publius, points out that "ambition, avarice, personal animosity, party opposition, and many other motives not more laudable than these" are the reasons that a person in a position of political power may choose to support or oppose "the right side of the question" (Hamilton 28). The author makes this statement to argue that humans are corrupt and self-serving beings. He wants his readers to see that when people are given the opportunity to choose between something that directly benefits themselves or benefits their country, they will most likely make the choice that benefits them personally. However, the person recognizes that this is not an action that would be viewed favorably by the citizens of the country they are supposed to be serving. In order to sway the citizens to their side, they must produce reason for their choice that shows that what benefits the politician personally will also benefit the citizens. Hamilton admits to supporting the new constitution, saying he "will freely lay before you the reasons on which they are founded," but even he will leave his motives "in the depository of his own breast" (Hamilton 30). He makes this statement to emphasize the importance of using reason while debating political issues, not one's personal motives. There are checks put in place by the new constitution that have the purpose of holding the politicians accountable to discussing issues reasonably.

These include the people's vote for their leaders, the checks and balances of three branches of national government, and the checks that the states have on the national government and vice versa.

The Federalists' view of human nature conflicts with the selflessness Brutus in the beginning of the Roman Republic. There are many examples of Brutus and other Romans choosing Rome's best interests instead of their own. While there are numerous Roman citizens acting in the interest of their country, Brutus has seen the consequences of the unchecked power of the monarchy. Because Tarquin was not able to be held accountable by the citizens or any government institution, he is welcome to make choices that personally benefit him without the burden of providing reason. Livy explains that "in a court where no one save himself was the judge," Tarquin was able to "execute, exile, and fine not just those he suspected or disliked, but those from whom he wanted nothing but their money" (Livy 58). Brutus and the Romans were fearful that a person with unjust personal motives may come into power again in Rome. This fear and contempt for single rule is what causes Brutus to take action to protect his citizens from dealing with corruption in the future. Unlike the American framers, who take action by creating government systems to offset a person's corrupt motives, Brutus has the Romans start by swearing "an oath that they would allow no man to be king at Rome" (Livy 71). To Brutus and the Romans, this oath is just as powerful as a law because it has meaning to them. They trust that the citizens value their republic enough to uphold the oath. Brutus does recognize that some people will have the inclination to act in ways that benefit themselves, not their state, and he puts checks in place in the Roman Republic to ensure that politicians use reason to make decisions. For this reason, Brutus also works to restore "the Senate back to its former strength" and the consul positions are created (Livy 72). This distribution of power allows the people to have a check on the Senate and the Senate to have a check on the two consuls. These checks are similar to the ones created by the American founders, but they are seen more as formalities. For the Romans their oath to their country makes their republic strong. For the Americans their crafted government systems are what hold their country together.

The Roman and the American Republics both stand on their citizens' desire for equal opportunity. For these two republics equal

opportunity means the right of each citizen to have the same chance to succeed in pursuing one's goals in life. Americans make a huge appeal to this human desire and coin it as the "American Dream," but one might claim it was the "Roman Dream" first. In *Federalist* 10, James Madison, under the pseudonym of Publius, discusses factions in the political world the new United States Constitution will create. In this discussion, the idea of all citizens having equal opportunity to pursue their different and diverse talents is introduced. Madison refers to the diverse talents that each person has as "faculties" (Madison 73). He explains that "the rights of property originate" from faculties, and then he goes on to say that "the protection of these faculties is the first object of the government" (Madison 73). By stating that the protection of faculties is the first object of government, Madison implies that the protection of property is secondary to the protection of a person's ability to obtain said property. Put more simply, it is more important that a citizen's actual opportunity to pursue their passions is protected by the government than it is for a citizen's physical property to be protected. The protection of the citizens' faculties allows citizens to have more equal opportunities to succeed in their country. Also, by showing that the protection of property is secondary, Publius implies that property can be taken away to protect the right to be able to maximize one's faculties. For example, taxes can be used to take money from the wealthy and be given to the poor because, otherwise, the poor would not have the same opportunity to pursue their faculties as the rich. The basic idea of liberty that lies behind the protection of property is sometimes overlooked in the *Federalist* 10 and the American Constitution. The purpose of protecting the citizens' property is to protect their faculties, which give them equal opportunity to succeed under law.

The idea of equal opportunity in America is the same as the Romans' idea of liberty in the Roman republic. Although the Romans do not emphasize private property, both ideas of equality root in what can be described as an innate human longing to be able to have the opportunity to succeed in their own situation. As mentioned before, the Romans' definition of liberty is the freedom not to be discriminated against. They sought the ability to succeed whether they were a friend or foe of the current ruler. In the monarchical system, the king "could accede to one's requests, whether just or

not,” but in a system that relies on law, the law is “unapproachable, more a prop and defense for weaklings than for men of standing” (Livy 73-74). Because the law cannot be bribed or persuaded, the opportunities for citizens who do not have the means to bribe or persuade are more protected. The Americans seeking to protect their faculties and the Romans seeking to be freed from the discrimination of a king shows that they both value their citizens’ ability to have equal opportunities. The difference between the Americans and the Romans is that the new Roman Republic does not make the effort to put in the same explicit protection of faculties and property that the United States constitution does. This is another example of the Romans trusting their spirit to uphold liberties, while the Americans elect to trust a system. The Romans see liberty as a desire that all citizens share and, therefore, will protect themselves. Because they believe so strongly in their citizens’ virtue to protect this ideal that they all value, the Romans see no real benefit in creating systems, like property laws, to ensure that it is protected. They trust their citizens’ motives. The new American republic lacks this trust. The American systems appeal to an individual’s desire to have liberty, but they do not place the trust in the American citizens to apply this same feeling to their fellow citizens and country. Instead, they force their citizens’ hand in protecting the faculties of the entire country by using property as a tool.

Constitutional Design

The way the American founders and the Roman founders designed their constitutions show the difference the two have on the subject of trusting their citizens and trusting their systems in a more concrete way. Their constitutions are designed similarly in respect to the separation of powers, but there are a few key structural differences that illustrate the role civic virtue has in each republic. Polybius, a Roman historian, gives a detailed explanation of how the Roman constitution combines the elements of monarchy through the consuls, aristocracy through the Senate, and democracy through the People (Polybius 312). The consuls have “supreme authority over all public affairs” and “almost absolute” power over the military, oversee the meetings of the people, and enforce the laws made by the Senate (Polybius 312). The Senate has “control of the treasury” and

of the program that provides for “repair and construction of public buildings,” leads public investigations of crimes, and “[dispatches] embassies” (Polybius 313). The People “are empowered to try many of the cases,” “bestow offices on those who deserve them,” “have the power to approve or reject laws,” and “deliberate and decide on questions of peace or war” (Polybius 314-315). Each of these branches of the Roman constitution also have the power to work with or against each other. For example, the consuls are said to have complete authority of the military, but they need the approval of the Senate for supplies and the support of the people in making treaties (Polybius 315-316). The division of power among three distinct branches of government and the built-in checks of one branch of government on another of the Roman constitution closely mirror the workings of the American Constitution.

The American Constitution outlines its three branches of government as the executive branch, the legislative branch, and the judicial branch. The executive branch can be easily compared to the Roman consuls, and the legislative branch can be compared to the Roman Senate. The judicial branch and the people of the American government and the People of the Roman government are where we see many of the differences. The Roman people are given much more tangible power than the American people. The American peoples’ power comes from their right to vote for representatives in the executive and legislative branch, and perhaps, jury duty. Those representatives then make the decisions on laws, peace and war, and choosing judiciaries to serve the judicial branch of government. On the other hand, the Roman people have the power to directly influence these issues, instead of voting for representatives. The American people are one more step removed from the federal government than the Roman people. While Americans have the opportunity to serve on juries for their peers, this right only goes so far. The Roman people are entrusted with the same power that the American Constitution gives to the Supreme Court. The Romans give their people the power to make rulings on laws and on the guilt or innocence of their peers, whereas the American government only entrusts that power with dignified officials that are appointed to the Supreme Court. The two each separate the powers of government among three entities, but the Roman constitution gives more direct power to its citizens than the American Constitution.

Separation of powers is an area of overarching similarity between Roman constitution and American constitution. Both constitutions not only separate the powers on paper, but they create structures to enforce the separations. Madison outlines the branches' power of checking each other in *Federalist* 51. Madison states that "the legislative authority necessarily predominates," so "the remedy for this inconveniency is to divide the legislature into different branches" (Madison 319). Making the legislature bicameral takes away some of the power it naturally has, but Madison still sees it as the most powerful branch. Thus, he suggests that "the weakness of the executive may require... that it should be fortified," by creating a "qualified connection between this weaker department and the weaker branch of the stronger department" (Madison 320). In other words, Madison suggests that the weaker branch of the congress should be connected to the president in a way that gives the president some power over congress, while also keeping congress' power over the president. The two branches should have some interest in working together for the good of the republic, but, in case they do not have the interest of the country at heart, they must also work together in order to achieve their personal goals. This compares to the earlier example from the Roman constitution where the Senate has the power to grant or withhold funds to the two consuls when they are pursuing war. The Romans and the American founders have similar ideas of how the separation of powers should be implemented into their republics. In this instance, the Roman Republic creates a stronger check on personal ambition. However, one should note that this creates a check on the power of the executive and the legislative, not on the power on the people of Rome. The design of the Roman constitution structurally gives trust and power directly to the Roman citizens. These concrete powers further solidify the importance of each citizen's desire for civic virtue. Because the People are given the most power in the Roman constitution, they have the most responsibility for ensuring the wellbeing of the republic. On the other hand, the American Constitution gives the American citizens much less tangible power. Without this great power, the American citizens are not required to have as much concern with personal civic virtue in order for their country to succeed. American Constitution continues to leave the citizens a step removed for the system they have created.

The American Founders and the Roman Founders placed value on the same ideals. They both experienced a revolution against a monarchy, which instilled in them an appreciation of liberty. This love for liberty made them each see the value in protecting their citizens from the domination of a central power and in protecting their citizens' right to have equal opportunity in pursuing their individual faculties. Their ideals are similar, but the way they went about protecting those ideals are different. The Romans put trust in their individual citizens' civic virtue. They relied on each citizen's understanding of and desire for true liberty. The Roman citizens were expected to put their country above themselves at all times. On the other hand, the Americans saw their citizens as flawed. They did not put all of their trust into their individual citizens, but instead created an institutional system to induce a reasoned logic of conflict to protect the ideals of their country. They appeal to civic virtue in this system but do not as heavily rely on it in the same way that the Romans do. The ancient and modern republics use civic virtue differently. Understanding these differences is fundamental in understanding the ideals communicated in American Constitution. In *Federalist Two*, John Jay claims that the Americans are "one united people—a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels, arms, and efforts, fighting side by side throughout a long and bloody war have nobly established their general liberty and independence" (Jay 32). This statement is actually truer of the Romans than of the Americans. Many people throughout the history of this country come from backgrounds so different that it is impossible to relate to people they consider fellow Americans in the way that Jay assumes. It would not be possible for America, like Rome, to rely solely on individual citizens to make choices that protected the liberty of all citizens because liberty does not mean the same thing to all American citizens. America has a common idea of liberty on a institutional level, but not on the level of individual citizens. Without a similar idea of individual liberty, the primary instrument of unity for Americans is institutional logic and institutionally induced reason. The American and Roman republics seek the same ideals, but the role of civic virtue in America allows the

republic to function in different circumstances than the Roman Republic.

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