



The REVOLUTION Was LIBERTARIAN

*By Paul Meany, Brandan P. Buck and Jon Hoffman, Colin Grabow,
Molly Nixon, Gabriela Calderón de Burgos, and Erec Smith*

The Declaration of Independence, deemed the “finest piece of libertarian writing in history” by the late David Boaz, Cato’s longtime executive vice president, unleashed a period of human flourishing over the past 250 years scarcely imaginable to even the most optimistic Founders.

Near the end of his life, Thomas Jefferson wrote that he drafted the Declaration as “an expression of the American mind.” In the pages that follow, Cato scholars explore how Americans arrived at these fundamental truths, the struggle to extend the blessings of freedom to ever more individuals, and their enduring relevance for the most pressing issues today.

A Revolution of “Minds and Hearts”

By Paul Meany

The American Revolution was not simply a tax revolt or colonial rebellion, though the colonists did have legitimate economic and political grievances. The “real American revolution,” as John Adams put it in 1818, was the “radical change in the principles, opinions, sentiments, and affection of the people.” It began “before the war commenced,” and happened “in the minds and hearts of the people.” Thomas Paine, who rallied colonists for independence with the publication of *Common Sense* in January 1776, reflected six years later that Americans’ “style and manner of thinking have undergone a revolution more extraordinary than the political revolution.”

This revolution of thought rested on a rich intellectual inheritance that stretched back millennia, drawing from Pericles’s democratic Athens, the Roman Republic transmitted through Cicero, and later Stoic and Christian traditions that grounded law in conscience and a moral order above political power. These ideas were adapted in early modern England by John Locke, who argued that individuals are naturally free and equal, that rights exist independent of government, and that the authority of government rests on consent. Yet Locke’s arguments remained dense and largely confined to educated circles.

In 1720, British writers John Trenchard and Thomas Gordon began translating those principles into vivid, accessible language

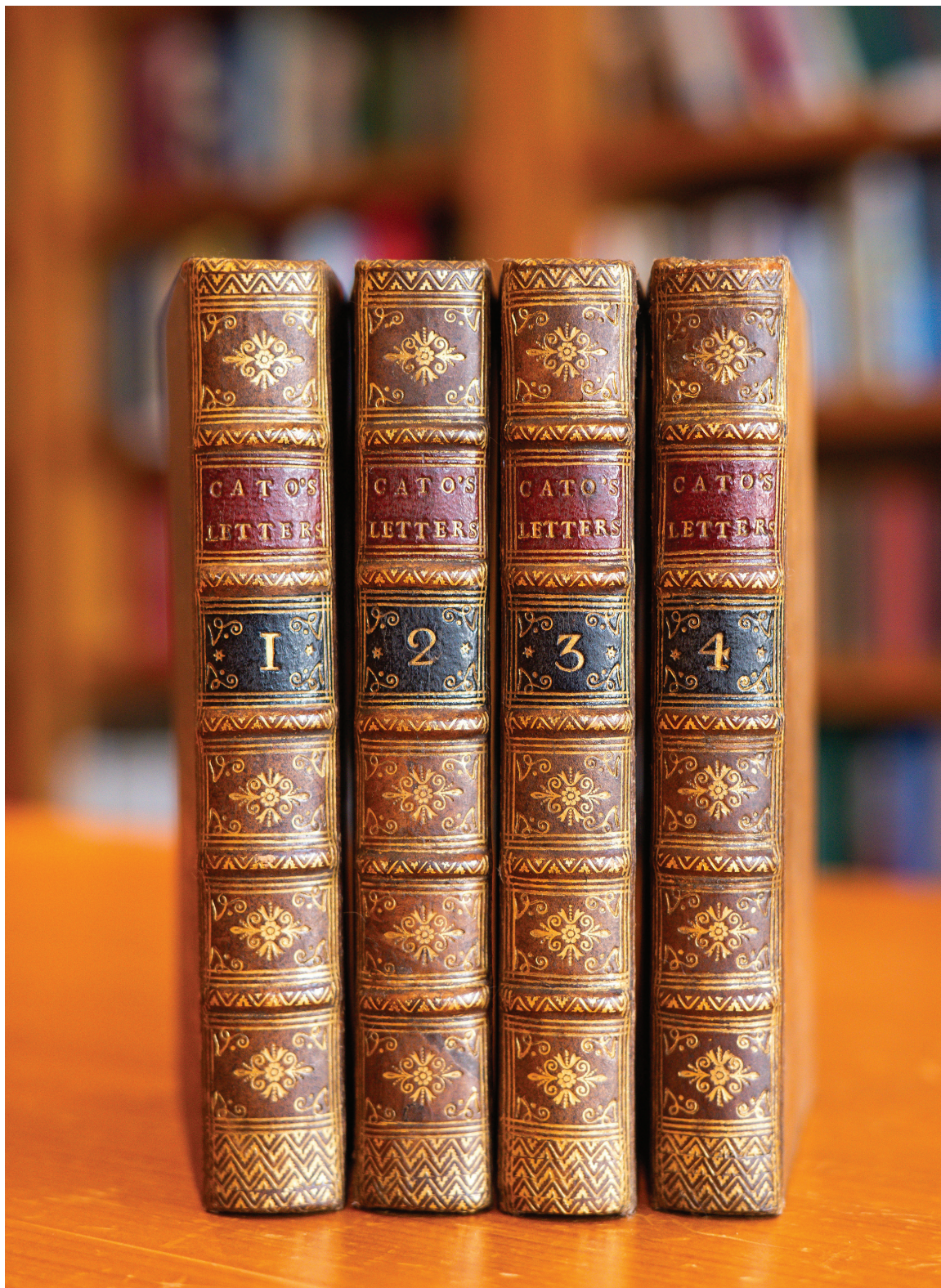
that ordinary readers could grasp. Writing under the pen name of Cato, in reference to the uncompromising defender of the Roman Republic and foe of Julius Caesar, they popularized Lockean theory and the long inheritance of ancient ideas about law, rights, and resistance. *Cato’s Letters*, from which the Cato Institute draws its name, found an eager audience in the American colonies.

The pair began publishing the series of essays in the aftermath of the South Sea Bubble, a speculative frenzy in early 18th-century Britain in which South Sea Company shares were wildly inflated through government backing and insider manipulation from Parliament before collapsing and wiping out fortunes across the country. Isaac Newton is said to have lost a substantial sum and reportedly remarked that he could “calculate the motions of the heavenly bodies, but not the madness of people.”

It was precisely this mix of human folly combined with political power that led Trenchard and Gordon to recognize that the gravest threats to liberty arise not from government or commerce alone but from their union. What began as outrage over corruption quickly expanded into a broader weekly meditation on the dangers of unchecked power:

“Arbitrary power in a single person has made greater havock in human nature, and thinned mankind more, than all the beasts of prey, and all the plagues and earthquakes that ever were.”

For Trenchard and Gordon, the danger lay not just in bad rulers but in trusting



Widely read in the American colonies, *Cato's Letters* articulated principles of liberty and skepticism of concentrated power that would later animate the American Revolution. This 1724 first edition is held by the Cato Institute.

“This revolution of thought rested on a rich intellectual inheritance that stretched back millennia, drawing from Pericles’s democratic Athens, the Roman Republic transmitted through Cicero, and later Stoic and Christian traditions that grounded law in conscience and a moral order above political power.”

rulers at all. Human nature, they argued, is constant, being capable of virtue but equally susceptible to a lust for power. Liberty cannot be grounded in the virtue or goodwill of particular individuals:

“The experience of every age convinces us, that we must not judge men by what

they ought to do, but by what they will do; and all of history affords but a few instances of men trusted with great power without abusing it.”

Instead, they trusted principles: the rule of law, limits on power, and a vigilant public. This focus on principle over personality gave their work a distinctly modern edge. Rather than seeking enlightened rulers, Trenchard and Gordon aimed to build a political order where power itself was limited.

Government is a necessary danger needed to preserve liberty yet is always threatening to destroy it. Without a guarantee of liberty, political power offers no benefit, only harm. On this point, Trenchard and Gordon were unequivocal: “Only government founded upon liberty, is a public blessing; without liberty, it is a public curse, and a public warrant for depredation and slaughter.” They used examples from every age to press a single lesson: Liberty endures only where the people remain vigilant over those who govern.

Cato’s Letters reached far beyond elite audiences of educated men. On March 31, 1776, Abigail Adams wrote to her husband, John Adams, urging him to “remember the Ladies,” warning that “all Men would be tyrants if they could”—an echo of Cato’s claim that “all men would be unaccountable if they could.”

American writers adopted Cato’s style, turning the attacks on the South Sea Company and the British government into a model for resistance against the Stamp Act. What might have been a technical dispute over taxation transformed into a moral drama about liberty and rights. This

approach was taken by John Dickinson, the Founder known as the “Penman of the Revolution,” who explicitly drew on Cato in his *Letters from a Farmer in Pennsylvania*.

Cato’s Letters were widely cited across the nation because writers could cloak their sharpest criticism in the voice of a respected British source, avoiding direct blame and censure from British authorities. Citing Cato in newspapers was a dress rehearsal for the revolution to come; it habituated Americans to openly challenging government power. Before *Cato’s Letters*, there was no clear or widely developed theory of explicitly political free speech outside of religious matters. Trenchard and Gordon changed this by boldly arguing for broad, secular, and unapologetic freedom of public criticism.

In Letter no. 15, Cato argues that free expression is the foundation of all liberty: “Without freedom of thought, there can be no such thing as wisdom; and no such thing as public liberty, without freedom of speech.” Freedom of speech is the right that safeguards all others, because without the ability to speak and criticize, no other liberty can be defended. It is “the great bulwark of liberty; they prosper and die together.”

A decadelong imperial crisis pitted the American colonies against Great Britain, driven by Britain’s attempts to tighten control and impose new taxes after the Seven Years’ War. By then, colonists were already accustomed through decades of reprints, quotations, and imitations of *Cato’s Letters* to speaking about political power in openly adversarial terms. The same language of suspicion toward power and insistence on open criticism filtered into

the American mind, shaping commitments to freedom of speech and the press as safeguards against tyranny.

The language of *Cato’s Letters* appears in early American constitutional documents. In 1776, George Mason wrote in the Virginia Declaration of Rights that “the freedom of the press is one of the great bulwarks of liberty,” a phrase repeated by James Madison in his 1789 draft of amendments to the US Constitution. The idea of freedom of speech as a bulwark of liberty spread into state constitutions and ultimately into the First Amendment, securing freedom of speech and the press in American law.

Cato’s Letters also made suspicion of concentrated political power a defining feature of American political culture. Trenchard and Gordon tirelessly insisted that power can never be entirely neutral and benign: “Power is like fire; it warms, scorches, or destroys, according as it is watched, provoked, or increased. It is as dangerous as useful.” Though suspicious of political power’s natural tendencies, Trenchard and Gordon did not deny the necessity of government.

Liberty is fragile, while “power is naturally active, vigilant, and distrustful.” The great problem of politics is that political power can and does subsist without liberty, but liberty needs some degree of political power to survive. Ultimately, even if liberty wins the battle, the enemy will always be at the gates. ♦

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To Save the Republic, Abandon the Empire

By Brandon P. Buck and Jon Hoffman

To the Founders, a global empire was the archenemy of liberty because it distorted US interests, expanded the executive's power at the expense of other branches of government, and undermined civil liberties at home by increasing the power of the state and its capacity to silence dissident voices. Accordingly, the Founders cautioned against permanent and entangling alliances, excessive partiality toward or dislike of other nations, and interference in the internal affairs of other countries. To combat these dangers, the Founders emphasized the paramount importance of preserving America's strategic independence—the United States “is the champion and vindicator only of her own,” as John Quincy Adams put it in 1821.

American foreign policy in the 21st century violates all the Founders' prescient warnings. US interests abroad are now determined by immense, unconstitutional warmaking power vested in the president, fostered by a web of entangling alliances that make American neutrality impossible and sacrifice liberty in the name of security.

The Founding generation, who understood that the temptation for war was too great to be vested in the hands of one person, wisely placed it in the prerogative of the people's representatives, Congress. James Madison, the “Father of the Constitution,” put it plainly:

“In no part of the Constitution is more wisdom to be found than in the clause

which confides the question of war or peace to the legislature, and not to the executive department. Beside the objection to such a mixture of heterogeneous powers: the trust and the temptation would be too great for any one man.”

While the scope of military power and its relationship to the presidency were contested even in the early republic, the global commitments of the 20th century gave rise to what critics have called the imperial presidency. In the decades since, presidents have increasingly treated the conduct of war as an executive prerogative, a marked departure from the constitutional design the Founders envisioned. Since World War II, presidential war powers have expanded beyond their constitutional bounds, driven by Congress's willful abdication of its authority, the vast growth of America's military footprint abroad, and the emergence of an elite consensus that eschews the nation's traditional attitudes on foreign policy. Together, these structural and ideological shifts have turned American constitutional tradition on its head.

The extraconstitutional warmaking power of the modern president has been made more glaring by the Founders' other warning: permanent and entangling alliances. George Washington made this danger clear in his farewell address:

“The great rule of conduct for us in regard to foreign nations is in extending our commercial relations, to have with them as little political connection as possible. . . . It is our true policy to steer clear of permanent alliances with any portion of the foreign world.”

The fear of such alliances cut across partisan lines and was reaffirmed by Thomas Jefferson. In his first inaugural address, the sage of Monticello reiterated what had become common sense for the Founding generation, that the fledgling republic would seek “honest friendship with all nations, entangling alliances with none.” The Founders recognized that perpetually hooking the US to the powers of the Old World would distort the nation’s foreign policy and corrupt its internal republican character.

Yet the US is entangled to a degree the Founding generation would have thought impossible. World War II and the Cold War firmly ushered in the age of the American empire, as the US maintains some 50 formal treaty allies—more than one-quarter of the world’s countries—alongside dozens of informal and quasi-alliances. These commitments have produced a global archipelago of military installations, creating both the means and the incentives for further war and intervention.

America’s postwar alliances have not only materially entangled the nation but also constricted its political discourse. While George Washington warned against an excessive “partiality for one foreign nation and excessive dislike of another,” today’s officials on Capitol Hill have largely discarded this caution. Instead, American foreign policy elites in media and government routinely define policy through the lens of “our allies,” “our partners,” or “our interests.” The result is an ideological entanglement that has divided American politics along foreign policy lines into rigid, often artificial camps. Time and again, American wars and interventions have

relied on this conflation, equating honest and democratically legitimate opposition at home with evidence of disloyalty. As with America’s constitutional order, the foreign policy establishment has turned Washington’s maxim on its head, treating insufficient partiality for one nation—and insufficient hostility toward another—as suspect.

American global primacy and rampant militarism jeopardize civil liberties at home and corrode America’s republican and liberal traditions. Founders such as James Madison and George Mason were deeply suspicious of large standing armies and warned about their corrosive influence upon domestic life. “The means of defense against foreign danger have been always the instruments of tyranny at home,” Madison cautioned at the Constitutional Convention. While the size and composition of the early American military remained contested, with Federalists more amenable to a permanent military establishment, the Founding generation broadly recognized the domestic dangers posed by standing armies and an ambitious foreign policy. The debate at the Founding thus reflected not indifference to these risks but a shared awareness of them, even amid disagreement over how best to address them.

That awareness and the debate it sustained are largely absent in modern America, as militarism abroad has fostered government abuse at home. Whether through propaganda, restrictions on speech and association, militarized policing, or expansive surveillance, America’s rise to global dominance has often gone hand in glove with civil liberties abuses. While today’s conditions are not as extreme as

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those of earlier eras, these pressures remain real and persistent. Military equipment distributed through federal programs is now routinely deployed by police departments across the country. Warrantless surveillance authorities developed during the post-9/11 era have endured and faced only limited challenges on Capitol Hill. And through the levers of the regulatory state and immigration law, the policing of speech has become an increasingly visible feature of American public life.

The modern “information state” exacerbates many of these problems, as the government and media often informally regulate free expression. Recent disclosures suggest that Silicon Valley firms have at times cooperated with government-backed

information operations on social media. These developments build on a longer tradition of selective leaks and journalistic deference to official sources, together forming a modernized version of the American information state that makes an end run around the First Amendment.

The trajectory of the past century has been clear and tragic. American foreign policy and its constituent parts have veered widely from the Founders' vision. The warmaking powers of the president, unconstitutionally accrued over a century, have dovetailed with a matrix of entangling alliances that have shattered America's traditional policy of neutrality and therefore undermined liberty at home. The republic the Founders envisioned and the ideas upon which it rests, ideas that survive within the American mind, cannot commingle with the politics of empire for much longer. If the American republic is to rebound, it will not require new principles but a renewed commitment to old ones—above all, the belief that war and peace must remain subject to the will of a free people. ✦

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The Return of Mercantilism

By Colin Grabow

America's maritime industry offers a useful lesson in the limits of economic nationalism. The United States is the world's second-largest manufacturing country and is renowned for its competitiveness and innovation. Yet in 2024, American shipyards accounted for just 0.04 percent of global commercial shipbuilding. Not 4 percent, or even four-tenths of a percent, but *four one-hundredths* of a percent. This is not a recent stumble. The past decade's high-water mark for US commercial shipbuilding, achieved in 2016, was a paltry 0.53 percent of global output.

The malaise extends to domestic shipping as well: Fewer than 100 oceangoing cargo ships serve the transportation needs of the world's largest economy. These ships are invariably kept in service well past their normal lifespan because the cost of replacement is so punishing.

Such is the legacy of more than a century of aggressive protectionism. The Jones Act, the 1920 law requiring that cargo shipped between American ports travel on vessels that are American-built, American-flagged, American-owned, and American-crewed, is premised on the idea that such restrictions foster a robust merchant fleet and thriving shipyards. The reality, however, is a maritime industry that is expensive, shrinking, and largely irrelevant. A law ostensibly designed to build an industry has instead helped entomb it, all while inflicting high costs on the broader economy. This should not be a surprise.

Indeed, the lesson that mercantilist restrictions impoverish rather than enrich was supposed to be the American Revolution's central economic inheritance. The Declaration of Independence itself did not settle for mere abstractions in its demand for liberty, instead itemizing specific abuses and taking aim at King George for "cutting off our trade with all parts of the world" and "imposing taxes on us without our consent."

These were not rhetorical flourishes but responses to a mercantilist system

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Published just months before America declared independence, Adam Smith's *The Wealth of Nations* thoroughly dismantled mercantilist thought and laid out an economic theory based on voluntary exchange rather than state control. This original edition is owned by the Cato Institute.

that treated the colonial economy as an instrument of British enrichment rather than a domain of human freedom.

It would be a mistake, however, to view the Founders as simply reacting to the observed harm of British policy. They had an intellectual framework for understanding why that policy was wrong. In March 1776,

just months before the Declaration, Adam Smith published *The Wealth of Nations*, perhaps the most thorough demolition of mercantilist theory ever written. The Founders read it. Thomas Jefferson called it “the best book extant” in political economy, and James Madison included it on a list of essential books for Congress.

**“The Jones Act
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Tariffs, ‘Buy American’
mandates, and
industrial policy
now enjoy bipartisan
enthusiasm in
Washington.”**

Why they assigned the book such importance is easy to grasp: Smith gave philosophical coherence to what colonists had experienced as practical oppression.

In April 1780, John Jay, contributor to *The Federalist Papers* and the first chief justice of the Supreme Court, captured the economic vision animating the new republic in a letter to a Spanish official. America, Jay wrote, was a place where every man was “at liberty by the law to cultivate the earth as he pleased, to raise what he pleased, to manufacture as he pleased, and to sell the product of his labor to whom he pleased, and for the best prices without any duties or impositions whatsoever.” Jay was not describing a utopia.

He was describing, with evident pride, the actual condition of America as he knew it, a society where the state had largely withdrawn from the business of directing economic life.

Yet not all Americans welcomed the replacement of the dead hand of the state with the market’s invisible hand.

Alexander Hamilton and Henry Clay, the architect of the so-called American System of protectionist tariffs, would later push back against this vision, advocating tariffs and subsidies to build domestic manufacturing capacity. Although the duo won some policy battles—American tariff history is not one of consistent free trade—their views did not displace the broader commitment to economic liberty. The Founding era’s dominant intellectual inheritance was a Jeffersonian belief that the economy belongs to the people who participate in it, not to the officials who govern them.

Shipbuilding, where Hamiltonian logic took root and endured, stands as the cautionary counterexample. Protectionism entrenched since the country’s early days has produced not a competitive industry but one that is permanently dependent and deeply diminished.

There is a deep and particular irony to this. The Founders who declared independence partly over British trade restrictions wasted little time in adopting their own. In 1789, with the ink on the Constitution barely dry, two of the first three acts of the new Congress imposed discriminatory duties and tariffs in favor of American ships. In 1817, Congress went further, outright banning foreign ships from domestic commerce—restrictions heavily

influenced by Britain's Navigation Acts, themselves rooted in 17th-century law.

Britain eventually came to its senses and abolished those laws in 1849. The United States has yet to, and the Jones Act is hardly the lone example of modern American mercantilism. Tariffs, "Buy American" mandates, and industrial policy now enjoy bipartisan enthusiasm in Washington. The question is no longer whether America will indulge its protectionist instincts, but how far it will go.

Written as a critique of 18th-century British mercantilism, this passage from *The Wealth of Nations* reads with uncomfortable precision as a description of a certain 21st-century governing philosophy:

"The statesman who should attempt to direct private people in what manner they ought to employ their capitals, would not only load himself with a most unnecessary attention, but assume an authority which could safely be trusted, not only to no single person, but to no council or senate whatever, and which would nowhere be so dangerous as in the hands of a man who had folly and presumption enough to fancy himself fit to exercise it."

In April 2025, Donald Trump told *Time* magazine how he views the American economy: "It's a giant department store. . . . On behalf of the American people, I own the store, and I set prices, and I'll say, if you want to shop here, this is what you have to pay." The contrast with Smith and with Jay's letter is almost too neat. Where Smith warned against the presumptuous statesman, Trump volunteers for the role.

And where Jay described an economy in which the state stepped aside and individuals transacted freely, Trump described one in which the president is the proprietor and prices are his to set.

It would be convenient to treat this as a Trump peculiarity, but the impulse runs deeper.

Enthusiasm for industrial policy and strategic tariffs has spread across both parties. Trump is not the disease but its most candid expression. The mercantilist instinct, the belief that governments can allocate economic activity more wisely than the people conducting it, has never been fully extinguished. It persists in the Jones Act, heavy tariffs meant to benefit particular industries such as steel and autos, and "deals" with other countries that aim to reduce imports in a benighted obsession with balanced trade.

That instinct is now making a bid for the center of American economic policy.

Mercantilist restrictions did not fail because governments executed them poorly. They failed because the premise was wrong. Two hundred and fifty years after the Revolution, that premise has returned—dressed in new language and justified by new anxieties, but recognizable in its essentials. The Founders knew what it looked like. And they wrote a declaration that led to a new nation, in no small measure because of it. The question now is whether we remember why. ♦

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In John Trumbull's *General George Washington Resigning His Commission*, Washington voluntarily relinquishes command of the continental army at the end of the Revolutionary War in 1783, reflecting a republican suspicion of concentrated power that would shape the early United States. (Architect of the Capitol/John Trumbull, 1824)

Squinting Toward Monarchy

By Molly Nixon

The familiar narrative of the American Revolution holds that the colonists rebelled against the British king and established a democracy in which the people were sovereign.

That is not wrong, but it is incomplete. The colonists lodged their grievances in the Declaration of Independence against the “present King of Great Britain,” not monarchy as an institution. And they had, for a longer time, criticized what they saw as abuses of the British legislature, Parliament, ultimately objecting to its jurisdiction over the American colonies entirely. Though George III served as the revolution’s foil, the famous slogan was, after all, “no taxation without representation”—not “no taxation under a king.”

Nevertheless, the fledgling state constitutions generally reflected a suspicion of executive power and created weak executives relative to their legislatures. Pennsylvania completely did away with a governor and vested the executive power in a council and president. And, critically for understanding the Constitution that followed, the Articles of Confederation provided for no executive at all.

The inadequacies of the Articles led to the 1787 Constitutional Convention. The delegates recognized the need for an executive of some sort early on, but the structure and powers of that office were the subject of significant debate. Indeed, Alexander Hamilton wrote later of the executive branch that there “is hardly any part of the system which could have been attended with greater difficulty in the arrangement of it than this.” The convention considered proposals that the executive be chosen by the legislature, that it be established as a plural office, and that

“Speaking at the Virginia Ratifying Convention, Patrick Henry regretted that Article II of the Constitution ‘squints toward monarchy,’ warning that if ‘your American chief be a man of ambition and abilities, how easy is it for him to render himself absolute!’”

its term should be seven years with no eligibility for reappointment.

The document ultimately proposed to the states contained a framework of checks and balances designed to prevent any branch from concentrating power. Legislation must pass both chambers and be signed by the president or passed by a supermajority. The president is the commander in chief, subject to Congress's sole authority to declare war and its power to raise an army and provision the navy. Principal executive officers, federal judges, and treaties all required Senate approval, and the judiciary held lifetime appointments with salaries that could not be reduced. Each branch had the tools and, presumably, the motivation to check the others.

Even with those checks, however, the office of the president was a subject of concern during the state ratification conventions. Speaking at the Virginia Ratifying Convention, Patrick Henry regretted that Article II of the Constitution “squints toward monarchy,” warning that if “your American chief be a man of ambition and abilities, how easy is it for him to render himself absolute!” And a Pennsylvania Anti-Federalist writing under the pseudonym “An Old Whig” saw the Constitution’s president as a king “of the worst Kind—an elective King,” and asked his readers to identify any “important prerogative the King of Great-Britain is entitled to, which does not also belong to the President during his continuance in office.”

Despite such concerns, the states ratified the Constitution. In its first year of operation, Thomas Jefferson wrote to James Madison that the “tyranny of the legislature is the most formidable dread at present and will be for many years.” He predicted that the tyranny “of the executive will come in its turn, but it will be at a remote period.”

From Parchment to Power

The Constitution vests “the executive Power” in the president but, with the exception of a few later specifics, does not elaborate on or limit the extent of that power. The drafters’ concision left much for the new nation to work out.

Some constitutional provisions that appeared straightforward were quickly altered in practice. For instance, George Washington initially believed the Constitution’s “advice and consent” provision required him to seek the Senate’s guidance in negotiating a proposed treaty. The unwieldy

and frustrating experience of attempting to do so apparently persuaded Washington to communicate with the Senate only in writing, and subsequent presidents have sought such advice only informally, if at all, before submitting treaties for Senate consent.

Other constitutional ambiguities as to the scope of presidential power were discovered early on. Thomas Jefferson, for example, took a strict view of both executive power and the federal government's powers, asserting that each required specific constitutional enumeration. But the chance to purchase the territory of Louisiana for \$15 million in 1803 was too good to pass up, and though he believed a constitutional amendment was required for the deal, some in his cabinet thought otherwise. Jefferson went forward,

rationalizing that "we must ratify and pay our money, as we have treated, for a thing beyond the Constitution, and rely on the nation to sanction an act done for its great good, without its previous authority."

Still other aspects of executive power developed over centuries. In the exigencies of a civil war, President Abraham Lincoln suspended the writ of habeas corpus, spent money without congressional appropriation, shut down critical newspapers, authorized the trial of civilians by military courts, and emancipated slaves in the Confederate states under his power as commander in chief. While post-war Congresses reasserted their power against subsequent presidents, Lincoln's wartime precedents captured the imagination and ambition of future executives.

In the early 20th century, Theodore Roosevelt advocated for a significant expansion of domestic regulation and an aggressive foreign policy, taking the view that the president possessed all powers except those specifically denied to him. Woodrow Wilson argued that past presidents had been "more theorists than statesmen," compelled by "conscientious scruples" to decline "using the full power they might legitimately have used." Intent on doing otherwise, Wilson increased the administrative capacity and responsibilities of the executive branch, and Franklin Roosevelt expanded them further, implementing a host of federal programs aimed at recovering from the Great Depression and, later, winning World War II.

The second half of the century saw no meaningful retrenchment in executive ambition. The president has increasingly driven domestic policy and taken unilateral action in foreign affairs.

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And while presidential administrations initiated power grabs, Congress contributed to the expansion of executive power. Presidents wield much of their power under broad statutory delegations. Directions for administrative agencies to promulgate regulations and discretionary grants to the president himself result in an executive who can decide major policy questions affecting much of American life.

A Republic, if We Can Keep It

In his 1796 Farewell Address, Washington warned that the “disorders and miseries” that result from alternating dominant factions pursuing revenge on each other “gradually incline the minds of men to seek security and repose in the absolute power of an individual.”

Have Americans sought absolute power in the presidency? Has the country arrived at Jefferson’s “remote period” of tyranny in the executive?

Evidence in the affirmative is difficult to ignore. The current president started a war with Iran without congressional authorization, used the military to enforce domestic law in US cities, and imposed tariffs on imports from almost every country, seeming to change the rates based on personal feelings about their leaders. His predecessor sought to void \$400 billion of federal student loans, tried to mandate COVID-19 vaccines for 84 million private-sector workers, and purported to recognize the Equal Rights Amendment as part of our Constitution. Congress has been institutionally silent on these actions, leaving individual members to applaud or condemn them, generally along party lines.

So much for Madison’s contention that “in republican government the legislative authority necessarily predominates.”

But there are reasons for believing Americans will not entirely neglect their liberty-protecting inheritance. Images of the National Guard policing protests troubled even those not inclined to support the protesters’ cause, and the war in Iran may be historically unpopular, due in part to the absence of congressional authorization and the public persuasion that would have required. Courts can and do check presidents, rejecting dubious constitutional interpretations or narrowly construing ostensible statutory authorizations. The Supreme Court blocked the executive branch from unilaterally imposing tariffs, deploying the National Guard in US cities, forgiving student loans, and mandating an experimental vaccine, each time finding that the action had not been authorized by Congress.

Neither Washington’s nor Jefferson’s warnings are forecasts; the Constitution can be either resilient or brittle depending on Americans’ fidelity to its structural commitments and underlying principles. As Jefferson wrote in 1789, in the wake of the successful state ratifications:

“Wherever the people are well informed they can be trusted with their own government; . . . whenever things get so far wrong as to attract their notice, they may be relied on to set them to rights.” ♦

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The Hispanic Tradition of Liberty and the American Revolution

By Gabriela Calderón de Burgos

When we learn about what schools of thought influenced the American Revolution, historians rightly point out the influence of the English, Scottish, and French Enlightenments. But this narrative misses the important influence of the ideas shared by the Spanish scholastic tradition of the 16th century, founded by the philosopher and theologian Francisco de Vitoria. It held, among other ideas, that all men are created equal and that sovereignty resides in the people.

The Jesuit Francisco Suárez, an intellectual heir to Vitoria, published *Defensio Fidei Catholicae* (*Defense of the Catholic Faith*) in 1613 as a rebuttal to Anglican theologians who advanced the theory of the divine right of kings. The book was widely read across Europe, including in England, where it so angered James I that he had a copy of it burned on the steps of St. Paul's Cathedral. At that time, Thomas Hooker, a young Puritan, was a fellow and catechist at the University of Cambridge's Emmanuel College. He later emigrated to the American colonies and gave an influential sermon in 1638, in which he argued that "the foundation of authority is laid firstly in the free consent of the people," echoing Suárez's doctrine of the sovereignty of the people. That sermon

inspired the adoption one year later of the Fundamental Orders of Connecticut, which established a framework for self-government and is widely considered the first written constitution in America. John Locke himself was also familiar with the Spanish scholastics, specifically the Jesuit Juan de Mariana, who was widely read in England in the 17th century despite extensive censorship of the writings of Catholics at the time.

Mariana synthesized the main teachings of pioneering thinkers in the Iberian Peninsula who came before him, starting with Vitoria, who emphasized human rights and the limits on the power of kings, then moving on to Suárez, who developed a theory of limited government and espoused the right of rebellion against unjust rulers. The tradition culminated in Mariana's defense of participatory government and the justification of tyrannicide—only when all other peaceful means available have been exhausted and if the king remains unwilling to make amends for his ways. Furthermore, Mariana not only learned from the monetary theorists from Salamanca but also saw monetary manipulation itself as a form of tyranny. In his seminal *History of Economic Analysis*, Joseph Schumpeter argued that the "very high level of Spanish sixteenth-century economics was due chiefly to the scholastic contributions."

Ángel Fernández Álvarez, in his doctoral thesis at the Complutense University of Madrid, points out the striking similarities between Locke's and Mariana's ideas. Mariana and Locke agreed that men enter society because in the state of nature they are worse off. They both saw that civil



Francisco Suárez (left) and Juan de Mariana (right) were important figures in the School of Salamanca, a scholastic tradition that emerged in Spain in the 16th century and later influenced some of America's Founders. (Photos by Prisma/UIG/Getty Images)

society precedes government, which is established to safeguard the individual's natural rights. These rights, as well as certain obligations, according to both Mariana and Locke, are independent of any positive legislation and belong to individuals "by nature."

Locke had Mariana's 1599 book, *De ponderibus et mensuris* (*On Weights and Measures*), in his private library, and he

cited Mariana's most famous work, *Historia de rebus Hispaniae* (*The General History of Spain*), according to Fernández's research. Locke also listed *The General History of Spain* among the essential history books for every aspiring gentleman. Fernández notes that Locke's argument for "no taxation without representation" is almost identical to Mariana's. Compare these passages (boldface added):

“The king cannot impose new taxes without first having ***the consent of the governed***. Ask, then, and do not strip your subjects taking every day something by your own will and reducing little by little to misery those who until recently were rich and happy.”

—Juan de Mariana, *On the King and the Royal Institution* (1599)

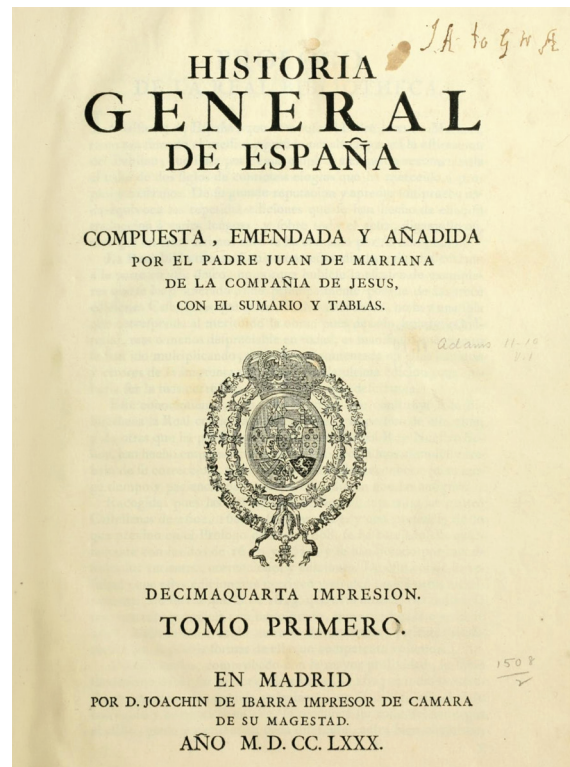
“For if any one shall claim a power to lay and levy taxes on the people, by his own authority, and without such ***consent of the people***, he thereby invades the fundamental law of property, and subverts the end of government.”

—John Locke, *Two Treatises of Government* (1689)

Locke shares Mariana’s positions on “the origin of society, the origin of the State, the origin of property in work, the consequentialist justification of property, the hierarchy of rights, the role of the state, the constraint of government and the right to rebellion,” Fernández argues.

John Adams, too, was a careful student of Mariana. He owned *The General History of Spain* in Spanish, which he dedicated to his grandson George Washington Adams. In 1782, Adams also purchased a volume in Latin—now held at the Boston Public Library, where his annotations are visible in the digitized copy—that included *On the King and the Royal Institution* and *On Weights and Measures*. On the front cover of that volume, Adams wrote: “Mariana was 1 year imprisoned by the Duke of Lema in Philips the third’s time for this book, 624, on weights and measures.” Adams referenced Mariana’s imprisonment again decades later. In a letter

to John Taylor in 1814, Adams cites Mariana alongside James Harrington, Algernon Sidney, and Montesquieu: “Mariana wrote a book . . . in which he had the temerity to insinuate that Kings were instituted for good and might be deposed if they did nothing but evil. Of course the book was prohibited and the writer persecuted.” While Adams was correct about Mariana’s persecution, Mariana was actually imprisoned for a later book, *On the Alteration of Money*, which



John Adams dedicated his copy of Juan de Mariana’s *The General History of Spain* to his grandson George Washington Adams, writing “JA to GWA” in the top right. Jefferson and other Founders also kept Mariana’s books in their private libraries. (John Adams Library at the Boston Public Library)

“John Locke himself was also familiar with the Spanish scholastics, specifically the Jesuit Juan de Mariana, who was widely read in England in the 17th century despite extensive censorship of the writings of Catholics at the time.”

criticized King Phillip III for debasing Spain's currency. Regardless, Adams's annotations and references across decades show the lasting impact Mariana had on his thought.

Fernández Álvarez identifies clear parallels between Mariana's arguments in *On the King and the Royal Institution* and those of Adams in his *Discourses on Davila*. Additionally, Fernández sees Mariana's work reflected in Adams's many references to the history of Spain and his similar distinction between a king and a tyrant, as well as the

same justification for the right to rebellion. Fernández also points out that the edition of Mariana's political economy work Adams read was the one that included the chapter “On Money,” and that Adams used Mariana's arguments to oppose the creation of a central bank holding a monopoly over its issuance.

Thomas Jefferson's Francophilia is well known, but his Hispanophilia is less so. Spanish literature professor Eric C. Graf sees in Jefferson's lifelong interest in Cervantes's *Don Quixote*—and in his possession of Mariana's *General History of Spain*, which he also secured for his friend James Madison—evidence of a general skepticism of authority. Graf further suggests these influences may have planted the seeds of Jefferson's later opposition to Alexander Hamilton's proposed central bank. Graf has studied the classical liberal concepts embedded in Cervantes's novel and sees the influence of Mariana in it.

These works by Spanish thinkers and writers are not just intellectual curiosities or footnotes to history. They were of practical concern to the American Founding Fathers, who envisioned a republic of free and prosperous individuals and, to that end, studied the history of great civilizations. They took note of what permitted, preserved, and strengthened those customs and traditions, and innovated where they saw fit. ♦

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“A Glorious Liberty Document”

By Erec Smith

**“‘We, the people’—not we, the white people—not we, the citizens, or the legal voters—not we, the privileged class, and excluding all other classes but we, the people; not we, the horses and cattle, but we the people—the men and women, the human inhabitants of the United States, do ordain and establish this Constitution, &c. I ask, then, any man to read the Constitution, and tell me where, if he can, in what particular that instrument affords the slightest sanction of slavery? Where will he find a guarantee for slavery?”
—Frederick Douglass, Speech on the Dred Scott Decision, 1857**

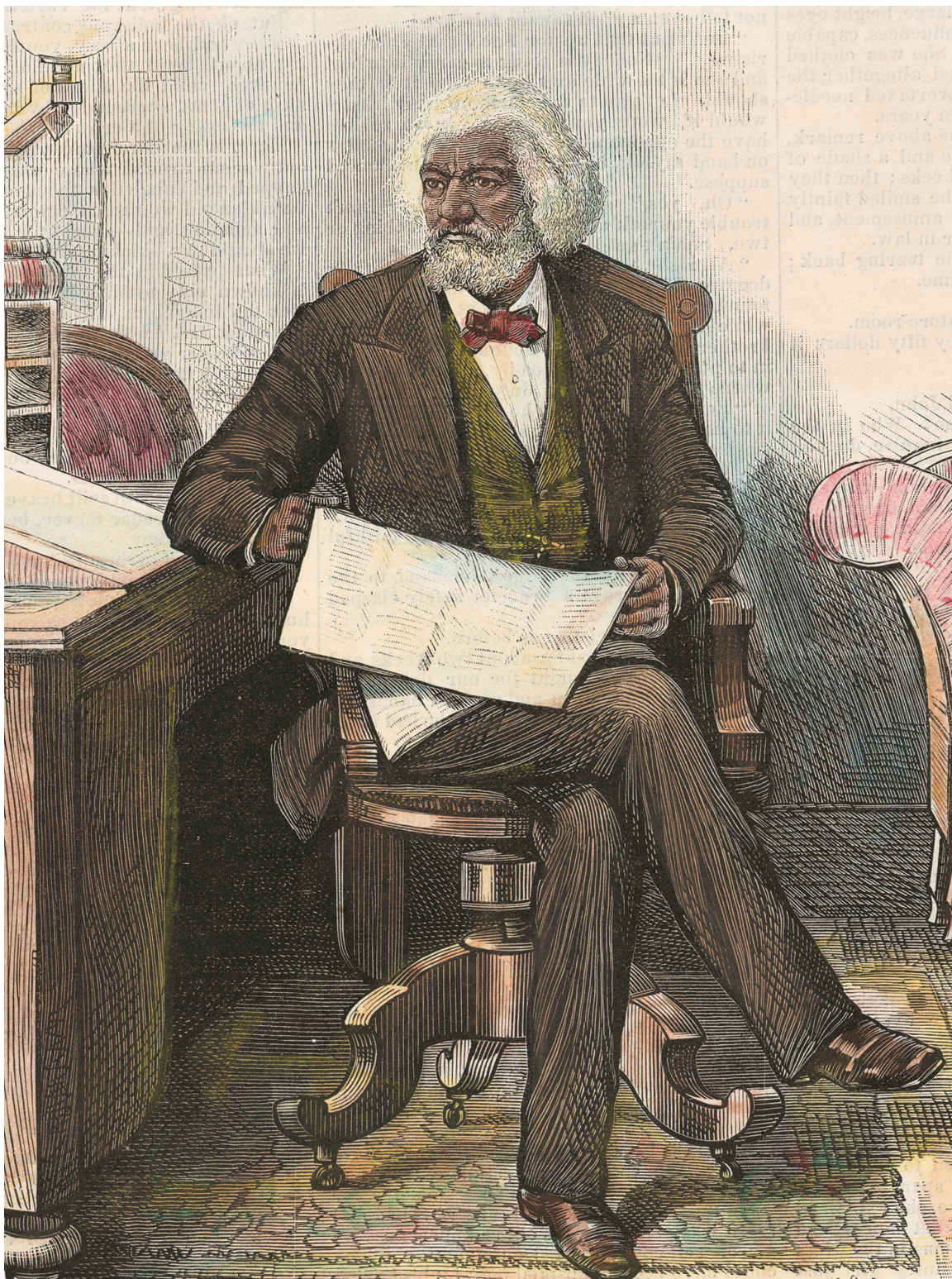


With the above words, Frederick Douglass, the runaway slave turned renowned

abolitionist, challenged Americans to confront an unsettling question that still lingers as the country reaches its 250th anniversary: How do we reconcile the principles enshrined in America's Founding documents—that “all men are created equal,” that individuals possess “certain unalienable rights,” and that government exists to “establish justice” and “secure the blessings of liberty”—with the reality that those promises were denied to many Americans for much of the country's history? Based on the answer to this question, how should we celebrate America's semiquincentennial? Some believe the celebration should focus solely on the nation's triumphs, while others insist that any celebration must be tempered by the historical realities of slavery and racial, ethnic, and gender discrimination.

A powerful compromise can be found in Douglass himself. As an escaped slave who spent much of his freedom singing the praises of the Constitution, going so far as to call it “A GLORIOUS LIBERTY DOCUMENT” (his emphasis), Douglass

“With Douglass, we get an acknowledgment of America's greatest sin alongside celebration of its greatest hope.”



A lithographic print created in 1879 of Frederick Douglass, the leading pro-Constitution abolitionist of the 19th century. (Collection of the Smithsonian National Museum of African American History and Culture, Gift of Joele and Fred Michaud)

embodies the acknowledgment of this country's history of slavery as well as the promise of the Constitution.

The Tension

In the 21st century, the Constitution is still under fire from critics who view America's Founding documents as tainted by the country's original sin.

Leading antiracism scholar Ibram X. Kendi, for instance, proposed in 2019 that the United States should amend the Constitution "to establish and permanently fund the Department of Anti-Racism (DOA) comprised of formally trained experts on racism and no political appointees," which would "be empowered with disciplinary tools to wield over and against policymakers and public officials who do not voluntarily change their racist policy and ideas."

Having an official department dedicated to eradicating a subjective phenomenon in all aspects of American life is both an intellectual and logistical challenge. What's more, installing unelected officials to do this work ensures that the public has no say in defining racism and how it should be addressed. But the ultimate counterargument to Kendi's proposal, and the most controversial, is the belief that such an amendment is not necessary because the Constitution is already built to discourage inequality. The problem was never the Constitution, but a historical inability to live up to it.

The evolution of Douglass's own perspective is informative on this point. He began his career as an ally to radical abolitionist William Lloyd Garrison, who

considered the Constitution a "covenant with death and an agreement with hell." During a speaking tour through Great Britain with Garrison in the mid-1840s, Douglass told a crowd that the "identical men who drew up that Declaration of Independence, and framed the American democratic constitution, were trafficking in the blood and souls of their fellow men."

It was only after returning to the US and engaging with pro-Constitution abolitionists that Douglass changed his view, declaring in a speech on July 5, 1852:

"In that instrument I hold there is neither warrant, license, nor sanction of the hateful thing; but interpreted, as it ought to be interpreted, the Constitution is a GLORIOUS LIBERTY DOCUMENT."

For Douglass, when it came to slavery, American people were the problem, American principles the solution. Thus, Douglass is the personified solution to a burgeoning dilemma around the celebration of America's 250th anniversary. Douglass's praise, his celebration of America's Founding documents, is strengthened if placed in context with his life as a slave. With Douglass, we get an acknowledgment of America's greatest sin alongside celebration of its greatest hope.

The Letter and the Spirit of the Constitution

Comparing the letter of the law to the spirit of the law raises an interesting question: What does it mean to not only have a Constitution, but to live under it? The Constitution is not a self-executing document; it needs citizens to do that. It depends on moral and civic commitments

“Douglass did his best to remind us that we should read the Constitution with emphasis on its highest principles and not our flawed or incomplete applications of it throughout history.

These documents are insufficient only when we, American citizens, insufficiently abide by them.”

of its interpreters. Douglass is simply demanding that Americans exercise their duty to uphold the Constitution, for it is a document of freedom only to the extent that we treat it as such. When Douglass talked about the US Constitution, he was really talking about the American public's relationship to it.

Douglass did his best to remind us that we should read the Constitution with emphasis on its highest principles and not our flawed or incomplete applications of it throughout history. These documents are insufficient only when we, American citizens, insufficiently abide by them.

A Proper Celebration

So, what does this say about the debate regarding how we should address America's 250th anniversary? Should we focus solely on the good, or should we emphasize the bad as well? I have never been to a birthday party in which the guest of honor was both celebrated and criticized, but when it comes to the United States, many think we would be remiss not to address the good *and* the bad.

The story of Frederick Douglass does both. By necessity, it addresses the evils of America's legacy of slavery and the power of America's principles to eradicate and prevent those evils. He may remind us that we are not just celebrating the 250th anniversary of the country. We are also recognizing ourselves as stewards of constitutional governance. If we want the United States to be around for another 250 years, we must all embrace that role.

The Constitution has not failed us; we have failed it. Let us make the next 250 years a triumph of its meaning and its spirit. ♦

ABOUT THE AUTHOR

Erec Smith is a research fellow at the Cato Institute, a cofounder of the nonprofit Free Black Thought, and the author of *A Critique of Anti-Racism in Rhetoric and Composition: The Semblance of Empowerment*.