The Republican King:
The Creation of Executive Power in America

Nicholas P. Cole

Seminar introduction

Biography

Nicholas Cole is Departmental Lecturer in American History at the University of Oxford. He read Ancient and Modern History at University College, Oxford, where he stayed to complete an M. Phil in Greek and Roman History and his doctorate, which examined the use of the classics in the political thought of the American Revolution and Early Republic. He has twice been a Visiting Fellow at the International Center for Jefferson Studies at Monticello. He was Harmsworth Junior Research Fellow in American History at St Peter's College Oxford, and currently remains there as a non-stipendiary JRF. This year will see the publication of his *The Ancient World in Jefferson's America* by OUP America, and the publication by the University of Virginia Press of a series of essays on the classics and the early republic edited with Peter Onuf (University of Virginia). He is currently working on an introduction to American political thought which will be published by Palgrave under the title *Ideas and the Creation of America*. This paper sets out part of his next research project, which examines the development of executive power in the early American Republic.

Background to the Seminar Paper

My first research topic had been prompted by depictions of Washington from the eighteenth and nineteenth centuries that depicted him as a classical politician or even a classical god. As that project progressed, however, it became clear that the primary contribution of the ancient world to American political thought had been to discussions of the state as a whole, the concept of citizenship or the formation of legislative assemblies. The ex-

ecutive branch, therefore, was something that I decided to examine more closely as a separate project. The literature that discusses the Presidency is, naturally, vast, but with surprisingly few exceptions, at least for the period of the early republic, it is a literature that focuses on the Presidency as an office shaped by its holders. There are good reasons why this is so, and the paper presented here hints at some of them, but this research project sets out to examine broader, competing notions of executive power in this period. It emphasizes the search for a distinctively republican, American language to describe an office that critics within and outside America compared with monarchy, in the context of evolving understandings of the Constitution. Within this broader theme, as this paper also suggests, I am particularly interested in breaking down two assumptions: firstly that all aspects of American political thought were equally developed in the 1780s and 1790s, and secondly that, as Hamilton put it in Federalist 35, 'With regard to the learned professions, little need be observed; they truly form no distinct interest in society.'

A brief bibliography

American historians will be familiar with the following, but those who do not specialize in American political thought might find these useful: Gordon S. Wood, *The Creation of the American Republic 1776–1787*, 2nd edition (Chapel Hill, NC: University of North Carolina Press, 1998) and Gordon S. Wood, *The Radicalism of the American Revolution* (New York: A.A. Knopf, 1992).

A recent and controversial work on American attitudes to monarchy is Brendan McConville, *The King's Three Faces* (Chapel Hill, NC: University of North Carolina Press, 2006). See also Jerrilyn Greene Marston, *King and Congress: The Transfer of Political Legitimacy, 1774-1776* (Princeton, N.J: Princeton University Press, 1987).

In works that describe the Presidency's evolution, Jefferson is often a central figure:

> Jeremy D. Bailey, *Thomas Jefferson and Executive Power* (Cambridge: Cambridge University Press, 2007),
>
> Clement Fatovic, 'Constitutionalism and Presidential Prerogative: Jeffersonian and Hamiltonian Perspectives', *American Journal of Political Science* 48:3 (Jul. 2004),
>
> Gerhard Casper, 'Executive-Congressional Separation of Power

during the Presidency of Thomas Jefferson', *Stanford Law Review* 47:3 (Feb. 1995),

Bruce Ackerman, *The Failure of the Founding Fathers: Jefferson, Marshall, and the Rise of Presidential Democracy* (Cambridge, MA: Belknap Press of Harvard University Press, 2005),.

For a more general introductions:

Stuart Gerry Brown, 'The Mind of Thomas Jefferson', *Ethics* 73:2 (1963),

Edward Dumbauld, *Thomas Jefferson and the Law* (University of Oklahoma Press, 1978)

Garrett Ward Sheldon, *The Political Philosophy of Thomas Jefferson* (Baltimore: Johns Hopkins University Press, 1991)

On the separation of powers, good starting points for some of the themes discussed in this paper are

Andrew Lenner, 'A Tale of Two Constitutions: Nationalism in the Federalist Era', *American Journal of Legal History* 40:1 (1996)

Mary Sarah Bilder, Maeva Marcus and R. Kent Newmyer, *Blackstone in America: selected essays of Kathryn Preyer* (Cambridge: Cambridge University Press, 2009)

Donald S. Lutz, 'The Relative Influence of European Writers on Late Eighteenth-Century American Political Thought', *The American Political Science Review* (1984)

Thomas E. Cronin, editor, *Inventing the American Presidency* (Lawrence, Kan: University Press of Kansas, 1989),

Ann Stuart Diamond, 'The Zenith of Separation of Powers Theory: The Federal Convention of 1787', *Publius* 8:3, Dimensions of the Democratic Republic: A Memorial to Martin Diamond (Summer 1978),

Roger H. Davidson, "'Invitation to Struggle": An Overview of Legislative-Executive Relations', *Annals of the American Academy of Political and Social Science* 499 (sep 1988),

Thomas S. Langston and Michael E. Lind, 'John Locke and the Limits of Presidential Prerogative', *Polity* 24:1 (1991),