

# **AMERICAN CICERO: THE LIFE OF CHARLES CARROLL**

(BRADLEY J. BIRZER)

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Charles Carroll, once famous as the only Catholic signatory of the Declaration of Independence and the last signatory to die, is no longer much in the public consciousness. If asked to name a signatory, most people would say “John Hancock,” since he wrote his name in big letters. Thomas Jefferson would also come to mind; perhaps also John Adams, Samuel Adams and Ben Franklin, especially for those who watched the *John Adams* miniseries on HBO a few years back. Not that long ago, though, Charles Carroll would also have sprung to mind, and Bradley Birzer’s goal is to, if not restore Carroll, at least clear away some of the dust that has covered his memory.

That memory is of particular interest now, as our form of government faces turmoil. Today, focus on the Founders tends to view the primary structural debate as between Hamiltonians and Jeffersonians—basically, advocates of a strong federal government against those who wanted a weaker federal government. Side issues sometimes appear, such as the exact meaning of religious tolerance or the role and purpose of the militia, and the main issue manifests itself in different specifics, such as economic protectionism or federal monetary power. But what was the first and really the most important question of all for the Founders, how much democracy the new country should have, is no longer a question that is often addressed. The constituency for an emphasis on aristocratic power at the expense of an expansive franchise is pretty small nowadays. That’s too bad, because it’s quite obvious now that the nearly pure democracy we have ended up with, as a result of mistakes such as ratifying the Seventeenth Amendment and permitting the illegitimate distortion of the Constitution by the federal judiciary, is leading us over a cliff—as any third-rate thinker in Ancient Greece could have told us it would. And of the Founders, Charles Carroll was the main proponent of aristocratic governance in opposition to pure democracy. Which is doubtless, at least in part, why his reputation has been eclipsed, while partisans of aggressive democracy such as Tom Paine have retained their luster.

Birzer, a professor of history at Hillsdale College, is the author of several other books, including the definitive biography of Russell Kirk. He is also the author of a short post on his personal blog that never fails to reduce me to tears, about the 2007 death of his daughter Cecilia Rose in childbirth, and his hopes to be reunited with her. For some reason, I return to that post when I run across Birzer's name in other contexts, even though I do not know Birzer and have been spared any such tragedy. I think it is because it exemplifies and personalizes my strong belief, following David Bentley Hart, that God does not and will not offer us a final synthesis showing why, for example, Birzer's daughter had to die to accomplish God's plans, but instead a renewal of all things.

No doubt Charles Carroll would have agreed, but he was an aristocrat first, a politician second, and not a theologian at all, though he was very devout (and he was cousin to John Carroll, the first bishop in the United States). Nor, really, do we learn much of his inner life or thoughts in this book. Instead, we get a clear exposition of his public life and works. He was born in 1737, the son of the richest man in Maryland. Actually, he was the bastard son, not because his father knocked up the housemaid like Arnold Schwarzenegger, but because marriage would apparently have complicated family inheritances—or at least that is one theory, though nobody seems to be exactly sure. His parents did get married in 1757, however, regularizing their relationship and, not incidentally, ensuring Charles Carroll's inheritance and therefore his position as one of the richest men in the colonies, and later in the new United States.

One thing I never knew until I read this book was that, although Maryland was founded in the early 1600s as a destination for persecuted English Catholics, by 1650, the Puritans had suppressed the Catholics (who were always a small minority), and after 1688, Catholicism was illegal in the colony, with Catholics suffering various disabilities, such as forms of double taxation and inability to vote or participate in political life. It was into this milieu that Charles Carroll was born, and it was only after the War of Independence that tolerance across Christian denominations became the norm in Maryland (and the rest of the colonies). So, perhaps, Maryland's reputation for religious tolerance based on the circumstances of its founding is unjustified, something that seems to have escaped generations of schoolboys such as me (though now, for the most part, they don't teach anything at all about America's

founding, or at least anything that's not lying propaganda in the service of "social justice").

Most of Carroll's education, though, was not in the colonies. From 1748 until 1765, he lived and studied abroad, in part because of the limitations and disabilities placed on Catholics in Maryland. He studied first in France in Jesuit schools, including St. Omer, and then in London for a law degree. At St. Omer, an institution dedicated to the re-conversion of England, heavy emphasis was laid on Jesuit thinkers such as Robert Bellarmine, Juan de Mariana, and Francisco Suárez, "neo-Thomist" theologians who followed Aquinas in advocating that, in extreme circumstances, a tyrannical king could be overthrown, not by the Church, but by secular leaders. According to Birzer, these Jesuits put forth a type of social contract theory, long prior to Hobbes, though one focused on ascertaining and implementing divine intent. And, critically, they were more willing than Aquinas to contemplate rebellion against a king. Birzer ascribes this, along with study of, especially, Montesquieu, as the main drivers of Carroll's political thought as it related to the War of Independence.

When Carroll returned to the colonies, his mother had died. But his father was still alive—he lived until 1782, and father and son were always extremely close and, though they had some political disagreements, seem to have exemplified an ideal father-son relationship. (Carroll himself had bad luck with his children—of seven, four died in infancy, and his only surviving son was a shiftless alcoholic.) He wanted to enter public life, but was debarred from both politics and law by his faith. Still, he began to take an informal political role, starting with private exchanges of views, and escalating to newspaper exchanges with political opponents, which were pseudonymous in the style of the times, even though everyone knew who the authors were. The most significant controversy revolved around whether the Maryland proprietor (in effect, the royal governor) had the power to levy certain fees that were disguised taxes, without the authorization of the Maryland legislature. Carroll took the position that the proprietor lacked this power, in a series of exchanges starting in 1773, which escalated beyond the narrow immediate question to broader questions of the power of the king under the English constitution, and under what circumstances his deposition (as of James II in 1688) was legitimate. Threading the needle, so as not

to be considered a Jacobite, Carroll's position was that James II was legitimately deposed, but William and Mary were not necessarily the correct substitution. Carroll advocated separation of powers as critical for good government, following Montesquieu, as well as adherence to the organic English constitution. He saw both as violated by the proprietor's levying of fees. In these exchanges, Carroll was repeatedly attacked for his Catholicism (in part because the fees being levied were for the support of Anglican clergy) but was widely considered the clear winner, which raised his profile immensely, although it also increased the opprobrium directed at him by many members of his social class.

In the next few years, until the Declaration, Carroll became heavily involved in the various spontaneous legislative bodies that gradually displaced the proprietary government of Maryland, the "Maryland Conventions." These were the types of bodies, throughout the colonies, in which the political theories that underlay the American Founding were hammered out, and Carroll was among the most vocal. Not deviating from his former principles, he was all for independence, by violence if necessary, but strongly opposed to giving too much power to the *demos*. Abstract reason, of the Tom Paine sort, was the antithesis of what would create good government. Basically, what Carroll offered was not dissimilar to Edmund Burke, but on the other side of the divide that encouraged violence to effectuate justified rebellion. The aim of rebellion, critically, was not to achieve the abstract rights of man, but to reform the corrupted English constitution, the product of long experience and wisdom, based on natural rights and exemplified by the common law. Carroll never trusted democracy, holding (correctly) that it necessarily led to both mediocrity and excess. He would be appalled by the modern worship of direct democracy, and even more appalled by the exaltation of unfettered personal autonomy as the highest good. Thus, Carroll held that the locus of most real power should be the upper house of the legislature, aristocratic and life-tenured, embedded in a divided government with the traditional three branches found in England.

After all these conventions, and a stint as ambassador to Canada (where he was unable to convince the French Canadians to join the Americans), Carroll was elected to represent Maryland in the first Continental Congress, and he signed the Declaration of Independence. He then returned to Maryland. In Maryland, though, he was disturbed

by an accelerated slide toward “extreme populism and democracy.” But he kept working, and he was the major author of the Maryland Declaration of Rights, passed on November 3, 1776. That Declaration, which is similar to other contemporaneous declarations, as well as the later federal Bill of Rights, says “elections ought to be free and frequent, and every man, having property in, a common interest with, and an attachment to the community, ought to have a right of suffrage.” We could use a good strong dose of this attitude today, and a radical restriction of the franchise on these principles. Structurally, Carroll continued to focus on organizing the Maryland Senate to embody his vision of a dominant aristocratic upper house of the legislature, a model James Madison specifically endorsed in Federalist 63. He himself served in the Maryland Senate until 1800 (along with a two-year term in the first federal Senate, starting in 1789, which he left when Maryland forbade serving in both the state and federal senates).

During the war, Carroll was involved in various political controversies. He supported the “legal-tender law,” which allowed paper fiat money to replace coin (a matter over which he split politically with his father); generally opposed confiscating the property of British citizens in Maryland; and strongly supported George Washington as supreme military commander and in his efforts to establish the Confederation. In the debates over ratifying the Constitution, Carroll was a leading Federalist (but he did not attend the Constitutional Convention, being preoccupied with state political matters of critical importance, or what seemed like critical importance at the time). And, after leaving the Maryland Senate, Carroll lived another thirty-two years, maintaining an aristocratic lifestyle (in part based on his thousand slaves, while at the same time calling slavery a “great evil” and chairing the American Colonization Society, the chief anti-slavery body until superseded by William Garrison’s advocacy of immediate abolition). He entertained many visitors, including Tocqueville, and lived to see an entirely new America, strong and confident.

He also saw an American system that was largely in keeping with his aristocratic vision for American governance. As I say, it was probably predictable, due to changes in that system, that we would come to the pass we are now at, where the ignorant masses are allowed to set standards and to impose the dominance of demagogues and fools,

while voting themselves money. But what to do about that is a topic for another day, and one can read this biography of Charles Carroll with profit without getting hung up on the sad state we have reached 230 years later.