Two Sister Republics – Constitutional Resilience and Pitfalls

62. Economic Conference

Zürich, 2. Oktober 2026

progress FOUNDATION

Agenda

01 Alan Charles Raul, Lecturer at Harvard School, Board Chair and President of the Society for the Rule of Law : **«250 Years Later: »**

02 Claudia Franziska Brühwiler, Universität St.Gallen:
«No Pursuits. Visionen sind für andere»

03 **Podiumsdiskussion**

- Prof. Claudia Brühwiler
- Alan Charles Raul
- John D. Aldock, Stiftungsrat Progress Foundation
- Prof. Oliver Diggelmann, Völker- und Verfassungsrecht, Uni Zürich
- Moderation: Mark Dittli, The Market NZZ

250 Years Later:

What Has Become of the Genius of America and Republican Virtue



Alan Charles Raul

progress FOUNDATION

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The Genius of America: An Inheritance of Virtue and Law

- America’s Founders were leaders of uncommon genius and republican virtue who acted as fiduciaries of the public trust.
- Madison called the concentration of all power in the same hands “the very definition of tyranny” — and, Jefferson added, concentration ends in tyranny even when the concentrator is elected.
- The Framers deliberately declined to create a Machiavellian Prince: as Harvey Mansfield showed in Taming the Prince, they built a strong President dependent on the people’s will, the legislature’s authority, and the judiciary’s oversight.
- In Paine’s words, the American answer to monarchy was that “in America THE LAW IS KING.”

Structure and Virtue in the People

- Tocqueville found the Americans “quite exceptional” — self-governing, civically engaged, and inclined to virtue by “self-interest rightly understood.”
- The Founders knew that structure alone cannot save us: no form of government secures liberty “without any virtue in the people.”
- Washington set the standard by surrendering power — the example of character on which the whole design depended.

The Checks and Balances Are Fraying but Holding On (Barely)

- Congress today is exactly what Justice Jackson feared: inert, indifferent, and quiescent — an invitation to unilateral presidential power.
- A President now professes to be restrained “only by my own morality” — the creed of Machiavelli’s prince, not of a constitutional executive bound by law and fiduciary duty.
- The courts are largely holding: the tariff, birthright citizenship, and Federal Reserve decisions all rebuffed executive overreach.

No Man Above the Law?

- Judges increasingly refuse to accept government “pretexts,” for they are not “required to exhibit a naivete from which ordinary citizens are free.”
- Yet the Supreme Court has also un-tamed the prince — through unexplained shadow-docket reversals and a nearly absolute criminal immunity invented in Trump v. United States.
- Unless the Court fixes this problem of its own making, America can no longer claim that no man is above the law.

What Is to Be Done: Renewing Virtue in Leaders and in the People

- Panic is not the answer — and not yet necessary: the rule of law remains largely alive and reasonably well.
- Courts have categorically rejected the campaign of vindictive prosecution and retaliation — civil society is winning in court.
- The Supreme Court must explicitly enforce the checks and balances — and stop over-protecting the President in the name of separation of powers, which risks the concentration of power in one individual that terrified the Framers.
- Democrats and Republicans should unite on civic education about America, as Lincoln and Douglass united on the Declaration.

We the People Must Tame the Prince

- All of us — not just our leaders — must recover the quintessential republican virtue of self-restraint.
- Revive the National Endowment for Democracy abroad, and charter "America's Endowment for Democracy" at home — a defibrillating shock for civic complacency.
- As Reagan said, democracy "is not a fragile flower. Still it needs cultivating" — and "We the People" must tame a Machiavellian presidency, just as the Founders intended.

University of St.Gallen

No Pursuits.

Visionen sind für Andere.

From insight to impact.

For the Red, White, and Blue



Said goodbye to his momma as he left South Dakota
To fight for the red, white, and blue
He was nineteen and green with a new M-16
Just doing what he had to do

"8th of November"
Big & Rich

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.


D^r JONAS FURRER
1805 – 1861.
ERSTER SCHWEIZERISCHER
BUNDES-PRAESIDENT.



Im Namen Gottes des Allmächtigen!
Das Schweizervolk und die Kantone,

in der Verantwortung gegenüber der Schöpfung,

im Bestreben, den Bund zu erneuern, um Freiheit und Demokratie, Unabhängigkeit und Frieden in Solidarität und Offenheit gegenüber der Welt zu stärken,

im Willen, in gegenseitiger Rücksichtnahme und Achtung ihre Vielfalt in der Einheit zu leben,

im Bewusstsein der gemeinsamen Errungenschaften und der Verantwortung gegenüber den künftigen Generationen,

gewiss, dass frei nur ist, wer seine Freiheit gebraucht, und dass die Stärke des Volkes sich misst am Wohl der Schwachen,
geben sich folgende Verfassung

In the name of Almighty God!
The Swiss People and the Cantons,

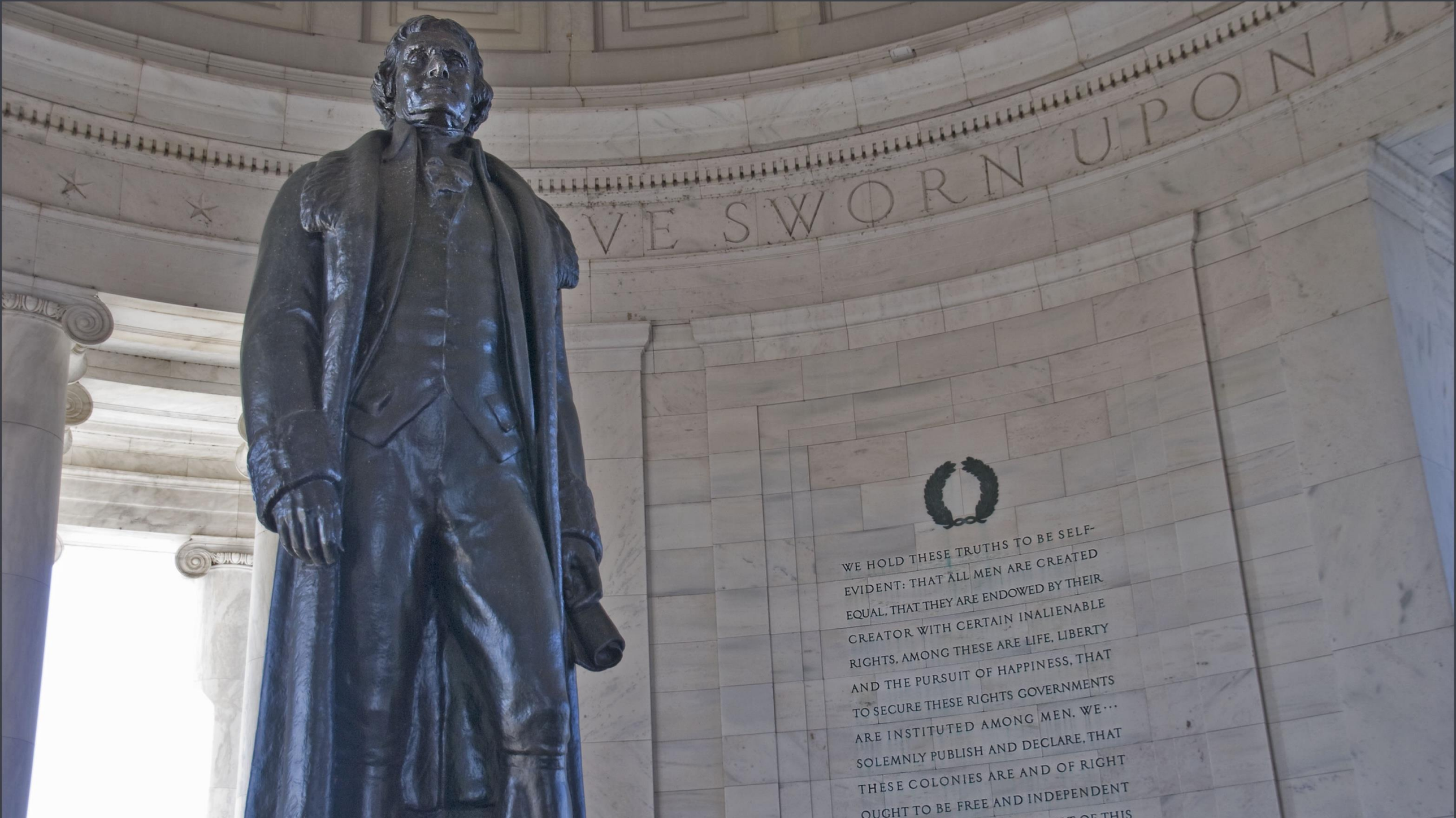
mindful of their responsibility towards creation,

resolved to renew their alliance so as to strengthen liberty, democracy, independence and peace in a spirit of solidarity and openness towards the world,

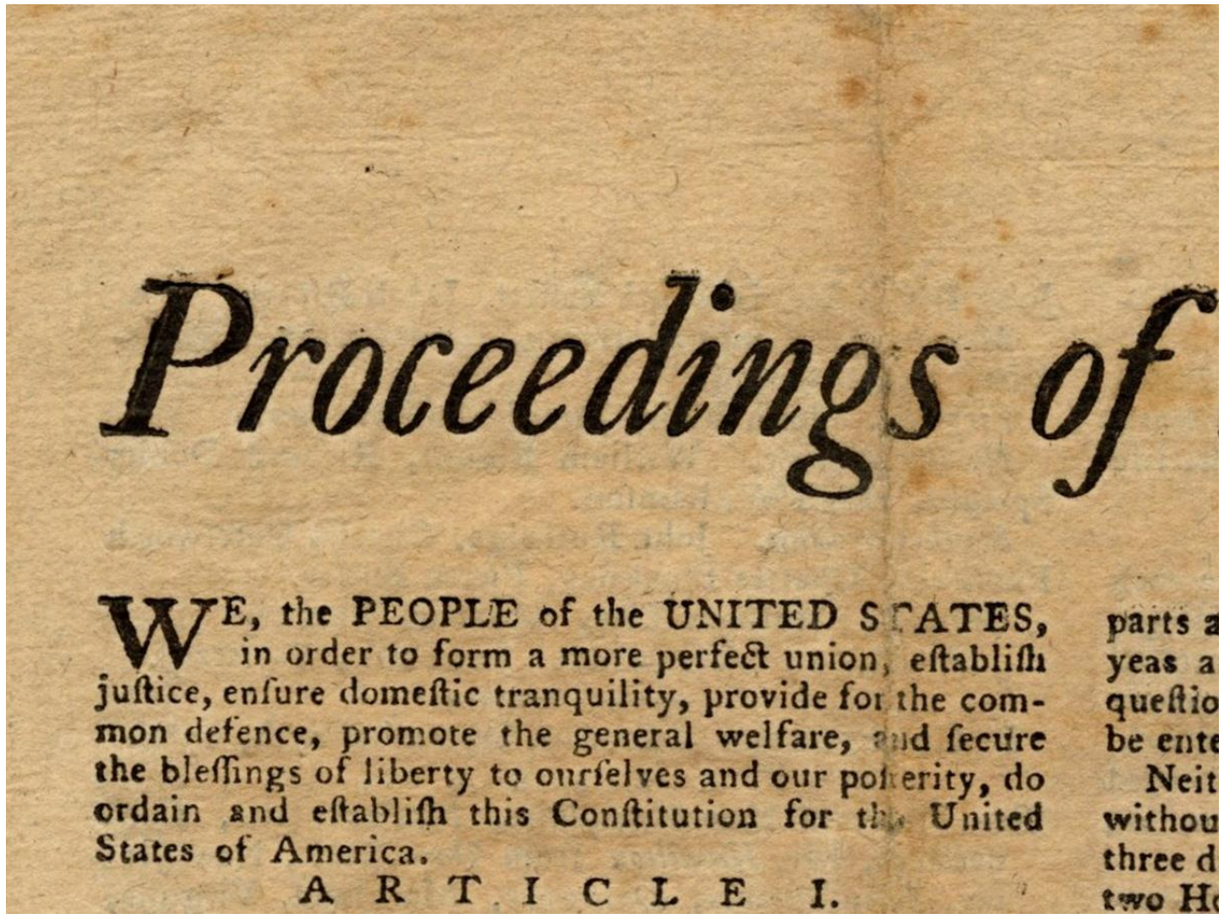
determined to live together with mutual consideration and respect for their diversity,

conscious of their common achievements and their responsibility towards future generations,

and in the knowledge that only those who use their freedom remain free, and that the strength of a people is measured by the well-being of its weakest members,
adopt the following Constitution


VE SWORN UPON
WE HOLD THESE TRUTHS TO BE SELF-
EVIDENT: THAT ALL MEN ARE CREATED
EQUAL, THAT THEY ARE ENDOWED BY THEIR
CREATOR WITH CERTAIN INALIENABLE
RIGHTS, AMONG THESE ARE LIFE, LIBERTY
AND THE PURSUIT OF HAPPINESS, THAT
TO SECURE THESE RIGHTS GOVERNMENTS
ARE INSTITUTED AMONG MEN. WE···
SOLEMNLY PUBLISH AND DECLARE, THAT
THESE COLONIES ARE AND OF RIGHT
OUGHT TO BE FREE AND INDEPENDENT

In Pursuit of…



Proceedings of

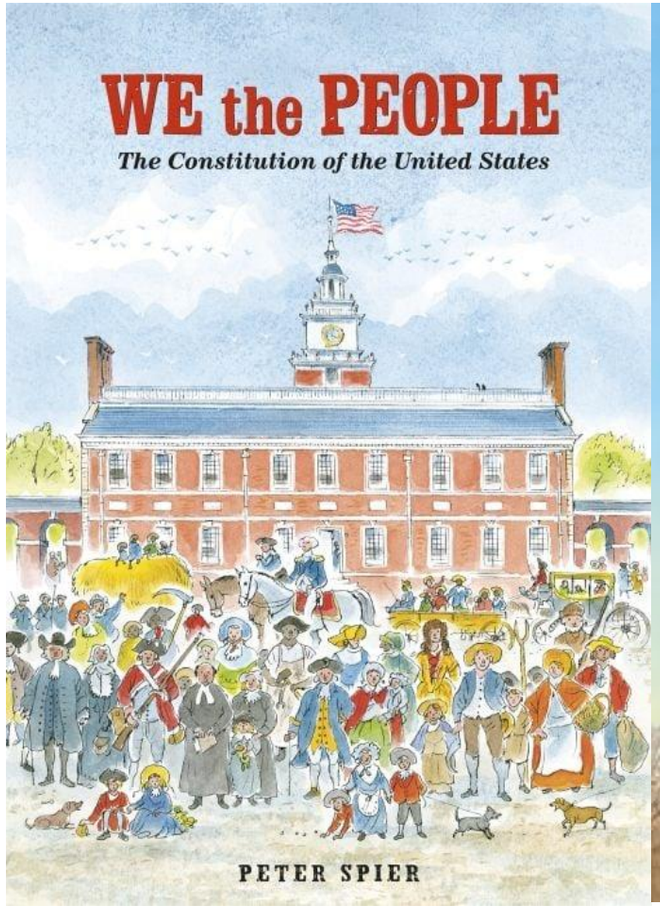
WE, the PEOPLE of the UNITED STATES, in order to form a more perfect union, eſtabliſh juſtice, enſure domeſtic tranquility, provide for the common defence, promote the general welfare, and ſecure the bleſſings of liberty to ourſelves and our poſterity, do ordain and eſtabliſh this Conſtitution for the United States of America.

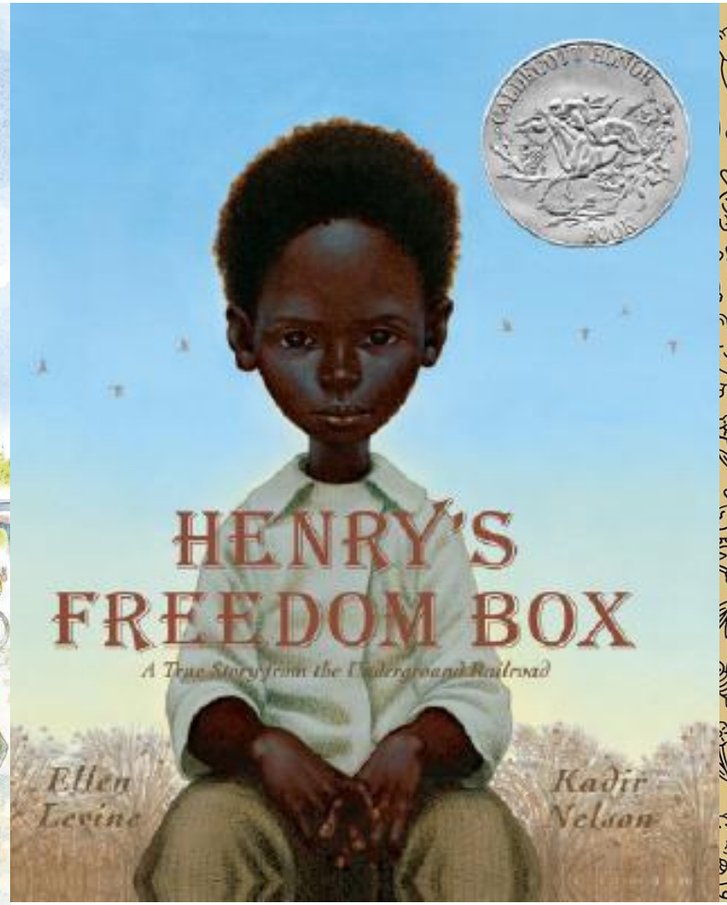
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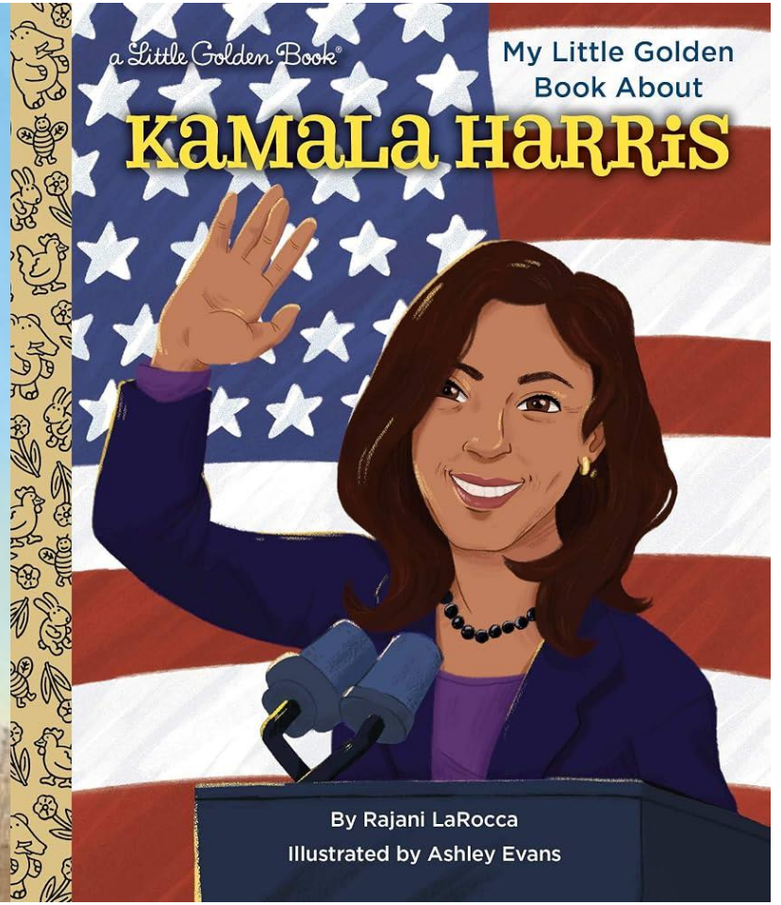
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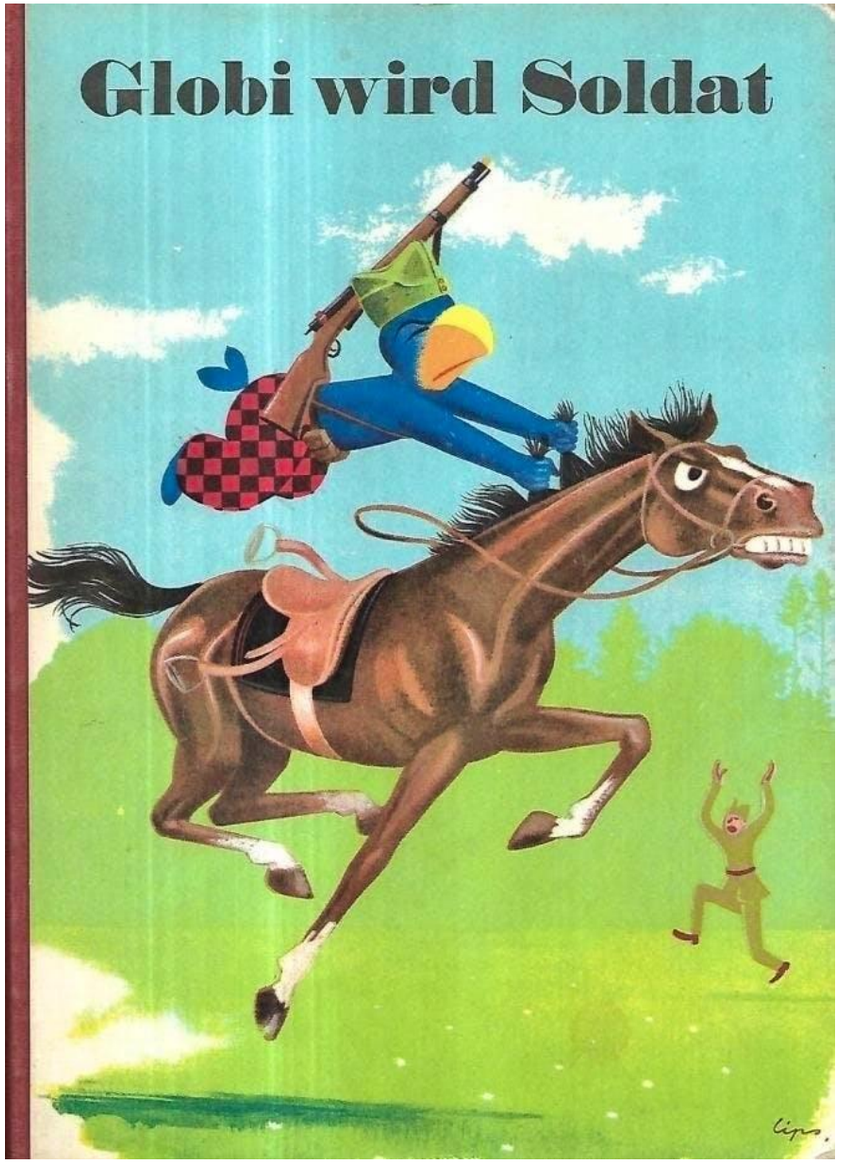
Warts and All Good.








Globi und
die Demokratie
GlobiWissen
CURIA CONFOEDERATIONIS HELVETICAE
Ein Sachbuch für Kinder


Globi wird Soldat

Im Namen Gottes des Allmächtigen!
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in der Verantwortung gegenüber der Schöpfung,

im Bestreben, den Bund zu erneuern, um Freiheit und Demokratie, Unabhängigkeit und Frieden in Solidarität und Offenheit gegenüber der Welt zu stärken,

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establish Justice,
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and secure the Blessings of Liberty to ourselves and our Posterity,
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A Republican Religion



"The greatest part of British America was peopled by men who, after having shaken off the authority of the Pope, acknowledged no other religious supremacy: they brought with them into the New World a form of Christianity which I cannot better describe than by styling it a democratic and republican religion."

Alexis de Tocqueville

Democracy in America, vol. 1

It’s not a living document.

It’s dead, dead, dead.

…no society can make a perpetual constitution, or even a perpetual law.

The earth belongs always to the living generation.

Thomas Jefferson an James Madison, 6. September 1789

Niemand war schon immer da.



Merci!



Claudia F. Brühwiler

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Vielen Dank !

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