
REFLECTION
and CHOICE



REFLECTION *and* CHOICE

THE FEDERALISTS, THE ANTI-FEDERALISTS,
AND THE DEBATE THAT DEFINED AMERICA

EDITED BY GARY L. GREGG II
AND AARON N. COLEMAN

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Although the footnotes in this volume are numbered sequentially, the notes for the Federalist and Anti-Federalist essays and the appendices are original to the source materials and are not the editors' notes.

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to live up to the promise of our founding.*

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PREFACE

The Constitution of the United States has endured as our fundamental law for more than 230 years. Its longevity itself is a remarkable achievement considering the unprecedented changes we have seen in economics, technology, and social life over that same span of time. The document's success, however, was anything but assured as it was being written, debated, and then eventually ratified between 1787 and 1788.

Reflection and Choice contains the essence of the great debates that roiled American public life at the end of the 1780s. Your editors and the McConnell Center are making this new edition of *The Federalist Papers* and excerpts from select Anti-Federalists essays available because we think these debates are not just of historical importance but shed vital light even down to the current hour on the essential questions related to good government, liberty, order, and public happiness.

In the first *Federalist*, Publius offers:

It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.

Each generation must reflect and make essential choices related to government power, authority, public policy, the rights and responsibilities of citizenship, and the Constitution itself or they will find themselves at the mercy of accident and force. We hope our fellow citizens will use this book to inform their reflections and help them make wise choices about our common future.

— The Editors

INTRODUCTION

[*The Federalist Papers*] will merit the Notice of Posterity;
because in it are candidly and ably discussed the principles
of freedom and the topics of government,
which will be always interesting to mankind so
long as they shall be connected in Civil Society.

— George Washington

The Federalist has long been considered a classic piece of political theory that can stand alongside some of the greatest reflections on government in human history. In the introduction to his own edition of *The Federalist*, celebrated scholar Clinton Rossiter called it, “the most important work in political science that has ever been written, or is likely ever to be written, in the United States.”² British Prime Minister Winston Churchill said, “The Federalist letters are among the classics of American literature. Their practical wisdom stands pre-eminent amid the stream of controversial writing at the time.”³

But *The Federalist* did not have to await the distance of years to gain their acclaim. Thomas Jefferson, for instance, called them “the best commentary on the principles of government which ever was written.”⁴ And that comes from a man who had read nearly every major work of theory and history on the principles of government and who was not wholly enthused about the new Constitution. George Washington said they had

² Clinton Rossiter, ed., *The Federalist Papers* (New York: Mentor, Penguin, 1961), vii. From its first publication in 1788 to Rossiter’s edition in 1961, the collective name of the essays was *The Federalist*. Due to Rossiter’s highly successful and widely used edition, the term *The Federalist Papers* became the collection’s modern name.

³ Winston Churchill, *The Great Republic: A History of America* (New York: Modern Library Paperback, 2001), 93.

⁴ Thomas Jefferson to James Madison, 18 November 1788, Founders Online, National Archives, <https://founders.archives.gov/documents/Jefferson/01-14-02-0062>. [Original source: *Papers of Thomas Jefferson: October 1788–March 1789*, Julian P. Boyd, ed. (Princeton: Princeton University Press, 1958), 14:187–190.]

“thrown new light upon the science of government; they have given the rights of man a full and fair discussion, and explained them in so clear and forcible a manner as cannot fail to make a lasting impression.”⁵

It might be surprising for most to learn that the papers had little impact on the ratification of the Constitution. But by the time all 85 had been written, nine states had already ratified the new document, bringing it into effect. New York, where these papers were originally published, would be the 11th state to ratify, but by then, the Constitution was already the highest law of the land. The impact of these essays was much less on the outcome of the great constitutional undertaking of 1787–1788 and is more to be found in explaining the constitutional project to those who would inherit it.

There can be little doubt about the importance of Publius’ essays in shaping the way we have come to think about American government and the Constitution since that document’s ratification. They are the most consulted source by political figures, judges, scholars, and commentators today for the meaning behind the Constitution. They open our apertures to the considerations of our founding generation and teach us how our constitutional order was *intended* to work. Realizing it has not always worked as designed allows us to rethink our current government, our political evolution, and whether our founders got it right in the first place. Each generation must recall themselves to the moment of our constitutional birth. Without a periodic return and consideration of our constitutional principles, we may someday stray so far that recovery becomes impossible.

THE HISTORICAL CONTEXT

The Continental Congress was among America’s first attempts at pulling together one government from the 13 British Colonies. The First Continental Congress sat for a short period in 1774. Delegates organized an economic boycott of British goods and petitioned the British government for a redress of their grievances. The Second Continental Congress began meeting in May 1775 and declared independence for the united colonies on July 4, 1776. The Congress functioned as the only central government during the Revolutionary War from 1775 to 1781 when the Articles of Confederation were finally adopted. The Congress then became the Confederation Congress.

The Articles of Confederation, often (but erroneously) called our First Constitution, provided for a weak collective government with authority over most elements of public life reserved to individual states. The states, in fact, were even in control of raising revenue on their own to pay for the central efforts—including paying for the last years of the American Revolution. There was no independent executive branch and all power

5 George Washington to Alexander Hamilton, 28 August 1788, Founders Online, National Archives, <https://founders.archives.gov/documents/Washington/04-06-02-0432>. [Original source: *Papers of George Washington, Confederation Series: 1 January 1784–23 September 1788*, W. W. Abbot, ed. (Charlottesville: University Press of Virginia, 1997), 6:480–482.

was centralized in a unitary legislature in which each state was represented equally. It was referred to as a “league of friendship” among the 13 states, which gives a good impression of the decentralized nature of that first unifying agreement. One can think of it more like a treaty among sovereign states than as a constitution for one nation.

As early as 1780, some, including Alexander Hamilton, began expressing concerns about the weaknesses of the Articles of Confederation. In 1782 and 1783, George Washington repeatedly expressed a hope for constitutional reform during the last months of the American Revolution. A committee of Congress itself even passed a resolution outlining 21 deficiencies in the governing structure of the Articles of Confederation. Amendments to the Articles, however, required unanimity of the states, which made it virtually impossible to achieve change.

A dispute between Maryland and Virginia regarding the taxing of shipping on the Potomac River led to a meeting led by James Madison at George Washington’s home. Madison then helped encourage his state of Virginia to call for a more general meeting of the states. That meeting occurred in Annapolis, Maryland, and ended by urging the states to call yet another meeting. That meeting, which we now know as the Constitutional Convention, was held in Philadelphia, Pennsylvania, from early May 1787 until that body proposed a new Constitution to the states on September 17, 1787.

This is not the place for a thorough history of the convention, but there are many fine histories that have been written about that fateful summer as well as Max Farrand’s multi-volume collection of the notes taken during the convention.⁶ The proposed Constitution ended up having very little resemblance to the structure of government under the Articles of Confederation. Those differences included the ratification process. The articles required a unanimous adoption of all 13 states and ended up taking more than three years to become law. The Constitution only required the consent of nine states, which was achieved in 10 months. The final state to ratify was Rhode Island and it did not do so until 1790.

The states ratified the new Constitution through state conventions, but the debate over the Constitution also took place in newspapers and in taverns and churches across all the 13 states. Though the passage of the Constitution was not literally dependent on the outcome of the debates in New York and Virginia, they were essential states because of their size and influence.

The Anti-Federalist “Cato” published his first attack on the Constitution in a New York newspaper just 10 days after the convention finished its work and just as the text of the Constitution was being published. “Brutus” soon followed suit. Alexander Hamilton, an ardent nationalist who was a leader in the effort to call the convention and then ratify its work, wished to counter these articles. He enlisted the help of James Madison and John Jay. Madison had long played a leading role in nearly every effort at constitutional reform leading up to and including the Constitutional Convention. Jay was a talented

6 Max Farrand, ed., *Records of the Federal Convention of 1787* (New Haven: Yale University Press, 1966).

legal mind and diplomat who had helped draft the New York Constitution and served as chief justice of the New York Supreme Court.

The three began publishing their essays in October 1787, and they ran into the summer of 1788. They were published in four New York newspapers and reprinted in Virginia and other states as well. Though there has been some dispute over the exact authorship of a few of the papers, it is generally accepted that Hamilton wrote 51 of the essays, Madison authored 29, and Jay, who was ill, authored only five.

OF THE AUTHORS AND THEIR NOM DE PLUMES

Alexander Hamilton, John Jay, and James Madison wrote *The Federalist* essays under a nom de plume. Though we in the modern age find it a strange and perhaps unwelcome custom, it was not unusual at the nation's founding. Where we value transparency and a kind of authenticity that demands our names be put to our writings, the Founders lived through a time when it might be dangerous to have your political views published (think of the price paid for treason under the British crown) and when the nature of the argument was valued more than knowledge of the biography of the author.

Most of the Anti-Federalists also took on pseudonyms in their writing. In the text that follows, we refer to these authors the way they intended us to think about them—not as the persons they were, but as the authorial personalities they assumed. This is particularly important when dealing with *The Federalist* as it allows us to treat the arguments as part of a coherent whole. So, we refer to the essays as having been written by “Publius,” their chosen moniker. You can view the names of the authors in the table of contents, but we would caution against an over-reliance on thinking about Hamilton, Jay, or Madison individually as the authors. Hamilton, for instance, lays out a very different case for executive power in these papers than he did at the Constitutional Convention. He was speaking for himself at the convention and trying to shape the document, but he was speaking to defend the document *as written* when he wrote his Publius essays. That is an essential distinction to be made, lest the reader fall into the trap of considering the arguments herein merely as the personal opinions of the authors.

It is also instructive to leave these nom de plumes here as a touchstone for readers to consider. Our founders were intellectually and imaginatively much closer to the ancient world than we are today. Those who went to college were reading Greek and Latin by the time they were teenagers and were translating the great texts of the West before they were even admitted to college. The authors debating the Constitution often took names from the ancient world that they knew would mean something to their audiences. “Publius” refers to Publius Valerius Publicola, a legendary Roman general and statesman from the sixth century BC who was said to have been adored by the people of Rome. The Anti-Federalists wrote under names such as “Cato” (a reference to the Roman Republic's last great statesman who fought against Caesar

before eventually committing suicide rather than surrender to the tyrant); “Agrippa” (the Roman general, statesman, and civil servant responsible for great military battles and public works under Caesar Augustus); and “Brutus” (one of the conspirators to murder Julius Caesar). These names were not mere disguises but brought a history with them and were meant to strike the imagination of the reader.

THE BIG QUESTIONS

The debate over the Constitution, as you will experience in the pages that follow, revolved around four core questions. First, did we need to change the fundamental nature of the union between the states? Second, closely related to the first, which level of government was most appropriate to take on which roles, responsibilities, and powers? Third, how much should the structure and powers of the central government be changed from that found in the Articles of Confederation? Fourth, what structure of government would provide the best balance between the two great values of (a) safety for liberty and (b) effectiveness of government? Under these broad questions, the specifics were debated, such as what powers the presidency should have or how long the terms of members of the Senate should be or how judges should be appointed.

The Anti-Federalists preferred a loose union of sovereign states, while the Federalists argued for the states to give up some sovereignty in exchange for a more unified nation. Relatedly, the Anti-Federalists believed government closest to the people should have the most power and responsibility; any union should have the states as the most consequential political units. The Federalists, on the other hand, were willing to give more power to the central government. Though both sides valued liberty and effectiveness of government, the Anti-Federalists favored the protection of liberty while the Federalists preferred a more effective government. These divergent perspectives naturally led to disagreements on nearly every aspect of the proposed Constitution.

WHAT IS DIFFERENT ABOUT THIS EDITION?

Every edition of *The Federalist* we have encountered has only included Publius' undivided 85 essays. In our edition, we have found a more helpful way to present and reflect on the material, dividing the essays into topical sections. This allows the reader the opportunity to consider, through our topically specific section introductions, the context for the debates between the Federalists and Anti-Federalists and encourage critical thinking about the issues raised.⁷

While the 85 essays of *The Federalist* are vital founding documents, they only present

⁷ For this edition of *The Federalist*, we used the 1818 Gideon edition as prepared for publication by the Liberty Fund in 2001. For more information on the publishing history of *The Federalist*, see Alexander Hamilton, John Jay, and James Madison, *The Federalist*, eds. George W. Carey and James McClellan (Indianapolis: Liberty Fund, 2001). We appreciate the Liberty Fund's permission to use their edition as the basis of the current volume.

the reader one side of a vibrant and important series of debates that occurred after the proposed Constitution was released to the public in September 1787. For the first time that we know of in a print edition, we have taken key passages from Anti-Federalist writings and added them to each section.⁸ The reader can now better understand and contextualize the central arguments that helped define what the United States would become over the next two centuries.⁹

The reader should note, however, no established protocol existed for an official debate between the two general perspectives. You will not see a tit-for-tat exchange in the following papers. Hamilton, Madison, and Jay wrote with a fury and, at peak points, were publishing numerous articles a week. This gave little or no time for an opponent to rise to challenge the specifics of one essay before others were already in circulation. What you will see, however, is that each side knew the general shape of the other side's arguments and challenged them.

The reader will also notice that most of the Anti-Federalist contributions in this volume are excerpted from longer essays. This is necessary for two reasons. First, most of the Anti-Federalists essays offered several criticisms of the Constitution at once. We have kept only those sections relevant to the topics discussed in each section. And second, space limitations required editing of Anti-Federalist writings in order to keep all 85 Federalist essays in the current volume. We have done our best under these restraints to give the Anti-Federalist positions the honest and fair treatment they deserve.

Even though one of the editors is a historian and the other a political scientist, we both believe that these documents are vital to understanding the America of the 1780s and understanding the intentions behind the Constitution. We also believe that these debates, teachings, and values are as important to grapple with today as they have ever been in U.S. history. America seems terribly divided today, but it was also divided at the founding. There are lessons to be found simply by realizing our divisions are not wholly new. Further, some of the divisions today are reflected directly in the debates that occurred in the 1780s about the size, scope, nature, character, and purpose of government.

For instance, while this edition was being prepared, the U.S. Senate was conducting the trial of a president under their constitutional responsibilities regarding impeachment and removal. Both Democratic and Republican senators quoted from *Federalist 65* and *Federalist 66* as they made their decisions and justified their actions. Twenty-first century battles over war powers, the Electoral College, the power of the Supreme Court, and federalism all can be informed by considering the documents included in this volume. We added special "Questions for Our Time" to each section to help contemporary readers connect today's concerns with those lessons reflected in these

⁸ Selections from the Anti-Federalist writings have been taken from the original source newspapers. Particular sources are listed with each excerpt.

⁹ We have attempted to retain original spellings and grammar in the documents.

documents that shaped our constitutional birth and heritage.

Whether you use this collection as a resource when you have questions about the Constitution, concerns about the current operations of our government, or you set about reading it cover to cover, we sincerely hope that you will use it to grow your own civic knowledge, to teach our fellow citizens, and to consider and reconsider the foundations of our constitutional order as we all face the challenges of our own times.

We wish you profitable study and want to thank our editorial team of GlyptusAnn Grider Jones, Natalie Smith, Connor Tracy, Emily Davis, and Carol Butler who made the vision for this edition a reality.

— Gary L. Gregg II and
Aaron N. Coleman

WHO WERE THE FEDERALISTS?

The essays that make up *The Federalist* were first published under the pseudonym “Publius,” but we know the authors were John Jay, Alexander Hamilton, and James Madison. Hamilton took the lead, writing 51 of the essays, while Madison authored 29, and Jay wrote only five. Many engaged citizens wrote in defense of the proposed Constitution while the ratification debates were being conducted in the states, but Publius’ essays were the most coherently organized and have provided the most well-known and respected explication of the Constitution.

Alexander Hamilton (1755–1804) served as secretary and aide-de-camp to George Washington from 1777 to 1781. He was a member of the Continental Congress from 1782 to 1783 and 1787 to 1788 and was a New York representative to the Constitutional Convention in 1787. He was the first U.S. secretary of the treasury, serving in that role from 1789 to 1795 and was inspector general of the army from 1798 to 1800.

James Madison (1751–1836) served as a member of the Virginia legislature from 1776 to 1780 and 1784 to 1786. He was a member of the Continental Congress from 1780 to 1783 and a member of the Constitutional Convention in 1787. He was a member of the U.S. House of Representatives from 1789 to 1797. He served as U.S. secretary of state from 1801 to 1809 and as president of the United States from 1809 to 1817.

John Jay (1745–1829) served as a member of the Continental Congress from 1774 to 1779 and was its president from 1778 to 1779. He was chief justice of the New York Supreme Court from 1777 to 1778, served as U.S. minister to Spain from 1779 to 1782, and was U.S. secretary of foreign affairs from 1784 to 1789. He served as chief justice of the United States from 1789 to 1795 and as governor of New York from 1795 to 1801.

WHO WERE THE ANTI-FEDERALISTS?

A note on the term Anti-Federalist: Opponents of the Constitution did not call themselves Anti-Federalists. Instead, Federalists coined the word as a pejorative with the purpose of convincing Americans that the Constitution's critics sought disunion. Although the term no longer carries this negative connotation, it remains the common name for the group.

Due to the anonymous nature of the essays, many of the identities of the authors remain unknown or are contested by scholars. This is not an exhaustive list of all Anti-Federalist writers.

Select Anti-Federalists included in this volume:

Agrippa (Massachusetts): Scholars generally agree that James Winthrop authored the Agrippa essays. Harvard educated, Winthrop served as the librarian of Harvard during the American Revolution and later became a judge of common pleas in 1791.

Brutus (New York): Although the author of the Brutus essays hailed from New York, the identity of this most important of Anti-Federalists is not known. Scholars debate whether the authorship belong to one of three men. Earlier attributions went to Robert Yates, one of the two New York delegates who left the Constitutional Convention in opposition. Another man commonly believed to be Brutus was George Clinton, the first governor of New York (1775–1795) and well-known opponent of the Constitution. The final name offered is Melancton Smith, a well-known New York politician who played a prominent role in the New York ratification debates.

Cato (New York): It remains unknown who authored the Cato essays. Scholars have suspected George Clinton of New York, but little evidence supports those claims. Other names such as Abraham Yates, the mayor of Albany and a state senator, and John Williams, also a New York state senator, have been offered.

Centinel (Pennsylvania): Authorship of these highly reprinted essays belongs to Samuel Bryan, secretary of the Pennsylvania Council of Censors.

Cincinnatus (New York): Although one contemporary believed Richard Henry Lee of Virginia authored these essays, no other evidence supports this claim. As such, the author of these essays remains unknown.

Federal Farmer (New York): Contemporaries and historians have long believed Richard Henry Lee of Virginia authored the Federal Farmer essays. Lee, one of the most distinguished and well-respected politicians of his age, authored the resolution that led the Continental Congress to write the Declaration of Independence, served as a Virginian delegate to the Confederation Congress, and was the first senator Virginia appointed to the United States Senate. In recent decades, Lee's authorship has come under question, although no real substitute for authorship has been offered.

Impartial Examiner (Virginia): The authorship of these essays remains unknown.

Thomas Jefferson (Virginia): While not an Anti-Federalist per se, Jefferson did criticize elements of the Constitution. During the ratification debates, Jefferson was in France, serving as the Confederation Congress' minister plenipotentiary (i.e., ambassador). He later became the first secretary of the state, cofounder with James Madison of the Democratic-Republican Party (or Jeffersonian Party), and third president of the United States.

Luther Martin (Maryland): A lawyer by trade, Martin played a prominent role in Maryland politics throughout the Revolutionary era, including being a member of his state's delegation to the Constitutional Convention. Known for his aggressive alcoholism and defense of state sovereignty during and long after the Constitutional Convention, Luther served as Maryland's lead council in the 1819 case of *McCulloch v. Maryland*.

Old Whig (Pennsylvania): The author of these essays remains unknown.

Vox Populi (Massachusetts): Though the authorship of these essays remains unknown, contemporaries suspected him to be a member of the Massachusetts legislature.

William Penn (Pennsylvania): The author of these essays remains unknown.



SECTION ONE

INTRODUCTION TO THE DEBATES



As demonstrated in the following two essays, both sides of the great constitutional divide of 1787–1788 understood the importance of the moment in which they debated. Brutus, opposing the adoption of the Constitution, correctly predicts that the outcome of the debate would impact not only the current generation but generations yet unborn: “Perhaps this country never saw so critical a period in their political concerns.” Supporting the Constitution, Publius states that the consequences of the debate would impact “nothing less than the existence of the UNION, the safety and welfare of the parts of which it is composed, the fate of the empire . . .” Though they might both agree on the importance of the moment, they differ profoundly on the proper solutions.

In these two essays, Brutus and Publius establish the ground on which their intellectual and political combat will take place. Neither side is making substantive arguments about the proposed Constitution but are merely framing their own engagements with the debates.

Publius' efforts are aimed at raising the stakes for his audience and challenging the status quo. He argues that those with an “enlarged view” will understand that the alternative is between “adoption of the constitution, or a dismemberment of the Union.” In contrast, Brutus urges his readers to be cautious and weigh the new Constitution very carefully. In this paper, Brutus leaves a full analysis of the Constitution vague, stating that it might be based in the foundations of liberty, but it also could be the very opposite. He warns that the people must be guarded and not pass something with hopes that they could amend it later to fix problems. Brutus' caution leans the scales in favor of the status quo and against the Constitution.

Both Publius and Brutus agree that the issues at hand are of the utmost importance,

and both agree that the American people need to think seriously about the alternatives. Publius famously puts the historic significance of it this way: “It has been frequently remarked, that it seems to have been reserved to the people of this country to decide, by their conduct and example, the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice, or whether they are forever destined to depend, for their political constitution, on accident and force.”

In reading these two papers, perhaps it is most important to focus on the political rhetoric they use and what they say about political rhetoric itself. Publius warns his readers of the interests and passions that may sway political arguments but also offers a word of caution against those who will cast aspersions against their opponents. We often see, he observes, “wise and good men on the wrong as well as on the right side of questions of the first magnitude to society.” Brutus, likewise, understands that passions sometimes sway the public during important deliberations but urges that “the candid and dispassionate part of the community” might find his arguments acceptable. During divisive political times, such a lesson itself is worth our consideration.

Perhaps Publius’ most important rhetorical observation in this paper is demonstrated through his warning that “a dangerous ambition often lurks behind the specious mask of zeal for the rights of the people.” He says that history has proven that of “those men who have overturned the liberties of republics, the greatest number have begun their career, by paying an obsequious court to the people . . . commencing demagogues and ending tyrants.” Beware of those politicians, Publius counterintuitively warns, who seem most desirous of extending the rights of the people. The reader of this volume will see the way Publius was attempting to put his own spin upon the debates to come—while the Anti-Federalists would give the benefit of the doubt to limited government power and would focus on protecting rights, the Federalists would argue for an empowered new central government.

QUESTIONS FOR OUR TIME

1. What can we learn about political rhetoric from reading these two great examples of it?
2. Which is more effective: Publius’ overt assertion that he is on the side of the Constitution or Brutus’ more open-ended rhetoric in which he urges caution but encourages the reader to consider the merits of the proposal in question?
3. Is Publius right to warn us that those who claim to be most vociferous in defense of rights and liberties might end up being the most dangerous to our liberties? Can you identify and explain an example of this today?
4. For a long time in American history, the word “demagogue” went out of fashion. How should America think about politicians who would use intemperate rhetoric, divide people, or tell people what they want to hear in order to gain their favor? Are they a natural outgrowth of democracy or should (and can) they be guarded against?
5. Most of us weigh in, at least from time to time, on public matters on social media and in person, too. What can we learn from these essays about how to speak to, and about, people who might disagree with us?

FEDERALIST NO. 1

INTRODUCTION

After full experience of the insufficiency of the existing federal government, you are invited to deliberate upon a New Constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences, nothing less than the existence of the UNION, the safety and welfare of the parts of which it is composed, the fate of an empire, in many respects, the most interesting in the world. It has been frequently remarked, that it seems to have been reserved to the people of this country to decide, by their conduct and example, the important question, whether societies of men are really capable or not, of establishing good government from reflection and choice, or whether they are forever destined to depend, for their political constitutions, on accident and force. If there be any truth in the remark, the crisis at which we are arrived may, with propriety, be regarded as the period when that decision is to be made; and a wrong election of the part we

shall act, may, in this view, deserve to be considered as the general misfortune of mankind.

This idea, by adding the inducements of philanthropy to those of patriotism, will heighten the solicitude which all considerate and good men must feel for the event. Happy will it be if our choice should be directed by a judicious estimate of our true interests, uninfluenced by considerations foreign to the public good. But this is more ardently to be wished for, than seriously to be expected. The plan offered to our deliberations, affects too many particular interests, innovates upon too many local institutions, not to involve in its discussion a variety of objects extraneous to its merits, and of views, passions and prejudices little favourable to the discovery of truth.

Among the most formidable of the obstacles which the new constitution will have to encounter, may readily be distinguished the obvious interest of a certain class of men in every state to

resist all changes which may hazard a diminution of the power, emolument and consequence of the offices they hold under the state establishments . . . and the perverted ambition of another class of men, who will either hope to aggrandize themselves by the confusions of their country, or will flatter themselves with fairer prospects of elevation from the subdivision of the empire into several partial confederacies, than from its union under one government.

It is not, however, my design to dwell upon observations of this nature. I am aware that it would be disingenuous to resolve indiscriminately the opposition of any set of men into interested or ambitious views, merely because their situations might subject them to suspicion. Candour will oblige us to admit, that even such men may be actuated by upright intentions; and it cannot be doubted, that much of the opposition, which has already shown itself, or that may hereafter make its appearance, will spring from sources blameless at least, if not respectable . . . the honest errors of minds led astray by preconceived jealousies and fears. So numerous indeed and so powerful are the causes which serve to give a false bias to the judgement, that we, upon many occasions, see wise and good men on the wrong as well as on the right side of questions, of the first magnitude to society. This circumstance, if duly attended to, would always furnish a lesson of moderation to those, who are engaged in any controversy, however well persuaded of being in the right. And a further reason for caution, in this respect, might be drawn from the reflection, that we are

not always sure, that those who advocate the truth are actuated by purer principles than their antagonists. Ambition, avarice, personal animosity, party opposition, and many other motives, not more laudable than these, are apt to operate as well upon those who support, as upon those who oppose, the right side of a question. Were there not even these inducements to moderation, nothing could be more ill judged than that intolerant spirit, which has, at all times, characterized political parties. For, in politics as in religion, it is equally absurd to aim at making proselytes by fire and sword. Heresies in either can rarely be cured by persecution.

And yet, just as these sentiments must appear to candid men, we have already sufficient indications, that it will happen in this, as in all former cases of great national discussion. A torrent of angry and malignant passions will be let loose. To judge from the conduct of the opposite parties, we shall be led to conclude, that they will mutually hope to evince the justness of their opinions, and to increase the number of their converts, by the loudness of their declamations, and by the bitterness of their invectives. An enlightened zeal for the energy and efficiency of government, will be stigmatized as the offspring of a temper fond of power, and hostile to the principles of liberty. An over scrupulous jealousy of danger to the rights of the people, which is more commonly the fault of the head than of the heart, will be represented as mere pretence and artifice . . . the stale bait for popularity at the expense of public good. It will be forgotten, on the one hand, that jealousy is the usual

concomitant of violent love, and that the noble enthusiasm of liberty is too apt to be infected with a spirit of narrow and illiberal distrust. On the other hand, it will be equally forgotten, that the vigour of government is essential to the security of liberty; that, in the contemplation of a sound and well informed judgment, their interests can never be separated; and that a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people, than under the forbidding appearances of zeal for the firmness and efficiency of government. History will teach us, that the former has been found a much more certain road to the introduction of despotism, than the latter, and that of those men who have overturned the liberties of republics, the greatest number have begun their career, by paying an obsequious court to the people . . . commencing demagogues, and ending tyrants.

In the course of the preceding observations it has been my aim, fellow citizens, to put you upon your guard against all attempts, from whatever quarter, to influence your decision in a matter of the utmost moment to your welfare, by any impressions, other than those which may result from the evidence of truth. You will, no doubt, at the same time, have collected from the general scope of them, that they proceed from a source not unfriendly to the new constitution. Yes, my countrymen, I own to you, that, after having given it an attentive consideration, I am clearly of opinion, it is your interest to adopt it. I am convinced, that this is the safest course for your liberty, your dignity, and your happiness. I affect not reserves, which I

do not feel. I will not amuse you with an appearance of deliberation, when I have decided. I frankly acknowledge to you my convictions, and I will freely lay before you the reasons on which they are founded. The consciousness of good intentions disdains ambiguity. I shall not however multiply professions on this head. My motives must remain in the depository of my own breast: my arguments will be open to all, and may be judged of by all. They shall at least be offered in a spirit, which will not disgrace the cause of truth.

I propose, in a series of papers, to discuss the following interesting particulars . . . *The utility of the UNION to your political prosperity* . . . *The insufficiency of the present confederation to preserve that Union* . . . *The necessity of a government at least equally energetic with the one proposed, to the attainment of this object* . . . *The conformity of the proposed constitution to the true principles of republican government* . . . *Its analogy to your own state constitution* . . . and lastly, *The additional security, which its adoption will afford to the preservation of that species of government, to liberty and to property.*

In the progress of this discussion, I shall endeavour to give a satisfactory answer to all the objections which shall have made their appearance, that may seem to have any claim to attention.

It may perhaps be thought superfluous to offer arguments to prove the utility of the UNION, a point, no doubt, deeply engraved on the hearts of the great body of the people in every state, and one which, it may be imagined, has no adversaries. But the fact is, that we already hear it

whispered in the private circles of those who oppose the new constitution, that the Thirteen States are of too great extent for any general system, and that we must of necessity resort to separate confederacies of distinct portions of the whole.¹⁰

This doctrine will, in all probability, be gradually propagated, till it has votaries enough to countenance its open avowal. For nothing can be more evident, to those

who are able to take an enlarged view of the subject, than the alternative of an adoption of the constitution, or a dismemberment of the Union. It may, therefore, be essential to examine particularly the advantages of that Union, the certain evils, and the probable dangers, to which every state will be exposed from its dissolution. This shall accordingly be done.

PUBLIUS

10 The same idea, tracing the arguments to their consequences, is held out in several of the late publications against the New Constitution.

THE ANTI-FEDERALIST PERSPECTIVE

BRUTUS I

For the *New York Journal*

When the public is called to investigate and decide upon a question in which not only the present members of the community are deeply interested, but upon which the happiness and misery of generations yet unborn is in great measure suspended, the benevolent mind cannot help feeling itself peculiarly interested in the result.

In this situation, I trust the feeble efforts of an individual, to lead the minds of the people to a wise and prudent determination, cannot fail of being acceptable to the candid and dispassionate part of the community. Encouraged by this consideration, I have been induced to offer my thoughts upon the present important crisis of our public affairs.

Perhaps this country never saw so critical a period in their political concerns. We have felt the feebleness of the ties by which these United States are held together, and the want of sufficient energy in our present confederation, to manage, in some instances, our general concerns. Various expedients have been proposed to remedy these evils, but none have succeeded. At length a Convention of the states has been assembled, they have formed a constitution which will now, probably, be submitted to the people to ratify or reject, who are the fountain of all power, to whom alone it of right belongs to make or unmake constitutions, or forms of government, at their pleasure. The most important question that was ever proposed to your decision, or to the decision of any people under heaven, is before you, and you are to decide upon it by men of your own election, chosen specially for this purpose. If the constitution, offered to your acceptance, be a wise one, calculated to preserve the invaluable blessings of liberty, to secure the inestimable rights of mankind, and promote human happiness, then, if you accept it, you will lay a lasting

foundation of happiness for millions yet unborn; generations to come will rise up and call you blessed. You may rejoice in the prospects of this vast extended continent becoming filled with freemen, who will assert the dignity of human nature. You may solace yourselves with the idea, that society, in this favoured land, will fast advance to the highest point of perfection; the human mind will expand in knowledge and virtue, and the golden age be, in some measure, realised. But if, on the other hand, this form of government contains principles that will lead to the subversion of liberty-if it tends to establish a despotism, or, what is worse, a tyrannic aristocracy; then, if you adopt it, this only remaining assylum for liberty will be shut up, and posterity will execrate your memory.

Momentous then is the question you have to determine, and you are called upon by every motive which should influence a noble and virtuous mind, to examine it well, and to make up a wise judgment. It is insisted, indeed, that this constitution must be received, be it ever so imperfect. If it has its defects, it is said, they can be best amended when they are experienced. But remember, when the people once part with power, they can seldom or never resume it again but by force. Many instances can be produced in which the people have voluntarily increased the powers of their rulers; but few, if any, in which rulers have willingly abridged their authority. This is a sufficient reason to induce you to be careful, in the first instance, how you deposit the powers of government.

SECTION TWO

ON UNION, DISUNION, AND THE
EXTENDED REPUBLIC



In these papers, Publius seeks to lay out a case that the alternative to ratification of the proposed Constitution is the dissolution of the union itself. The opponents of the Constitution often countered that this was a false dichotomy—the Articles of Confederation were, after all, still in place functioning as an organizing structure for a union.

In *Federalist 2* to *Federalist 9*, Publius paints a picture of a nation much safer, more stable, and freer when united under one central government than it possibly could be in divided and sovereign states. He argues that a more unified nation would have less reason for war than would a collection of separated states. Among his arguments is that one nation could take advantage of the most talent available, make wiser decisions, be less susceptible to more narrow and local interests and the temptations of breaking treaties, and be stronger in international contexts, thereby lessening other countries' likelihood to attack or attempt to cause humiliation through threats or blackmail.

In the case of disunion, Publius argues that states would become rivals for power and divided by commercial interests. They would then align with different foreign nations, begin wars over border disputes, and be more susceptible to ambitious political rulers who start wars to serve their own interests. Such was the case in the history of European wars and the ancient history of internecine warfare between the Greek city states.

The Anti-Federalist Centinel offers a unique reaction to Publius' fear of warfare between the states. If only for the sake of argument, he says, he will agree with Publius that sovereign and separate states will be more likely to go to war with one another than would be the case under a united constitution. But, he says, the pain of occasional wars was much preferred to being driven into "the fangs of despotism" permanently.

In *Federalist 8*, Publius turns his attention to a common concern of republicans of all stripes—the fear of a standing army. Here Publius was addressing an Anti-Federalist

concern that government would institute armies that would exist separately from and be used to suppress the rest of the population. Both the Federalists and Anti-Federalists pointed to European history and the loss of liberty associated with the rise of the military power of monarchs. (See Section 4 for more on this topic.) Publius' concern is that disunion will require standing armies in the states, as they will wish to protect themselves from each other as well as from foreign powers. The Anti-Federalists, on the other hand, are more concerned with the Constitution affording Congress the power to raise a standing army at the national level.

In *Federalist 9* and *Federalist 10*, Publius begins his most ambitious and, perhaps, most important defense of the Constitution. Traditionally, and as defended by the Anti-Federalists, free government was believed to be possible only on a small scale and with a relatively homogenous society. Much of human history and political philosophy until this point was on the Anti-Federalist side. To defend the Constitution, which would unite the people across a continent under one central head, Publius had to turn the existing consensus on its head. He does so in these two papers.

In *Federalist 9*, Publius argues that new innovations in the science of government will allow one large nation to unite without threatening liberty. That is, he argues representation, as opposed to direct democracy, which would allow a free country to exist over a larger geographic area and a larger population. And a form of divided sovereignty—what we think of today as federalism—would allow the states to exist without being abolished and absorbed within the wider nation.

In *Federalist 10*, probably the most famous of the papers, Publius lays out the case that, counter to existing political theory, an “extended republic” would be *more* friendly to liberty and good government than smaller communities. Smaller republics, such as the states, are more likely to be homogenous (something both sides would agree on), which might make it easier for a majority to oppress minorities. In a larger, more diverse nation, Publius argues, factions would proliferate and therefore be smaller, making it more difficult for them to grow to a size and power from which they could oppress others. The solution to the problems of factions, he argues, is more factions. Taking his view of human nature into account, Publius creates a republic based on diversity and conflict rather than the traditional view of free government thriving in situations of relative homogeneity and shared values.

The Anti-Federalist writings assembled here illustrate a call for a more traditional approach to republican government. Agrippa, for instance, argues that it is unwelcomed and impossible to try to have one national government over populations of people as diverse as those of Georgia and Massachusetts. Further, such reach goes against the very principles of the American Revolution. The Anti-Federalist Federal Farmer foresaw a “consolidated government” emerging through the centralizing power of the Constitution—not a union of sovereign states that had operated under the Articles of Confederation.

QUESTIONS FOR OUR TIME

1. Note Publius' discussion of deliberation in *Federalist 2*. He discusses the deliberations of the Congress of 1774 as a model and points to the deliberations of the Constitutional Convention as even more worthy of trust. The attentive reader will find Publius repeatedly discussing the importance of deliberation in government. Does government today live up to the model of deliberation Publius lays out?
2. Publius claims to be building a political system that is based on the lessons of human history and human nature rather than what he calls “the deceitful dream of a golden age.” He is building low and realistically, he claims, while his opponents are hoping for unrealistic improvements in human nature. Many Americans have dreamed of utopia and many others have warned of dystopian futures. How should we balance our hopes for a better future with our knowledge of the past and our experience with our fellow citizens today?
3. Both sides at the Founding feared standing armies, seeing them as a threat to the liberty of the people. For generations now, however, America has had the most powerful standing military force ever seen in human history. What precautions have we made to ensure our military forces are not a threat to our liberty at home? Does reading about these concerns encourage you to think any differently about U.S. military history and the place of the military in American society today? What do these arguments mean for our armed domestic forces such as the Federal Bureau of Investigation; Bureau of Alcohol, Tobacco, Firearms and Explosives; Homeland Security; Immigration and Naturalization Services; and state police?
4. In *Federalist 10*, Publius notes that people naturally form factions to pursue their own interests and, in so doing, possibly undermine the liberty and the interests of others. Some refer to such factions today as our political parties. While Publius predicted many small factions competing against one another, today we have a majority two-party system. Have we strayed from Publius' intent or do we still have many smaller factions found within the superstructure of our major political parties? Does the system work as

Publius intended, or would we be freer and more prosperous if we had smaller and more homogenous communities making major decisions?

5. The core difference between the Federalists and Anti-Federalists here and throughout these debates is about scale—what does a good and free society look like and what is the proper size to encourage it? Today, America is a huge, diverse, prosperous, and sometimes divided country of more than 325 million people. Which of the founding visions appeals to us in the 21st century, and what can we learn from both?

FEDERALIST NO. 2

CONCERNING DANGERS FROM FOREIGN FORCE AND INFLUENCE

When the people of America reflect, that the question now submitted to their determination, is one of the most important that has engaged, or can well engage, their attention, the propriety of their taking a very comprehensive, as well as a very serious, view of it, must be evident.

Nothing is more certain than the indispensable necessity of government; and it is equally undeniable, that whenever and however it is instituted, the people must cede to it some of their natural rights, in order to vest it with requisite powers. It is well worthy of consideration, therefore, whether it would conduce more to the interest of the people of America, that they should, to all general purposes, be one nation, under one federal government, than that they should divide themselves into separate confederacies, and give to the head of each, the same kind of powers which they are advised to place in one national government.

It has until lately been a received

and uncontradicted opinion, that the prosperity of the people of America depended on their continuing firmly united, and the wishes, prayers and efforts of our best and wisest citizens have been constantly directed to that object. But politicians now appear, who insist that this opinion is erroneous, and that instead of looking for safety and happiness in union, we ought to seek it in a division of the states into distinct confederacies or sovereignties. However extraordinary this new doctrine may appear, it nevertheless has its advocates; and certain characters who were formerly much opposed to it, are at present of the number. Whatever may be the arguments or inducements which have wrought this change in the sentiments and declarations of these gentlemen, it certainly would not be wise in the people at large to adopt these new political tenets, without being fully convinced that they are founded in truth and sound policy.

It has often given me pleasure to

observe, that independent America was not composed of detached and distant territories, but that one connected, fertile, wide spreading country, was the portion of our western sons of liberty. Providence has in a particular manner blessed it with a variety of soils and productions, and watered it with innumerable streams, for the delight and accommodation of its inhabitants. A succession of navigable waters forms a kind of chain round its borders, as if to bind it together; while the most noble rivers in the world, running at convenient distances, present them with highways for the easy communication of friendly aids, and the mutual transportation and exchange of their various commodities.

With equal pleasure I have as often taken notice, that Providence has been pleased to give this one connected country, to 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.

This country and this people seem to have been made for each other, and it appears as if it was the design of Providence, that an inheritance so proper and convenient for a band of brethren, united to each other by the strongest ties, should never be split into a number of unsocial, jealous and alien sovereignties.

Similar sentiments have hitherto prevailed among all orders and denomina-

tions of men among us. To all general purposes we have uniformly been one people . . . each individual citizen every where enjoying the same national rights, privileges, and protection. As a nation we have made peace and war: as a nation we have vanquished our common enemies: as a nation we have formed alliances and made treaties, and entered into various compacts and conventions with foreign states.

A strong sense of the value and blessings of Union induced the people, at a very early period, to institute a federal government to preserve and perpetuate it. They formed it almost as soon as they had a political existence; nay, at a time, when their habitations were in flames, when many of them were bleeding in the field, and when the progress of hostility and desolation left little room for those calm and mature inquiries and reflections, which must ever precede the formation of a wise and well balanced government for a free people. It is not to be wondered at that a government instituted in times so inauspicious, should on experiment be found greatly deficient and inadequate to the purpose it was intended to answer.

This intelligent people perceived and regretted these defects. Still continuing no less attached to union, than enamoured of liberty, they observed the danger which immediately threatened the former, and more remotely the latter; and being persuaded that ample security for both, could only be found in a national government more wisely framed, they, as with one voice, convened the late convention at Philadelphia, to take that important subject under consideration.

This convention, composed of men who possessed the confidence of the people, and many of whom had become highly distinguished by their patriotism, virtue, and wisdom, in times which tried the souls of men, undertook the arduous task. In the mild season of peace, with minds unoccupied by other subjects, they passed many months in cool uninterrupted and daily consultations; and finally, without having been awed by power, or influenced by any passion, except love for their country, they presented and recommended to the people the plan produced by their joint and very unanimous councils.

Admit, for so is the fact, that this plan is only *recommended*, not imposed, yet let it be remembered, that it is neither recommended to *blind* approbation, nor to *blind* reprobation; but to that sedate and candid consideration, which the magnitude and importance of the subject demand, and which it certainly ought to receive. But, as has been already remarked, it is more to be wished than expected that it may be so considered and examined. Experience on a former occasion teaches us not to be too sanguine in such hopes. It is not yet forgotten, that well grounded apprehensions of imminent danger induced the people of America to form the memorable Congress of 1774. That body recommended certain measures to their constituents, and the event proved their wisdom; yet it is fresh in our memories how soon the press began to teem with pamphlets and weekly papers against those very measures. Not only many of the officers of government who obeyed the dictates of personal interest,

but others from a mistaken estimate of consequences, from the undue influence of ancient attachments, or whose ambition aimed at objects which did not correspond with the public good, were indefatigable in their endeavours to persuade the people to reject the advice of that patriotic congress. Many indeed were deceived and deluded, but the great majority reasoned and decided judiciously; and happy they are in reflecting that they did so.

They considered that the congress was composed of many wise and experienced men. That being convened from different parts of the country, they brought with them and communicated to each other a variety of useful information. That in the course of the time they passed together in inquiring into and discussing the true interests of their country, they must have acquired very accurate knowledge on that head. That they were individually interested in the public liberty and prosperity, and therefore that it was not less their inclination, than their duty, to recommend such measures only, as after the most mature deliberation they really thought prudent and advisable.

These and similar considerations then induced the people to rely greatly on the judgment and integrity of the congress; and they took their advice, notwithstanding the various arts and endeavours used to deter and dissuade them from it. But if the people at large had reason to confide in the men of that congress, few of whom had then been fully tried or generally known, still greater reason have they now to respect the judgment and advice of the convention; for it is well known that some of the most distinguished members of that

congress, who have been since tried and justly approved for patriotism and abilities, and who have grown old in acquiring political information, were also members of this convention, and carried into it their accumulated knowledge and experience.

It is worthy of remark, that not only the first, but every succeeding congress, as well as the late convention, have invariably joined with the people in thinking that the prosperity of America depended on its Union. To preserve and perpetuate it, was the great object of the people in forming that convention, and it is also the great object of the plan which the convention has advised them to adopt. With what propriety, therefore, or for what good purposes, are attempts at this particular period made, by some men, to depreciate the importance of the union? or why is it suggested that three

or four confederacies would be better than one? I am persuaded in my own mind, that the people have always thought right on this subject, and that their universal and uniform attachment to the cause of the union, rests on great and weighty reasons. They who promote the idea of substituting a number of distinct confederacies in the room of the plan of the convention, seem clearly to foresee that the rejection of it would put the continuance of the union in the utmost jeopardy: that certainly would be the case; and I sincerely wish that it may be as clearly foreseen by every good citizen, that whenever the dissolution of the union arrives, America will have reason to exclaim in the words of the Poet, "FAREWELL! A LONG FAREWELL, TO ALL MY GREATNESS."

PUBLIUS

FEDERALIST NO. 3

THE SAME SUBJECT CONTINUED

It is not a new observation that the people of any country (if like the Americans intelligent and well informed) seldom adopt, and steadily persevere for many years, in any erroneous opinion respecting their interests. That consideration naturally tends to create great respect for the high opinion which the people of America have so long and uniformly entertained of the importance of their continuing firmly united under one federal government, vested with sufficient powers for all general and national purposes.

The more attentively I consider and investigate the reasons which appear to have given birth to this opinion, the more I become convinced that they are cogent and conclusive.

Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their *safety* seems to be the first. The *safety* of the people doubtless has relation to a great variety of circumstances and considerations, and

consequently affords great latitude to those who wish to define it precisely and comprehensively.

At present I mean only to consider it as it respects security for the preservation of peace and tranquillity, as well against dangers, from *foreign arms and influence*, as against dangers arising from domestic causes. As the former of these comes first in order, it is proper it should be the first discussed. Let us therefore proceed to examine whether the people are not right in their opinion, that a cordial union under an efficient national government, affords them the best security that can be devised against *hostilities* from abroad.

The number of wars which have happened or may happen in the world, will always be found to be in proportion to the number and weight of the causes, whether *real* or *pretended*, which *provoke* or *invite* them. If this remark be just, it becomes useful to inquire, whether so many *just* causes of war are likely

to be given by *united* America, as by *disunited* America; for if it should turn out that united America will probably give the fewest, then it will follow, that, in this respect, the union tends most to preserve the people in a state of peace with other nations.

The *just* causes of war for the most part arise either from violations of treaties, or from direct violence. America has already formed treaties with no less than six foreign nations, and all of them, except Prussia, are maritime, and therefore able to annoy and injure us: She has also extensive commerce with Portugal, Spain, and Britain, and with respect to the two latter, has the additional circumstance of neighbourhood to attend to.

It is of high importance to the peace of America, that she observe the law of nations towards all these powers; and to me it appears evident that this will be more perfectly and punctually done by one national government, than it could be either by thirteen separate states, or by three or four distinct confederacies. For this opinion various reasons may be assigned.

When once an efficient national government is established, the best men in the country will not only consent to serve, but will also generally be appointed to manage it; for although town, or county, or other contracted influence, may place men in state assemblies, or senates, or courts of justice, or executive departments; yet more general and extensive reputation for talents and other qualifications, will be necessary to recommend men to

offices under the national government, especially as it will have the widest field for choice, and never experience that want of proper persons, which is not uncommon in some of the states. Hence it will result, that the administration, the political counsels, and the judicial decisions of the national government, will be more wise, systematical and judicious, than those of individual states, and consequently more satisfactory with respect to the other nations, as well as more *safe* with respect to ourselves.

Under the national government, treaties and articles of treaties, as well as the laws of nations, will always be expounded in one sense, and executed in the same manner: whereas adjudications on the same points and questions, in thirteen states, or in three or four confederacies, will not always accord or be consistent; and that as well from the variety of independent courts and judges appointed by different and independent governments, as from the different local laws and interests which may affect and influence them. The wisdom of the convention, in committing such questions to the jurisdiction and judgment of courts appointed by, and responsible only to one national government, cannot be too much commended.

The prospect of present loss or advantage, may often tempt the governing party in one or two states to swerve from good faith and justice; and those temptations not reaching the other states, and consequently having little or no influence on the national government, the temptations will be

fruitless, and good faith and justice be preserved. The case of the treaty of peace with Britain, adds great weight to this reasoning.

If even the governing party in a state should be disposed to resist such temptations, yet as such temptations may, and commonly do, result from circumstances peculiar to the state, and may affect a great number of the inhabitants, the governing party may not always be able, if willing, to prevent the injustice meditated, or to punish the aggressors. But the national government, not being affected by those local circumstances, will neither be induced to commit the wrong themselves, nor want power or inclination to prevent, or punish its commission by others.

So far therefore as either designed or accidental violations of treaties and of the laws of nations afford *just* causes of war, they are less to be apprehended under one general government, than under several lesser ones, and in that respect, the former most favors the *safety* of the people.

As to those just causes of war which proceed from direct and unlawful violence, it appears equally clear to me, that one good national government affords vastly more security against dangers of that sort, than can be derived from any other quarter.

Such violences are more frequently occasioned by the passions and interests of a part than of the whole of one or two states than of the union. Not a single Indian war has yet been produced by aggressions of the present federal government, feeble as it is; but there are

several instances of Indian hostilities having been provoked by the improper conduct of individual states, who, either unable or unwilling to restrain or punish offences, have given occasion to the slaughter of many innocent inhabitants.

The neighbourhood of Spanish and British territories, bordering on some states, and not on others, naturally confines the causes of quarrel more immediately to the borderers. The bordering states, if any, will be those who, under the impulse of sudden irritations, and a quick sense of apparent interest or injury, will be most likely, by direct violence, to excite war with those nations; and nothing can so effectually obviate that danger, as a national government, whose wisdom and prudence will not be diminished by the passions which actuate the parties immediately interested.

But not only fewer just causes of war will be given by the national government, but it will also be more in their power to accommodate and settle them amicably. They will be more temperate and cool, and in that respect, as well as in others, will be more in capacity to act with circumspection than the offending state. The pride of states as well as of men, naturally disposes them to justify all their actions, and opposes their acknowledging, correcting or repairing their errors and offences. The national government in such cases will not be affected by this pride, but will proceed with moderation and candour, to consider and decide on the means most proper to extricate them from the difficulties which threaten them.

Besides it is well known that acknowledgments, explanations and compensations are often accepted as satisfactory from a strong united nation, which would be rejected as unsatisfactory if offered by a state or confederacy of little consideration or power.

In the year 1685 the state of Genoa having offended Louis XIVth, endeavoured to appease him. He demanded

that they should send their *doge* or chief magistrate, accompanied by four of their senators, to *France*, to ask his pardon and receive his terms. They were obliged to submit to it for the sake of peace. Would he on any occasion either have demanded or have received the like humiliation from Spain, or Britain, or any other *powerful* nation?

PUBLIUS

FEDERALIST NO. 4

THE SAME SUBJECT CONTINUED

My last paper assigned several reasons why the safety of the people would be best secured by union against the danger it may be exposed to by *just* causes of war given to other nations; and those reasons show that such causes would not only be more rarely given, but would also be more easily accommodated by a national government, than either by the state governments, or the proposed confederacies.

But the safety of the people of America against dangers from *foreign* force, depends not only on their forbearing to give *just* causes of war to other nations, but also on their placing and continuing themselves in such a situation as not to *invite* hostility or insult; for it need not be observed, that there are *pretended* as well as just causes of war.

It is too true, however disgraceful it may be to human nature, that nations in general will make war whenever they have a prospect of getting any thing by it; nay, that absolute monarchs will often make war when their nations are to

get nothing by it, but for purposes and objects merely personal, such as, a thirst for military glory, revenge for personal affronts, ambition, or private compacts to aggrandize or support their particular families, or partisans. These, and a variety of motives, which affect only the mind of the sovereign, often lead him to engage in wars not sanctioned by justice, or the voice and interests of his people. But independent of these inducements to war, which are most prevalent in absolute monarchies, but which well deserve our attention, there are others which affect nations as often as kings; and some of them will on examination be found to grow out of our relative situation and circumstances.

With France and with Britain we are rivals in the fisheries, and can supply their markets cheaper than they can themselves, notwithstanding any efforts to prevent it by bounties on their own, or duties on foreign fish.

With them and with most other

European nations, we are rivals in navigation and the carrying trade; and we shall deceive ourselves if we suppose that any of them will rejoice to see these flourish in our hands: for as our carrying trade cannot increase, without in some degree diminishing their's, it is more their interest and will be more their policy, to restrain, than to promote it.

In the trade to China and India, we interfere with more than one nation, inasmuch as it enables us to partake in advantages which they had in a manner monopolized, and as we thereby supply ourselves with commodities which we used to purchase from them.

The extension of our own commerce in our own vessels, cannot give pleasure to any nations who possess territories on or near this continent, because the cheapness and excellence of our productions, added to the circumstance of vicinity, and the enterprise and address of our merchants and navigators, will give us a greater share in the advantages which those territories afford, than consists with the wishes or policy of their respective sovereigns.

Spain thinks it convenient to shut the Mississippi against us on the one side, and Britain excludes us from the St. Lawrence on the other; nor will either of them permit the other waters, which are between them and us, to become the means of mutual intercourse and traffic.

From these and like considerations, which might, if consistent with prudence, be more amplified and detailed, it is easy to see that jealousies and uneasinesses may gradually slide into the minds and cabinets of other nations; and that we are not to expect they should regard our

advancement in union, in power and consequence by land and by sea, with an eye of indifference and composure.

The people of America are aware that inducements to war may arise out of these circumstances, as well as from others not so obvious at present; and that whenever such inducements may find fit time and opportunity for operation, pretences to colour and justify them will not be wanting. Wisely therefore do they consider union and a good national government as necessary to put and keep them in *such a situation* as instead of *inviting* war, will tend to repress and discourage it. That situation consists in the best possible state of defence, and necessarily depends on the government, the arms and the resources of the country.

As the safety of the whole is the interest of the whole, and cannot be provided for without government, either one or more or many, let us inquire whether one good government is not, relative to the object in question, more competent than any other given number whatever.

One government can collect and avail itself of the talents and experience of the ablest men, in whatever part of the union they may be found. It can move on uniform principles of policy. It can harmonize, assimilate, and protect the several parts and members, and extend the benefit of its foresight and precautions to each. In the formation of treaties it will regard the interest of the whole, and the particular interests of the parts as connected with that of the whole. It can apply the resources and power of the whole to the defence of any particular part, and that more easily and expeditiously than state governments,

or separate confederacies can possibly do, for want of concert and unity of system. It can place the militia under one plan of discipline, and by putting their officers in a proper line of subordination to the chief magistrate, will in a manner consolidate them into one corps, and thereby render them more efficient than if divided into thirteen or into three or four distinct independent bodies.

What would the militia of Britain be, if the English militia obeyed the government of England, if the Scotch militia obeyed the government of Scotland, and if the Welch militia obeyed the government of Wales? Suppose an invasion: would those three governments (if they agreed at all) be able with all their respective forces, to operate against the enemy so effectually as the single government of Great-Britain would?

We have heard much of the fleets of Britain; and if we are wise, the time may come, when the fleets of America may engage attention. But if one national government had not so regulated the navigation of Britain as to make it a nursery for seamen . . . if one national government had not called forth all the national means and materials for forming fleets, their prowess and their thunder would never have been celebrated. Let England have its navigation and fleet . . . let Scotland have its navigation and fleet . . . let Wales have its navigation and fleet . . . let Ireland have its navigation and fleet . . . let those four of the constituent parts of the British empire be under four independent governments, and it is easy to perceive how soon they would each dwindle into comparative insignificance.

Apply these facts to our own case. Leave America divided into thirteen, or if you please into three or four independent governments, what armies could they raise and pay, what fleets could they ever hope to have? If one was attacked would the others fly to its succour, and spend their blood and money in its defence? Would there be no danger of their being flattered into neutrality by specious promises, or seduced by a too great fondness for peace to decline hazarding their tranquillity and present safety for the sake of neighbours, of whom perhaps they have been jealous, and whose importance they are content to see diminished; although such conduct would not be wise it would nevertheless be natural. The history of the states of Greece, and of other countries, abound with such instances, and it is not improbable that what has so often happened, would, under similar circumstances happen again.

But admit that they might be willing to help the invaded state or confederacy. How, and when, and in what proportion shall aids of men and money be afforded? Who shall command the allied armies, and from which of the associates shall he receive his orders? Who shall settle the terms of peace, and in case of disputes what umpire shall decide between them, and compel acquiescence? Various difficulties and inconveniences would be inseparable from such a situation; whereas one government watching over the general and common interests, and combining and directing the powers and resources of the whole, would be free from all these embarrassments, and conduce far more to the safety of the people.

But whatever may be our situation,

whether firmly united under one national government, or split into a number of confederacies, certain it is, that foreign nations will know and view it exactly as it is, and they will act towards us accordingly. If they see that our national government is efficient and well administered . . . our trade prudently regulated . . . our militia properly organized and disciplined . . . our resources and finances discreetly managed . . . our credit re-established . . . our people free, contented and united, they will be much more disposed to cultivate our friendship, than to provoke our resentment. If, on the other hand, they find us either destitute of an

effectual government, (each state doing right or wrong as to its rulers may seem convenient) or split into three or four independent and probably discordant republics or confederacies, one inclining to Britain, another to France, and a third to Spain, and perhaps played off against each other by the three, what a poor pitiful figure will America make in their eyes! How liable would she become not only to their contempt, but to their outrage; and how soon would dear bought experience proclaim, that when a people or family so divide, it never fails to be against themselves.

PUBLIUS

FEDERALIST NO. 5

THE SAME SUBJECT CONTINUED

Queen Ann, in her letter of the 1st July, 1706, to the Scotch Parliament, makes some observations on the importance of the union then forming between England and Scotland, which merit our attention. I shall present the public with one or two extracts from it. “An entire and perfect union will be the solid foundation of lasting peace: it will secure your religion, liberty and property, remove the animosities amongst yourselves, and the jealousies and differences betwixt our two kingdoms. It must increase your strength, riches and trade; and by this union the whole island, being joined in affection and free from all apprehensions of different interests, will be *enabled to resist all its enemies.*” “We most earnestly recommend to you calmness and unanimity in this great and weighty affair, that the union may be brought to a happy conclusion; being the only *effectual* way to secure our present and future happiness, and disappoint the designs of our and your enemies, who will doubtless, on this

occasion, *use their utmost endeavours to prevent or delay this union.*”

It was remarked in the preceding paper, that weakness and divisions at home, would invite dangers from abroad, and that nothing would tend more to secure us from them than union, strength and good government within ourselves. This subject is copious and cannot easily be exhausted.

The history of Great-Britain is the one with which we are in general the best acquainted, and it gives us many useful lessons. We may profit by their experience, without paying the price which it cost them. Although it seems obvious to common sense, that the people of such an island should be but one nation, yet we find that they were for ages divided into three, and that those three were almost constantly embroiled in quarrels and wars with one another. Notwithstanding their true interest, with respect to the continental nations, was really the same, yet by the arts and policy and practices

of those nations, their mutual jealousies were perpetually kept enflamed, and for a long series of years they were far more inconvenient and troublesome, than they were useful and assisting to each other.

Should the people of America divide themselves into three or four nations, would not the same thing happen? Would not similar jealousies arise, and be in like manner cherished? Instead of their being "joined in affection and free from all apprehension of different interests," envy and jealousy would soon extinguish confidence and affection, and the partial interests of each confederacy instead of the general interests of all America, would be the only objects of their policy and pursuits. Hence, like most other *bordering* nations, they would always be either involved in disputes and war, or live in the constant apprehension of them.

The most sanguine advocates for three or four confederacies, cannot reasonably suppose that they would long remain exactly on an equal footing in point of strength, even if it was possible to form them so at first: but admitting that to be practicable, yet what human contrivance can secure the continuance of such equality? Independent of those local circumstances which tend to beget and increase power in one part, and to impede its progress in another, we must advert to the effects of that superior policy and good management which would probably distinguish the government of one above the rest, and by which their relative equality in strength and consideration, would be destroyed. For it cannot be presumed that the same degree of sound policy, prudence and foresight would

uniformly be observed by each of these confederacies, for a long succession of years.

Whenever, and from whatever causes, it might happen, and happen it would, that any one of these nations or confederacies, should rise on the scale of political importance much above the degree of her neighbours, that moment would those neighbours behold her with envy and with fear. Both those passions would lead them to countenance, if not to promote whatever might promise to diminish her importance; and would also restrain them from measures calculated to advance, or even to secure her prosperity. Much time would not be necessary to enable her to discern these unfriendly dispositions. She would soon begin, not only to lose confidence in her neighbours, but also to feel a disposition equally unfavourable to them. Distrust naturally creates distrust, and by nothing is good will and kind conduct more speedily changed, than by invidious jealousies and uncandid imputations, whether expressed or implied.

The North is generally the region of strength, and many local circumstances render it probable, that the most northern of the proposed confederacies would, at a period not very far distant, be unquestionably more formidable than any of the others. No sooner would this become evident, than the *Northern Hive* would excite the same ideas and sensations in the more Southern parts of America, which it formerly did in the Southern parts of Europe: Nor does it appear to be a rash conjecture, that its young swarms might often be tempted to gather honey

in the more blooming fields and milder air of their luxurious and more delicate neighbours.

They who well consider the history of similar divisions and confederacies, will find abundant reasons to apprehend, that those in contemplation would in no other sense be neighbours, than as they would be borderers; that they would neither love nor trust one another, but on the contrary would be a prey to discord, jealousy and mutual injuries; in short, that they would place us exactly in the situation in which some nations doubtless wish to see us, in which we should be *formidable only to each other*.

From these considerations it appears that those persons are greatly mistaken, who suppose that alliances offensive and defensive might be formed between these confederacies, which would produce that combination and union of wills, of arms, and of resources, which would be necessary to put and keep them in a formidable state of defence against foreign enemies.

When did the independent states into which Britain and Spain were formerly divided, combine in such alliances, or unite their forces against a foreign enemy? The proposed confederacies will be *distinct nations*. Each of them would have to regulate its commerce with foreigners by distinct treaties; and as their productions and commodities are different, and proper for different markets, so would those treaties be essentially different. Different commercial concerns must create different interests, and of course different degrees of political attachment to, and connection with, different foreign

nations. Hence it might and probably would happen, that the foreign nation with whom the *Southern* confederacy might be at war, would be the one, with whom the *Northern* confederacy would be the most desirous of preserving peace and friendship. An alliance so contrary to their immediate interest would not therefore be easy to form, nor if formed, would it be observed and fulfilled with perfect good faith.

Nay, it is far more probable that in America, as in Europe, neighbouring nations, acting under the impulse of opposite interests, and unfriendly passions, would frequently be found taking different sides. Considering our distance from Europe, it would be more natural for these confederacies to apprehend danger from one another, than from distant nations, and therefore that each of them should be more desirous to guard against the others, by the aid of foreign alliances, than to guard against foreign dangers by alliances between themselves. And here let us not forget how much more easy it is to receive foreign fleets into our ports, and foreign armies into our country, than it is to persuade or compel them to depart. How many conquests did the Romans and others make in the character of allies, and what innovations did they under the same character introduce into the governments of those whom they pretended to protect?

Let candid men judge then whether the division of America into any given number of independent sovereignties, would tend to secure us against the hostilities and improper interference of foreign nations.

PUBLIUS

FEDERALIST NO. 6

CONCERNING DANGERS FROM WAR BETWEEN STATES

The three last numbers of this work have been dedicated to an enumeration of the dangers to which we should be exposed, in a state of disunion, from the arms and arts of foreign nations. I shall now proceed to delineate dangers of a different, and, perhaps, still more alarming kind, those which will in all probability flow from dissensions between the states themselves, and from domestic factions and convulsions. These have been already in some instances slightly anticipated; but they deserve a more particular and more full investigation.

If these states should either be wholly disunited, or only united in partial confederacies, a man must be far gone in Utopian speculations, who can seriously doubt that the subdivisions into which they might be thrown, would have frequent and violent contests with each other. To presume a want of motives for such contests, as an argument against their existence, would be to forget that men are ambitious, vindictive, and

rapacious. To look for a continuation of harmony between a number of independent unconnected sovereignties, situated in the same neighbourhood, would be to disregard the uniform course of human events, and to set at defiance the accumulated experience of ages.

The causes of hostility among nations are innumerable. There are some which have a general and almost constant operation upon the collective bodies of society. Of this description are the love of power, or the desire of pre-eminence and dominion . . . the jealousy of power, or the desire of equality and safety. There are others which have a more circumscribed, though an equally operative influence, within their spheres: such are the rivalships and competitions of commerce between commercial nations. And there are others, not less numerous than either of the former, which take their origin entirely in private passions; in the attachments, enmities, interests, hopes, and fears, of leading individuals in the communities

of which they are members. Men of this class, whether the favourites of a king or of a people, have in too many instances abused the confidence they possessed; and assuming the pretext of some public motive, have not scrupled to sacrifice the national tranquillity to personal advantage, or personal gratification.

The celebrated Pericles, in compliance with the resentments of a prostitute,¹¹ at the expense of much of the blood and treasure of his countrymen, attacked, vanquished, and destroyed the city of the *Samnians*. The same man, stimulated by private pique against the *Magarensians*, another nation of Greece, or to avoid a prosecution with which he was threatened as an accomplice in a supposed theft of the statuary *Phidias*, or to get rid of the accusations prepared to be brought against him for dissipating the funds of the state in the purchase of popularity, or from a combination of all these causes, was the primitive author of that famous and fatal war, distinguished in the Grecian annals by the name of the *Peloponnesian* war; which, after various vicissitudes, intermissions, and renewals, terminated in the ruin of the Athenian commonwealth.

The ambitious cardinal, who was prime minister to Henry VIIIth, permitting his vanity to aspire to the triple crown, entertained hopes of succeeding in the acquisition of that splendid prize by the influence of the emperor Charles Vth. To secure the favour and interest of this

enterprising and powerful monarch, he precipitated England into a war with France, contrary to the plainest dictates of policy, and at the hazard of the safety and independence, as well of the kingdom over which he presided by his counsels, as of Europe in general. For if there ever was a sovereign who bid fair to realize the project of universal monarchy, it was the emperor Charles Vth, of whose intrigues Wolsey was at once the instrument and the dupe.

The influence which the bigotry of one female,¹² the petulances of another,¹³ and the cabals of a third,¹⁴ had in the cotemporary policy, ferments, and pacifications, of a considerable part of Europe, are topics that have been too often descanted upon not to be generally known.

To multiply examples of the agency of personal considerations in the production of great national events, either foreign or domestic, according to their direction, would be an unnecessary waste of time. Those who have but a superficial acquaintance with the sources from which they are to be drawn, will themselves recollect a variety of instances; and those who have a tolerable knowledge of human nature, will not stand in need of such lights, to form their opinion either of the reality or extent of that agency. Perhaps, however, a reference, tending to illustrate the general principle, may with propriety be made to a case which has lately happened among ourselves. If SHAYS had

11 Aspasia, vide Plutarch's life of Pericles.

12 Madame de Maintenon.

13 Duchess of Marlborough.

14 Madame de Pompadoure.

not been a *desperate debtor*, it is much to be doubted whether Massachusetts would have been plunged into a civil war.

But notwithstanding the concurring testimony of experience, in this particular, there are still to be found visionary, or designing men, who stand ready to advocate the paradox of perpetual peace between the states, though dismembered and alienated from each other. . . . The genius of republics, say they, is pacific; the spirit of commerce has a tendency to soften the manners of men, and to extinguish those inflammable humours which have so often kindled into wars. Commercial republics, like ours, will never be disposed to waste themselves in ruinous contentions with each other. They will be governed by mutual interest, and will cultivate a spirit of mutual amity and concord.

We may ask these projectors in politics, whether it is not the true interest of all nations to cultivate the same benevolent and philosophic spirit? If this be their true interest, have they in fact pursued it? Has it not, on the contrary, invariably been found, that momentary passions, and immediate interests, have a more active and imperious control over human conduct, than general or remote considerations of policy, utility, or justice? Have republics in practice been less addicted to war than monarchies? Are not the former administered by men as well as the latter? Are there not aversions, predilections, rivalships, and desires of unjust acquisition, that affect nations, as well as kings? Are not popular assemblies frequently subject to the impulses of rage, resentment, jealousy, avarice, and of other

irregular and violent propensities? Is it not well known, that their determinations are often governed by a few individuals in whom they place confidence, and that they are of course liable to be tainted by the passions and views of those individuals? Has commerce hitherto done any thing more than change the objects of war? Is not the love of wealth as domineering and enterprising a passion as that of power or glory? Have there not been as many wars founded upon commercial motives, since that has become the prevailing system of nations, as were before occasioned by the cupidity of territory or dominion? Has not the spirit of commerce, in many instances, administered new incentives to the appetite both for the one and for the other? Let experience, the least fallible guide of human opinions, be appealed to for an answer to these inquiries.

Sparta, Athens, Rome, and Carthage, were all republics; two of them, Athens and Carthage, of the commercial kind. Yet were they as often engaged in wars, offensive and defensive, as the neighbouring monarchies of the same times. Sparta was little better than a well regulated camp; and Rome was never satiated of carnage and conquest.

Carthage, though a commercial republic, was the aggressor in the very war that ended in her destruction. Hannibal had carried her arms into the heart of Italy, and even to the gates of Rome, before Scipio, in turn, gave him an overthrow in the territories of Carthage, and made a conquest of the commonwealth.

Venice, in latter times, figured more than once in wars of ambition; till becoming an object of terror to the other Italian states,

Pope Julius the Second found means to accomplish that formidable league,¹⁵ which gave a deadly blow to the power and pride of that haughty republic.

The provinces of Holland, till they were overwhelmed in debts and taxes, took a leading and conspicuous part in the wars of Europe. They had furious contests with England for the dominion of the sea; and were among the most persevering and most implacable of the opponents of Lewis XIV.

In the government of Britain the representatives of the people compose one branch of the national legislature. Commerce has been for ages the predominant pursuit of that country. Yet few nations have been more frequently engaged in war; and the wars, in which that kingdom has been engaged, have in numerous instances proceeded from the people. There have been, if I may so express it, almost as many popular as royal wars. The cries of the nation and the importunities of their representatives have, upon various occasions, dragged their monarchs into war, or continued them in it, contrary to their inclinations, and sometimes contrary to the real interests of the state. In that memorable struggle for superiority, between the rival houses of *Austria* and *Bourbon*, which so long kept Europe in a flame, it is well known that the antipathies of the English against the French, seconding the ambition, or rather the avarice, of a favourite leader,¹⁶ protracted the war beyond the limits marked out by sound policy, and for a considerable time in opposition to the views of the court.

The wars of these two last mentioned nations have in a great measure grown out of commercial considerations: the desire of supplanting, and the fear of being supplanted either in particular branches of traffic, or in the general advantages of trade and navigation; and sometimes even the more culpable desire of sharing in the commerce of other nations, without their consent.

The last war but two between Britain and Spain, sprang from the attempts of the English merchants, to prosecute an illicit trade with the Spanish main. These unjustifiable practices on their part, produced severities on the part of the Spaniards, towards the subjects of Great Britain, which were not more justifiable; because they exceeded the bounds of a just retaliation, and were chargeable with inhumanity and cruelty. Many of the English who were taken on the Spanish coasts, were sent to dig in the mines of Potosi; and by the usual progress of a spirit of resentment, the innocent were after a while confounded with the guilty in indiscriminate punishment. The complaints of the merchants kindled a violent flame throughout the nation, which soon after broke out in the house of commons, and was communicated from that body to the ministry. Letters of reprisal were granted, and a war ensued; which, in its consequences, overthrew all the alliances that but twenty years before had been formed, with sanguine expectations of the most beneficial fruits.

From this summary of what has taken

15 The League of Cambray, comprehending the Emperor, the King of France, the King of Arragon, and most of the Italian Princes and States.

16 The Duke of Marlborough.

place in other countries, whose situations have borne the nearest resemblance to our own, what reason can we have to confide in those reveries, which would seduce us into the expectation of peace and cordiality between the members of the present confederacy, in a state of separation? Have we not already seen enough of the fallacy and extravagance of those idle theories which have amused us with promises of an exemption from the imperfections, the weaknesses, and the evils incident to society in every shape? Is it not time to awake from the deceitful dream of a golden age, and to adopt as a practical maxim for the direction of our political conduct, that we, as well as the other inhabitants of the globe, are yet remote from the happy empire of perfect wisdom and perfect virtue?

Let the point of extreme depression to which our national dignity and credit have sunk; let the inconveniencies felt every where from a lax and ill administration of government; let the revolt of a part of the state of North Carolina; the late menacing

disturbances in Pennsylvania, and the actual insurrections and rebellions in Massachusetts, declare!

So far is the general sense of mankind from corresponding with the tenets of those, who endeavour to lull asleep our apprehensions of discord and hostility between the states, in the event of disunion, that it has from long observation of the progress of society become a sort of axiom in politics, that vicinity, or nearness of situation, constitutes nations natural ENEMIES. An intelligent writer expresses himself on this subject to this effect: "NEIGHBOURING NATIONS (says he) are naturally enemies of each other, unless their common weakness forces them to league in a CONFEDERATE REPUBLIC, and their constitution prevents the differences that neighbourhood occasions, extinguishing that secret jealousy, which disposes all states to aggrandize themselves at the expense of their neighbours."¹⁷ This passage, at the same time, points out the evil and suggests the remedy.

PUBLIUS

17 Vide Principes des Negotiations par l'Abbe de Mably.

FEDERALIST NO. 7

THE SAME SUBJECT CONTINUED, AND PARTICULAR CAUSES ENUMERATED

It is sometimes asked, with an air of seeming triumph, what inducements the states could have, if disunited, to make war upon each other? It would be a full answer to this question to say, . . . precisely the same inducements which have, at different times, deluged in blood all the nations in the world. But unfortunately for us, the question admit of a more particular answer. There are causes of difference within our immediate contemplation, of the tendency of which, even under the restraints of a federal constitution, we have had sufficient experience to enable us to form a judgment of what might be expected, if those restraints were removed.

Territorial disputes have at all times been found one of the most fertile sources of hostility among nations. Perhaps the greatest proportion of the wars that have desolated the earth have sprung from this origin. This cause would exist, among us, in full force. We have a vast tract of unsettled territory within the boundaries of the United States. There still are

discordant and undecided claims between several of them; and the dissolution of the union would lay a foundation for similar claims between them all. It is well known, that they have heretofore had serious and animated discussions concerning the right to the lands which were ungranted at the time of the revolution, and which usually went under the name of crown lands. The states within the limits of whose colonial governments they were comprised, have claimed them as their property; the others have contended that the rights of the crown in this article devolved upon the union; especially as to all that part of the Western territory which, either by actual possession, or through the submission of the Indian proprietors, was subject to the jurisdiction of the king of Great Britain, till it was relinquished by the treaty of peace. This, it has been said, was at all events an acquisition to the confederacy by compact with a foreign power. It has been the prudent policy of Congress to appease this controversy, by prevailing upon the states

to make cessions to the United States for the benefit of the whole. This has been so far accomplished, as under a continuation of the union, to afford a decided prospect of an amicable termination of the dispute. A dismemberment of the confederacy however would revive this dispute, and would create others on the same subject. At present, a large part of the vacant Western territory is by cession at least, if not by any anterior right, the common property of the union. If that were at an end, the states which have made cessions, on a principle of federal compromise, would be apt, when the motive of the grant had ceased, to reclaim the lands as a reversion. The other states would no doubt insist on a proportion, by right of representation. Their argument would be, that a grant once made, could not be revoked; and that the justice of their participating in territory acquired or secured, by the joint efforts of the confederacy, remained undiminished. If, contrary to probability, it should be admitted by all the states, that each had a right to a share of this common stock, there would still be a difficulty to be surmounted, as to a proper rule of apportionment. Different principles would be set up by different states for this purpose; and as they would affect the opposite interests of the parties, they might not easily be susceptible of a pacific adjustment.

In the wide field of Western territory, therefore, we perceive an ample theatre for hostile pretensions, without any umpire or common judge to interpose between the contending parties. To reason from the past to the future, we shall have good ground to apprehend, that the sword would sometimes be appealed

to as the arbiter of their differences. The circumstances of the dispute between Connecticut and Pennsylvania, respecting the lands at Wyoming, admonish us not to be sanguine in expecting an easy accommodation of such differences. The articles of confederation obliged the parties to submit the matter to the decision of a federal court. The submission was made, and the court decided in favour of Pennsylvania. But Connecticut gave strong indications of dissatisfaction with that determination; nor did she appear to be entirely resigned to it, till by negotiation and management something like an equivalent was found for the loss she supposed herself to have sustained. Nothing here said, is intended to convey the slightest censure on the conduct of that state. She no doubt sincerely believed herself to have been injured by the decision; and states, like individuals, acquiesce with great reluctance in determinations to their disadvantage.

Those who had an opportunity of seeing the inside of the transactions, which attended the progress of the controversy between this state and the district of Vermont, can vouch the opposition we experienced, as well from states not interested, as from those which were interested in the claim; and can attest the danger to which the peace of the confederacy might have been exposed, had this state attempted to assert its rights by force. Two motives preponderated in that opposition; one, a jealousy entertained of our future power; another, the interest of certain individuals of influence in the neighbouring states, who had obtained grants of lands under the

actual government of that district. Even the states which brought forward claims, in contradiction to ours, seemed more solicitous to dismember this state, than to establish their own pretensions. These were New Hampshire, Massachusetts, and Connecticut. New Jersey and Rhode Island, upon all occasions, discovered a warm zeal for the independence of Vermont; and Maryland, until alarmed by the appearance of a connexion between Canada and that place, entered deeply into the same views. These being small states, saw with an unfriendly eye the perspective of our growing greatness. In a review of these transactions, we may trace some of the causes which would be likely to embroil the states with each other, if it should be their unpropitious destiny to become disunited.

The competitions of commerce would be another fruitful source of contention. The states less favourably circumstanced, would be desirous of escaping from the disadvantages of local situation, and of sharing in the advantages of their more fortunate neighbours. Each state, or separate confederacy, would pursue a system of commercial polity peculiar to itself. This would occasion distinctions, preferences, and exclusions, which would beget discontent. The habits of intercourse, on the basis of equal privileges, to which we have been accustomed from the earliest settlement of the country, would give a keener edge to those causes of discontent, than they would naturally have, independent of this circumstance. *We should be ready to denominate injuries, those things which were in reality the justifiable acts of independent sovereignties*

consulting a distinct interest. The spirit of enterprise, which characterizes the commercial part of America, has left no occasion of displaying itself unimproved. It is not at all probable, that this unbridled spirit would pay much respect to those regulations of trade, by which particular states might endeavour to secure exclusive benefits to their own citizens. The infractions of these regulations on one side, the efforts to prevent and repel them on the other, would naturally lead to outrages, and these to reprisals and wars.

The opportunities which some states would have of rendering others tributary to them, by commercial regulations, would be impatiently submitted to by the tributary states. The relative situation of New York, Connecticut, and New Jersey, would afford an example of this kind. New York, from the necessities of revenue, must lay duties on her importations. A great part of these duties must be paid by the inhabitants of the two other states, in the capacity of consumers of what we import. New York would neither be willing, nor able to forego this advantage. Her citizens would not consent that a duty paid by them should be remitted in favour of the citizens of her neighbours; nor would it be practicable, if there were not this impediment in the way, to distinguish the customers in our own markets.

Would Connecticut and New Jersey long submit to be taxed by New York for her exclusive benefit? Should we be long permitted to remain in the quiet and undisturbed enjoyment of a metropolis, from the possession of which we derived an advantage so odious to our neighbours, and, in their opinion, so oppressive?

Should we be able to preserve it against the incumbent weight of Connecticut on the one side, and the co-operating pressure of New Jersey on the other? These are questions that temerity alone will answer in the affirmative.

The public debt of the union would be a further cause of collision between the separate states or confederacies. The apportionment, in the first instance, and the progressive extinguishment, afterwards, would be alike productive of ill humour and animosity. How would it be possible to agree upon a rule of apportionment, satisfactory to all? There is scarcely any, that can be proposed, which is entirely free from real objections. These, as usual, would be exaggerated by the adverse interest of the parties. There are even dissimilar views among the states, as to the general principle of discharging the public debt. Some of them, either less impressed with the importance of national credit, or because their citizens have little, if any, immediate interest in the question, feel an indifference, if not a repugnance, to the payment of the domestic debt, at any rate. These would be inclined to magnify the difficulties of a distribution. Others of them, a numerous body of whose citizens are creditors of the public, beyond the proportion of the state in the total amount of the national debt, would be strenuous for some equitable and effectual provision. The procrastinations of the former, would excite the resentments of the latter. The settlement of a rule would in the mean time be postponed, by real differences of opinion, and affected delays. The citizens of the states interested, would clamour; foreign powers would urge for

the satisfaction of their just demands; and the peace of the states would be exposed to the double contingency of external invasion, and internal contention.

But suppose the difficulties of agreeing upon a rule surmounted, and the apportionment made. Still there is great room to suppose, that the rule agreed upon would, in the experiment, be found to bear harder upon some states than upon others. Those which were sufferers by it, would naturally seek for a mitigation of the burthen. The others would as naturally be disinclined to a revision, which was likely to end in an increase of their own incumbrances. Their refusal would afford to the complaining states a pretext for withholding their contributions, too plausible not to be embraced with avidity; and the non-compliance of these states with their engagements, would be a ground of bitter dissention and altercation. If even the rule adopted should in practice justify the equality of its principle, still delinquencies in payment, on the part of some of the states, would result from a diversity of other causes . . . the real deficiency of resources; the mismanagement of their finances; accidental disorders in the administration of the government; and in addition to the rest, the reluctance with which men commonly part with money for purposes, that have outlived the exigencies which produced them, and interfere with the supply of immediate wants. Delinquencies from whatever causes would be productive of complaints, recriminations, and quarrels. There is, perhaps, nothing

more likely to disturb the tranquillity of nations, than their being bound to mutual contributions for any common object, which does not yield an equal and coincident benefit. For it is an observation as true, as it is trite, that there is nothing men differ so readily about, as the payment of money.

Laws in violation of private contracts, as they amount to aggressions on the rights of those states, whose citizens are injured by them, may be considered as another probable source of hostility. We are not authorized to expect, that a more liberal, or more equitable spirit would preside over the legislations of the individual states hereafter, if unrestrained by any additional checks, than we have heretofore seen, in too many instances, disgracing their several codes. We have observed the disposition to retaliation excited in Connecticut, in consequence of the enormities perpetrated by the legislature of Rhode Island; and we may reasonably infer, that in similar cases, under other circumstances, a war, not

of *parchment*, but of the sword, would chastise such atrocious breaches of moral obligation and social justice.

The probability of incompatible alliances between the different states, or confederacies, and different foreign nations, and the effects of this situation upon the peace of the whole, have been sufficiently unfolded in some preceding papers. From the view they have exhibited of this part of the subject, this conclusion is to be drawn, that America, if not connected at all, or only by the feeble tie of a simple league, offensive and defensive, would by the operation of such opposite and jarring alliances be gradually entangled in all the pernicious labyrinths of European politics and wars; and by the destructive contentions of the parts, into which she was divided, would be likely to become a prey to the artifices and machinations of powers equally the enemies of them all. *Divide et impera* must be the motto of every nation, that either hates or fears us.

PUBLIUS

FEDERALIST NO. 8

THE EFFECTS OF INTERNAL WAR IN PRODUCING STANDING ARMIES, AND OTHER INSTITUTIONS UNFRIENDLY TO LIBERTY

Assuming it therefore as an established truth, that, in case of disunion, the several states; or such combinations of them as might happen to be formed out of the wreck of the general confederacy, would be subject to those vicissitudes of peace and war, of friendship and enmity with each other, which have fallen to the lot of all neighbouring nations not united under one government, let us enter into a concise detail of some of the consequences that would attend such a situation.

War between the states, in the first periods of their separate existence, would be accompanied with much greater distresses than it commonly is in those countries, where regular military establishments have long obtained. The disciplined armies always kept on foot on the continent of Europe, though they bear a malignant aspect to liberty and economy, have, notwithstanding, been productive of the signal advantage of rendering sudden conquests impracticable, and

of preventing that rapid desolation, which used to mark the progress of war, prior to their introduction. The art of fortification has contributed to the same ends. The nations of Europe are encircled with chains of fortified places, which mutually obstruct invasion. Campaigns are wasted in reducing two or three frontier garrisons, to gain admittance into an enemy's country. Similar impediments occur at every step, to exhaust the strength, and delay the progress of an invader. Formerly, an invading army would penetrate into the heart of a neighbouring country, almost as soon as intelligence of its approach could be received; but now, a comparatively small force of disciplined troops, acting on the defensive, with the aid of posts, is able to impede, and finally to frustrate, the enterprises of one much more considerable. The history of war, in that quarter of the globe, is no longer a history of nations subdued, and empires overturned; but of towns taken and

retaken, of battles that decide nothing, of retreats more beneficial than victories, of much effort and little acquisition.

In this country, the scene would be altogether reversed. The jealousy of military establishments, would postpone them as long as possible. The want of fortifications, leaving the frontiers of one state open to another, would facilitate inroads. The populous states would, with little difficulty, overrun their less populous neighbours. Conquests would be as easy to be made, as difficult to be retained. War, therefore, would be desultory and predatory. Plunder and devastation ever march in the train of irregulars. The calamities of individuals would make the principal figure in the events, which would characterize our military exploits.

This picture is not too highly wrought; though, I confess, it would not long remain a just one. Safety from external danger, is the most powerful director of national conduct. Even the ardent love of liberty will, after a time, give way to its dictates. The violent destruction of life and property incident to war; the continual effort and alarm attendant on a state of continual danger, will compel nations the most attached to liberty, to resort for repose and security to institutions which have a tendency to destroy their civil and political rights. To be more safe, they, at length, become willing to run the risk of being less free.

The institutions chiefly alluded to,

are STANDING ARMIES, and the correspondent appendages of military establishment. Standing armies, it is said, are not provided against in the new constitution; and it is thence inferred that they would exist under it.¹⁸ This inference, from the very form of the proposition, is, at best, problematical and uncertain. But STANDING ARMIES, it may be replied, must inevitably result from a dissolution of the confederacy. Frequent war, and constant apprehension, which require a state of as constant preparation, will infallibly produce them. The weaker states, or confederacies, would first have recourse to them, to put themselves upon an equality with their more potent neighbours. They would endeavour to supply the inferiority of population and resources, by a more regular and effective system of defence, by disciplined troops, and by fortifications. They would, at the same time, be obliged to strengthen the executive arm of government; in doing which, their constitutions would acquire a progressive direction towards monarchy. It is of the nature of war to increase the executive, at the expense of the legislative authority.

The expedients which have been mentioned would soon give the states, or confederacies, that made use of them, a superiority over their neighbours. Small states, or states of less natural strength, under vigorous governments, and with the assistance of disciplined armies, have often triumphed over large states, or states of greater natural strength, which

18 This objection will be fully examined in its proper place; and it will be shown that the only rational precaution which could have been taken on this subject, has been taken; and a much better one than is to be found in any Constitution that has been heretofore framed in America, most of which contain no guard at all on this subject.

have been destitute of these advantages. Neither the pride, nor the safety, of the more important states, or confederacies, would permit them long to submit to this mortifying and adventitious superiority. They would quickly resort to means similar to those by which it had been effected, to reinstate themselves in their lost pre-eminence. Thus we should in a little time see established in every part of this country, the same engines of despotism which have been the scourge of the old world. This, at least, would be the natural course of things; and our reasonings will be likely to be just, in proportion as they are accommodated to this standard.

These are not vague inferences deduced from speculative defects in a constitution, the whole power of which is lodged in the hands of the people, or their representatives and delegates; they are solid conclusions, drawn from the natural and necessary progress of human affairs.

It may perhaps be asked, by way of objection, why did not standing armies spring up out of the contentions which so often distracted the ancient republics of Greece? Different answers equally satisfactory, may be given to this question. The industrious habits of the people of the present day, absorbed in the pursuits of gain, and devoted to the improvements of agriculture and commerce, are incompatible with the condition of a nation of soldiers, which was the true condition of the people of those republics. The means of revenue, which have been so greatly multiplied by the increase of gold and silver, and of the arts of industry, and the science of finance, which is the offspring of modern times, concur-

ring with the habits of nations, have produced an entire revolution in the system of war, and have rendered disciplined armies, distinct from the body of the citizens, the inseparable companion of frequent hostility.

There is a wide difference also, between military establishments in a country which, by its situation, is seldom exposed to invasions, and in one which is often subject to them, and always apprehensive of them. The rulers of the former can have no good pretext, if they are even so inclined, to keep on foot armies so numerous as must of necessity be maintained in the latter. These armies being, in the first case, rarely, if at all, called into activity for interior defence, the people are in no danger of being broken to military subordination. The laws are not accustomed to relaxations, in favour of military exigencies; the civil state remains in full vigour, neither corrupted nor confounded with the principles or propensities of the other state. The smallness of the army forbids competition with the natural strength of the community, and the citizens, not habituated to look up to the military power for protection, or to submit to its oppressions, neither love nor fear the soldiery: they view them with a spirit of jealous acquiescence in a necessary evil, and stand ready to resist a power which they suppose may be exerted to the prejudice of their rights.

The army under such circumstances, though it may usefully aid the magistrate to suppress a small faction, or an occasional mob, or insurrection, will be utterly incompetent to the purpose of enforcing

encroachments against the united efforts of the great body of the people.

But in a country, where the perpetual menacings of danger oblige the government to be always prepared to repel it, her armies must be numerous enough for instant defence. The continual necessity for his services enhances the importance of the soldier, and proportionably degrades the condition of the citizen. The military state becomes elevated above the civil. The inhabitants of territories often the theatre of war, are unavoidably subjected to frequent infringements on their rights, which serve to weaken their sense of those rights; and by degrees, the people are brought to consider the soldiery not only as their protectors, but as their superiors. The transition from this disposition to that of considering them as masters, is neither remote nor difficult: but it is very difficult to prevail upon a people under such impressions, to make a bold, or effectual resistance, to usurpations supported by the military power.

The kingdom of Great Britain falls within the first description. An insular situation, and a powerful marine, guarding it in a great measure against the possibility of foreign invasion, supersede the necessity of a numerous army within the kingdom. A sufficient force to make head against a sudden descent till the militia could have time to rally and embody, is all that has been deemed requisite. No motive of national policy has demanded, nor would public opinion have tolerated, a larger number of troops upon its domestic establishment. This peculiar felicity of situation has, in a great degree, contributed

to preserve the liberty which that country to this day enjoys, in spite of the prevalent venality and corruption. If Britain had been situated on the continent, and had been compelled, as she would have been, by that situation, to make her military establishments at home co-extensive with those of the other great powers of Europe, she, like them, would in all probability, at this day, be a victim to the absolute power of a single man. It is possible, though not easy, for the people of that island to be enslaved from other causes; but it cannot be by the prowess of an army so inconsiderable as that which has been usually kept up within the kingdom.

If we are wise enough to preserve the union, we may for ages enjoy an advantage similar to that of an insulated situation. Europe is at a great distance from us. Her colonies in our vicinity will be likely to continue too much disproportioned in strength, to be able to give us any dangerous annoyance. Extensive military establishments cannot, in this position, be necessary to our security. But if we should be disunited, and the integral parts should either remain separated, or, which is most probable, should be thrown together into two or three confederacies, we should be, in a short course of time, in the predicament of the continental powers of Europe. Our liberties would be a prey to the means of defending ourselves against the ambition and jealousy of each other.

This is an idea not superficial nor futile, but solid and weighty. It deserves the most serious and mature consideration of every prudent and honest man, of whatever party: if such men will make

a firm and solemn pause, and meditate dispassionately on its vast importance; if they will contemplate it in all its attitudes, and trace it to all its consequences, they will not hesitate to part with trivial objections to a constitution, the rejection of which would in all probability put a final period

to the Union. The airy phantoms that now flit before the distempered imaginations of some of its adversaries, would then quickly give place to the more substantial prospects of dangers, real, certain, and extremely formidable.

PUBLIUS

FEDERALIST NO. 9

THE UTILITY OF THE UNION AS A SAFEGUARD AGAINST DOMESTIC FACTION AND INSURRECTION

A firm union will be of the utmost moment to the peace and liberty of the states, as a barrier against domestic faction and insurrection.

It is impossible to read the history of the petty republics of Greece and Italy, without feeling sensations of horror and disgust at the distractions with which they were continually agitated, and at the rapid succession of revolutions, by which they were kept perpetually vibrating between the extremes of tyranny and anarchy. If they exhibit occasional calms, these only serve as short-lived contrasts to the furious storms that are to succeed. If now and then intervals of felicity open themselves to view, we behold them with a mixture of regret arising from the reflection, that the pleasing scenes before us are soon to be overwhelmed by the tempestuous waves of sedition and party rage. If momentary rays of glory break forth from the gloom, while they dazzle us with a transient and fleeting brilliancy,

they at the same time admonish us to lament, that the vices of government should pervert the direction, and tarnish the lustre, of those bright talents and exalted endowments, for which the favoured soils that produced them have been so justly celebrated.

From the disorders that disfigure the annals of those republics, the advocates of despotism have drawn arguments, not only against the forms of republican government, but against the very principles of civil liberty. They have decried all free government, as inconsistent with the order of society, and have indulged themselves in malicious exultation over its friends and partisans. Happily for mankind, stupendous fabrics reared on the basis of liberty, which have flourished for ages, have in a few glorious instances refuted their gloomy sophisms. And, I trust, America will be the broad and solid foundation of other edifices not less magnificent, which will be equally permanent monuments of their error.

But it is not to be denied, that the portraits they have sketched of republican government, were too just copies of the originals from which they were taken. If it had been found impracticable to have devised models of a more perfect structure, the enlightened friends of liberty would have been obliged to abandon the cause of that species of government as indefensible. The science of politics, however, like most other sciences, has received great improvement. The efficacy of various principles is now well understood, which were either not known at all, or imperfectly known to the ancients. The regular distribution of power into distinct departments; the introduction of legislative balances and checks; the institution of courts composed of judges, holding their offices during good behaviour; the representation of the people in the legislature, by deputies of their own election; these are either wholly new discoveries, or have made their principal progress towards perfection in modern times. They are means, and powerful means, by which the excellencies of republican government may be retained, and its imperfections lessened or avoided. To this catalogue of circumstances, that tend to the amelioration of popular systems of civil government, I shall venture, however novel it may appear to some, to add one more, on a principle which has been made the foundation of an objection to the new constitution; I mean the ENLARGEMENT of the ORBIT within which such systems are to revolve, either in respect to the dimensions of a single

state, or to the consolidation of several smaller states into one great confederacy. The latter is that which immediately concerns the object under consideration. It will, however, be of use to examine the principle in its application to a single state, which shall be attended to in another place.

The utility of a confederacy, as well to suppress faction, and to guard the internal tranquillity of states, as to increase their external force and security, is in reality not a new idea. It has been practised upon in different countries and ages, and has received the sanction of the most approved writers on the subjects of politics. The opponents of the PLAN proposed have with great assiduity cited and circulated the observations of Montesquieu on the necessity of a contracted territory for a republican government. But they seem not to have been apprised of the sentiments of that great man expressed in another part of his work, nor to have adverted to the consequences of the principle to which they subscribe with such ready acquiescence.

When Montesquieu recommends a small extent for republics, the standards he had in view were of dimensions, far short of the limits of almost every one of these states. Neither Virginia, Massachusetts, Pennsylvania, New York, North Carolina, nor Georgia, can by any means be compared with the models from which he reasoned, and to which the terms of his description apply. If we therefore receive his ideas on this point, as the criterion of truth, we shall be driven to the alternative, either of taking

refuge at once in the arms of monarchy, or of splitting ourselves into an infinity of little, jealous, clashing, tumultuous commonwealths, the wretched nurseries of unceasing discord, and the miserable objects of universal pity or contempt. Some of the writers, who have come forward on the other side of the question, seem to have been aware of the dilemma; and have even been bold enough to hint at the division of the larger states, as a desirable thing. Such an infatuated policy, such a desperate expedient, might, by the multiplication of petty offices, answer the views of men, who possess not qualifications to extend their influence beyond the narrow circles of personal intrigue; but it could never promote the greatness or happiness of the people of America.

Referring the examination of the principle itself to another place, as has been already mentioned, it will be sufficient to remark here, that in the sense of the author who has been most emphatically quoted upon the occasion, it would only dictate a reduction of the SIZE of the more considerable MEMBERS of the union; but would not militate against their being all comprehended in one confederate government. And this is the true question, in the discussion of which we are at present interested.

So far are the suggestions of Montesquieu from standing in opposition to a general union of the states, that he explicitly treats of a CONFEDERATE REPUBLIC as the expedient for extending the sphere of

popular government, and reconciling the advantages of monarchy with those of republicanism.

“It is very probable, says he,¹⁹ that mankind would have been obliged, at length, to live constantly under the government of a SINGLE PERSON, had they not contrived a kind of constitution, that has all the internal advantages of a republican, together with the external force of a monarchical government. I mean a CONFEDERATE REPUBLIC.

“This form of government is a convention by which several smaller *states* agree to become members of a larger *one*, which they intend to form. It is a kind of assemblage of societies, that constitute a new one, capable of increasing by means of new associations, till they arrive to such a degree of power as to be able to provide for the security of the united body.

“A republic of this kind, able to withstand an external force, may support itself without any internal corruption. The form of this society prevents all manner of inconveniences.

“If a single member should attempt to usurp the supreme authority, he could not be supposed to have an equal authority and credit in all the confederate states. Were he to have too great influence over one, this would alarm the rest. Were he to subdue a part, that which would still remain free might oppose him with forces, independent of those which he had usurped, and overpower him before he could be settled in his usurpation.

“Should a popular insurrection

19 Spirit of Laws, Vol. I. Book IX. Chap. I.

happen in one of the confederate states, the others are able to quell it. Should abuses creep into one part, they are reformed by those that remain sound. The state may be destroyed on one side, and not on the other; the confederacy may be dissolved, and the confederates preserve their sovereignty.

“As this government is composed of small republics, it enjoys the internal happiness of each, and with respect to its external situation, it is possessed, by means of the association, of all the advantages of large monarchies.”

I have thought it proper to quote at length these interesting passages, because they contain a luminous abridgement of the principal arguments in favour of the union, and must effectually remove the false impressions, which a misapplication of the other parts of the work was calculated to produce. They have, at the same time, an intimate connexion with the more immediate design of this paper, which is to illustrate the tendency of the union to repress domestic faction and insurrection.

A distinction, more subtle than accurate, has been raised between a *confederacy* and a *consolidation* of the states. The essential characteristic of the first, is said to be the restriction of its authority to the members in their collective capacities, without reaching to the individuals of whom they are composed. It is contended, that the national council ought to have no concern with any object of internal administration. An exact equality of suffrage between the members, has also been insisted upon as a leading feature

of a confederate government. These positions are, in the main, arbitrary; they are supported neither by principle nor precedent. It has indeed happened, that governments of this kind have generally operated in the manner which the distinction taken notice of supposes to be inherent in their nature; but there have been in most of them extensive exceptions to the practice, which serve to prove, as far as example will go, that there is no absolute rule on the subject. And it will be clearly shown, in the course of this investigation, that, as far as the principle contended for has prevailed, it has been the cause of incurable disorder and imbecility in the government.

The definition of a *confederate republic* seems simply to be, “an assemblage of societies,” or an association of two or more states into one state. The extent, modifications, and objects, of the federal authority, are mere matters of discretion. So long as the separate organization of the members be not abolished, so long as it exists by a constitutional necessity for local purposes, though it should be in perfect subordination to the general authority of the union, it would still be, in fact and in theory, an association of states, or a confederacy. The proposed constitution, so far from implying an abolition of the state governments, makes them constituent parts of the national sovereignty, by allowing them a direct representation in the senate, and leaves in their possession certain exclusive, and very important, portions of the sovereign power. This fully corresponds, in every rational import

of the terms, with the idea of a federal government.

In the Lycian confederacy, which consisted of twenty-three CITIES, or republics, the largest were entitled to *three* votes in the COMMON COUNCIL, those of the middle class to *two*, and the smallest to *one*. The COMMON COUNCIL had the appointment of all the judges and magistrates of the respective CITIES. This was certainly the most delicate species of interference in their internal administration; for if

there be any thing that seems exclusively appropriated to the local jurisdictions, it is the appointment of their own officers. Yet Montesquieu, speaking of this association, says, “were I to give a model of an excellent confederate republic, it would be that of Lycia.” Thus we perceive, that the distinctions insisted upon, were not within the contemplation of this enlightened writer; and we shall be led to conclude, that they are the novel refinements of an erroneous theory.

PUBLIUS

FEDERALIST NO. 10

THE SAME SUBJECT CONTINUED

Among the numerous advantages promised by a well constructed union, none deserves to be more accurately developed, than its tendency to break and control the violence of faction. The friend of popular governments, never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice. He will not fail, therefore, to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice, and confusion, introduced into the public councils, have, in truth, been the mortal diseases under which popular governments have every where perished; as they continue to be the favourite and fruitful topics from which the adversaries to liberty derive their most specious declamations. The valuable improvements made by the American constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality, to contend that they have as effectually obviated the danger on this side, as was wished and expected. Complaints are every where heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable; that the public good is disregarded in the conflicts of rival parties; and that measures are too often decided, not according to the rules of justice, and the rights of the minor party, but by the superior force of an interested and overbearing majority. However anxiously we may wish that these complaints had no foundation, the evidence of known facts will not permit us to deny that they are in some degree true. It will be found, indeed, on a candid review of our situation, that some of the distresses under which we labour, have been erroneously charged on the operation of our governments; but it will be found, at the same time, that other causes will not alone account

for many of our heaviest misfortunes; and, particularly, for that prevailing and increasing distrust of public engagements, and alarm for private rights, which are echoed from one end of the continent to the other. These must be chiefly, if not wholly, effects of the unsteadiness and injustice, with which a factious spirit has tainted our public administrations.

By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction: The one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of faction: The one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said, than of the first remedy, that it is worse than the disease. Liberty is to faction, what air is to fire, an aliment, without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

The second expedient is as impracticable, as the first would be unwise. As long as the reason of man

continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties, is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man; and we see them every where brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders, ambitiously contending for pre-eminence and power; or to persons of other descriptions, whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other, than to co-operate for their common good. So strong is this propensity of mankind, to fall into mutual animosities, that where

no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions, and excite their most violent conflicts. But the most common and durable source of factions, has been the various and unequal distribution of property. Those who hold, and those who are without property, have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a monied interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests, forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of government.

No man is allowed to be a judge in his own cause; because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay, with greater reason, a body of men are unfit to be both judges and parties, at the same time; yet, what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens? and what are the different classes of legislators, but advocates and parties to the causes which they determine? Is a law proposed concerning private debts? It is a question to which the creditors are parties on one side, and the debtors on the other. Justice ought to hold

the balance between them. Yet the parties are, and must be, themselves the judges; and the most numerous party, or, in other words, the most powerful faction, must be expected to prevail. Shall domestic manufactures be encouraged, and in what degree, by restrictions on foreign manufactures? are questions which would be differently decided by the landed and the manufacturing classes; and probably by neither with a sole regard to justice and the public good. The apportionment of taxes, on the various descriptions of property, is an act which seems to require the most exact impartiality; yet there is, perhaps, no legislative act in which greater opportunity and temptation are given to a predominant party, to trample on the rules of justice. Every shilling with which they over-burden the inferior number, is a shilling saved to their own pockets.

It is in vain to say, that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm: nor, in many cases, can such an adjustment be made at all, without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another, or the good of the whole.

The inference to which we are brought, is, that the *causes* of faction cannot be removed; and that relief is only to be sought in the means of controlling its *effects*.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority

to defeat its sinister views, by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest, both the public good and the rights of other citizens. To secure the public good, and private rights, against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed. Let me add, that it is the great desideratum, by which alone this form of government can be rescued from the opprobrium under which it has so long laboured, and be recommended to the esteem and adoption of mankind.

By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority, at the same time, must be prevented; or the majority, having such co-existent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. If the impulse and the opportunity be suffered to coincide, we well know, that neither moral nor religious motives can be relied on as an adequate control. They are not found to be such on the injustice and violence of individuals, and lose their efficacy in proportion to the number combined together; that is, in proportion as their efficacy becomes needful.

From this view of the subject, it may be concluded, that a pure democracy, by

which I mean, a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert, results from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party, or an obnoxious individual. Hence it is, that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have, in general, been as short in their lives, as they have been violent in their deaths. Theoretic politicians, who have patronised this species of government, have erroneously supposed, that, by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the union.

The two great points of difference, between a democracy and a republic, are, first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere

of country, over which the latter may be extended.

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice, will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen, that the public voice, pronounced by the representatives of the people, will be more consonant to the public good, than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people. The question resulting is, whether small or extensive republics are most favourable to the election of proper guardians of the public weal; and it is clearly decided in favour of the latter by two obvious considerations.

In the first place, it is to be remarked, that however small the republic may be, the representatives must be raised to a certain number, in order to guard against the cabals of a few; and that, however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude. Hence, the number of representatives in the two cases not being in proportion to that of the constituents, and being proportionally greatest in the small republic, it follows, that if the proportion of fit characters

be not less in the large than in the small republic, the former will present a greater option, and consequently a greater probability of a fit choice.

In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practise with success the vicious arts, by which elections are too often carried; and the suffrages of the people being more free, will be more likely to centre in men who possess the most attractive merit, and the most diffusive and established characters.

It must be confessed, that in this, as in most other cases, there is a mean, on both sides of which inconveniences will be found to lie. By enlarging too much the number of electors, you render the representative too little acquainted with all their local circumstances and lesser interests; as by reducing it too much, you render him unduly attached to these, and too little fit to comprehend and pursue great and national objects. The federal constitution forms a happy combination in this respect; the great and aggregate interests, being referred to the national, the local and particular to the state legislatures.

The other point of difference is, the greater number of citizens, and extent of territory, which may be brought within the compass of republican, than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former, than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct

parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other. Besides other impediments, it may be remarked, that where there is a consciousness of unjust or dishonourable purposes, communication is always checked by distrust, in proportion to the number whose concurrence is necessary.

Hence it clearly appears, that the same advantage, which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic . . . is enjoyed by the union over the states composing it. Does this advantage consist in the substitution of representatives, whose enlightened views and virtuous sentiments render them superior to local prejudices, and to schemes of injustice? It will not be denied, that the representation of the union will be most likely to possess these requisite endowments. Does it consist in the greater security afforded by a greater variety of parties, against the event of

any one party being able to outnumber and oppress the rest? In an equal degree does the increased variety of parties, comprised within the union, increase this security. Does it, in fine, consist in the greater obstacles opposed to the concert and accomplishment of the secret wishes of an unjust and interested majority? Here, again, the extent of the union gives it the most palpable advantage.

The influence of factious leaders may kindle a flame within their particular states, but will be unable to spread a general conflagration through the other states: a religious sect may degenerate into a political faction in a part of the confederacy; but the variety of sects dispersed over the entire face of it, must secure the national councils against any danger from that source: a rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the union, than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire state.

In the extent and proper structure of the union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit, and supporting the character of federalists.

PUBLIUS

THE ANTI-FEDERALIST PERSPECTIVE

AGRIPPA IV

For the *Massachusetts Gazette*

It is impossible for one code of laws to suit Georgia and Massachusetts. They must, therefore, legislate for themselves. Yet there is, I believe, not one point of legislation that is not surrendered in the proposed plan. Questions of every kind respecting property are determinable in a continental court, and so are all kinds of criminal causes. The continental legislature has, therefore, a right to make rules *in all cases* by which their judicial courts shall proceed and decide causes. No rights are reserved to the citizens. The laws of Congress are in all cases to be the supreme law of the land, and paramount to the constitutions of the individual states. The Congress may institute what modes of trial they please, and no plea drawn from the constitution of any state can avail. This new system is, therefore, a consolidation of all the states into one large mass, however diverse the parts may be of which it is to be composed. The idea of an uncompounded republic, on an average, one thousand miles in length, and eight hundred in breadth, and containing six millions of white inhabitants all reduced to the same standard of morals, or habits, and of laws, is in itself an absurdity, and contrary to the whole experience of mankind. The attempt made by Great-Britain to introduce such a system, struck us with horror, and when it was proposed by some theorist that we should be represented in parliament, we uniformly declared that one legislature could not represent so many different interests for the purposes of legislation and taxation. This was the leading principle of the revolution, and makes an essential article in our creed. All that part, therefore, of the new system, which relates to the internal government of the states, ought at once to be rejected.

FEDERAL FARMER I

For the *Poughkeepsie Country Journal*

The present moment discovers a new face in our affairs. Our object has been all along, to reform our federal system, and to strengthen our governments—to establish peace, order and justice in the community—but a new object now presents. The plan of government now proposed is evidently calculated totally to change, in time, our condition as a people. Instead of being thirteen republics, under a federal head, it is clearly designed to make us one consolidated government. Of this, I think, I shall fully convince you, in my following letters on this subject. This consolidation of the states has been the object of several men in this country for some time past. Whether such a change can ever be effected in any manner; whether it can be effected without convulsions and civil wars; whether such a change will not totally destroy the liberties of this country—time only can determine.

To have a just idea of the government before us, and to shew that a consolidated one is the object in view, it is necessary not only to examine the plan, but also its history, and the politics of its particular friends.

BRUTUS I

For the *New York Journal*

Let us now proceed to enquire, as I at first proposed, whether it be best the thirteen United States should be reduced to one great republic, or not? It is here taken for granted, that all agree in this, that whatever government we adopt, it ought to be a free one; that it should be so framed as to secure the liberty of the citizens of America, and such an one as to admit of a full, fair, and equal representation of the people. The question then will be, whether a government thus constituted, and founded on such principles, is practicable, and can be exercised over the whole United States, reduced into one state?

If respect is to be paid to the opinion of the greatest and wisest men who have ever thought or wrote on the science of government, we shall be constrained to conclude, that a free republic cannot succeed over a country of such immense extent, containing such a number of inhabitants, and these encreasing in such rapid progression as that of the whole United States. Among the many illustrious authorities which might be produced to this point, I shall content myself with quoting only two. The one is the baron de Montesquieu,

spirit of laws, chap. xvi. vol. I [book VIII]. "It is natural to a republic to have only a small territory, otherwise it cannot long subsist. In a large republic there are men of large fortunes, and consequently of less moderation; there are trusts too great to be placed in any single subject; he has interest of his own; he soon begins to think that he may be happy, great and glorious, by oppressing his fellow citizens; and that he may raise himself to grandeur on the ruins of his country. In a large republic, the public good is sacrificed to a thousand views; it is subordinate to exceptions, and depends on accidents. In a small one, the interest of the public is easier perceived, better understood, and more within the reach of every citizen; abuses are of less extent, and of course are less protected." Of the same opinion is the marquis Beccarari.

History furnishes no example of a free republic, any thing like the extent of the United States. The Grecian republics were of small extent; so also was that of the Romans. Both of these, it is true, in process of time, extended their conquests over large territories of country; and the consequence was, that their governments were changed from that of free governments to those of the most tyrannical that ever existed in the world.

Not only the opinion of the greatest men, and the experience of mankind, are against the idea of an extensive republic, but a variety of reasons may be drawn from the reason and nature of things, against it. In every government, the will of the sovereign is the law. In despotic governments the supreme authority being lodged in one, his will is law, and can be as easily expressed to a large extensive territory as to a small one. In a pure democracy the people are the sovereign, and their will is declared by themselves; for this purpose they must all come together to deliberate, and decide. This kind of government cannot be exercised, therefore, over a country of any considerable extent; it must be confined to a single city, or at least limited to such bounds as that the people can conveniently assemble, be able to debate, understand the subject submitted to them, and declare their opinion concerning it.

In a free republic, although all laws are derived from the consent of the people, yet the people do not declare their consent by themselves in person, but by representatives, chosen by them, who are supposed to know the minds of their constituents, and to be possessed of integrity to declare this mind.

In every free government, the people must give their assent to the laws by which they are governed. This is the true criterion between a free government and an arbitrary one. The former are ruled by the will of the whole, expressed in any manner they may agree upon; the latter by the will of one, or a few.

If the people are to give their assent to the laws, by persons chosen and appointed by them, the manner of the choice and the number chosen, must be such, as to possess, be disposed, and consequently qualified to declare the sentiments of the people; for if they do not know, or are not disposed to speak the sentiments of the people, the people do not govern, but the sovereignty is in a few. Now, in a large extended country, it is impossible to have a representation, possessing the sentiments, and of integrity, to declare the minds of the people, without having it so numerous and unwieldy, as to be subject in great measure to the inconveniency of a democratic government.

The territory of the United States is of vast extent; it now contains near three millions of souls, and is capable of containing much more than ten times that number. Is it practicable for a country, so large and so numerous as they will soon become, to elect a representation, that will speak their sentiments, without their becoming so numerous as to be incapable of transacting public business? It certainly is not.

In a republic, the manners, sentiments, and interests of the people should be similar. If this be not the case, there will be a constant clashing of opinions; and the representatives of one part will be continually striving, against those of the other. This will retard the operations of government, and prevent such conclusions as will promote the public good. If we apply this remark to the condition of the United States, we shall be convinced that it forbids that we should be one government. The United States includes a variety of climates. The productions of the different parts of the union are very variant, and their interests, of consequence, diverse. Their manners and habits differ as much as their climates and productions; and their sentiments are by no means coincident. The laws and customs of the several states are, in many respects, very diverse, and in some opposite; each would be in favor of its own interests and customs, and, of consequence, a legislature, formed of representatives from the respective parts, would not only be too numerous to act with any care or decision, but would be composed of such heterogenous and discordant principles, as would constantly be contending with each other.

The laws cannot be executed in a republic, of an extent equal to that of the United States, with promptitude.

The magistrates in every government must be supported in the execution of the laws, either by an armed force, maintained at the public expence for that purpose; or by the people turning out to aid the magistrate upon his command, in case of resistance.

In despotic governments, as well as in all the monarchies of Europe, standing armies are kept up to execute the commands of the prince or the magistrate, and are employed for this purpose when occasion requires: But they have always proved the destruction of liberty, and [are] abhorrent to the spirit of a free republic. In England, where they depend upon the parliament for their annual support, they have always been complained of as oppressive and unconstitutional, and are seldom employed in executing of the laws; never except on extraordinary occasions, and then under the direction of a civil magistrate.

In a republic of such vast extent as the United-States, the legislature cannot attend to the various concerns and wants of its different parts. It cannot be sufficiently numerous to be acquainted with the local condition and wants of the different districts, and if it could, it is impossible it should have sufficient time to attend to and provide for all the variety of cases of this nature, that would be continually arising.

In so extensive a republic, the great officers of government would soon become above the controul of the people, and abuse their power to the purpose of aggrandizing themselves, and oppressing them. The trust committed to the executive offices, in a country of the extent of the United-States, must be various and of magnitude. The command of all the troops and navy of the republic, the appointment of officers, the power of pardoning offences, the collecting of all the public revenues, and the power of expending them, with a number of other powers, must be lodged and exercised in every state, in the hands of a few. When these are attended with great honor and emolument, as they always will be in large states, so as greatly to interest men to pursue them, and to be proper objects for ambitious and designing men, such men will be ever restless in their pursuit after them. They will use the power, when they have acquired it, to the purposes of gratifying their own interest and ambition, and it is scarcely possible, in a very large republic, to call them to account for their misconduct, or to prevent their abuse of power.

These are some of the reasons by which it appears, that a free republic cannot long subsist over a country of the great extent of these states. If then this new constitution is calculated to consolidate the thirteen states into one, as it evidently is, it ought not to be adopted.

CATO III

For the *New York Journal*

The extent of many of the states of the Union, is at this time almost too great for the superintendence of a republican form of government, and must one day or other revolve into more vigorous ones, or by separation be reduced into smaller and more useful, as well as moderate ones. You have already observed the feeble efforts of Massachusetts against their insurgents; with what difficulty did they quell that insurrection; and is not the province of Maine at this moment on the eve of separation from her? The reason of these things is, that for the security of the *property* of the community, in which expressive term Mr. Locke makes life, liberty, and estate, to consist the wheels of a republic are necessarily slow in their operation. Hence, in large free republics, the evil sometimes is not only begun, but almost completed, before they are in a situation to turn the current into a contrary progression. The extremes are also too remote from the usual seat of government, and the laws, therefore, too feeble to afford protection to all its parts, and insure *domestic tranquility* without the aid of another principle. If, therefore, this state [New York], and that of North Carolina, had an army under their control, they never would have lost Vermont, and Frankland, nor the state of Massachusetts suffered an insurrection, or the dismemberment of her fairest district; but the exercise of a principle which would have prevented these things, if we may believe the experience of ages, would have ended in the destruction of their liberties.

Will this consolidated republic, if established, in its exercise beget such confidence and compliance, among the citizens of these states, as to do without the aid of a standing army I deny that it will. The malcontents in each state, who will not be a few, nor the least important, will be exciting factions against it the fear of a dismemberment of some of its parts, and the necessity to enforce the execution Of revenue laws (a fruitful source of oppression) on the extremes and in the other districts of the government, will incidentally and necessarily require a permanent force, to be kept on foot will not political security, and even the opinion of it, be extinguished? can mildness and moderation exist in a government where the primary incident in its exercise must be force? will not violence destroy confidence, and can equality subsist where the extent, policy, and practice of it will naturally lead to make odious distinctions among citizens?

CENTINEL II

For the *Freeman's Journal*

The other spectre that has been raised to terrify and alarm the people out of the exercise of their judgement on this great occasion, is the dread of our splitting into separate confederacies or republics, that might become rival powers and consequently liable to mutual wars from the usual motives of contention. This is an event still more improbable than the foregoing; it is a presumption unwarrantable, either by the situation of affairs, or the sentiments of the people; no disposition leading to it exists; the advocates of the new constitution seem to view such a separation with horror, and its opponents are strenuously contending for a confederation that shall embrace all America under its comprehensive and salutary protection. This hobgoblin appears to have sprung from the deranged brain of *Publius*, a New-York writer, who, mistaking sound for argument, has with Herculean labour accumulated myriads of unmeaning sentences, and *mechanically* endeavored to force conviction by a torrent of misplaced words; he might have spared his readers the fatigue of wading through his long-winded disquisitions on the direful effects of the contentions of inimical states, as totally inapplicable to the subject he was *professedly* treating; this writer has devoted much time, and wasted more paper in combating chimeras of his own creation: However, for the sake of argument, I will admit, that the necessary consequence of rejecting, or delaying the establishment of the new constitution, would be the dissolution of the union, and the institution of even rival and inimical republics; yet ought such an apprehension, if well founded, to drive us into the fangs of despotism: Infinitely preferable would be occasional wars to such an event; the former, although a severe scourge, is transient in its continuance, and in its operation partial, but a small proportion of the community are exposed to its greatest horrors, and yet fewer experience its greatest evils; the latter is permanent and universal misery, without remission or exemption: as passing clouds obscure for a time the splendour of the sun, so do wars interrupt the welfare of mankind; but despotism is a settled gloom that total extinguishes happiness, not a ray of comfort can penetrate to cheer the dejected mind; the goad of power with unabating rigor insists upon the utmost exaction, like a merciless task master, is continually inflicting the task, and is never satiated with the feast of unfeeling domination, or the most abject servility.

SECTION THREE

ON INTERNATIONAL TRADE AND COMMERCE



While *Federalist 2* through *Federalist 10* examine the political advantages of a stronger union, *Federalist 11* through *Federalist 14* explore the commercial benefits offered by the Constitution. In these essays, as in the 18th century in general, “commercial” and “economic” were not interchangeable terms. Commercial, at that time, meant international trade, while economic applied to the domestic economy. Thus, this set of essays focus on the potential benefits to international trade. Under the Articles of Confederation, each state determined its own commercial policy. This resulted in 13 different policies and approaches, some more successful than others. For *Publius*, the Constitution’s powers to establish uniform commercial policy and legislation would furnish widespread prosperity at home and respectability abroad.

Federalist 11 argues that a stronger union would lead to foreign governments competing for American markets. A stronger, more unified government could leverage this desire by requiring foreign markets previously closed to American trade to open. *Publius* also notes that by creating a federal navy, the United States would become “respectable” to foreign nations. Having desirable markets backed by the strength of a federal navy, *Publius* argues, would lead European powers to seek American neutrality in conflicts.

Federalist 12 and *Federalist 13* examine the economic benefits that derive from a union that controls commercial policy. The uniformity of commercial policy, *Publius* notes, lessens the need for direct taxation on American citizens as impost duties—taxes paid on foreign-made goods—become the primary form of governmental revenue. The result is more money in the pockets of Americans and more currency in economic circulation. Simplifying and centralizing commercial policy also strengthens the union by tearing down a source of animosity and jealousy between the states. Finally, the stronger union of the Constitution creates a single “civil list.” In other words, the