The Federalist
Dietze, Gottfried

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The political thinking of the authors of the Federalist was formed during the American Revolution, a period distinguished by the quest for individual freedom, for peace among the states, and for security from foreign nations.

Whereas Jay, serving at intervals as a delegate to the Continental Congress of 1774 and to the Congress that declared independence, took an active part in giving a start to the Revolution and played a more passive role in the postwar period, the reverse is the case with his younger collaborators.\(^1\) Although Madison and Hamilton were by no means inactive before and after the war, "they were of a succeeding generation, men formed in and by the revolution itself."\(^2\) Their influence on the political scene could be felt especially during the latter years of the war and thereafter. As believers in the freedom of the individual, the three authors would be adherents of a popular government under which minority rights were protected from the

\(^1\) Jay was born in 1745; Madison, in 1751; Hamilton, in 1757 or 1755.

\(^2\) John Quincy Adams, \textit{op. cit.}, 16.
majority. As American patriots, they would be interested in good relations among the states and in the safety of the American people from foreign powers. The desire for a free government in peace and security is evident in the authors' speeches and writings prior to the publication of the *Federalist*. It was, above all, this desire that prompted Jay, Madison, and Hamilton to criticize the Articles of Confederation for their failure to provide for a government that corresponded to the authors' ideal. Likewise, their advocacy of a more perfect Union can be largely explained as a result of their desire for free government in peace and security.

I

1. John Jay was a staunch defender of liberty.\(^3\) One of the signers of the letter to the Committee of Correspondence at Boston, he expressed himself "for the security of our common rights" as early as 1774.\(^4\) An address to the people of Great Britain, drafted by him in the same year, speaks of the sacrosanctity of private rights,\(^5\) as does his draft of an address of the New York Convention to the people of New York.\(^6\) In a charge to the grand jury of Ulster county, Jay spoke of the protection of lives, liberties, and property.\(^7\) In 1780, he praised the state constitutions for guaranteeing security to civil and religious liberty and for making "effective provision for the rights of justice and the due exercise of the necessary powers of government."\(^8\) Having experienced the ascendancy of sheer majority rule in the following years, he became less confident with respect to the state governments, but continued to be a stout advocate of vested rights. To Washington, he wrote in 1786:

> Our affairs seem to lead to some crisis. . . . I am uneasy and apprehensive, more so than during the war. . . . New governments have not the aid of habit and hereditary respects, and being generally the result of preceding tumult and confusion, do not im-

\(^3\) Characteristically, Frank Monaghan, *op. cit.*, gave his biography of Jay the subtitle, "Defender of Liberty."


\(^5\) Ibid., i, 17 ff.

\(^6\) Ibid., i, 102 ff.

\(^7\) Ibid., i, 158 ff.

\(^8\) Letter to Florida Blanca of April 25, 1780. Ibid., i, 284.
mediately acquire stability or strength. . . . What I most fear is, that the better kind of people, by which I mean the people who are orderly and industrious, . . . will be led by the insecurity of property, the loss of confidence in their rulers, and the want of public faith and rectitude, to consider the charms of liberty as imaginary and delusive. A state of fluctuation and uncertainty must disgust and alarm such men, and prepare their minds for almost any change that may promise them quiet and security.9

Aware of the democratic vogue in the states, which made government ineffective,10 Jay, in view of Rhode Island laws embracing "the doctrine of the political transsubstantiation of paper into gold and silver,"11 and afraid that "similar symptoms will . . . soon mark a like disease in several other States,"12 blamed the Articles of Confederation for admitting too much democracy. "Experience has pointed out errors in our national government which call for correction, and which threaten to blast the fruit we expected from our tree of liberty," he wrote to Washington.13 Later, he expressed his distrust of the legislative body: "Large assemblies often misunderstand or neglect the obligations of character, honour, and dignity, and will collectively do or omit things which individual gentlemen in private capacities would not approve. . . . Our government should in some degree be suited to our manners and circumstances, and they, you know, are not strictly democratical."14

Not strictly democratic, Jay said: While observing with concern the ascendancy of the democratic element, he wanted democracy limited only to the degree that the individual's protection required.

9 Letter of June 27, 1786. Ibid., iii, 204-5. Shocked by Shays's Rebellion, Jay wrote Jefferson on Oct. 27, 1786: "A spirit of licentiousness has infected Massachusetts, which appears more formidable than some at first apprehended. . . . A reluctance to taxes, an impatience of government, a rage for property and little regard to the means of acquiring it, together with a desire of equality in all things, seem to actuate the mass of those who are uneasy in their circumstances." Ibid., iii, 212.

10 See the letters to Jefferson of Aug. 18, 1786 and Feb. 9, 1787. Ibid., iii, 211, 232; to Gouverneur Morris of Sept. 24, 1783. Ibid., iii, 85.

11 Letter to John Adams of Nov. 1, 1786. Ibid., iii, 214.

12 Letter to Jefferson of Oct. 27, 1786. Ibid., iii, 212. See also his letters to John Adams of Feb. 21, 1787 and to Jefferson of April 24, 1787. Ibid., iii, 234, 244.

13 Letter of March 16, 1786. Ibid., iii, 186.

Although he expressed the thought that if democracy were not soon restricted it might be expedient to replace it with some other form of government,\textsuperscript{15} Jay hesitated in going to the other extreme. “Shall we have a king?” he wrote Washington in 1787, continuing, “not in my opinion while other experiments remain untried . . . no alterations in the government should . . . be made, nor if attempted will easily take place, unless deducible from the only source of just authority—the People.”\textsuperscript{16}

2. Aside from being a believer in free government, Jay was a promoter of peace within the United States. In 1779, he regretted that Congress, being instituted mainly for the purpose of opposing the tyranny of Britain and for establishing independence, had no authority to interfere in the particular quarrels of the states, feeling that this prevented Congress from settling disputes among the states. Consequently, he was happy when Congress recommended that Massachusetts, New Hampshire, and New York pass laws expressly authorizing the government of the Confederation to hear and settle all boundary differences among the states, hoping that such an action would facilitate the settlement of the Vermont dispute.\textsuperscript{17} He pleaded with his friends in New York to settle state boundary questions quickly and amicably, in order that all causes of dissension between the states might be removed.\textsuperscript{18} Two years later, he criticized the constitution of Massachusetts for describing that state “as being in New England, as well as in America,” and wrote that “perhaps it would be better if these distinctions were permitted to die away,”\textsuperscript{19} as tending to perpetuate undesirable sectional differences.\textsuperscript{20} His biographer relates that Jay even rejoiced that various families were intermarrying with those of other states, because this was conducive

\textsuperscript{15} See the letters to Washington of June 27, 1786; to Jefferson of Oct. 27, 1786; to John Adams of Nov. 1, 1786. \textit{Ibid.}, iii, 205, 213, 214.
\textsuperscript{17} Letter to Governor Clinton of Sept. 25, 1779. \textit{Ibid.}, i, 237.
\textsuperscript{18} On Dec. 14, 1782, Jay wrote to Robert R. Livingston: “The boundaries between the States should be immediately settled, and all causes of discord between them removed.” On Sept. 24, 1783, he advised Gouverneur Morris: “Settle your boundaries without delay. It is better that some improper limits should be fixed, than any left in dispute.” \textit{Ibid.}, iii, 7, 85.
\textsuperscript{19} Letter to Elbridge Gerry of Jan. 9, 1781. \textit{Ibid.}, i, 458.
\textsuperscript{20} Monaghan, \textit{op. cit.}, 280.
to friendship among the states. Prior to the meeting of the Philadelphia Convention, Jay clipped from the Daily Advertiser a few verses from the "Anarchiad":

Shall lordly Hudson part contending powers,  
And broad Potomac lave two hostile shores?  
Must Alleghany's sacred summits bear  
The impious bulwarks of perpetual war?  

Ere death invades, and night's deep curtain falls,  
Through ruined realms the voice of Union calls...

and he underscored the two concluding lines:

On you she calls! attend the warning cry:  
"Ye Live United, or Divided Die!"

3. As Jay recognized the necessity for peace within the United States, he was very much concerned about his country's security from foreign nations. That concern already had found expression in a letter to the Committee of Correspondence of Boston, drafted two years before the colonies declared their independence from the mother country. The idea of defense stands in the foreground in Jay's appeal to the people of New York of December, 1776. It is evident in Jay's activities during the first years of the war. In 1779, Jay was sent to the Spanish Court as an ambassador. After serving in that post for more than two years, he participated in the peace negotiations in Paris. During his stay abroad, he became aware of the position of the United States in international relations and again recognized the necessity for his country's security from foreign powers. In letters to his friends in America, such as William and Robert Livingston, Robert and Gouverneur Morris, Philip Schuyler, Egbert Benson, and Hamilton, Jay's suspicions of the designs of European nations against the United States are obvious. "I have no

21 When Rufus King married a daughter of the Alsop family in New York in 1786, Jay remarked: "I am pleased with these intermarriages; they tend to assimilate the States, and to promote one of the first wishes of my heart, viz., to see the people of America become one nation in every respect." Nevins, op. cit., 605.

22 Monaghan, op. cit., 281-82.


24 Ibid., I, 102 ff.

25 Monaghan, op. cit., 51 ff.
faith in any Court in Europe," he wrote Secretary Livingston. "There are circumstances which induce me to believe that Spain is turning her eyes to England for a more intimate connection. They are the only two European powers which have continental possessions on our side of the water, and Spain I think wishes for a league between them for mutual security against us." Jealously and suspicion never sleep in governments of a certain denomination," he wrote a few months later, probably expressing his distrust of France and Spain, and in the fall of 1783 he warned Gouverneur Morris that "America is beheld with jealousy, and jealousy is seldom idle." As Secretary for Foreign Affairs, Jay continued to voice his concern for American security.

4. In Jay's opinion, free government in peace and security could best be achieved through union. No matter whether he argues for the freedom of the individual, for peace among the states, or for security from foreign nations, the necessity of union is always stressed. This is obvious in his statements concerning security. He advocated union for the fight against England during the first years of the war. While in Europe, he viewed with concern the reluctance with which the American states payed the necessary taxes, writing to Governor Livingston that

it injures both their reputation and interest abroad, as well as at home, and tends to cherish the hopes and speculations of those who wish we may become and remain an unimportant, divided people. The rising power of America is a serious object of apprehension to more than one nation, and every event that may retard it will be agreeable to them. A continental, national spirit should therefore pervade our country, and Congress should be enabled, by a grant of the necessary powers, to regulate the commerce and general concerns of the confederacy; and we should remember that to be constantly prepared for war is the only way to have peace.

He warned Benson that "many foreign nations would rejoice to see us split to pieces, because we should then cease to be formidable,

26 Letter of April 22, 1783. JAY'S CORRESPONDENCE, III, 42-43.
27 Letter to Egbert Benson of July 10, 1783. Ibid., III, 51.
28 Letter of Sept. 24, 1783. Ibid., III, 85.
29 Monaghan, op. cit., 244 ff.
30 Ibid., 51 ff.
31 Letter of July 19, 1783. JAY'S CORRESPONDENCE, III, 55.
and such an event would afford a fine field for their intrigues." To Gouverneur Morris, Jay pointed out that for the sake of security "no time is to be lost in raising and maintaining a national spirit in America. Power to govern the confederacy, as to all general purposes, should be granted and exercised. . . . In a word, every thing conducive to union and constitutional energy of government should be cultivated, cherished, and protected." When he was Secretary for Foreign Affairs, Jay was no less unequivocal in his advocacy of a more perfect Union. He resented the restraints on trade that existed under the Articles of Confederation, hoping, on the other hand, that something positive might result from them, namely, a feeling of American solidarity. "Good will come out of evil," he wrote, continuing, "these discontents nourish federal ideas." Foreign restrictions and exclusions, bad as they were, "will tend to press us together, and strengthen our bands of union," Jay felt, and thus be productive of a greater security of the United States from foreign danger. His position enabled Jay to see, with distressing clarity, how much the weak Confederation was exposed on the international scene. Desirous of the United States taking her place among the nations, he knew that this was impossible without a fundamental change of the Articles of Confederation. "To be respectable abroad, it is necessary to be so at home; and that will not be the case until our public faith acquires more confidence, and our government more strength."

Similarly, Jay considered union a prerequisite for peace within America. The thirteen states were confederated not only for the purpose of conducting the Revolutionary War, but also for the promotion of good relations among the states. In 1779, Jay stated that the enemies of the United States "are mistaken when they suppose us kept together only by a sense of present danger," and that the Union is not to end with the war. He was happy to note that "the people of these States were never so cordially united as at this day," and continued: "By having been obliged to mix with each other, former prejudices have worn off, and their several manners become blended. A sense of common permanent interest, mutual affection (having been brethren in affliction), the ties of consanguinity daily extend-

32 Monaghan, op. cit., 221.
35 Monaghan, op. cit., 269.
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...ing, constant reciprocity of good offices, similarity in language, in governments, and therefore in manners, the importance, weight, and splendour of the Union,—all conspire in forming a strong chain of connection, which must for ever bind us together." He was in favor of a stronger national government that would be in a position to settle disputes between the various states. While in France, Jay expressed his feeling that union and energy in the national government would be conducive to peace among the American states. He confirmed this sentiment shortly before the Federal Convention met at Philadelphia.

Last, but not least, Jay considered the Union as a means for the protection of individual liberty. This was obvious as early as 1774, when, in view of the oppressive acts of the English Parliament, he stated that "from a virtuous and spirited union much may be expected, while the feeble efforts of a few will only be attended with mischief and disappointment to themselves and triumph to the adversaries of liberty." His appreciation of the Union did not change during the war, no matter whether he was in the United States or abroad. After his return to America, Jay continued to be a staunch advocate of a strong national government as a means for the protection of the individual's life, liberty, and property.

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property, Jay, referring to the state legislatures, stated that "representative bodies will ever be faithful copies of their originals, and generally exhibit a chequered assemblage of virtue and vice, of abilities and weakness. The mass of men are neither wise nor good, and the virtue like the other resources of a country, can only be drawn to a point and exerted by strong circumstances as ably managed, or a strong government ably administered." Here is a clear expression of Jay's skepticism toward the behavior of the state legislatures and their threats to the rights of the minority, and of his hope that a stronger national government might, for the sake of the individual's freedom, alter the situation. A similar sentiment prevails throughout the letter, in which it is also stated that the variety of circumstances that brought about the Confederation "would not, almost miraculously, have combined to liberate and make us a nation for transient and unimportant purposes." For Jay, the purpose of the Union was not merely to have security from foreign powers and peace within the United States, but also to secure the freedom of the individual from governmental oppression.

II

1. James Madison was as staunch a defender of individual rights as Jay. In favor of "defending liberty and property" against the English in 1774, and active in the Virginia Assembly that framed the constitution of 1776, Madison expressed himself for the protection of the individual's rights at the very beginning of his public career. Later, on the floor of Congress in 1783, he advocated "complete justice to the public creditors," and drafted his famous Address to the States. Seeing government instituted for the protection of individual rights, Madison denounced legislative evils in the states: "As far as laws are necessary to mark with precision the duties of those who are to obey them, and to take from those who are to administer them a discretion which might be abused, their

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42 Letter of June 27, 1786. Ibid., III, 203-5.
45 See the "Journal of the Virginia Convention in 1776." Ibid., 1, 34.
46 Debates in Congress on Jan. 28, 1783. Ibid., I, 336.
47 Ibid., 1, 454 ff., esp. 459.
number is the price of liberty. As far as laws exceed this limit, they are a nuisance; a nuisance of the most pestilent kind. . . . Try the Codes of the several States by this test, and what a luxuriancy of legislation do they present."\textsuperscript{48} The multiplicity of laws was an evil; their mutability was worse. Madison complained of "vicious legislation" that brought "into question the fundamental principle of republican government, that the majority who rule . . . are the safest Guardians both of public Good and private rights."\textsuperscript{49} Legislative behavior was not all he disliked. He observed with concern that "the late turbulent scenes in Massachusetts and infamous one in Rhode Island have done inexpressible injury to the republican character in that part of the U. States\textsuperscript{50} and accused the insurgents of having "an abolition of debts . . . and a new division of property . . . in contemplation."\textsuperscript{51}

However, Madison was interested in a restriction of democracy only to the degree to which the protection of the individual required it. "It seems indispensable that the mass of citizens should not be without a voice in making the laws which they are to obey, and in choosing the magistrates who are to administer them," he said in the Federal Convention,\textsuperscript{52} adding that it was "politic as well as just that the interests and rights of every class should be duly represented

\textsuperscript{48} "Vices of the Political System of the United States," April 1787. \textit{Ibid.}, II, 365.

\textsuperscript{49} \textit{Ibid.}, II, 366. Similar views were expressed in a letter to Jefferson of Oct. 24, 1787. \textit{Ibid.}, v, 27-29. On October 5, 1786, Madison wrote to Monroe: "There is no maxim in my opinion which is more liable to be misapplied, and which therefore more needs elucidation than the current one that the interest of the majority is the political standard of right and wrong. Taking the word 'interest' as synonymous with 'ultimate happiness,' in which sense it is qualified with every necessary moral ingredient, the proposition is no doubt true. But taking it in the popular sense, as referring to immediate augmentation of property and wealth nothing can be more false. In the latter sense it would be the interest of the majority in every community to despoil & enslave the minority of individuals; and in a federal community to make a similar sacrifice of the minority of the component States. In fact it is only re-establishing under another name and a more specious form, force as the measure of right. . . ." \textit{Ibid.}, II, 273.

\textsuperscript{50} Letter to Edmund Pendleton of Feb. 24, 1787. \textit{Ibid.}, II, 319.

\textsuperscript{51} Letter to James Madison of Nov. 1, 1786. \textit{Ibid.}, 278. See, in this connection, Madison's essay on property in the \textit{national gazette} of March 29, 1792, in which he distinguished, as did Locke, property in a broader and narrower sense, the former comprising the total of vested rights. \textit{Ibid.}, vi, 102-9.

\textsuperscript{52} Richard Hofstadter, \textit{the American political tradition and the men who made it} (1948), 6.
and understood in the public councils." He favored popular election of congressmen, popular ratification of the Constitution, and popular election of the executive.

On the other hand, Madison left no doubt about his antipathy to monarchy when he, the advocate of a more perfect Union, referred to a partition of the Union into several confederacies as "the lesser evil," if compared with monarchy. To Washington he wrote that those who "lean towards a Monarchical Government . . . are swayed by very indigested ideas" and "will of course abandon an unattainable object whenever a prospect opens of rendering the Republican form competent to its purposes." Madison was opposed to monarchy out of principle, probably more so than his two collaborators in the Federalist.

2. Madison was not only a believer in free government. He was also an advocate of peace within the United States. In 1780, he complained about the selfishness of Connecticut with respect to its territorial claims, fearing that it might be productive of tensions. A month later, he reproached Maryland for her jealousy on the same grounds. In the fall of the following year, Madison expressed concern lest Congress might take action invading the Western interests of his home state. His letters to Jefferson in the following months reveal a similar feeling. To Randolph, he complained of the obstinacy of Maryland and about reciprocal state jealousies. Madison's desire to secure peace within America was also evident in his role in Congress. On April 9, 1783, he warned Congress not to excite in the states irritations and jealousies on the issue of the Western...
A few days earlier, he disapproved of conventions in which only the states of a particular section of the United States participated, "not as absolute violations of the Confederacy, but as ultimately leading to them and in the meantime exciting pernicious jealousies." His notes for a speech in the Virginia House of Delegates in November, 1785, reveal a fear of war between the states, and in the spring of the following year "the present anarchy of our commerces" is denounced as being responsible for tensions in America. Madison's "Vices of the Political System of the United States," written shortly before the meeting of the Philadelphia Convention, enumerates various kinds of trespasses of the states on the rights of each other, such as laws of Virginia restricting foreign vessels to certain ports and laws of Maryland in favor of vessels belonging to her own citizens.

Paper money, instalments of debts, occlusion of Courts, making property a legal tender, may likewise be deemed aggressions on the rights of other States. As the Citizens of every State aggregately taken stand more or less in the relation of Creditors or debtors, to the Citizens of every other State, Acts of the debtor State in favor of debtors, affect the Creditor State, in the same manner as they do its own citizens who are relatively creditors towards other citizens. . . . The practice of many States in restricting the commercial intercourse with other States, and putting their productions and manufactures on the same footing with those of foreign nations, though not contrary to the federal articles, is certainly adverse to the spirit of the Union, and tends to beget retaliating regulations, not less expensive and vexatious in themselves than they are destructive of the general harmony.

Aside from trespassing on the rights of other states, the states also encroach on the federal authority and thus further endanger peace within the United States.

3. Just as he desired peace within America, Madison wanted the United States to be safe from foreign nations. Upon his return to his home state in 1774, the youthful Madison was appalled by Indian

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65 Ibid., 1, 444. For the whole problem of the Western territory, see Gaillard Hunt, THE LIFE OF JAMES MADISON (1902), 44 ff.
67 Ibid., II, 196.
68 Letter to Jefferson of March 18, 1786. Ibid., II, 228.
69 Ibid., II, 362-63.
70 Ibid., II, 361-62.
atrocities on the frontier. This feeling did not change in the following years. As to the English, Madison expressed himself in favor of defending the colonists’ liberty and property as early as 1774, and his attitude remained the same throughout the War of Independence. Even when peace was about to come, Madison was still skeptical and voiced his apprehensions lest “some tricks would be tried by the British Court notwithstanding their exterior fairness of late.” In a similar manner, the Virginian recognized the possibility of threats from Spain, as is evident in the instructions of the Continental Congress to John Jay in 1780, concerning the boundaries and free navigation of the Mississippi, which were drafted by him. After the peace treaty, he continued to be concerned about the security of his country. In the spring of 1787, he summed up his experience of the preceding years. “From the number of Legislatures, the sphere of life from which most of their members are taken, and the circumstances under which their legislative business is carried on,” he stated, violations of the law of nations and of treaties must frequently happen. Accordingly not a year has passed without instances of them in some one or other of the States. The Treaty of Peace—the treaty with France—the treaty with Holland have each been violated. . . . The causes of these irregularities must necessarily produce frequent violations of the law of nations in other respects. As yet foreign powers have not been rigorous in animadverting on us. This moderation, however cannot be mistaken for a permanent partiality to our faults, or a permanent security against those disputes with other nations, which being among the greatest of public calamities, it ought to be least in the power of any part of the community to bring on the whole.

4. Like Jay, Madison believed that free government in peace and security could be best achieved through union. The necessity of union is evident in his statements concerning the security of America. Recognizing the threats to the colonists’ liberty from the mother country, Madison expressed his confidence in the Union as early as 1775. “When I consider the united virtue of that illustri-
ous body [Congress],” he wrote to Bradford, “every apprehension of danger vanishes. The signal proofs they have given of their integrity and attachment to liberty, both in their private and Confederate capacities, must triumph over jealousy itself. However, should it come to the worst I am persuaded that the union, virtue and love of liberty at present prevailing throughout the Colonies is such that it would be as little in the power of our treacherous friends as of our avowed enemies, to put the yoke upon us.”

In the middle of the War of Independence, Madison, prompted by the precarious military situation, wrote to his father that “no exertions . . . ought to be omitted to testify our Zeal to support Congress in the prosecution of the War.”

In the spring of 1780, he complained to Jefferson about the weak position of Congress vis-à-vis the states, and six months later he noted with satisfaction that Congress entered on a plan for finally ratifying the Confederation, hoping that this would help the American war effort.

The instructions of Congress to Jay, written by Madison, voice concern lest disunity between Congress and the states “might greatly embarrass the public councils of the United States and give advantage to the common enemy.” After Yorktown, when the British had laid down their arms, Madison wrote to Edmund Pendleton that “it would be particularly unhappy, if any symptoms of disunion among ourselves should blast the golden prospects which the events of the campaign have opened to us.”

Once the war was over, the Virginian continued to advocate the Union for the sake of security. Commenting upon the situation on the Mississippi, he stated that Spain’s “permanent security seems to lie in the complexity of our federal government and the diversity of interests among the members of it which render offensive measures improbable in council and difficult in execution. If such be the case when thirteen States compose the system ought she not to wish to see the number enlarged to three and twenty?”

Before the meeting of the Philadelphia Convention, Madison blamed “the number and independent authority of the States” for the evils experienced both during the war and since the establishment of peace with respect

Irving Brant, James Madison (1941- ), i, 170. See also 172-74.


Letters to Jefferson of March 20 and May 6, 1780. Ibid., i, 59 and 61.

Letter to Edmund Pendleton of Sept. 12, 1780. Ibid., i, 67.

Ibid., i, 85-86.


to the security of the United States. His opinion did not change throughout the proceedings of the Federal Convention.

Madison also advocated union for the sake of peace within the United States. Commenting upon the Vermont question, he felt that the government of the Union should bring about a settlement of the problem, "and in a style marking a due firmness and decision in Congress." As to the Mississippi Valley, Madison was against Congress' relinquishing territory that was within the charter limits of particular states, fearing that such a cession would excite discussion between Congress and the states concerned and jeopardize American harmony. In 1781, he complained that Delaware did not merely refrain from contributing its share to the national treasury, but enriched herself at the expense of those states that fulfilled their duty. As a remedy, he suggested that Congress be armed with coercive powers to prevent "the shameless deficiency of some of the States," which was detrimental to the good relations among the component parts of the Union. The role of Congress to prevent a revival of the controversy between Connecticut and Pennsylvania was pointed out by him, as was its function to bring about a friendly compromise between the United States and its members concerning the Western territory.

In 1785, Madison advocated the

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85 "Vices of the Political system of the U. States," ibid., ii, 361-62. Two years earlier, in a letter to James Monroe of Aug. 7, 1785, Madison pointed out the necessity of a regulation of trade by Congress as a defense measure against the commercial policy of Great Britain. "Viewing in the abstract the question whether the power of regulating trade...ought to be vested in Congress, it appears to me not to admit of a doubt, but that it should be decided in the affirmative. If it be necessary to regulate trade at all, it surely is necessary to lodge the power where trade can be regulated with effect; and experience has confirmed what reason foresaw, that it can never be so regulated by the States acting in their separate capacities. They can no more exercise this power separately than they could separately carry on war, or separately form treaties of alliance or commerce." Ibid., ii, 156. On p. 157, Madison shows why a regulation of trade by the government of the Union is necessary for the sake of security from Great Britain.


87 Letter to Joseph Jones of Sept. 19, 1780. MADISON'S WRITINGS, i, 70.

88 "Instructions to John Jay" of Oct. 17, 1780. Ibid., i, 85-86.

89 Letter to Jefferson of April 16, 1781. Ibid., i, 130. See also his letter to Pendleton of Jan. 22, 1782. Ibid., i, 174-75.

90 Letter to Edmund Randolph of July 2, 1782. Ibid., i, 213.

91 Letter to Edmund Randolph of Sept. 10, 1782. Ibid., i, 233.
regulation of trade by Congress as being conducive to friendship among the states. “Commercial interests of the States . . . meet in more points than they differ,” he stated. Consequently, he was in favor of “submitting the commercial interest of each State to the direction and care of the Majority” in Congress.92 In a letter to Jefferson, written in the same year, Madison’s advocacy of union for the sake of peace within the United States is again evident. “I find with much regret,” he wrote, that the affairs of the confederacy “are as yet little redeemed from the confusion which has so long mortified the friends to our national honor and prosperity. Congress has kept the Vessel from sinking, but it has been by standing constantly at the pump, not by stopping the leaks which have endangered her. All their efforts for the latter purpose have been frustrated by the selfishness or perverseness of some part or other of their constituents.” Madison then enumerates “the desiderata most strongly urged by our past experience & our present situation,” all of which are conducive to internal peace.93 Half a year later, congressional regulation of trade is advocated in order to end the “commercial warfare among the States.”94 When, shortly before the Federal Convention, Madison outlined the shortcomings of the political system of the United States, he complained of the want of harmony within the country. Again, the remedy he suggested was union.95

Aside from considerations of security and peace,96 Madison wanted the Union in order to secure the freedom of the individual. This desire was evident in his attitude throughout the War of Independence. In the postwar period, he increasingly conceived of a stronger national government as a means for curbing democratic excesses in

93 Letter of Oct. 3, 1785. Ibid., II, 178-79. The desiderata were, “1. a final discrimination between such of the unauthorized expences of the States as ought to be added to the common debt, and such as ought not. 2. a constitutional appportionment of the common debt, either by a valuation of the land, or a change of the article which requires it. 3. a recognition by the States of the authority of Congress to enforce payment of their respective quotas. 4. a grant to Congress of an adequate power over trade.”
94 Letter to James Monroe of April 9, 1786. Ibid., II, 235.
95 “Vices of the Political system of the U. States.” Ibid., II, 361 ff.
96 In his letter to Richard Henry Lee of Dec. 25, 1784, Madison stated: “In general I hold it for a maxim that the Union of the States is essential to their safety against foreign danger, & internal contention; and that the perpetuity and efficacy of the present system cannot be confided in.” Ibid., II, 99-100.
the states. In November, 1786, when he noted with concern Shays's Rebellion, Madison made a speech in the Virginia House of Delegates in defense of private property, in which he stated not only that paper money would be unjust, pernicious, and incompatible with the constitution of his home state, but also that it would be "antifederal," i.e., in conflict with the Articles of Confederation. Early in the following year, he wrote Edmund Pendleton that he hoped the danger of a partition of the Union into smaller confederacies, considered by many as a remedy against democratic excesses in the states, "will rouse all the real friends of the Revolution to exert themselves in favor of such an organization of the confederacy as will perpetuate the Union, and redeem the honor of the Republican name."

He was in favor of equipping the national government with "a negative in all cases whatsoever on the legislative acts of the States," feeling that a "happy effect of this prerogative would be its control on the internal vicissitudes of State policy, and the aggressions of interested majorities on the rights of minorities and of individuals."

Again, his paper on the vices of the political system of the United States shows that a strengthening of the national government was considered by Madison to be conducive to free government. The very title of the essay sets out the problem of reform in its totality. Since "the political system of the United States" was one,

86 Letter to James Monroe of Nov. 1, 1786. Ibid., II, 277-78.
87 Ibid., II, 279-81. Madison's notes read: "Antifederal. Right of regulating coin given to Congress for two reasons. 1. for sake of uniformity. 2. to prevent fraud in States towards each other or foreigners. Both these reasons hold equally as to paper money."
88 Letter of Feb. 24, 1787. Ibid., II, 319-20. Madison's use of the term "real friends of the Revolution" is significant. These friends are, of course, those people who believe in the protection of life, liberty, and property. By contrast, the "false" friends of the Revolution would be those who believe, like Hichborn (supra, p. 60) in equality and the sheer will of the majority.
89 Letter to Washington of April 16, 1787. Ibid., II, 546. The letter continues: "The great desideratum which has not yet been found for Republican Governments seems to be some disinterested & dispassionate umpire in disputes between different passions & interests in the State. The majority who alone have the right of decision, have frequently an interest, real or supposed in abusing it. . . . Might not the national prerogative here suggested be found sufficiently disinterested for the decision of local questions of policy, whilst it would itself be sufficiently restrained from the pursuit of interests adverse to those of the whole Society. There has not been any moment since the peace at which the representatives of the Union would have given an assent to paper money or any other measure of a kindred nature."
the problem was not only one of reforming organizational defects
of the federal government, but also one of improving the conditions
within the states. Such an improvement would not only be beneficial
for security from foreign nations and peace in America, but also for
the safety of the individual’s life, liberty, and property from the
onslaught of an equalitarian majoritarianism. One of the great short­
comings of the Articles of Confederation was, Madison felt, the
“want of a guarantee to the States of their constitutions and laws
against internal violence,” a clear recognition by the Virginian of
the necessity of the more perfect Union for the protection of indi­
vidual rights in a popular government.101

III

1. Like his two collaborators, Hamilton defended the freedom of
the individual from the very beginning of his career. In his first
pamphlet, A Full Vindication, written in 1774, the student at King’s
College took issue with Samuel Seabury’s Letters of a Westchester
Farmer and made a strong confession to the colonists’ natural rights,
maintaining that their lives and properties are protected by the law
of nature, the genius of the British constitution, and the colonial
charters.102 Admonishing his countrymen to die rather than to sub­
mit to an infringement upon their property, Hamilton warned that
not only property was endangered, but also their lives and religious

101 Ibid., 11, 361 ff. The quotation is on p. 363. The view here expressed is that
of Edward S. Corwin, “The Progress of Constitutional Theory between the Declar­
ation of Independence and the Meeting of the Philadelphia Convention,”
American Historical Review (1924-25) XXX, 534 ff. Madison expressed his point
even more clearly five months later in a letter to Jefferson of Oct. 24, 1787: “A
constitutional negative on the laws of the State seems . . . necessary to secure in­
dividuals against encroachments on their rights. The mutability of the laws of
the State is found to be a serious evil. The injustice of them has been so frequent
and flagrant as to alarm the most steadfast friends of Republicanism. I am per­
suaded I do not err in saying that the evils issuing from these sources contributed
more to that uneasiness which produced the Convention, and prepared the Pub­
lic mind for a general reform, than those which accrued to our national character
and interest from the inadequacy of the Confederation to its immediate objects.
A reform therefore which does not make provision for private rights, must be
materially defective.” Madison’s Writings, v, 27. Compare also Randolph’s speech
opening the Federal Convention. Farrand, op. cit. 1, 18 ff.

102 Hamilton’s Works, I, 7.
freedom. A few months later, Hamilton answered a reply from the Westchester Farmer in The Farmer Refuted. Here again, he came forth with a full-scale enunciation of the natural rights philosophy: "THE SACRED RIGHTS OF MANKIND . . . ARE WRITTEN, AS WITH A SUNBEAM, IN THE WHOLE VOLUME OF HUMAN NATURE, BY THE HAND OF THE DIVINITY ITSELF, AND CAN NEVER BE ERASED OR OBSCURED BY MORTAL POWER." Hamilton remained a staunch advocate of the protection of the individual's life, liberty, and property during and after the war. When, in 1782, a proposal was before Washington to execute a captured officer of Cornwallis' army by way of retaliation for the murder of the patriot Captain Huddy, Hamilton wrote General Knox that "a sacrifice of this sort is entirely repugnant to the genius of the age we live in, and is without example in modern history." He asked the general to prevent the execution, which was never authorized by Washington. As a defender of liberty, Hamilton came forth in favor of the freedom of the press. When, on the eve of the revolution, Connecticut minutemen, led by Isaac Sears, raided the shop of James Rivington, a royalist printer, Hamilton protested strongly. Private property was considered by Hamilton "the great and fundamental distinction in society." In the later years of the war, Hamilton proved his belief in the sacrosanctity of property by taking the side of the public creditors and the army. He even wanted the rights of the Tories under the Treaty of Paris to be protected, maintaining that there was "no option, on the part of the particular states, as to further confiscations, prosecutions, or injuries of any kind, to person, liberty, or property, on account of anything done in the war," and observing "with great regret, the intemperate proceedings among

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103 Ibid. I, 35-37.
104 Ibid., I, 113.
105 Letter of June 7, 1782. Ibid., ix, 256.
106 See his letter to John Jay of Nov. 26, 1775 (Hamilton manuscripts, New York Public Library), and his letters to Robert R. Livingston of March 18 and 22, 1789 (Robert R. Livingston Collection, New York Historical Society).
107 HAMILTON'S WORKS, I, 410. According to Madison's Papers, Hamilton said that "it was certainly true, that nothing like an equality of property existed; that an inequality would exist as long as liberty existed, and that it would unavoidably result from that very liberty itself. This inequality of property constituted the great and fundamental distinction in society."
108 See his letters to Robert Morris of Sept. 28, 1782 and to Washington of Feb. 7 and March 17, 1783. Ibid., ix, 292, 310, 323.
109 See his letters to Washington of Feb. 7 and March 25, 1783. Ibid., ix, 310, 330.
the people in different parts of the State” of New York.\(^{110}\) Also, irrespective of political consequences, he defended property of the Tories against an act of the New York legislature.\(^{111}\)

In view of his belief in individual rights, it can hardly be surprising that Hamilton should come forth at a time when, under the Confederation, these rights were increasingly infringed upon by majorities who controlled some of the state legislatures, with statements against such sheer majority rule or, as it was then called, democracy. Gouverneur Morris stated that Hamilton “detested” democracy, “because he believed it must end in despotism, and, in the same time, destructive of public morality.”\(^{112}\) “Individuals have been already too long sacrificed to public convenience,” wrote Hamilton to Governor Clinton in 1783, when the debtor element was ascendant, and “it will be shocking, and indeed an eternal reproach to this country, if we begin the peacable enjoyment of our independence by a violation of all the principles of honesty and true policy.”\(^{113}\) To Washington, Hamilton spoke of the democratic vogue as “the present epidemic frenzy” which he hoped would subside.\(^{114}\) He wanted government to “check the impudence of democracy,” charging that “the turbulent and changing” mass of the people “seldom judge or determine right.”\(^{115}\)

From these polemics against democracy we should not, however, conclude that Hamilton was in favor of an exclusion of the people in government. As early as 1774, he expressed the necessity of popular participation in the legislative process as a means for securing the protection of the colonists’ rights.\(^{116}\) Later, when the popular govern-

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\(^{110}\) Letter to Governor Clinton of June 1, 1783. \textit{Ibid.}, ix, 343.


\(^{112}\) A. C. Morris, ed., \textit{DIARY AND LETTERS OF GOUVENNEUR MORRIS} (1889), ii, 523.

\(^{113}\) Letter of May 14, 1783. \textit{HAMILTON’S WORKS}, ix, 342. Compare also his resolutions for a general convention of June 30, 1783. \textit{Ibid.}, i, 305 ff.

\(^{114}\) Letter of Sept. 30, 1783. \textit{Ibid.}, ix, 386.


\(^{116}\) “The only distinction between freedom and slavery,” he wrote in \textit{A Full Vindication}, “consists in this: In the former state a man is governed by the laws to which he has given his consent, either in person or by his representative; in the latter, he is governed by the will of another. In the one case, his life and property are his own; in the other, they depend upon the pleasure of his master. It is easy to discern which of these two states is preferable. No man in his senses can hesitate in choosing to be free, rather than a slave. That Americans are entitled to freedom is incontestable on every rational principle. All men have one
ments under the Articles of Confederation infringed upon individual rights, Hamilton became more skeptical. Nevertheless, in principle he remained an adherent of popular government. Although he stated in the Federal Convention that he despaired that a republican form of government could remove the difficulties existing under the present system, he hastened to add: "Whatever may be my opinion, I would hold it, however, unwise to change that form of government." His remarks on the merits of the British government were merely a praise of a limited monarchy in which the will of the people was checked for the sake of "public strength with individual security," but by no means ignored. As a matter of fact, Hamilton expressed concern about monarchical tendencies only a few weeks later. He was no doubt in favor of a political equilibrium with power poised in one center, favoring a strong executive and a senate, elected for life, as against the popular branch of the legislature. Although Hamilton denounced the excess of democracy, he wanted Congress, a fundamentally democratic representation, to continue. He complained that the Articles' main defect was want of power in Congress and thus implied that a remedy against the centrifugal forces had to be based on the principle of popular government. His propositions for a constitution of government, introduced on the floor of the Federal Convention, restricted the power of the popular branch of the national legislature, it is true. Nevertheless, they recognized popular government. The assembly was to be elected by the people directly, both senate and executive indirectly. Hamilton was opposed to democracy only to the degree it threatened individual rights. In principle, he accepted popular government.

2. Hamilton, the advocate of free government, was also a believer in peace within the United States. During the war, he feared discommon original: they participate in one common nature, and consequently have one common right. No reason can be assigned why one man should exercise any power or preeminence over his fellow creatures more than another, unless they have voluntarily vested him with it. Since, then, Americans have not, by any act of theirs, empowered the British Parliament to make laws for them, it follows they can have no just authority to do it." Ibid., i, 5-6. See also his "The Farmer Refuted," ibid., i, 64, 113.

117 Compare his speech in the Fed. Convention of June 18, 1787. Ibid., i, 389.
120 In the Federal Convention on June 18, 1787. Ibid., i, 391.
121 Ibid., i, 381 ff.
sensions among the members of the Confederation. Stating that the republics of the Greek leagues as well as the Swiss cantons were continually at war with each other in spite of the vicinity of foreign powers, Hamilton warned that the danger of interstate tensions was considerably greater in America, due to the absence of strong neighbors. 122 He was concerned about disputes over state boundaries, and regretted that the prospects of future tranquility were not flattering. 123 In The Continentalist, published in 1782, Hamilton again reproached the states for their mutual jealousy. 124 When he congratulated Washington on the occasion of the conclusion of the preliminaries of peace, he added a note of caution, saying that “the centrifugal is much stronger than the centripetal force in these States—the seeds of disunion much more numerous than those of union.” 125 He remained concerned about the harmony among the states in the following years. 126

Like Madison, Hamilton was afraid that combinations of states might also endanger peace. In The Continentalist, he voiced fears of a contest of arms between distinct combinations of members of the Union against each other. 127 Later, he joined Madison on the floor of Congress in disapproving conventions of a restricted number of states, feeling that such partial meetings would excite pernicious jealousies and be detrimental to the Confederacy. 128

Hamilton’s skepticism concerning harmony among the states was matched by a fear of tensions between the Union and its component

121 “A little time hence some of the States will be powerful empires; and we are so remote from other nations, that we shall have all the leisure and opportunity we can wish to cut each other's throats.” Letter to James Duane of Sept. 3, 1780. *Ibid.*, i, 217.

122 Ibid., i, 218. For Hamilton’s role in the settlement of boundary disputes, see Broadus Mitchell, *Alexander Hamilton—Youth to Maturity 1755-88* (1957), 373 ff.


124 In 1787, he stated before the New York legislature: “If these States are not united under a Federal Government they will infallibly have wars with each other.” *Ibid.*, ii, 222-23. He continued: “The human passion will never want objects of hostility. The Western territory is an obvious and fruitful source of contest. Let us also cast our eye upon the map of this State, intersected from one extremity to the other by a large navigable river. In the event of a rupture with them, what is to hinder our metropolis from becoming a prey to our neighbors? Is it even supposable that they would suffer it to remain the nursery of wealth to a distinct community?”


parts. His letter to James Duane, written in 1780, shows grave concern about that problem. Two years later, Hamilton, aware of the egoism of the states, felt that "a mere regard to the interests of the Confederacy will never be a principle sufficiently active to crush the ambition and intrigues of different members." While he thought that the use of force against the states could hardly secure a better support of the federal government, he suggested that conditions could be improved "by interesting such a number of individuals in each state in support of the Federal Government as will be counterpoised to the ambition of others, and will make it difficult for them to unite the people in opposition to the first and necessary measures of the Union." In his "Resolutions for a General Convention," prepared in 1783, Hamilton complained that the Articles of Confederation withheld from the federal government "that efficacious authority and influence . . . which are indispensable to the harmony and welfare of the whole," and that the phrasing of the Articles tended "to create jealousies and disputes respecting the proper bounds of the authority of the United States, and of that of the particular States, and a mutual interference of the one with the other."

3. Closely connected with Hamilton's advocacy of peace within the United States was his concern for his country's security from foreign nations. Often, he mentioned the necessity for peace and security in one breath. "There is something noble and magnificent in the perspective of a great Federal Republic, closely linked in the pursuit of a common interest, tranquil and prosperous at home, respectable abroad," he wrote in the sixth number of The Continentalist, continuing, "but there is something proportionably diminutive and contemptible in the prospect of a number of petty States, with the appearance only of union, jarring, jealous, and perverse, without any determined direction, fluctuating and unhappy at home, weak and insignificant by their dissensions in the eyes of other nations." Hamilton's concern for security is the keynote of his first major works, A Full Vindication and The Farmer Refuted, written when he was still under twenty years of age. It is evident in his discourse

130 "The Continentalist," ibid., I, 286.
131 Ibid., I, 305.
132 Ibid., I, 286-87.
on the government set up under the Articles of Confederation, sent to James Duane in the fall of 1780. A year later, the New Yorker noted that British troops were making an alarming progress in the Southern states, warning his countrymen to be on their guard. In 1783, he complained that "the powers reserved to the Union in the Confederation are unequal to the purpose of effectually drawing forth the resources of the respective members, for the common welfare and defence: whereby the United States have... been exposed to the most critical and alarming situations; have wanted an army adequate to their defence...; have, on account of that deficiency, seen essential posts reduced, others eminently endangered, whole States, and large parts of others overrun and ravaged by small bodies of the enemy's forces...." Hamilton's concern for security did not abate in the following years. When in the spring of 1787 he made a speech on acceding to the independence of Vermont, he stated that he was "solicitous to guard against danger from abroad." He voiced similar sentiments in the Federal Convention.

4. For the sake of security from foreign nations, Hamilton wanted a union of the American states. The idea of union stands in the foreground in his arguments against Samuel Seabury prior to the Declaration of Independence, in which he attacked the designs of the British. In the first years of the war, Hamilton stressed the importance of preserving a national character, feeling that the states' violations of faith would have an ill effect upon foreign negotiations. Two years later, he wrote James Duane: "The Confederation... is defective, and requires to be altered. It is neither fit for war nor peace.... The entire formation and disposal of our military forces ought to belong to Congress. It is an essential cement of the union; and it ought to be the policy of Congress to destroy all ideas of State attachments in the army, and make it look up wholly to them. It may be apprehended that this may be dangerous to liberty. But nothing appears more evident to me than that we run much

133 Ibid., 1, 213 ff.
134 "The Continentalist," ibid., 1, 255.
135 "Resolutions for a General Convention." Ibid., 1, 311-12.
137 HAMILTON'S WORKS, 1, 381 ff.
139 Letter to George Clinton of March 12, 1778. Ibid., ix, 129-30.
greater risk of having a weak and disunited federal government, than one which will be able to usurp upon the rights of the people." He continued with a warning that the Greek republics, loosely federated, for want of union fell prey to their neighbors. Likewise the Swiss cantons were spared the same fate only because the powers in their neighborhood were too jealous of one another. In another passage, Hamilton, after having urged a convention of the states for the establishment of a stronger national government, wrote: "A Convention may agree upon a Confederation; the States individually hardly ever will. We must have one at all events, and a vigorous one, if we mean to succeed in the contest [against England]." Toward the end of his discourse on the Articles of Confederation, he stated that a solid confederation, a permanent army, and a reasonable prospect of subsisting it, would give the United States treble consideration in Europe, and produce peace before the winter was over. His Continentalist, written in the following years, also depicts the Union as a prerequisite for American security. The Address of the Annapolis Convention saw in a more perfect Union a means for improving the prestige of the United States in international relations. Shortly before the Federal Convention, he told the legislature of New York that if the states were not united, their divisions would subject them to all the mischiefs of foreign influence and intrigue. Similarly, Hamilton felt that the Union was necessary for the preservation of peace within the United States. His letter to James Duane shows his great concern about the states' jealousy of power, which "has led them to exercise a right of judging in the last resort of the measures recommended by Congress, and of acting according to their own opinions of their propriety, or necessity." Likewise, he blamed Congress' diffidence of their own powers, "by which they have been timid and indecisive in their resolutions, constantly making concessions to the States, till they have scarcely left themselves

141 Ibid., I, 217.
142 Ibid., I, 223-24.
143 Ibid., I, 237.
144 Ibid., I, 243 ff.
145 Ibid., I, 335 ff.
146 Ibid., II, 222. Also, in April, 1787, he said before the legislature of New York, in his speech on acceding to the independence of Vermont, that a more perfect Union was necessary as a defense against the British in Canada. Ibid., viii, 57-58.
the shadow of power” to be responsible for facilitating state ambitions that are not conducive to peace within the confederation. The Articles established a government that was not fit for peace, to say nothing about its ability to conduct war: “The idea of an uncontrollable sovereignty in each State over its internal police will defeat the other powers given to Congress, and make our union feeble and precarious. There are instances without number where acts, necessary for the general good, and which rise out of the powers given to Congress, must interfere with the internal police of the States; and there are as many instances in which the particular States, by arrangements of internal police, can effectually, though indirectly, counteract the arrangements of Congress.” Under the existing system, there was a strong competition for power between the national and state governments. For Hamilton, there was but one remedy, namely, a stronger national government in a more perfect Union.147 In The Continentalist, Hamilton expressed similar thoughts.148 The year after, he wrote that the restricted powers of the national government were detrimental to the harmony of the whole. Again, he suggested a more perfect Union.149 A stronger national government would not only decrease tensions between nation and states, it would also help to eliminate dissensions among the states themselves. Hamilton favored “a confederacy capable of deciding the differences and compelling the obedience of the respective members.”150 His attitude toward union as a means for the preservation of peace did not change in the years after the war. His letters, written in the year before the Federal Convention, the Address of the Annapolis Convention, and the New Yorker’s speeches in Philadelphia are ample proof of this.

Last, but not least, Hamilton wanted the Union for the sake of individual freedom. Already his A Full Vindication had concluded with an exhortation that the Americans unite for the defense of their rights. “If you join with the rest of America in the same common measure,” he wrote when the colonists’ freedom was threatened by the English, “you will be sure to preserve your liberties inviolate, but if you separate from them, and seek redress alone, and unseconded, you will certainly fall a prey to your enemies, and repent

148 Ibid., 1, 286-87.
149 Ibid., 1, 305.
your folly as long as you live.” In The Farmer Refuted, he spoke in defense of the rights of Americans, irrespective of the particular colonies they lived in. Once these rights had become safe from the British, the specter of their suppression by majoritarianism arose. Now Hamilton, true to his principles, advocated a more perfect Union in order to meet the democratic challenge in the states. For the protection of the individuals' rights, among which those of private property played an important role at that time, the New Yorker urged an alteration of the Articles, the insufficiency of which made it only “palpable, that the people have lost all confidence in our public councils.” Although Hamilton stressed the organizational defects of the Confederation, especially the disadvantages of an imperium in imperio ensuing from a want of power in Congress, he wanted a more effective national government not only for the security from foreign nations and peace within the United States, but also for the protection of the individual's rights from governmental encroachment. The re-establishment of national credit through a funding of the national debt and the creation of a national taxing power did deal a heavy blow to state pretensions. In the long run, it created a basis for giving the individuals what was theirs: E Pluribus Unum not only for the sake of union as a means to security and peace, but also for the maintenance of the principle pacta sunt servanda, which secures the protection of individual rights. 

\[151\] Ibid., I, 52. 
\[152\] See his letters to James Duane of Oct. 18, 1780, to Governor Clinton of July 27, 1783, to Washington of Sept. 30, 1783. Ibid., ix, 225, 382, 386. 
\[156\] See the letters to Washington of March 17, 1783, and to Governor Clinton of May 14, 1783. Ibid., I, 347, 366. 
\[157\] See the letters to Washington of April 11, 1783, and to Governor Clinton of Feb. 24 and May 14, 1783. Ibid., I, 356, 353, 366-67. Also, for the bad state of finances and currency, the letters to Robert Morris of about 1781 and 1782, and the letter to Washington of Feb. 7, 1783. Ibid., I, 116 ff., 286, 327. 
\[158\] To Governor Clinton, Hamilton wrote on May 14, 1783: "I hope our State
ward the end of the war, Hamilton wrote to Washington: "There are good intentions in the majority of Congress, but there is not sufficient wisdom or decision. There are dangerous prejudices in the particular States opposed to those measures which alone can give stability and prosperity to the Union. There is a fatal opposition to Continental views. Necessity alone can work reform. But how produce that necessity, how apply it, and how keep it within salutary bounds? I fear we have been contending for a shadow." Denouncing the "internal weaknesses, disorders, follies, and prejudices" that make America stand on precarious ground, Hamilton spoke out against a democratic despotism that was made possible through the shortcomings of the Articles of Confederation.\textsuperscript{159} The more the democratic vogue increased, the greater his concern over the protection of individual rights and the greater his emphasis on the necessity of a more perfect union. The Address of the Annapolis Convention largely advocated a general convention in order to bring about a stronger national government for the sake of the individual's protection. Similarly, Hamilton's activities in Philadelphia were often prompted by his deep concern lest private rights might be lost in the legislative vortices of the states.

IV

1. Jay's, Madison's, and Hamilton's advocacy of the Union as a means to secure free government in peace and security in the years preceding the publication of the \textit{Federalist} raises the question as to what appeared to them the most important value to be secured through union. Was it security from foreign nations, or peace within the United States, or the freedom of the individual from governmental control? While, as the preceding pages have demonstrated, the authors were keenly interested in the realization of all three values, emphasis seems to have shifted over the years toward a concern for free government. For instance, Jay, although noticing the

\begin{footnotesize}
\begin{itemize}
\item \footnotesize{Ibid., I, 367. As to Hamilton's advocacy of Union, see his letters to Washington of March 17 and 24, and April 11, 1783. \textit{Ibid.}, I, 346, 348, 357.}
\end{itemize}
\end{footnotesize}
disadvantages of a feeble Union with respect to peace and security throughout the war, was not too emphatic in urging a reform of the Articles up to the end of the war, hoping that “time and experience will . . . eventually remedy” the imperfections of the existing governments. However, after he had become conscious of the increasing infringement upon individual rights by the states in the years following peace, he became more ardent and definite in his advocacy of a change toward a more perfect Union. On July 4, 1787, he wrote John Adams with respect to the Philadelphia Convention that “it is much to be wished that the result of their deliberations may place the United States in a better situation, for if their measures should either be inadequate or rejected, the duration of the Union will become problematical.” He wanted “a national government, as strong as may be compatible with liberty.” In the case of Madison, a similar shift in emphasis can be noted. Whereas in earlier years the Virginian showed about an equal concern over security, peace, and liberty, this changed with the increasing infringement of minority rights in some of the states. His “Vices of the Political System of the United States,” written in April, 1787, is indicative of the greater importance he now attributed to the freedom of the individual from the ruling majority. While that treatise stresses the value of a more perfect Union for peace and security, it deals at considerably greater length with the function a stronger national government could fulfill in the liberation of the individual from democratic despotism, describing the latter in detail. With Hamilton, the situation was not much different. Naturally, Washington's aide-de-camp would see the value of the Union primarily in a harmony within the United States that was conducive to a successful warfare against the English. However, once the struggle had been brought to a successful conclusion, his concern over security and peace took second rank behind his desire to see the individual free in an increasingly oppressive society and to see his vested rights protected. In 1783, when Hamilton congratulated Washington on the happy conclusion of the general's labors, he had written him: “It now only remains to make solid establishments within, to perpetuate our Union, to prevent our being a ball in the hands of European powers, bandied against each other at their pleasure; in fine to make our

160 Quoted in Max Farrand, THE FRAMING OF THE CONSTITUTION (1913), 43.
161 JAY'S CORRESPONDENCE, III, 248.
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independence truly a blessing."\footnote{Letter of March 24, 1783. Hamilton's Works, IX, 327.} By the time of the Philadelphia Convention, Hamilton's quest for solid establishments that would not be endangered by the mutable policy of changing popular majorities had, due to the conditions in the states, more and more come to the fore.

2. The authors of the Federalist, then, considered the Union as a means for the establishment of a free government in peace and security. No matter how different their careers may have been up to the eventful year in which the Philadelphia Convention drafted the Constitution, the fight for the ratification of the Constitution saw the three side by side.

Although it was, when the Federal Convention adjourned, everybody's guess how the new government would be received by the people,\footnote{A month before publication of the first number of the Federalist, Hamilton made a coolly detached forecast of the alignment of forces, pro and con, and of the Constitution's probable reception in the states: "The new Constitution has in favor of its success these circumstances: A very great weight of influence of the persons who framed it, particularly in the universal popularity of General Washington. The good will of the commercial interests throughout the States, which will give all its efforts to the establishment of a government capable of regulating, protecting, and extending the commerce of the Union. The good will of most men of property in the several States, who wish a government of the Union able to protect them against domestic violence, and the depredations which the democratic spirit is apt to make on property, and who are besides anxious for the respectability of the nation. The hopes of the creditors of the United States, that a general government possessing the means of doing it, will pay the debts of the Union. A strong belief in the people at large of the insufficiency of the present Confederation to preserve the existence of the Union, and of the necessity of the Union to their safety and prosperity; of course, a strong desire of a change, and a predisposition to receive well the propositions of the convention. Against its success is to be put the dissent of two or three important men in the convention, who will think their characters pledged to defeat the plan; the influence of many inconsiderable men in possession of considerable offices under the state governments, who will fear a diminution of their consequence, power, and emolument, by the establishment of the general government, and who can hope for nothing there; the influence of some considerable men in the office, possessed of talents and popularity, who, partly from the same motives, and partly from a desire of playing a part in a convulsion for their own aggrandizement, will oppose the quiet adoption of the new government (some considerable men out of office, from motives of ambition, may be disposed to act the same part). Add to these causes the disinclination of the people to taxes, and of course to a}
vention's work in most states, including New York. As late as the middle of October Hamilton could inform Washington that "the new Constitution is as popular in this city as it is possible for anything to be, and the prospect thus far is favorable to it throughout the state." However, he saw even then the opposition that was forming, and added, "but there is no saying what turn things may take when the full flood of official influence is let loose against it." This cautious remark was only too justifiable. Aside from the opposition of such critics as Elbridge Gerry in Massachusetts, Luther Martin in Maryland, George Mason and Richard Henry Lee in Virginia, and Robert Yates and John Lansing in New York, there was a growing opposition to ratification in New York, where by the end of October Governor Clinton was openly opposing the new government. Hamilton's letter to Washington of October 30 sounds, with regard to the chances of ratification, doubtful, if not pessimistic: "The constitution proposed has in this state warm friends and enemies, the first impressions everywhere are in its favor, but the artillery of its opponents makes some impression. The event cannot yet be foreseen."

The ratification of the Constitution in New York was vital for the success of the Convention's plan. The Empire State could, through strong government; the opposition of all men in debt, who will not wish to see a government established, one object of which is to restrain the means of cheating creditors; the democratical jealousy of the people, which may be alarmed at the appearance of institutions that may seem calculated to place the power of the community in few hands, and to raise a few individuals to stations of great pre-eminence; and the influence of some foreign powers, who, from different motives, will not wish to see an energetic government established throughout the States.

In this view of the subject it is difficult to form any judgment whether the plan will be adopted or rejected. It must be essentially a matter of conjecture. The present appearances and all other circumstances considered, the probability seems to be on the side of its adoption." *Ibid.*, 1, 420-22.

164 Letter of October, 1787. *Ibid.*, ix, 425. This letter is undated, but it was written before Oct. 15.


166 *Hamilton's Works*, ix, 425.
its geographical position, easily split the new Union in twain. It was recognized by all that any system omitting New York would be destructive of the framers' work. In this crucial situation Hamilton became convinced of the need to encounter the arguments of the adversaries of the Constitution. Pressed for time, he joined with him John Jay to undertake the task of vindicating the Constitution to the New York electorate. In his letter of October 30 to Washington he was already able to enclose an essay that he described as "the first number of a series of papers to be written in its [the Constitution's] defense."\textsuperscript{167} This paper had appeared in the Independent Journal three days earlier. It was the first essay of the Federalist. During the time the first numbers of the Federalist, written by Hamilton and Jay, appeared, Hamilton was looking for other collaborators. Gouverneur Morris, although he was "warmly pressed by Hamilton to assist in writing The Federalist,"\textsuperscript{168} refused to do so. William Duer wrote several papers, but they were too poor to use. Therefore, sometime toward the middle of November, Hamilton turned to Madison, and the Virginian agreed to participate.\textsuperscript{169}

Prevented by sickness, Jay wrote only a few essays, leaving the main work to Hamilton and Madison. Nevertheless, his contribution is by no means unimportant. Jay's prestige was greater in 1787 than

\textsuperscript{167} Ibid., ix, 425.
\textsuperscript{169} "The undertaking was proposed by Alexander Hamilton to James Madison with a request to join him and Mr. Jay in carrying it into effect. William Duer was also included in the original plan; and wrote two more papers, which though intelligent and sprightly, were not continued, nor did they make a part of the printed collection." (From Madison's memorandum entitled "The Federalist," quoted in J. C. Hamilton, ed., The Federalist (1866), lxxvii). In spite of Madison's praise, Duer's essays are undistinguished in style and thought. Madison was not taken into the Federalist partnership until after the middle of the month, for during the week of November 12 he traveled to Philadelphia and considered going on from there to Virginia. (Letter to Randolph of Nov., 1887, Madison's Writings, v, 56.) "The fact that Hamilton did not ask Madison to take part in the enterprise earlier throws an interesting light on the relationship of the two men. Their personal tastes, amusements, habits of life, and political ideas were poles apart; at no period except while The Federalist was being written, were they intimate. It was natural when The Federalist was first projected, for Hamilton to call on Jay, Morris and Duer, who were close friends and political allies, for their aid. He seems to have approached Madison only as a last resort when the others failed him." (Douglass Adair, "The Authorship of the Disputed Federalist Papers," loc. cit., 247.)
either Hamilton's or Madison's. Furthermore, since it was sickness only that prevented him from taking a more active part in the writing of the *Federalist* and not disagreement with the purpose and content of the work, he remained associated with the enterprise to the end, which was of real significance for the effect of the *Federalist* on the people. As a third collaborator, Hamilton could hardly have found a better man than Madison, Father of the Constitution. And whereas Jay was a key participant because of his extensive knowledge and experience in international affairs, Madison, who had gained unrivaled command of the proceedings of the Philadelphia Convention through his note-taking, was indispensable because he was "the best informed Man of any point in debate."\(^{171}\)

The three authors had conscientiously lived through the American Revolution with its quest for security, peace, and freedom. By 1787, the order of these values, with respect to their relative importance, had become reversed. Consequently, the *Federalist* advocates the more perfect Union primarily for the sake of securing individual rights in a free government; second, as a means for preserving peace among the members of the Union; and third, as a device for maintaining the security of the United States from foreign nations.

\(^{170}\) Jay was desperately sick before the end of November; and as late as the following February the excruciating pains he suffered prevented any continuous writing. (Monaghan, *op. cit.*, 290.) Compare also Madison's letter to Jefferson of Aug. 10, 1788: "It [the *Federalist*] was undertaken last fall by Jay, Hamilton, and myself. The proposal came from the two former. The execution was thrown, by the sickness of Jay, mostly on the two others." *Madison's Writings*, v, 246. (Italics for cipher.)