# The Federalist

*by Alexander Hamilton, James Madison, and John Jay*

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*The eighty-five essays defending the ratification and structural architecture of the United States Constitution.*

http://www.archive.org/details/federalistonconOOhami

^ Mr. HAMILTON, Mr. MADISON, and Mr. JAY

THE LETTERS OF PACIFICUS AND HELVIDIUS,

PROCLAMATION OF NEUTRALITY OF 1793 ;

ORIGINAL ARTICLES OF CONFEDERATION, AND THE CON- STITUTION OF THE UNITED STATES,

THE NUMBERS WRITTEN BY MR. MADISON CORRECTED BY HIMSELF.

miKTED AND PUBLMHED BY GLAZIER, MA&lSJtS & ip^"

Be it rkmembkrfd, Thai on the Eighteenth Hay of May. in the forty-

I y third year of the Indrppridpiicc of the United Stales of America,

'■ ' Jacok (jiUKoN, Junior, of ilie said (lisirici, hath deposited in iliis

office, the tiile of a bof>k. die rif^hi whereof he claims as proprietor, in the

words and fiijures following, to w it ;

" The Federalist, on the New Constitution, written in the year 1788, by *' Mr Hamilton, Mr. Madison, and Mr. Jay : with an Appendix, containing " the Letters of Pacificus and Holvidius, on the Proclamation of Neutrality "of 1793; also ihe original Articles of Confederation, and the Constitution " of the United Stales, wiili the aniendnienls made thereto. A new edition. " 'I'he numbers written by Mr. Madison corrected by liimself "

In conformity to the act of the Congress of the United Slates, enlilled " An act for the encouragement of learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the times therein mentioned."

The present edition of the Federalist contains all the numbers of that work as revised by their authors; and it is the only one to Avhich the remark will apply. Former editions, indeed, it is under- stood, had the advantage of a revisal from Mr. Hamihon and Mr. Jay, but the numbers written by Mr. Madison still remained in the state in which they originally issued from the press, and contained many inaccuracies. The publisher of this volume has been so fortu- nate as to procure from Mr. Madison the coprof the work which that gentleman had preserved for himself, with corrections of the papers, of which he is the author, in his own hand. The publication of the Federalist, therefore, may be considered, in this instance, as per- fect ; and it is confidently presented to the public as a standard edition.

Some altercation has occasionally taken place concerning the authorship of certain numbers of the Federalist, a few of those now ascertained to have been written by Mr. Madison having been claim- ed for Mr. Hamilton. It is difficult to perceive the propriety or utility of such an altercation ; for whether we

assign the disputed papers to the one or to the other, they are all admitted to be genu- ine, and there will still remain to either of these gentlemen an un- questioned number sufiicient to establish for him a solid reputation for sagacity, wisdom, and patriotism. It is not the extent of a man's writings, but the excellence of them, that constitutes his claim upon his contemporaries and upon posterity for the character of intellectual superiority : and to the reader, the diiference in this case is nothing, since he will receive instruction from the perusal, let them have been written by whom they may.

The present moment may be regarded as peculiarly favourable for the republication of this work. Mr. Hamilton is dead ; and both Mr. Jay and Mr. Madison have retired from the busy scenes of life. The atmosphere of political passions through which their principles and actions were lately viewed has disappeared, and has been replaced by one more pure and tranquil. Their political vir-

tues are iioav inanifest and almost universally admitted. Time, which tests the tnitli of every thing, has been just to their merits, and converted the reproaches of party spirit into expressions of gratitude for the usefulness of their labours. It is to be hoped that neitlier a mistaken zeal of friendship for departed worth, nor an inclination to flatter living virtue, will induce any one to disturb this growing sentinient of veneration.

To the Federalist the publisher has added the Letters of Pacifi- cus, written by Mr. Hamilton, and an answer to those Letters by Helvidius, from the pen of Mr. Madison. As these two eminent men had laboured in unison to inculcate the general advantages to be derived from the Constitution, it cannot be deemed irrelevant to show in u hat i)articiilar point, as it respects the practical con- struction of that instrument, they afterwards differed. The com- munity is, perhaps, ahyays more enlightened by the candid criti- cism of intelligcirt conflicting minds than it is by their concurring opinions.

In this collection, the Act of Confederation and the Constitu- tion of the United States also find an appropriate place. They are the text upon which the Federalist is a commentary. By comparing these two national constitutions, and reflecting upon the results of each, the defects of the former and the perfections of the latter will be easily perceived ; and the American people may be thence instructed, that however prudence may dictate the necessity of caution in admitting innovations upon established in- stitutions, yet that it is at all times advisable to listen with attention to the suggestions and propositions, of temperate and experienced statesmen, for the cure of ])olitical evils and the promotion of the general welfare.

The Constitution of the United States has had, in the sunshine of peace and in the storm of war, a severe but impartial trial, and it has ami)ly fulfilled the expectations of its friends and com- pletely dissipated the fears of its early opponents. It may, in truth, be asserted, that the ten first declaratory and restrictive amendatory clauses, proposed at the session of congress which commenced on the 4th of March, 1789, and which were ratified by the legislatures of the states, fully satisfied the scruples of those who were inimical to that instrument as it Avas first adopted, and by whom the amendments were considered necessary as a safegard for religious and civil libert3% Thus, and still further, amended, the Constitution, as a great rule of political conduct, has guided the public authorities of the United States through the unprecedented political vicissitudes and the perilous revolutionary

commotions wliich have agitated the human race for the last quar- ter of a century, to a condition at once so prosperous, so com- manding, and so happy, that it has wholly outstripped all previous foresight and calculation. When we look back upon the state of inertness in which we repospd under the Act of Confederation, to the languishment of our commerce, and the indifference with which, in that situation, we were regarded by foreign governments, nnd compare that disposition of things with the energy to which we were subsequently roused by the operation of the Constitu- tion; with the vast theatre on which, under the influence of its provisions, our maritime trade has been actively employed; with the freedom and plenty which we enjoy at home, the respect entertained for the American name abroad, and the alacrity with which our favour and friendship are sought by the nations of the earth, our thankfulness to Providence ought to know no bounds, and to the able men who framed and have supported the Constitu- tion should only be limited by those paramount considerations which are indispensable to the perpetuation and increase of the blessings which have been already realized.

The perspicuous brevity of the Constitution has left but little room for misinterpretation. But if at any time ardent or timid minds have exceeded or fallen short of its intentions ; if the pre- cision of human language has, in the formation of this instrument, been inadequate to the expression of the exact ideas meant to be conveyed by its framers ; if from the vehemence of party spirit, it has been warped by individuals, so as to incline it either too much towards monarchy or towards an unmodified democracy ; let us console ourselves with the reflection, that however these aberrations may have transiently prevailed, the essential principles of the Representative System of government have been well pre- served by the clearsighted common sense of the people ; and that our aftections all concentre in one great object, which is the improvement and glory of our country.

After deriving so many and such uncommon benefits from the Constitution, the notion of an eventual dissolution of this Union must be held, by every person of unimpaired intellect, as entirely visionary. The state governments, divested of scarcely any thing but national authority, have answered, or are competent to ausweri every purpose of melioration within the boundaries of the territory to which they are respectively restricted ; whilst, in times of diflS- culty and danger, acting directly upon an intimate knowledge of local resources and feeling, they are enabled to afford efficient aid to the exertions of the national government in the defence and

protection of tlie republic. These truths are obvious : they have been demoiistratcd in times of domestic tranquillity, of internal commotion, and of foreign hostility. In return, the advantages which the national government dispenses to the several states are keenly felt and higlily relished. AVhen the Constitution was rati- fied, Ilhode Island and North Carolina, from honest but mistaken convictions, for a moment witliheid their assent. But when Con- gress proceeded solemnly to enact that the manufactures of those states should be considered as foreign, and that the acts laying a duty on goods imported and on tonnage should extend to them, they hastened, with a discernment quickened by a sense of inter- est, and at the same time honourable to their patriotic views, to unite themselves to the Confederation.

The only alteration of importance which the Constitution has undergone since its adoption, is that which changes the mode of electing the President and Vice-President. It is believed that, all things being duly

weighed, the alteration has been beneficial. If it enables a man to aim with more directness, at the first office in the gift of the people, it equally tends to prevent the recurrence of an unpleasant contest for precedency, between the partisans of any two individuals, in Congress, to which body in the last resort, the choice is referred. Besides, whether the Constitution should prescribe it or not, the people themselves would invariably desig- nate the man they intended for chief magistrate : a reflection which may serve to convince us that the change in question is more in farm than mfact.

To conclude, the appearance of so perfect an edition of the Federalist as the present must be allowed to be, may be regarded as the more fortunate, as the Journal of the Convention that fram- ed the Constitution is about to be published, and a new light to be thus shed upon the composition of that instrument. The Act of Confederation, and the Constitution itself, have been by permis- sion of Mr. Adams, the Secretary of State, carefully compared with the originals deposited in the Office of that department; and their accuracy may therefore be relied on, even to X\\Q punctuation.

Introduction, After full experience of the insufficiency of the existing fed- eral government, you are invited to deliberate upon a New Con- stitution for the United States of Anrjerica. 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 frequent- ly remarked, that it seems to have been reserved to the people of this country to decide, by their conduct and example, the impor- tant question, whether societies of men are really capable or not, of establishino- good government from reflection and choice, or wheth- er they are for ever destined to depend for their political constitu- tions, on accident and force. If there be any truth in the re- mark, the crisis at which we are arrived may, with propriety, be re- garded 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 in- terests, uninfluenced by considerations foreign to the public good. But this is more ardently to be wished for, than seriously to be ex- pected. 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 con- stitution 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, emolu- ment, and consequence of the offices they hold under the state es- tablishments....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 it would be desingenuous to resolve indis- criminately 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 in- deed and so powerful are the causes which serve to give a false bias to the judgment, 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 at- tended 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 re- spect, might be drawn from the reflection, that we are not always sure, that those who advocate the truth are actuated by purer prin- ciples than their antagonists. Ambition, avarice, personal ani- mosity, party opposition, and many other motives, not more laud- able than these, are apt to operate as well upon those who sup- port, 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 re- ligion, it is equally absurd to aim at making proselytes by fire and sword. Heresies in either can rarely bo cured by persecution.

And yet, just as these sentiments must appear to candid men, we have already sufticient 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 opin- ions, and to increase the number of their converts, by the loud-

ness of their declamations, and by the bitterness of their invec- tives. An enlightened zeal for the energy and efficiency of gov- ernment, will be stigmatized as the oftspring of a temper fond of power, and hostile to the principles of liberty. An over scrupu- lous jealousy of danger to the rights of the people, which is more commonly the fault of the head than of the heart, will be repre- sented as mere pretence and artifice. ...the stale bait for popularity at the expense of public good. It will be forgotton, 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 essen- tial to the security of liberty ; that in the contemplation of a sound and well-informed judgment, their interests can never be separat- ed ; 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 ca- reer, 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 hav- ing 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 ac- knowledge 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 deposi- tory 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 inter- esting particulars.... T7«e 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 conform- ity of the proposed constitution to the true principles of republican government....Its analogy to your own state constitution....aind lastly, The additional security, which its adoption will afford to the preserva- tion 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 ofi:er arguments to prove the utility of the UNION, a point, no doubt, deeply engrav- ed 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, tliat 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.* This doctrine will, in all probability, be gradually propao-ated, 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 advan- tages 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.

Concerning Dangers from Foreign Force and Influence.

When the people of America reflect, that the question now sub- mitted 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.

♦Tlie same idea, tracing the arguments to their consequences, is held out in several of Uie late publications against the New Couslilulion.

Nothing is more certain than the indispensable necessity of gov- ernment ; 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 shuuld, 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 cer- tain characters who were formerly much opposed to it, are at present of the number. Whatever may be the arguments or in- ducements 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 be- ing 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 por- tion of our western sons of liberty. Providence has in a particu- lar manner blessed it with a variety of soils and productions, and watered it with innumerable streams, for the delight and accom- modation 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 dis- tances, 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 Provi- dence has been pleased to give this one connected country to one united people ; a people descended from the same ancestors, speak- ing 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 lil)erty 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 tlie strongest ties, should never be split into a number of unsocial, jealous, and alien sovereignties.

Similar sentiments have hitherto prevailed among all orders and denominations of men among us. To all general purposes we have uniformly been one people ; each individual citizen every- where enjoying the same national riglits, privileges, and protec- tion. As a nation we have made peace and war : as a nation we have vanquished our common enemies : as a nation we have form- ed 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 habita- tions 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 gov- ernment for a free people. It is not to be wondered at, that a government, instituted in times so inauspicious, should on experi- ment 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 lib- erty, 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 govern- ment 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 confi- dence of the people, and many of whom had become highly dis- tinguished 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 consulta- tions; and finally, without having been awed by power, or influ- enced by any passion, except love for their country, they present-

ed 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 hlind 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. Experi- ence on a former occasion teaches us not to be too sanguine in such hopes. It is not yet forgotten, that well-grounded apprehen- sions 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 indefotigable 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 reason- ed 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 difterent 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 ajid 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 meas- ures 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 en- deavours 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 dis- tinguished 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 knowl- edge and experience.

It is worthy of remark, that not only the first, but every suc- ceeding 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 sug- gested 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 conven- tion, seem clearly to foresee that the rejection of it would put the continuance of the union in the utmost jeopardy : that cer- tainly would be the case ; and I sincerely wish that it may be as clearly foreseen by every good citizen, that whenever the dis- solution of the union arrives, America will have reason to exclaim in the words of the Poet, " Farewell ; a long farewell, to all

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 re- specting 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 impor- tance of their continuing firmly united under one federal govern- ment, 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 be- come convinced that they are cogent and conclusive.

Amonw 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 considera- tions, 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, aff*ords 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 causes, whether real or pretended, which provoke or invite them. If this remark be just it becomes usefiil to inquire, whether so many^ws^ 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 jMSf causes of war for the most part arise either from viola- tions 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 ob- serve 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 thir- teen 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 coun-

ty, or other contracted influence, may place men in state assem blies, or senates, or courts of justice, or executive departments ; yet more general and extensive reputation for talents and other quali- fications, 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 pei'sons 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, w ill not always accord or be consistent ; and that as well from the variety of independent courts and judges ap- pointed 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 ques- tions 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 ; but those temptations not reaching the other states, and consequently having little or no influence on the national gov- ernment, the temptations w^ill be fruitless, and good faith and jus- tice 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 com- monly 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 aflfected by those local circumstances, will neither be induc- ed to commit the wrong themselves, nor want power or inclina- tion 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 favours 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 aftbrds vastly more security against dan- gers of that sort, than can be derived from any otlier quarter.

Sncli violences are more frequently occasioned by the passions and interests of a part than of the Avhole ; of one or two states than of the union. Not a single Indian war has yet been pro- duced 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 oftences, have given occasion to the slaughter of many innocent inhabitants.

The neighbourhood of Spanish and British territories, border- ing on some states, and not on others, naturally confines the causes of quarrel more immediately to the borderers. The border- ing 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 na- tions ; and nothing can so effectually obviate that danger, as a na- tional government, whose wisdom and prudence will not be dimin- ished by the passions which actuate the parties immediately in- terested.

But not only fewer just causes of war will be given by the na- tional government, but it will also be more in their power to ac- commodate and settle them amicably. They will be more tem- perate 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 errours 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

confederation of little consideration or power.

In the year 16S5 the state of Genoa having offended Louis XlVth, endeavoured to appease him. He demanded that they should send their doge or chief magistrate, accompanied by four 2

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 powcT^wJ nation ? PUBLIUS.

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 hy just causes of war given to other nations ; and those reasons show, that such causes would not only be more rare- ly given, but would also be more easily accommodated by a na- tional 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 con- tinuing 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 pros- pect 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 mili- tary glory, revenge for personal aftVonts, ambition, or private com- pacts to aggrandize or support their particular families, or parti- sans. These, and a variety of motives, m hich affect only the mind of the sovereign, often lead him to engage in wais not sanctioned by justice, or the voice and interests of his people. But indepen- dent of these inducements, to war, which are most prevalent in ab- solute 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.

Witb them and with most other European nations, we are rivals in navigation and the carrying trade ; and we shall deceive our- selves, if we suppose that any of ihem will rejoice to see these flourish in our hands : for as our carrying trade cannot increase, without in some degree diminishing theirs, it is more their inter- est, 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 sup- ply 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 produc- tions, 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 sove- reigns.

Spain thinks it convenient to shut the Mississippi against us on the one side, and Britain excludes us from the Saint 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 inter- course 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 conse- quence by land and by sea, with an eye of indifference and com- posure.

The people of America are aware, that inducements to war may arise out of these circumstances, as well as from others not so ob- vious at present; and that whenever such inducements may find fit time and opportunity for operation, pretences to colour and jus- tify 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 govern- ment, the arms, and the resources of the country.

As the safety of the whole is the interest of the whole, and can- not 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 mem- bers, 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 con- federacies can possibly do, for want of concert and unity of sys- tem. It can place the militia under one plan of discipline, and by putting their officers in a proper line of subordination to tlie chief mao-istrate, 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 tlie Scotch militia obeyed the government of Scotland, and if the Welch militia obeyed the government of Wales 1 Suppose an invasion : would those three governments (if they agreed at all) be able with all their respec- tive forces, to operate against the enemy so effectually as the sin- gle government of Great Britain would 1

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 com- parative insignificance.

Apply these facts to our own case. Leave America divided into thirteen, or if you please into three or four independent govern- ments, what armies could they raise and pay, what fleets could they ever hope to have 1 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 ; audit 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 1 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 ac- quiescence ? Various difficulties and inconveniences would be inseparable from such a situation ; whereas one government, watchino- 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 adniinistered....our trade prudently regulated. ...our militia properly organized and dis- ciplined....our resources and finances discreetly managed.. ..our credit reestablished.. ..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 confedera- cies, one inclining to Britain, another to France, and a third to Spain, and perhaps played oft' 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.

Queen Ann, in lier 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. " All entire and perfect union will be the solid founda- "tion 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 appre- " hensions of different interests, will be enabled to resist all its cnc- " inics.^^ " 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 de- " signs of our and your enemies, who will doubtless, on this occa- " sion, use their utmost endeavours to prevent or delay this union.^^

It was remarked in the preceding paper, that weakness and division at home, would invite dangers from abroad, and that noth- ing 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 aquainted, 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 pei'- petually kept enflamed, and for a long series of years they were far more inconvenient and troublesome, than they were useful and esbisting to each other.

Should the people of America divide themselves into three or four nations, would not the same thing happen ? Would not fimilar jealousies arise, and be in like manner cherished 1 Instead

of their being "joined in affection and free from all apprehen- " sion of different interests," envy and jealousy would soon extin- guish 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 sanijuine advocates ii»r 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 equal- ity 1 Independent of those local circumstances w hich tend to be- get and increase power in one part and to impede its progress in another, we must advert to the effects of that superiour policy and good management which would probably distinguish the govern- ment 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 confed- eracies, 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, ehould 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 pro- mise to diminish her importance ; and would also restrain them from measures calculated to advance, or even to secure her pros- perity. 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 chang- ed, 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 Eu-

rope : nor does it appear to be a rash conjecture, that its young swarms miglit often be tempted to gather honey in the more blooming fields and milder air of their hixurious and more deli- cate neijriibours.

Tiiey, 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, tlian 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 shall he formidable only to each other.

From these considerations it appears, that those persons are greatly mistaken, who suppose that alliances offensive and defen- sive 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.

"NVhen 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 com- merce with foreigners by distinct treaties ; and as their produc- tions 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 connexion with, different foreign nations. Hence, it might, and probably would happen, that the foreign nation, with whom the southern confed- eracy miglit 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 obseft ed 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 in- terests, 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 easier it is to receive foreign fleets into our ports, and for- eign armies into our country, than it is to persuade or compel them to depart. Ho\^- many conquests did the Romans and others make in the character of allies, and what iiuiovatioiis did they under the san)e character introduce into the goverinnents of those whom they pretended to protect !

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

Concerning Dangers from War between the States.

The three last numbers of this work have been dedicated to an enumeration of the dangers to wliich 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 difierent, and, per- haps, still more alarming kind ; those which will in all probability flow from dissensions between the states themselves, and from do- mestic factions and convulsions. These have been already in some instances slightly anticipated ; but they deserve a more par- ticular 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 spec- ulations, Avho 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 con- tests, 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, un- connected 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 preeminence and dominion. ...the jeal- ousy of power, or the desire of equality and safety. There are others which have a more circumscribed, though an equally oper-

ative 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 attach- ments, 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 assum- ing the pretext of some public motive, have not scrupled to sacri- fice the national tranquillity to personal advantage, or personal gratification.

The celebrated Pericles, in compliance with the resentment of a prostitute,* 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 prose- cution with which he was threatened as an accomplice in a sup- posed theft of the statuary Phidias, or to get rid of the accusa- tions prepared to be brought against him for dissipating the funds of the state in tiie 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, intermis- sions, and renewals, terminated in the ruin of the Athenian com- monwealth.

The ambitious cardinal, who was prime minister to Henry VHIth, permitting his vanity to aspire to the triple crown, enter- tained 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 tliis 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 monar- chy, 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,t the petulances

of another,^ and the cabals of a third,§ had in the cotemporary

policy, ferments, and pacifications, of a considerable part of Eu-.

• AsPAsiA, vide Plutarch's life of Pericles. f Madame de Mainlenon.

\ Puclicss of Marlborough, j MaJnmc de Pompadoure.

rope, 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 do- mestic, 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 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 dispos- ed 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 1 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 repub- lics in practice been less addicted to war than monarchies 1 Are not the former administered by men as well as the latter 1 Are there not aversions, predilections, rivalships, and desires of unjust acquisition, that afi^ect nations, as well as kings 1 Are not popu- lar assemblies frequently subject to the impulses of rage, resent- ment, jealousy, avarice, and of other irregular and violent propen- sities 1 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 tinctured by the passions and views of those individuals 1 Has commerce hitherto done any

thino- more than change the objects of war ? Is not the love of wealth as domineering and enterprising a passion as that of power or "•lorv ? Have there not been as many wars founded upon com- mercial 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, otfensive and defensive, as the neighbouring monarchies of the same times. Sparta was little better than a well-regulated camp ; and Rome was never sated of carnage and conquest.

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

Venice, in latter times, figured more than once in wars of am- bition ; till becoming an object of terrour to the other Italian states, pope Julius the second found means to accomplish that formidable league,* 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, look a leading and conspicuous part in the wars of Europe. They had furious contests with England for the domin- ion of the sea ; and were among the most persevering and most implacable of the opponents of Louis XIV.

In the government of Britain the representatives of the people compose one branch of the national legislature. Commere 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 in- stances 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 con- tinued them in it, contrary to their inclinations,

and sometimes contrary to the real interests of the state. In that memorable

* The LEiGfE or Cambrat, comprehending the emperor, the king of France, ihe king of .\rragon, and most of ilie Italian princes and Slates.

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,* pro- tracted 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 nav- igation ; and sometimes even the more culpable desire of shariiio" 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 ilhcit 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 resent- ment, 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 alli- ances that but twenty years before had been formed, with sanguine expectations of the most beneficial fruits.

From this summary of what has taken 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 1 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 Avisdom and perfect virtue 1

Let the point of extreme depression to which our national dig- nity and credit have sunk ; let the inconveniences felt everywhere from a lax and ill administration of government; let the revolt of a part of the state of North Carolina ; the late menacing distur- bances 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 apprehen- sions of discord and hostility between the states, in the event of disunion, that it has from long observation of the progress of so- ciety 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 ; " Neigh- " BOURiNG NATIONS (says he) are naturally enemies of each other, " unless their common weakness forces them to league in a con- •' FEDERATIVE REPUBLIC, and their constitution prevents the differ- " ences that neighbourhood occasions, extinguishing that secret "jealousy, which disposes all states to aggrandize themselves at •• the expense of their neighbours."* This passage, at the same time, points out the evil, and suggests the remedy.

TTie 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 diiferent times, deluged in blood all the nations in the world. But unfortunately for us, the question admits 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 re- moved.

Territorial disputes have at all times been found one of the most fertile sources of hostility among nations. Perhaps the greatest portion of the wars that have desolated the earth have '* Vide Principes des Negoiiaiions par I'Abbe de Mably.

sprung from this origin. This cause would exist, among us, ia full foi-ce. 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 \f ere 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 ; especial- ly as to all that part of the western territory which, either by ac- tual possession, or through the submission of the Indian propri- etors, 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 com- pact with a foreign power. It has been the prudent policy of con- gress to appease this controversy, by prevaihng 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 anteriour 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 appor- tionment. Different principles would be set up by different stateg 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 comi-

mon judge to interpose between the contending parties. To rea- son from the past to the future, we shall have good ground to ap- prcliend, 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 confedera- tion 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 indica- tions of dissatisfaction with that determination ; nor did she ap- pear to be entirely resigned to it, till by negotiation and manage- ment something like an equivalent was found for the loss she sup- posed 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 reluc- tance in determinations to their disadvantage.

Those who had an opportunity of seeing the inside of the trans- actions, which attended tiie 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 pre- ponderated in that opposition; one, a jealousy entertained of our future power ; another, the interest of certain individuals of in- fluence 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, Massachu- setts, and Connecticut. New Jersey and Rhode Island, upon all occasions, discovered a warm zeal for the independence of Ver- mont; and Maryland, until alarmed by the appearance of a con- nexion 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 neigh- bours. Each state, or separate confederacy, would pursue a sys- tem of commercial polity peculiar to itself. This would occasion distinctions, preferences, and exclusions, which would beget dis- content. The habits of intercourse, on the basis of equal privi- leges, to which Ave have been accustomed from the earliest settle- ment 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 sove- reignties 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 proba- ble, that this unbridled spirit would pay much respect to those reg- ulations 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 im- patiently submitted to by the tributary states. The relative situa- tion 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 ca- pacity of consumers of what we import. New York would neith- er 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 practi- cable, 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 permit- ted to remain in the quiet and undisturbed enjoyment of a metrop- olis, from the possession of which we derived an advantage so odious to our neighbours, and, in their opinion, so oppressive 1 Should we be able to preserve it against the incumbent weight of Connecticut on the one side, and the cooperating pressure of ^ew Jersey on the other 1 These are questions that temerity alone will answer in the affirmative.

The public debt of the union would be a further cause of coUis- 3

ion between the separate states or confederacies. The apportion- ment, 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 im- pressed 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 domes- tic 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 propor- tion of the state in the total amount of the national debt, would be strenuous for some equitable and effectual provision. The procras- tinations 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 exter- nal invasion, and internal contention.

But suppose the difficulties of agreeing upon a rule surmounted, and the apportionment made. Still there is great room to sup- pose, 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 revis- ion, which was likely to end in an increase of their own incum- brances. 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 dissension and altercation. If even the rule adopted should in practice justi- fy 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 mismanage- ment 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 what- ever 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 con- tributions 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 pay- ment of money.

Laws in violation of private contracts, as they amount to aggres- sions 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 perpe- trated 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 simple league, offensive and defensive, would by the operation of such opposite and jarring alliances be gradually en- tangled 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.

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 friend- ship and enmity with each other, which have fallen to the lot of all neisrhbouring 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 es- tabhshments have long obtained. The disciplined armies always kept on foot on the continent of Europe, though they bear a ma- lignant 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 forUfication 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 overturn- ed ; but of towns taken and retaken, of battles that decide noth- ing, 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 popu- lous 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.

The 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 directer of national conduct. Even the ar- dent 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 dan- ger, 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. Stand- ing armies, it is said, are not provided against in the new consti- tution ; and it is thence inferred that they would exist under it.* 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 confedera- cy. 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 Avhich, 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 leg- islative 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 disciplin- ed armies, have often triumphed over large states, or states of greater natural strength, which have been destitute of these ad- vantages. Neither the pride, nor the safety, of the more import- ant 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 preeminence. Thus we should in a little time see established, in every part of this country, the

* This objection wii! be fully examined in its proper place ; and it will be shown that tlie 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 herctoforft fisuned iu America, most of which contain no guard at all on this subject.

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 the 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 pro- gress 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 1 Different answers equally satisfactory, may be given to this question. The indus- trious 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 re- publics. The means of revenue, which have been so greatly mul- tiplied by the increase of gold and silver, and of the arts of in- dustry, and the science of finance, which is the offspring of mod- ern times, concurring with the habits of nations, have produced an entire revolution in the system of war, and have rendered dis- ciplined armies, distinct from the body of the citizens, the insep- arable 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 apprehen- sive of them. The rulers of the former can have no good pre- text, if they are even so inclined, to keep on foot

armies so nu- merous as must of necessity be maintained in the latter. These armies being, in the first case, rarely, if at all, called into activity for interiour defence, the people are in no danger of being broken to military subordination. The laws are not accustomed to relax- ations, 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 en- forcing 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 ar- mies must be numerous enough for instant defence. The contin- ual necessity for his services enhances the importance of the sol- dier, and proportionably degrades the condition of the citizen. The military state becomes elevated above the civil. The inhabi- tants of territories often the theatre of war, are unavoidably sub- jected 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 superiours. 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 impres- sions, to make a bold, or effectual resistance, to usurpations sup- ported by the military poM'er.

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, super'' sede the necessity of a numerous army within the kingdom. A sufficient force to make head against a sudden descent till the mi- litia 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 situa- tion 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 con- tinent, and had been compelled, as she would have been, by that situation, to make her military establishments at home coextensive Avith 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 tliat island to be enslaved from other causes ; but it can- not 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. Eu- rope 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 securi- ty. 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 pow- ers of Europe. Our liberties would be a prey to the means of de- fendinof 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 tiie more substantial prospects of dangers, real, certain, and extremely for- midable. PUBLIUS.

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 in- surrection.

It is impossible to read the history of the petty republics of Greece and Italy, without feeling sensations of horrour and dis- gust 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 shortlived 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 momenta- ry rays of glory break forth from the gloom, while they dazzle us with a transient and fleeting brilliancy, they at the same time ad-

monish 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 them- selves in malicious exultation over its friends and partisans. Hap- pily for mankind, stupendous fabrics reared on the basis of liber- ty, 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 errour.

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 enlighten- ed 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 im- provement. The efficacy of various principles is now well under- stood, 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 pow- erful 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 melioration 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 okbit 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 con- cerns the object under consideration. It will, however, be of use 4

to examine the principle in its application to a single state, which shall be attended to in another place. i

The utility of a confederacy, as well to suppress faction, and to guard the internal tranquilHty 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 re- ceived 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 govern- ment. 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 ap- ply. If we therefore receive his ideas on this point, as the crite- rion of truth, we shall be driven to the alternative, either of tak- ing refuge at once in the arms of monarchy, or of splitting our- selves into an infinity of little, jealous, clasliing, tumultuous com- iTionwealths, the wretched nurseries of unceasing discord, and the miserable objects of universal pity or contemj)t. 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 de- sirable thing. Such an infatuated policy, such a desperate expe- dient, might, by the muhiplication of petty offices, answer the views of men, who possess not qualifications to extend their influ- ence beyond the narrow circles of personal intrigue; but it could never promote the greatness or happiness of the people of Amer-

' Referring the examination of the principle itself to, another place, as has been already mentioned, it Avill be sutficietiit to re- mark here, that in the sense of the author who has been imost em- phatically quoted

upon the occasion, it would only dictg/te a re- duction of the SIZE of the more considerable memberIs of the ■union ; but would not militate against their being) all com- prehended in one confederate government. And this i^ the true question, in the discussion of which we are at present iinterested.

So far are the suggestions of Montesquieu from standing in op- position 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,* " 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 constitu- •* tion, that has all the internal advantages of a republican, togeth- " er 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 au- *♦ thority, 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 sub- " due 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 happen in one of the confeder- " ate 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 pas- sages, because they contain a luminous abridgment of the princi- pal 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

* Spirit of Laws, Vol. I, Book IX. Chap. 1.

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 be- tween a confederacy and a consolidation of the estates. The essen- tial 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 suf- frage between the members, has also been insisted upon as a lead- ing 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 incuiable 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 con- stituent parts of the national sovereignty, by allowing them a di- rect representation in the senate, and leaves in their possession cer- tain 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 cer- tainly 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 associa- tion, 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.

Among the numerous advantages promised by a well construct- ed 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 pro- pensity to this dangerous vice. lie 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 insta- bility, injustice, and confusion, introduced into the public councils, have, in truth, been the mortal diseases under which popular gov- ernments have everywhere perished ; as they continue to be the fa- vourite and fruitful

topics from which the adversaries to liberty derive their most specious declamations. The valuable improve- ments 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 wish- ed and expected. Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of pub- lic and private faith, and of public and personal liberty, that our governments are too unstable ; that the public good is disregard- ed 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 superiour 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 pri- vate 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 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 controUng its ef- fects.

There are again two methods of removing the causes of fac- tion : 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 was 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 an- nihilation of air, which is essential to animal life, because it im- parts 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 insu- perable obstacle to an uniformity of interests. The protection of these faculties is the first object of government. From the pro- tection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property imme- diately 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 everywhere brought into different degrees of activity, according to the different circumstances of civil socie- ty. 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 contend- ing for preeminence and power ; or to persons of other descrip- lions, 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 cooperate for their common good. So strong is this propensity of mankind, to fall into mutual ani- mosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kin- dle 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 dis- tinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A lauded inter- est, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civiliz- ed nations, and divide them into different classes, actuated by dif- ferent sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legis- lation, and involves the spirit of party and faction in the necessa- ry and ordinary operations of government.

No man is allowed to be a judge in his own cause ; because his interest will 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 leo-isla- tion, but so many judicial determinations, not indeed concerning the rights of single persons, but. concerning the rights of large bodies of citizens 1 and what are the different classes of legisla- tors, but advocates and parties to the causes which they deter- mine ? Is a law proposed concerning private debts ? It is a ques- tion 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 fac-

tion, must be expected to prevail. Shall domestic manufactures be encouraged, and in what degree, by restrictions on foreign man- ufactures 1 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 apportion- ment 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 nnd tempt- ation are given to a predominant party, to trample on the rules of justice. Every shilling, with which they overburden the inferiour 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 controling 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 administra- tion, 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 govern- ment, 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 a 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 res- cued 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 1 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 coexistent 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 relig- ious 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 to- gether ; 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 num- ber of citizens, who assemble and administer the government in person, can admit of no cure from 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 spec- tacles of turbulence and contention ; have ever been found incom- patible 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 patronized this .species of government, have erroneously supposed, that by reduc- ing 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 com- prehend 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 medi- um 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 pro- nounced by the people themselves, convened for the purpose. On the other hand the effect Ynay be inverted. Men of factious tem-

pers, 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 num- lyo-, 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 great- er 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 practice 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 circum- stances and lesser interests ; as by reducing it too much, you ren- der 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 aggre- gate interests being referred to the national, the local and particu- lar to the state legislatures.

The other point of difierence 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 cir- cumstance 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 in- terests 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 oppres- sion. 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 tliere is a consciousness of unjust or dis- honourable purposes, communication is always checked by dis- trust, in proportion to the number whose concurrence is necessary.

Hence, it clearly appears, that tlie same advantage, which a republic has over a democracy, in controlling the eftects of fac- tion, is enjoyed by a large over a small republic. ...is enjoyed by the union over the states composing it. Does tbis advantage con- sist in the substitution of representatives, whose enlightened views and virtuous sentiments render them superiour to local prejudices, and to schemes of injustice 1 It will not be denied, that the rep- resentation of the union will be most likely to possess these requi- site endowments. Does it consist in the greater security aftbrded by a greater variety of parties, against the event of any one party being able to outnumber and oppress the rest ? In an equal de- gree does the increased variety of parties, comprised within the union, increase this security. Does it, in fine, consist in the great- er 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 con- flagration through the other states : a religious sect may degener- ate 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 re- publican 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.

The Utility of the Union in respect to Commerce anfl a Navy^

The importance of the union, in a commercial light, is one of those points, about which there is least room to entertain a differ- ence of opinion, and which has in fact commanded the most gen- eral assent of men, who have any acquaintance with the subject. This applies as well to our intercourse with foreign countries, as with each other.

There are appearances to authorize a supposition, that the ad- venturous spirit, which distinguishes the commercial character of America, has already excited uneasy sensations in several of the maritime powers of Europe. They seem to be apprehensive of our too great interference in that carrying trade, which is the sup- port of their navigation, and the foundation of their naval strength. Those of them, which have

colonies in America, look forward, with painful solicitude, to what this country is capable of becom- ing. They foresee the dangers, that may threaten their American dominions from the neighbourhood of states, which have all the dispositions, and would possess all the means, requisite to the cre- ation of a powerful marine. Impressions of this kind will natu- rally indicate the policy of fostering divisions among us, and de- priving us, as far as possible, of an active commerce in our own bottoms. This would answer then the threefold purpose of pre- venting our interference in their navigation, of monopolizing the profits of our trade, and of clipping the wings on which we might soar to a dangerous greatness. Did not prudence forbid the detail, it would not be difficult to trace, by facts, the workings of this policy to the cabinets of ministers. If we continue united, w'e may, in a variety of ways, counteract a policy so unfriendly to our prosperity. By prohibitory regidations, extending at the same time throughout the states, we may oblige foreign countries to bid against each other, for the privileges of our markets. This asser- tion will not appear chimerical to those who are able to appreciate the importance, to any manufacturing nation, of the markets of three millions of people, increasing in rapid progression; for the most part, exclusively addicted to agriculture, and likely from lo- cal circumstances to remain in this disposition ; and the immense difference there would be to the trade and navigation of such a nation, between a direct communication in its own ships, and an indirect conveyance of its products and returns, to and from America, in the sliips of anotlicr country. Suppose, for instance,

we had a government in America, capable of excluding Great Britain (with whom we have at present no treaty of commerce) from all our ports ; what would be the probable operation of this step upon her politics 1 Would it not enable us to negotiate, with the fairest prospect of success, for commercial privileges of the most valuable and extensive kind, in the dominions of that king- dom 1 When these questions have been asked, upon other occa- sions, they have received a plausible, but not a solid or satisfactory answer. It has been said, that prohibitions on our part would pro- duce no change in the system of Britain ; because she could prosr ecute her trade with us, through the medium of the Dutch, who would be her immediate customers and paymasters for those arti- cles which were wanted for the supply of our markets. But would not her navigation be materially injured, by the loss of the impor- tant advantage of being her own carrier in that trade? Would not the principal part of its profits be intercepted by the Dutch, as a compensation for their agency and risk ? Would not the mere circumstance of freight occasion a considerable deduction t Would not so circuitous an intercourse facilitate the competitions of other nations, by enhancing the price of British commodities in our markets, and by transferring to other hands the manage- ment of this interesting branch of the British commerce ?

A mature consideration of the objects, suggested by these ques- tions, will justify a belief, that the real disadvantages to Great Britain, from such a state of things, conspiring with the preposses- sions of a great part of the nation in favour of the American trade, and with the importunities of the West India islands, would pro- duce a relaxation in her present system, and would let us into the enjoyment of privileges in the markets of those islands and else- where, from which our trade would derive the most substantial benefits. Such a point gained from the British government, and which could not be expected without an equivalent in exemptions and immunities in our markets, would be likely to have a corres- pondent effect on the conduct of other nations, who would not be inclined to see themselves altogether supplanted in our trade.

A further resource for influencing the conduct of European na^ tions towards us, in this respect, would arise from the establish- ment of a federal navy. There can be no doubt, that the contin- uance of the union, under an eflficient government, would put it in our power, at a period not very distant, to create a navy, which, if it could not vie with those of the great maritime powers, would at least be of respectable weight, if thrown into the scale of either of two contending parties. This would be more particularly the

case, in relation to operations in the West Indies. A few ships of the line, sent opportunely to the reinforcement of either side, would often be sufficient to decide the fate of a campaign, on the event of which, interests of the greatest magnitude were suspend- ed. Our position is, in this respect, a very commanding one. And if to this consideration we add that of the usefulness of sup- plies from this country, in the prosecution of military operations in the West Indies, it will readily be perceived, that a situation so favourable, would enable us to bargain with great advantage for commercial privileges. A price would be set, not only upon our friendship, but upon our neutrality. By a steady adherence to the union, we may hope, ere long, to become the arbiter of Europe in America ; and to be able to incline the balance of European competitions in this part of the world, as our interest may dictate.

But in the reverse of this eligible situation, we shall discover, that the rivalships of the parts would make them checks upon each other, and would frustrate all the tempting advantages which nature has kindly placed within our reach. In a state so insignifi- cant, our commerce would be a prey to the wanton intermeddlings of all nations at war with each other; who, having nothing to fear from us, would, with little scruple or remorse, supply their wants by depredations on our property, as often as it fell in their way. The rights of neutrality will only be respected, when they are defended by an adequate power. A nation, despicable by its weakness, forfeits even the privilege of being neutral.

Under a vigorous national government, the natural strength and resources of the country, directed to a common interest, would baffle all the combinations of European jealousy to restrain our growth. This situation would even take away the motive to such combinations, by inducing an impracticability of success. An ac- tive commerce, an extensive navigation, a flourishing marine, would then be the inevitable offspring of moral and physical necessity. We might defy the little arts of little politicians to control, or vary, the irresistible and unchangeable course of nature.

But in a state of disunion, these combinations might exist, and might operate with success. It would be in the power of the mar- itime nations, availing themselves of our universal impotence, to prescribe the conditions of our political existence ; and as they have a common interest in being our carriers, and still more in preventing us from becoming theirs, they would, in all probabili- ty, combine to embarrass our navigation in such a manner, as would in eftect destroy it, and confine us to a passive commeece. We should thus be compelled to content ourselves with the first

price of our commodities, and to see the profits of our trade snatched from us, to enrich our enemies and persecutors. That unequalled spirit of enterprise, which signaUzes the genius of the American merchants and navigators, and which is in itself an in- exhaustible mine of national wealth, would be stifled and lost ; and poverty and disgrace would overspread a country, which, with wisdom, might make herself the admiration and envy of the world.

There are rights of great moment to the trade of America, which are rights of the union : I allude to the fisheries to the navi- gation of the lakes, and to that of the Mississippi. The dissolu- tion of the confederacy would give room for delicate questions, concerning the future existence of these rights ; which the interest of more jjowerful partners would hardly fail to solve to our dis- advantage. The disposition of Spain, with regard to the Missis- sippi, needs no comment. France and Britain are concerned with us in the fisheries: and view them as of the utmost moment to their navigation. They, of course, would hardly remain long indifferent to that decided mastery, of which experience has shown us to be possesed, in this valuable branch of traffic ; and by which we are able to undersell those nations in their own markets. What more natural, than that they should be disposed to exclude from the list such dangerous competitors 1

This branch of trade ought not to be considered as a partial benefit. All the navigating states may in different degrees advan- tageously participate in it ; and under circumstances of a greater extension of mercantile capacity, would not be unlikely to do it. As a nursery of seamen, it now is, or, when time shall have more nearly assimilated the principles of navigation in the several states, will become an universal resource. To the establishment of a navy, it must be indispensable.

To this great national object, a navy, union will contribute in various ways. Every institution will grow and flourish in propor- tion to the quantity and extent of the means concentred towards its formation and support. A navy of the United States, as it would embrace the resources of all, is an object far less remote than a navy of any single state, or partial confederacy, which w'ould only embrace the resources of a part. It happens, indeed that different portions of confederated America possess each some peculiar advantage for this essential establishment. The more southern states furnish in greater abundance certain kinds of naval stores....tar, pitch, and turpentine. Their wood, for the construction of ships, is also of a more solid and lasting texture. The difference in the duration of the ships of which the navy

mio-ht be composed, if chiefly constructed of southern ^vood, would be of signal importance, either in the view of naval strength, or of national economy. Some of the southern and of the middle states yield a greater plenty of iron, and of better quality. Sea- men must chiefly be drawn from the northern hive. The necessi- ty of naval protection to external or maritime commerce, and the conduciveness of that species of commerce to the prosperity of a navy, are points too manifest to require a particular elucidation. They, by a kind of reaction, mutually beneficial, promote each other.

An unrestrained intercourse between the states themselves, will advance the trade of each, by an interchange of their respective productions, not only for the supply of reciprocal wants, but for exportation to foreign markets. The veins of commerce in every part will be replenished, and will acquire additional motion and vigour from a free circulation of the commodities of every part. Commercial enterprise will have much greater scope, from the diversity in the productions of different states. When the staple of one fails, from a bad harvest or unproductive crop, it can call to its aid the staple of another. The variety, not less than the value of products for exportation, contributes to the activity of foreign commerce. It can be conducted upon much better terms, with a large number of materials of a given value, than with a small number of materials of the same value ; arising from the competitions of trade and from the fluctuations of markets. Particular articles may be in great demand at certain periods, and unsaleable at others ; but if there

be a variety of articles, it can scarcely happen that they should all be at one time in the latter predicament ; and on this account, the operation of the merchant would be less liable to any considerable obstruction or stagnation. The speculative trader will at once perceive the force of these ob- servations ; and will acknowledge, that the aggregate balance of the commerce of the United States, would bid fair to be much more favourable than that of the Thirteen States, without union, or with partial unions.

It may perhaps be replied to this, that whether the states are united, or disunited, there would still be an intimate intercourse between them, which would answer the same ends: but this inter- course would be fettered, interrupted, and narrowed, by a multi- plicity of causes ; which in the course of these papers have been amply detailed. An unity of commercial, as well as political in- terests, can only result from an unity of government.

There are other points of view, in which this subject might be

placed, of a striking and animating kind. But they would lead us too far into the regions of futurity, and would involve topics not proper for newspaper discussion. I shall briefly observe, that our situation invites, and our interests prompt us, to aim at an ascendant in the system of American affairs. The world may politically, as well as geographically, be divided into four parts, each having a distinct set of interests. Unhappily for the other three, Europe, by her arms and by her negotiations, by force and by fraud, has, in different degrees, extended her dominion over them all. Africa, Asia, and America, have successively felt her domina- tion. The superiority she has long maintained, has tempted her to plume herself as the mistress of the world, and to consider the rest of mankind as created for her benefit. Men, admired as pro- found philosophers, have, in direct terms, attributed to her inhabi- tants a physical superiority ; and have gravely asserted, that all animals, and with them the human species, degenerate in Ameri- ca ; that even dogs cease to bark, after having breathed awhile in our atmosphere.* Facts have too long supported these arrogant pretensions of the European ; it belongs to us to vindicate the hon- our of the human race, and to teach that assuming brother modera- tion. Union will enable us to do it. Disunion will add another victim to his triumphs. Let Americans disdain to be the instru- ments of European greatness ! Let the Thirteen States, bound to- gether in a strict aiid indissoluble union, concur in erecting one great American system, superiour to the control of all transatlan- tic force or influence, and able to dictate the terras of the connex- ion between the old and the new world ! PUBLIUS.

The Utility of the Union in Respect to Revenue*

The effects of union, upon the commercial prosperity of the states, have been sufficiently delineated. Its tendency to promote the interests of revenue, will be the subject of our present inquiry.

A prosperous commerce is now perceived and acknowledged, by all enlightened statesmen, to be the most useful, as well as the most productive, source of national wealth ; and has accordingly become a primary object of their political cares. By multiplying the means of gratification ; by promoting the introduction and

* Recherches philosophiquM nir les Americaias.

circulation of the precious metals, those darling objects of human avarice and enterprise, it serves to vivifj and invigorate all the channels of industry, and to make them flow with greater activity and copiousness. The assiduous merchant, the laborious husband- man, the active mechanic, and the industrious manufacturer....all orders of men, look forward with eager expectation, and growing alacrity, to this pleasing reward of their toils. The often agitat- ed question between argriculture and commerce, has, from indu- bitable experience, received a decision, which has silenced the ri- valships that once subsisted between them, and has proved, to the entire satisfaction of their friends, that their interests are intimate- ly blended and interwoven. It has been found, in various coun- tries, that in proportion as commerce has flourished, land has risen in value. And how could it have happened otherwise ? Could that which procures a freer vent for the products of the earth ; which furnishes new incitements to the cultivators of land ; which is the most powerful instrument in increasing the quantity of money in a state. ...could that, in fine, which is the faithful hand- maid of labour and industry, in every shape, fail to augment the value of that article, which is the prolific parent of far the great- est part of the objects, upon which they are exerted 1 It is aston- ishing, that so simple a truth should ever have had an adversary ; and it is one among a multitude of proofs, how apt a spirit of ill- informed jealousy, or of too great abstraction and refinement is, to lead men astray from the plainest paths of reason and convic- tion.

The ability of a country to pay taxes, must always be propor- tioned, in a great degree, to the quantity of money in circulation, and to the celerity with which it circulates. Commerce, contrib- uting to both these objects, must of necessity render the payment of taxes easier, and facilitate the requisite supplies to the treasury. The hereditary dominions of the emperor of Germany, contain a great extent of fertile, cultivated, and populous territory, a large proportion of which is situated in mild and luxuriant climates. In some parts of this territory are to be found the best gold and silver mines in Europe. And yet, from the want of the fostering influence of commerce, that monarch can boast but slender rev- enues. He has several times been compelled to owe obligations to the pecuniary succours of other nations, for the preservation of his essential interests ; and is unable, upon the strength of his own resources, to sustain a long or continued war.

But it is not in this aspect of the subject alone, that union will be seen to conduce to the purposes of revenue. There are other

points of view, in which its influence will appear more immediate and decisive. It is evident from the state of the country, from the habits of the people, from the experience we have had on the point itself, that it is impracticable to raise any very considerable sums by direct taxation. Tax laws have in vain been multiplied ; new methods to enforce the collection have in vain been tried* the public expectation has been uniformly disappointed, and the treasuries of the states have remained empty. The popular sys- tem of administration, inherent in the nature of popular govern- ment, coinciding with the real scarcity of money, incident to a languid and mutilated state of trade, has hitherto defeated every experiment for extensive collections, and has at length taught the different legislatures the folly of attempting them.

No person acquainted with what happens in other countries, will be surprised at this circumstance. In so opulent a nation as that of Britain, where direct taxes, from superiour wealth, must be much more tolerable,

and, from the vigour of the government, much more practicable, than in America, far the greatest part of the national revenue is derived from taxes of the indirect kind • from imposts, and from excises. Duties on imported articles, form a large branch of this latter description.

In America, it is evident, that we must a long time depend for the means of revenue, chiefly on such duties. In most parts of it, excises must be confined within a narrow compass. The genius of the people will illy brook the inquisitive and peremptory spirit of excise laws. The pockets of the farmers, on the other hand, will reluctantly yield but scanty supplies, in the unwelcome shape of impositions on their houses and lands ; and personal property is too precarious and invisible a fund to be laid hold of in any other way, tlian by the imperceptible agency of taxes on consump- tion.

If these remarks have any foundation, that state of things which will best enable us to improve and extend so valuable a re- source, must be the best adapted to our political welfare. And it cannot admit of a serious doubt, that this state of things must rest on the basis of a general union. As far as this would be condu- cive to the interests of commerce, so far it must tend to the exten- sion of the revenue to be drawn from that source. As far as it would contribute to tender regulations for the collection of the duties more simple and efiicacious, so far it must serve to answer the purposes of making the same rate of duties more productive, and of putting it into the power of the government to increase the rate,, without prejudice to trade.

The relative situation of these states ; the number of rivers with which they are intersected, and of bays that wash their shores ; the facility of communication in every direction ; the affinity of language and manners ; the familiar habits of inter- course ; all these are circumstances that would conspire to render an illicit trade between them a matter of little difficulty ; and would ensure frequent evasions of the commercial regulations of each other. The separate states, or confederacies, would be driv- en by mutual jealousy to avoid the temptations to that kind of trade, by the lowness of their duties. The temper of our govern- ments for a long time to come, would not permit those rigorous precautions, by which the European nations guard the avenues into their respective countries, as well by land as by water, and which, even there, are found insufficient obstacles to the adven- turous stratagems of avarice.

In France, there is an army of patrols (as they are called) con- stantly employed to secure her fiscal regulations against the in- roads of the dealers in contraband. Mr. Neckar computes the number of these patrols at upwards of twenty thousand. This proves the immense difficulty in preventing that species of traffic, where there is an inland communication, and shows in a strong light the disadvantages, with which the collection of duties in this country would be incumbered, if by disunion the states should be placed in a situation with respect to each other, resembling that of France with respect to her neighbours. The arbitrary and vex- atious powers with which the patrols are necessarily armed, would be intolerable in a free country.

If, on the contrary, there be but one government, pervading all the states, there will be, as to the principal part of our commerce, but ONE SIDE to guard. ...the Atlantic coast. Vessels arriving di- rectly from foreign countries, laden with valuable cargoes, would rarely choose to expose themselves to the complicated and critical perils, which would attend attempts to unlade prior to their com- ing into port. They would have to dread both the dangers of the coast, and of detection, as well after, as before their

arrival at the places of their final destination. An ordinary degree of vigilance would be competent to the prevention of any material infractions upon the rights of the revenue. A few armed vessels, judiciously stationed and employed, might, at small expense, be made useful sentinels of the laws. And the government, having the same in- terest to provide against violations everywhere, the cooperation of its measures in each state, would have a powerful tendency to ren- der them effiictual. Here also we should preserve, by union, an

advantage which nature holds out to us, and which would be re- linquished by separation. The United States lie at a great dis- tance from Europe, and at a considerable distance from all other places, with which they would have extensive connexions of for- eign trade. The passage from them to us in a few hours, or in a single night, as between the coasts of France and Britain, and of otlier neighbouring nations, would be impracticable. This is a prodigious security against a direct contraband with foreign coun- tries ; but a circuitous contraband to one state, through the medi- um of another, would be both easy and safe. The difference be- tween a direct importation from abroad, and an indirect importa- tion through the channel of an adjoining state, in small parcels, ac- cording to time and opportunity, with the additional facilities of in- land communication, must be palpable to every man of discernment.

It is, therefore, evident, that one national government would be able, at much less expense, to extend the duties on imports, beyond comparison further, than would be practicable to the states sepa- rately, or to any partial confederacies : hitherto I believe it may safely be asserted, that these duties have not upon an average ex- ceeded in any state three per cent. In France they are estimated at about fifteen per cent, and in Britain the proportion is still greater. There seems to be nothing to hinder their being increas- ed in this country, to at least treble their present amount. The single article of ardent spirits, under federal regulation, might be made to furnish a considerable revenue. According to the ratio of importation into this state, the whole quantity imported into the United States may, at a low computation, be estimated at four millions of gallons ; which, at a shilling per gallon, would produce two hundred thousand pounds. That article would well bear this rate of duty ; and if it should tend to diminish the consumption of it, such an effect would be equally favourable to the agricul- ture, to the economy, to the morals, and to the health of society. There is, perhaps, nothing so much a subject of national extrava- gance, as this very article.

What will be the consequence, if we are not able to avail our- selves of the resource in question in its full extent 1 A nation cannot long exist without revenue. Destitute of this essential support, it must resign its independence, and sink into the degraded condition of a province. This is an extremity to which no gov- ernment will of choice accede. Revenue therefore must be had at all events. In this country, if the principal part be not drawn from commerce, it must fall with oppressive weight upon land. It has been already intimated that excises, in their true signification,

are too little in unison with the feelings of the people, to admit of great use being made of that mode of taxation ; nor, indeed, in the states where almost the sole employment is agriculture, are the objects proper for excise sufficiently numerous, to permit very ample collections in that way. Personal estate, as before remark- ed, from the difficulty of tracing it, cannot be subjected to large contributions, by any other means than by taxes on consumption. In populous cities, it may be enough the subject of conjecture, to occasion

the oppression of individuals, without much aggregate benefit to the state ; but beyond these circles, it must, in a great measure, escape the eye and the hand of the taxgatherer. As the necessities of the state, nevertheless, must be satisfied in some mode, the defect of other resources must throw the principal weio-ht of the public burthens on the possessors of land. And as, on the other hand, the wants of the government can never obtain an adequate supply, unless all the sources of revenue are open to its demands, the finances of the community, under such embar- rassments, cannot be put into a situation consistent with its re- spectability or its security. Thus we shall not even have the con- solations of a full treasury, to atone for the oppression of that valuable class of citizens, who are employed in the cultivation of the soil. But public and private distress will keep pace with each other in gloomy concert ; and unite in deploring the infatuation of those counsels which led to disunion. PUBLIUS.

Tlie same Subject Continued, with a Vieio to Economy.

As connected with the subject of revenue, we may with proprie- ty con.sider that of economy. The money saved from one object, may be usefully applied to another ; and there will be so much the less to be drawn from the pockets of the people. If the states be united under one government, there will be but one national civil list to support : if they are divided into several confederacies, there will be as many different national civil lists to be provided for; and each of them, as to the principal departments, coexten- sive with that which would be necessary for a government of the whole. The entire separation of the states into thirteen uncon- nected sovereignties, is a project too extravagant, and too replete with danger, to have many advocates. The ideas of men who speculate upon the dismemberment of the empire, seem generally

tamed towards three confederacies ; one consisting of the four northern, another of the four middle, and a third of the five south- ern states. There is little probability that there would be a great number. According to this distribution, each confederacy would comprise an extent of territory larger than that of the kingdom of Great Britain. No well-informed man will suppose that the affairs of such a confederacy can be properly regulated by a gov- ernment less comprehensive in its organs or institutions, than that which has been proposed by the convention. When the dimen- sions of a state attain to a cei'tain magnitude, it requires the same energy of government, and the same forms of administration, which are requisite in one of much greater extent. This idea ad- mits not of precise demonstration, because there is no rule by which we can measure the momentum of civil power, necessary to the government of any given number of individuals ; but when we consider that the island of Britain, nearly commensurate with each of the supposed confederacies, contains about eight millions of people, and when we reflect upon the degree of authority re- quired to direct the passions of so large a society to the public good, we shall see no reason to doubt, that the like portion of power would be sufficient to perform the same task in a society far more numerous. Civil power, properly organized and exert- ed, is capable of diffusing its force to a very great extent ; and can, in a manner, reproduce itself in every part of a great em- pire, by a judicious arrangement of subordinate institutions.

The supposition, that each confederacy into which the states would be likely to be divided, would require a government not less comprehensive than the one proposed, will be strengthened by another conjecture, more probable than that which presents us with three confederacies, as the alternative to a general union*

If we attend carefully to geographical and commercial con- siderations, in conjunction with the habits and prejudices of the different states, we shall be led to conclude, that in case of disunion, they will most naturally league themselves under two governments. The four eastern states, from all the causes that form the links of national sympathy and connexion, may with cer- tainty be expected to unite. New York, situated as she is, would never be unwise enough to oppose a feeble and unsupported flank to the weight of that confederacy. There are obvious reasons, that would facilitate her accession to it. New Jersey is too small a state to think of being a frontier, in opposition to this still more powerful combination ; nor do there appear to be any obstacles to her admission into it. Even Pennsylvania would have

strong inducements to join the northern league. An active for- eign commerce, on the basis of her own navigation, is her true policy, and coincides with the opinions and dispositions of her citizens. The more southern states, from various circumstances, may not think themselves much interested in the encouragement of navigation. They may prefer a system, which would give un- limited scope to all nations, to be the carriers, as well as the pur- chasers, of their commodities. Pennsylvania may not choose to confound her interests in a connexion so adverse to her policy. As she must, at all events, be a frontier, she may deem it most consistent with her safety, to have her exposed side turned towards the weaker power of the southern, rather than towards the strong- er power of the northern confederacy. This would give her the fairest chance to avoid being the Flanders of America. What- ever may be the determination of Pennsylvania, if the northern confederacy includes New Jersey, there is no likelihood of more than one confederacy to the south of that state.

Nothing can be more evident than that the Thirteen States will be able to support a national government, better than one half, or one third, or any number less than the whole. This reflection must have great weight in obviating that objection to the proposed plan, which is founded on the principle of expense ; an objection however, which, M-hen we come to take a nearer view of it, will appear in every light to stand on mistaken ground.

If, in addition to the consideration of a plurality of civil lists, we take into view the number of persons who must necessarily be employed to guard the inland communication, between the differ- ent confederacies, against illicit trade, and who in time will infallibly spring up out of the necessities of revenue ; and if we also take into view the military establishments, which it has been shown would unavoidably result from the jealousies and conflicts of the several nations, into which the states would be divided, we shall clearly discover that a separation would be not less injurious to the economy, than to the tranquillity, commerce, revenue, and liberty, of every part. PUBLIUS.

An Objection Drawn from the Extent of Country Answered.

We have seen the necessity of the union, as our bulwark against foreign danger ; as the conservator of peace among ourselves ; as the guardian of our commerce, and other commou interests ; as

the only substitute for those military establishments which have subverted the liberties of the old world ; and as the proper anti- dote for the diseases of faction, which have proved fatal to other popular governments, and of which alarming symptoms have been betrayed by our own. All that remains, within

this branch of our inquiries, is to take notice of an objection, that may be drawn from the great extent of country which the union embraces. A few observations, on this subject, will be the more proper, as it is perceived, that the adversaries of the new constitution are availing themselves of a prevailing prejudice, with regard to the practica- ble sphere of republican administration, in order to supply, by imaginary difficulties, the want of those solid objections, which they endeavour in vain to find.

The errour which limits republican government to a narrow dis- trict, has been unfolded and refuted in preceding papers. I re- mark here only, that it seems to owe its rise and prevalence chiefly to the confounding of a republic with a democracy ; and apply- ing to the former, reasonings drawn from the nature of the latter. The true distinction between these forms, was also adverted to on a former occasion. It is, that in a democracy, the people meet and exercise the government in person : in a republic, they assem- ble and administer it by their representatives and agents. A de- mocracy, consequently, must be confined to a small spot. A re- public may be extended over a large region.

To this accidental source of the errour, may be added the ar- tifice of some celebrated authors, whose writings have had a great share in forming the modern standard of political opinions. Being subjects, either of an absolute, or limited monarchy, they have endeavoured to heighten the advantages, or palliate the evils, of those forms, by placing in comparison with them the vices and defects of the republican, and by citing, as specimens of the lat- ter, the turbulent democracies of ancient Greece, and modern Italy. Under the confusion of names, it has been an easy task to transfer to a republic observations applicable to a democ- racy only ; and, among others, the observation, that it can never be established but among a small number of people, living within a small compass of territory.

Such a fallacy may have been the less perceived, as most of the popular governments of antiquity were of the democratic spe- cies ; and even in modern Europe, to which we owe the great principle of representation, no example is seen of a government wholly popular, and founded, at the same time, wholly on that prin- ciple. If Europe has the merit of discovering this great me- 7

chanical power in government, by the simple agency of Avhicb, the will of the largest political body may be concentered, and its force directed to any object, which the public good requires; America can claim the merit of making the discovery the basis of unmixed and extensive republics. It is only to be lamented, that any of her citizens should wish to deprive her of the additional merit of displaying its full efficacy in the establishment of the comprehensive system now under her consideration.

As the natural limit of a democracy is that distance from the centeral point, which will just permit the most remote citizens to assemble as often as their public functions demand, and will include no greater number than can join in those functions : so the natural limit of a republic, is that distance from the centre, Avhich will barely allow the representatives of the people to meet as often as may be necessary for the administration of public affairs. Can it be said, that the limits of the United States ex- ceed this distance 1 It will not be said by those who recollect, that the Atlantic coast is the longest side of the union ; that during the term of thirteen years, the representatives of the states have been almost continually assembled ; and that the members, from the most distant states, are not chargeable with greater in- termissions of attendance, than those from the states in the neigh- bourhood of Congress.

That we may foi-m a juster estimate with regard to this interest- ing subject, let us resort to the actual dimensions of the union. The limits, as fixed by the treaty of peace, are, on the east the Atlantic, on the south the latitude of thirty-one degrees, on the west the Mississippi, and on the north an irregular line running in some instances beyond the forty-fifth degree, in others falling as low as the forty-second. The southern shore of lake Erie lies below that latitude. Computing the distance between the thirty- first and forty-fifth degrees, it amounts to nine hundred and seven- ty-three common miles; computing it from thirty-one to forty- two degrees, to seven hundred sixty-four miles and a half. Tak- ' ing the mean for the distance, the amount will be eight hundred sixty-eight miles and three fourths. The mean distance from the Atlantic to the Mississippi, does not probably exceed seven hun- dred and fifty miles. On a comparison of this extent, with that of several countries in Europe, the practicability of rendering our system commensurate to it, appears to be demonstrable. It is not a great deal larger than Germany, where a diet, repre- senting the whole empire, is continually assembled ; or than Poland before the late dismemberment, Avhere another national

diet was the depository of the supreme power. Passing by France and Spain, we find that in Great Britain, inferiour as it may be in size, the representatives of the northern extremity of the island, have as far to travel to tlie national council, as will be required of those of the most remote parts of the union.

Favourable as this view of the subject may be, some observa- tions remain, which will place it in a light still more satisfactory.

In the first place, it is to be remembered, that the general gov- ernment is not to be charged with the whole power of making and administering laws ; its jurisdiction is limited to certain enumerat- ed objects, which concern all the members of the republic, but which are not to be attained by the separate provisions of any. The subordinate governments, which can extend their care to all those other objects, which can be separately provided for, will re- tain their due authority and activity. Were it proposed by the plan of the convention, to abolish the governments of the particu- lar states, its adversaries would have some ground for their objec- tion ; though it would not be difficult to show, that if they were abolished, the general government Avould be compelled, by the principle of self-preservation, to reinstate them in their proper jurisdiction.

A second observation to be made is, that the immediate object of the federal constitution, is to secure the union of the thirteen primitive states, which we know to be practicable ; and to add to them such other states, as may arise in their own bosoms, or in their neighbourhoods, which we cannot doubt to be equally prac- ticable. The arrangements that may be necessary for those an- gles and fractions of our territory, which lie on our north western frontier, must be left to those whom further discoveries and expe- rience will render more equal to the task.

Let it be remarked, in the third place, that the intercourse throughout the union will be daily facilitated by new improve- ments. Roads will everywhere be shortened, and kept in better order ; accommodations for travellers will be multiplied and me- liorated ; an interiour navigation on our eastern side, Avill be open- ed throughout, or nearly throughout, the whole extent of the Thir- teen States. The communication between the western and At- lantic districts, and between different parts of each, will be ren- dered more and more

easy, by those numerous canals, with which the beneficience of nature has intersected our country, and which art finds it so little difficult to connect and complete.

A fourth, and still more important consideration, is, that as almost every state will, on one side or other, be a frontier, and

will thus find, in a regard to its safety, an inducement to make some sacrifices for the sake of the general protection : so the states which lie at the greatest distance from the heart of the union, and which of course may partake least of the ordinary circulation of its benefits, will be at the same time immediately contiguous to foreign nations, and will consequently stand, on particular occa- sions, in greatest need of its strength and resources. It may be inconvenient for Georgia, or the states forming our western or north eastern borders, to send their representatives to the seat of government ; but they would find it more so to struggle alone against an invading enemy, or even to support alone the whole ex- pense of those precautions, which may be dictated by the neigh- bourhood of continual danger. If they should derive less benefit therefore from the union in some respects, than the less distant states, they will derive greater benefit from it in other respects, and thus the proper equilibrium will be maintained throughout.

I submit to you, my fellow-citizens, these considerations, in full confidence that the good sense which has so often marked your decisions, will allow them their due weight and eflect ; and that you will never suffer diflflculties, however formidable in appearance, or however fashionable the errour on which they may be founded, to drive you into the gloomy and perilous scenes into which the advo- cates for disunion would conduct you. Hearken not to the unnat- ural voice, which tells you that the people of America, knit togeth- er as they are by so many chords of affection, can no longer live together as members of the same family; can no longer continue the mutual guardians of their mutual happiness ; can no longer be fellow-citizens of one great, respectable, and flourishing empire. Hearken not to the voice, which petulantly tells you, that the form of government recommended for your adoption, is a novelty in the political world ; that it has never yet had a place in the theo- ries of the wildest projectors ; that it rashly attempts what it is impossible to accomplish. No, my countrymen, shut your ears against this unhallowed language. Shut your hearts against the poison which it conveys. The kindred blood which flows in the veins of American citizens, the mingled blood which they have shed in defence of their sacred rights, consecrate their union, and excite horrour at the idea of their becoming aliens, rivals, ene- mies. And if novelties are to be shunned, believe me, the most alarming of all novelties, the most wild of all projects, the most rash of all attempts, is that of rending us in pieces, in order to preserve our liberties, and promote our happiness. But why is the experiment of an extended republic to be rejected, merely because

it may comprise what is new 7 Is it not the glory of the people of America, that whilst they have paid a decent regard to the opinions of former times and other nations, they have not sutlered a blind veneration for antiquity, for custom, or for names, to over- rule the suggestions of their own good sense, the knowledo-e of their own situation, and the lessons of their own experience 1 To this manly spirit, posterity will be indebted for the possession, and the world for the example, of the numerous innovations displayed on the American theatre, in favour of private rights and public happiness. Had no important step been taken by the leaders of the revolution, for which a precedent could not be discovered ; no government

established of which an exact model did not present itself, the peojtle of the United States might, at this moment, have been numbered among the melancholy victims of misguided coun- cils ; must at best have been labouring under the weight of some of those forms which have crushed the liberties of the rest of man- kind. Happily for America, happily, we trust, for the whole human race, they pursued a new and more noble course. They accom- plished a revolution which has no parallel in the annals of human society. They reared the fabrics of governments which have no model on the face of the globe. They formed the design of a great confederacy, which it is incumbent on their successors to improve and perpetuate. If their works betray imperfections, we wonder at the fewness of them. If they erred most in the struc- ture of the union, this was the work most difficult to be executed ; this is the work which has been new modelled by the act of your convention, and it is that act on which you are now to deliberate and to decide. PUBLIUS.

Concerning the Defects of the Present Confederation, in Relation to the Principle of Legislation for the States in their Collective Ca- pacities.

In the course of the preceding papers, I have endeavoured, my fellow-citizens, to place before you, in a clear and convincing light, the importance of union to your political safety and happi- ness. I have unfolded to you a complication of dangers to which you would be exposed, should you permit that sacred knot, which binds the people of America together, to be severed or dissolved

by ambition or by avarice, by jealousy or by misrepresentation. In the sequel of the inquiry, through which I propose to accom- pany you, the truths intended to be inculcated will receive further confirmation from facts and arguments hitherto unnoticed. If the road, over which you will still have to pass, should in some places appear to you tedious or irksome, you will recollect that you are in quest of infoi-mation on a subject the most momentous, which can engage the attentien of a free people ; that the field through which you have to travel is in itself spacious, and that the diflSculties of the journey have been unnecessarily increased by the mazes with which sophistry has beset the way. It will be my aim to remove the obstacles to your progress, in as compendious a manner as it can be done, without sacrificing utility to despatch.

In pursuance of the plan, which I have laid down for the dis- cussion of the subject, the point next in order to be examined, is the " insufficiency of the present confederation to the preservation of the union."

It may perhaps be asked, what need there is of reasoning or proof to illustrate a position, which is neither controverted nor doubted ; to which the understandings and feelings of all classes of men assent ; and which in substance is admitted by the oppo- nents as well as by the friends of the new constitution ? It must in truth be acknowledged, that however these may differ in other respects, they in general appear to harmonize in the opinion, that there are material imperfections in our national system, and that something is necessary to be done to rescue us from impending anarchy. The facts that support this opinion, are no longer ob- jects of speculation. They have forced themselves upon the sen- sibihty of the people at large, and have at length extorted from those, whose mistaken policy has had the principal share in pre- cipitating the extremity at which we are arrived, a reluctant con- fession of the reality of many of those defects in the scheme of our federal government, whi(;h have been long pointed out and regretted by the intelligent friends of the union.

We may indeed, with propriety, be said to have reached almost the last stage of national humiliation. There is scarcely any thing that can wound the pride, or degrade the character, of an independent people, which we do not experience. Are there en- gagements, to the performance of which we are held by every tie respectable among men 1 These are the subjects of constant and unblushing violation. Do we owe debts to foreigners, and to our own citizens, contracted in a time of imminent peril, for the pres- ervation of our political existence ? These remain without any

proper or satisfactory provision for their discharge. Have we valuable territories and important posts in the possession of a for- eign power, which, by express stipulations, ought long since to have been surrendered 1 These are stili retained, to the prejudice of our interests not less than of our rights. Are we in a condi- tion to resent or to repel the aggression ? "NVe have neither troops, nor treasury, nor government.* Are we even in a condition to re- monstrate with dignity 1 The just imputations on our own faith, in respect to the same treaty, ought first to be removed. Are we entitled, by nature and compact, to a free participation in the nav- igation of the Mississippi 1 Spain excludes us from it. Is public credit an indispensable resource in time of public danger ? We seem to have abandoned its cause as desperate and irretrievable. Is commerce of importance to national wealth ? Ours is at the lowest point of declension. Is respectability in the eyes of for- ein powers, a safeguard against foreign encroachments T The im- becility of our government even forbids them to treat with us : our ambassadors abroad are the mere pageants of mimic sove- reignty. Is a violent and unnatural decrease in the value of land, a symptom of national distress 1 The price of improved land, in most parts of the country, is much lower than can be accounted for by the quantity of waste land at market, and can oidy be fully explained by that want of private and public confidence, which are so alarmingly prevalent among all ranks, and which have a direct tendency to depreciate property of every kind. Is private credit the friend and patron of industry ? That most use- ful kind which relates to borrowing and lending, is reduced within the narrowest limits and this still more from an opinion of insecu- rity than from a scarcity of money. To shorten an enumeration of particulars which can aftbrd neither pleasure nor instruction, it may in general be demanded, what indication is there of national disorder, poverty, and insignificance, that could befal a communi- ty so peculiarly blessed with natural advantages as we are, which does not form a part of the dark catalogue of our public misfor- tunes 1

This is the melancholy situation to which we have been brought by those very maxims and counsels, which would now deter us from adopting the proposed constitution ; and which, not content with having conducted us to the brink of a precipice, seem resolved to plunge us into the abyss that awaits us below\ Here, my coun- trymen, impelled by every motive that ought to influence an en- lightened people, let us make a firm stand for our safety, our tran-

quillity, our dignity, our reputation. Let us at last break the fatal charm which has too long seduced us from the paths of felicity and prosperity.

It is true, as has been before observed, that facts too stubborn to be resisted, have produced a species of general assent to the abstract proposition, that there exist material defects in our nation- al system ; but the usefulness of the concession, on the part of the old adversaries of federal measures, is destroyed by a strenu- ous opposition to a remedy, upon the only principles that can give it a chance of success. While

they admit that the government of the United States is destitute of energy, they contend against conferring upon it those powers which are requisite to supply that energy. They seem still to aim at things repugnant and irrecon- cilable ; at an augmentation of federal authority, without a dim- inution of state authority ; at sovereignty in the union, and com- plete independence in the members. They still, in fine, ?eem to cherish with blind devotion the political monster of an imperium in imperio. This renders a full display of the principal defects of the confederation necessary, in order to show, that the evils we expe- rience do not proceed from minute or partial imperfections, but from fundamental errours in the structure of the building, which cannot be amended, otherwise than by an alteration in the very elements and main pillars of the fabric.

The great and radical vice, in the construction of the existing confederation, is in the principle of legislation for states or GOVERNMENTS, in their corporate or collective capacities, and as contradistinguished from the individuals of whom they consist- Though this principle does not run through all the powers delegat- ed to the union ; yet it pervades and governs those on which the efficacy of the rest depends : except, as to the rule of apportion- ment, the United States have an indefinite discretion to make requisitions for men and money ; but they have no authority to raise either, by regulations extending to the individual citizens of America. The consequence of this is, that, though in theory, their resolutions concerning those objects are laws, constitutionally binding on the members of the union ; yet in practice, they are mere recommendations, which the states observe or disregard at their option.

It is a singular instance of the capriciousness of the human mind, that after all the admonitions we have had from experience on this head, there should still be found men, who object to the new constitution, for deviating from a principle which has been found the bane of the old ; and which is, in itself, evidently in-

compatible with the idea of a government ; a principle, in short, which, if it is to be executed at all, must substitute the violent and sanguinary agency of the sword, to the mild influence of the magistracy.

There is nothing absurd or impracticable, in the idea of a league or alliance between independent nations, for certain defin- ed purposes precisely stated in a treaty ; regulating all the details of time, place, circumstance, and quantity; leaving nothing to future discretion ; and depending for its execution on the good faith of the parties. Compacts of this kind exist among all civil- ized nations, subject to the usual vicissitudes of peace and war ; of observance and non-observance, as the interests or passions of the contracting powers dictate. In the early part of the present icentury, there was an epidemical rage in Europe for this species of compacts ; from which the politicians of the times fondly hoped for benefits which were never realized. With a view to establish- ing the equilibrium of power, and the peace of that part of the world, all the resources of negotiation were exhausted, and triple and quadruple alliances were formed ; but they were scarcely form- ed before they were broken, giving an instructive, but afflicting lesson to mankind, how little dependence is to be placed on trea- ties which have no other sanction than the obligations of good faith ; and which oppose general considerations of peace and justice, to the impulse of any immediate interest or passion.

If the particular states in this country are disposed to stand in a similar relation to each other, and to drop the project of a gen- eral DISCRETIONARY SUPERINTENDENCE, the SchcmC WOuld iudccd

be pernicious, and would entail upon us all the mischiefs which have been enumerated under the first head ; but it would have the merit of being, at least, consistent and practicable. Aban- doning all views towards a confederate government, this would bring us to a simple alliance, oflTensive and defensive ; and would place us in a situation to be alternately friends and enemies of each other, as our mutual jealousies and rivalships, nourished by the intrigues of foreign nations, should prescribe to us.

But if we are unwilling to be placed in this perilous situation ; if we still adhere to the design of a national government, or, which is the same thing, of a superintending power, under the di- rection of a common council, we must resolve to incorporate into our plan those ingredients, which may be considered as forming the characteristic difference between a league and a government ; we must extend the authority of the union to the persons of the citizens....the only proper objects of government. 8

Government in)plies the power of making laws. It is essential to the idea of a law, that it be attended with a sanction ; or, in other words, a penalty or punishment for disobedience. If there be no penalty annexed to disobedience, the resolutions or com- mands which pretend to be laws, will in fact amount to nothing more than advice or recommendation. This penalty, whatever it may be, can only be inflicted in two ways; by the agency of the courts and ministers of justice, or by military force; by the coer- cion of the magistracy, or by the coercion of arms. The first kind can evidently apply only to men : the last kind must of ne- cessity be employed against bodies politic, or communities, or states. It is evident, that there is no process of a court by which their observance of the laws can, in the last resort, be enforced. Sentences may be denounced against them for violations of their duty ; but these sentences can only be carried into execution by the sword. In an association, where the general authority is confined to the collective bodies of the communities that compose it, every breach of the laws must involve a state of war, and military ex- ecution must become the only instrument of civil obedience. Such a state of things can certainly not deserve the name of gov- ernment, nor would any prudent man choose to commit his hap- piness to it.

There was a time when we were told that breaches, by the states, of the regulations of the federal authority, were not to be expected ; that a sense of common interest would preside over the conduct of the respective members, and would beget a full compliance with all the constitutional requisitions of the union. This language, at the present day, would appear as wild as a great part of what we now hear from the same quarter will be thought, when we shall have received further lessons from that best oracle of wisdom, experience. It at all times betrayed an ignorance of the true spr'ings by which human conduct is actuat- ed, and belied the original inducements to the establishment of civil power. Why has government been instituted at all 1 Be- cause the passions of men will not conform to the dictates of rea- son and justice, without constraint. Has it been found that bodies of men act with more rectitude or greater disinterestedness than individuals 1 The contrary of this has been inferred by all accu- rate observers of the conduct of mankind ; and the inference is founded upon obvious reasons. Regard to reputation has a less active influence, when the infamy of a bad action is to be divided among a number, than when it is to fall singly upon one. A spirit of faction, which is apt to mingle its poison in the delibera-

tions of all bodies of men, will often hurry the persons, of whom they are composed, into improprieties and excesses, for which they would blush in a private capacity.

In addition to all this, there is, in the nature of sovereign pow- er, an impatience of contiol, which disposes those who are invest- ed with the exercise of it, to look with an evil eye upon all exter- nal attempts to restrain or direct its operations. From this spirit it happens, that in every political association which is formed upon the principle of unitin<^ in a common interest a number of lesser sovereignties, there will be found a kind of eccentric tendency in the subordinate or inferiour orbs, by tlie operation of which there wiil be a perpetual effort in each to fly oft" from the common cen- tre. This tendency is not diflicult to be accounted for. It has its origin in the love of power. Power, controlled or abridged, is almost always the rival and enemy of that power by which it is controlled or abridged. This simple proposition will teach us, how little reason there is to expect, that the persons entrusted with the administration of the aff'airs of the particular members of a con- federacy, will at all times be ready, with perfect good humour, and an unbiassed regard to the public weal, to execute the resolu- tions or decrees of the general authority. The reverse of this re- sults from the constitution of man.

If, therefore, the measures of the confederacy caimot be executed, without the intervention of the particular administrations, there will be little prospect of their being executed at all. The rulers of the respective members, whether they have a constitutional right to do it or not, will undertake to judge of the propriety of the measures themselves. They will consider the conformity of the thing proposed or required to their immediate interests or aims ; the momentary conveniences or inconveniences that would attend its adoption. All this will be done ; and in a spirit of interested and suspicious scrutiny, without that knowledge of national cir- cumstances and reasons of state, which is essential to a right judgment, and with that strong predilection in favour of local ob- jects, which can hardly fail to mislead the decision. The same process must be repeated in every member of which the body is constituted ; and the execution of the plans, framed by the coun- cils of the whole, will always fluctuate on the discretion of the ill- informed and prejudiced opinion of every part. Those who have been conversant in the proceedings of popular assemblies ; who have seen how difficult it often is, when there is no exteriour pres- sure of circumstances, to bring them to harmonious resolutions on important points, will readily conceive, how impossible it must be

to induce a number of such assemblies, deliberating at a distance from each other, at different times, and under different impressions, loner to cooperate in the same views and pursuits.

Jn our case, the concurrence of thirteen distinct severeign wills is requisite under the confederation, to the complete execution of every important measure, that proceeds from the union. It has happened, as was to have been foreseen. The measures of the union have not been executed ; the delinquencies of the states have, step by step, matured themselves to an extreme, which has at length arrested all the wheels of the national government, and brought them to an awful stand. Congress at this time scarcely possess the means of keeping up the forms of administration, till the states can have time to agree upon a more substantial substi- tute for the present shadow of a federal government. Things did not come to this desperate extremity at once. The causes which have been specified, produced at first only unequal and dispropor- tionate degrees of compliance with the requisitions of the union. The greater deficiencies of some states furnished the pretext of example, and the temptation of interest to the complying, or at least delinquent states. Why should we do more in proportion than those who are embarked with us in the same political

voyage 1 Why should we consent to bear more than our proper share of the common burthen 1 These were suggestions which human selfish- ness could not withstand, and which even speculative men, who looked forward to remote consequences, could not without hesita- tion combat. Each state, yielding to the persuasive voice of im- mediate interest or convenience, has successively withdrawn its support, till the frail and tottering edifice seems ready to fall upon our heads, and to crush us beneath its ruins. PUBLIUS.

The same Subject Continued, in Relation to the same Principles.

The tendency of the principle of legislation for states or com- munities in their political capacities, as it has been exemplified by the experiment we have made of it, is equally attested by the events which have befallen all other governments of the confeder- ate kind, of which we have any account, in exact proportion to its prevalence in those systems. The confirmations of this fact will be worthy of a distinct and particular examination. I shall content myself with barely observing here, that of all the confed-

eracies of antiquity which history has handed down to us, the Lycian and Achaean leagues, as far as there remain vestiges of them, appear to have been most free from the fetters of that mis- taken principle, and were accordingly those which have best de- served, and have most liberally received, the applauding suffrages of political writers.

This exceptionable principle may, as truly as emphatically, be styled the parent of anarchy : it has been seen, that delinquencies in the members of the union are its natural and necessary off- spring ; and that whenever they happen, the only constitutional remedy is force, and the immediate effect of the use of it, civil war.

It remains to inquire, how far so odious an engine of govern- ment, in its application to us, would even be capable of answering its end. If there should not be a large army, constantly at the disposal of the national government, it would either not be able to employ force at all, or when this could be done, it would amount to a war between different parts of the confederacy, concerning the infractions of a league ; in which the strongest combination would be most likely to prevail, whether it consisted of those who supported, or of those who resisted, the general authority. It would rarely happen that the delinquency to be redressed would be confined to a single member ; and if there were more than one, who had neglected their duty, similarity of situation would induce them to unite for common defence. Independent of this motive of sympathy, if a lai-ge and influential state should happen to be the aggressing member, it would commonly have weight enough with its neighbours, to win over some of them as associ- ates to its cause. Specious arguments of danger to the general liberty could easily be contrived ; plausible excuses for the defi- ciencies of the party could, without difficulty, be invented, to alarm the apprehensions, inflame the passions, and conciliate the good-will, even of those states which were not chargeable with any violation or omission of duty. This would be the more likely to take place, as the delinquencies of the larger members might be expected sometimes to proceed from an ambitious premedita- tion in their rulers, with a view to getting rid of all external con- trol upon their designs of personal aggrandizement ; the better to effect which, it is presumable they would tamper beforehand with leading individuals in the adjacent states. If associates could not be found at home, recourse would be had to the aid of foreign powers, who would seldom be disinclined to encouraging the dis- sensions of a confederacy, from the firm union of

which they had

so much to fear. When the sword is once drawn, the passions of men observe no bounds of moderation. The suggestions of wound- ed pride, the instigations of irritated resentment, would be apt to carry the states, against which the arms of the union were exert- ed, to any extremes necessary to avenge the affront, or to avoid the disgrace of submission. The first war of this kind would pi'obably terminate in a dissolution of the union.

This may be considered as the violent death of the confederacy. Its more natural death is what we now seem to be on the point of experiencing, if the federal system be not speedily renovated in a more substantial form. It is not probable, considering the genius of this country, that the complying states would often be inclined to support the authority of the union, by engaging in a war against the noncomplying states. They would always be more ready to pursue the milder course of putting themselves upon an equal footing with the delinquent members, by an imitation of their example. And the guilt of all would thus become the secu- rity of all. Our past experience has exhibited the operation of this spirit in its full light. There would in fact be an insuperable difficulty in ascertaining, when force could with propriety be em- ployed. In the article of pecuniary contribution, which would be the most usual source of delinquency, it would often be impossible to decide, whether it had proceeded from disinclination, or inabili- ty. The pretence of the latter woidd always be at hand. And the case must be very flagrant, in which its fallacy could be de- tected with suthcient certainty to justify the harsh expedient of compulsion. It is easy to see that this problem alone, as often as it should occur, would open a wide field to the majority that hap- pened to prevail in the national council, for the exercise of fac- tious views, of partiality, and of oppression.

It seems to require no pains to prove that the states ought not to prefer a national constitution, which could only be kept in mo- tion by the instrumentality of a large army, continually on foot to execute the ordinary requisitions or decrees of the government. And yet this is the jjlain alternative involved by those Avho wish to deny it the power of extending its operations to individuals. Such a scheme, if practicable at all, would instantly degenerate into a military despotism ; but it will be found in every light impractica- ble. The resources of the union would not be equal to the main- tenance of an army considerable enough to confine the larger states within the limits of their duty; nor would the means ever be furnished of forming such an army in the first instance. Who- ever coiisiders the populousness and strength of several of these

states singly at the present juncture, and looks forward to what they will become, even at the distance of half a century, will at once dismiss as idle and visionary any scheme, which aims at reg- ulating their movements by laws, to operate upon them in their collective capacities, and to be executed by a coercion applicable to them in the same capacities. A project of this kind is little less romantic than the monster-taming spirit, attributed to the fab- ulous heroes and demigods of antiquity.

Even in those confederacies, which have been composed of members smaller than many of our counties, the principle of le"-- islation for sovereign states, supported by military coercion, has never been found effectual. It has rarely been attempted to be employed, but against the weaker members ; and in most instan- ces attempts to coerce the refractory and disobedient, have been the signals of bloody wars ; in which one half of the confederacy has displayed its banners against the other.

The resuh of these observations to an intelligent mind must be clearly this, that if it be possible at any rate to construct a federal government capable of regulating the common concerns, the pre- serving the general tranquillity, it must be founded, as to the ob- jects committed to its care, upon the reverse of the principle con- tended for by the opponents of the proposed constitution. It must carry its agency to the persons of the citizens. It must stand in need of no intermediate legislations: but must itself be empower- ed to employ the arm of the ordinary magistrate to execute its own resolutions. The majesty of the national authority must be manifested through the medium of the courts of justice. The gov- ernment of the union like that of each state, must be able to ad- dress itself immediately to the hopes and fears of individuals ; and to attract to its support those passions, which have the strong- est influence upon the human heart. It must, in short, possess all the means, and have a right to resort to all the methods, of exe- cuting the powers with which it is entrusted, that are possessed and exercised by the governments of the particular states.

To this reasoning it may perhaps be objected, that if any state should be disaffected to the authority of the union, it could at any time obstruct the execution of its laws, and bring the matter to the same issue of force, with the necessity of which the opposite scheme is reproached.

The plausibility of this objection will vanish the moment we ad- vert to the essential difference between a mere non-compliance and a direct and active resistance. If the interposition of the state legislatures be necessary to give effect to a measure of the

union, they have only not to act, or to act evasively, and the measure is defeated. This neglect of duty may be disguised under aftected but unsubstantial provisions so as not to appear, and of course not to excite any alarm in the people for the safety of the constitution. The state leaders may even make a merit of their surreptitious invasions of it, on the ground of some tempora- ry convenience, exemption, or advantage.

But if the execution of the laws of the national government should not require the intervention of the state legislatures; if they were to pass into immediate operation upon the citizens them- selves, the particular governments could not interrupt their pro- gress without an open and violent exertion of an unconstitutional power. No omission, nor evasions, would answer the end. They would be obliged to act, and in such a manner, as would leave no doubt that they had encroached on the national rights. An ex- periment of this nature would always be hazardous in the face of a constitution in any degree competent to its own defence, and of a people enlightened enough to distinguish between a legal exer- cise and an illegal usurpation of authority. The success of it would require not merely a factious majority in the legislature, but the concurrence of the courts of justice, and of the body of the people. If the judges were not embarked in a conspiracy with the legislature, they would pronounce the resolutions of such a majority to be contrary to the supreme law of the land, unconstitutional and void. If the people were not tainted with the spirit of their state representatives, they, as the natural guar- dians of the constitution, would throw their weight into the na- tional scale, and give it a decided preponderancy in the contest. Attempts of this kind would not often be made with levity or rash- ness ; because they could seldom be made without danger to the author-s ; unless in cases of tyrannical exercise of the federal au- thority.

If opposition to the national government should arise from the disorderly conduct of refractory, or seditious individuals, it could be overcome by the same means which are daily employed against the same

evil, under the state governments. The magistracy, being equally the ministers of the law of the land, from whatever source it might emanate, would, doubtless, be as ready to guard the national as the local regulations, from the inroads of private licentiousness. As to those partial commotions and insurrections, which sometimes disquiet society, from the intrigues of an incon- siderable faction, or from sudden or occasional ill humours, that do not infect the great body of the community, the general gov-

ternment could command more extensive resources, for the sup- pression of disturbances of that kind, than would be in the power of any single member. And as to those mortal feuds, which, in certain conjunctures, spread a conflagration through a whole na- tion, or through a very large proportion of it, proceeding either from weighty causes of discontent, given by the government, or from the contagion of some violent popular paroxysm, they do not fall within any ordinary rules of calculation. When they hap- pen, they commonly amount to revolutions, and dismemberments of empire. No form of government can always either avoid or control them. It is iu vain to hope to guard against events too mighty for human foresight or precaution ; and it would be idle to object to a government, because it eould not perform impossibil- ities. PUBLIUS.

The Subject Continued, and Illustrated by Examples, to Show the Tendency of Federal Governments, rather to Anarchy among the Members, than Tyranny in the Head.

An objection, of a nature different from that which has been stated and answered in my last address, may perhaps be urged against the principle of legislation for the individual citizens of America. It may be said, that it would tend to render the gov- ernment of the union too powerful, and to enable it to absorb those residuary authorities, which it might be judged proper to leave with the states for local purposes. Allowing the utmost latitude to the love of power, which any reasonable man can re- quire, I confess I am at a loss to discover what temptation the per- sons entrusted with the administration of the general government, could ever feel to divest the states of the authorities of that de- scription. The regulation of the mere domestic police of a state, appears to me to hold out slender allurements to ambition. Com- merce, finance, negotiation, and war, seem to comprehend all the objects which have charms for minds governed by that passion ; and all the powers necessary to those objects, ought, in the first instance, to be lodged in the national depository. The adminis- tration of private justice between the citizens of the same state; the supervision of agriculture, and of other concerns of a simi- lar nature ; all those things, in short, which are proper to be pro- vided for by local legislation, can never be desirable cares of a 9

general jurisdiction. It is therefore improbable, that there should exist a disposition in the federal councils, to usurp the powers with which they are connected ; because the attempt to exercise them, would be as troublesome as it would be nugatory ; and the pos- session of them, for that reason, would contribute nothing to the dignity, to the importance, or to the splendour, of the national government.

But let it be admitted, for argument sake, that mere wanton- ness, and lust of domination, would be sufficient to beget that dis- position ; still it may be safely affirmed, that the sense of the con- stituent body of the national representatives, or, in other words, of the people of the several states, would control the indulgence of so extravagant an appetite. It will always be far more easy for the state governments to encroach upon the national authorities, than for the national government to encroach upon the state au-

thorities. The proof of this proposition turns upon the greater degree of influence which the state governments, if they adminis- ter their affairs with uprightness and prudence, will generally pos- sess over the people; a circumstance which at the same time teaches us, that there is an inherent and intrinsic weakness in all federal constitutions; and that too much pains cannot be taken in their organization, to give them all the force which is compatible with the principles of liberty.

The superiority of influence in favour of the particular govern- ments, would result partly from the diffusive construction of the national government ; but chiefly from the nature of the objects to which the attention of the state administrations would be di- rected.

It is a known fact in human nature, that its affections are com- monly weak in proportion to the distance or diffusiveness of the object. Upon the same principle that a man is more attached to his family than to his neighbourhood, to his neighbourhood than to the community at large, the people of each state would be apt to feel a stronger bias towards their local governments, than to- wards the government of the union, unless the force of that princi- ple should be destroyed by a much better administration of the latter.

This strong propensity of the human heart, would find power- ful auxiliaries in the objects of state regulation.

The variety of more minute interests, which will necessarily fall under the superintendence of the local administrations, and which will form so many rivulets of influence, running through every part of the society, cannot be particularized, without involv-

ing a detail too tedious and uninteresting to compensate for the instruction it might afford.

There is one transcendent advantage belonging to the province of state governments, which alone suffices to place the matter in a clear and satisfactory Hght....I mean the ordinary administration of criminal and civil justice. This, of all others, is the most pow- erful, most universal, and most attractive source of popular obedi- ence and attachment. It is this, which, being the immediate and visible guardian of Hfe and property ; having its benefits and its terrours in constant activity before the pubHc eye ; regulating all those personal interests, and familiar concerns, to which the sen- sibility of individuals is more immediately awake ; contributes, more than any other circumstance, to impress upon the minds of the people affection, esteem, and reverence towards the govern- ment. This great cement of society, which will diffuse itself al- most wholly through the channels of the particular governments, independent of all other causes of influence, would ensure them so decided an empire over their respective citizens, as to render them at all times a complete counterpoise, and not unfrequently dangerous rivals to the power of the union.

The operations of the national government, on the other hand, falling less immediately under the observation of the mass of the citizens, the benefits derived from it will chiefly be perceived, and attended to by speculative men. Relating to more general inter- ests, they will be less apt to come home to the feelings of the peo- ple ; and, in proportion, less likely to inspire a habitual sense of obligation, and an active sentiment of attachment.

The reasoning on this head has been abundantly exemplified by the experience of all federal constitutions, with which we are ac- quainted, and of all others which have borne the least analogy to them.

Though the ancient feudal systems were not, strictly speaking, confederacies, yet they partook of the nature of that species of association. There was a common head, chieftain, or sovereign, whose authority extended over the whole nation ; and a number of subordinate vassals, or feudatories, who had large portions of land allotted to them, and numerous trains of infcriour vassals or retainers, who occupied and cultivated that land upon the tenure of fealty, or obedience to the persons of whom they held it. Each principal vassal was a kind of sovereign within his particular de- mesnes. The consequences of this situation were a continual op- position to the authority of the sovereign, and frequent wars be- tween the great barons, or chief feudatories themflelves. The

power of the head of the nation was commonly too weak, either to preserve the puhlic peace, or to protect the people against the oppressions of their immediate lords. This period of European affairs is emphatically styled by historians, the times of feudal an- archy.

When the sovereign happened to be a man of vigorous and warlike temper and of superiour abilities, he would acquire a per- sonal weight and influence, which answered for the time the pur- poses of a more regular authority. But in general, the power of the barons triumphed over that of the prince ; and in many in- stances his dominion was entirely thrown off, and the great fiefs were erected into independent principalities or states. In those instances in which the monarch finally prevailed over his vassals, his success was chiefly owing to the tyranny of those vassals over their dependents. The barons, or nobles, equally the enemies of the sovereign and the oppressors of the common people, were dreaded and detested by both ; till mutual danger and mutual in- terest effected an union between them fatal to the power of the aristocracy. Had the nobles, by a conduct of clemency and jus- tice, preserved the fidelity and devotion of their retainers and fol- lowers, the contests between them and the prince must almost always have ended in their favour, and in the abridgment or sub- version of the royal authority.

This is not an assertion founded merely in speculation or con- jecture. Among other illustrations of its truth which might be cited, Scotland will furnish a cogent example. The spirit of clan- ship which was at an early day introduced into that kingdom^ uniting the nobles and their dependants by ties equivalent to those of kindred, rendered the aristocracy a constant overmatch for the power of the monarch, till the incorporation with England sub- dued its fierce and ungovernable spirit, and reduced it within those rules of subordination, which a more rational and a more ener- getic system of civil polity had previously established in the latter kingdom.

The separate governments in a confederacy may aptly be com- pared with the feudal baronies ; with this advantage in their fa- vour, that from the reasons already explained, they will generally possess the confidence and good-will of the people ; and with so important a support, will be able efiectually to oppose all encroach- ments of the national government. It will be well, if they are not able to counteract its legitimate and necessary authority. The points of similitude consist in the rivalship of power, applicable to both, and in the concentration of large portions of the strength

of the community into particular depositories, ia one case at the disposal of individuals, in the other case at the disposal of politi- cal bodies.

A concise review of the events that have attended confederate governments, will further illustrate tl)is important doctrine ; an inattention to which has been the great source of our political mistakes, and has given our jealousy a direction to the wrong side. This review shall form the subject of some ensuing papers.

The Subject Continued, with Further Examples.

Among the confederacies of antiquity, the most considerable was that of the Grecian republics, associated under the Amphyc- tionic council. From the best accounts transmitted of this cele- brated institution, it bore a very instructive analogy to the present confederation of the American states.

The members retained the character of independent and sove- reign states, and had equal votes in the federal council. This council had a general authority to propose and resolve whatever it judged necessary for the common welfare of Greece ; to declare and carry on war ; to decide, in the last resort, all controversies between the members ; to fine the aggressing party ; to employ the whole force of the confederacy against the disobedient; to admit new members. The Amphyctions were the guardians of religion, and the immense riches belonging to the temple of Del- phos, where they had the right of jurisdiction in controversies be- tween the inhabitants and those who came to consult the oracle. As a further provision for the efficacy of the federal powers, they took an oath mutually to defend and protect the united cities, to punish the violators of this oath, and to inflict vengeance on sac- rilegious despoilers of the temple.

* The subject of this and (he two following numbers happened to be taken up by both Mr. H. and Mr. IM. What had been prepared by Mr. H. who had entered more briefly into the subject, was left with Mr. M. on its appearing that the latter was engaged in it, with larger materials, and with a view to a more precise delineation; and from the pen of the latter, the several papers went to the press.

[The above note from the pen of Mr. Madison was written on the margin of the leaf, commencing with the present number, in the copy of ilie Federalist loaned by him to the publisher.]

In theory, and upon paper, this apparatus of powers seems amply sufficient for all general purposes. In several material in- stances, thej exceed the powers enumerated in the articles of con- federation. The Arnphyctions had in their hands the supersti- tion of the times, one of the principal engines by which govern- ment was then maintained ; they had a declared authority to use coercion against refractory cities, and where bound by oath to ex- ert this authority on the necessary occasions.

Very different, nevertheless, was the experiment from the theory. The powers, like those of the present congress, were administered by deputies appointed wholly by the cities in their political capaci- ties; and exercised over them in the same capacities. Hence the weakness, the disorders, and finally the destruction of the confed- eracy. The more powerful members, instead of being kept in awe and subordination, tyrannized successively over all the rest. Athens, as we learn from Demosthenes, was the arbiter of Greece

seventy-three years. The Lacedfemonians next governed it twenty- nine years. At a subsequent period, after the battle of Leuctra, the Thebans had their turn of domination.

It happened but too often, according to Plutarch, that the depu- ties of the strongest cities, awed and corrupted those of the weak- er; and that judgment went in favour of the most powerful party.

Even in the midst of defensive and dangerous wars with Persia and Macedon, the members never acted in concert, and were, more or fewer of them, eternally the dupes, or the hirelings of the common enemy. The intervals of foreign war, were filled up by domestic vicissitudes, convulsions, and carnage.

After the conclusion of the war with Xerxes, it appears that the Lacedaemonians required that a number of the cities should be turned out of the confederacy for the unfaithful part they had act- ed. The Athenians, finding that the Lacedaemonians would lose fewer partisans by such a measure than themselves, and would be- come masters of the public deliberations, vigorously opposed and defeated the attempt. This piece of history proves at once the inefficacy of the union ; the ambition and jealousy of its most pow- erful members ; and the dependent and degraded condition of the rest. The smaller members, though entitled by the theory of their system, to revolve in equal pride and majesty around the common centre, had become in fact satellites of the orbs of primary mag- nitude.