

American Nationalists

Alexander Hamilton's Federalist Party provides a blueprint for conservatives today.

by OFIR HAIVRY AND YORAM HAZONY

It is sometimes said that there is no authentic tradition of American nationalism. Indeed, as nationalism has gained strength in the United States in recent years, some writers have gone so far as to say that nationalism is “un-American”—a claim we’ve heard from Bret Stephens of *The New York Times*, Kim Holmes of the Heritage Foundation, and Elan Journo of the Ayn Rand Institute, among others.

Nevertheless, this view of nationalism in America is mistaken. The truth is that America produced a great, home-grown nationalist political tradition, and indeed a ruling nationalist party: the Federalist Party, which advanced a set of principles and policies that were obviously nationalist, and in fact can serve as a model and an inspiration to nationalists today. First forged into a distinct political grouping with a set of common ideas during the 1780s by the failure of the Articles of Confederation, the American nationalists were headed by figures like George Washington, John Adams, John Jay, Alexander Hamilton, Robert Morris, Gouverneur Morris, James Wilson, Oliver Ellsworth, Rufus King, John Marshall and Noah Webster. They regarded America as one nation characterized by a single political and cultural inheritance, in 1787 spearheading the constitutional convention in Philadelphia, the adoption of a new constitution, and its subsequent ratification. They then went on to lead the American government for its first twelve years under the new Constitution. In this period of ascendancy, the nationalists established the principal executive, economic and judicial institutions of the nation, as well as shaped the leading judicial interpretation of the national Constitution until the 1830s. In fact, we may say that to a great degree, the Federalists founded America as we know it.

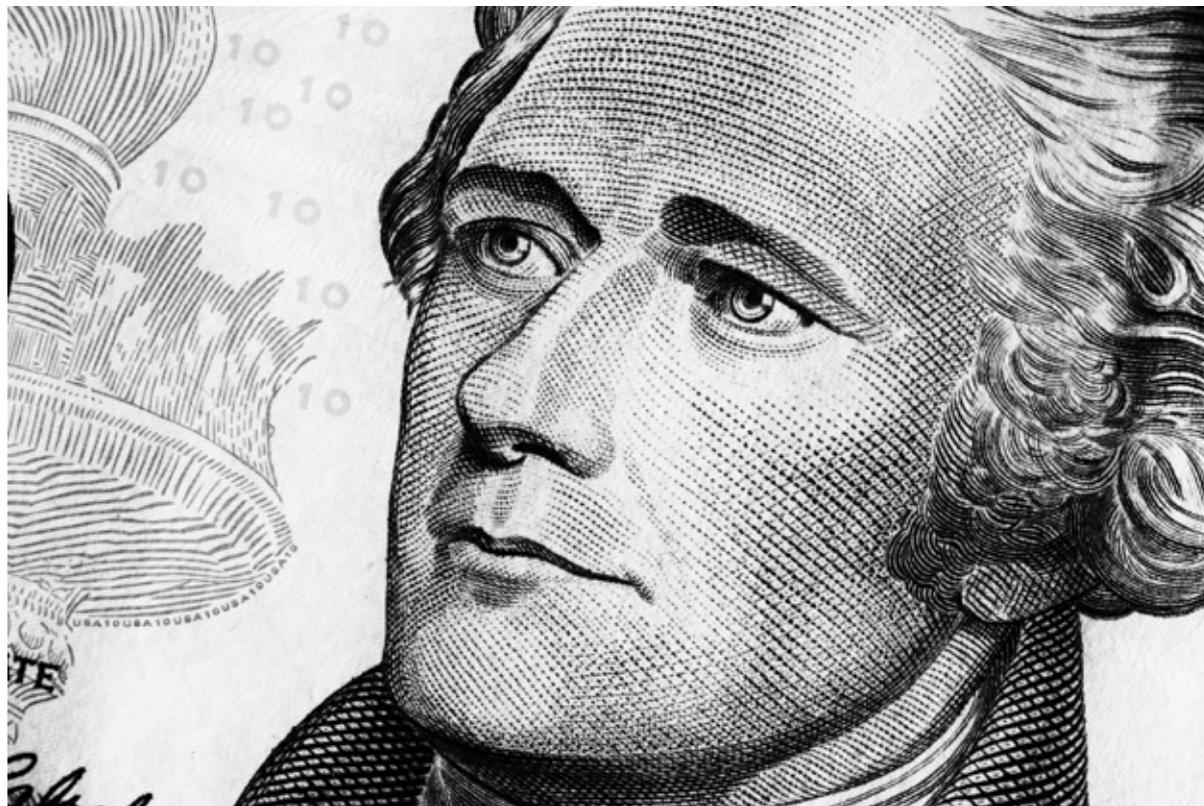
Our purpose in this essay is to reacquaint readers with America’s founding nationalists. We’ll retell the story of the nationalist side of the American founding, and then describe the principles that made the Federalist Party one of the most important and successful nationalist movements in history—and a relevant model for American and other nationalists today.

I. The Federalists, the American Nationalist Party

The thirteen British colonies declared independence from Britain in 1776. But for most of the 1780s, the newly formed United States were prevented from addressing the many political challenges they faced due to the weakness of the first American constitution, the “Articles of Confederation and Perpetual Union.” Adopted by the Continental Congress in November of 1777, this constitution regarded the United States as an alliance of thirteen independent republics, under which “each state retains its sovereignty, freedom and independence.” Having no unified executive or judiciary, the only national institution was the Congress, which required a unanimous vote of all state delegations to take any action at all. Although nominally responsible for overseeing the war effort against Britain, Congress lacked the ability to conscript soldiers for the Continental forces fighting the British under George Washington, or even to raise the taxes needed to arm them or pay them. Indeed, when the

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Alexander Hamilton

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moment came to land the decisive blow at Yorktown in 1781, Congress was broke and Robert Morris, the newly hired Superintendent of Finance, had to write personal checks to cover the costs of moving the army into battle.

The nationalist party in American politics was born out of these experiences, with much of its leadership consisting of soldiers, businessmen, and lawyers who had witnessed firsthand the inability of the American national government to act in a decisive fashion in matters of war, diplomacy, and finance. Even before the Treaty of Paris formally ended the war, both Washington and Morris, as well their young protégé, Alexander Hamilton, then a member of Congress, had gone on record calling for a revision of the first American constitution, which they blamed for having needlessly prolonged the war and almost lost it. In this view they were joined by John Jay, the celebrated architect of the peace with Britain, who had discovered that in the absence of a national government with appropriate coercive powers, the terms of the treaty could not be enforced on the American states. These nationalists urged a unification of the American nation under a government with the authority to conduct national finances and diplomatic and military affairs. But they found themselves opposed by a large anti-

nationalist or confederationist majority, which regarded proposals to establish a national government possessing significant coercive powers, a standing national army, national taxes, and a national bank, as a betrayal of the ideals of the revolution and a return to the “monarchical” government of Great Britain.

Although the divide between nationalists and confederationists seemed, at first, to be a disagreement over practical proposals for how best to govern post-revolutionary America, it quickly became clear that the argument was far deeper than that. In fact, the sides in this argument were inspired by competing visions of American identity and citizenship, which drove the formation of two clearly opposed political parties. The first of these, which came to be called the Federalist Party, wished to see America become a unified nation and an industrial, commercial, and military power—in effect a republican version of Britain. Nationalist and conservative, the Federalists admired British constitutional structures, including the British political tradition of a strong executive and judiciary alongside the elected legislature; the common law heritage that had governed Americans in the 150 years preceding independence, upholding property and liberty as inherited rights; and the Protestantism that was still

the established religion in most states. They were, in other words, Anglo-American traditionalists, who regarded national identity as rooted in the particular traditions of a people, and expected newcomers to adopt these traditions as a prerequisite to becoming citizens. For the most part, they looked forward to the decline of slavery and its eventual abolition.

Against this nationalist vision of America, there emerged a confederalist vision that was eventually called “democratic republicanism”—and finally gave its name to the Democratic Republican Party. This view, whose greatest spokesmen were Thomas Jefferson and Tom Paine, regarded the American Revolution as having been fought not only against British monarchy and aristocracy, but more generally against Britain’s centralized government, established religion, and financial system. On this view, political society was founded on the virtue and natural rights of the consenting individual, who owed little or nothing to national and religious tradition. Such a society needed little government besides local government, an arrangement as close as possible to the small republics of the ancient world, with no armed forces beyond the local militia except in times of emergency. For democratic republicans, the ideal citizen was the independent farmer, to a great degree self-sufficient, even if this sometimes involved owning slaves to work his fields if he was successful; whereas large-scale commerce, manufacturing, and public debt were regarded as threats to the independence and virtues of the individual. In a country as large as America, the only way to maintain such a regime was by creating a loose confederative arrangement of individuals, cooperating within a larger confederation of states.

The first American constitution, the Articles of Confederation adopted in 1777, had been cast in precisely this democratic-republican mold, and for a decade the political viewpoint that had created it remained ascendant. But a decade later, with the states embarking on an increasingly angry tariff war against one another, Hamilton seized the opportunity at a failed conference on interstate trade to announce a national convention to discuss revising the Articles of the Confederation, to be held in Philadelphia the following year in May of 1787. This initiative was unconstitutional, having no relation to the decision-making processes of the Articles. But the need for it was dramatically demonstrated in the fall and winter of 1786, when the states found themselves unable to raise an army to meet “Shay’s Rebellion,” an organized insurrection in Western Massachusetts that had to be put down by privately

funded troops. Against the backdrop of these events, Jay and Hamilton sought and won Washington’s agreement to serve as chairman of their proposed constitutional convention. In this effort, they were joined by other nationalists such as Robert Morris, Gouverneur Morris, and James Wilson, as well as by James Madison, until recently a protégé of Jefferson, who had swung into the nationalist camp after his mentor left to serve as ambassador to France. The constitutional convention met from May 25 until September 17, 1787.

Scholars have tended to downplay the extent to which the constitutional convention was orchestrated by what would soon become the Federalist Party. Of the initiators and the most consequential participants, most were longtime nationalists and later Federalists—the principal exceptions being Madison and his fellow Virginian Edmund Randolph. Only four years into civilian life, Washington was intent on avoiding the suggestion of a military intervention in political affairs. But the fact is that Washington agreed to participate as the highly visible chairman of the convention only on condition that its agenda would be the establishment of a nationalist government. These prior guarantees to Washington largely assured the outcome of the convention, but it also helped that thirty-five of the fifty-five participants of the convention were former officers who had served under Washington in the Continental Army. Thus while the nationalists were forced to compromise on some points, the convention did indeed open by passing a resolution outlining a new national government along lines agreeable to Washington. Thereafter, the text of America’s second constitution was drafted by a committee controlled by nationalists John Rutledge, Oliver Ellsworth, and James Wilson. And the final draft was written by a leading nationalist, Gouverneur Morris.

It was at the constitutional convention, as well, that the term “Federalist” came into use to refer to the nationalist party and its program. Up until this point, Americans had used the terms federal and confederal interchangeably to describe the cooperation of the thirteen independent states under the Articles of Confederation and Perpetual Union. However, as the constitutional convention opened in 1787, nationalists discovered that the word “national” was troubling in the eyes of some of the participants, precisely because it implied a single, unified nation rather than a coalition of independent states. The nationalists at the convention decided to concede on the semantics, while preserving the

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substantive achievement of a national government. On June 20, the prominent Connecticut nationalist Oliver Ellsworth moved to simply strike the word “national” from the proposed constitution. Thereafter, all of the descriptions of the American government as “national” were removed and replaced by the terms “United States,” “general” and “federal.” In this way, the term federal became a synonym for *national* (and the opposite of “confederal”). It was soon widely popularized after Hamilton initiated a defense of the new national constitution in a series of newspaper essays in which he was joined by Jay and Madison, which were known collectively as *The Federalist: A Collection of Essays in Favor of the New Constitution*. From this point on, the term “Federalist” denoted a political view and then a party devoted to a nationalist government. American nationalists were called “federalists.”

The nationalists’ success at the convention and in the subsequent ratifying conventions of the states amounted to what has rightly been called the Second American Revolution. A series of unconstitutional, but democratic and peaceful, political maneuvers led to the overthrow of the decentralized and anti-nationalist American constitution of 1777, and to its replacement by the new nationalist Constitution of 1787, modeled on the British constitution. The first Administration under this nationalist Constitution was inaugurated when Washington took office as President on April 30, 1789. In addition to nationalists such as himself, John Adams (Vice President), Hamilton (Secretary of the Treasury), Henry Knox (Secretary of War), and Jay (Chief Justice of the Supreme Court), Washington sought to give his administration the appearance of a unity government by appointing the leading democratic republican, Jefferson, as Secretary of State; and the moderate Randolph as Attorney General.

But Washington also made sure that that both foreign policy and judicial matters remained firmly under nationalist control, and a frustrated Jefferson began orchestrating public pressure against the administration in which he was serving by means of a proxy war in the press. In 1791, Jefferson and Madison founded a newspaper to counter Federalist policies. Jefferson resigned from office two years later, and in 1795 launched a campaign against a treaty of friendship and commerce with Britain initiated by Hamilton and concluded by Jay, still serving as Chief Justice. The famous “Jay Treaty” in effect ended America’s alignment with France, blocking the Jeffersonians’ desired alliance with the revolutionaries who had overthrown and executed

the French king. Jefferson, Madison, and others, including many former opponents of the nationalist Constitution, assembled what became the Democratic Republican Party, which supported states’ rights over the power of the national government, state courts over national jurisdiction, the disestablishment of religion, the expansion of slavery, and a foreign policy favorable to France, while opposing the Federalist Party’s nationalist economic and immigration policies.

Democratic Republican enthusiasm for the French Revolution increased support for the Federalist Party among some southern conservatives, despite the nationalists’ generally northern and commercial orientation. But it wasn’t enough. Too many Americans resented the Federalists’ affinity for Britain and their opposition to essentially unregulated immigration. In 1800, Jefferson’s Democratic Republicans took office and the political fortunes of the Federalist Party swiftly declined. At this critical moment, the Federalist Party lost its three most prominent leaders in quick succession: During the latter part of the Adams presidency, a quarrel between the President and Hamilton degenerated into an ugly pamphlet war that destroyed the reputation of both men, as well as the chances of the party uniting behind one of them. Meanwhile, Washington, the man who might have imposed a truce or thrown his weight behind one of them, died suddenly in 1799. Adams retired from political life when his presidency ended in 1801, and Hamilton’s death in a duel with the Democratic Republican Aaron Burr in 1804 deprived the Federalists of the remaining leader of sufficient stature to reenergize them. Lacking a clear leadership and split between feuding factions, Federalists quickly disintegrated as a political force outside of New England. Their declining fortunes were dealt a death blow by their perceived disloyalty to the Democratic Republican government during its war with Britain beginning in 1812. Rufus King, the last Federalist senator, was also the last, informal Federalist Party candidate for president when he ran unsuccessfully in 1816.

However, the political decline of the Federalist Party did not mean the end of the American nationalists’ political ideals. Washington and Adams appointed only committed Federalists to the Supreme Court, which was dominated by justices such as Jay, Ellsworth, Rutledge, Wilson, William Cushing, Bushrod Washington, and John Marshall through the 1830s. Wielding the doctrine that the Supreme Court was responsible for interpreting the Constitution, and later the resulting power of “judicial

review,” these Federalist judges continued to protect the nationalist Constitution of 1787 until many of their ideas had been adopted, whether completely or partially, even by their Jeffersonian opponents.

It is true that nationalism did not come easily to Americans. Hostility to British rule brought many to regard the “Spirit of ‘76” as being opposed to strong government in general, and to distant, national government in particular. But the Second American Revolution—and the “Spirit of ‘87”—was by no means conducted along these lines. The new nationalist Constitution was a restoration of the Anglo-American political inheritance that Washington and many of his supporters and officers had in fact been fighting to preserve during the War of Independence. The constitutional convention of 1787 brought America’s nationalists, the Federalist Party, into a position of decisive influence, permitting them to unite the American nation and establish nearly all of the institutions and traditions that came to characterize it. The Federalists’ principles went on to serve as the model for subsequent American nationalism.

II. The Nationalist Principles of the Federalist Party

What were the nationalist principles of the American Federalist Party? As in any political alliance, there were many differences of opinion and temperament among the Federalists. Moreover, the views of some of the leading Federalists clearly evolved over time. Nevertheless, we can point to eight broad political principles that may be said to have characterized the Federalists in their struggle against the anti-nationalists and the Democratic Republican Party. All of these principles derived from the belief in the existence of a unique American nation, with a unique cultural inheritance derived from Britain, and the desire to unite the various parts of this American nation under a strong central government. These principles include:

1. A distinct American nation of British heritage.
2. American constitutional continuity with the British constitution.
3. The Supreme Court responsible for interpreting the Constitution.
4. Economic nationalism.
5. Nationalist immigration policy.
6. Alliance with Britain.
7. Alliance between religion and state.
8. Opposition to slavery.

Let us look more closely at each of these principles.

1. A Distinct American Nation of British Heritage

As America gained its independence, opposed nationalist and anti-nationalist visions were advanced as to what should replace British rule. This argument ultimately came down to the question of whether there really was such a thing as an American nation in any significant sense. The weakness of the constitution of 1777 was, in other words, a direct consequence of the frailty of the fellow-feeling tying the states to one another. For example, the Virginian Patrick Henry, a great proponent of independence from Britain, was also a great opponent of American nationalism. Henry rejected the very concept of an “American people,” arguing that the Constitution of 1787 would amount to taxation without representation, much as British rule had. As he put it:

Suppose every delegate from Virginia in the new [national] government opposed a law levying a new tax, but it passes. So you are taxed not by your own consent, but by the people who have no connection to you.

The idea that there was effectively “no connection” between the peoples of the various states obviously spoke to the feelings of a large public. Yet it was opposed by nationalists who felt that a genuine mutual loyalty already did exist on the part of a great many Americans, and could be kindled in the hearts of many more.

In *The Federalist 2*, for example, John Jay supplied the nationalist framework for the entire series by describing exactly the kind of bond of mutual loyalty that he could see animating the American nation. As he wrote:

I have as often taken notice that Providence has been pleased to give this one connected country to one united people—a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels, arms, and efforts, fighting side by side throughout a long and bloody war, have nobly established general liberty and independence... It appears as if it was the design of Providence that an inheritance so proper and convenient for a band of brethren, united to each other by the strongest ties, should never be split into a number of unsocial, jealous, and alien sovereignties.

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This is as compelling a nationalist view as one finds anywhere, arguing that a shared ancestry, language, religion, laws, and customs, as well as a common history of war against shared enemies, has made the American nation “a band of brethren united to each other by the strongest ties.” At the outset, then, *The Federalist* rejects the concept of a “creedal nation” bound by nothing other than reason and consent, of which Jefferson and Paine were the forerunners. Instead, Jay describes a thick matrix of inherited language, values and history, which those of foreign descent—such as Jay himself, descended from French Huguenot and Dutch immigrants—could nevertheless choose to adopt.

A similar nationalist view is evident in Hamilton’s writings as early as his *Continentalist* essays of 1781, and certainly so in *The Federalist*, where Hamilton too refers to “the affinity of language and manners; the familiar habits of intercourse” that characterize Americans. Hamilton’s nationalism was likewise rooted in a culture one chooses to adopt, for he was himself a relative newcomer to America, having been born to a Scottish father and a half-French mother on the Caribbean island of Nevis, and having arrived in the country only in 1772. Thus the “affinity” and even more the “familiar habits” to which he was referring were to him not native or local, but acquired and Anglo-American ones.

The same outlook informed George Washington’s “Farewell Address” of 1796, in which he argued that:

The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles.

2. American Constitutional Continuity with the British Constitution

The Federalists of the 1780s and 1790s were not revolutionaries who regarded America as a clean slate upon which to try out new schemes devised by the philosophers of the “Age of Reason.” Indeed, they came to abhor Jefferson and others who favored such schemes, especially after 1789 when these became increasingly identified with the murderous policies of the French Revolution. The Federalists understood that the freedom of Americans was a gift of the British constitutional tradition and the English common law, which had been incorporated into American colonial law for a century before in-

dependence, often formally so in the constitutions of the colonies. Indeed, it is telling that in the four years prior to independence, no fewer than twenty-one editions of Blackstone’s *Commentaries on the Laws of England* had been published in America. And when the thirteen newly independent states turned to writing their own constitutions after 1776, these were to a significant extent designed on the pattern of the English system of dispersed power, with a strong executive balanced by a bicameral legislature and an independent court system.

Today, it is difficult to imagine how bizarre this adherence to the English constitution seemed to Enlightenment philosophers writing at the time. French philosophers such as Anne Robert Turgot and the Abbé de Mably, as well as the English Lockean Richard Price (the “Dr. Price” who is the target of Edmund Burke’s *Reflections on the Revolution in France*), argued that by the light of reason, the best and most effective government would obviously be one in which all powers—legislative, executive, and judicial—would be combined in a single popular assembly. This view was influential in radical circles in America, where it was adopted as the basis for the Pennsylvania Constitution of 1776, which placed dictatorial powers in the hands of a single assembly, unchecked by an executive or an upper house. The mob violence and attacks on property that followed in many respects foreshadowed the revolutionary regime in France a few years later. Similarly radical experiments were undertaken in Georgia and Vermont. But the most glaring deviation from the English constitutional tradition had been the first American constitution itself, the Articles of Confederation, which likewise mandated a government consisting of a single assembly in which all powers were vested.

Against these revolutionary proposals, the Federalists sought to restore the continuity of the American constitutional tradition with the English constitution and common law. It has been often pointed out that much of the Constitution of 1787 and the subsequent Bill of Rights is borrowed from English constitutional documents or conventions. This English inheritance includes a long list of constitutional procedures and legal concepts, including the bicameral legislature, the taxation initiative vested in the lower house of the legislature, the executive veto and the pardoning power, the procedure of impeachment, due process of law, the jury trial, the right to free speech, to bear arms, and to be immune from unreasonable search and the quartering of soldiers, and so forth. At least 16 of the 21 sections

making up the first four articles of the Constitution, as well as much of the first eight amendments to the Constitution, implicitly refer to English sources.

But it is rarely acknowledged that this conformity of the Constitution of 1787 to the English constitution was a matter of theoretical significance for the American nationalists. Earlier that year, John Adams, writing in London during Shay's Rebellion, published the first volume of his *Defence of the Constitutions of the United States of America*, which sought to defend the Anglo-American constitutional tradition in the face of attacks by rationalist philosophers. Adams' argument is two-pronged: He argues that even if English constitutional traditions were neither good nor evil in themselves, and "the people, by their birth, education, and habits, were familiarly attached to them," this would provide "motive particular enough for their preservation," which would be better than to "endanger the public tranquility... by renouncing them." But Adams does not believe that English laws are neither good nor evil. Rather, he takes up a survey of constitutions throughout history in order to demonstrate that the greatest insights into the nature of free government have been implemented only in the English constitution, which is therefore closer to perfection than any other known to mankind. As he writes:

The English constitution is, in theory, the most stupendous fabric of human invention, both for the adjustment of the balance, and the prevention of its vibrations; and the Americans ought to be applauded instead of censured for imitating it as far as they have. Not the formation of languages, nor the whole art of navigation and ship building, does the human understanding more honor than this system of government.

Indeed, although Adams recommends reforms in the British House of Commons so that it may better carry out its democratic function, he nonetheless foresees the possibility that the Americans will, with time, "make transitions to a nearer resemblance of the British constitution."

Adams' book arrived in the United States in mid-April of 1787. A few weeks later, Washington, Madison, and other members of the Virginia and Pennsylvania delegations agreed upon the so-called "Virginia Plan" outlining a national government based on three branches of government and a bicameral legislature. At the convention itself, Oliver Ellsworth, John Dickinson, and others defended the British constitution. But the most prominent Feder-

alist figure in this respect was Hamilton, who told the delegates explicitly that the closer the Constitution could be brought to the British one the better, explaining that "the British government was the best in the world, and that he doubted much whether anything short of it would do in America." Like Adams, Hamilton praised the English constitution for balancing a strong democratic element in a representative elected lower house against an executive and upper house that served for life, and so were shielded from wild swings in public opinion. In this way, the British constitution "unites public strength with individual security."

These views concerning the English constitution made both Adams and Hamilton early opponents of French revolutionary ideas. Adams was especially proud to have published his book even before the outbreak of the French revolution, and sometimes suggested it had influenced Burke's *Reflections on the Revolution in France*, which appeared in 1790. Adams' later *Discourses on Davila* (1790) was written in the same anti-revolutionary spirit. Meanwhile, Hamilton encouraged and even funded several anti-revolutionary publications in the 1790s, himself composing a series of Burkean *Letters of Pacificus* in 1793. At the same time, the Federalist judges on the newly appointed national Supreme Court determined, in a series of rulings during the 1790s, that the entire body of English common law was the inherited law of the federal government at its creation.

The chief opponent of the nationalist conservatives in these debates was Jefferson. Long venerated for his role in securing American independence, Jefferson is now a hero to a large section of conservatives who idolize him, especially, for his opposition to a strong national government. It is therefore sometimes hard to grasp today the ferocity with which the nationalist conservatives loathed their opponent, whom they saw as representing everything they abhorred: rationalism as opposed to traditionalism, states' rights and the philosophy of the individual as opposed to the building up of the American nation, agrarianism as opposed to an urban and commercial future, and of course the twin evils of atheism and slavery. Nor was Jefferson a friend to the Federalists' Constitution of 1787. As a devotee of Enlightenment rationalist philosophy, he held tradition to be unimportant at best, and considered constitutions to be mere transitory and technical devices, to be rewritten from scratch every twenty years. For him, the only real constitution was the universal rights of man, which could

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be known by reason and had no need of constraints inherited from the past.

The historian Gertrude Himmelfarb told us some twenty years ago, only half-jokingly, that the absence of Jefferson from the American constitutional convention was the clearest sign of Providence intervening in American history. There is much to be said for this view. Jefferson was in Paris from 1784 to 1789, where he and Tom Paine were active in assisting the efforts of the French revolutionaries. But France's loss was America's gain. For the fact that the two most outspoken and radical figures among American philosophical rationalists, Jefferson and Paine, were abroad in the crucial period when the restorationist Constitution of 1787 was composed and ratified, meant not only that they were not around to oppose it. Their absence also meant that moderate Virginians such as Madison and Randolph were released from Jefferson's orbit and able to render crucial assistance to the nationalist effort. Indeed, by 1786, Madison had become one of Washington and Hamilton's closest nationalist allies, and he remained allied with the Federalists until shortly after Jefferson returned to America.

In 1791, Jefferson's hostility to the Federalists was made public when a laudatory note from his pen was published (apparently without his permission) as a preface to the American edition of Tom Paine's *Rights of Man*, which had been written as a refutation of Burke's defense of the English constitution, *Reflections on the Revolution in France*. In the preface, Jefferson, the sitting Secretary of State, endorsed Paine and praised his support for the French Revolution, attributing to it the same ideals that had animated the American Revolution. The same preface went on to condemn the "political heresies" of the new American "monarchists"—an obvious reference to Adams and Hamilton. In a follow-up letter to Washington, Jefferson laid out the battle lines for the coming struggle, explaining that the American press was now divided into two camps, with the camp of Hamilton and Adams ("since his apostasy to hereditary monarchy and nobility") taking the side of Burke, and the other side supporting Paine.

This division between anti-nationalist liberals and national conservatives remains very much with us to this day.

3. Supreme Court Responsible for Interpreting the Constitution

The desire to unite the American nation and bring it under an effective national government was the

most prominent Federalist goal, which early American nationalists pursued by a variety of means. The best-known part of this program was the Federalists' support for a powerful chief executive modeled after the British one—a stance that earned Hamilton, Adams, and Washington the reputation of being "monarchists" or "Tories" in the eyes of Democratic Republicans who decried the very broad powers of such an executive. A concise expression of the Federalist view appears in the first of Hamilton's *Letters of Pacificus*, in which he emphasizes that "The general doctrine then of our Constitution is that the *executive power* of the nation is vested in the President, subject only to the exceptions and qualifications which are expressed in that instrument."

Less familiar, but no less significant, is the Federalists' protracted struggle to forge a national judiciary with the authority to interpret the Constitution of 1787. Such authority, would enable it to impose the Constitution on the states and individual citizens, and to stand as a bulwark against anti-nationalist challenges to the powers of the national government, both in its executive and judicial branches. However, Article III of the Constitution did not explicitly grant such authority to the national judiciary, and attaining it required the Federalists to design and carry out a concerted campaign to establish a judicial branch of the national government more powerful than in any other country, including even Britain, from which this effort drew much of its inspiration.

Although much remains unknown about the origins and execution of this Federalist effort, its main outlines are clear. As mentioned above, three nationalist jurists—Ellsworth, Wilson, and Rutledge—dominated the five-man committee that wrote the first draft of the Constitution of 1787. As far as the official record is concerned, none of them raised the issue of the Supreme Court's authority to interpret the Constitution during the convention itself. But at their respective state ratifying conventions, both Ellsworth and Wilson, as well as Hamilton, Marshall and others, went on record arguing explicitly for the vital importance of a national judiciary with the authority to interpret the Constitution—a united effort that may already have been agreed upon in Philadelphia. As Hamilton laid out the argument in *Federalist 78*, the lifetime tenure of judges was necessary so that the courts, freed from public pressure, would be able to execute their duty of defending the Constitution against the whims of the legislature:

Limitations [on legislative power] can be pre-

served in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void... The courts were designed... to keep [the legislature] within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts.

Hamilton thus argues that the courts, exercising “judicial discretion” and strengthened by the institution of lifetime appointments, will be able to act as “the faithful guardians of the Constitution” against legislative encroachments. He concludes by commenting: “The experience of Great Britain affords an illustrious comment on the excellence of this institution.”

During the first session of the national Congress in the fall of 1789, Ellsworth, now a senator from Connecticut, took the next step by drafting the Judiciary Act, which gave form to the federal judiciary and explicitly granted it appellate jurisdiction over decisions of state courts that touched upon the interpretation of the national Constitution or on treaties and laws enacted by the national government. This meant that all state and local laws, having been upheld by state supreme courts, could be appealed to the national Supreme Court, which if it chose, could reject them as being unconstitutional or incompatible with nationally enacted treaties or laws. This remarkable piece of nationalist legislation was passed that year in a package deal together with the Bill of Rights.

Soon afterwards, Washington appointed the first United States Supreme Court, packing it with nationalists. During the Court’s first decade of existence, Jay, Rutledge and Ellsworth served consecutively as the first three chief justices. Together with Wilson and the prominent Massachusetts jurist William Cushing, they constituted a permanent nationalist majority on the court that was preserved as additional Federalists were appointed to fill vacancies. Indeed, it was only in 1804 that William Johnson, the first justice who was not a Federalist, was appointed to the Supreme Court by Jefferson.

The role of these first Supreme Court justices is today obscured by the subsequent long dominance of the court by another important Washington ally and nationalist, John Marshall. Nevertheless, it was these early nationalist justices who laid the foundations that permitted Marshall to carry out the nationalist program. We have already mentioned the early Court’s determination that the English com-

mon law was the law of the United States—a determination that Jefferson realized would subordinate the laws of the states to the national courts by way of the common law principle of “judicial review” of the laws throughout the nation. As Jefferson put it in a letter to Randolph: “Of all the doctrines which have ever been broached by the federal government, the novel one, of the common law being in force and cognizable as an existing law in their courts, is to me the most formidable,” as it would give the national government general jurisdiction over “all cases and persons.”

The Federalists’ aim of establishing a united American nation under a single constitution was given dramatic expression when the Supreme Court heard *Chisholm v. Georgia* (1793), in which the state of Georgia was sued by a private individual seeking payment for goods supplied during the Revolution. The state of Georgia refused to appear, claiming that it was a sovereign state and that a sovereign, by definition, could not be summoned without its consent. In a 4-1 ruling, the Supreme Court determined that the property rights of a private citizen were protected by the national government even against the states. As Wilson put it:

This is a case of uncommon magnitude. One of the parties to it is a State, certainly respectable, claiming to be sovereign. The question to be determined is whether this State, so respectable, and whose claim soars so high, is amenable to the jurisdiction of the Supreme Court of the United States? This question, important in itself, will depend on others, more important still, and may, perhaps, be ultimately resolved into one, no less radical than this: Do the people of the United States form a Nation?

Wilson’s question was, in other words, whether there exists an overarching American nation on behalf of whom the Supreme Court is responsible to impose its law. His answer to this question was unequivocal:

Whoever considers, in a combined and comprehensive view, the general texture of the Constitution, will be satisfied that the people of the United States intended to form themselves into a nation for national purposes. They instituted, for such purposes, a national government, complete in all its parts, with powers legislative, executive and judiciary; and, in all those powers, extending over the whole nation.

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The decision caused an immediate uproar, bringing about a congressional resolution to amend the Constitution under Article V. The Eleventh Amendment, which grants the states immunity from suits by individuals, was adopted by twelve state legislatures by 1795. President Washington declined to certify its ratification, and it was only recognized as a part of the Constitution by Adams three years later.

Although the Supreme Court's ruling in *Chisholm* was overturned by Congress and the states, the very fact that a constitutional amendment was necessary served to firmly establish the authority of the national court to interpret the Constitution and to rule against the states. The nationalist ruling in the case of *Ware v. Hylton* (1796), which held that treaties made under the Constitution supersede state law, cemented this authority. And in *Calder v. Bull* (1798), Justice James Iredell, the most prominent Federalist in North Carolina, affirmed that laws of Congress and of the states could not be voided for violating abstract "principles of natural justice," but that they could be overturned and declared void by the Supreme Court if they violated an explicit textual provision of the Constitution. As he wrote:

The principles of natural justice are regulated by no fixed standard; the ablest and the purest men have differed upon the subject... If any act of Congress, or of the legislature of a state, violates those constitutional provisions, it is unquestionably void... If, on the other hand, the legislature of the Union, or the legislature of any member of the Union, shall pass a law within the general scope of their constitutional power, the Court cannot pronounce it to be void merely because it is, in their judgment, contrary to the principles of natural justice.

Thus by the time Adams appointed the Federalist John Marshall as the fourth Chief Justice in January 1801, he had in his hands the tools necessary to assert the national judiciary's role as the principal interpreter of the Constitution, including voiding acts of Congress and of the states regarded as unconstitutional. This authority was exercised in the famous decision of *Marbury vs. Madison* (1803), which overturned a portion of an act of Congress as unconstitutional. Echoing Hamilton, Marshall emphasized in his opinion that "It is emphatically the province and duty of the judicial department to say what the law is." Marshall's long tenure of thirty-five years gave nationalists effective leadership of the court up until the 1830s.

Although the anti-nationalist theory of "nullification"—the putative ability of a state to nullify a federal law, which was proposed by Jefferson and Madison as early as 1798—never succeeded in gaining the support of the national Supreme Court, another contentious issue involving national authority did indicate the eventual abandonment of the Federalist constitutional tradition. In 1857, the Supreme Court decided in the Dred Scott case, by a majority of 7-2, that blacks had no standing to sue a state in a federal court because they "are not included, and were not intended to be included, under the word 'citizens' in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States." In other words, the ruling declared that blacks might be citizens of particular states such as New York or Connecticut, but not of the United States—thus effectively overthrowing the idea of a single American nation. This ruling unified nationalist opinion against what was seen as a corruption of the Constitution, and became a major step on the path to Civil War. Not incidentally, the two dissenters from the majority were nationalists: Benjamin Robbins Curtis, the only Supreme Court justice appointed by a Whig president; and John McLean, who, while originally appointed by Andrew Jackson, had moved gradually towards nationalist positions, and in 1860 even contended for the Republican Party nomination for President, which Abraham Lincoln won.

4. Economic Nationalism.

Although led by George Washington, a Virginian, the Federalists were from the outset a party dominated for the most part by businessmen, lawyers, and soldiers from northern cities such as New York (Jay, Hamilton, G. Morris), Philadelphia (R. Morris, Wilson), and Boston (Adams, Knox). Whereas the Democratic Republicans followed Virginians Jefferson and Madison in envisioning America as a vast confederacy of plantations and farms, American nationalists recognized that the might of the new nation would be determined by its capabilities in manufacturing and commerce. The Federalists looked to the ideal of the most developed economy of that time, Great Britain, which had built its advantage over all other nations through a nationalist economic policy focused on developing its own manufactures while suppressing, as far as possible, the manufacturing capacity of its rivals.

As early as 1781, Robert Morris' "Report on Public Credit" proposed to found a solid national credit by establishing a national bank, a system of compulsory national taxes and a tariff on imports, as well as the assumption of state debts by the national government. The plan failed due to lack of support from the states, including state legislation that prevented Morris' Bank of North America from functioning as a de facto central bank. But the Federalist economic program was put into action in 1789 when Washington chose Hamilton, upon Morris's suggestion, as the first Secretary of the Treasury of the United States. In 1791, Hamilton proposed establishing a federal mint as well as a new central bank. It was opposed by Jefferson, Randolph, and Madison, who feared the growth of the national government and opposed the bank, especially, as an instrument that would encourage merchants and investors at the expense of the majority of Americans who were farmers. Jefferson and Randolph appealed to Washington, arguing that a national bank was unconstitutional since provision had not been explicitly made for it. To this, Hamilton replied that the Constitution authorized any activity that was needed to attain the purposes for which government was established, so long as they were not explicitly unconstitutional or immoral. As he wrote:

This general principle is inherent in the very definition of government, and essential to every step of progress to be made by that of the United States, namely: That every power vested in a government is in its nature sovereign, and includes, by force of the term, a right to employ all the means requisite and fairly applicable to the attainment of the ends of such power, and which are not precluded by restrictions and exceptions specified in the Constitution, or not immoral, or not contrary to the essential ends of political society.

Hamilton's "First Bank of the United States" was established by act of Congress in February 1791. Later that year, Hamilton submitted his famous *Report on Manufactures*, in which he argued for a nationalist policy of government-subsidized industrial development, whose aim was to actively promote economic activity in key sectors and to assist those importing manufacturing technologies. Hamilton favored national subsidies and tariffs on imports in order to keep out goods from rival nations while American manufacturing was developing to competitive levels. He even supported industrial es-

pionage and technological piracy—including gross violations of British law by issuing American patents for inventions manifestly stolen from Britain—where such policies could be used to challenge British economic supremacy. Hamilton also advocated an immigration policy focused on skilled workers in specific industries that the United States wished to develop, including targeted recruiting abroad, travel expenses for immigrant artisans, and customs exemptions for their tools and machinery.

Thus Hamilton's desire to build an American manufacturing economy in Britain's image found expression in a dual policy: On the one hand, he sought close trade ties with Britain and chose to acquiesce in some British restrictions on American commerce—such as limitations on American cotton exports under the Jay Treaty of 1795—when these were needed to reach a mutually beneficial agreement. On the other, Hamilton encouraged aggressive competition with the British where collaboration was plainly impossible.

After the Jeffersonians took control of government in 1801, they gradually dismantled many of these nationalist economic policies, and even let the charter of the First Bank expire in 1811. But in the wake of war with Britain from 1812 to 1815, a new generation of nationalists emerged calling for a renewal of Hamiltonian economic policies. These nationalists included diehard Federalists under Daniel Webster; as well as former Federalists such as John Quincy Adams and William Plumer, who combined with former Jeffersonians led by Henry Clay to found what eventually became a new, aptly named, National Republican Party. This nationalist economic coalition supported what Clay called the "American System," which sought to end economic dependence on foreign imports by protecting "infant industries" and those facing unfair competition from abroad, establishing a new central bank tasked with regulating credit and issuing currency, and developing national infrastructure such as roads and railroads. These policies were elaborated by the Baltimore lawyer Daniel Raymond, whose *Elements of Political Economy* (1820) criticized classical liberal economic theories for ignoring the frequent divergence between national interest and individual interest. Clay's coalition succeeded in establishing a Second Bank of the United States, which operated from 1816 to 1836, as well as in reinstating protective tariffs.

Although this revival was cut short by the rise of the Jacksonian Democrats, the nationalist economic ideas of Hamilton and Clay were taken up

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by the American Whig Party and then put fully into effect by Abraham Lincoln in a series of laws designed by his economic advisor Henry Carey. This revived economic nationalism included tripling the average defensive tariff, the subsidized construction of a transcontinental railroad, and the Legal Tender Act of 1862, which empowered the Secretary of the Treasury to issue paper money not immediately redeemable in gold or silver. Economic nationalism remained the policy of Lincoln's Republican Party during its long period of ascendancy from the Civil War into the twentieth century.

5. Nationalist Immigration Policy

During the 1790s, immigration policy emerged as an important point of contention between American nationalists and their Jeffersonian opponents. Because nationalists regarded membership in the nation as arising from shared traditions and values, they tended to prefer regulated immigration policies and a long process of naturalization during which new citizens could become acclimated to American values and traditions. It was Jay, for example, who suggested in a letter to Washington that the American president should be "natural born," an idea that was adopted by the constitutional convention and included in the Constitution of 1787. A typical Federalist view expressing concern for the assimilation of immigrants into American "customs, measures, and laws" was expressed by President Washington in a letter to Adams in 1794:

The policy or advantage of [immigration] taking place in a body (I mean the settling of them in a body) may be much questioned; for, by so doing, they retain the language, habits, and principles (good or bad) which they bring with them. Whereas by an intermixture with our people, they, or their descendants, get assimilated to our customs, measures, and laws—in a word, soon become *one people*.

Jefferson was not initially keen on immigration either, and in his *Notes on the State of Virginia* (1782), he worried that European immigrants would bring a belief in monarchy with them—or that, having thrown their customary support for monarchy away, would exchange it for "an unbounded licentiousness, passing, as is usual, from one extreme to another." But by the 1790s, it had become clear that new immigrants arriving in America usually wanted to own and work their own land, and so were

inclined to support the Democrat Republican vision of America as a nation of farmers. This led Jefferson to reconsider, and in his first message to Congress as President in 1801, he expressed strong support for immigration and for a rapid grant of citizenship to newcomers. As he wrote:

I cannot omit recommending a revision of the laws on the subject of naturalization.... Shall we refuse to the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe? ... Might not the general character and capabilities of a citizen be safely communicated to everyone manifesting a bona fide purpose of embarking his life and fortunes permanently with us? With restrictions, perhaps, to guard against the fraudulent usurpation of our flag?

Here, Jefferson proposes that citizenship may be safely granted to "everyone manifesting a bona fide purpose of embarking his life and fortunes permanently with us." Other than cases of outright fraud, he sees no purpose in restrictions on immigration or a lengthy process of naturalization, in effect proposing a policy of open borders.

The Federalists responded to this reversal with astonishment. In three essays on immigration, Hamilton replied by quoting Jefferson's own earlier views at length, and argued that this change of heart was the result of electoral considerations. The truth, Hamilton urged, is that unrestricted immigration endangers the "common national sentiment" of the country, and should be undertaken with a due concern to maintain, as much as possible, a "uniformity of principles and habits":

The safety of a republic depends essentially on the energy of a common national sentiment; on a uniformity of principles and habits; on the exemption of the citizens from foreign bias and prejudice; and on that love of country which will almost invariably be found to be closely connected with birth, education and family... In the recommendation to admit indiscriminately foreign emigrants of every description to the privileges of American citizens on their first entrance into our country, there is an attempt to break down every pale which has been erected for the preservation of a national spirit and a national character; and to let in the most powerful means of perverting and corrupting both the one and the

other... To admit foreigners indiscriminately to the rights of citizens the moment they put foot in our country would be nothing less than to admit the Grecian horse into the citadel of our liberty and sovereignty.

Concerns of this kind led to Federalist efforts to make the path to citizenship more restrictive and gradual. In 1790, naturalization required only two years of residency in the United States. But in 1795, Congress created a five-year process requiring two years of residency before filing a declaration of intent to become a citizen; and then a waiting period of three additional years. Finally, in 1798, the Federalists passed the Alien and Sedition Acts requiring a nineteen-year path to citizenship: fourteen years of residency, and then, after filing the declaration, another five years before naturalization. The Federalists' embrace of such a difficult citizenship procedure reflected a rising fear that new immigrants would help shift the country's politics in a more radical direction. But on a deeper level, it reflected the Federalist view that the American nation was characterized by distinctive values and traditions that one had to adopt in order to join it. In short, the Federalists wanted newcomers to become Americans before they became American citizens.

The Jeffersonians vehemently contested this approach to immigration and citizenship. Ultimately, theirs became a Lockean, voluntarist view of citizenship, in which everyone has a natural right to leave one country and become citizen of another at will. By simply choosing to come to the United States, one was made fit to be a citizen. The growing strength of such views effectively neutralized Federalist efforts to control immigration, with Democratic Republican officials at the state level resisting the implementation of the national government's restrictive naturalization policies. It appears that the immigrant vote did play an important role in Jefferson's victory of 1800, which led to the 1802 Naturalization Act and the formal return to the naturalization requirements of 1795.

6. Alliance with Britain.

In the early 1790s, the ideas of the French Revolution were still openly advocated in Britain, challenging the legitimacy of the English constitution and threatening to overthrow it. But by 1793, the situation had changed considerably. Revolutionary France was now at war with Britain, and public opinion in that country had rallied around the

traditionalist views of Burke and the government of William Pitt. In America, however, a ferocious debate broke out over how to respond to the conflict. Democratic Republicans such as Jefferson, Paine, and Madison, combining a deep hostility to Britain with an attraction to French revolutionary notions, wished to see the United States openly side with France. They argued that America was still bound by the defensive Treaty of Alliance it had concluded with the Kingdom of France in 1778—a rather remarkable proposition given that the revolutionaries in Paris had abolished the monarchy and had executed the king who had signed the treaty. But more than this, the Jeffersonians proposed that the interests of the United States and France coincided because of their ideological affinity as sister republics. In effect, they proposed an international alliance of revolutionaries that would work to establish a new world order.

The Federalists' view was precisely the opposite, supporting a formal neutrality that would, in practice, lean towards Britain. As we have seen, the American nationalists saw the United States as sharing not only a language, but a political, legal, and religious tradition with Britain, and believed that America would benefit materially from good commercial and political relations with London. But they also thought that Americans had little in common with revolutionary France, and no interest in aiding the French project of bringing revolution to every corner of Europe. Indeed, the American nationalists tended to endorse Washington's view, declared shortly after he became President in 1789, that it was in America's interest that God "protect and guide all sovereigns and nations (especially such as have shewn kindness unto us)."

In April 1793, President Washington issued a Neutrality Proclamation, declaring that the United States would maintain impartial and friendly relations with each of the belligerent powers. This policy, whose immediate consequence was the termination of the Treaty of Alliance with France, was immediately lauded by Federalists and attacked by Jeffersonians. Hamilton joined the debate in June and July, publishing seven public letters under the pseudonym *Pacificus* (and two more the following year under the pseudonym *Americanus*) taking Washington's side, and defending the president's constitutional authority to conduct foreign affairs against Jeffersonian claims that Congress must be involved in making such decisions. The heart of Hamilton's argument was that the interests of the nation, rather than any internationalist revolution-

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ary brotherhood, had to be the primary consideration guiding foreign relations. As he wrote:

[Americans ought] not to over-rate *foreign friendships*—[we ought] to be upon our guard against *foreign attachments*. The former will generally be found hollow and delusive; the latter will have a natural tendency to lead us aside from our own true interest, and to make us the dupes of foreign influence. They introduce a principle of action, which in its effects, if the expression may be allowed, is *anti-national*.

In this passage, Hamilton follows Vattel in arguing against permanent alliances, instead proposing that “self-preservation is the first duty of a nation.” But in addition to offering this nationalist framework for thinking about foreign affairs, Hamilton also observed that revolutionary France presented the United States with a peculiar situation, in which a foreign state was waging a war that was not only offensive, but also had the explicit ideological purpose of exporting revolution everywhere possible:

It is not warrantable for any nation beforehand to hold out a general invitation to insurrection and revolution, by promising to assist every people who may wish to recover their liberty, and to defend those citizens of every country who may have been or who may be vexed for the cause of liberty; still less to commit to the generals of its armies the discretionary power of judging when the citizens of a foreign country have been vexed for the cause of liberty by their own government.

Hamilton understood that a blanket invitation to “insurrection and revolution” in all countries in the name of liberty would not advance the cause of freedom, whether in France or anywhere else. Rather, in raising armies whose aim was to overthrow the constitutional order throughout Europe, France might “find herself at length the slave of some victorious Scylla or Marius or Caesar”—a prediction that soon proved correct.

When Jefferson, still serving as Secretary of State, read the *Pacificus* essays in July 1793, he wrote a furious letter to Madison demanding that he write a rebuttal: “For God’s sake, my dear sir, take up your pen, select the most striking heresies and cut him to pieces in the face of the public.” Madison, now firmly back in Jefferson’s orbit, acquiesced and penned a series of five essays in which he accused Hamilton and the Federalists of

being “degenerates,” and of “hat[ing] our republican government”:

Several pieces with the signature of *Pacificus* were lately published, which have been read with singular pleasure and applause by the foreigners and degenerate citizens among us, who hate our republican government and the French Revolution.

Madison goes on to deplore Montesquieu for his “warped” admiration, “bordering on idolatry,” for the British constitution; and ridicules Hamilton for arguing that foreign policy is chiefly the prerogative of the American president: “The power of making treaties and the power of declaring war, are royal prerogatives in the *British* government, and are accordingly treated as executive prerogatives by *British* commentators,” he wrote.

The Federalists were not content with mere neutrality in the war between Britain and revolutionary France. While maintaining military neutrality, Washington and Hamilton sought to establish a more supportive relationship with Britain, designing a treaty that would put the United States on friendly terms with London and resolve issues remaining unresolved from the 1783 accords. The Treaty of Amity, Commerce and Navigation, commonly known as the Jay Treaty, was signed in November 1794. It allowed the two former enemies to trade on a reciprocal “most favored nation” status—quite an achievement for the young American government. In return, the United States acquiesced in British maritime policies designed to damage France. Several contentious border issues were also resolved by the treaty, paving the way for a decade of peaceful and mutually profitable trade between the United States and Britain in the midst of the French Revolutionary Wars.

The Jeffersonians bitterly opposed the Jay Treaty for effectively aligning America with Britain. Randolph, who had replaced Jefferson as Secretary of State, resigned as well. Opposition to the treaty became the signature issue for the Democratic Republicans in the 1796 presidential elections, in which Jefferson carried all of the southern states as well as Pennsylvania. Adams, winning by a mere three electoral votes (71-68), was able to extend America’s pro-British orientation for another four years. But after Jefferson’s victory of 1800, relations with Britain began a downward spiral that eventually culminated in an unnecessary war against Britain during Madison’s presidency.

7. Alliance Between Religion and State.

In 1776, the Continental Congress called upon the thirteen states to write their own constitutions as part of the drive for independence from Britain. This meant the relationship between religion and the government of the various states was reexamined in the midst of a revolutionary backlash against all symbols of British rule. Nine of the thirteen colonies—New York, Maryland, Virginia, North Carolina, South Carolina, Georgia, New Hampshire, Massachusetts and Connecticut—had established churches at the time, of which all but the last three were Anglican. Subordinated to English bishops who were in fact a branch of the British government, these Anglican churches in America were quickly disestablished almost everywhere: in Maryland and North Carolina in 1776, in Georgia and New York in 1777, and in South Carolina in 1778. Only in Virginia did the Anglican church hang on for another decade, finally succumbing, after concerted efforts by Jefferson and Madison to eradicate it, in 1786. This was in sharp contrast to the established churches in New England, which were Congregationalist and continued to receive state support for two more generations: until 1818 in Connecticut, 1819 in New Hampshire, and 1833 in Massachusetts.

The Federalists who came to the constitutional convention in Philadelphia tended to favor some kind of an alliance between Christianity and the state. But the form this alliance would take was uncertain: Although only a few northern states still had established churches, most of the other states still required some kind of religious test or oath for officeholders, and continued to assist Protestant churches in various ways. Under these circumstances, the Constitution of 1787 conceded that these matters were to be left in the hands of the states. Similarly, the First Amendment to the Constitution (1791) prohibited the national Congress from making any “law respecting an establishment of religion, or prohibiting the free exercise thereof”—again leaving the matter in the hands of the states.

But the Federalists were not supporters of a Jeffersonian policy of building a “wall of separation between church and state.” On the contrary, they hoped to cultivate a tolerant Protestant nationalism, which they believed would strengthen the constitutional republic they had created, providing it with citizens who were capable of morality, self-discipline, and deference. In addition to defending the existing state provisions for the encouragement

of Christianity, Federalists at the national, state, and local levels were prominent in honoring and promoting traditional expressions of Christian public religion, including government-sponsored prayer services and days of thanksgiving and fasts. Washington was particularly concerned with public religion. As early as 1777, as head of the Continental Army, he proclaimed a day of prayer and thanksgiving after the great victory at Saratoga. As President of the new national government in 1789, he issued a proclamation designating November 26 as a national day devoted to thanksgiving, emphasizing that all nations have a duty to honor God:

It is the duty of all nations to acknowledge the providence of Almighty God, to obey his will, to be grateful for his benefits, and humbly to implore his protection and favor... Now therefore I do recommend and assign Thursday the 26th day of November next to be devoted by the People of these States to the service of that great and glorious Being, who is the beneficent Author of all the good that was, that is, or that will be—That we may then all unite in rendering unto him our sincere and humble thanks—for his kind care and protection of the people of this country previous to their becoming a nation—for the signal and manifold mercies, and the favorable interpositions of his Providence which we experienced in the course and conclusion of the late war—for the great degree of tranquility, union, and plenty, which we have since enjoyed—for the peaceable and rational manner, in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted... We may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations and beseech him to pardon our national and other transgressions.

During the 1790s, in the wake of the horrors of the atheistic French Revolution, and the perceived adherence of the Jeffersonians to its ideals, the Federalists became more active in their attempts to find a role for religion, even if non-established, in the public life of the nation. An evangelical Christian, John Jay repeatedly defended his and America’s religious beliefs in debates with European supporters of the French Revolution and Paine’s *Rights of Man*, later joining another prominent American nationalist, Elias Boudinot, in founding the American Bible Society. Similarly, John Adams, as President in 1798

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during the French Revolutionary Wars, condemned the “principles and manners which are now producing desolation in so many parts of the world,” and emphasized that America’s political order must be a religious one:

We have no government armed with power capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge or galantry would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.

Although “a zealous believer in the fundamental doctrines of Christianity” as a young man, Hamilton did not initially show much interest in matters of religion and state. However, during the 1790s, he too came to regard religious faith as the indispensable antidote to the spread of radical views. By 1802, while discussing the decline in support for the Federalist Party, he explained that he had reached the conclusion that the struggle for nationalist conservative principles could not be won only with reasoned arguments, because the Jeffersonians, while “eulogizing the reason of men and professing to appeal only to that faculty,” were constantly “courting the strongest and most active passion[s] of the human heart.” Unless the Federalists could enlist “some strong feelings of the mind,” all of their political plans and efforts would eventually be in vain. He therefore proposed the formation of a “Christian Constitutional Society,” whose objective would be to “support the Christian religion” and the Constitution—in effect a Christian nationalist coalition, with clubs meeting across the country. But Hamilton’s death less than two years later prevented him from attempting to implement this plan.

8. Opposition to Slavery.

As a party, the Federalists regarded the goal of unifying the thirteen states under a national government as precluding an attempt to abolish slavery in their generation. At the constitutional convention in 1787, for example, the debate over slavery was largely suppressed to allow the southern states to join the Union. Nevertheless, the Federalist Party was from the outset distinguished from its Democratic Republican opponents by the fact that many of the leading Federalists, including Jay, Hamilton, Adams, Gouverneur Morris, Oliver Ellsworth, and

William Cushing, were prominent in the effort to end slavery in America (although Jay owned slaves and released them only upon his death). Washington, too, upon his death, became the only southern plantation owner among the American founders to free all of his slaves. Thus while the founding generation of Federalists did not elevate anti-slavery into a central political principle, it remains the case that the opponents of slavery found a home in the Federalist Party. This pronounced anti-slavery tendency grew directly from other Federalist principles we have discussed: from the vision of America as an industrial and commercial republic, in which men would be free to sell their labor as they chose; from an affinity for Britain, whose courts had decreed slavery to be odious and without support in the common law; and from a Christian commitment to all men as having been created in the image of God. And the Federalist Party laid the foundations for the anti-slavery views of the next generation of American nationalists, including Federalists such as Daniel Webster and Rufus King, Whigs such as John Quincy Adams and Henry Clay, and, ultimately, the Republican Party of Abraham Lincoln.

During the Revolutionary War, the Act for the Gradual Abolition of Slavery (1780) was part of the radical democratic program of the anti-nationalist regime in Pennsylvania. But with independence won, the effort to end slavery was taken up by leading Federalists. In 1783, William Cushing, Chief Justice of the Massachusetts Supreme Court (later a Federalist appointment to the U.S. Supreme Court) followed the example set in Britain eleven years earlier by Lord Mansfield, who had ruled that slavery has no basis in the laws of England. Now, in Massachusetts, Cushing wrote:

As to the doctrine of slavery and the right of Christians to hold Africans in perpetual servitude, and sell and treat them as we do our horses and cattle..., nowhere is it expressly enacted or established... This being the case, I think the idea of slavery is inconsistent with our own conduct and Constitution; and there can be no such thing as perpetual servitude of a rational creature unless his liberty is forfeited by some criminal conduct or given up by personal consent or contract.

Arguing that as slavery had never been enacted as law in Massachusetts, Cushing found this institution incompatible with the state constitution drafted by Adams and adopted in 1780. In this way, legal protection for the institution of slavery was brought

to an end, eliminating slavery in the state almost immediately, and beginning a process that brought about the gradual freeing of slaves throughout New England.

But the largest emancipation of black slaves in North America before the Civil War took place in the state of New York, where this effort was led by prominent nationalists. Jay had drafted a state law abolishing slavery in 1777, but it had been defeated. Then in 1785, Jay and Hamilton were founding members of the “New York Society for Promoting the Manumission of Slaves and Protecting Such of Them as Have Been or May be Liberated,” which succeeded that year in passing a state law prohibiting the sale of slaves brought into the state. Jay was the Society’s first president, with Hamilton briefly serving after him. In 1799, as Governor of New York, Jay finally signed into law the Act for the Gradual Abolition of Slavery, which decreed that from July 4 of that year, all children born to slave parents would be free, and that more than 30,000 adult slaves would gradually be freed thereafter. In 1821, the Federalists Rufus King and Augustus Jay (son of John) successfully blocked an attempt to introduce a clause to the New York State Constitution that would have disenfranchised black voters.

While the Federalists and their allies were able to make steady progress in dismantling slavery in some of the states, they had much more limited success at the national level. At the constitutional convention in 1787, another Federalist member of the New York Manumission Society, Gouverneur Morris, who authored the final text of the Constitution, gave an impassioned speech condemning slavery, calling it “the curse of heaven.” According to Madison’s notes, written in the third person, Morris said of slavery that:

It was a nefarious institution. It was the curse of heaven on the states where it prevailed. Compare the free regions of the Middle States, where a rich and noble cultivation marks the prosperity and happiness of the people, with the misery and poverty which overspread the barren wastes of Virginia and Maryland, and the other states having slaves...The moment you leave the [north-]eastern states and enter New York, the effects of the institution become visible...Proceed southwardly, and every step you take through the regions of slaves presents a desert increasing with the increasing proportion of these wretched beings. Upon what principle is it that the slaves shall be computed in the representation? Are they men?

Then make them citizens and let them vote...He would sooner submit himself to a tax for paying for all the Negroes in the United States, than saddle posterity with such a Constitution.

In the end, the Federalists yielded to the notorious three-fifths formula for calculating the representation of southern slave populations in Congress, in exchange for a provision ending the importation of slaves by 1808. Similarly, in 1789, Federalists supported the Northwestern Ordinance, which banned slavery beyond the Ohio River, while having to capitulate to the southern states in allowing slavery in the Mississippi and Southwest territories, as well as in the nascent District of Columbia. This would remain the pattern at the national level until the Civil War, with nationalists generally opposing the extension of slavery, while repeatedly proposing federally-funded manumission schemes that failed to gain sufficient support. As late as the 1820s, the last Federalist senator, Rufus King, proposed a plan for the Federal government to encourage manumission of slaves, but it was once more rejected. Only with the founding of the Republican Party in 1854, did the nationalist campaign for a united American nation free from the curse of slavery finally attain critical mass.

III. The Federalists and Modern American Nationalism

American nationalists took the leading role in writing and ratifying the Constitution of 1787, and in establishing the national government of the United States during its first, formative decade. Indeed, the decline of the Federalists as a formal political party occurred, in no small part, because of the grudging acceptance by the first Democratic Republican presidents, Jefferson and Madison, of key aspects of the Federalist platform: Most Americans did come to regard themselves as members of a single nation and to accept the Federalists’ national government with its strong executive and judiciary. Moreover, their American national identity remained attached to a powerful Anglo-American tradition in language, religion, and law that was still plainly visible to Tocqueville when he traveled in the United States during the 1830s.

Even as the Federalist Party waned, nationalism continued to be a force in American politics. Younger Federalists in Congress organized around Daniel Webster and combined with a

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group of renegade Democratic Republicans led by Henry Clay, who became the standard bearer for a return to Hamiltonian ideas. They succeeded in securing the election of former Federalist John Quincy Adams as president in 1824, and created first the National Republican Party, and later the American Whig party—a name strikingly intended to invoke the Anglo-American conservative tradition and the ideas of Edmund Burke. These American nationalists came together around Federalist causes such as economic nationalism and opposition to the expansion of slavery, even as they supported Congress against Andrew Jackson’s strong executive. In the 1850s, Whigs such as William Seward and the almost unknown Abraham Lincoln coalesced into a new nationalist political grouping, the Republican Party. This nationalist revival succeeded, at the cost of a terrible civil war, in saving the Federalists’ national government and implementing Hamiltonian economic policies, while at the same time burning to the ground the most monstrous legacy of Jeffersonian America—the institution of slavery. Thus while it is true that Lincoln was comfortable borrowing Jefferson’s rhetoric to mix with his imposing biblical imagery, his policies were in a tradition the Federalists would have easily recognized. After the Civil War, even Lincoln’s assassination could not derail this decisive nationalist victory, which forged an American political consensus that lasted into the twentieth century.

Far from being un-American, nationalism to a great degree made America what it is. To be sure, the United States has changed immensely since the days of Washington, Jay, Adams, and Hamilton, the leaders of the original American nationalist party. Nevertheless, it is difficult to miss the way in which, at a time in which the indications of national dissolution grow ever more insistent, the issues that animated the Federalist Party have returned to the fore in our own time. For decades, American political life has been dominated by a Jeffersonian discourse that focused on universal theories of individual rights at the expense of a careful consideration of America’s unity and strength as a nation. This Jeffersonian intellectual hegemony encouraged regime-change adventures in distant lands, recklessly indiscriminate immigration and trade policies, the elimination of even the slightest echo of religious observance from public life, and a growing hatred toward the country’s Anglo-American constitutional

and cultural inheritance. Today, nationalists are rediscovering the worth of Federalist ideas: Of a foreign policy based primarily on national interest, and on an alliance with English-speaking countries and like-minded national states sharing America’s commitment to national independence and individual liberties. Of an economic policy directed toward a renewal of American industry and technological leadership in the face of dangerous rivals abroad. And of immigration policies emphasizing the need for newcomers to integrate into a culture that cherishes inherited American traditions and the values they bear. It may be that as Americans regain an appreciation of the Federalist Party’s principles, their wisdom will be retrieved in other areas as well, leading to a recognition, for example, that the American nation will not endure without a return of religion to public life, and without ensuring that the descendants of slaves are an integral and honored part of the American nation.

On one issue, however, today’s nationalists may well wonder at the views of their Federalist predecessors. The Federalists’ national Supreme Court, with the power to void legislation, played a crucial role in establishing a unified American national state—just as they intended. But the Federalists assumed that the justices would be traditionalists, wishing to serve as “faithful guardians of the Constitution,” as Hamilton wrote. None of them imagined the circumstances that most Western nations face today, in which jurists use the national Supreme Court to impose what is in effect a new constitution—one that is post-nationalist and hostile to Christianity—by judicial fiat. Under these conditions, contemporary nationalists have no choice but to seek ways of limiting the power of the judiciary to subvert the Constitution, just as their forefathers sought ways to limit the power of the legislature to do so.

In these areas and others, a nationalist politics must be built upon a fundamental understanding that was embraced by the Federalists—and that can be embraced again by their nationalist heirs in our day as well: the insight that Americans are not merely a collection of individuals, an essentially arbitrary subset within some universal brotherhood of individuals. They are rather a distinct nation, with a proud and important heritage that is unique in the world, and that still has much to achieve and much to contribute, both to America and to others. ■