

# Center *for the Study of the* American Constitution

## NO. 4: THE NATURE OF THE REPUBLIC

**B**y January 1787 public dissatisfaction with the Articles of Confederation was so widespread that the first suggestions of dividing the country into separate confederacies started to appear. Still, only a few Americans wanted to abandon the Union. Virtually everyone wanted the Confederation Congress strengthened with at least the powers to tax and to regulate both foreign and interstate commerce.

The proposal of the new Constitution in September 1787 stimulated a vehement debate throughout the country over the nature of the new government. Antifederalists, opponents of the Constitution, argued that a consolidated national government would emerge that would either annihilate the states or make them little more than corporations to do Congress' bidding. Federalists, the Constitution's supporters, maintained that the central government would limit itself to national issues while most other matters would remain for state governments to manage.

One part of this debate considered whether a viable national government could operate in an extensive country like the United States without destroying the liberty of the people. In defending their positions, both sides cited the Baron de Montesquieu who had argued in his *Spirit of Laws* (1748) that republics could only exist in small territories with homogeneous populations, while republics in large territories would degenerate into tyranny. Soon Federalists argued that disunion would result if the Constitution were defeated. Federalists, as represented by "Publius" in *The Federalist* essays, argued that God had smiled on Americans in achieving their independence and had given them a rich, fertile, well-watered land settled by people who spoke the same language, practiced the same religion, and cherished the same manners and customs. The Constitution, Federalists reasoned, would fulfill the promise of the Revolution and make the United States a great nation.

Antifederalists, as represented by "Cato," took the opposite position. While steadfastly supporting the Union, they argued that only a league of small confederations (the states) connected by a limited central government could safely maintain the liberties of the American people, who were diverse and lived in vastly different climates, with differences in language, religion, economic interests and customs. The Constitution, in their opinion, would take government away from the people and end in despotism.

The second number of "Publius," *The Federalist*, was written by John Jay of New York, who was then serving as the Confederation's secretary for foreign affairs. Contemporaries believed that New York Governor George Clinton was the author of the "Cato" series. ■

### PUBLIUS: THE FEDERALIST 2, NEW YORK *INDEPENDENT* *JOURNAL*, 31 OCTOBER 1787

. . . Nothing is more certain than the indispensable necessity of Government, and it is equally undeniable, that whenever and however it is instituted, the people must cede to it some of their natural rights, in order to vest it with requisite powers. It is well worthy of consideration

therefore, whether it would conduce more to the interest of the people of America, that they should, to all general purposes, be one nation, under one federal Government, and that they should divide themselves into separate confederacies, and give to the head of each, the same kind of powers which they are advised to place in one national Government.

It has until lately been a received and uncontradicted opinion, that the prosperity of the people

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

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

With equal pleasure I have as often taken notice, that Providence has been pleased to give this one connected country, to one united people, a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels, arms and efforts, fighting side by side throughout a long and bloody war, have nobly established their general Liberty and Independence.

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

Similar sentiments have hitherto prevailed among all orders and denominations of men among us—To all gen-

eral purposes we have uniformly been one people—each individual citizen every where enjoying the same national rights, privileges, and protection—As a nation we have made peace and war—as a nation we have vanquished our common enemies—as a nation we have formed alliances and made treaties, and entered into various compacts and conventions with foreign States.

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

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

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

It is worthy of remark that not only the first, but every succeeding Congress, as well as the late Convention, have invariably joined with the people in thinking that the prosperity of America depended on its Union. To preserve and perpetuate it, was the great object of the people in forming that Convention, and it is also the great

object of the plan which the Convention has advised them to adopt. With what propriety therefore, or for what good purposes, are attempts at this particular period, made by some men, to depreciate the importance of the Union? or why is it suggested that three or four confederacies would be better than one? I am persuaded in my own mind, that the people have always thought right on this subject, and that their universal and uniform attachment to the cause of the Union, rests on great and weighty reasons, which I shall endeavor to develop and explain in some ensuing papers—They who promote the idea of substituting a number of distinct confederacies in the room of the plan of the Convention, seem clearly to foresee that the rejection of it would put the continuance of the Union in the utmost jeopardy—That certainly would be the case, and I sincerely wish that it may be as clearly foreseen by every good Citizen, that whenever the dissolution of the Union arrives, America will have reason to exclaim in the words of the Poet, “FAREWELL, A LONG FAREWELL, TO ALL MY GREATNESS.” ■

### CATO III, *NEW YORK JOURNAL* 25 OCTOBER 1787

**I**n the close of my last introductory address, I told you, that my object in future would be to take up this new form of national government . . . and to show you that its principles, and the exercise of them will be dangerous to your liberty and happiness. . . .

The freedom, equality, and independence which you enjoyed by nature, induced you to consent to a political power. The same principles led you to examine the errors and vices of a British superintendence, to divest yourselves of it, and to reassume a new political shape. It is acknowledged that there are defects in this [i.e., the Articles of Confederation], and another is tendered to you for acceptance; the great question then, that arises on this new political principle, is, whether it will answer the ends for which it is said to be offered to you, and for which all men engage in political society, to wit, the mutual preservation of their lives, liberties, and estate.

The recital, or premises on which this new form of government is erected, declares a consolidation or union of all the thirteen parts, or states, into one great whole, under the firm of the United States, for all the various and important purposes therein set forth.—But whoever seriously considers the immense extent of territory comprehended within the limits of the United States, together with the variety of its climates, productions, and com-

merce, the difference of extent, and number of inhabitants in all; the dissimilitude of interest, morals, and policies, in almost every one, will receive it as an intuitive truth, that a consolidated republican form of government therein, can never *form a perfect union, establish justice, insure domestic tranquility, promote the general welfare, and secure the blessings of liberty to you and your posterity*, for to these objects it must be directed: this unkindred legislature therefore, composed of interests opposite and dissimilar in their nature, will in its exercise, emphatically be, like a house divided against itself.

It is natural, says Montesquieu, *to a republic to have only a small territory, otherwise it cannot long subsist: in a large one, there are men of large fortunes, and consequently of less moderation. . . . In large republics, the public good is sacrificed to a thousand views; in a small one the interest of the public is easily perceived, better understood, and more within the reach of every citizen; abuses have a less extent, and of course are less protected—*

From this picture, what can you promise yourselves, on the score of consolidation of the United States, into one government—impracticability in the just exercise of it—your freedom insecure—. . . the employments of your country disposed of to the opulent—you must risque much, by indispensibly placing trusts of the greatest magnitude, into the hands of individuals, whose ambition for power, and aggrandisement, will oppress and grind you—where, from the vast extent of your territory, and the complication of interests, the science of government will become intricate and perplexed, and too misterious for you to understand, and observe; and by which you are to be conducted into a monarchy, either limited or despotic. . . .

*Political liberty*, the great Montesquieu again observes, *consists in security, or at least in the opinion we have of security*; and this *security* therefore, or the *opinion*, is best obtained in moderate governments, where the mildness of the laws, and the equality of the manners, beget a confidence in the people, which produces this security, or the opinion. This moderation in governments, depends in a great measure on their limits, connected with their political distribution.

The extent of many of the states in the Union, is at this time, almost too great for the superintendence of a republican form of government, and must one day or other, revolve into more vigorous ones, or by separation be reduced into smaller, and more useful, as well as moder-

ate ones. You have already observed the feeble efforts of Massachusetts against their insurgents; with what difficulty did they quell that insurrection. . . . The reason of these things is, that, for the security of the *property* of the community—the wheels of a free republic are necessarily slow in their operation; hence in large free republics, the evil sometimes is not only begun, but almost completed, before they are in a situation to turn the current into a contrary progression: the extremes are also too remote from the usual seat of government, and the laws therefore too feeble to afford protection to all its parts. . . .

Will this consolidated republic, if established, in its exercise beget such confidence and compliance, among the citizens of these states, as to do without the aid of a standing army—I deny that it will.—The malcontents in each state, who will not be a few, will be exciting factions against it—and in the other districts of the government, will incidentally, and necessarily require a permanent force, to be kept on foot—will not political security, and even the opinion of it, be extinguished? can mildness and moderation exist in a government, where the primary incident in its exercise must be force? will not violence destroy confidence, and can equality subsist, where the extent, policy, and practice of it, will naturally lead to make odious distinctions among citizens?

The people, who may compose this national legislature from the southern states, in which, from the mildness of the climate, the fertility of the soil, and the value of its productions, wealth is rapidly acquired, and where the same causes naturally lead to luxury, dissipation, and a passion for aristocratic distinctions; where slavery is encouraged, and liberty of course, less respected, and protected; who know not what it is to acquire property by their own toil, nor to œconomise with the savings of in-

dustry—will these men therefore be as tenacious of the liberties and interests of the more northern states, where freedom, independence, industry, equality, and frugality, are natural to the climate and soil, as men who are your own citizens, legislating in your own state, under your inspection, and whose manners, and fortunes, bear a more equal resemblance to your own?

It may be suggested, in answer to this, that whoever is a citizen of one state, is a citizen of each, and that therefore he will be as interested in the happiness and interest of all, as the one he is delegated from; but the argument is fallacious, and, whoever has attended to the history of mankind, and the principles which bind them together as parents, citizens, or men, will readily perceive it. These principles are, in their exercise, like a pebble cast on the calm surface of a river, the circles begin in the center, and are small, active, and forcible, but as they depart from that point, they lose their force, and vanish into calmness.

The strongest principle of union resides within our domestic walls. The ties of the parent exceed that of any other; as we depart from home, the next general principle of union is amongst citizens of the same state, where acquaintance, habits, and fortunes, nourish affection, and attachment; enlarge the circle still further, & as citizens of different states, though we acknowledge the same national denomination, we lose the ties of acquaintance, habits, and fortunes, and thus, by degrees, we lessen in our attachments, till, at length, we no more than acknowledge a sameness of species. Is it therefore, from certainty like this, reasonable to believe, that inhabitants of Georgia, or New-Hampshire, will have the same obligations towards you as your own, and preside over your lives, liberties, and property, with the same care and attachment? Intuitive reason, answers in the negative. . . . ■



## TEACHING TOOLS

### Discussion Questions

- What are the sources of unity among Americans in “Publius” opinion? Do you find them convincing?
- What are the factors that would cause disunity among Americans in “Cato’s” estimation? Do you find them convincing?
- What does it suggest about “Publius” and his audience that Providence is invoked as a part of the argument? Does this make “Publius” argument more or less persuasive?
- Comparing “Publius” and “Cato’s” uses of history: To what extent do pessimism, optimism, and realism factor into “Publius” and “Cato’s” arguments?
- “Cato” proposes two opposite alternatives for the future of the nation. Do you find them plausible?

### Lesson Suggestions

#### I. What Nation Are You Looking At? (A Lesson on Unity and Diversity)

1. Divide the class into groups of 4-6 students. Half of the groups should read “Cato.” The other half should read “Publius.”

2. As each group reads it should use the table below to identify the three types of arguments used in its assigned essay. You may need to explain how to distinguish between a cultural, a geographical, and a historical argument. Below are a few examples.

Geographical: We should like each other because we live on the same block or in the same city or state.

Cultural: We should like each other because we share the same religion, holidays, and language.

Historical: We should like each other because our parents were friends.

	Geographic Argument	Cultural Argument	Historical Argument
“Cato”			
“Publius”			



3. After each small group has discussed its findings, you may want to have each group report its findings to the entire class.

4. After the groups have reported their findings you could lead a discussion using the following questions:

- Why do you think “Cato” and “Publius” see the geography and cultural evidence so differently?
- Do you think “Publius” is smart to attribute a role to Providence in creating the circumstances that would foster unity among Americans?
- What are some points for comparing and contrasting “Publius” and “Cato’s” use of historical evidence?

5. An extension activity would be to have students debate the following: “Resolved, the use of evidence by ‘Publius’ is more persuasive than the use by ‘Cato.’”

**II. Montesquieu vs. Providence?**

**(An Analysis of the Reasoning of Cato and Publius)**

1. Divide the class into two groups. One group will read “Cato,” the other “Publius.”
2. As the groups read they should be aware that each writer appeals to an authority as the basis of his argument. “Cato” appeals to Montesquieu, “Publius” to Providence. As the groups read their respective essays, they should make a list of attributions to the authority invoked. You may want students to use a table like the one below.

“Cato” cites Montesquieu as saying:	“Publius” says Providence is responsible for:

3. After the groups have discussed their findings, have them report their conclusions to the class.
4. You could lead a class discussion using the following questions:
  - What advantages and disadvantages does “Cato” face when using a political philosopher as the basis of his argument?
  - What advantages and disadvantages does “Publius” face when he cites Providence as the source of American unity?
  - What assumptions does “Cato” make when relying on Montesquieu as an authoritative figure? What assumptions does “Publius” make when relying on Providence?

### III. There's A Lot of Bad Out There (Cato's Use of the Idea of Failure)

1. Direct students to read "Cato" and have them look for the negative assessments he makes in regards to the following:

The Entity that Failed or Will Fail	The Specific Failure
The Preamble of the Proposed Constitution	
The Legislature in the Proposed Constitution	
Massachusetts	
The Southern States	
The United States as a Consolidated Nation	

2. After students have finished reading, have them share their findings.

3. Conclude the lesson by leading a discussion using the following questions:

- What parts of "Cato's" argument do you find persuasive? Unpersuasive?
- What do "Cato's" regional descriptions of other states suggest about national politics?
- Is "Cato" a pessimist? A realist?

## Vocabulary

### “Publius”: The Federalist 2

1. *confederacies*: alliances, leagues, union
2. *erroneous*: wrong, incorrect, false
3. *Providence*: God’s care
4. *denominations*: sects, groups
5. *inducements*: motives
6. *innumerable*: many, too many to count
7. *navigable*: able to be used for transport, passable by ships or boats
8. *commodities*: things to sell, goods, wares
9. *sentiments*: opinions, thoughts
10. *vanquished*: beaten, conquered, overcome
11. *habitations*: homes, buildings
12. *desolation*: destruction, sadness
13. *inauspicious*: difficult, challenging, unlucky
14. *enamored*: to like a lot, captivated by, taken with
15. *convened*: met
16. *arduous*: difficult

### “Cato” III

1. *dissimilitude*: difference
2. *intuitive*: obvious, already known, clear
3. *tranquility*: peace of mind, calmness
4. *unkindred*: disagreeing
5. *consolidation*: joining, coming together
6. *impracticability*: difficult, being beyond human power
7. *opulent*: wealthy
8. *aggrandizement*: enlargement, augmentation
9. *despotic*: absolute, arbitrary
10. *insurgents*: rebels
11. *beget*: cause, produce
12. *compliance*: obedience, submission
13. *malcontents*: unhappy people, rebels
14. *odious*: hateful, terrible
15. *dissipation*: dispersing, waste
16. *economize*: save money, be frugal in expenditures
17. *tenacious*: committed to, devoted to, stubborn
18. *frugality*: careful spending, thrift
19. *fallacious*: false
20. *intuitive reason*: common sense