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Americanus I

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Cato has at length opened his batteries on the Constitution, submitted to us by the late Convention. He begins with an endeavor to impress us with this idea, that “the axioms of Montesquieu, Locke, &c. in the science of politics, are as irrefragable as any in Euclid.” And can we possibly believe Cato to be really in earnest? Wretched indeed would be our political institution[s], had we been governed by the “axioms” of European writers on politics, in the formation of them. As we are placed in a situation totally new, instead of absurdly hunting for precedents in the old world, we must think, we must reason, for ourselves. Every American breast, retaining the least degree of spirit, must spurn, with indignation, at this insidious attempt to shackle our understandings.

Montesquieu, it seems, tells us, that a *Republic must have only a small territory*. But how, I would ask, would he, or Locke, or any other political writer in Europe, be warranted in insisting on this assertion as *an irrefragable axiom*? Had they formed any conceptions of a republican Government instituted upon the plan of the Constitution now under consideration? Because the wretched attempts that have been made in the old world, to constitute Republican Governments, have necessarily failed of attaining the desired purpose, are we to be told the thing is “impracticable,” when attempted upon principles as different, as light is from darkness? Montesquieu’s maxim may be just, for aught I know, when applied to such republican Governments as Sparta. This commonwealth affords us a striking instance of the absurdities mankind are capable of when they blindly submit themselves to the guidance of *passion* and *prejudice*. Had we not the undoubted evidence of history, it could never be believed, at this time of day, that such a monstrous political prodigy could really have existed. This institution was founded upon Montesquieu’s principle of Republican Government, viz. virtue: by virtue, here, is not meant morality; but an enthusiastic attachment to the political system of the country we inhabit. By the force of this mistaken principle, however, the Government, which Lycurgus established in Sparta, was supported for ages. It is unnecessary for me to attempt a delineation of this wonderful institution, against which the feelings of humanity, every generous sentiment of the human heart, revolt with horror. And what is the tendency of Cato’s reasoning, but to form Governments, like that of Sparta, in every State in the Union? Should we be able to support separate independent sovereignties (which, with submission to Cato, I think would be “impracticable”) we should soon become mere nests of hornets. The austere hostile spirit of Lacedemon, must be substituted in the place of that benign temper of universal philanthropy which the Constitution offered to us

is so eminently calculated to diffuse; and which is so congenial to the habits and sentiments of Americans. Away with this Spartan virtue and black broth; we'll have none of them; and Cato must not think to cram them down our throats, by telling us it is the prescription of a great political doctor. The "axioms" of Montesquieu, or any other great man, tho' Cato shall deem them "as irrefragable as any in Euclid," shall never persuade me to quarrel with my bread and butter.

"A Republic must have only a small territory, otherwise it cannot long subsist." But I utterly deny the truth of this "axiom" of the celebrated civilian. This ought not to be deemed arrogant in me, or in any man, at this time of day, and on this side the Atlantic. The learned Frenchman formed his principles of Government in conformity to the lights he possessed. Had he been an American, and now living, I would stake my life on it, he would have formed different principles. A collection of smaller States, united under one federal head, by a Constitution of Government similar to the one at present under consideration, is capable of a greater degree of real permanent liberty, than any combination of power I can form an idea of. The grand evil which all popular governments have hitherto labored under, is an inveterate tendency to faction. We are naturally inclined, without the aid of reason and experience, to suppose that in a free government every man should have a right to a personal vote on every measure. This is the rock on which all Democratic Governments have split. And, indeed, were we to admit this principle in the formation of a Republic, Mr. Montesquieu's maxim would be perfectly just; for it would be utterly "impracticable" for a people to exercise this right, who were not confined to a "small territory." But reason and experience have at length convinced us of the impropriety of the people themselves interfering, in any shape, in the administration of Government. The powers of Government must, of necessity, be delegated. It was the English who first discovered the secret, of which the ancients were totally ignorant, of Legislation by Representation. This is the hinge on which all Republican Governments must move. But we must proceed a step farther. It has also been discovered, that faction cannot be expelled even from a *Representative* body, while possessed *singly* of the whole of the Legislative power. Hence two distinct Legislative bodies have been contrived, farther to check this turbulent spirit. But even this, too, has been found insufficient. To give, therefore, the last finish to this beautiful model of Republican Government, it has been found necessary to place one more check, by giving the Executive and Judicial a revisory power. But, so prone is the spirit of man to party and faction, that even this admirable system will not prevent their mischievous effects, in a state possessing a "small territory." The next expedient, then, is to unite a number of these lesser communities under one Federal Head. The chain of dependence, thus lengthened, will give a permanency, consistency, and uniformity to a *Federal* Government, of which that of a *single* State is, in its nature, incapable. The gusts of passion, which faction is ever flowing up in "*a small territory*," lose their force before they reach the seat of *Federal* Government. Republics, limited to *a small territory*, ever have been, and, from the nature of man, ever will be, liable to be torn to pieces by faction. When the citizens are confined within a narrow compass, as was the café of Sparta, Rome, &c. it is within the power of a factious demagogue to scatter sedition and discontent, instantaneously, thro' every part of the State. An artful declaimer, such as Cato, for instance, by infusing jealousy and rage into the minds of the people, may do irreparable mischief to a small State. The people, thrown suddenly into passion, whilst this paroxysm, whilst this fit of insanity continues, commit a thousand enormities; and it

is well if the Government itself escapes from total subversion. Had the commotion, which Shays excited in Massachusetts, happened in a state of *small territory*, what would have been the probable consequences? Before the people had recovered from their madness, perhaps all would have been lost.

“The employments of your country, disposed of to the opulent, to whose contumely you will continually be an object.” — “You must risque much, by indispensibly placing trusts of the greatest magnitude in the hands of individuals, whose ambition for power and aggrandizement will oppress and grind you.” This is *argumentum ad populum*.² Cato knows better: he knows that the powers vested, by this Constitution, in the Federal Government, are incapable of abuse.

The different powers are so modified and distributed, as to form mutual checks upon each other. The State Legislatures form a check on the Senate and House of Representatives, infinitely more effectual than that of the people themselves on their State Legislatures. The people, so far from entertaining a jealousy of, in fact place the highest confidence in, *their* Representatives; who, by giving false colorings to bad measures, are too often enabled to abuse the trust reposed in them. But widely different is the situation in which the Federal Representatives stand, in respect to the State Legislatures. Here the mutual apprehensions of encroachments, must for ever keep awake a jealous, watchful spirit, which will not suffer the smallest abuse to pass unnoticed. The Senate and House of Representatives form mutual checks on each other, and the President on both. Cato’s apprehensions of Monarchy are chimerical, in the highest degree; and calculated in the same manner as what he says of the rich oppressing and grinding the poor — to catch the attention of the unwary multitude.

1. “Americanus” was John Stevens, Jr., of Hoboken, New Jersey.

2. Latin: An appeal to the people (i.e., to their lower nature rather than to their intellect).

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