

A NEGLECTED TRADITION:
The Influence of the Swiss Confederative Republican
Tradition on American Constitutional Development


BY

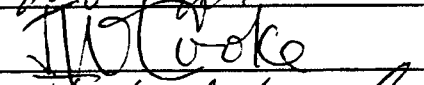
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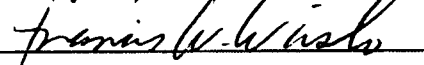
Thesis
Submitted to the Faculty of the
Department of History of Vanderbilt University
in partial fulfillment of the requirements
for Honors
in
History

APRIL 1994

On the basis of this thesis and of
the written and oral examinations
taken by the candidate on
4/15/94 and on 5/2/94
we, the undersigned, recommend
that the candidate be awarded
HONORS in History:







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INTRODUCTION: "A Neglected Tradition"

The Founding Fathers of the American Republic drew heavily upon historical precedents when they were establishing their perfect "commonwealth." Historical examples, like the Swiss Confederation, were an important aspect of a revolutionary ideology that justified the separation from Great Britain and that formed the foundation for the new forms of the government that were established in the American states.¹ The history of the events leading up to and culminating in the Revolution as well as the traditions of Radical Whig ideology and the principles of the unwritten English constitution all constitute important British influences that have been amply documented by historians.² Classical influences, notably the examples of the Greek-city states and the Roman Republic have also received the attention of rigorous historical scholarship.³ Yet another historical influence of importance, Switzerland, has remained relatively obscured by historians.⁴

There can be no doubt that the founding fathers studied the Swiss confederacy. In the Swiss Confederation, they found a living, breathing example of a confederative republican tradition that dated back to the early 14th century. The American patriots of 1776 were conscious of the Swiss republican tradition. They used the story of the

foundation of the Swiss confederacy to inspire the public virtue and discipline necessary to defeat Great Britain.⁵ They followed the footprints of the Greeks, Dutch, and the Swiss when they established their confederation of states. The delegates at the Constitutional Convention of 1787 were also aware of this tradition. Both the records of the Constitutional Convention of 1787 as well as the records of many state ratification conventions contain references to the Swiss confederation. Both Federalist and Antifederalist pamphleteers made extensive use of the references to the Swiss confederative republican tradition to support their arguments in favor of ratification or rejection of the Constitution. John Adams, in particular, drew heavily upon this tradition in his first volume of *A Defence Of The Constitutions Of Government Of The United States Of America*.⁶ Yet, in spite of the fact that the Founding Fathers were familiar with Swiss governmental institutions and Swiss history and considered it worthy of examination, historians have largely overlooked this familiarity with Switzerland.

While it is not within the scope of this work to examine all the reasons why historians have omitted studying the impact and the extent of the Swiss influence on the Founding Fathers, it is useful to suggest a couple of possible explanations. To some extent, this type of intellectual history is a type of history that does not get done very often. Instead of measuring the impact of abstract

ideals, this type of intellectual history has to determine the role of historical knowledge in influencing historical outcomes. In addition, with the notable exceptions of Bernard Bailyn, Gordon Wood, and Forrest McDonald, most recent historians have tended to emphasize the economic and social issues while downplaying the ideological and intellectual questions of the period.⁷ Although Bailyn, Wood, and McDonald have led the efforts to revitalize the field of Early American intellectual history, they, and the large number of intellectual historians inspired by them, do not treat in great detail the fact that the Founding Fathers examined contemporary examples of confederative republican government. Historians, in general, have tended to ignore most contemporary influences on the Founding Fathers. Some historians, in an almost romantic sense, seem to be more attracted to the examples of the Greeks and Romans and to the tradition of the Magna Carta than to more contemporary influences such as the Swiss and Dutch Confederations, as if somehow these classical and medieval examples are more deserving of historical study.⁸

The only historical scholarship available in English that has examined the influence of the Swiss Confederation upon the Founding Fathers has been done by Swiss historian Hans Guggisberg. Yet Guggisberg's treatment of the subject, a nine page paper presented at a conference of German and American constitutional historians, is inadequate. In nine

pages, Guggisberg not only discusses the Founding Fathers' perceptions of the Swiss, but he also discusses their views on the Dutch Republic as well as the influence of the American Constitution upon the Swiss Constitution. Each of these subjects demand full-length, monograph treatment that Guggisberg cannot give in nine pages.⁹ Guggisberg does give proper attention the references made to the Swiss at the Constitutional Convention and in the *Federalist Papers*.¹⁰ However, he did not consult the editorials of other Federalist writers nor does he mention the references made to the Swiss Confederation made in the state ratification conventions. Finally, in Guggisberg's paper, the Antifederalists receive much less treatment than the Federalists. Although Guggisberg's footnotes indicate that he had read some of the Antifederalist editorials and speeches, he does not give them proper treatment within the text of his paper.

The purpose of this work is to show that the Founding Fathers examined and referred to the Swiss republican and confederative tradition when they were developing their own constitutional thought. With the notable exception of H. Trevor Colbourn, few historians have attempted to examine the Founding Fathers' conception of history and how they applied the lessons that history taught them in their actions. And even in Colbourn's *Lamp of Experience*, which is a masterful work in many ways, the author often resorts to telling the

reader what books the founding fathers read and not how they applied the lessons that they learned from them. This thesis will concentrate on one history, that of the Swiss Confederation in order to examine what the Founding Fathers learned from this history and how they applied these lessons during the course of their constitutional development. In section I, the thesis will focus on John Adams and analyze how he used his knowledge of Swiss history and Swiss political institutions to defend the American system of government against the attacks of foreign critics. In section II, the focus will shift to James Madison and examine his study of Swiss history to support his cause to strengthen the central government of the United States. In section III, The thesis moves to Philadelphia and the Constitutional Convention and examines how the delegates used their knowledge of Swiss history and the Swiss government to strengthen their arguments in favor of strengthening the government or maintaining the confederation. In section IV, the focus turns to the battle for ratification in the states and examines how Federalists and Antifederalists used Switzerland as an example to support their arguments in favor of adoption, or rejection, of the Constitution.

The Swiss Confederation, as the Founding Fathers knew it in the late eighteenth century, was an intriguing entity to study. Like America, Switzerland was a confederation of republics. The National legislature, the Swiss Diet, like

the Continental Congress was organized on the basis of republican principles with each member state having an equal representation in the Diet. Also, the individual cantons possessed equal status vis-a-vis the central government. In addition to the thirteen cantons who were full members, the Swiss confederacy consisted of fourteen associate members of varying status as well as number of jointly administered territories called common bailages.¹¹

The governments of the individual Swiss cantons were, perhaps, even more interesting than the government of the Swiss confederacy because no two cantons had the exactly same form of government. In general, the rural cantons were more democratic than urban cantons like Bern and Zurich. Rural cantons had still managed to retain their citizens' assemblies(landsgemeinden), in which all male citizens of voting age would gather to decide important questions by a majority vote. Urban cantons did not have this institution and were thoroughly dominated by oligarchic elites. Bern and Zurich were the most powerful cantons and they tended to dominate the affairs of the confederacy.

The Founding Fathers were aware of all of these features of the Swiss Confederation. They recognized both the strengths as well as the shortcomings of the Swiss confederacy. They used this knowledge to support their views on government and their positions in the Constitutional debate.

In essence, the purpose of this work is to address an issue that has remained relatively ignored by current historical scholarship. Instead of concentrating on the military and political battles that shaped the development of the Early American Republic, this essay focuses on the role of one history, that of Switzerland, in shaping that development. The Founding Fathers attached an importance to history that is difficult for us, as modern people, to grasp. The Enlightenment faith in the utility of history was not an abstract concept to them but rather an integral part of their culture of communication. While history was a part of their process of communication and debate, they also deeply valued the lessons that history had to teach them. They were conscious not only of the utility of history within the context of debate but they were also aware of their place within its flow.¹² Perhaps Patrick Henry recognized the essential role of history best when he said:

I have but one lamp by which my feet are guided and that is the lamp of experience. I know of no way of judging the future but by the past(1775).¹³

NOTES TO INTRODUCTION

¹See Bernard Bailyn, *The Ideological Origins Of The American Revolution*(Cambridge, Mass: Belknap Press, 1992)321-79; and Gordon Wood, *The Creation Of The American Republic, 1776-1787*(Chapel Hill: University of North Carolina Press, 1969)128.

²See especially H. Trevor Colbourn. *The Lamp Of Experience: Whig History and Intellectual Origins of the American*

Revolution(Chapel Hill: University of North Carolina Press, 1965).

³For a detailed examination of the classical influences on the founding fathers see Paul Rahe, *Republics ancient and modern: classical republicanism and the American Revolution* (Chapel Hill: University of North Carolina Press, 1992).

⁴The only scholar who has examined this issue in any detail in an English language work is the Swiss historian Hans Guggisberg. For a general introduction to the role of the Swiss Confederation and the American Constitution see Hans Guggisberg, "The Confederations of the Netherlands and Switzerland and the American Constitution" in *German And American Constitutional Thought*(New York: Berg, 1990)70-6.

⁵For a good example of the propagandistic use of Swiss history to inspire revolutionary fervor among the American patriots see John Zubly, *The Law Of Liberty: A Sermon Containing a Short and Concise Account of the Struggles of Swisserland for Liberty*(Philadelphia, 1775)33-41.

⁶John Adams, *Defence Of The Constitutions Of Government Of The United States Of America* in *The Works Of John Adams*, 10 vols., Volume IV(Boston: Little and Brown, 1851).

⁷See Gordon Wood, *The Creation Of The American Republic: 1776-1787* and *The Radicalism Of The American Revolution*(New York: Vintage, 1991); Bailyn asserts in his foreword that the view that the American Revolution was a political, constitutional, ideological, and intellectual struggle has become out of step with current historical fashion. See Bernard Bailyn, *The Ideological Origins of the American Revolution*, x-xi; See also Forrest McDonald, *Novus Ordo Seclorum: The Intellectual Origins Of The Constitution*(Lawrence, Kansas: University Prss of Kansas, 1985).

⁸James C. Holt, in particular, exemplifies this almost romantic attachment to the study of the Magna Carta. See especially James C. Holt, *Magna Carta*(Cambridge: Cambridge University Press, 1992), and James C. Holt, ed., *Magna Carta and the ideal of liberty*(Malabar, Fla: R.E. Krieger, 1982).

⁹For a discussion of the influence of the Dutch Republic on the Founding Fathers see Jan Willem Schulte Nordholt, *The Dutch Republic and American Independence*(Chapel Hill: University of North Carolina Press, 1982); The most extensive examination of the influence of Switzerland on the American Constitution was performed by Swiss historian Paul Widmer. However, like most of the best literature on Switzerland, Widmer's article is in German. See Paul Widmer, "Der Einfluß der Schweiz auf die amerikanische Verfassung von 1787," *Schweizerische Zeitschrift fur Geschichte* 38(1988): 359-89; For an examination of the American influence upon the Swiss constitution see Myron L. Tripp, *Der schweizerische und der amerikanische Bundesstaat*(Zurich, 1942).

¹⁰Alexander Hamilton, John Jay, and James Madison, *The Federalist Papers*(New York: Bantam, 1982) ed. by Garry Wills.

¹¹For a more detailed comparison of the Swiss Confederation and the American Confederation see R.R. Palmer, *The Age Of The Democratic Revolution*, 2 vols, Volume II(Princeton: Princeton University Press, 1964)395-8.

¹²McDonald, *Novus Ordo Seclorum*, 5-7.

¹³Quoted in Colbourn, *The Lamp Of Experience*, 1.

I. JOHN ADAMS AND THE SWISS EXPERIENCE

In the immediate aftermath of the beginning of the American Revolution, one of the key questions that confronted the American patriots was the question of how to organize their governments. Both at the state and at the national level, the question of how to organize the government was a dilemma that deeply confounded the Founding Fathers. Although their British colonial heritage as well as their revolutionary ideology guaranteed that their new governments would be republican in nature, this heritage did not provide them with any clear guidance on how their new republics should be organized or how they should operate. It was within this context of political, intellectual, and experiential vacuum, that the Founding Fathers, in general, and John Adams, in particular, sought to grapple with these complex questions about government.

In many ways, John Adams was both an important intellectual proponent as well as the greatest defender of the American system of government during the period of the Articles of Confederation. Between the years 1776 and 1787, Adams wrote extensively on the subject of government. Not surprisingly, Adams, like many of his contemporaries, familiarized himself with the governmental systems of the contemporary European republics, including those of the Swiss cantons. In order for us to see better what lessons he drew

from the Swiss experience, we need to examine first his early ideas about government. Next, we will analyze how the American system of government, as it exemplified Adams's ideas, came under serious attack by some foreign critics. Finally, we will examine how Adams drew upon the example of the Swiss cantons to defend the American system of government.

Unlike many of his colleagues, Adams perceived many problems early on with a simple democratic form of government in which all governmental powers were concentrated in a single, representative assembly. Although many European intellectuals as well as some American revolutionaries thought that all governmental powers, including the legislative, executive, and judicial, should be concentrated into a single, representative assembly, Adams did not agree with this position. Adams expressed his concerns about this form of simple democracy in his widely circulated "Thoughts On Government" of January, 1776. Adams foresaw many problems with such a system. He observed that:

A single assembly is liable to all the vices, follies, and frailties of an individual; subject to fits of humor, starts of passion, flights of enthusiasm, partialities, or prejudice, and consequently productive of hasty results and absurd judgments.¹

Not only did Adams fear that the assembly would be subject to individual frailties, but he also recognized that the

assembly would be unable to exercise executive powers. He noted that:

A representative assembly, although extremely well qualified, and absolutely necessary, as a branch of the legislative, is unfit to exercise the executive power, for want of two essential properties, secrecy and despatch.²

The assembly would also be incapable of exercising judicial powers, Adams thought, "because it is too numerous, too slow, and too little skilled in the laws."³ Adams's greatest fear, however, was that:

...a single assembly, possessed of all the powers of government, would make arbitrary laws for their own interest, execute all laws arbitrarily for their own interest, and adjudge all controversies in their own favor.⁴

Not surprisingly, Adams promoted an alternative to the single assembly form of government. Adams advocated a council, elected out of the representative assembly, which would act as a second branch of the assembly capable of impeding the legislative efforts of the larger body. Both the council and the assembly would meet to elect a governor, which would exercise the executive power, with the consent of the council, and would have a negative upon the legislature. If the colonies chose to unite, however, Adams favored a fair and adequate representation of the states in a Congress with

limited authority confined to matters of war, intercolonial disputes, the post office, and unappropriated crown lands. In short, while Adams promoted a complex democratic form of republic for the individual states, he favored a confederation with a single assembly, a form of government remarkably similar to that of the Swiss Confederation, to unite the states.⁵

Very few of Adams's compatriots or his foreign contemporaries rejected his advocacy of a confederational government for the United States. It was not until after the American Revolution that confederacy began to fall out of favor. It was the complex democratic republican form of government, the governmental form which was adopted by the individual states, that received the harshest criticism. In particular Europeans like Baron Anne Robert Turgot, the French minister and reformer, was highly critical of the American states. In a letter to Dr. Richard Price in March, 1778, Turgot launched a serious attack upon the systems of government as that had been formed in the individual American states. To Turgot, the American system of government, in which each state had a house of representatives, a council, and a governor, represented an "unreasonable imitation" of the English system. He observed that:

I see in the greatest number(of states) an unreasonable imitation of the usages of England. Instead of bringing all the authorities into one, that of the nation,

they have established different bodies, a house of representatives, a council, a governor, because England has a house of commons, a house of lords, and a king. They undertake to balance these different authorities, as if the same equilibrium of powers which has been thought necessary to balance the enormous preponderance of royalty, could be of any use in republics, formed upon the equality of all the citizens...⁶

In fact, according to Turgot, this separated and balanced system of government was unjust not only because the laws produced under it was not the work of the entire nation (or its representatives) assembled, but that it also created distinctions of order and class. Turgot thought that the major reason that England possessed this similar balance was because of its complicated hierarchy of social classes, among which he included the royalty, the nobility, the clergy, and the commons. In a republic, like America, Turgot thought that maintaining a balanced system like the English system was unnecessary and also created the potential for the development of dangerous distinctions of class and order. Turgot felt that the best system of government for the American states would be a simple democracy in which all governmental powers were concentrated in a single, representative assembly. He concluded by observing that, "I am not satisfied, I own, with any constitutions which have as yet been framed by the different American States."⁷

To Adams, who was embroiled in supporting a revolution for liberty and justice, Turgot's letter of 1778 laid down a gauntlet. Not only was Turgot criticizing Adams's basic ideas about government but he also implied that the Revolution, instead of producing freedom and justice, was maintaining the defective forms of the British system of government. To Adams, Turgot seemed to be saying that the American people were no better off than they had been before the Revolution. From both an emotional and intellectual perspective, this was a challenge that Adams could not let go unanswered. Although Adams was delayed in responding to Turgot by his activities in support of the revolution and by his work abroad as an ambassador to England, by 1787 he began answering Turgot's critiques with his first volume of *A Defence Of The Constitutions Of Government Of The United States Of America*.

Adams began his defense by acknowledging the character and good intentions of European writers like Turgot. He observed that, "(t)hey all had the most amiable characters, and unquestionably the purest intentions."⁸ Indeed, Adams acknowledged that even some Americans shared their sentiments about government. The problem that Adams had with Turgot's critique was that it presupposed many things which he thought were irreconcilable with previous human experience. He noted that:

There are in the productions of all of them, among many

excellent things, some sentiments, however, that it will be difficult to reconcile to reason, experience, the constitution of human nature, or to the uniform testimony of the greatest statesmen, legislators, and philosophers...⁹

Adams asserted that the democracy of the Turgot, the "simple and perfect democracy," had "never yet existed among men."¹⁰ Thus, Adams determined to prove that the simple democracy that Turgot advocated was an unrealistic idea that could not be reconciled with human reason and human experience.

In order to achieve this task, Adams devoted his first three chapters to examining the governmental systems of all the contemporary republics. In particular, Adams examined the governments of all the individual Swiss cantons in great detail. In fact, sixteen of the twenty-six modern examples of republics that Adams examined were Swiss cantons. Ironically, Adams drew heavily upon a European republican tradition, that of Switzerland, in order to refute the criticism of the European Turgot. In all of the governments of the Swiss cantons, Adams asserted, "...there is neither a simple democracy, nor a simple aristocracy among them."¹¹ Adams classified all the cantons as being either democratic or aristocratic republics. The democratic republics were the cantons that had retained both the forms and practice of direct democracy. The aristocratic republics were the cantons that had nominally retained republican forms but had,

in practice, become increasingly dominated by a local aristocracy. Among the democratic republics, Adams included the rural cantons of Appenzell, Underwald, Glarus, Zug, Uri, Schwyz, and The Grisons. Among the aristocratic republics, Adams included the rest of the Swiss cantons, most notably the cantons of Bern and Zurich. In order to see better how Adams used the examples of the Swiss cantons to answer Turgot's criticism of the American system of government, we need to examine a representative example of a democratic canton and a representative aristocratic canton.

Adams's appraisal of the canton of Glarus, in particular, allows us to see some of the lessons that he was able to draw from the democratic republics of Switzerland. Adams, in general, praised the high quality of life enjoyed by the inhabitants of Glarus. He observed that:

The inhabitants live together in a general equality and most perfect harmony, even those of the different persuasions of catholics and protestants...¹²

He also noted, with approval, that, in Glarus, "(l)iberty does not degenerate into licentiousness."¹³ All of these factors were results that Adams tended to attribute to the form of government in Glarus.

At first glance, the government of Glarus appeared to fit Turgot's conception of a simple democracy in which all governmental power was concentrated in a single, representative assembly. Adams observed that:

It is true, that the sovereign is the whole country, and the sovereignty resides in the general assembly, where each male of sixteen, with his sword at his side, has his seat and vote.¹⁴

However, the government of Glarus, Adams argued, was not a simple democracy. He observed that:

...it(Glarus) has a first magistrate in a *Land-Amman*, who is the chief of the republic, and is chosen alternately from among the protestants and from among the catholics.¹⁵

In addition to the Land-Amman, who functioned as the chief executive, Glarus also had a senate, which was composed of the Land-Amman, another official called the stadtholder, and sixty senators elected from subdistricts called tagwen or corvees.¹⁶

Consequently, the government of Glarus, like the governments of all the democratic cantons, was not a simple democracy but rather a mixed government. As Adams observed:

Instead of a simple democracy, it is a mixed government, in which the monarchichal power in the Land-amman, stadtholder, or proconsul, the aristocratical order in the senate, and the democratical in the general assembly...¹⁷

To Adams, this mixed system of government that existed in Glarus only reinforced his view that Turgot's conception of simple democracy was unrealistic. Adams did have some

misgivings about the power of the senate within the system of Glarus. He feared that if the canton greatly expanded in territory or numbers, the senate would pose a serious threat to the people.¹⁸ In general, however, the balance of power inherent in the system of government of Glarus, only supported Adams's belief that a balance of power among separate branches of government was a necessary feature of republican government.

The canton of Zurich provides a useful example of the lessons that Adams learned from the aristocratic republics of Switzerland. Like all the other aristocratic cantons, citizenship and sovereignty were severely restricted in Zurich. Adams noted that:

Although there are twelve thousand souls in the capital, and one hundred and fifty in the canton, there are not more than two thousand citizens.¹⁹

In addition, he observed that, it had been a hundred and fifty years since a new family had been added to the citizenship rolls. The sovereignty for the canton of Zurich resided in the city of Zurich, and in its two burgomasters, its little council of forty-eight members, and in its grand council of one hundred and sixteen members.²⁰ This situation, Adams recognized, had destructive consequences for the republic. He pointed out that:

...they(the citizens of the City) have maintained a monopoly of the commerce, and excluded all strangers,

and even the subjects of the canton, from conducting any in the town. Such are commons, as well as nobles and princes when they have power unchecked in their hands!²¹

Not surprisingly, Adams did not have much difficulty in explaining the source of the inequality and exclusiveness of the canton of Zurich. For Adams, the root of these problems lay in the system of government. At first glance, the system of government of Zurich did not appear to conform to Turgot's model of simple democracy. Legislative authority was vested in the grand council of two hundred and twelve, including the senate. The senate, although a part of the grand council, possessed judicial authority in criminal and civil cases. However, in spite of its apparent complexity, legislative, judicial, and executive powers all resided in or were closely connected to the senate.²² Adams observed that:

The admission of such senates to a participation of these three kinds of power, has been generally observed to produce in the minds of their members an ardent aristocratical ambition, grasping equally at the prerogatives of the first magistrate, and the privileges of the people, and ending in the nobility of a few families, and a tyrannical oligarchy.²³

To Adams, the resulting state of affairs in Zurich demonstrated the greatest flaw in Turgot's notion of simple democracy. The very concentration of so much power in the

senate had rendered it an aristocratic body with the power and determination to maintain an aristocratical order through tyrannical oligarchy. Through Zurich and the other aristocratic republics of Switzerland, Adams was able to find experiential evidence to justify the separation of powers inherent in the American system of government.

Therefore, Adams concluded that all the authorities of government, particularly the legislative and executive authorities, are intrinsically opposed and should be kept separate from each other. He concluded by arguing:

...that the legislative and executive authorities are naturally distinct; and that liberty and the laws depend entirely on a separation of them in the frame of government...²⁴

To this end, Adams favored an executive negative, or veto, upon the legislature in order to allow the executive to defend itself from encroachments by the stronger legislative authority.²⁵

Clearly, Adams made effective use of the Swiss republican experience to refute Turgot's critique of the American system of government. By analyzing the democratic cantons, the cantons which Americans would most likely want to emulate in forming their new governments, Adams was able to show that none of these cantons possessed the simple democratic governments that Turgot advocated but rather that they had mixed systems of government in which the

legislative, executive, and judicial powers were separated like they were in the American states. By carefully examining the aristocratic cantons, the cantons which Americans would not want to imitate, Adams was able to argue that simplistic forms of republican government in which all governmental powers were concentrated in a single representative assembly, like that which was advocated by Turgot, lead ultimately to tyranny and injustice.

Yet Adams and his compatriots were left with some problematic issues. The balanced system of government with distinct separation of powers which was necessary to maintain liberty and freedom in the individual states did not exist at a federal level in the United States. Although Adams stated that it was the decision of the American people to delegate limited federal authority to a single Congress,²⁶ he was still left in a difficult position. The very lessons that he imparted from his defense of the individual state governments could have been used to condemn the government of the confederation. Adams tried to extricate himself from this position by classifying the American Congress as a diplomatic assembly which did not have true legislative powers.²⁷ Adams did admit that it might be necessary to delegate additional powers to Congress, in particular matters concerning foreign affairs, foreign commerce, and commerce between the states.²⁸ However, by adding these powers to Congress, one could argue that the act of concentrating these powers in one assembly

would create the potential for tyranny. Adams recognized this problem, and urged the American people to be cautious in making any changes to their Confederation.²⁹ However, Adams was not destined to lead the efforts to change the system that he was defending. That role fell to James Madison and the members of the Philadelphia Convention who would draw the next series of lessons from the Swiss experience.

NOTES TO SECTION I

¹John Adams, "Thoughts On Government" in *The Works of John Adams*, 10 vols., Volume IV, ed. by Charles Francis Adams (Boston: Little and Brown, 1851)195.

²Adams, *Works Of John Adams*, Volume IV, 196.

³Ibid. 196.

⁴Ibid.

⁵Ibid. 196-200.

⁶M Turgot, "Extract of A Letter to Dr. Richard Price", in *The Works Of John Adams*, 10 vols., Volume IV, 279.

⁷Ibid. 278-9.

⁸John Adams, *A Defence Of The Constitutions Of Government Of The United States Of America* in *The Works Of John Adams*, 10 vols., Volume IV, 299.

⁹Ibid. 299-300.

¹⁰Ibid. 301.

¹¹Ibid. 313.

¹²Ibid. 318.

¹³Ibid.

¹⁴Ibid. 319.

¹⁵Ibid; Italics indicate Adams's emphasis.

¹⁶Ibid. 319-20.

¹⁷Ibid. 320.

¹⁸Ibid. 320.

¹⁹Ibid. 339.

²⁰Ibid.

²¹Ibid.

²²Ibid. 339-40.

²³Ibid. 379.

²⁴Ibid. 579.

²⁵Ibid.

²⁶Ibid.

²⁷Ibid.

²⁸Ibid. 580.

²⁹Ibid.

II. JAMES MADISON

James Madison was, with the possible exception of John Adams, the most avid student of Swiss history and Swiss political institutions of his generation. Of all the delegates at the Philadelphia Convention, Madison possessed the greatest familiarity with Swiss governmental structures, Swiss politics, and Swiss history. The effort and the extent to which Madison collected information about Switzerland and used it to strengthen his arguments reveals much about the Enlightenment faith in the utility of history.¹

During the mid-1780s, Madison's efforts to obtain a revision of the Articles of Confederation were paralleled by his own scholarly research on the natures of past and present confederacies. As early as 1784, Madison determined to acquire every relevant work on confederacies. He observed that, "(t)he operations of our own must render all such lights of consequence."² Madison gave Jefferson, who served as his agent in Europe, a commission to purchase all the relevant works. By January 1786, Madison had received two trunks of books from Jefferson. Following the adjournment of the Virginia Assembly in that year, Madison began a systematic examination of this literary cargo.³

When Madison began his study of the Swiss Confederation, he consulted Abraham Stanyan's *An Account of Switzerland*, a traditional source which was widely available

in America and used by Madison and his contemporaries as a primary source for knowledge about Switzerland.⁴ Another work that Madison used, in addition to Stanyan, which was also commonly available in America, was William Coxe's *Sketches of Swisserland*.⁵ While Madison relied on Stanyan and Coxe, he also made extensive use of European works purchased for him by Jefferson which were not widely available in America. Madison relied heavily on Felice's *Code de l'Humanitie*, d'Albon's *Discours*, and the *Dictionnaire géographique, historique, et politique de la Suisse* in his researches on Switzerland, all works that he had obtained through Jefferson.⁶ In fact, a good portion of Jefferson's trunks, some nineteen volumes, dealt with Switzerland and the other confederacies of Europe. With the possible exception of Adams, Madison made the most thorough and accurate analysis of Switzerland of all his contemporaries. However, this is no great surprise. Unlike most of his contemporaries, who had to rely primarily on Stanyan, Coxe, or pamphlets for their information about Switzerland, Madison was able to supplement these sources with French language works which were not widely available in America. Clearly, Madison possessed better information about Switzerland than most of his contemporaries.⁷

Although Madison's notes on the Swiss confederacy were somewhat random in their nature, a careful examination of them allows us to obtain a better idea of what features and

issues he thought were of relevance to the American situation. Madison noted several key aspects of the Swiss Confederacy from his readings. From Felice, he acknowledged the equality of representation of all the cantons in the General Diet. However, this observation was tempered by what Madison learned from d'Albon--that all public affairs were not handled in the General Diet but in the separate assemblies of the Protestant and Catholic cantons.⁸ No doubt this inability of the Swiss Diet to handle the public affairs of the confederacy reminded Madison of the American Congress which was seeing its prerogative in resolving the public affairs being absorbed by the legislatures of the individual states. Madison also noted the absences of a common coin, a common Treasury, and a common Judiciary.⁹ Madison must have felt a profound sense of *deja vu* as he read this information because all of these issues, the currency, the Treasury, and the Judiciary, were institutions that were either absent in the American Confederacy or that enjoyed a very problematic existence. The only institution that Madison saw as being truly national, the Swiss federal army, was no more than a plan of defense adopted among the allied cantons in the event of an attack.¹⁰ Another similarity that Madison noticed between the Swiss Confederation and the American Confederation was the high degree of sovereignty that the member states enjoyed. Madison noted that:

The cantons individually exercise the right of sending

and receiving ambassacors--making Treaties--coining money--proscribing the money of one another--prohibiting the importation and exportation of merchandise --furnishing troops to foreign States, and doing everything else which does not wound the liberty of another canton.¹¹

Madison recognized that a strong relationship existed between the degree of sovereignty held by the member states and the effectiveness of the central government. In his letter to Jefferson after the Philadelphia Convention, he acknowledged that a strong parallel between the Swiss Confederacy and the American Confederacy existed in that both confederacies lacked a controlling authority by which the central government could defend itself against the encroachments of the member states.¹²

Madison saw other problems with the workings and structures of the Swiss Confederation. He did not like the disparities in the sizes of the cantons. Bern and Zurich dwarfed the other cantons in territory and population. Like Adams, Madison noted the different forms of government that existed in the various cantons. While some of the cantons, most notably rural cantons like Uri, Schwyz, and Glarus, had retained the forms and practices of direct democracy, cantons like Bern and Zurich had become increasingly dominated by aristocracies. Of all the confederacies that Madison examined, the Swiss confederacy was the only one in which all

the cantons possessed different forms of government and the only one in which some cantons were republican and others were aristocratic. Madison's dislike of this feature was so strong that it may have influenced his support of a provision in the Constitution to guarantee a republican form of government to the states.¹³ Madison also noted the religious intolerance that existed in the Swiss Confederacy. From d'Albon, he learned that tensions were so high between the Protestant and Catholic cantons that the public affairs were not being handled in the General Diet but rather in the particular assemblies of the Protestant and the Catholic cantons.¹⁴

The chief feature of the Swiss Confederacy that Madison disliked the most, however, was the weakness of its Union. Not even the common bailages, the common territories held by the cantons were sufficient to cement the union. Like the western territories in the United States, these territories were the cause of much contention among the cantons. Madison found the strongest proof of the weakness of the Swiss Union in its treaty with Victor Amadeus of Savoy. This treaty stipulated that the House of Savoy would act as mediator in disputes among the cantons, using force if necessary, to enforce its judgment. Madison called this treaty "a striking proof of the want of authority in the whole over its parts."¹⁵

For Madison, this deficiency of the Swiss Confederation, the absence of a controlling power by which the central government could check the subordinate governments, represented the greatest weakness of all confederacies. He noted that:

The want of some such provision seems to have been mortal to the ancient Confederacies and to be the disease of the modern.¹⁶

From his study of confederacies, in general, and Switzerland, in particular, Madison concluded that it was necessary to vest a negative power in the National legislature by which it could veto state laws and thereby prevent encroachments from the state governments on the national government. It was with this view in mind that Madison fought for this provision at Philadelphia.¹⁷

The most important lesson that Madison drew from his study of Switzerland and the other confederacies was that confederacies were fragile creatures, tending toward either dissolution or impotency. And, in the absence of corrective reforms, Madison believed that a similar fate was in store for America. Even after the Constitutional Convention, when his provision for a legislative veto over state laws failed, Madison feared that a similar fate would befall America. In a letter to Jefferson, he observed that:

It may be said that the new Constitution is founded on different principles, and will have a different operat-

ion. I admit the difference to be material. It presents the aspect rather of a feudal system of republics, if such a phrase may be used, than of a Confederacy of independent States. And what has been the progress and event of the feudal Constitutions? In all of them a continual struggle between the head and the inferior members, until a final victory has been gained in some instances by one, in others, by the other of them.¹⁸

Even though this greatest fear did not happen, throughout his lifetime Madison remained aware of the precarious nature of the American experiment with republican government.

In the years ahead, Madison often referred to his notes on the confederacies. He first made use of this information near the end of 1786 in the Virginia Legislature to support his arguments in favor of strengthening Congressional powers to regulate commerce.¹⁹ Madison also referred to his notes at the Constitutional Convention. He also made extensive use of them in writing essays for the Federalist. Finally, he used this information to answer the arguments of Antifederalists like Patrick Henry in the Virginia Ratification Convention. The next two years would find Madison and many others constantly referring back to the example of the Swiss confederacy to bolster their arguments in favor of either strengthening the central government or

maintaining the Confederacy. This period of struggle and reexamination began at Philadelphia.

NOTES TO SECTION II

¹Editorial comment, Rutland et al eds., *The Papers Of James Madison*, Multiple volumes, Volume IX(Chicago: University of Chicago Press, 1975)3-4.

²Madison to Thomas Jefferson, 16 March 1784, Rutland et al eds., *The Papers Of James Madison*, Multiple volumes, Volume VIII(Chicago: University of Chicago Press, 1973)11.

³Ibid. and Madison to Jefferson, 22 January and 18 March 1786, Rutland et al eds., *The Papers Of James Madison*, Volume VIII, 472 and 501.

⁴Abraham Stanyan, *An Account of Switzerland, Written in the year 1714...*(London, 1714); Stanyan's work was the definitive English language work on Switzerland at that time. In both Madison's list of books that he recommended for a congressional reference library, and in Colbourn's appendix of library and bookseller catalogues, Stanyan's work is the only one listed. See Hutchinson et al, eds., *The Papers of James Madison*, Multiple volumes, Volume VI(Chicago: University of Chicago Press, 1969)84 and Colbourn, *The Lamp of Experience*, 199-232.

⁵William Coxe, *Sketches of the Natural, Civil, and Political State of Swisserland*(London, 1779); that Coxe's work was widely available in America cannot be disputed. Both Federalists and Antifederalists cited him as an authority. For example, see Herbert Storing, ed., *The Complete Anti-Federalist*, 7 vols., Volume V(Chicago: University of Chicago Press, 1981)47.

⁶Fortune Barthelemy de Felice, ed., *Code de l'Humanitie*, 13 vols(Yverdon, 1778); Claude Camille Francois, Conde d'Albon, *Discours sur l'histoire, le gouvernement, les usages, la litterature & les arts, de plusieurs nations de l'Europe...*, 3 vols(Geneva, 1782); *Dictionnaire geographique, historique et politique de la Suisse...*(2 vols in 1; Neuchatel, 1775).

⁷To get a better idea of what books were available in America at this time see Hutchinson, Rachal et al eds., *The Papers Of James Madison*, Multiple volumes, Volume VI, 65-115, and Colbourn, *The Lamp of Experience*, 199-232.

⁸Rutland et al eds., *The Papers Of James Madison*, Multiple volumes, Volume IX, 8-9.

⁹Ibid. 10.

¹⁰Ibid.

¹¹Ibid.

¹²Madison to Jefferson, 24 October 1787, Rutland et al eds., *The Papers Of James Madison*, Multiple volumes, Volume X(Chicago: University of Chicago Press, 1977)209-10.

¹³Rutland et al eds., *The Papers Of James Madison*, Multiple volumes, Volume IX, 11; For more on Madison's support of a provision to guarantee republican government to the states see James Madison, *Notes Of Debates In The Federal Convention of 1787 Reported By James Madison*(Athens, Ohio: Ohio University Press, 1987)320-22.

¹⁴Rutland et al eds., *The Papers Of James Madison*, Multiple volumes, Volume IX, 9 and 11.

¹⁵Ibid. 11.

¹⁶Madison to Jefferson, 24 October 1787, Rutland et al eds., *The Papers Of James Madison*, Multiple volumes, Volume X, 210.

¹⁷Ibid. 209, and *Notes of Debates In The Federal Convention* 304-5 and 518-9.

¹⁸Madison to Jefferson, 24 Oct. 1787, Rutland et al eds., *The Papers of James Madison*, Multiple volumes, Volume X, 210.

¹⁹Rutland et al eds., *The Papers Of James Madison*, Multiple volumes, Volume IX, 153.

III. THE SWISS AT PHILADELPHIA

By May 1787, the future of the American Confederation appeared to be in doubt. Both recent events, such as Shays's Rebellion in Massachusetts, as well as eleven years of enduring the Articles of Confederation, had convinced a large number of Americans that the Articles needed mending. Congress was persuaded to call for a convention to meet at Philadelphia to revise and amend the Articles of Confederation.

The key issue that confronted the delegates at Philadelphia was whether they should simply reform the Articles of Confederation by granting further powers to Congress or whether they should completely depart from the Articles to create a completely new, national government for America. Given their faith in the utility of past experience, the delegates probed historical precedents to guide their deliberations as well as to provide support for their reasoning. It was within this context of deliberation over the question of whether to maintain a confederative or adopt a consolidated federal government, that most of the references to the Swiss Confederation were made at the Constitutional Convention.¹

All the references and allusions to the Swiss confederacy occurred during the early, formative stages of the Convention between May 28 and June 28, 1787. During this

crucial period, the Convention debated and amended the Virginia Plan, which called for a strong central government. In addition, they also considered the New Jersey Plan, which, while it included some reforms, basically maintained the same structure of government that had existed under the Articles of Confederation.² When the Convention rejected the New Jersey Plan in favor of the Virginia Plan on June 19th, the Rubicon was crossed.³ In essence, it was during this period that the Convention defied its mandate to revise the Articles of Confederation and charted the beginnings of what became the Constitution.⁴

Charles Pinckney, of South Carolina, made the earliest references to Switzerland in his draft of a plan of government which he presented to the Convention on May 29th. Pinckney's greatest fear was that the government of the United States would degenerate into anarchy and despotism. His pessimism was rooted in his understanding of history. Anarchy was, for Pinckney, "...the fate of all the ancient, and probably will be, of all the modern Republics."⁵ Pinckney saw a sequential degeneration in the histories of all confederacies beginning with order, and then declining to licentiousness; from licentiousness the sequence degenerated to anarchy and from anarchy to despotism.⁶ This progression, Pinckney understood, resulted from the turbulences caused when the member states refused to obey the central government. For Pinckney, disputes of this type, between the

"Federal Head" and the member states, had permitted foreign powers to intervene and subvert the ancient confederacies of Greece. Although Pinckney considered Switzerland to be one of the few Republics left in Europe, he predicted that it would suffer a fate similar to that of the Greek confederacies. He observed that:

The Helvetic and Belgic Confederacies, which, if we except the Gryson league, are the only Governments that can be called Republics in Europe, have the same vices with the ancients. The too great and dangerous influence of the parts--an influence, that will sooner or later subject them to the same fate.⁷

In this view, he was absolutely right.⁸

The most prominent references to Switzerland at the Convention occurred between June 18th and June 20th. During these days, the Convention considered whether it would continue with the Virginia Plan as the basis for its agenda or reject it in favor of the New Jersey Plan. At this crucial juncture of the Convention, Alexander Hamilton, James Madison, and James Wilson offered their insights on the nature of the Swiss Confederacy.

Alexander Hamilton, in a speech delivered on June 18th to the Convention, lamented that an interest in supporting the federal government did not exist among the citizenry of the states. Clearly, the state governments exercised a greater influence than the federal government over their

citizens. By influence, Hamilton did not mean corruption but "... a dispensation of those regular honors and emoluments which produce an attachment to the government."⁹ Hamilton felt that the state governments so outweighed the federal government in influence over the citizens that all the passions of greed, ambition, and interest fell "...into the current of the States, and do not flow in the stream of the General government."¹⁰ Hamilton thought that these passions would be more than a match for the General government and thereby "...render any confederacy in its very nature precarious."¹¹

Switzerland only confirmed this view for Hamilton. He noted that "(t)he Swiss cantons have scarce any Union at all, and have been more than once at war with one another..."¹² The only way to avoid this evil, Hamilton concluded, was to create a General government so strong that it would have these passions, interests, and ambitions on its side. With this view in mind, Hamilton proposed a plan for a national government which was much stronger than his colleagues could accept.¹³

James Madison, following Hamilton on June 19th, noted that the member states of confederacies tended to usurp the powers and responsibilities of the central government. He felt this was a problem common to all confederacies, ancient and modern. Madison criticized the New Jersey Plan, which maintained many features of the Articles, because it did not

...prevent encroachments on the federal authority...

A tendency to such encroachments has been sufficiently exemplified among ourselves, as well as in every other confederated republic ancient and modern.¹⁴

Madison then cited Switzerland as being a representative example of this tendency. Madison also made a note of the intrigues that had been practiced "...among the Swiss by Austria, France, and the lesser neighboring powers..."¹⁵ Madison felt that the New Jersey Plan, by:

...not giving to the general Councils any negative on the will of the particular States, left the door open for the like pernicious machinations among ourselves.¹⁶

In total, Madison used references to the Swiss Confederation to support two of his six major arguments against the New Jersey Plan. While it may be difficult to estimate the importance of Madison's references to the Swiss confederacy within the context of his speech, the importance of his speech on this day cannot be overestimated. Shortly after he finished speaking, the Convention voted to reject the New Jersey Plan in favor of the Virginia Plan.¹⁷

James Wilson, of Pennsylvania, was the next to share his views about the Swiss Confederation. Speaking on June 20th, Wilson rose to answer the objections of Connecticut's Roger Sherman and New Yorker John Lansing who saw no need for a bicameral legislature in a confederacy of states. Wilson disagreed with Sherman and Lansing and urged the necessity of

having two branches in the National legislature.¹⁸ Just because none of the other previous confederacies did not have a bicameral legislature, did not, in Wilson's view, make a bicameral legislature unnecessary for America. Wilson then noted:

...that if a proper model were not to be found in the other Confederacies it was not to be wondered at. The number of them was small and the duration of some at least short.¹⁹

The Swiss Confederacy, Wilson thought, was clearly not a suitable model for America to follow. The Swiss Confederacy, Wilson observed, was:

...not held together by any vital principle of energy but by the incumbent pressure of formidable neighboring nations.²⁰

Only the continental balance of power, Wilson argued, had allowed Switzerland to enjoy a long existence. The only valuable lesson that Wilson saw in the experience of the Swiss Confederation was that it only confirmed the necessity of replacing the American Confederation with a stronger form of government.

Only George Mason, of Virginia, and Luther Martin, of Maryland, had anything good to say about Switzerland. Mason, echoing earlier revolutionary propaganda, praised the Swiss love of freedom and country,²¹ qualities which could not be directly attributed to the Swiss form of government. Luther

Martin noted, with approval, the equal status that the individual cantons enjoyed in the Swiss confederacy. Yet even the Antifederalist Martin acknowledged that there were defects in the Swiss confederacy. Like Adams and Madison, Martin recognized the disparities in the sizes of the cantons. He noted that, "Bern alone might usurp the whole power of the Helvetic confederacy..."²² Thus, while Martin extolled the virtues of the Swiss confederacy, even he acknowledged that there were problems with it.

In general, while most of the delegates may have admired the Swiss people, they did not hold a similar admiration for the Swiss government. Most shared Charles Pinckney's view that America was unique in her situation, differing sharply from that of the rest of the world.²³ The delegates knew that they were creating something new at Philadelphia. Europe, whether it meant England or Switzerland, could be of little help to them as a model.²⁴

Martin's speech on June 28th, contained the last of the references made to Switzerland at the Convention. The lessons that the delegates had drawn from Switzerland had ended. The most important lesson that the Convention was able to draw from Switzerland and the other confederacies was that confederacies were unstable forms of government. The experience of Switzerland only reinforced for the majority of the delegates the necessity of framing a much stronger form of government. Consequently, the Convention moved out from

under the shadow of history to create a government for the future. Nevertheless, the final round of examination of the Swiss experience was yet to come. In the next couple of years, both the Federalists and the Antifederalists would draw upon the example of Switzerland to support their arguments in favor of ratifying or rejecting the Constitution.

NOTES TO SECTION III

¹For a good discussion of how history was both a limiting and guiding factor at the Convention see Forrest McDonald, *Novus Ordo Seclorum*, 5-7.

²Madison, *Notes Of The Debates In The Federal Convention*, 28-211; For good secondary accounts of the events that occurred in the Convention during this time see Catherine Drinker Bowen, *Miracle at Philadelphia: The Story of the Constitutional Convention May to September 1787* (Boston: Little and Brown, 1986) 1-127, and Clinton Rossiter, *1787: The Grand Convention* (New York: MacMillan, 1966) 159-184.

³Madison, *Notes Of The Debates In The Federal Convention*, 140-8.

⁴Clinton Rossiter argues persuasively that the early introduction of the Virginia Plan at the Convention gave reform-minded nationalists, like James Madison and James Wilson, the initiative which they never relinquished. However, the final break with the Articles of Confederation did not come until the Convention rejected the New Jersey Plan on June 19, 1787. See Madison, *Notes Of The Debates In The Federal Convention*, 140-8 and Rossiter, *1787: The Grand Convention*, 171-7.

⁵Max Farrand, ed., *The Records Of The Federal Convention Of 1787*, 4 vols., (New Haven: Yale University Press, 1937) Volume III, 115.

⁶Ibid.

⁷Ibid.

⁸In 1798, the French succeeded in taking advantage of internal dissensions among the Swiss cantons to conquer them with relative ease. For a more complete account of these events see R.R. Palmer, *The Age Of The Democratic Revolution*, Volume II (Princeton: Princeton University Press, 1964) 402-13 and Georg Thurer, *Free and Swiss: The Story of*

Switzerland(Coral Gables: University of Miami Press, 1971)80-4.

⁹Madison, *Notes Of The Debates In The Federal Convention*, 131.

¹⁰Ibid. 131-2.

¹¹Ibid. 132.

¹²Ibid.

¹³Ibid. 132-9; Clinton Rossiter has termed Hamilton's speech on June 18th as "an unreal interlude in a real struggle for power." What is certain is that Hamilton's speech provoked no response, favorable or unfavorable from the other delegates. For more on the repercussions of Hamilton's speech see Rossiter, *1787: The Grand Convention*, 177-8, and Bowen, *Miracle at Philadelphia*, 108-15.

¹⁴Madison, *Notes Of The Debates In The Federal Convention*, 142.

¹⁵Ibid. 145.

¹⁶Ibid.

¹⁷Ibid. 148.

¹⁸Ibid. 154-61.

¹⁹Ibid. 161.

²⁰Ibid. 161-2.

²¹Farrand, ed., *Records Of The Federal Convention*, Volume I, 112.

²²Ibid. 454.

²³Madison, *Notes Of The Debates In The Federal Convention*, 185.

²⁴Ibid. 161 and 185-7.

IV. THE BATTLE FOR RATIFICATION

Debates In The Press

Shortly after the Constitutional Convention closed on September 17, 1787, the product of its labor, the Constitution, was presented to the citizens of America. The Philadelphia newspapers printed the text of the document in their issues of September 19, 20, and 21. Within the next month, newspapers all over America published special editions to inform their readers.¹ Almost immediately after it was printed, the Constitution became the subject of many editorial responses, both from its opponents and its supporters. Using pseudonyms like "Cato," "Farmer," and "Publius," these writers voiced their opinions on the proposed Constitution. Not surprisingly, both Antifederalist and Federalist writers made extensive references to the Swiss Confederation in order to support their arguments in favor of rejecting, or adopting, the Constitution.

Among the earliest of the writers to voice his opinion on the proposed Constitution was a Pennsylvanian known only to posterity as "A Democratic Federalist." Writing in the *Pennsylvania Herald*, this citizen sought to refute an earlier speech given by James Wilson in support of the Constitution. While he took Wilson and the new Constitution to task for not providing explicit guarantees of basic liberties such as freedom of the press and trial by jury, his strongest

criticism of the new system was that it did not include any provision to prohibit the existence of a standing army in time of peace.² In his speech, Wilson had affirmed the basic utility of a standing military when he observed that

...I do not know a nation in the world, which has not found it necessary and useful to maintain the appearance of strength in a season of the most profound tranquility.³

Needless to say, the "Democratic Federalist" took exception with this claim. If by this statement Wilson meant that "there is no nation in the world without a standing army in time of peace, he has been mistaken."⁴ The "Democratic Federalist" then pointed to Switzerland, noting that Switzerland, like America, was a federal republic with thirteen sovereign members. He observed that Switzerland, surrounded by the most powerful nations in Europe, had been able to maintain her freedom by relying primarily on her militia. He then concluded by asking:

Why should we not follow so glorious an example, and are we less able to defend our liberty without an army, than that brave but small nation which with its militia alone has hitherto defied all Europe?⁵

Another Pennsylvanian Antifederalist, known to us only as "An Old Whig," made use of the Swiss confederative tradition to support his arguments in favor of maintaining the confederacy and rejecting the Constitution. For this

writer, the greatest fear was that the adoption of the Constitution would annihilate the separate governments of the several states, in effect creating an extended republic. He contended that, "(o)ne thing is evident--that no republic of so great magnitude ever did or ever can exist."⁶ He then pointed out that the decline of the Roman Republic ensued after it expanded its boundaries beyond Italy. Political philosophers and history, he argued, taught that republican government could only exist in a narrow territory. He feared that

From the moment we become one great republic, either in form or substance, the period is very shortly removed when we shall sink first into monarchy and then into despotism.⁷

According to this writer, however, there was an alternative to the Constitution that avoided this fate. He observed that

...a confederacy of different republics has, in many instances, existed and flourished for a long time together. The celebrated *Helvetian* league, which exists at this moment in full vigor, and with unimpair-
ed strength, while its origin may be traced to the confines of antiquity, is one among many examples on this head...⁸

In spite of religious differences and dissimilarities in the forms of government among the individual cantons, the Swiss

confederacy had stood the test of time because it was, in his words, "rightly organized." He concluded by urging that

A confederacy of republics must be the establishment in America, or we must cease altogether to retain the republican form of government.⁹

The Pennsylvanian Antifederalist writer known as "Centinel" also made effective use of the Swiss example to support his view that the Articles of Confederation could be an effective form of government for America. Writing in the *Independent Gazetteer*, he acknowledged that the Articles of Confederation had not been the perfect form of government. Instead of blaming the structure of the government as the Federalists did, "Centinel" believed that the current crisis was more a result of the prolonged struggle for independence. True, Congress experienced great difficulty in collecting requisitions from the states. "Centinel," however, thought that this problem was more a result of wartime impoverishment and not a desire to avoid paying the requisitions. He asked

...how then can we impute the difficulties of the people to a due compliance with the requisitions of Congress to a defect in the confederation, for any government, however energetic, in similar circumstances, would have experienced the same fate.¹⁰

Then "Centinel" cited Switzerland as an example of a stable confederacy to support his contention that the current

crisis was more a result of the war of independence. He observed that:

The thirteen Swiss Cantons confederated by more general and weaker ties than these United States are by the present articles of confederation, have not experienced the necessity of strengthening their union by vesting their general diet with further or greater powers.¹¹

In "Centinel"'s view, the Swiss confederative experience demonstrated that a confederacy could be a stable form of government and that the United States could pass through its current crisis without adopting the Constitution. Finally, "Centinel" concluded by reiterating that

I am persuaded that a due consideration, will evince, that the present inefficacy of the requisitions of Congress, is not owing to a defect in the confederation, but the peculiar circumstances of the times.¹²

Thus, through making a brief allusion to the Swiss experience, "Centinel" was able to support his argument that the problems that troubled America were more a result of the revolutionary war than of the structure of her confederacy.

Antifederalist writers in other states echoed the Pennsylvanian Antifederalists in their use of references to Swiss history and Swiss government to argue forcefully for maintaining the confederacy and rejecting the Constitution. A citizen of Rhode Island, known to us only as "A Newport Man," made particularly skilled use of allusions to the Swiss

Confederation to support his position. Writing in *The Newport Mercury*, "Newport Man" doubted the necessity of increasing the powers of Congress. He noted that, "(t)he Swiss Cantons for a hundred years have remained separate Independent States, consequently without any controlling power."¹³ The only internal conflicts that had occurred among the Swiss, he observed, were religious in nature. In conflicts of this type, he noted that, "...a supreme controlling power is no security against this..."¹⁴ Then, he observed that

...it has already been shown that we have delegated a more decisive power to our Congress than is granted by the Republic Swiss Cantons to their General Diet. These Republics have enjoyed peace some hundreds of years; while those governments which possess this decisive power, so much aimed at, are as often as twenty or thirty years, drawing their men from their plough and loom to be shot at and cut each other's throats for the honor of their respective nations.¹⁵

For "Newport Man," the choice was clear. We could either reject the Constitution and remain like the freedom-loving Swiss or adopt it and become more like the "warmongering," imperialistic nations of Europe.

In Maryland, another Antifederalist, known only as "A Farmer," also used the example of the Swiss Confederation to make his case for maintaining the confederation and rejecting

the Constitution. Writing in the *Maryland Gazette and Baltimore Advertiser*, he encouraged his fellow citizens to follow the example of the "happy Helvetians." Among the many qualities that the "Farmer" liked about the Swiss Confederation was the level of personal involvement that its citizens had in the workings of their government. He observed that, "(e)very Swiss farmer is by birth a legislator, and he becomes a voluntary soldier to defend his power and his property."¹⁶ The Swiss never entrusted power to representatives or a national government, "Farmer" argued. Instead, they exercised power as individual citizens in their local assemblies. After devoting a good deal of space to praising the Swiss people, "Farmer" continued by challenging Federalist claims that Switzerland was an unsuitable model for America. He noted:

But we are told that Swisserland, *should be no example for us*--I am very sorry for it--they are the only, the only part of the human species that sustain the dignity of character, belonging to the divine resemblance we bear,--*they are few in number it is said*--This is not true--they are more numerous than we are--*They cover a small spot of territory*--this also not true--they possess a large tract of country in the very heart of Europe--The Helvetic confederacy, including the three leagues of the Grisons comprehends one hundred perhaps two hundred, independent governments and States--nor is

there any reason from their history or present state to doubt, that the same plan of confederation might not be extended...¹⁷

"Farmer" exhorted his fellow citizens to be like the Swiss and reject the Constitution. He concluded by exclaiming

But still we are told we must not take example from them...They had better at once tell us, that we must desert the worship of God and follow that of the devil.¹⁸

Federalist writers also made references to Switzerland in their editorials to support their arguments in favor of adopting the Constitution. However, for the Federalists, unlike the Antifederalists, the Federalists viewed Switzerland as a negative example that was irrelevant to the American situation. In general, most Federalists shared views similar to that of New Jersey lawyer John Stevens, Jr. concerning the relevance of the Swiss experience for America. Writing as "Americanus" in the *Daily Advertiser*, Stevens noted that:

Experience has produced ample conviction in the minds of all of us, that a Federal Government, which admits of an independent Sovereignty in the states individually, can never be construed as to command the resources and bring into action the collective force of the nation. Indeed, had our situation been similar to that of the Swiss cantons, the inconveniences of such a

confederation would probably not have been greatly felt.¹⁹

America, Stevens asserted, was a much different country than Switzerland. Whereas Switzerland was a tiny, rugged, mountainous country in the heart of Europe, America possessed a coastline that extended over two thousand miles, encompassing a territory with a rich diversity in soil, climate, and people. America's circumstances, Stevens thought, demanded "...the most pressing necessity for the vigorous and unremitting exertions of a National Government."²⁰ He concluded by observing that

The Convention have certainly acted wisely in throwing the Confederation totally aside, and erecting in its place an entire new fabric.²¹

James Madison, writing as "Publius" in *Federalist 19*,²² offered the most extensive analysis of Switzerland by a Federalist. To some extent, Madison echoed earlier critiques that both he and Alexander Hamilton had made at the Constitutional Convention and in their private writings. Continuing on a line of thought expressed earlier by Hamilton at the Convention, Madison observed that

The connection among the Swiss Cantons scarcely amounts to a confederacy: Though it is sometimes cited as an instance of the stability of such institutions.²³

It cannot be denied that Madison, in writing *Federalist 19*, consulted his earlier notes on the Swiss confederacy. Both

the language he used as well as the vices he noted are remarkably similar to those that he made in his earlier notes. Developing an earlier theme about the absence of a Swiss national sovereignty he argued:

They have no common treasury--no common troops even in war--no common coin--no common judicatory, nor any other common mark of sovereignty.²⁴

If the Swiss Confederation lacked all common traits of sovereignty, what, then, did hold it together? Madison answered:

They are kept together by the peculiarity of their topographical position, by their individual weakness and insignificancy; by the fear of powerful neighbors, to one of which they were formerly subject; by the few sources of contention among a people of such simple and homogeneous manners; by their joint interest in their dependent possessions...and by the necessity of some regular and permanent provision for accommodating disputes among the Cantons.²⁵

The same forces that held Switzerland together, Madison thought, could not bind America together. America, as Madison and the other Federalists argued, did not share Switzerland's unique topographical and geopolitical situation.

Whatever use Switzerland had for comparison with the United States only confirmed for Madison the necessity of abandoning the Articles of Confederation. He observed that:

Whatever efficacy the Union may have had in ordinary cases, it appears that the moment a cause of difference sprang up, capable of trying its strength, it failed.²⁶

Madison noted that in three separate instances, religion had ignited violent disruptions that nearly destroyed the Swiss Confederation. Religious differences had even caused the Protestant and Catholic cantons to form their own, separate Diets. This left the General Diet with little business other than administering the common bailages held by all the cantons. Religious intolerance, Madison believed, had severely troubled Switzerland, leaving it with a weak Union and an uncertain future.²⁷

Clearly both Antifederalist and Federalist writers found justification for their arguments in the Swiss experience. Antifederalists found in Switzerland support for their central tenet that republican governments could only exist in small territories. As first generation republicans, they were conscious of the precarious nature of their experiment with republican government. The Swiss experience, as well as Montesquieu, taught them this lesson and encouraged them to resist the adoption of a Constitution which they believed would lead to tyranny. The other major lesson that Switzerland taught the Antifederalists was that a

Confederation could be a stable form of union. The prolonged existence of the Swiss confederacy enabled the Antifederalists to deny that the root of America's problems lay in the structure of her union. Like "Centinel," the Antifederalists used Switzerland to support their claim that America's problems resulted not from the weakness of her Confederation, but rather from the long struggle for independence.²⁸

Federalist writers, while they made fewer references to Switzerland than their Antifederalist brethren, also used Switzerland to support their arguments. Like Stevens, most Federalists used the uniqueness of the Swiss situation to deny the relevance of the Swiss experience to America. Confederacy, they could assert, might be all right for Switzerland but it was unacceptable for America. Some Federalists, like Madison, went further and used Switzerland to support their convictions that confederacies were inherently flawed forms of government and that America needed to replace the Articles of Confederation with a stronger form of government: the Constitution.

The debates in the press between the Federalists and the Antifederalists were but a prelude, however, to the debates that would occur in the state ratification conventions. There both sides would drop their pseudonyms and confront each other face-to-face. Both sides would again

appeal to the Swiss experience to support their cases in favor of or against the Constitution.

The Confrontation In The Conventions

The delegates at the Constitutional Convention knew that once they had won the battle to create a new Constitution, they would still have to fight to get it ratified. Consequently, they were very practical in defining the conditions necessary to put their new system of government in place. Instead of requiring that the new Constitution be ratified unanimously by all thirteen states in Congress, or that it would be ratified by the individual state legislatures of the thirteen states, they determined that the new Constitution would only go into effect when nine of the thirteen states ratified it in individual state ratification conventions. It was within the context of these conventions that the fate of the Constitution and the fate of a young nation was decided.

The debates within these conventions demonstrated the faith that the delegates had in the utility of history as a form of evidence to support their arguments. Since the key question of the debates was whether to depart from or maintain the Confederation, many of the historical references made in these debates dealt with Switzerland, one of chief contemporary examples of confederative government. By examining some of the references made to the Swiss

Confederation in these conventions, we can obtain a better sense of how the delegates' knowledge of history influenced the ratification process.

Pennsylvania was among the first states to convene a ratification convention to consider the Constitution. James Wilson, as the only member of the Pennsylvania convention who was present at the Constitutional Convention, was charged with the task of explaining why the Convention had produced such an innovative remedy, the proposed Constitution, to cure the ills of the nation. After acknowledging the magnitude of the occasion, Wilson explained that the circumstances of America demanded that the Convention consider a variety of options. As an eyewitness to the reasoning of the Convention, Wilson recalled that

...a federal republic naturally presented itself to our observation as a species of government which secured all the internal advantages of a republic, at the same time that it maintained the external dignity and force of a monarchy.²⁹

While a federal republic appeared to be a natural solution to a considerable problem, the Convention was still left with one great difficulty. Wilson acknowledged that "...while a federal republic removed one difficulty, it introduced another, since there existed not any precedent to assist our deliberations..."³⁰ Not even the Swiss Confederation offered any help to the delegates on this

matter. Wilson noted that the Swiss cantons "...cannot properly be deemed a federal republic, but merely a system of united states."³¹ Consequently, Wilson, through making a brief references to Switzerland as well as the other confederacies, was able to support his explanation to his fellow Pennsylvanians on why the Convention produced the Constitution. For Wilson, the reason that the Convention had produced the innovative, new Constitution was that no historical precedent, including that of the Swiss confederacy, was capable of providing a model for the delegates to use in creating the federal republic they deemed necessary to meet the needs of the nation.

In the Connecticut ratification convention, Oliver Ellsworth, like Wilson an eyewitness to the proceedings in Philadelphia, had to explain to his colleagues why the Convention had acted as it did. Ellsworth began his explanation by stressing the need for a union with coercive powers over the states. He argued that

A more energetic system is necessary. The present is merely advisory. It has no coercive power. Without this, government is ineffectual, or, rather, is no government at all.³²

To opponents who would have argued that other confederacies did not have coercive powers, Ellsworth demonstrated that, in some form or manner, most of them did. The Swiss Confederation, Ellsworth acknowledged, did not have

a coercive power in her governmental structure. However, the Swiss confederacy, Ellsworth argued, did not provide a relevant example for America. He observed that:

...their circumstances are far different from ours.

They are small republics...They have nothing to tempt an invasion. Till lately, they had neither commerce

nor manufactures. They were merely a set of herdsmen.³³

America, with its extensive territory, diversity in population, and its potential for commerce and industry was, in Ellsworth's view, in a very different situation from that of the Swiss. Thus, through making a brief reference to the Swiss Confederation to deny its relevance for the American situation, Ellsworth was able to support his argument that America needed a stronger government with coercive powers over its member states as well as explain to his colleagues the chief reason that the Federal Convention departed from the confederacy.

In South Carolina, Charles Cotesworth Pinckney performed a function similar to that of Wilson and Ellsworth. He, too, as a former member of the Federal Convention, had to explain to his fellow citizens why the Convention had repudiated the Articles of Confederation. He echoed Wilson in arguing that the Convention did not have any useful precedents to aid it in its deliberations.³⁴

Then Pinckney described the fundamental problem that confronted the framers of the new Constitution: how do you

frame a government for a large, diverse territory like the United States? All confederate republics, he noted, had encompassed narrow territories. There was no example of an extended confederate republic which the delegates could draw upon to assist their deliberations. All the ancient confederacies had covered small territories. While the Swiss Confederation could have been said to cover a relatively large territory in the heart of Europe, Switzerland, Pinckney argued could provide no precedent for America. Pinckney asserted that "(t)he Swiss Cantons are only connected by alliances."³⁵ In his view, the structure of the Swiss union was too weak to provide a model for the United States. Though Pinckney only refers briefly to the Swiss cantons, his allusions to the Swiss experience as well as the experiences of the other confederacies, enabled him to explain why the Convention had produced a new charter of government different from what had ever existed before. Clearly, Pinckney argued, historical precedents, including that of the Swiss cantons, only indicated the necessity of adopting a new form of government: the Constitution.

In general, most of the references that were made to the Swiss Confederation in the state ratification conventions were brief allusions that were designed to show why the Federal Convention had made such a radical departure from the Articles of Confederation. These references were situated within the context of speeches that revealed the immense

difficulties that confronted the framers, not the least of which was the lack of a suitable model to draw from in creating the new form of government. In the Virginia convention, however, the debates were more intensely contested and the references to the Swiss experience were much more extensive than any of those that were made in the other states.

By the time that the Virginia convention convened at Richmond in June 1788, the Constitution had been ratified by eight states. The New Hampshire convention was still considering the Constitution. Whatever the New Hampshire convention decided, however, there could be no Union without Virginia. Virginia was the source of a fifth of the national population as well as the supplier of some of the nation's best leaders. Had Virginia failed to ratify the Constitution, New York, Rhode Island, and North Carolina would certainly have followed her lead.³⁶ Also it would be difficult to imagine how the new government could have functioned deprived of the services of Washington, Jefferson, and Madison. Clearly, the stakes were high in Richmond during the month of June 1788.

The first reference to the Swiss Confederation at the Virginia convention was made by the great Antifederalist Patrick Henry. Although more than a decade had passed since Henry had cried "give me liberty or give me death," he still possessed a commanding presence as an orator. In a speech

given on June 5th, in which Henry offered a scathing denunciation of the new Constitution, he suggested that even if nine other states ratified the document, Virginia could still maintain friendly ties with those states without ratifying the Constitution. He argued that, "(t)he history of Switzerland clearly proves, (that) we might be in amicable alliance with those states without adopting this Constitution."³⁷ For Henry, the Swiss experience demonstrated that governments of dissimilar types, such as the democratic and aristocratic republics in the Swiss confederacy, might be confederated in a stable union. Henry clearly felt Virginia could reject the Constitution and still maintain her confederate ties with the states that did ratify it.

On June 6th, Edmund Randolph rose to respond to Henry's speech. Although Randolph had previously wavered in his views toward the Constitution, he supported at Richmond the document he refused to sign at Philadelphia. He chided Henry for his careless use of history and noted that, "...references to history will be fatal in political reasons, unless well guarded."³⁸ In Randolph's view, the fact that Switzerland possessed a vastly different topographical and geopolitical situation than the America did made the Swiss confederative experience irrelevant to America. Randolph observed that, "(t)heir country is surrounded by powerful, ambitious, and reciprocally jealous nations: (t)heir

territory is small and the soil not very fertile."³⁹

Randolph concluded by arguing

...that the narrow confines of that country rendered it very possible for a system of confederacy to accomodate those cantons, that would not suit the United States.⁴⁰

Thus, Randolph, by citing a very different view of the Swiss Confederation, challenged the historical underpinning for Henry's contention that Virginia could reject the Constitution and still exist in an amicable alliance with those states who did ratify the Constitution.

Henry rose again on June 7th and offered his views on the Swiss Confederation. He noted that "(s)witzerland consists of thirteen cantons expressly confederated for national defence."⁴¹ This defensive confederation, Henry exclaimed has "...stood the shock of 400 years: (t)hat country has enjoyed internal tranquility most of that long period."⁴² When compared with England and France, both of which had experienced long periods of constant warfare, Switzerland presented a model of confederation and tranquility that Henry felt that the United States should follow. Henry felt that the Swiss model of confederation, if applied to America, would produce the same patriotism and public virtue among Americans that he thought existed among the Swiss. After extensively praising Swiss patriotism and love of liberty, Henry urged his fellow Virginians to "...follow their example, and be equally happy."⁴³

James Madison rose to answer Henry on the same day. While Madison may not have possessed Henry's gift for oratory, his reasoning was more than a match for Henry. By referring back to history, Madison claimed "...that no instance...of any confederate government...will justify a continuation of the present system."⁴⁴ Of course, Switzerland was an example that only confirmed this view for Madison. Even in the "tranquil" Swiss confederacy "...dissensions and wars of a bloody nature, have been frequently seen between the cantons."⁴⁵ In Madison's opinion, only "(a) peculiar coincidence of circumstances contributes to the continuance of their political connection."⁴⁶ Madison was deeply pessimistic about the future existence of the Swiss confederacy. He felt that religious intolerance, in particular, threatened the continued existence of the Swiss Confederation. In his view, Switzerland simply could not be a model for the United States. Consequently, through carefully reasoned analysis of Switzerland and the other confederacies, Madison refuted Henry's claim that the United States should model itself after the Swiss Confederation.⁴⁷

The next extensive reference to the Swiss Confederation was made by James Monroe on June 10th. That Madison and Randolph were more convincing in their description of the nature of the Swiss Confederacy is apparent in Monroe's speech. Unlike Henry, the Antifederalist Monroe acknowledged

that there were flaws in the Swiss Confederation. Monroe recognized that the individual cantons were chiefly aristocratic in character. Also, he agreed that religious intolerance had been a source of disunion in the Swiss confederacy. Foreign nations, he acknowledged, had intervened in the internal affairs of the cantons, often by bribery of high officials. Yet when Monroe looked at America, he noted that "(t)he causes which with other nations rendered leagues ineffectual and inadequate to the security and happiness of the people do not exist here."⁴⁸ In Monroe's view, since America did not possess aristocratic state governments or an environment of strong religious intolerance like Switzerland, America could not "warrant a departure from a confederacy to a consolidation, on the principle of inefficacy in the former..."⁴⁹

At this juncture in the debate, one would have expected that Madison or Randolph would have challenged Monroe's argument. It was John Marshall, however, who rose to answer Monroe on the same day. In his speech, Marshall argued:

He(Monroe) said, that those who governed the cantons of Switzerland were purchased by foreign powers, which was the cause of their uneasiness and trouble. How does this apply to us? If we adopt such a Government as theirs, will it not be subject to the same inconvenience? Will not the same cause produce the

same effect?...What shall protect us from it?⁵⁰

Clearly, by asking the question that Monroe's argument begged, Marshall dealt a crushing blow to the efforts of the Virginia Antifederalists to defend the confederacy. Marshall, by arguing that the American system of confederation would produce the same disastrous results that as had occurred in the Swiss Confederation, undermined Antifederalist efforts to defend the American confederacy. After Marshall's speech, the Swiss experience, as a historical precedent that supported the Antifederalist position, was so completely discredited that Antifederalists ceased referring to it to justify maintaining the confederacy. Instead, their arguments revolved around rejecting the Constitution because it was flawed, not because the confederacy was a strong government.

For Virginian Antifederalists like Henry and Monroe, the Swiss confederative experience, by nature of its long duration, was an example that supported their contention that confederacies could be stable forms of government. Federalists like Madison, Randolph, and Marshall had to confront the Swiss example when they argued that the American confederacy was inadequate to meet the needs of the nation. In essence, this was the key issue of the ratification debates. The burden of proof demanded that the Federalists prove that all confederacies were flawed or inadequate forms of government that had no relevance to the American

situation. If the Federalists could only have proven that the American confederacy was troubled then Antifederalists like "Centinel" or Patrick Henry could have cited the example of Switzerland and argued that the source of America's troubles was in her long struggle for independence and not in the structure of her confederacy. The Virginia Federalists succeeded in meeting this burden of proof. Both Monroe's speech on June 10th as well as the 89-79 vote for ratification on June 24th demonstrate that they had convinced even some of their opponents that the ancient and modern confederacies were intrinsically flawed forms of government that had little relevance for the American situation.

New York grudgingly followed Virginia and ratified the Constitution by a margin of 30-27 on July 26, 1788. North Carolina and Rhode Island would come on board later. By 1790, all thirteen states had ratified the Constitution. The struggle between the Federalists and the Antifederalists was over. America had become one nation.

NOTES TO SECTION IV

¹The following list of special editions comes from Rossiter, 1787: *The Grand Convention*, 421: *Pennsylvania Packet*, *Pennsylvania Journal*, (Philadelphia) *Independent Gazetteer*, *Pennsylvania Gazette*, all Sept. 19, 1787; *Pennsylvania Herald*, Sept. 20, 1787; *Pennsylvania Mercury*, Sept. 21, 1787; (New York) *Independent Journal*, Sept. 22, 1787; (Boston) *Massachusetts Centinel*, (Boston) *Independent Chronicle*, both Sept. 27, 1787; (Charleston, SC) *Columbian Herald*, Oct. 2, 1787; *New-Haven Gazette*, Sept. 27, 1787; (Hartford) *Connecticut Courant*, Oct. 1, 1787; (Lexington) *Kentucky Gazette*, Oct. 27, 1787; (Providence) *United States Chronicle*, Sept. 27, 1787.

²Bernard Bailyn, ed., *The Debate On The Constitution: Federalist and Antifederalist Speeches, Articles, and Letters During the Struggle over Ratification. Part One: September 1787 to February 1788*(New York: Library of America, 1993)70-5.

³Ibid. 65.

⁴Ibid. 75.

⁵Ibid.

⁶Morton Borden, ed., *The Antifederalist Papers*(East Lansing: Michigan State University Press, 1965)46.

⁷Ibid. 46-7.

⁸Ibid. 46; Italics indicate "Old Whig"'s emphasis, not my own.

⁹Ibid. 47.

¹⁰Herbert Storing, ed., *The Complete Anti-Federalist*, 7 vols., Volume II(Chicago: University of Chicago Press, 1981)161-2.

¹¹Ibid. 163.

¹²Ibid.

¹³Borden, ed., *The Antifederalist Papers*, 48-9.

¹⁴Ibid. 49.

¹⁵Ibid. 50.

¹⁶Herbert Storing, ed., *The Complete Anti-Federalist*, Volume V(Chicago: University of Chicago Press, 1981)46; This claim by "Farmer" was dubious at best. To be sure, citizens of the rural, democratic cantons enjoyed these rights. However, most citizens and inhabitants of aristocratic cantons like Bern and Zurich did not enjoy the hereditary privilege of acting as legislators in local assemblies. For a better description of what the governments of the cantons were like at this time, see John Adams, *A Defence Of The Constitutions of Government Of The United States of America*, in *The Works of John Adams*, Volume IV, 313-42.

¹⁷Storing, ed., *The Complete Anti-Federalist*, Volume V, 48; Italics indicate "Farmer"'s emphasis, not mine. "Farmer"'s use of *Swisserland* for *Switzerland* reflected a common usage in an era in which spelling was not as carefully regulated as it is today.

¹⁸Ibid. 48.

¹⁹Bailyn, ed., *The Debate On The Constitution: Part One*, 415.

²⁰Ibid. 415.

²¹Ibid.

²²Alexander Hamilton, John Jay, and James Madison. Garry Wills, ed., *The Federalist Papers*(New York: Bantam, 1982)89-94.

²³Ibid. 93; The text of Hamilton's earlier observation about the status of the Swiss Confederation that Madison copied in his notes at the Convention is as follows: "The Swiss Cantons have scarce any Union at all, and have been more than once at war with one another..." For the complete text of Hamilton's speech, see Madison, *Notes Of The Debates*, 129-39.

²⁴To compare the language of Madison's earlier notes with that he used in the Federalist 19, see Wills, ed., *The Federalist Papers*, 93 and Rutland et al, eds., *The Papers Of James Madison*, Volume IX, 10.

²⁵Wills, ed., *The Federalist Papers*, 93.

²⁶Ibid. 94.

²⁷Ibid; Madison recognized that religious differences between the cantons had allowed foreign powers to intervene in the internal affairs of Switzerland. France had been able to negotiate a special alliance with the Catholic cantons while Holland had a similar arrangement with the Protestant cantons. For more on this criticism, see Wills, ed., *The Federalist Papers*, 94 and Madison, *Notes Of The Debates*, 145.

²⁸Storing, ed., *The Complete Anti-Federalist*, 7 vols., Volume II, 161-3; for a more complete discussion of Antifederalist thought, see Cecelia Kenyon, ed., *The Antifederalists*(New York: Bobbs-Merrill, 1966)xxi-cxvi.

²⁹Merrill Jensen, ed., *The Documentary History Of The Ratification Of The Constitution*, 6 vols., Volume II(Madison: State Historical Society of Wisconsin, 1978)341-2.

³⁰Ibid. 342.

³¹Ibid.

³²Jensen, ed., *The Documentary History Of The Ratification Of The Constitution*, 6 vols., Volume III(Madison: State Historical Society Of Wisconsin, 1978)542.

³³Ibid. 543.

³⁴Bernard Bailyn, ed., *The Debate On The Constitution: Part Two: January to August 1788*(New York: Library of America, 1993)579.

³⁵Ibid. 585.

³⁶Rhode Island and North Carolina rejected the Constitution even after Virginia had ratified it. New York only grudgingly ratified the Constitution by a 30-27 margin after Virginia had approved it. Only the prospect of lonely nationhood eventually forced all three of these states to ratify the Constitution. For a more complete discussion of the struggle for ratification see Bowen, *Miracle at Philadelphia*, 273-310.

³⁷John P. Kaminski et al, eds., *The Documentary History Of The Ratification Of The Constitution*, Multiple volumes, Volume IX(Madison: State Historical Society Of Wisconsin, 1990)966.

³⁸Ibid. 974.

³⁹Ibid.

⁴⁰Ibid.

⁴¹Ibid. 1040.

⁴²Ibid.

⁴³Ibid. 1041.

⁴⁴Rutland et al, eds., *The Papers Of James Madison*, Multiple volumes, Volume XI(Charlottesville: University of Virginia Press, 1977)91.

⁴⁵Ibid. 92.

⁴⁶Ibid.

⁴⁷Ibid. 91-8.

⁴⁸Kaminski, ed., *The Documentary History Of The Ratification*,
Multiple volumes, Volume IX, 1106.

⁴⁹Ibid.

⁵⁰Ibid. 1126.

Conclusion: "Neglected no longer"

At a first glance the references to the Swiss Confederation in the writings and speeches of the Founding Fathers may seem to be only a microcosm of their historical knowledge and political thought. Certainly other historical influences, such as British history, the Dutch Republic, and the ancient confederacies of Greece, were important historical traditions that they drew upon when they established the American nation. When we examine their writings and speeches through the lens of the Swiss experience, however, we can gain additional insights on the history of this period.

One additional insight that we gain through examining the writings and speeches of the Founding Father through the lens of the Swiss Confederative Republican tradition is a greater appreciation of the depth of their historical vision. Not only did the extent of their historical knowledge include obvious sources like British history, the ancient confederacies of Greece, and the Roman Republic, but it also encompassed contemporary examples of confederative republican government like Switzerland and Holland. Unfortunately, most American intellectual historians of this period have tended to overlook the fact that the Founding Fathers examined contemporary confederacies like Switzerland and the

Netherlands. Whereas American historians of this period have produced works analyzing the influences of British history and classical republicanism on the Founding Fathers,¹ no American-born historian has examined the influence of contemporary confederacies upon them. The fact that most of the historical scholarship that has examined the influence of the contemporary confederacies on the Founding Fathers has been done by Europeans like Jan Willem Schulte Nordholt and Hans Guggisberg suggests that a possible bias or lack of interest exists in the Early American Historiographical tradition.²

An additional insight that can be obtained by examining the Founding Fathers through the lens of the Swiss experience is a greater understanding of their faith in the utility of history. Clearly, the Enlightenment faith in the utility of history was not an abstract concept for them but rather an integral part of their culture of communication. Historical references, whether they were made to the Swiss Confederation of the Roman Republic, were an important part of their process of argumentation and debate. For example, had James Madison condemned the New Jersey Plan at the Constitutional Convention because it did not provide any protection against intervention by foreign powers without citing previous instances in which this had occurred in the histories of other confederacies, his argument would have been dismissed by his colleagues as groundless rhetorical bluster. Madison,

by citing instances in which the French and the Austrians had intervened in the internal affairs of the Swiss confederacy, made his argument against the New Jersey Plan too convincing to ignore. Consequently, by analyzing the references that the Founding Fathers made to the Swiss Confederation as well as to the other ancient and modern confederacies, we gain a greater understanding of how their faith in the utility of history played a valuable role in their process of argumentation and debate.

After 1790, when the last of the thirteen states had ratified the Constitution, the Founding Fathers largely ceased referring to and examining the Swiss Confederation in their speeches and writings. The issue of confederacy vs. a consolidated, national government had been resolved in favor of the consolidated, national government that was created at Philadelphia. American republicanism had evolved beyond all of its historical precedents, including that of the Swiss republican experience. With the federalism that was born from the workings of the Convention as its ideological foundation, American republicanism, independent of previous republican experience, embarked upon a new course for the future.

NOTES TO CONCLUSION

¹See Colbourn, *The lamp of experience*, and Rahe, *Republics ancient and modern: classical republicanism and the American Revolution*.

²See Jan Willem Schulte Nordholt, *The Dutch Republic and American Independence*, and Guggisberg, "The Confederations of

the Netherlands and Switzerland and the American
Constitution."

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