
Philosophy,
The Federalist,
and the Constitution

MORTON WHITE

Philosophy, *The Federalist*,
and the Constitution

MORTON WHITE

OXFORD UNIVERSITY PRESS
New York Oxford

OXFORD UNIVERSITY PRESS

Oxford New York Toronto
Delhi Bombay Calcutta Madras Karachi
Petaling Jaya Singapore Hong Kong Tokyo
Nairobi Dar es Salaam Cape Town
Melbourne Auckland

and associated companies in
Berlin Ibadan

Copyright © 1987 by Morton White

First published in 1987 by Oxford University Press, Inc.,
198 Madison Avenue, New York, New York 10016-4314

First issued as an Oxford University Press paperback, 1989

Oxford is a registered trademark of Oxford University Press

All rights reserved. No part of this publication may be reproduced,
stored in a retrieval system, or transmitted, in any form or by any means,
electronic, mechanical, photocopying, recording, or otherwise,
without the prior permission of Oxford University Press, Inc.

LIBRARY OF CONGRESS CATALOGING-IN-PUBLICATION DATA

White, Morton Gabriel, 1917-

Philosophy, The Federalist, and the Constitution.

Includes index.

1. Federalist. 2. Political science—United States—History.

3. United States—Constitutional history. I. Title.

JK155.W48 1987 342.73'029 86-5396

ISBN 0-19-503911-4 347.30229

ISBN 0-19-505948-4 (PBK)

4 6 8 10 9 7 5 3

Printed in the United States of America

Philosophy, *The Federalist*,
and the Constitution

OTHER BOOKS BY MORTON WHITE

- The Origin of Dewey's Instrumentalism
Social Thought in America
The Age of Analysis (ed.)
Toward Reunion in Philosophy
Religion, Politics and the Higher Learning
The Intellectual Versus the City (with Lucia White)
Foundations of Historical Knowledge
Science and Sentiment in America
Documents in the History of American Philosophy (ed.)
Pragmatism and the American Mind
The Philosophy of the American Revolution
What Is and What Ought to Be Done
Journeys to the Japanese (with Lucia White)

TO LUCIA

P R E F A C E

This work is a sequel to my book *The Philosophy of the American Revolution* (1978), but a sequel which may be read and understood by those who have not read its predecessor. The present work has, for a variety of reasons, taken longer to complete than I expected when I first began the research for it, and I want to say something about the reasons for my delay in bringing it out.

Somewhere in the middle of my journey to the end of this book I came to appreciate the great difficulty of trying to formulate the philosophy of a work such as *The Federalist*, a work which is not exclusively or even primarily philosophical in purpose. The scholar who studies a strictly philosophical text has the advantage of studying one which usually contains an argument that leads to philosophical conclusions, and therefore such a scholar's task may be limited to clarifying that argument and those conclusions. By contrast, my task in presenting the philosophy of *The Federalist* was peculiarly difficult because I sought to extract a philosophy from a work whose authors were not primarily concerned with advocating one. Because I underestimated this difficulty, I underestimated the amount of time it would take to perform the extraction and to clarify some of the historical roots of what I extracted. I was greatly helped by the writings of several scholars who have dealt with individual philosophical topics treated in *The Federalist*, but, so far as I know, no other philosopher has ever presented a synoptic view of the major philosophical ideas in *The Federalist*. The resulting absence of this kind of secondary literature deprived me of another advantage that historians of philosophy usually have when working on philosophical texts.

However, though I lacked certain advantages while preparing this work, I also had an incomparable one—the assistance of my wife, Lucia White. As usual, she helped me immensely in the preparation of this work by carefully reading it in its many different versions, by advising me about many points of substance and of style, by lifting my spirits at times when they were very low, and by patiently tolerating occasionally stubborn resistance on my part. To express my loving gratitude for all of her help, I have dedicated yet another book to her, knowing full well that the dedication hardly constitutes an adequate expression of my gratitude.

I also want to thank Hugh Benson, my research assistant during the academic year 1984–85. He brought many books to me from local libraries, checked the accuracy of my quotations and citations, and gave me the bene-

fit of his reaction to certain parts of the book. In addition, I want to record my debt to Bernard Bailyn and Deane Montgomery for helping me clarify my ideas about a part of *Federalist Number 10*. I am grateful to Albert Furtwangler for informing me of the existence of certain works about *The Federalist* that I might otherwise have missed, and to Sebastian de Grazia for discussing with me some of my ideas about *The Federalist*. I am also grateful to Harvard University for appointing me as Visiting Scholar in Philosophy for short periods in 1984 and 1985, during which I did some of my research and writing. I thank the librarians of The Institute for Advanced Study for quickly acquiring books that I required and I thank my lucky stars for being a member of the faculty of the Institute. No other academic position would have provided me with the assistance that I needed while trying to produce this book. Most of the words I have written were expertly processed—if that is the correct verb—by Laura Schuckmann Glück and by Felicia Schuckmann; I thank them warmly.

Readers who would like to find out quickly how I conceive the total philosophy of *The Federalist* may wish to read Chapter 12 after reading Chapter 1 and before reading Chapter 2.

Princeton, N.J.
July 3, 1985

M. W.

CONTENTS

PART I. INTRODUCTION

1. The Role of Philosophy in *The Federalist* 3

PART II. THE DIFFERENT LEGACIES OF LOCKE AND HUME

2. Hume's Experience and Locke's Reason 13

Hume on Reason and Experience in Science

Hume vs. Locke on Morality as a Demonstrative Science

PART III. THEORY OF KNOWLEDGE

3. Using Abstract Reason in Morals and Politics 25

*Natural Law and Natural Rights: Publius's Substantive
Moral Philosophy*

Rationalism in Publius's Theory of Ethical Knowledge

Rationalism in Publius's Theory of Political Knowledge

4. Using Experience and History in Politics 38

Reason Without Rationalism in Politics

Reason, Long Experience, and Short Experience

Experience, History, and Political Science

PART IV. PHILOSOPHY OF HISTORY

5. The Causes of Factions and the Question of Economic
Determinism 55

Factions in Madison's "Philosophy of History"

Was Madison an Economic Determinist?

Madison and Hume on the Method of Supporting a Theory of Factions

Madison's and Hume's Substantive Views on Factions

The Absence of "Opinion" in Madison's Definition of "Faction"

On the Value of Reading Hume and Other Writings of Madison
Madison: No Economic Interpreter of History and No Economic
Determinist

PART V. PSYCHOLOGY

6. The Essence of Ideal Man and the Nature of Real Men 85

Publius's Study of Human Nature: The Empirical Psychological
Component

Publius's Study of Human Nature: The A Priori Moral Component
Two Kinds of Analysis

Descriptive vs. Moral Judgment of Men and Their Actions

Realism and Pessimism

Man as a Knave in Politics

Concluding Remarks

7. Reason, Passion, and Interest 102

Reason as a Motive

Passions and Interests as Motives

Bishop Butler on Passion and Interest: A Digression

Passions and Interests as Distinguishable Motives of Factions

Recapitulation

8. On the Strength of Different Motives 113

Reason as a Weak Motive that Impels Few Men

The Passions and Interests of an Individual

The Passions and Interests of a Group

The Theory of Motivation

PART VI. THEORY OF ACTION AND METAPHYSICS

9. Motive, Opportunity, and Action: The Principle of Causality at Work 131

The Motives and Opportunities of Factions

The Necessary and Sufficient Conditions for a Group's Action, for an
Individual's Action, and for the Behavior of Other Objects

The Defects of Pure Democracy: The Structure of Madison's Argument

The Advantages of a Republic: The Structure of Madison's Argument

The Motives and Opportunities of Representative Bodies

Motive, Opportunity, and the Principle of Causality

10. Combining and Separating Motives and Opportunities 149

Combining the Motives and Opportunities of a United America

Hamilton on Separating the Motives and Opportunities of Factions

*Separation of Powers, Federalism, Checks and Balances: Their
Connections with Publius's Theory of Action
Two Ways of Denying Opportunity: Constitutional and
Nonconstitutional
Tyranny, Slavery, and Irony*

PART VII. ETHICS

11. The Nonnaturalistic Ethics of Natural Rights 175

PART VIII. A SUMMARY VIEW

12. A Philosophical Map of *The Federalist* 193

*The Role of Normative Moral Philosophy in Publius's Argument
Publius's Theory of Ethical Knowledge and His Theory of
Experimental Knowledge
The Main Experimental Theses of The Federalist From a
Philosophical Point of View
The Technological Component of The Federalist
The Role of Metaphysics and Theology in The Federalist*

13. *The Federalist* and the Declaration of Independence Compared 208

*The Moral Argument of the Declaration and that of The Federalist
Self-evident Truths, True Interests, and the Opportunities
of Dictators
Epistemological Dualism and Madison's Concern for the Protection
of Natural Rights
Epistemological Dualism and Hamilton's Concern for the Public Good
Final Remarks*

Notes 229

Index 265

I

INTRODUCTION

1

The Role of Philosophy in *The Federalist*

Writing to a correspondent in May of 1790, Thomas Jefferson characterized *The Federalist* in a manner that continues to influence almost every scholar who studies that great defense of the Constitution of the United States. Jefferson's letter to Thomas Mann Randolph, Jr., penned about two years after the last number of *The Federalist* had appeared in a New York newspaper, contained some striking bibliographical advice which concluded with a comment on *The Federalist*. Jefferson began by calling Adam Smith's *Wealth of Nations* the best book in political economy; he went on to say more cautiously that in the science of government, Montesquieu's *Spirit of the Laws* "is generally recommended" but that any reader "must be constantly on his guard" because of "the mixture of truth and error found in this book"; he added significantly that Locke's "little book on government"—meaning his *Second Treatise of Government*—"is perfect as far as it goes"; and then wrote his most important sentence from our point of view. "Descending from theory to practice," he declared, "there is no better book than the *Federalist*."¹

We need not spend too much time trying to discover how Jefferson was using the word "descending." He may have been writing ironically or he may have been expressing a conventionally hierarchical view of the logical relationship between theories and statements about practice, but whatever he meant, he was certainly correct in regarding *The Federalist* as a practical work by comparison to some of the other books he had mentioned. For one thing, *The Federalist* was practical because it was written with a concrete political purpose in mind. The authors, Alexander Hamilton, John Jay, and James Madison, urged their readers to support the ratification of the Constitution that had been first proposed to the Philadelphia Convention in September of 1787 and then vigorously attacked in New York newspapers during late September and early October of the same year. But *The Federalist* was not only written in a practical effort to rally support for the Constitution; it also defended some very practical detailed propositions in law and politics.

Although its authors used much rhetoric, they also argued logically in support of various political devices provided for in the Constitution; for example, separation of powers, a bicameral legislature, certain methods of raising revenue, and many other political devices which had drawn the fire of those who opposed ratification. *The Federalist* was a brilliant collection of connected political pamphlets, written hastily in defense of a shrewdly drawn legal document. It was therefore very different from works in what we usually call theoretical science or in philosophy.

The idea of Jefferson that *The Federalist* was a practical work was repeated—but with a certain anti-intellectualistic bias—by one of its most ardent admirers in the twentieth century, Charles Beard. The eminent historian and political scientist remarked sarcastically that “the authors of *The Federalist*, poor fellows” failed to “have the benefit of modern sociology, psychology, economics, and political science,”² and that they “did not . . . discuss the problems of epistemology, or ‘appearance and reality,’ which have long occupied the attention of armchair philosophers.”³ Beard seems to have thought even less of armchair philosophers than he did of twentieth-century social scientists when he contrasted both groups of thinkers with Hamilton and Madison. Since the latter had taken an active part in the war for independence and in the founding of the Republic, Beard believed they would “stand forever in striking contrast to the ideologues and theoreticians so influential in the Western world.” Accordingly Beard dismissed Locke as “essentially a speculative thinker, at home mainly, if anywhere, in theology and psychology” and testily declared that Rousseau was even less a political philosopher than Locke—“indeed, no political philosopher at all.” Both of them, Beard went on, had exerted enormous influence in Western history, but, he sighed, “it is, of course, not uncommon for writers on great and complicated subjects to be entirely devoid of practical experience in the matters on which they discourse. . . .” Unlike Locke and Rousseau, Beard added, Hamilton, Madison, and Jay “were not closet philosophers. They were not dust sifters engaged in dissecting the ideas of other dust sifters.”⁴

In the face of all this, why should one inquire into the philosophy of *The Federalist*? Why examine the epistemology, the ethics, the philosophy of history, or the theory of human nature espoused by authors who were mainly interested in the machinery of government and who therefore did not produce a book in theoretical social science or in philosophy? One reason for doing so is that the authors of that work often used language and expressed ideas which must be examined philosophically if we are to understand the authors adequately. The point is that they frequently used philosophical terms such as “reason,” “human nature,” “science,” “experience,” “truth,” “duty,” “good,” “passion,” and “interest” without saying very much about *how* they were using them. In short, the very failure of Hamilton, Madison, and Jay to write more expansively when using philosophical terms makes it necessary to find out what they had in mind when they used them. Their silence about such matters may explain why Charles Beard, who says he first read *The Federalist* at the turn of the century and then reread parts or all of it nearly every

year for fifty years, was astonished at each reading “by the discovery of ideas and suggestions which [he] had previously overlooked or had failed to grasp in their full meaning.”⁵ Perhaps Beard’s distorted interpretation of Madison’s *Number 10* would have been less distorted if he had not only reread that number regularly but had occasionally read certain essays by the philosopher David Hume, several of which are recommended as “good” in the letter in which Jefferson praises *The Federalist* to T. M. Randolph, Jr.⁶ Had Beard read Hume, he might have found it easier to see—as Douglass Adair has shown—that Madison, like Hume, did not think that the various and unequal distribution of property was the *only* source of factions. Beard might have also hesitated to claim Madison as an anticipator of Marx’s philosophy of history.

It is even more evident that Beard might have improved his understanding of some of Hamilton’s explicitly held philosophical views if Beard had known more than he seems to have known about Locke’s epistemology. Beard’s low opinion of Locke may have prevented Beard from seeing that the man he dismissed as a closet philosopher very probably influenced the fundamental ideas of Hamilton’s *Number 31*, a paper which plays an important part in Beard’s Introduction to *The Enduring Federalist*. There Beard referred to Hamilton’s notion of a “primary truth” as one which contains “an internal evidence which, antecedent to all reflection or combination, commands the assent of the mind,” but Beard did not seem to realize that Hamilton’s notion of primary truth was very probably an echo of Locke’s notion of self-evident or intuitive truth, an echo of rationalism that still remained in Locke’s generally empiricistic philosophy. Had Beard known this, he might not have written without qualification that the primary truths mentioned by Hamilton in *Number 31* were derived by Hamilton and Madison “from studies of historical experience and from their own observations of the politics in which they participated, as responsible leaders and actors.”⁷ Although the authors of *The Federalist* certainly relied on historical experience when arguing for many of their beliefs, and although they often revealed their attachment to British empiricism as that was conceived by Hume, Hamilton’s references to primary truths which are established by internal evidence and his occasional remarks about some propositions in political science being susceptible of absolute demonstration show that he was also under the influence of the *unHumeian*, rationalistic view that all moral principles and even some propositions about matters of fact can be rationally “demonstrated.” This meant that they could be established, *without* appealing to historical experience, by deducing them from self-evident, intuitive primary truths which may be seen to be true merely by examining the ideas expressed in them.

All of this goes to show that even though *The Federalist* is a practical work on government, it invites rather than precludes philosophical analysis, that is to say, an effort to clarify the thought of Publius—the collective pseudonym of Hamilton, Jay, and Madison. At times such clarification may require no more than careful reading and rereading of *The Federalist*, the sort of reading that a systematic philosopher might do while studying any work in

political science, whether it be written in 1787 or yesterday. However, as soon as we find Hamilton referring to “primary truths” and “internal evidence” for them, we realize that we must know something about the history of philosophy to understand his technical terminology, and that being a philosophical analyst of occasionally archaic English is not enough. In any case, no amount of cant about how practical and active Publius was and how dusty, closeted, and impractical Locke was should prevent us from using philosophy and the history of philosophy while trying to understand *The Federalist*. Nor should we be turned aside from using them by the notion that only “a decent respect for the proprieties of political discussion required” the founders at the Philadelphia Convention to make “at least occasional reference to Locke and Montesquieu,” or that “such excursions into political philosophy as were made are to be regarded rather as purple patches than as integral parts of the proceedings.”⁸ It may well be that philosophical terms were often used by the framers in purple patches, but in those very same patches we find them logically defending some very important provisions of the Constitution. For example, Hamilton used his view of primary truths in order to defend the unqualified power of the federal government to levy taxes. And it is ironical that when the twentieth-century historian R. L. Schuyler made light of the purple-patched philosophy which had been used in defense of the Constitution, he supported his anti-intellectualistic view by citing some exceedingly philosophical words that John Dickinson used at the Convention while defending the power of the lower house to initiate bills of revenue, namely: “Experience must be our only guide. Reason may mislead us.”⁹ To cite this remark of Dickinson’s while arguing that the founders did not make serious use of philosophy is ironical indeed. No pair of words played a larger part in the vocabulary of eighteenth-century philosophy than “reason” and “experience”; and no pair of words played a larger part in the total argument of *The Federalist*.

Although I have so far mentioned only the use of methodology or epistemology in *The Federalist*, I want to stress that other parts of philosophy were also employed by Publius. Substantive views in the doctrine of natural law were on his mind in several parts of his work, and these views are views in normative ethics because they assert, for instance, that men have the *rights* of life, liberty, and property. These substantive moral views stand in contrast to the epistemological thesis that it is a *self-evident* or primary truth that all men have a right to life or to liberty. Publius’s views in normative ethics and in the epistemology of normative ethics are in turn distinguishable from his views in the theory of human nature, views in which he describes the different motives or springs of human action. Today Publius’s theory of human nature would be called a part of psychology since it describes the causes of human action without telling us what men ought to do or what they have a right to do; in the eighteenth century, however, the theory of human nature was regarded as a philosophical discipline. In fact, when Hume called his major work *A Treatise of Human Nature*, he virtually equated philosophy with the study of human nature. But no matter how broadly we use the word “philos-