THE POLITICAL PHILOSOPHY OF *Alexander Hamilton*

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The Johns Hopkins University Press
Baltimore

Printed in the United States of America on acid-free paper
2 4 6 8 9 7 5 3 1

The Johns Hopkins University Press
2715 North Charles Street
Baltimore, Maryland 21218-4363
www.press.jhu.edu

Library of Congress Cataloging-in-Publication Data

Federici, Michael P.
The political philosophy of Alexander Hamilton / Michael P. Federici.
p. cm. — (The political philosophy of the American founders)
Includes bibliographical references and index.
ISBN 978-1-4214-0538-4 (hdbk. : alk. paper) — ISBN 1-4214-0538-5 (hdbk. : alk. paper) — ISBN 978-1-4214-0539-1 (pbk. : alk. paper) — ISBN 1-4214-0539-3 (pbk. : alk. paper) — ISBN 978-1-4214-0660-2 (electronic) — ISBN 1-4214-0660-8 (electronic)
1. Hamilton, Alexander, 1757–1804—Political and social views.
2. Political science—Philosophy. 3. Political science—United States—History—18th century. I. Title.
JC211.H24F43 2012
320.092—dc23
2011046456

A catalog record for this book
is available from the British Library.

Special discounts are available for bulk purchases of this book.
For more information, please contact Special Sales at 410-516-6936
or specialsales@press.jhu.edu.

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The Political Philosophy of Alexander Hamilton

THE POLITICAL PHILOSOPHY OF THE AMERICAN FOUNDERS

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ACKNOWLEDGMENTS

AN AUTHOR WHO spends years on a book project has had the help of friends, new and old, and professionals, all of them instrumental in completion of the project. Phil Belfiore, vice president for academic affairs at Mercyhurst University, kindly lowered my teaching load so that it was possible for me to both teach and make progress on the book. In addition, without a sabbatical leave from my teaching duties I would not have had the time or energy to write a draft of the manuscript. During my sabbatical, I spent three months in Dungarvan, Ireland, writing nearly every day. My Irish friends, especially Tom Keith, provided respite from the chore of writing, and the beautiful countryside allowed me to regenerate each day and prepare for the task at hand. Earleen Glaser, Mercyhurst University archivist, helped me find suitable images of Hamilton for potential use on the book's cover. Gannon University graciously allowed me easy access to the twenty-seven volumes of Hamilton's papers, edited by Harold C. Syrett and Jacob E. Cooke, in the university's library.

During the long gestation of the book, I was assisted by editors at the Johns Hopkins University Press. Henry Tom guided me through the early stages of the process with the calm and professionalism that were the result of his decades of experience. He retired just as I finished the draft of the manuscript, and within a few months, he passed away. Working with such a talented and well-respected editor was a privilege. The project then passed to Suzanne Flinchbaugh, who helped me respond to a reader's criticisms and begin to fine tune the manuscript. The Press's peer reviewer was instrumental in keeping me true to my own principle of analyzing Hamilton without taking a stake in the centuries of debate about his legacy. Robert J. Brugger picked up the baton and has pushed me to the finish line. I am especially

grateful to Anne Whitmore, a talented copy editor, who improved my prose with precision and humor. The series editor, Garrett Sheldon, provided an encouraging voice, as well as insight into the importance of religion in Hamilton's political ideas.

I am also indebted to my friends and colleagues who read parts of the manuscript or listened to my arguments with careful attention. Ryan Holston of Virginia Military Institute, Justin Garrison of Catholic University, and Jeff Polet of Hope College were especially helpful in this regard. Barry Shain made useful suggestions regarding historical sources. A conversation while walking with Don Livingston through Colonial Williamsburg reassured me that my reading of David Hume and his influence on Hamilton were on target. Jeffry Morrison encouraged me to pursue the project, and his book on George Washington in the same series was a useful guide. I am grateful to a group of historians who have, over the years, inspired me to deepen the historical dimension of my scholarship. Richard Gamble, Walter McDougall, John Lukacs, and Thomas Fleming are chief among these. While I have taken the suggestions of editors, readers, and friends to heart, the shortcomings of the book are my responsibility.

Finally, I thank my wife, Frances, and my daughters Libby and Amy. They were often the first to hear about new information I learned while conducting research. I knew I had pushed them a bit too far in my enthusiasm for the project when I suggested naming our female Boston terrier puppy "Hamilton" and was met with a resounding "Enough already with the Hamilton stuff!" It is my hope that one day my girls, as well as my students, will read the book and discover the remarkable contribution that Alexander Hamilton made to American political thought.

The Political Philosophy of Alexander Hamilton

CONTENTS

INTRODUCTION

HAMILTON'S SIGNIFICANCE

MAKING JUDGMENTS ABOUT historical figures is challenging, especially about someone like Alexander Hamilton, who was both ardently opposed and strongly supported in his own day and long after his death. Scholars have been debating Hamilton's legacy for more than two hundred years, and, because of these opposing enthusiasms, few have achieved a level of critical distance that allows for accurate and just analysis.[1] That his life and especially his political ideas continue to occupy the minds of scholars is a testament to the relevance of his political theory. In his day, Hamilton had a polarizing effect on American politics. It should not, then, be surprising that the same is true today. To cite just one example, a recent book by Thomas J. DiLorenzo, *Hamilton's Curse*,[2] aims to counter John Steele Gordon's earlier work, *Hamilton's Blessing*. The book titles play in opposite ways on a remark Hamilton made about national debt. As the titles suggest, one disparages Hamilton's views and policies, the other defends them. Both books trace recent economic policies and practices to Hamilton's political economy and political theory as a way of commenting on contemporary political issues. Rarely are scholarly or journalistic works on Hamilton's life or political ideas ambivalent.

It is easy to get pulled into the ongoing debates about Alexander Hamilton's place in American history and the validity of his ideas. These debates are often motivated by contemporary issues that relate, in one way or another, to Hamilton's political theory. No doubt, the reader will find that the analysis provided

here includes judgments about Hamilton's contribution to American political and economic ideas, as well as his role in forming the early republic. Most of the analysis, however, is expository. It explains Hamilton's ideas without taking sides in the long-standing debate over his legacy. Consequently, readers of Jeffersonian inclination are likely to find the book too kind to Hamilton and readers of a Hamiltonian ilk are likely to conclude that it does not do him justice. Whatever conclusion one may draw about Hamilton or the analysis provided in this book, there is no doubt that he continues to be a central figure in debates over American identity, American economic and foreign policy, and the meaning of the American Constitution. It is in these central areas of American life that Hamilton's political theory is most salient and most interesting. It is because his politics and policies spoke, and speak, to such central issues that they were contentious in his day and continue to ignite controversy today.

One area of American politics that continues to demonstrate the influence of Hamilton's political theory and practice is constitutional law. *The Federalist*, the series of eighty-five papers written by Hamilton, James Madison, and John Jay, have been quoted in U.S. Supreme Court cases hundreds of times by a variety of judges.[3] The further removed from the time of the Constitution's writing the Court has been, the more it has used *The Federalist* for guidance in deciphering that document's meaning.[4] References to Hamilton's particular contributions to *The Federalist* in recent Supreme Court opinions are common. His remarks at the Constitutional Convention have also been cited by Supreme Court justices searching for the engendering intent of the Framers. For example, in her dissenting opinion in *Kelo v. City of New London, Connecticut* (2005), Justice Sandra Day O'Connor invoked the words of Hamilton to support her claim that the Takings Clause of the Fifth Amendment requires "public use" and "just compensation." She noted Hamilton's comment at the Constitutional Convention that "one of the 'great obj[ects] of Gov[ernment]'" was "'the security of Property.'"[5] Justice O'Connor might have quoted, with the same effect, Hamilton's *Federalist* 70 or 85, both of which express the responsibility of government to protect private property.

In *Hamdi v. Rumsfeld* (2004),[6] Justice Antonin Scalia quoted

Hamilton's *Federalist* 8 to clarify the Framers' understanding of liberty in times of war. He noted that Hamilton and the Framers were well aware of the temptation to suspend laws that protect liberty in circumstances that place security at risk. In a separate dissent in *Hamdi*, Justice Clarence Thomas quoted Hamilton's *Federalist* 23 to support his contention that national security is the first concern of the federal government, and he referenced Hamilton's *Federalist* 34 and *Federalist* 70 to support the argument that a strong executive is necessary to protect the nation. Quoting from Hamilton's *Federalist* 74 to support the sole organ theory, Thomas maintained that the presidency was designed to allow a single executive leader to conduct war.[7] In his dissenting opinion in *U.S. v. Lopez* (1995),[8] Justice Thomas cited Hamilton's *Federalist* 12, 21, and 36 to demonstrate that the Court's case law was out of sync with the Framers' original meaning of the word "commerce." Justice David Souter cited Hamilton's *Federalist* 80 in his *American Insurance Association v. Garamendi* (2003)[9] opinion, in which he argued that the president has the constitutional power to issue executive agreements with foreign corporations and that states may not interfere with such agreements.

Even when not acknowledged by Supreme Court justices, Hamilton's views have been apparent in Court opinions; examples include *Fletcher v. Peck* (1810) and *Dartmouth College v. Woodward* (1819), which pertained to the meaning of the Contract Clause, and *McCulloch v. Maryland* (1819), which sanctioned the incorporation of a national bank. Hamilton's influence on Chief Justice John Marshall, who presided over these cases, is well documented. Marshall's opinion in *Marbury v. Madison* (1803) is an important instance.[10] A recent book by James B. Staab, *The Political Thought of Justice Antonin Scalia: A Hamiltonian on the Supreme Court*, explores the philosophical similarities between Hamilton and Justice Scalia. Staab emphasizes the influence of Hamilton's political philosophy on Justice Scalia's view of executive power, including his support for a unitary executive that assertively exercises inherent and constitutional powers (both enumerated and implied).

The use of Hamilton's political ideas by Supreme Court justices is merely one indication of the relevance and practical im-

portance of his political theory. More than two hundred years after his death, he remains one of the most influential American Founders.[11] His ideas are part of debates about public finance and public administration, especially the national debt and taxes, commerce, foreign relations, constitutional interpretation, executive power, political parties, and federalism. Few American statesmen can match Hamilton's intellectual potency, his breadth of knowledge, or his production of seminal policies. What makes such a claim even more remarkable is that Hamilton did not come to the American colonies until he was seventeen, in 1772, and he died prematurely, in 1804, at the age of forty-nine. In a bit more than three decades, Hamilton shaped American ideas and events in a profound way that makes knowledge of his political theory essential to understanding the development of the American republic, economy, constitution, politics, and national identity. His statesmanship and political theory have also influenced debates about the meaning of American democracy. He has come to represent a competing variety of constitutional government to the one associated with his bitter political rival Thomas Jefferson. Differentiating between Hamiltonian and Jeffersonian constitutionalism illuminates the theoretical divide between the two major schools of American democracy, which are engaged in an ongoing struggle to define the meaning of the American Revolution and the republic to which it gave birth.

Hamilton as Political Theorist

There is a significant body of literature on many aspects of Hamilton's life but much less of it pertains to his political theory than to his biography, perhaps because Hamilton was not a "professional" political theorist or scholar in the way that Plato and Aristotle were political thinkers. He did not consciously write political philosophy as a dispassionate observer of political action; few political theorists ever do. Hamilton was drawn to the heat of war and politics, and he craved a role in them that suited his extraordinary talents and his penchant for organizational and administrative leadership. He was driven, in part, by the desire

to prove himself worthy of a prominent place in the American ruling class, because his childhood was filled with tragedy and turmoil and left him without parents, disinherited, and, so he thought, stuck in a station far beneath his talents. His rise from these circumstances inspired him to support not privileged aristocracy or hereditary monarchy, though many said he did, but meritocracy or what some called "natural aristocracy."[12]

Some critics disparage Hamilton's contribution to political theory because they consider it the product of political necessity rather than philosophical reflection. Clinton Rossiter, a generally sympathetic critic, writes that Hamilton was "a shotgun political thinker who fired only under provocation and at scattered targets." It is, no doubt, true that Hamilton's political theory was inspired by the demands of crafting and promoting policies that he considered necessary for the development of the young republic. His *Federalist* essays are a case in point. They were created to accomplish a practical political objective, ratification of the Constitution in New York, and they were a reaction to arguments made by the anti-Federalists. Yet, does it follow, as Rossiter claims, that *The Federalist* is "a less satisfactory work in political thought than *Leviathan* or *The Social Contract*?"[13]

The primary purpose of political theory is to convey the truth of reality. While most great works of political theory reach a theoretical depth absent from *The Federalist*, not all such works considered to be among the classics of political theory, *Leviathan* and *The Social Contract* included, penetrate to the truth of reality. In fact, an argument can be made that *The Federalist* possesses greater theoretical clarity on the problem of human nature and government than Hobbes or Rousseau achieved. In short, Hamilton's political theory, as scattered and unsystematic as it may be, lacks the ahistorical abstractions that plague the works of Hobbes and Rousseau and give them, in places, more the texture of ideological fantasy or "second reality"[14] than of political philosophy. Though inspired by the political exigencies of his day, Hamilton's political theory has an enduring quality to it because, in responding to the transient affairs of politics, Hamilton addressed perennial problems of political life. It is true that Hamilton's political theory is not articulated in the typical manner one encounters in works of political theory, and there is

no book written by Hamilton that encompasses the thrust of his political theory. *The Federalist* comes closest to a systematic work of political theory, and it is a coauthored compilation of newspaper articles that were published over the course of about a year. Apart from it, there is no work that serves as Hamilton's magnum opus and no book in which he consciously articulated his political theory, his writings fill several volumes. Consequently, scholars must mine his letters, speeches, newspaper articles, and public papers and reports to discover the various aspects of his political theory.

Another disparagement of Hamilton's political theory is that it is short on originality and little more than an integration of eighteenth-century intellectual currents galvanized by political exigency. Hamilton was not, like Plato, Hobbes, or Machiavelli, the founder of a new school of political thought. While some of his policies were bold and innovative, their underlying theoretical foundation was not particularly novel. What can be said about Hamilton's political theory is that it was a reconstitution of older ideas in new circumstances. He, like many of the American Founders, was searching for ways to make republican government comport with the ends of politics, a topic that he addressed in *Federalist* 9. His theoretical conception of how the American republic might avoid the failures of ancient republics represents more than mere nuances of republican theory; his theory of constitutional government was clearly distinct from that of Jefferson, Thomas Paine, Benjamin Franklin, or even James Madison.[15] The development of American constitutionalism and republican theory owes much to Hamilton, especially in the areas of executive power, judicial theory, and constitutional interpretation. He was not merely the political leader of the Federalists but their intellectual leader as well. His contribution to constitutional theory and republican government tends to be obscured by the common charge that he was in favor of hereditary forms of government.

Discerning scholars have been able to get beyond critics' vituperations and polemics to identify the substance of Hamilton's constitutional theory. The divide between contrasting traditions and theories of American constitutionalism examined by, among others, Irving Babbitt nearly a century ago and Claes G. Ryn

three decades ago is marked by Hamilton's political theory on one side and Jefferson's on the other.[16] In particular, Hamilton developed an understanding of constitutional government based on a moral realism[17] that opposed the populist and often romantic sentiments that characterized the political theory of Jefferson and Paine. The general distinctions made by Babbitt and Ryn do not obscure important differences between Hamilton and other advocates of moral realism, like John Adams and Madison. Hamilton shared with Madison theoretical assumptions about human nature and democracy, but his preference for a strong and energetic executive and his broader theory of constitutional interpretation set his political theory apart from Madison's.[18] Likewise, his desire for a substantial and professional standing army contrasts with Madison's and Adams's skepticism about professional armies.

The American brand of constitutionalism, which synthesizes popular sovereignty, federalism, and aristocratic leadership, was the product of many minds. Hamilton played as prominent a role in this endeavor as any American Founder. That a system of government was devised that incorporated a democratic House of Representatives (that Hamilton ardently supported at the Constitutional Convention), an aristocratic Senate, a single independent executive without a term limit, and an unelected judiciary armed with judicial review was due in part to the necessity of compromise, but no one surpassed Hamilton in achieving a theoretical defense and justification of that system. For these reasons alone, Hamilton should be considered one of the leading American political thinkers.

In his proximity to and interest in political action, Hamilton was less like Hobbes and Rousseau and more like the statesmen-thinkers Cicero, Niccolò Machiavelli, and Edmund Burke, because his interest in political thought was inspired by the immediate concerns of political action and his specific role in American politics. This is not to depreciate Hamilton's political theory, nor to suggest that it ranks as high as that of Cicero, Machiavelli, and Burke, but to give it its proper texture. For him, political ideas were a necessary part of conducting politics; they were not an esoteric abstraction. He reflected on "how widely different the business of government is from the speculation of it" and

the "energy of the imagination dealing in general propositions from that of *execution* in *detail.*"[19] He deplored "mere speculatists,"[20] people who formulated their political ideas in abstraction, apart from the concreteness of historical experience and a realistic view of human nature. They are apt, he thought, to forge political ideas that are pernicious at worst and irrelevant at best because they fail to account for the historical particularities of the human condition. Hamilton wrote to William Smith, a member of Congress, in 1797, "Over-driven theory everywhere palsies the operations of our Government and renders all rational *practice* impossible."[21] Yet, he was equally wary of individuals, like Aaron Burr, who, having no general principles or theory, operated merely on self-interest and lust for power.[22] When Hamilton was forced by the circumstances of the 1800 presidential election to choose between Jefferson, the abstract idealist, and Burr, the self-serving opportunist, he chose Jefferson. In this case, as in many others, Hamilton saw the alternatives of politics to be the lesser of evils. Jefferson was preferable to Burr because, as misguided as his political theory might be, it nonetheless was directed toward the common good. He predicted that the realities of governing would force Jefferson to abandon, to some degree, his abstract doctrines and serve the public good as prudence required, but that Burr, by contrast, did not aspire to anything higher than self-aggrandizement. In this distinction, Hamilton may have judged Jefferson and Burr correctly, but he may also have underestimated the destructive capacity of misguided or humanitarian conceptions of the public good. Jefferson turned out to be far less idealistic in the conduct of presidential politics than he was as a speculative philosopher. In the hands of a later idealist, Woodrow Wilson, however, abstract theories were not tempered by the exigencies of governing but exacerbated by them.[23]

In deploring "mere speculatists," Hamilton may also have underestimated the value of philosophical insight and the importance of philosophical distinctions. He seems not to have considered the distinction between theories that illuminate reality and those that obscure it, but his own political theory implies and makes such distinctions. In short, Hamilton himself engaged in theoretical analysis while disparaging abstract philoso-