

# Independence and Union: Foundations of American Internationalism

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by David C. Hendrickson

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The two fundamental principles of modern international relations, writes noted historian Paul Schroeder, are “the recognition of state independence and the willing acceptance by most international actors of the necessity and benefits of international associations and their requirements and rules.” Schroeder well expresses an idea that lay at the core of twentieth-century conceptions of internationalism: that states come together in order to stay apart, joining in union for the purpose of protecting their independence.<sup>1</sup>

Boston University’s Robert Jackson has observed, in an equally penetrating expression, that the internationalist idea is informed by a “morality of difference, recognition, respect, regard, dialogue, interaction, exchange, and similar norms that postulate coexistence and reciprocity between independent political communities.” This attitude is distinguishable from both Machiavelian realism, which recognizes no morally or legally binding restraints upon states, and the cosmopolitan, or “revolutionist,” outlook, which seeks a transcendence of the society of states and denies the legitimacy of governments that do not conform to a single, universally valid model.<sup>2</sup>

“Internationalism” is often thought of as simply a phenomenon of twentieth-century American diplomacy associated with Woodrow Wilson, Franklin Roosevelt, and Harry Truman. In this usage, it came to connote the opposite of isolationism or unilateralism. But understood as a broader set of normative commitments to a certain kind of international order,

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<sup>1</sup> Paul W. Schroeder, “Iraq: The Case Against Preventive War,” *American Conservative*, Oct. 21, 2002.

<sup>2</sup> Robert Jackson, *The Global Covenant: Human Conduct in a World of States* (New York: Oxford University Press, 2000), p. 168.

internationalism is clearly no mere impulse of the twentieth century. It began with the first breath of an American diplomatic outlook. One can discern a set of themes that place the nation's founders squarely within the "Grotian," "internationalist," or "society of states" tradition. The founders identified closely with the celebrated writers on the law of nations—Grotius, Pufendorf, and Vattel, among others—and elaborated a set of improvements to international society that they hoped the American Revolution would inaugurate. Among these were checking Britain's thirst for universal monarchy and liberating commerce from the shackles of mercantilism.

From 1776 onward, appeal to the law of nature and of nations was so closely woven into the fabric of the American position, it might be mistaken for *being* the American position. The law of nations set important limits on the exercise of a traditional reason of state. It was founded "by nature" on the principle that, in Montesquieu's words, "the various nations should do to one another in times of peace the most good possible, and in times of war the least ill possible, without harming their true interests." It taught that the mutual recognition of the independence and sovereignty of states was imperative in order to avoid a war of all against all. It set forth the criteria by which wars were deemed just or unjust, and the various means of war permitted or forbidden. It dictated the duties a nation owed to itself (considered primary) and to others. Crowning this architecture was the conviction that, as Alexander Hamilton put it, "faith and justice between nations are virtues of a nature the most necessary and sacred."<sup>3</sup>

### **A System of States**

There is a second dimension to the founders' internationalism that is even less well known than the normative commitments discussed above. Conventional accounts assume that an American nation-state was created in 1776. In this understanding, American reflection on international relations is confined to the problem of securing independence in a largely hostile world. In fact, however, the central political challenge facing early American statesmen was ensuring effective cooperation among thirteen independent sovereignties that, having shorn their tie with the British empire, stood in a state of nature toward the external world and toward one another.

From our vantage point, we may take the achievement of union for granted, but Americans of the revolutionary generation did not. To the contrary, they were impressed, and often depressed, by the manifest "difficulty of combining in one general system . . . a continent divided into so many

<sup>3</sup> Montesquieu, *The Spirit of the Laws*, Anne M. Cohler et al., eds. (Cambridge: Cambridge University Press, 1989), pp. 3, 7; Alexander Hamilton, *The Defense* No. 20, 1795, in Harold C. Syrett and Jacob E. Cooke, eds., *The Papers of Alexander Hamilton* (New York: Columbia University Press, 1961–87), vol. 19, p. 341.

sovereign and independent communities.”<sup>4</sup> The problem of securing effective cooperation among these independent sovereignties dominated American politics in the era of revolution and constitution-building and gave American thought a strongly internationalist character. At the beginning, Americans constituted not a body politic but an association of bodies politic. In the eighteenth-century taxonomy of political forms, such an association was called a “league of firm friendship,” a *république fédérative*, or a “system of states.”

Today, a state system is normally defined as a grouping of independent sovereignties who have regular interactions with one another and whose relations are ultimately regulated by the threat of war. Earlier understandings were different. In his classic study of the political system of Europe, German historian Arnold H. L. Heeren employed the term “system of states” to designate “the union of several contiguous states, resembling each other in their manners, religion, and degree of social improvement, and cemented together by a reciprocity of interests.”<sup>5</sup> This nineteenth-century conceptualization of the relations among the powers and principalities of Europe is somewhat jarring to modern sensibilities, accustomed as we are to viewing the European system as a cauldron of rival animosities and self-regarding *raison d'état*. Heeren’s definition reminds us that the European system of his day had elements of sociality or cooperation as well as of egotism and conflict. In the eighteenth and nineteenth centuries, the system could be and was seen at various moments as a working “federative system.” In 1806, Friedrich Gentz, later called the “Secretary of Europe” after serving as secretary-general of the Congress of Vienna, denounced “the new federal system” advocated by Napoleon and praised the “true federal system” that Napoleon had smashed. The characteristic object of “the old magnificent constitution of Europe” was “the preservation and reciprocal guarantee of the rights of all its members.” According to Gentz, it had “for centuries protected the liberty of Europe, with all its ornaments and excellencies, its constitutions and laws, its territorial limitations, and its adjudication of rights.”<sup>6</sup>

Whereas the conventional understanding of the European state system has minimized the elements of sociality and felt-allegiance to common norms, the reverse error has been made in the American case. Here common nationality and shared aspirations have been emphasized to the exclusion of the conflict and fractured identities that in fact existed from the beginning. Contrary to the myth that America enjoyed an epoch of “free security” until the

<sup>4</sup>“Official Letter Accompanying Act of Confederation,” Nov. 17, 1777, in Jonathan Elliot, ed., *The Debates in the Several State Conventions on the Adoption of the Federal Constitution . . .* (Philadelphia: J. B. Lippincott, 1859), vol. 1, pp. 69–70.

<sup>5</sup>Arnold H. L. Heeren, *A Manual of the History of the Political System of Europe and Its Colonies From Its Formation at the Close of the Fifteenth Century to Its Re-Establishment Upon the Fall of Napoleon* (Freeport, N.Y.: Books for Libraries Press, 1971 [1833]), p. vii.

<sup>6</sup>Friedrich von Gentz, *Fragments Upon the Balance of Power in Europe* (London, 1806), pp. xiii, 61.

cataclysmic upheavals of the twentieth century, the denizens of the thirteen states faced a very serious security problem, to which the federal constitution proved to be a lasting, although not altogether permanent, remedy. America, indeed, formed a system of states not only by Heeren's definition of the term, but also in the more familiar and existential sense of a system in which the danger of war lurked in the background as a potential way in which state and sectional differences would be resolved. Like the European system at various points in its history, the American system had varying elements of "society" and "anarchy," and the periodic perception that the states stood on the verge of disunion and war coexisted with elements of common purpose and cooperative endeavor.<sup>7</sup> That was true all the way up until the Civil War.

"Independence and Union" was the new states' motto and the great desideratum of their policy. Independence meant, above all, freedom from British rule and escaping dependence on the wars and politics of Europe. Union meant, above all, reconciling their differences so as to achieve the classic aims of the federative system: peace among the states themselves and preparedness against and immunity from the wiles and threats of foreign powers. These imperatives were conjoined from the beginning, but they were aspiration and not fact. While independence and union were mutually supportive in basic respects, weakness in the one eroded the other's foundations. During the war, the union's weakness continually threatened achieving the objective of independence, and the practical dependency on foreign assistance threatened to undermine the union. After the war, the union's inability to secure the states' compliance with the treaty of peace rendered the negotiators' achievement less significant and seemed to put within the power of any state the ability to implicate the others in ways that might end in war and break the union.

The interdependence of union and independence suggests that the customary separation of constitutional and diplomatic questions in the historiography of this era needs to be rethought. The "foreign" and "domestic" spheres were so closely entangled as to be virtually inseparable. When John Adams wrote that: "Jealousies and rivalries have been my theme, and checks and balances as their antidotes, till I am ashamed to repeat the words," he was describing his diplomatic outlook as much as his constitutionalism.<sup>8</sup> Americans found themselves considering the rights and duties of states not only in the realm of foreign policy, but also in their consideration of the union. "We are not working on the natural rights of men not yet gathered into society," Edmund Randolph recorded in his notes of the Federal Convention, "but upon

<sup>7</sup> For these expressions, see Hedley Bull, "Society and Anarchy in International Relations," in Martin Wight and Herbert Butterfield, eds., *Diplomatic Investigations: Essays in the Theory of International Politics* (Cambridge: Harvard University Press, 1966).

<sup>8</sup> John Adams to Abigail Adams, Mar. 17, 1797, cited in Stanley Elkins and Eric McKittrick, *The Age of Federalism* (New York: Oxford University Press, 1993), p. 549.

those rights, modified by society, and interwoven with what we call the rights of states.”<sup>9</sup>

### **Realism and Idealism in Early American Diplomacy**

Americans became accustomed in the twentieth century to arguing about foreign policy in terms of the opposition between “realists” and “idealists,” and so did historians of early American diplomacy. Felix Gilbert emphasizes Americans’ idealism at the beginning, and James Hutson their political realism. Gilbert sees a turn to realism in the 1780s, as a reaction to misguided idealism, while Hutson insists that the realist strain was present and dominant from the start. Gilbert discerns in early American thought the beginnings of an “idealistic internationalism” that was to usher in an age of universal peace, while Hutson finds the seeds of a bleak and unsparing realism.<sup>10</sup>

This exchange represents a misleading dichotomy. A better depiction of the early American outlook might be “We are all realists; we are all idealists.” Colonial Americans were quite fluent in calculations of power and interest. In their hierarchy of values, there was no expectation that states would or should pursue anything other than their own interests, and political science was tasked with finding where that true interest lay. At the same time, Americans’ feelings about the justice of their cause ran deep. They continually avowed the importance of pursuing statecraft within a recognized moral and legal framework. “Practical idealism” was the American leitmotif, and this is as true for Adams and Hamilton as for Franklin and Jefferson. All knew the language of interest; all spoke in morally freighted terms. If Franklin and Jefferson appealed sometimes to gratitude and friendship as a basis for interstate relations (and both did so in the context of the alliance with France), Adams and Hamilton by no means deprecated the idea that America ought to act in a morally upright fashion, and they too sought “progress” and “improvement.” One finds in American thinking about commerce, the balance of power, and the law of nations—and, more broadly, in the emphasis placed on good faith—a set of interlocking concerns that may best be described as Grotian or internationalist.

*Commerce.* Especially in the area of commerce, Americans hoped to depart from customary state practices. Franklin observed that:

I have seen so much embarrassment and so little advantage in all the restraining and compulsive systems that I feel myself strongly inclined to believe that a state which

<sup>9</sup>Edmund Randolph, Draft Sketch of Constitution, July 26, 1787, in James Hutson, ed., *Supplement to Max Farrand’s The Records of the Federal Convention of 1787* (New Haven, Conn.: Yale University Press, 1987), p. 183.

<sup>10</sup>Felix Gilbert, *To the Farewell Address: Ideas of Early American Foreign Policy* (Princeton: Princeton University Press, 1961); James H. Hutson, *John Adams and the Diplomacy of the American Revolution* (Lexington: University Press of Kentucky, 1980).

leaves all her ports open to all the world upon equal terms, will by that means have foreign commodities cheaper, sell its own productions dearer, and be on the whole the most prosperous.<sup>11</sup>

Though Americans were understandably sensitive on the point of declaring their desire to break free of the fetters imposed by the Acts of Trade and Navigation—such, Lord North argued, had been their real motivation in the controversy with Britain—they agreed with British opinion in thinking that such restrictions imposed onerous hardships on the colonial economy. Once independence was declared, they looked forward to the day when they could explore free commerce with all the world, confident that they would be the gainers from this policy. “The sweets of a free commerce with every part of the earth,” wrote the Congress in a May 1778 address to the public, “will soon reimburse you for all the losses you have sustained. The full tide of wealth will flow in upon your shores, free from the arbitrary impositions of those whose interest and whose declared policy it was to check your growth.” This vision of a liberal trading regime based on mutual interest and reciprocal benefit, and excluding all ideas of domination, is certainly internationalist in character, and it was a pronounced feature of the early American outlook.<sup>12</sup>

*Balance of Power.* American policy was also internationalist in its resistance to what Robert Morris, financier of the Revolution, called “those schemes of universal empire which the virtue and fortitude of America first checked, and which it is the object of the present war to frustrate.”<sup>13</sup> “Balance of power” is often considered a synonym for “realpolitik,” but it was regarded by revolutionary pamphleteers and essayists as a necessary underpinning of international society. Adams regarded it in that light and employed the specter of universal monarchy to seek support in Europe for the cause of American independence, insisting that it was in the “true interest” of both America and Europe that America “should be neutral in all their wars.” He pointed out that while Britain justified its policy system as an antidote to “the ambition of France for universal monarchy,” this charge was much more true of Britain itself: “Universal monarchy at land is impracticable; but universal monarchy at sea has been well nigh established, and would before this moment have been perfected, if Great Britain and America had continued united.” The recognition

<sup>11</sup> Franklin to President of Congress, July 22, 1783, *The Emerging Nation: A Documentary History of the Foreign Relations of the United States Under the Articles of Confederation, 1780–1789*, Mary A. Giunta et al., eds. (Washington, D.C.: National Historical Publications and Records Commission, 1996), vol. 1, p. 896.

<sup>12</sup> Address of Congress, May 8, 1778, *Journals of the Continental Congress*, Worthington C. Ford, ed. (Washington, D.C.: Government Printing Office, 1904–37), vol. 11, p. 481. See also Peter Onuf and Nicholas Onuf, *Federal Union, Modern World: The Law of Nations in an Age of Revolutions, 1776–1814* (Madison: Madison House, 1993), pp. 103–08.

<sup>13</sup> Robert Morris to John Jay, July 4, 1781, in E. James Ferguson, et al., eds., *The Papers of Robert Morris* (Pittsburgh: University of Pittsburgh Press, 1973), vol. 1, p. 230.

by Adams and others that universal monarchy constituted a profound danger for which the balance of power provided a necessary remedy is also indicative of the internationalist temper of early American statecraft.<sup>14</sup>

*Law of Nations.* A third respect in which early American diplomacy qualifies as internationalist is its recognition of the authoritative character of the law of nations. The “illustrious” writers on the law of nations were highly admired by Americans. All throughout the war, the charge was registered against the English of “how little avail in their estimation are the laws of nations, sacred throughout all the rest of the civilized world.”<sup>15</sup> Americans, by contrast, professed fidelity to those laws. Publicists such as Emmerich de Vattel described an international system in which the law of nations bound the states of Europe in a durable union for the purpose of the joint protection of their independence. Insofar as it was observed by those Christian princes, it justified to many the description of the European system as “one great nation composed of several,” “one great republic whose inhabitants have attained almost the same level of politeness and cultivation,” and “virtually one great state.”<sup>16</sup>

In making their revolution in 1776, Americans did not repudiate this world of public law, as would be done a generation later by the Jacobins of France. They sought rather to join it, enlisting the protections it accorded all states—and especially weak fledgling states—while also seeking its reform.

Perhaps most revealingly, America attempted to secure a different code for the conduct of war. As Benjamin Franklin opined to Edmund Burke: “Since the foolish part of mankind will make wars from time to time with each other, not having sense enough otherwise to settle their differences, it certainly becomes the wiser part, who cannot prevent these wars, to alleviate as much as possible the calamities attending them.”<sup>17</sup> Franklin registered this aspiration in an article he drew up for inclusion in a peace treaty with Great Britain that would have committed the parties to a far-reaching code of noncombatant immunity in the conduct of war on land and sea. Though rejected by Great Britain, this provision was later incorporated in the 1785 Treaty of Amity and Commerce between the United States and Prussia. John Adams, one of the signers, was distressed that “other courts and states” faltered in grasping this instrument of progress, but was “charmed to find the King do us the honor to

<sup>14</sup> “Letters from a Distinguished American” [ante 14–22 July] 1780, in Robert J. Taylor, et al., *The Papers of John Adams* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1977–2004), vol. 6, pp. 541–44, 562.

<sup>15</sup> James Duane’s Draft Manifesto Respecting Henry Laurens [April 3–May 9?, 1781], in Paul H. Smith, et al., eds., *Letters of Delegates to Congress* (Washington, D.C.: Library of Congress, 1976), vol. 17, p. 120.

<sup>16</sup> For these citations from Montesquieu, Gibbon, and Burke, see Terry Nardin, *Law, Morality, and the Relations of States* (Princeton: Princeton University Press, 1983), pp. 61–62.

<sup>17</sup> Benjamin Franklin to Edmund Burke, Oct. 15, 1781, *The Writings of Benjamin Franklin*, Albert Henry Smyth, ed. (New York: Macmillan, 1905–07), vol. 9, p. 84.

agree to the platonic philosophy of some of our articles, which are at least a good lesson to mankind, and will derive more influence from a treaty ratified by the King of Prussia, than from the writings of Plato or Sir Thomas More.”<sup>18</sup>

This disavowal of the barbarities of war, as Adams well knew, was rooted less in “platonic philosophy” than in Christian doctrine. As he wrote to his wife in 1777:

Revenge, in ancient days—you will see it through the whole Roman history—was esteemed a generous, and an heroic passion. Nothing was too good for a friend or too bad for an enemy. Hatred and malice, without limits, against an enemy, was indulged, was justified, and no cruelty was thought unwarrantable.

Our Saviour taught the immorality of revenge, and the moral duty of forgiving injuries, and even the duty of loving enemies. Nothing can show the amiable, the moral, and divine excellency of these Christian doctrines in a stronger point of light, than the characters and conduct of Marius and Sylla, Cæsar, Pompey, Anthony and Augustus, among innumerable others.

Retaliation, we must practice, in some instances, in order to make our barbarous foes respect in some degree the rights of humanity. But this will never be done without the most palpable necessity. The apprehension of retaliation alone, will restrain them from cruelties which would disgrace savages. To omit it then would be cruelty to ourselves, our officers and men.<sup>19</sup>

The law of nations did indeed permit retaliation for the purpose of enforcing respect for the offended principle, even if the consequence was to drive a stake in the heart of a humane code of war, and the passions of the war were such as to make difficult the adherence to that code. The revolutionaries used the principle of retaliation to justify confiscating loyalist estates, hanging Africans who took up the British offer of liberation in exchange for enlisting in the war against their masters, and plundering expeditions into Indian country. Richard Henry Lee, responding to a parliamentary bill that would have allowed Americans apprehended on suspicion of treason or piracy to be tried in England, thought it would be necessary to ensure “that every Tory may be precisely in the same situation if we succeed in this war, that we undoubtedly shall be if the enemy prevail.”<sup>20</sup>

*Good faith.* Perhaps the central principle of the law of nations was the maxim that pacts made among nations were to be religiously observed. From the outset, American statesmen believed that establishing the “good character” of the United States would be vital for a whole host of purposes. Wrote Adams:

This faith is our American glory, and it is our bulwark, it is the only foundation on which our union can rest securely, it is the only support of our credit both in finance and commerce, it is our sole security for the assistance of foreign powers. If the British

<sup>18</sup> John Adams to Baron de Thulemeier, Feb. 13, 1785, *The Works of John Adams*, Charles Francis Adams, ed. (Boston: Little, Brown, 1850–56), vol. 8, p. 225.

<sup>19</sup> John Adams to Abigail Adams, June 2, 1777, *Letters of Delegates*, vol. 7, p. 160.

<sup>20</sup> Richard Henry Lee to Patrick Henry, May 13, 1777, *ibid.*, p. 75.

Court with their arts could strike it or the confidence in it, we should be undone forever.<sup>21</sup>

The importance attached to good faith established a moral undertone to a whole range of issues, but it also had central political importance. For example, the making of the union was deemed necessary for the French alliance, and preserving the value of the currency was a barometer of confidence in the union.

The commitment to internationalism was also reflected in the American response to the French Revolution. Despite the bitter controversy between Hamilton and Jefferson over foreign policy in the 1790s, both Federalists and Republicans saw the rival belligerents as being guilty of fundamental offenses against the law of nations. Hamilton's detestation of French policy arose mainly from his conviction that the French had offended against international law. The French offer of fraternal assistance "to all peoples who shall wish to recover their liberty," he wrote in 1793, was "little short of a declaration of war against all nations having princes and privileged classes," equally repugnant "to the general rights of nations, to the true principles of liberty, [and] to the freedom of opinion of mankind." Four years later, in "The Warning," Hamilton charged that Revolutionary France had:

betrayed a spirit of universal domination; an opinion that she had a right to be the legislatrix of nations; that they are all bound to submit to her mandates, to take from her their moral, political, and religious creeds; that her plastic and regenerating hand is to mould them into whatever shape she thinks fit; and that her interest is to be the sole measure of the rights of the rest of the world.

He traced this spirit to "the love of dominion inherent in the heart of man," reasoning that "the rulers of the most powerful nation in the world, whether a Committee of Safety or a Directory, will forever aim at an undue empire over other nations," and believing that France's "specious pretense of enlightening mankind, and forming their civil institutions, is the varnish to the real design of subjugating them."<sup>22</sup>

Jefferson was far more sympathetic to the French Revolution, and through most of the 1790s felt a profound kinship with its fortunes. But he, too, acknowledged that "the French have been guilty of great errors in their conduct towards other nations, not only in insulting uselessly all crowned heads, but endeavoring to force liberty on their neighbors in their own form." Jefferson was convinced that "the confederacy of kings" was the aggressor in the war of the 1790s between France and the European powers, and he detested the allied powers because he believed them intent on denying

<sup>21</sup> John Adams to Samuel Adams, July 28, 1778, *Adams Papers*, vol. 6, pp. 325–7.

<sup>22</sup> *Pacificus* No. 2, July 3, 1793, *Hamilton Papers*, vol. 15, pp. 59–62; Americus, "The Warning I," January 27, 1797, in Henry Cabot Lodge, ed., *The Works of Alexander Hamilton* (New York: Haskell House Publishers, 1971 [1904]), vol. 6, pp. 233–4.

France its fundamental right under the law of nations to choose its own government.<sup>23</sup>

Much as Hamilton and Jefferson differed in their assignment of guilt to the warring parties and in their prescriptions for American conduct, both of them made their normative assessments of the European war within the framework of the law of nations, at the center of which was the right of every nation to choose its own form of government.

### **An Experiment in International Cooperation**

At the conclusion of the Federal Convention in 1787, James Wilson claimed that it had accomplished “what the great mind of Henry IV of France had in contemplation: a system of government, for large and respectable dominions, united and bound together in peace, under a superintending head, by which all their differences may be accommodated, without the destruction of the human race!” The same point was made shortly after the Convention by Benjamin Franklin, in a letter to a French friend. “I do not see why you might not in Europe carry the project of good Henry IV into execution, by forming a federal union and one grand republic of all its different states and kingdoms, by means of a like convention, for we had many different interests to reconcile.”<sup>24</sup>

North America, then, was to be a laboratory in international cooperation, a working out of the peace plan tradition in European thought. The founders saw their experiment as part of the same stream of thought on the great problems of international peace as the makers of Europe’s various “peace plans” and the seekers of a “federal constitution” of Europe. The founders put themselves squarely in this tradition of European internationalism, and yet this way of understanding their purpose has—with a few outstanding exceptions—been virtually ignored in the last fifty years of writing on the constitutional era (1776–1790). That neglect is mirrored in conventional histories of European internationalism, which pay almost no attention to American developments prior to the twentieth century, as if the great current of European internationalism had never touched American shores.

<sup>23</sup>Jefferson to Thomas Mann Randolph, June 24, 1793, *The Writings of Thomas Jefferson*, Paul Leicester Ford, ed. (New York: G. P. Putnam, 1892–99), vol. 6, p. 318. The same issue arose when the Holy Alliance suppressed liberal constitutions in the Europe of the 1820s: “The presumption of dictating to an independent nation the form of its government is so arrogant, so atrocious, that indignation, as well as moral sentiment, enlists all our partialities and prayers in favor of one, and our equal execrations against the other.” Jefferson to James Monroe, June 11, 1823, Andrew A. Lipscomb and Albert Ellery Bergh, eds., *The Writings of Thomas Jefferson* (Washington, D.C.: Thomas Jefferson Memorial Foundation, 1905), vol. 15, p. 435.

<sup>24</sup>James Wilson’s Summation and Final Rebuttal, Dec. 11, 1787, Bernard Bailyn, ed., *The Debate on the Constitution* (New York: Library of America, 1993), vol. 1, pp. 832–68, at 866; Franklin to Ferdinand Grand, Oct. 22, 1787, Smyth, *Works of Franklin*, vol. 9, p. 619.

Most historical accounts exaggerate the sense of common nationality that existed at the outset of independence: American Whigs had a keen sense that their political principles set them apart from Europe; they spoke a common language; and they knew that the safety and independence of each colony were vitally dependent on the union. These, however, were necessary but not sufficient elements for the forging of a national identity. As John Adams noted in 1775, “The characters of gentlemen in the four New England colonies differ as much from those in the others, as that of the common people differs, that is as much as several distinct nations almost.” The fact that the states and regions differed “as much as several distinct nations almost” made the establishment of a secure national identity problematic. Adams recalled in 1818 that:

The colonies had grown up under constitutions so different, there was so great a variety of religions, they were composed of so many different nations, their customs, manners, and habits had so little resemblance, and their intercourse had been so rare, and their knowledge of each other so imperfect, that to unite them in the same principles in theory and the same system of action, was certainly a very difficult enterprise.<sup>25</sup>

So it proved to be from 1776 to 1787. The war not only created a sense of American nationalism, but also confirmed the distinctive interests and deep-rooted particularism of the several states. More ominously, it produced on a wide range of continental issues fundamentally different perspectives in the eastern and the southern states. New England and the South were indeed sufficiently different from one another—as different as Russia and Turkey, said one observer—that they constituted the core of alternate confederacies or nations. Neither region wished for a separate national identity, but forming a durable union out of these heterogenous materials often seemed to be a virtually hopeless enterprise. Throughout that time, the union lived and breathed in crisis, demonstrating the adage that for confederacies at war the simplest things are difficult. Like a certain kind of troubled marriage, it held together at critical moments not from joy of cohabitation but from fear of the grim prospects of a divorce.

At the root of American political thought during and after independence were two antithetical fears. One was that the confederation among the American states would fall apart and that they would find themselves in the predicament of the European powers, in which their liberties “would be a prey to the means of defending ourselves against the ambition and jealousy of each other.”<sup>26</sup> The other was that the measures taken to address this danger would create a “universal empire in the western world,” as one anti-Federalist described the Constitution created in Philadelphia. The Constitution split

<sup>25</sup> John Adams to Hezekiah Niles, Feb. 13, 1818, *Works of Adams*, vol. 10, p. 283.

<sup>26</sup> Jacob E. Cooke, ed., *The Federalist* (Hanover: Wesleyan University Press, 1961 [1788]), no. 8, p. 49.

the difference between these two rival specters. As James Wilson noted in his explication of the new Constitution, “consolidation” into a full-fledged state would demand “a system of the most unqualified and unremitted despotism,” whereas dividing into “a number of separate states, continuous in situation, unconnected and disunited in government” would make the states “at one time, the prey of foreign force, foreign influence, and foreign intrigue; at another, the victims of mutual rage, rancor, and revenge.”<sup>27</sup>

Those opposing specters pushed the Constitutional Convention delegates onto a middle ground. Conscious that the states would have to give up some of their sovereignty if the purposes of “the subsisting federal government” were to be realized, and conscious, too, of the impossibility of legislating for communities as opposed to individuals, the framers brought forth a new political edifice built on the norms and institutions of constitutional government existing within the American states. The federal government, like most of the state governments, would now enjoy a bicameral regime of separated powers, with standing executive and judicial branches capable of bringing individuals under the cognizance of its laws. This would avoid the direct reliance on the states under the Articles of Confederation, which had proven fatal in the 1780s. The federal government created by the Constitution, however, fell short of being a “consolidated” government. Unlike the state governments, which generally claimed complete authority over the liberties of their citizens, the federal government was one of enumerated and limited powers. Supremacy was accorded not to the federal government or the state governments but to the Constitution itself. The enumerated powers of the national government were largely confined to the “federative” or “external” functions of war and peace, diplomacy, and foreign commerce. Advocates said that this would secure “federal liberty,” and that the states needed a compact to get them out of the state of nature for the same reason that individuals in a state of nature needed a government.<sup>28</sup>

These are not the only respects in which the Constitution was a federative act. More fundamentally, its acceptance or rejection was seen by its advocates as posing the fundamental question of war or peace. “Once dissolve the tie by which we are united and alone preserved,” James McHenry argued, “and the prediction of our enemies would be complete in the bloodshed in contending and opposite interests.”<sup>29</sup> All the important statements of the case for the Constitution posed the alternatives starkly as being peace or war. Believing that the states’ interests were in accord more than they differed, and mortally fearing dissolution, which would ineluctably produce

<sup>27</sup> Nov. 26, 1787, Elliot, *Debates*, vol. 2, p. 427.

<sup>28</sup> Herbert J. Storing, “The ‘Other’ Federalist Papers: A Preliminary Sketch,” *Friends of the Constitution: Writings of the “Other” Federalists, 1787–1788*, Colleen A. Sheehan and Gary L. McDowell, eds. (Indianapolis: Liberty Fund, 1998), xxvii.

<sup>29</sup> James McHenry before the Maryland House of Delegates, Nov. 29, 1787, Farrand, *Records*, vol. 3, p. 146.

the features of the European state system in North America, the Federalists of 1788 labored hard to secure ratification of a frame of government that would be adequate to the exigencies of the union, giving each potential fragment a vital interest in its perpetuation.

Americans emerged from the Revolutionary War as “neither the same nation nor different nations,” and they were disinclined to pursue either option too closely.<sup>30</sup> The oddity is that the enmities they had developed were at least as important as their friendships in prompting their felt need for a new system. Describing the general sentiment of Congress in 1792, Fisher Ames, a representative of Massachusetts, observed that “instead of feeling as a nation, a state is our country. We look with indifference, often with hatred, fear, and aversion to the other states.”<sup>31</sup> The Constitution emerged as a focus of loyalty not because it expressed a common nationalism but because it provided the framework for the peaceful reconciliation of difference. It is difficult to recapture today the sense of artificiality that surrounded its creation, and the American nation seems like an inevitable force of nature rather than one among a variety of possibilities. But the latter is all it was or could be at the time. In keeping with this anomalous situation, the Constitution created a republic of different republics and a nation of many nations. The resulting system was unique in establishing a continental order that partook of the character of both a state and a state system.

As James Brown Scott once emphasized, the Constitutional Convention was in fact and in form an international conference, conducted in secrecy among diplomatic plenipotentiaries of the states.<sup>32</sup> The presence of rival theories of international politics put forward in the debate over the Constitution—the structural realism of the Federalists and the liberal democratic peace theory of the anti-Federalists—underlines the internationalist character of the founding. The proposed settlement constitutionalized a set of doctrines—of comity, non-intervention in internal affairs, state equality, and good faith—that had taken root among the publicists of the law of nations, and its advocates put themselves in the “peace plan” tradition associated with the grand design of Henry IV of France, who had sketched “but the picture in miniature of the great portrait to be exhibited.”<sup>33</sup> The Constitution also incorporated, while domesticating, the hoary doctrine of the balance of power, and indeed projected it into the interior of the federal government. This operation was most strikingly revealed in the compromises of the Constitution over representation; however, the division of power between the state and federal government, with each a sentinel against the encroachments of the other, was also expressive of

<sup>30</sup> Max Farrand, ed., *The Records of the Federal Convention of 1787* (New Haven: Yale University Press, 1966), vol. 1, p. 532 (Gerry).

<sup>31</sup> Fisher Ames to George Richards Minot, Feb. 16, 1792, *Works of Fischer Ames*, W. B. Allen, ed. (Indianapolis: Liberty Fund, 1983 [1854]), vol. 2, p. 912.

<sup>32</sup> James Brown Scott, *James Madison's Notes* (New York, 1918).

<sup>33</sup> Speech of James Wilson, Farrand, *Records*, vol. 1, p. 405.

the balancing doctrine. The struggle over the Constitution may have been a “contest for dominion—for empire,” as William Grayson called it,<sup>34</sup> but the governing charter also reflected an artful attempt to contain and regulate this competition. It was more than an arms control treaty, but it was in part just that. It was more than an alliance that parceled out spheres of influence and nicely adjusted the continental balance of power, but it was in part just that. Above all, it was the reasoned response to a serious security problem that espied a sequence in which internal division and the intervention of external powers would create the same whirlwind in America that had undone Europe.

Seen in this light, the American founding was a remarkable attempt to turn back the tide of war—that is, a peace pact. It bears comparison to the great peace settlements of modern history—Westphalia (1648), Utrecht (1713), Vienna (1815), Paris (1919), and San Francisco (1945)—save that it occurred in the anticipated prelude rather than the bloody aftermath of a war. It may be the most self-conscious “security community” in world history until the twentieth century—the most innovative attempt yet to overcome the obstacles states had traditionally faced in securing cooperation with one another.

### **A Distant Mirror**

It has become customary in American historiography to describe eighteenth- and nineteenth-century American statecraft as unilateralist, but that is in crucial respects misleading. This analysis misses not only America’s subscription to the law of nations, but also the problematic character of the American union and the extent to which the creation of that union occurred against the backdrop of profound fears of international anarchy and universal empire (the characteristic specters of an internationalist sensibility). Most strikingly, the features of American foreign policy that are usually seen as unilateralist actually grew out of the multilateral imperatives associated with the maintenance of federal union. More than any other factor, it was the imperatives associated with constructing an American system based on internationalist ideals that dictated separation and “no entangling alliances” with the European system. Any such alliance, because of the differential impact it would have on the various American economic regions, threatened to drive a stake in the union. A subscription to internationalist ideals therefore actually encouraged traits normally seen as either unilateralist or isolationist.

Reflecting in 1832 on the establishment of the Constitution, Daniel Webster noted that

Of all the presumptions indulged by presumptuous man, that is one of the rashest which looks for repeated and favorable opportunities for the deliberate establishment of a united government over distinct and widely extended communities. Such a thing

<sup>34</sup> Elliot, *Debates*, vol. 3, p. 365.

has happened once in human affairs, and but once; the event stands out as a prominent exception to all ordinary history; and unless we suppose ourselves running into an age of miracles, we may not expect its repetition.<sup>35</sup>

Americans can no longer be under any illusion that we will soon be running into an age of miracles, and the prospects for a peaceful international order seem dim. In looking to the future, however, it may not be amiss to look backward to the foundation of the United States, for there is much in the normative framework of early American statecraft to respect and from which to draw lessons for the present day.

In its drive for universal dominion, contemporary American statecraft seems increasingly to take on the disagreeable features of the British Empire against which the founding fathers rebelled. Conceived in peace, the United States has become a country accustomed to initiating war. Its institutions were formed out of acute appreciation of the need for checks and balances upon power, but the country now balks at restraints upon its exercise of power imposed by international law or international institutions. Grown to the most powerful state in the world, it cannot admit that it is “yet remote from the happy empire of perfect wisdom and perfect virtue.”<sup>36</sup> If it is to discover a way out of its present predicament, it could do worse than consult the moderate counsels of its founders.



<sup>35</sup> Daniel Webster, “The Character of Washington,” *The Speeches of Daniel Webster and His Masterpieces*, B. F. Tefft, ed. (Philadelphia: Porter and Coates, 1854), p. 230.

<sup>36</sup> Alexander Hamilton, *Federalist Paper* No. 6.