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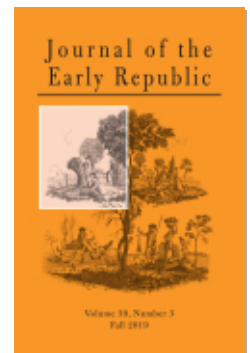
*Original Intents: Hamilton, Jefferson, Madison, and the
American Founding* by Andrew Shankman (review)

Peter S. Onuf

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not change his mind about which branch was more important so much as shift focus in his quest to secure a balance of powers.

According to Rakove, Madison's experience in politics led him to change his mind, something that he thinks should be seen as a virtue rather than hypocrisy. After all, "the continuous challenge of public life is to adjust to the unanticipated and the unexpected" (154). In contrast to recent work that has attempted to trace continuity in Madison's thought despite apparent contradictions, Rakove stresses change over time. For example, though Madison initially saw public opinion as a potential danger to be managed, by the 1790s, he had come to see it as a necessary constraint on the government. Rakove argues that Madison's emphasis on "thick description" in defining his terms suggests that some of his definitions—such as faction and opinion—changed over time. He concludes that "Madison's thinking on the role of public opinion was dynamic" (114).

It is in the Epilogue that readers are left to consider the limits of Madison's creativity. Slavery, which is mentioned only at the end of the book, represents the bounds of his innovation. Rakove asserts that though Madison was morally opposed to the institution, he "could conceive of no political solution" (190). His moral opposition, Rakove concludes, "will never satisfy modern critics who believe the task of history is less to explain the past than to judge it on moral grounds" (190). And yet, one does not need to pass judgment in order to identify Madison's relative silence on slavery as a shortcoming. While the blend of theory and politics, analysis and empiricism, history and experience, served Madison well in many realms, in this area, it left him lacking.

KATLYN MARIE CARTER is a visiting assistant professor at the University of Notre Dame. She is currently writing a book about state secrecy and representative politics in the eighteenth-century Atlantic world.

Original Intent: Hamilton, Jefferson, Madison, and the American Founding. By Andrew Shankman. (New York: Oxford University Press, 2018. Pp. 176. Paper, \$19.95.)

Reviewed by Peter S. Onuf

Hamilton, Jefferson, and Madison were all good republicans, united in their commitment to American independence. Their collaboration

culminated in the ratification of Madison's Constitution, Andrew Shankman writes in his succinct and engaging account of the founding, only to collapse with the inauguration of the new federal government and implementation of Treasury Secretary Hamilton's controversial financial system. Hamilton, Madison, and Jefferson agreed that "the national government had to gain the power to tax, regulate trade, and enact laws that the states would have to obey" (15). But that agreement disguised fundamental disagreements about the constitution and character of a modern republic that would erupt in the 1790s, dividing Shankman's protagonists and nearly demolishing the "more perfect union" they sought to create.

The vicious party battles of the 1790s reflected the founders' failure to recognize or reconcile fundamental philosophical differences. Reversing the logic of "originalist" interpretations of the Constitution, Shankman suggests that Hamilton, Madison, and Jefferson were not—and could not have been—fully aware of their intentions *before* conflicts over controversial administration policies retrospectively revealed them. Jefferson and Madison launched a "mighty argument" over the new nation's future as they mobilized opposition to Hamilton's management of the Treasury. Republican critics and Federalist defenders of the administration imagined the worst in their opponents as they staked out conflicting interpretations of the Constitution. Their "battle to impose their original intents provides for us no legacy of singular constitutional original intent," Shankman concludes. It follows that "we should not trust any figure of the twenty first century who claims that the Constitution had one meaning for its framers" (145).

Originalists who now focus on the Constitution's "public meaning" will not be troubled by Shankman's conclusion, for they focus on the text, not on its authors' putative intentions, whenever and however they were defined. What matters to them are the generally accepted understandings of the Constitution's language when the document was written and ratified—fixed understandings that constitute the regime's enduring foundation. Shankman and his fellow historians have little patience with such ahistorical formulations: What can or should be enduring about a bundle of sometimes sordid compromises designed, among other things, to perpetuate slavery? And Shankman is quite right to emphasize the ways in which Hamilton's design for an "energetic" fiscal-military state gave rise to conflicting conceptions of political economy and constitutional interpretation that would profoundly shape the future course of American history.

*Original Intent*s will be recognized as a valuable contribution to our understanding of Hamilton's financial system and its impact on party formation. Jefferson and Madison agreed that preserving the union depended on the federal government's credit-worthiness in European financial markets. But Hamilton had more ambitious goals in mind. By assuming state debts, inducing monied men to invest in the government, transforming debt into a circulating medium, and establishing a national bank, the Treasury Secretary sought to secure "durable liberty" and suppress popular licentiousness (47). Enhanced state capacity would enable the new federal government to govern effectively and so restore order in the revolutionary republic. Under the aegis of a loosely interpreted Constitution, Federalists sought to "beat European monarchies at their own game," in Shankman's apt formulation, by "creating its own republican versions of those monarchies' financial institutions" (4).

At first Hamilton played his hand well. After securing repayment of "the \$13 million owed to foreign creditors," he rebuffed Madison's effort to discriminate between original holders of the domestic debt and the "few thousand people" who in 1790 "owned most of the \$66 million" of the once nearly worthless paper (69, 68). Funding in hand, Hamilton leveraged the assumption of state debts, with the eventual relocation of the capital on the Potomac sweetening the deal. The subsequent incorporation of the First Bank raised constitutional issues that illuminated the implications of Hamilton's system. "If the power to tax could somehow lead to the power to incorporate a bank," Republican critics reasoned, "a creative mind could imagine connections that would allow the government to do just about anything" (98). This is when "original intents" became critically important. What did Hamilton, the "prime minister," intend to do with the nearly unlimited power he claimed under the Constitution?

Republicans wondered if Hamilton meant to monarchize the republic in order to save it from nonexistent monarchical threats. They feared his policies would concentrate "political authority, financial and economic power, and cultural preeminence" in a "small, overlapping group" in a new national capital that would replicate London, the old imperial metropolis (82). Antifederalist fears of "consolidation" now seemed all too amply justified. As Hamilton's intentions became clear, Jefferson and Madison turned toward the "people," rallying them behind a Constitution they had ratified in order to secure their liberties. The people's

intentions, they insisted, must prevail against the corrupt machinations of “aristocrats” and “monocrats.”

Shankman relies too heavily on “classical republicanism” to delineate the conflicting intentions of his protagonists. Jefferson and Madison were not prisoners of the “third stage” in Scottish conjectures about the progress of civilization. The urgent imperative, they agreed with George Washington, was to secure the union of the states, those “wretched fragments of empire.” The geopolitical context of federal state-making underscored the significance of political economy, statecraft, and international relations; lawmakers and constitutional writers drew on the rich resources of Anglo American constitutionalism. Republicanism was a work in progress, the product of the conflicts Shankman so ably narrates. The very idea of “original intentions,” as Jonathan Gienapp brilliantly demonstrates in his *Second Creation: Fixing the Constitution in the Founding Era* (Cambridge, MA, 2018), originated in debates over controversial policies in the first congresses. Independent Americans had many things to argue about, and their arguments constantly generated new meanings and intentions. Shankman shows how this happened in his excellent account of the articulation and implementation of Hamilton’s financial system and its controversial reception.

PETER S. ONUF, Thomas Jefferson Professor of History Emeritus, University of Virginia, recently published his last book, *Jefferson and the Virginians: Democracy, Constitutions, and Empire* (Baton Rouge, LA, 2018).

Thomas Jefferson, James Madison, and the British Challenge to Republican America, 1783–1795. By Michael Schwarz. (Lanham, MD: Lexington Books, 2017. Pp. 127. Cloth, \$90.00.)

Reviewed by Paul A. Gilje

A little more than a decade ago, Michael Schwarz published in these pages a groundbreaking article, which argued that it was Alexander Hamilton and not James Madison who shifted his position on relations with Great Britain after the ratification of the Constitution. In *Federalist 11*, Hamilton had supported the idea of using discriminating tariffs against the British to coerce commercial concessions. When Madison