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**The Senator William Maclay of Pennsylvania and
the early development of the radical tradition**

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Introduction: The Historian's Maclay

William Maclay was elected to the first Senate as a Federalist and vocal supporter of the Constitution.¹ Having served his local militia in the Revolution, he had risen to eminence and independence through shrewd investment and marriage. He had won election a number of times in Pennsylvanian state politics, and would usually set about infuriating those who had elected him; throughout the 1780's he seems to have possessed an unerring sense what policy might most offend his constituents, and to have pursued it vigorously. His career had thus been stop-start, hindered by an instinctive revulsion of expediency. When elected on a technicality in 1785, he refused the seat, waiting (successfully, as it happens) to be popularly elected in 1786.² An imposing man in all respects, he towered over his compatriots and seems to have won admiration not for any affability or charisma, but a rural variety of Presbyterian intimidation. A Mr Harris of Harrisburg would recall, 'I always was afraid of him; he seemed to awe me into insignificance'.³ He went to New York with no national reputation whatsoever, having to enlist Benjamin Rush to speak well of him to John Adams.⁴ He would remain a solitary figure, being suspicious of the veracity of fellow Pennsylvanian Robert Morris' republicanism, and wary of his financial dealings, which he considered an inappropriate means of income for the disinterested politician of an agrarian republic.

Like the leading men of his generation, William Maclay of Pennsylvania had an active historical imagination. The men that made the republic, assured of their epochal significance, thought it self-evident that their actions would serve as precedents for the emerging nation. The survival and success of the American experiment was of transcendent importance. Bernard Bailyn has written, 'The realisation, the comprehension and fulfilment, of the inheritance of liberty and of what was

1 For the ambiguous boundaries between Federalism and Republicanism in 1788-1789, see: Cornell, Saul. *The Other Founders: Anti-Federalism and the Dissenting Tradition In America, 1780-1828* (University of North Carolina Press, Chapel Hill, 1999), p.164

2 *Documentary History of the First Federal Congress* (henceforth *DHFFC*), vol.9, ed.Kenneth R. Bowling & Helen E. Veit (John Hopkins University Press, Baltimore, 1972), 9:436

3 *Gearheart, Herber G. The Life of William Maclay in Proceedings of the Northumberland County Historical Society* 2 (May 1930)p.73

taken to be America's destiny in the context of world history'.⁵ Maclay keenly felt the collective responsibility of the new government, and was certain that its triumph or failure would redound to the ages. 'I came here expecting every man to act the part of a God', he recorded in March 1789, 'That the most delicate Honor the most exalted Wisdom, the most refined Generosity was to govern every Act and be seen in every deed'.⁶ Though this hope would, like so many things in Maclay's political life, meet with bitter disappointment, it is indicative of his own private sense that he was an actor on a grander historical stage.

What follows is an attempt to locate Maclay in the political drama of the early United States, and to evaluate his contribution to the dichotomy that would come to define the American partisan tradition. However, we must begin such an analysis with a question more historiographical than historical. If Maclay is a historical actor of consequence, why have historians of the previous two centuries so frequently portrayed him as a marginal figure, when they have deigned to portray him at all? The answer to that question varies, depending on which period of historical writing we consider, and we should begin by briefly assessing Maclay's reputation at its nadir, in the late nineteenth century.

A number of factors combined in the late nineteenth century to make William Maclay the target of both ridicule and vitriol. The first problem was methodological. The edition of his Diary (a term Maclay used himself; it was first published as a 'Journal' in 1890) was heavily edited by Edgar S. Maclay. His acerbic portraits of Adams and Washington were neutered, and the more pessimistic passages expunged. Even so, Maclay's critical approach to the Founding Fathers' and the first Congress could scarcely have been more antithetical to the prevailing respect accorded them prior to Beard's materialist revisionism. Franklin James, perhaps the most assiduous early archivist of the

4 *The Selected Writings of Benjamin Rush*, ed., Runes, D. Dagobert (Philosophical Library, 1947), p.490

5 Bailyn, Bernard. *The Ideological Origins of the American Revolution* (Belknap Press, Cambridge MA, 1992), p.85

6 *Diary of William Maclay* (John Hopkins University Press, 1988), p.141. NB: Maclay's frequent grammatical inconsistencies, and idiosyncratic spelling, has been unchanged from the source material, unless otherwise noted.

Federalist period, loathed Maclay, seeming to have resented that he had produced the most important documentary evidence of the first Congress. He called him 'a man of distinctly small, envious and suspicious character' in print. He was yet more damning in his correspondence, calling Maclay variously 'a poor mean creature', a 'contemptible creature' and an 'atrabilious and parvanimius creature', whose diary was evidence of his 'mean malignancy'.⁷ W.P. Trent wrote in 1891 that Maclay was nothing more than an example of 'how narrow and illiberal a truly patriotic man could be in those days'.⁸ Not only did Maclay's cynicism (or, more positively, his realism) clash with their hagiographic treatment, but his fear of American monarchism surely seemed somewhat ludicrous in the age of Chester Arthur and Benjamin Harrison.

The resurrection of Maclay would begin, haltingly, thanks to a historian who tended to share his view of politics as a Gordian knot of power and self-interest.⁹ Charles Beard, wrote in the 1927 introduction to a reprint of the earlier, flawed edition of the *Diary*, that 'This Journal by William Maclay, who may be called with some justice the first Jeffersonian Democrat, is one of the most precious human documents for the study of American manners, morals and intelligence, political and general'.¹⁰ Some of the old reservations concerning Maclay persisted, with Guion Griffis Johnson writing in 1929 that, 'he became suspicious and too severe in his judgement'. Nonetheless, he could not help but note that 'Maclay with some justice has been called the first Jeffersonian Democrat'.¹¹

Despite this fresh approach to Maclay, however, no extensive study of him emerged, and his biography was limited to a paper presented in the *Proceedings of the Northumberland County*

7 DHFFC, pp.xi-xii

8 Trent, W.P. *Review of The Journal of William Maclay in Political Science Quarterly*, vol.6, no.2 (June 1891), p.365

9 Beard, Charles A. *Some Economic Origins of Jeffersonian Democracy in The American Historical Review*, vol.19, no.2 (June 1914), p.284

10 Beard, Charles A. *Introduction in The Journal of William Maclay: United State Senator from Pennsylvania, 1789-1791* (Albert & Charles Boni, NY, 1927), p.v

11 Griffis Johnson, Guion, *Glimpses Into History Through Diaries in Social Forces*, vol.7, no.3 (March 1929), p.464

Historical Society.¹² The mid-twentieth century saw historians retreat from Maclay's role in political philosophy to a preoccupation with his caustic style, which, as it had done in a previous era, clashed with the spirit of the times. John C. Miller called Maclay 'a waspish-tempered and cross-grained man',¹³ while Esmond Wright called him 'crotchety'.¹⁴ Much in particular was made of his cynicism. William Barker wrote of 'the ever suspicious William Maclay... whose political paranoia often magnified the fainter forebodings of less virtuous and less egotistical republicans and threw a refracted if revealing light on national affairs'.¹⁵ This reached its zenith with William Nesbit Chambers (channelling Franklin James), writing, 'The choleric Billy Maclay... an Ismael in the Senate who smelled conspiracy in any alliance however temporary'.¹⁶

It would be overstating matters to suggest that Maclay has since enjoyed a renaissance, but he has in recent decades begun to receive a more balanced analysis. A general consensus has formed concerning the value of Maclay as perhaps the primary source for legislative politics in the first Congress. His inclusion in John Hopkins University Press' excellent *Documentary History of the First Federal Congress* made an accurate and well-annotated edition of his *Diary* available after nearly two hundred years. Even those who remained unconvinced of Maclay's personal importance could not overlook his value as an annalist. A statement from Michael E. Stevens is typical of this school, 'Maclay played a minor role in the Senate; his stubborn personality often led him to be on the minority side of many issues. Nonetheless, the diary's importance far outweighs Maclay's own political role'.¹⁷ Gore Vidal would later reiterate this position. 'Senator Maclay was sour, begrudging every penny spent... But Maclay's contribution was not to statecraft, rather, it was his

12 Gearheat. *Life of William Maclay*

13 Miller, John C. *The Federalist Era: 1789-1801* (Harper Colophon, NY, 1963), p.14

14 Wright, Esmond. *Fabric of Freedom, 1763-1800* (Macmillan, London, 1965), p.200

15 Barker, William B. *Among the Most Techy Articles of the Civil Police: Federal Taxation and the Adoption of the Whisky Excise in William and Mary Quarterly*, 3rd series, vol.25, no.1 (January 1968), p.80

16 Chambers, William Nisbet. *Political Parties in a New Nation: The American Experience, 1776-1809* (OUP, 1963), p.38

17 Stevens, Michael E. *Review of the Diary of William Maclay in Journal of the Early Republic*, vol.9, no.1 (Spring, 1989), p.128

pen. He is our rustic Saint Simon'.¹⁸ Since the *Diary's* republication, Maclay has received markedly more attention in the historiography of the Federalist era. Van Beck Hall in 1990 expressed what would come to be the predominant interpretation: 'Through Maclay's eyes it is possible to observe the shift of many Americans from support of the Constitution and the Federalists in 1788 and 1789 to a more critical appraisal of the new Washington administration by 1791'.¹⁹

By the 2000's, Maclay's stock has reached its historical peak. Most notably, Joanne Freeman dedicated a chapter to him in her 2001 book *Affairs of Honour*. However, as with Andy Trees' monograph on the subject,²⁰ her focus is as much socio-cultural as political. 'The value and message of Maclay's diary went long unnoticed for good reason', Freeman writes. 'Aside from its account of senatorial debates, it appeared to have little significance. Such is the price of indirect politics of self-presentation and social events'.²¹ Maclay remains an unanswered conundrum. Having either aggravated or amused almost every historian that has utilised him, none have been moved to produce a book-length biography, in stark contrast to the shelves filled by works on his contemporaries: Robert Morris, Elbridge Gerry and Fisher Ames, to name but a few. While all these men enjoyed longer national careers than Maclay, they are not only philosophically less distinctive but also, subjectively speaking, infinitely duller. Nothing, excepting *The Federalist Papers*, survives the era as such an exciting and important exercise in sustained political thought than his *Diary*. If numerous historians have concurred that Maclay was an early, perhaps even seminal, Democrat-Republican, surely we must pause to consider the implications of his career and thought.

18 Vidal, Gore. *Inventing a Nation: Washington, Adams, Jefferson* (Yale UP, New Haven, 2003), p.78

19 Beck Hall, Van. *Review of 'Diary of William Maclay'* in *The Pennsylvania Magazine of History and Biography*, Vol.114, no.1 (January 1990), p.128

20 Trees, Andy. *The Diary of William Maclay and the Political Manners in the First Congress in Pennsylvania History*, vol.69, no.2 (Spring 2002)

21 Freeman, Joanne B. *Affairs of Honour: National Politics in the New Republic* (Yale UP, New Haven, 2001), p.59

A Parliamentarian in an Unfinished Congress

The title of this chapter might be misleading. Maclay was not a skilled parliamentarian in the sense of passing bills; he was, by this measure, spectacularly inept. Rather than his trade, legislating was his faith, a solemn, sanctified ritual beset on all sides by corruptions and temptations. Maclay was so woeful a politician because he imagined politics could be something more. Donning the straitjacket of his ideals, he would be flanked at almost every turn by opponents of a more pragmatic bent.

Maclay has previously been quoted on his aspirations upon arriving at the new United States Senate, 'I came here expecting every man to act the part of a God'. However, the same paragraph contains the bitterness of his dashed hopes. 'With the Senate I am certainly disgusted...', he wrote, '...What must be my feelings upon finding rough and rude manners Glaring folly, and the basest selfishness, apparent in almost every Transaction'.²² Maclay's republican sensibilities were offended from the outset. The first Senate debates included lengthy discourse on the issue of titles, one of the matters left ambiguous by the Constitutional Convention. One faction argued on behalf of deference and aristocratic manners. The leading advocate of this position was the man soon to become Maclay's nemesis, Vice President of the United States and President of the Senate, John Adams. Adams argued for 'obeisances' to be paid in the Senate hall, and for the President to be officially referred to as 'His Highness the President of the United States of America, and Protector of their Liberties',²³ causing one wag to famously suggest a fitting sobriquet for the portly Adams, 'His Rotundity'. Adams also proposed the use of the term 'His Most Gracious Speech' in the minutes, and a liveried Sergeant of Arms, both in the fashion of the British Parliament.²⁴

Maclay was, as he would be for much of the next two years, appalled. In an oft-repeated phrase, he

²² Maclay. *Diary*, p.141

²³ *Annals of Congress*, 1st Congress, 1st Session, pp.24-31

recorded in his *Diary*, 'I was up as often as I believe was necessary'.²⁵ One can imagine the assembled Senators sinking yet further into their chairs on each occasion Maclay rose. The debates demonstrated Maclay's peculiar talent for obstructive oratory. As Elkins and McKittrick observe:

Adams somewhat resembled a nervous hostess anxious that everything be just so. Maclay was equally trying. He too was something of a hair splitter... He was one of those, to be met at almost any meeting, who are always rising to points of order.²⁶

For Maclay, the issue of how a republican people ought to address its political class was a matter that transcended etiquette and form. Words would play their own part in shaping the liberties and equalities of the Union, and Maclay felt that the language of the Old World would replicate its mores in the New. When Ellsworth and Lee argued that both history and theology demonstrated the importance of hierarchy and respect, Maclay's republican theory had surpassed his colleagues' aristocratic precepts. It was Maclay, not the High Federalists, who had truly internalised the humanist Enlightenment.

I mentioned that within the space of twenty years back more light had been thrown on the subject of governments and on human affairs than for several generations before; that this light of knowledge has diminished the veneration for titles, and that mankind now considered themselves as little bound to imitate the follies of civilised nations as the brutalities of savages; that the abuse of power and the fear of bloody masters has extorted titles as well as adoration, in some instances from the trembling crowd; that the impression now on the minds of the citizens of these States was that of the horror for kingly authority.²⁷

Maclay's arguments would win out, and Washington would be addressed as all his successors would, as 'President of the United States'.

Within months of its formation, Maclay fretted about the style of government that had been adopted. Writing of the document he had so recently campaigned in support of, 'My mind revolts in Many instances against the Constitution of the United States, Indeed I am afraid it will turn out to be the Vilest of all Traps was ever set to ensnare the freedom of an unsuspecting people'.²⁸ This is not inconsistency on Maclay's part; indeed, self-doubt and flagellation were the very fabric of his

24 Maclay. *Diary*, p.16, 34

25 *Ibid.*, p.5

26 Elkins, S. & McKittrick, E. *The Age of Federalism: The Early American Republic, 1788-1800* (OUP, 1993), p.46

27 Maclay. *Diary*, pp.27-28

political cognition. In spite of his vacillations, he clung to the Constitution as the only available raft on a treacherous current. He was consistently amazed by the willingness of his colleagues to reinterpret, over-extend or even bypass the document altogether. 'What avowed & repeated attempts have I seen to place the President above the powers stipulated for him by the Constitution'.²⁹ In particular, he was infuriated by the Federalist reverence for the British constitution. While Maclay saw the Anglo-American inheritance of common law and Habeas Corpus as inviolable, he was bewildered by the desire to recast the Senate in the mould of the House of Lords.

I stated in the Strongest Terms that I could the folly of imitating a Constitution which had been framed on the principles of Necessity. The King Nobility & dignified Clergy were Materials provided, with such strong prejudices in their favour that there was no erecting the building without them. Happily we were without them & the Prejudices attendant upon them. first principles Ought to be examined as to grades and distinctions in government. perhaps We should neither retain the British form nor Shadow of it.³⁰

Maclay's interpretation of the Constitution was essentially non-interpretive. Any legislation which didn't fit within the most rigid, literal reading of the document met with Maclay's suspicion. 'Men strained their ingenuity', he wrote of one debate, 'to try how near they could approach an Infraction of the Constitution, without breaking it'.³¹ On the relatively minor contention of making state legislatures take oaths to the federal government, Maclay declared:

In the exercise of the powers given us by Congress, we should deal in no uncertainties. That While we had the Constitution *plainly* before us, all was safe and certain. but if we took it on us to deal in doubtful Matters, we took hollow ground and might be charged with the assumption of powers not delegated. I therefore on this ground was against the government.³²

As we shall see, Maclay had little faith in the natural integrity of America's republican virtue.

Taking for granted the failings of both the masses and his colleagues ('What poor supple things men

28 *Ibid.*, p.76

29 *Ibid.*, p.115

30 *Ibid.*, p.177

31 *Ibid.*, p.250

32 *Ibid.*, p.10

are³³), the path to honest government lay in unflinching adherence to procedure and scrutiny. He was a consummate committee member, rigorous in hammering out the nuanced wording of legislation, believing that deliberation acted as a fillip against aggrandisement (at least where 'cabals' could be suppressed). 'I rose and supported the mode of doing business by Committees, asserted that Executive Councils did make use of Committees'.³⁴ Whether due to his character, or perhaps their desire to have him out of the chamber as often as possible, his fellow Senators appointed him to a number of key committees: the Foreign Officers Bill, Funding Bill, Judiciary Bill, North West Territory Bill, Patents Bill and Post Office Bill, amongst others.³⁵ It is an irony that Maclay so detested lawyers ('Wrangling is their business, but long practise in supporting any cause that offers, has obliterated all regard to right and wrong, the question only is, which is my side?'³⁶), and yet possessed a lawyerly inclination. Grammatical amendments and changes of verb tense in bills, he contested, 'ought to be compared at the Table' and voted upon.³⁷ Failure to constantly reassess legislation would lead to executive encroachment. 'It was a Stale ministerial Trick in Britain, to get the Houses of parliament to chime in with the speech, and then consider them as pledged to support any Measure which could be grafted on... It was the Socratic mode of Argument introduced into politicks, to entrap men into measures they were not aware of'.³⁸ It is an admirable and frequently frustrating element of Maclay's personality that he would refuse to employ his detailed understanding of constitutional minutiae to achieve his own ends. As a committee member on the Funding Bill (which he rabidly opposed), one of the few most important legislative landmarks of the first Congress, he refused to hold up the Bill once it had received the assent of Congress.

A vote for the inexpediency of Altering the funding System at this time, from a person who uniformly opposed the System in its passage into law may seem to require some apology. My Vote proceeds not from an Approbation of the funding System... Upon republican principles I hold the Voice of the Majority to be Sacred, that the funding Law has obtained

33 *Ibid.*, p.216

34 *Ibid.*, p.130

35 *DHFFC*, 1:559,347,11,519,258,268

36 Maclay. *Diary*, p.69

37 *Ibid.*, p.197

38 *Ibid.*, p.181

the Majority is Undeniable, And Acquiescence is our duty.³⁹

Maclay would put his sense of legislative 'fair play' before the success or failure of key legislation. As he had he done in the Pennsylvania State House five years earlier, he opted for defeat before victory on a technicality. It is either a testament to his integrity, or the peculiar egotism, apparently gratified in self-denial, that was his greatest vice.

Maclay's view of Congress' place in wider society was mixed, coloured by his democratic idealism and his twin fears of the mob and the aristocrat. Early on, he led the arguments that Senate voting be conducted by secret ballot. 'Independence is needed, for politicians', he explained, 'they are not exceptional'.⁴⁰ His argument, ultimately in vain, was that Senators might not be governed by controlling interests or factions, but by the wisdom and discretion of the elected representative; only then might the true republican be protected from the sort of overweening influence enjoyed by the heads of Old World states.⁴¹ Maclay was wary of personal associations between legislators, and believing himself to be a representative of his constituents, detested alliances and 'cabals'.

[If] Eloquence [were] personified and Reason flowed from her Tongue, her talents would be in vain in our Assembly... Where all business is done in dark cabal, on the principle of interested management.⁴²

Maclay's particular bugbear was the practise of 'vote swapping', explaining that 'all great governments resolve themselves into Cabal. Our's is a mere system of Jockeying Opinions. Vote this way for me, & I'll vote this way for you'.⁴³ None took to the practise with greater enthusiasm than Maclay's compatriot, Robert Morris: 'Never had a Man greater propensity for bargaining than with Mr Morris'.⁴⁴ Maclay's aversion to 'hijacking' legislation is born out amply by his voting record, throughout which he submitted to the will of Congress without resorting to technical

39 *Ibid.*, pp.345-346

40 *Ibid.*, p.111

41 *Ibid.*, p.79

42 *Ibid.*, p.377

43 *Ibid.*, p.229

44 *Ibid.*, p.291

manipulations.⁴⁵ Maclay's lofty dismissal of such tactics was based in the political strategy that had served him well in his home constituency, where he was a man respected for his candour and disdain for machinations. It betrays his fundamental misapprehension of national politics.

While Maclay wished anonymity among his fellow legislators, he was the leading voice for public transparency in the first Senate. Throughout his time he pushed for political correspondence to be published in the public domain.⁴⁶ One of his final 'procedural' efforts was of greater significance than it might first appear. Maclay fought for the opening of the chamber doors, making the Senate as widely accessible as the House of Representatives. He explained his reasoning thus:

I am now more fully convinced than ever I have been of the propriety of Opening our doors. I am confident some Gentlemen would have been ashamed to have seen their Speeches of this day reflected in a News paper of tomorrow.⁴⁷

Though his effort was unsuccessful,⁴⁸ within three years the notes of Senate proceedings were being published, a vindication of Maclay's then radical stance. This is a theme we shall examine more closely in the next chapter, but it does pertain to any discussion of Maclay's views on parliamentary form. Maclay differed from his fellows on the source of republican virtue; it drew not from 'Great Men', he thought. The people, not the government, were the well-spring of honour and integrity, and the composition of Congress ought to reflect such a truth. 'Every Error in Government will work its remedy among a free people'.⁴⁹ Maclay was not a fully fledged democrat, sharing the Platonic distrust of unfettered mob rule, but he held greater distaste for the professional politician.

It has long been a maxim with me, That no frame of Government Whatever, would secure liberty or equal administration of Justice to a People, unless Virtuous Citizens, were the legislators & Governors. I live not a day without finding new reasons to Subscribe to this Doctrine.⁵⁰

Such qualities were not just desirable, but essential in republican government, due to the essentially negative theory of government that Maclay adhered to.

45 *DHFFC, Senate Legislative Journal*, 1:535

46 Freeman. *Affairs of Honour*, p.36

47 Maclay. *Diary*, p.362

48 *DHFFC, Senate Legislative Journal*, 1:648

49 Maclay. *Diary*, p.182

Maclay perceived governments as having an internal and exponential expansive capacity. Fuelled by the ambition of men, it possessed the volume of a gas, expanding always to the limits set for it.

Infatuated people that we are! The first thing done under our new Government was the creation of a vast number of offices and officers. A treasury dilated into as many branches as invention could Frame. A Secretary at War with a Host of Clerks, And above all a Secretary of State, and all these Men labour in their several Vocations. Hence We must have a Mass of National Debt; to employ the Treasury. An Army for fear the Department of War should lack employment. Foreign engagements too must be attended to, to keep Up the Consequence of that Secretary. The next Cry will be for an Admiralty, give Knox his Army, and he will soon have a War on hand.⁵¹

Such is the natural progression of unchecked government. In his more introspective moments, Maclay steeled himself against the natural tendency of man to unthinkingly grab at power and authority. More ominous for Maclay was the use of governmental patronage by the dominant party. The Excise Bill was, to Maclay, a cynical attempt by the Hamilton led cabinet to insidiously extend the influence of the federal government.

The Excise bill is passed, and a pretty business it is. The Ministry fore see opposition and are preparing to resist it by a band, nay, a host of revenue officers. It is put in the power of the President to make Districts, appoint as many General Surveyors & as many Inspectors of Surveys as he pleases, and thus multiply force to bear all down before him. War and bloodshed is the most likely consequence of all of this.⁵²

It was an episode that spoke both to Maclay's heartfelt republicanism and to his instinctively tragic sense of dramatic trajectory. In the next two chapters, we shall explore these two traits in turn, and consider the broader implications of their meaning in the political mind of this idiosyncratic man.

50 *Ibid.*, p.115

51 *Ibid.*, pp.243-245

52 *Ibid.*, p.377

The Problem of Republicanism: Simplicity and Ambition

That the men who led the American Revolution and created a government in the late 1780's were inspired by a reading of classical history and philosophy is an uncontroversial tenet. Too often ignored, however, is the tension inherent in the Founders' interpretation of the classical legacy. Washington, Adams, Jefferson and Hamilton, four historically minded men, perceived in antiquity radically divergent allegorical lessons about the nature of republicanism, power and human nature.⁵³ Part of the problem was that revolution was not a mass transubstantiation that instantaneously remade both the social order and private attitudes. As Gordon Wood has put it, 'Republicanism did not replace monarchy all at once; it ate away at it, corroded it, slowly, gradually, steadily, for much of the eighteenth-century'.⁵⁴ Many maintained more hostility toward pure democracy than pure monarchy. For some, the public-spirited ambition of 'great men' served as the beating heart of republican vitality. One piece of Ciceronian bombast of unknown authorship typifies the school.

What but of the love of enterprise, and of applause, would induce the soldier to exchange the peaceful joys of domestic life for the rougher scenes, the hardship and dangers of camp? What but the grateful tribute of his countries' thanks, could persuade him to leave security, and jeopardy his life in the field of battle? The thought of sharing the honours of the brave, and rising to glory, gives courage to the hero... What is a man without ambition?⁵⁵

The problem of a society in which hierarchy is neither divinely ordained, nor a covenant of all the people, is inherently one of personality. Jefferson's 'natural aristocracy' of gifted men had more to do with the prejudices of the *ancien régime* than he would care to admit. The High Federalist notion of a virtuous elite remained coherent only so long as the Federalist elite demonstrated itself to be virtuous, a proposal that would barely survive the short career of William Duer.⁵⁶ The paradox of a society founded upon the ambition for public greatness of talented men, who also possessed the sobriety and humility of a Cincinnatus, was not lost on the perceptive. It was not lost on William Maclay.

53 For the best recent study of these themes, see: Burns, Eric. *Virtue, Valor & Vanity: The Founding Fathers and the Pursuit of Fame* (Arcade Publishing, New York, 2007)

54 Wood, Gordon. *The Radicalism of the American Revolution* (Vintage Books, NY, 1993), p.95

55 Anonymous. *Ambition* in *City Gazette and Daily Advertiser*, Charleston SC, June 6 1789

56 See Robert F. Jones, "*The King of the Alley*" *William Duer: Politician, Entrepreneur and Speculator 1768-1799* (Philadelphia, American Philosophical Society, 1992)

Maclay was not a man of great ambitions. If he dreamt himself a Cincinnatus or a Pericles, his *Diary* contains little indication. What drove him into public office was not, apparently, a lust for private gain or a classical desire for public greatness. The mortar of his moral imagination was *duty*. A sense of this can be gleaned from a simple remark made in an unremarkable journal entry. Maclay, not a churchgoer,⁵⁷ attending the services on January 2nd 1791 wrote, 'To worship once, on the day devoted to the Deity, is as small a compliment, as Decency can pay the Religion of any country'.⁵⁸ Power was not something to be sought, but rather a burden or obligation to be borne in a spirit of sacrifice. The fatal canker of democracy was not the mob, but the 'ambitious' man, the demagogue and career politician.

Avarice and ambition are the motives, while the cry of patriotism and the interest of the people are used as the ways and means of advancing private ends... It is the disease of all popular governments. Nor does the fault seem to be in Nature. She certainly at all times produces stores of candid and ingenious characters; but these, generally modest and unassuming, are passed by in the ferment of popular elections, while the fiery and forward declaim on the general grievances and pour forth their promises of redress. It is thus that ambitious men obtain the management of republics, and to this cause is, perhaps, owing their fall and declension throughout the world, for no selfish, ambitious man ever was a patriot.⁵⁹

Whatever Maclay's misgivings, he had to concede that America had enjoyed perhaps more luck than any other republican experiment in history. Much of that good fortune came in the awkward, stately presence of George Washington. If Maclay refused to canonise Washington as many of his contemporaries did, and subsequent generations would, he did at least seem convinced that he was an exceptional figure, 'The Man who I wish to regard as the first character in the World'.⁶⁰ We ought note the equivocation implied in that statement. Maclay did not think him a demi-god, and his habitual anxieties re-surfaced in Washington's presence.

I dined this day with the President... I considered it part of my duty as a Senator, to submit to it, and am glad it is over. The President is a cold formal Man, but I must declare he treated

57 Maclay. *Diary*, p.50

58 *Ibid.*, p.334

59 *Ibid.*, pp.356-357

60 *Ibid.*, p.130

me with great attention... I was often spoken to by him, Yet he knows well how rigid a republican I am. I cannot think that he considers it worth while to soften me. It is not worth his While, I am not an Object if he should gain me, and I trust he cannot do it by any improper means.⁶¹

Maclay seems to have thought the *belief* in Washington important, perhaps more important than the man himself, as though the idea of the man would be exemplary to the young republic. We can see this concept more fully expressed in Maclay's notes on the death of Benjamin Franklin, of whom Maclay 'never really was much of an admirer'.

When I consider how much the Doctor has been celebrated, and When I compare his public face, with what I know of his private Character, I am tempted to doubt Whether any Man was ever perfect. Yet perhaps it is for the good of Society that patterns of perfection should be held up, for Men to copy after. I will therefore give him my note of praise.⁶²

Therefore, the value of Washington, of whom Maclay held a much higher personal opinion, was twofold. Not only did the United States have a good man to lead it, but a man worthy of imitation.

Yet Maclay found Washington, for all his undoubted integrity and symbolic value, a difficult man to understand. 'I have ever been attentive to discover if possible General Washington's⁶³ private Opinions on the pompous part of government. His address of fellow citizens, to the Two Houses of Congress seems quite republican'.⁶⁴ Yet, the two men's careers had shaped their view of governance in entirely different ways. Where Washington's experience of leadership was unilateral and patriarchal, Maclay had been forged in the crucible of debate and dispute. This was given dramatic expression when Washington unintentionally established another precedent, by attending the Senate and becoming so infuriated with its (and, in particular, Maclay's), ponderous deliberations. 'The President of the U.S. started up in a Violent fret', Maclay recorded before noting Washington's cry, '*This defeats every purpose of my coming here*'. Maclay was wounded, unable to understand Washington's ire. 'I spoke thro' the Whole in a low tone of Voice. Peevishness itself I think could

61 *Ibid.*, p.182

62 *Ibid.*, p.251

63 Maclay would never fully drop the habit of referring to Washington by his military title.

64 Maclay. *Diary*, p.74

not have taken offence at anything I said'.⁶⁵ Maclay was a parliamentarian, while Washington was another type of creature.

I cannot now be mistaken the President wishes to tread on the Necks of the Senate... he wishes us to see with the Eyes and hear with the ears of his Secretary only, the Secretary to advance the premises the President to draw Conclusions and to bear down our deliberations with his personal Authority & Presence, form only will be left with us. This will not do with Americans.⁶⁶

The problem was not with Washington the man, Maclay thought. Even if he was, at heart, a monarchist, his aspiration to classical virtue neutered the personal threat he might present to American freedoms. 'He is but a Man but really a good one, and we can have nothing to fear from him', Maclay wrote, before adding, 'but much from the Precedent he may establish'.⁶⁷ It was when Maclay beheld the men poised to succeed 'the greatest Man in the World',⁶⁸ that his anxiety turned to terror.

If Washington embodied the nobler aspects of republican virtue for Maclay, then John Adams personified its antithesis. Maclay, prior to his arrival in New York, had authored propaganda in the Pennsylvania press in support of Adams' bid for the presidency,⁶⁹ and had admired his hard-line stance in Massachusetts during the Revolution. In a sense, the two men abounded in their similarities. Both were dour and introspective, given to bouts of self-doubt and self-pity. Neither suffered fools gladly, nor were much interested in matters they deemed trivial. Had Maclay known Adams' private thought, he might have found an affinity for the man. Adams' insistence on titles and deference was not, his correspondence suggests, spurred by a self-aggrandising temperament, but an understanding of mass psychology similar to Maclay's vote of praise for Franklin. 'No people in the world are so much in favour of titles as the people of America...', Adams wrote, 'This is all nonsense to the philosopher, but so is all government whatever'.⁷⁰ Yet in spite, or perhaps

65 *Ibid.*, p.130

66 *Ibid.*, p.130

67 *Ibid.*, p.182

68 *Ibid.*, p.8

69 *DHFFC*, 9:xiii

70 *The Alexander Biddle Papers*, ed. Biddle, Chapman (Parke Bernet Galleries, NY, 1943), p.81

because, of these congruences, the enmity that formed between the two men was both instantaneous and enduring. We might dissect every cutting *bon mot* delivered to Adams in Maclay's *Diary*, but it would be more productive instead to investigate why the very persona of Adams so offended Maclay's republican sensibilities.

Maclay, like many of his contemporaries, did not consider republicanism merely a system of government. Taken more broadly, it described an honesty and straightforwardness of thought, a plainness of manner and presentation and an unpretentious social egalitarianism. To Maclay's mind, Adams lacked all of these qualities. His contempt for pomposity could be transferred directly onto Adams. When Adams declaimed on the Consuls of Rome and Sparta, Maclay recalled, 'as if oppressed with a sense of his distressed situation, he threw himself back in his Chair. A solemn silence ensued'. Maclay couldn't help himself, 'God forgive me, for it was involuntary, but the profane Muscles of my face were in Tune for laughter'.⁷¹ Akin to his pomposity, but perhaps yet more pernicious, was his vanity. One of his acerbic portraits describes Adams smiling to himself, 'wrapped up I suppose in the contemplation of his own importance'.⁷² This reflected what he called Adams' 'Nobilimania',⁷³ and his obsession with Anglophile affectations particularly irked Maclay. 'I cannot help thinking of a monkey just put into breeches', he scoffed, 'when I see him betray such evident marks of self conceit'.⁷⁴ It is interesting to note, though it is never directly expressed, that his personal objection to Adams seems to be have been toward a certain sort of eighteenth century cosmopolitan effeminacy. A final diatribe makes for a good example:

Bonny Johnny Adams, ever and non mantling his Visage with the most unmeaning Simper that ever dimpled the face of folly. Goddess of nature forgive me, if I censure thee, for that thou madest him not a Taylor. So full of small attentions is he & so well qualified does he seem to adjust the Etiquette of loops and buttons. But stay perhaps I wrong thee. So miserable doth he measure Politicks and so unmercifully & unskillfully would he ply the Shears of Government, in cutting out royal robes & habiliments That it may Justly be doubted, Whether the Measure of his understanding be adequate to adjusting the Proportions

71 Maclay. *Diary*, p.6

72 *Ibid.*, p.11

73 *Ibid.*, p.341

74 *Ibid.*, p.33

of the back belly and Breach of the human form.⁷⁵

Such an attack places Maclay in a long (though not always distinguished) tradition of rural anti-establishment democrats. This provides an insight into his broader outlook.

Maclay felt out of place amidst the soirées and gossip of New York society.

Nothing is regarded or valued as much... but the qualifications that flow from the Taylor Barber or Dancing Master, to be clean shaved Shirted and powdered, to make Your bows with grace and be master of small chat on the weather.⁷⁶

The insecurity that this country man certainly felt upon arrival in New York found relief in these eviscerations of refined society. Yearning for Pennsylvania's 'republican plainness', he found Adams' fellow New Englanders noxious. 'No people in the Union dwell more on trivial distinctions, and Matters of Mere form. They really seem to show a readiness to stand on Punctilio and ceremony. A little learning is a dangerous thing, it is said. May not the same be said of Breeding?'⁷⁷ Adams was not the only one guilty of inspiring Maclay's scorn. 'A Court our House seem determined on', Maclay wrote, 'and to ram into this all the fooleries, fopperies, fineries and pomp of Royal etiquette'.⁷⁸ Nowhere was this tendency more painful (and inescapable) for Maclay than at Washington's weekly levee, where the President took the mood of the Senate in a manner so ridiculously formal as to make the phlegmatic Maclay dread its approach.

This was Levee day, and I accordingly dressed and did the needful... The practise however considered as a feature of Royalty, is certainly Antirepublican; this certainly escapes Nobody. The royalists glory in it as a point gained; the Republicans are bore down by a fashion And a fear of being charged with a want of Respect to Genl. Washington.⁷⁹

These observations reinforced Maclay's pre-existing beliefs about the true sources of republicanism.

'O Candor an integrity, Jewels of the human soul, were are Ye to be found? Seldom in professional Men; often in the plain and sober Countrymen'.⁸⁰ He expanded upon the thought in a later entry.

I feel sincere pleasure that so much independence has been manifested by the Yeomanry of

⁷⁵ *Ibid.*, p.212

⁷⁶ *Ibid.*, p.70

⁷⁷ *Ibid.*, p.9

⁷⁸ *Ibid.*, p.29

⁷⁹ *Ibid.*, p.342

⁸⁰ *Ibid.*, p.70

Pennsylvania. Indeed I am fully satisfied that if a Spirit of this kind was not manifested from some Quarter or other our liberties would soon be swallowed up.⁸¹

Echoing a theme persistent in Jefferson's thought, he was sceptical of the ability of men engaged in commercial and financial business to maintain true 'independence' and impartiality, which reads in his *Diary* as an unfortunate snobbery. 'I find in Conversation which I have had with the Speaker That Hartley [a Representative from Pennsylvania] is very dependent in his circumstances. A mere Borrower and Discounter of Notes at the Philadelphia bank'.⁸² It is of course the irony of the Jeffersonian democratic tradition, synonymous in the popular mind with egalitarianism and the development toward suffrage, that it was founded, conceptually, on the ideal of a landed class of unofficial gentry.

As the form and function of government were linked so closely in the eighteenth century mind, it is unsurprising that Maclay naturally assumed that those who aped the niceties of Old World courts wished also to assume their constitutions. It was a bitter irony for Maclay that as Europe followed America into the age of the republic, the Federalists were adopting European airs.

By this and Yesterday's papers, France seem travelling in the Birth of Freedom, her Throws and pangs of labour are Violent. God give her a happy delivery. Royalty Nobility and the Vile pageantry, by which a few of the human race lorded it over, and trod on the Necks of their fellow Mortals, seems likely to be demolished with their kindred Bastille, which is said to be in Ashes. Gods! With what indignation do I review the late attempts of some Creatures among us to revive the Vile machinery. Oh Adams Adams what wretch art thou!⁸³

Like many republicans, he believed in the international importance of the American experiment, and sensed an interconnectedness between all efforts for greater human freedom. 'I considered it by no means dishonourable to Us, that our Efforts against Titles & distinction were now seconded by the representative voice of 24 millions'.⁸⁴ While his tendency to side with France in Anglo-French contentions is quintessentially Jeffersonian, he is notable for publicly advocating such a stance unequivocally before Jefferson (who, admittedly, was constrained by his role in the Washington

81 *Ibid.*, p.367

82 *Ibid.*, p.250

83 *Ibid.*, p.153

84 *Ibid.*, p.237

administration). In an impassioned speech against heavy opposition, he declaimed:

Nations being composed of individuals, the virtue, character, and reputation of the nation must depend on the morals of the individual, and could have no higher basis. Gratitude, generosity, sensibility of favours, benignity, and benevolence had not abandoned the human breast; in fact, there were the conditions on which the human race existed; that these passions, so far as they respected the French nation, were deeply engraved on the bosom of every American Revolutionist. I knew there were characters of a different kind in America; but for them we cared not; that I was convinced that the Sense of America had been fairly expressed by Congress on the resignation of General Washington, when the epithet of 'magnanimous nation' was applied to them.⁸⁵

Maclay was not unchanged by his experience in national government. In his first year in Congress, his tendency was to stress the separateness of politician and constituent, making decisions in the best *interests* of the people, without too much concern as to what that amorphous noun, 'The People' might want for itself. 'I must look to myself & do my own Conscience Justice', he resolved, 'and Act independent'.⁸⁶ His early arguments for Senatorial independence were replaced by far more democratic rhetoric on the representative obligation. In the great classical dichotomy between ambition and simplicity, between hubris and humility, Maclay rationalised his actions by the sublimation of his own will to that of the people.

I declared I knew but two lines of conduct for legislators to move in- the one absolute volition, the other responsibility. The first was tyranny, the other inseparable from the idea of representation. Were we chosen with dictatorial powers, or were we sent forward as servants of the public, to do their business? The latter clearly, in my opinion. The first question, then, which presented itself was, were my constituents here, what would they do? The answer, if known, was the rule of Representatives.⁸⁷

He was none of the Roman archetypes, a Cicero, Caesar or a Cincinnatus. If he fits any role in the classical tradition, he is Diogenes of Sinope, the cynic searching for the honest man, pouring scorn on the pretensions and petty vanities of the eminent. In what would be the defining battle of his short Senatorial career, it would be this scepticism, this pessimism that would, counter to all tradition, ignite Maclay's passions and eloquence.

85 *Ibid.*, p.394

86 *Ibid.*, pp.188-189

87 *Ibid.*, p.389

The Virtue of Pessimism

'Few days happen in which I do not meet with something to fret my political Temper'
- William Maclay

If John Adams and the men of New England did not accord with William Maclay's ideal of republican virtue, he felt their threat to be at least diminished by their own foibles and the public's native intelligence and perceptiveness. By the second half of Maclay's short Senatorial career, in his mind a more insidious, dangerous spectre loomed over the young republic than the pageantry of would-be courtiers. Maclay was aware from the beginning that it would be the death of his national career, but he would spend his last year in the U.S. Senate fighting the legislative programme, and personal ambitions, of Alexander Hamilton.

The fundamental opposition between Maclay and Hamilton can be found in their outlooks, their generalised feelings on the natural progression of history and America's place in the world. The product of neither Virginia, New England or Pennsylvania, Hamilton had been shaped by a fundamentally different British colonial experience, raised by his mother on the Caribbean island of St Kitts. He envisioned a sprawling, powerful commercial empire. Hamilton, whom John Lambertson Harper has dubbed the 'American Machiavelli',⁸⁸ shared Maclay's negative interpretation of human character, but was hopeful about the constructive capacity of a powerful central government. In Federalist XXXVI, he had hinted at the potential for the dynamic, interventionist role of the federal government.

There are strong minds in every walk of life that will rise superior to the disadvantages of situation and will command the tribute due to their merit... we shall see examples of such vigorous plants flourishing in the soil of federal as well as state legislation.⁸⁹

His policies as Secretary of the Treasury reflect this wider vision for the American future. External security, prosperity and political stability were encompassed in his economic agenda as outlined in his three major reports to Congress.

⁸⁸ Lambertson Harper, John. *American Machiavelli: Alexander Hamilton and the Origins of US Foreign Policy* (Cambridge University Press, 2007)

Maclay shared neither Hamilton's vision nor his conception of government. Maclay was temperamentally ill-suited to the slings and arrows of politics, and his essential scepticism could curdle into outright despair. 'This is a Vile World Where a Man must Walk among his Friends and Fellow Mortals as if they were Briars and Thorns, afraid to touch, or be touched by them'.⁹⁰ All but a few men, Maclay thought, acted selflessly. Of Robert Morris, he wrote, 'his Countenance Speaks the Appearance of Sincerity and Candor. Interest however the Grand Anchor to secure any man lies at the bottom'.⁹¹ Government merely magnified this tendency, projecting the flaws of avarice and hubris onto a grander scale. Hamilton, a more nuanced thinker than Maclay, was equally certain of the essential corruption of man. He, however, took heart from it. 'Every man ought to be supposed a knave;' he had once asserted in his early essay 'The Farmer Refuted', borrowing from David Hume, 'and to have no other end to his actions but *private interest*. By this interest we must govern him'.⁹² Maclay either lacked the imagination or the will to recognise this legacy of Enlightenment political thought.

Maclay challenged all stages of Hamilton's economic programme, and was the leading voice of Senatorial opposition on the first major piece of financial legislation in the United States, the bill to assume Revolutionary state debt into the federal government. 'A funding system will be the Consequence', Maclay perceptively identified, before Hamilton had revealed his funding plan, 'The political Gout of Every Government which has adopted it... What Villainy to cast the debt on Posterity. But pay the debt, or even put in a Train of payment and you no longer furnish food for Speculation'.⁹³ Maclay, who on occasion could fail to realise merit in any beliefs but his own, was dumbfounded by this apparent desire to turn over the financial machinery of the government to

89 Hamilton, Alexander in *The Federalist Papers* (Penguin Books, London, 1987), p.236

90 Maclay. *Diary*, p.190

91 *Ibid.*, p.227

92 'The Farmer Refuted'- 23 February 1775, *Papers of Alexander Hamilton* (New York, Columbia University Press, 1961-1987), 1:95

93 Maclay. *Diary*, p.205

'stock jobbers' and 'carpet baggers'. 'It is strange', he mused, 'that men born & educated Under republican forms of Government should be so contrasted, on the Subject of General Philanthropy'.⁹⁴ More than lining the pockets of speculators, Maclay believed the Assumption to be what might be called *coup d'userie*, an attempt to crush the autonomy of the states.

The Secretarys People Scarce disguise their design. Which is to create a Mass of Debt, which will justify them in seizing all the Sources of Government thus annihilating the State legislatures and erecting an Empire on the Basis of Consolidation.

Finding it implausible that sensible men might arrive at a different conclusion, he suspected foul play. 'I do not know that pecuniary influence has actually been Used, but I am certain, That every other kind of management has been practised'.⁹⁵ Indeed, Maclay saw before most that the party system of the Federalist era would emerge along the battlefronts of the Assumption and Funding controversies. 'Hamilton at the head of the Speculators with all the Courtiers', he observed in February 1790, 'are on one side. These I call the party who are activated by interest. The opposition are governed by principle'.⁹⁶

The issue of Assumption was doubly satisfying to Maclay's sense of personal drama. Not only were his rural supporters generally opposed to the bill (thus fulfilling his role as elected representative), but his position incited the anger of Philadelphia's financial community, giving him the opportunity to exercise his vaunted independence.

I have put my Political life in hand, in starting this Opposition in the Teeth of Philadelphians. If I fail my Seat in Congress and disgrace in the public Eye will follow, but I am conscious of Rectitude of intention, and *hic Murus aheneus esto, nil conscire sibi, nulla pallescere culpa*.⁹⁷

Maclay, who possessed a seemingly infinite capacity for masochistic fulfilment in being cheated or conspired against, relished the new opportunity for martyrdom against the forces of greed.

I find by letters which I have received, That the public Creditors, are to be the Body Who are to rise in Judgement against me and try to expel me from the Senate. This is only what I expected. Nor are they the Only Ones... Not one of these has found a Patron in me. In fact,

94 *Ibid.*, pp.215-216

95 *Ibid.*, p.215

96 *Ibid.*, p.203

97 *Ibid.*, p.234. Translated: 'Be this your wall of brass, a guileless heart, a cheek no guilt turns pale'.

I have generally set My face against Such Pretensions, As Such Men are generally wanting in Virtue, Their Displeasure, Nay their resentment May be Expected. *“Why, you Want nothing neither for Yourself nor Friends”*, said a Senator, one day, to me, in some Surprise. I am somewhat selfish, but I could not help Uttering a Wish, *“That he could say so, with truth, of every One”*.⁹⁸

Hamilton would provide Maclay with many more causes worth dying for before the Philadelphians could exact their revenge.

Subsidiary to the Assumption debate was that on Discrimination. Following the Revolution, much state debt, distributed in the form of government paper, plummeted in value and was bought from the original holders (soldiers or their widows) by speculators. Hamilton proposed simply to pay off the debt, at face value, to whoever held it. Another faction, however, largely representing agrarian constituencies, fought for Discrimination, a policy by which the holders of government paper might be compensated at market value, while the original recipients of the stocks be paid the difference between the face value and that at resale, and Maclay was foremost among these.

I called the Attention of the Senate to the Characters who now had this Money. Many meritorious Persons received it as gold & Silver and still kept it, as the Monuments of the Sacrifice which they made for the liberties made in the cause of America... The other Class of Individuals who were possessed of it, had collected it from the holes & Corners after it had ceased to be an Object of Speculation. When it really was worth nothing and Who neither gave value for it, nor had any Merit in the Act of Collection for these humble Speculators infinitely too much was done. They had no claims in justice.⁹⁹

Maclay thought that justice came before the technical law of property. Discrimination failed not for its sentimentality, but its sheer impracticability; how, after all, could thousands of scattered militiamen be located? To add further intrigue, the location of the US capitol was a bargaining chip in the negotiations, a further spur to Maclay's outrage. When Hamilton, soliciting Maclay's vote, mooted placing the capitol in Philadelphia he demonstrated the mutual incomprehension of the two men. Maclay, once again seeing the opportunity for a valiant political demise (and to be certain, Maclay longed to leave national government, and he wished to do it taking a stand on a point of principle), still refused to vote for the measure.

98 *Ibid.*, p.316

99 *Ibid.*, p.287

I in all probability am come to the point, that will be seized to turn the Whole City of Philadelphia against me, but I trust no taint of dishonour will ever stain my Conduct. As to consequences I care not.¹⁰⁰

With this episode, what faith Maclay had left in the integrity of even the 'great men' around him evaporated. Though he did not think Washington evil, he did believe he had become complicit in Hamilton's schemes.

The Whole Business was prearranged... All the three Subjects Residence Assumption and funds equivalent to 6% Were all bargained & contracted for On the principles of Mutual Accommodation for Private Interest. The President of the U.S. has (in my Opinion) had Great Influence in this Business. The Game Was Played by him and his Adherents of Virginia & Maryland, between [New] York & Philada. to Give One of these places the Temporary Residence. But the permanent residence on the Potowmack... But I did not see so clearly That the Abominations of the funding System and the Assumption were so intimately connected With it. Alas! That the Affection nay Almost Adoration of the People should meet so unworthy a return. Here are their best Interests sacrificed to the Vain Whim of fixing Congress And a Great Commercial Town (so opposite to the Genius of the Southern Planter) in the Potowmack, and the President has become in the hands of Hamilton the Dishclout of every dirty Speculation, as his name goes to Wipe away blame and silence all murmuring.¹⁰¹

Present throughout Maclay's notes on the Hamiltonian program is an undercurrent of disdain for finance and modern capitalism. This was hardly unusual amongst his republican contemporaries, many of whom drew philosophically from the 'physiocrat' economic school, which proposed that agricultural productivity was the only true source of wealth. Any unit of wealth, such as stocks or securities, that did not directly represent land or goods was a 'dupe'¹⁰² When Hamilton's second seminal paper, *Report on the Subject of a National Bank* was presented to Congress, Maclay opined,

Considered As an Aristocratic engine I have no great predilection for Banks. They May be considered in some Measure as operating like a Tax in favour of the Rich against the poor, Tending to the Accumulating in a few hands, And Under this View may be regarded as opposed to republicanism... Bank Bills are promissory Notes and of Course not Money... The great point is, if possible, to prevent the making of it a Machine for the Mischievous purposes of bad Ministers, And this must depend more on the Vigilance of future legislators, than either on the Virtue or foresight of the present ones.¹⁰³

It was a feature of Maclay's pessimism that any policy dependent on the honesty and integrity of

100 *Ibid.*, p.290

101 *Ibid.*, p.321

102 *Ibid.*, p.346

103 *Ibid.*, p.347

men was an invitation to disaster. Checks and balances, as with the national constitution, had to be built into the structure of an institution if it were to survive the caprices of ambitious men. Once he conceded that the support for a National Bank in Congress was too strong to be overcome, he set about to ensure that the Bank not only be protected from ministerial interference but the manipulations of speculators.

I really wished to make it as subservient to the public Interest as possible... I can not help adding a Sincere Wish That the Integrity of the directors may make Amends for the Want of it in Many of the Legislators who enacted it. For in the hands of bad Men it May be made the Most Mischievous engine of, but indeed so may Any, ever the best of human Institutions.¹⁰⁴

In this quotation we can see that Maclay's pessimism was not only a quirk of his private character. The classically minded founding generation had surveyed the ruins of the republics of antiquity, and surmised that like Oedipus, their tragedy was the inevitable end of a causal chain that began with their inception. The fact that no republic previously established had survived or remained truly republican is the lodestone of post-Revolutionary thought. Recognising that human nature cannot be remade by power, the political science of the era, in particular *The Federalist*, had an aspiration that was less than utopian. It sought to mitigate the darker side of human nature by building a system around it, as one might scaffold an unsound structure. A well designed system could channel man's destructive energies toward productive ends.

Maclay's value or curse, depending on one's perspective, is his rejection even of this modest vision. He concurred that men could not be made good, but went further, questioning whether any apparatus of state with even so humble a function as to make them pretend that they were, could long survive. In early 1791, sick of his battles with the Hamiltonians, longing only to return home, he grew increasingly convinced of the inherent instability of a free society. Not even the traditional freedoms trumpeted by Americans, those of a free press or free association could hearten him. As with government, their fate was to turn poisonous.

We have it ever in our ears that the present General Government... contains the collected wisdom and learning of the United States. It must be admitted that they have generally been selected on account of their reputation for knowledge, either legal, political, mercantile, historical etc. Newspapers are printed in every Corner. Ambitious Men abound for Ignorance or Want of qualification is no bar to this vice.

The then the Tylers and the Jack Straws May come in to play, & talents Experience And learning be considered as disqualifications for Office and thus Government be bandied About from One Set of Projectors to another, till Some one Man more Artful than the rest to perpetuate their power Slip the Noose of Despotism about our Necks.

Tis easy to say this can never happen Among a Virtuous People- Aye But We are not more Virtuous than the Nations that have gone before Us.¹⁰⁵

Maclay believed that the failure of democracy and monarchy alike meant that history was an effectively sedimentary process, with nations being built upon the rubble of their predecessors. His personal role, as he saw it, was to shore up the foundations of the republic for as long as possible. Ultimately, however, his philosophy would prove irreconcilable with not just his Pennsylvanian constituents, but even the mainstream of the nascent Democrat-Republican minority.

I have differed beyond reconciliation with the Citizens & high flying Federalists, and Genuine Republicanism has been my Motive. If the Old Constitutional party were really Patriots they would glory in taking me up. This however is not to be the Case & I am greatly Mistaken, if they do not lord it with as high a hand over the People, should they get in Congress, As the Present Majority.¹⁰⁶

Maclay's idealistic republicanism was, therefore, tempered by his acknowledgement that he had devoted his energies to an imperfect system. It was, however, the least imperfect system yet devised. When reflecting on his imminent dismissal, his characteristic anger was displaced by the melancholy of resignation.

Query: Is not the Same Spirit that dictated the Ostracism at Athens, the Petalism at Syracuse and Similar Measures in other places, Still prevalent in the human Mind & Character. The true Cause of these Banishments... Was really to remove, A blameless rival, out of the Way of less deserving Competitors for Office, by the Name and humour of the People, When no other cause could be alleged Against them. In this way, is there not in every Free Country, Where the Competition for Offices is laid Open, A Constant Ostracism, at Work, on the Character of Every Man Eminent for Worth or Talents? These Arts Will no doubt prevail, on Many Occasions, But they will not be Universally Successful. When they do, we must Submit to them As in some measure inseparable from Republicanism.

The old republican, always less at ease in victory than defeat, could finally afford to be magnanimous.

105 *Ibid.*, p.372

106 *Ibid.*, pp.385-386

Maclay had so distanced the Federalists who had elected him in 1789, that his defeat in 1791 was inevitable. Maclay was relieved. He could take satisfaction that, amidst the tumult, he had not compromised his ideals. 'I have made Enemies of the Secretary & all their Tools, perhaps of the President of the United States, and of Bonny Johnny Adams... But I have no Enemy, in my own bosom',¹⁰⁷ he had written. As he looked upon the Senate chamber for the last time, he mused,

As I left the Hall I gave it a look, with that kind of Satisfaction which A Man feels on leaving a place Where he has been ill at Ease, being fully satisfied that many A Culprit, has served Two Years at the Wheel-Barrow, without feeling half the pain & mortification, that I experienced, in my honourable Station.¹⁰⁸

At last, the bonds of duty had been broken.

107 *Ibid.*, p.257

108 *Ibid.*, p.401

Conclusion

The most obvious method of evaluating the career of a legislator is to assess the weight of his policy achievements. Maclay obviously suffers in this analysis. His foremost skills were obstructive; diluting or limiting bills that overreached his strict construction of the Constitution. Even in this case, the lack of an organised opposition in the Senate (as opposed to the House, where it was coordinated by James Madison) severely limited his innate negative capacities.

Maclay has occupied a strange hinterland in the historiography of the early republic, too irascible and obdurate to belong in the common narrative of early consensus, but too insightful to be ignored. It seems then that there are two ways of looking at Maclay that afford him a significant historical role. The first is as the first articulate proponent of what would become known as the Jeffersonian tradition in the politics of the Senate. Indeed, when one considers the leading Jeffersonian in the House of Representatives, James Madison, Maclay was voicing a coherent opposition to the High Federalist court faction while Madison remained on friendly terms with Hamilton. Furthermore, Maclay preceded even Jefferson's propagandist Philip Freneau in providing an anti-administration voice from within the political establishment in the mainstream popular press. As Freeman has written, 'Maclay was arguably the most prolific newspaper writer in the first Congress- not surprising, given his desire to thwart a dangerous majority'.¹⁰⁹

This approach only takes us so far. To say that he was the first of his kind in so elevated a position is certainly of interest, but it does not bestow importance in and of itself. After all, other men would later prove themselves to think in similar (though perhaps less extreme) ways, and reach far greater eminence than Maclay had. Maclay had lacked, or contemptuously spurned, the sense of political self-preservation that had caused men like Gerry and Lee to initially veer closer to the Federalist consensus than their private opinions would suggest. A more ambitious argument has been

109 Freeman. *Affairs of Honour*, p.54

presented in the preceding pages. Maclay, or perhaps less the man than the ideas he championed, played an important secondary role in shaping the character of the newborn nation. Societies and governments forged solely in the white heat of creative genius are fragile, volatile beasts. Maclay did not possess an innovative or expansive mind, lacking the poetic vision of Jefferson, the technical brilliance of Hamilton and Madison's adroit and nuanced understanding of political operation. He was, however, supremely *awkward*, and this is his contribution. Imagine, perhaps, if no one had rose with such intensity against Adams' wish for a liveried guard at arms,¹¹⁰ or had hounded Hamilton for suppressed papers concerning the National Bank,¹¹¹ or talked till adjournment when King proposed his peacetime standing army.¹¹² Perhaps other men might have arisen, clutching a dog-eared copy of the Constitution, hectoring and moralising, reminding those assembled that they were *not* the Consuls of Rome, nor the House of Lords, but the Congress of the United States of America. It does not take a great leap of the imagination to suggest that had they not, both the substantive form and function of American government would be unrecognisable.

110 Maclay. *Diary*, p.34

111 *Ibid.*, pp.209-210

112 *Ibid.*, p.246

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