Swiss and the American Constitution

$\mathcal{H}$aving declared independence from Great Britain in July 1776, the thirteen American states faced the problem of establishing a general government. According to John Adams, no one proposed "consolidating the vast Continent under one national Government." Rather the preference in the Continental Congress was to "follow the Example of the Greeks, the Dutch, and the Swiss, [and] form a Confederacy of States each of which must have a separate Government"[1] The Swiss system commended itself to Congressmen like John Witherspoon, the president of Princeton. In a debate in Congress, 30 July 1776, Witherspoon, representing New Jersey, extolled Switzerland as a model of a "well planned Confederacy" which Americans would do well to imitate. "The Cantons of Switzerland," Witherspoon claimed, had never "broken among themselves, though there are some of them protestants, and some of them papists, by public establishment. Not only so, but these confederates are seldom engaged in a war with other nations. . . . A confederation of itself keeps war at a distance from the bodies of which it is composed."[2] Look to Switzerland, Witherspoon urged his colleagues.

Americans who observed the Alpine Republic found models for a variety of policies. Rebutting British charges that the United States' new ally, France, would betray her—a Catholic monarchy, it was claimed, would not keep the faith with a Protestant republic— Benjamin Franklin on 1 July 1778 invoked "the steady Friendship of France to the Thirteen United States of Switzerland which has now continued inviolate Two hundred years."[3] Concerning national defense, Richard Henry Lee advised Patrick Henry in 1785 that a proper program would require that "our leaders engrave upon their minds the wisdom of the inscription upon the arsenal of Berne in

Switzerland—'that people happy are, who, during peace, are preparing the necessary stores of war.' "[4]

These references display a considerable knowledge of Switzerland and Swiss history. Americans acquired their information by reading old, reliable books like Abraham Stanyan's *An Account of Switzerland, Written in the Year 1714* and by consulting a number of new books that appeared in the 1770s: Vinzenz Bernhard von Tscharner and Gottlieb Emmanuel von Haller's *Dictionaire géographique, historique et politique de la Suisse* (Neuchâtel, 1775), Fortune Barthelemy de Felice's multi-volume *Code de l'Humanité* (Yverdon, 1778), and especially *Sketches of the Natural, Civil, and Political State of Swisserland* (London, 1779) by the English churchman, William Coxe.[5]

Swiss scholars vouch for the accuracy of Coxe's facts,[6] even though the author, anticipating the romantic movement of the next century, presented them in a purple prose that seems excessive even for a promoter of tourism. Unlike his fellow cleric, John Joachim Zubly, who described the climate of his native land as "nine months of winter and three months of cold,"[7] Coxe found the Swiss air bracing and continually gushed about the "awful sublimity of this wonderful landscape" and its "singularly wild and romantic vistas."[8] Coxe tended to overlook the authoritarian governments that existed in some of the cantons at this period and celebrated the Swiss as brave, virtuous free men comparable to the Greeks and Romans during their purest republican periods.

Additional information about the Swiss was supplied to Americans by their minister in London, John Adams. In January 1787 the first volume of Adams's *A Defense of the Constitutions of Government of the United States of America* was published, in which he surveyed the political systems in the Swiss cantons, dividing them into "democratical" and "aristocratical" governments. For information on Switzerland, Adams, like most Americans, relied on Coxe but he also used a volume, *Quarante tables politiques de la Suisse*, by Claude Emanuel Faber, a minister at Bischwiller, which has been described as "one of the most erroneous books ever written about the Swiss."[9] Adams's *Defence* arrived in the United States in April 1787 and thus was available during the Constitutional Convention at Philadelphia that summer and during the ratification campaign that followed.

By 1787 those advocating a stronger United States concluded that the Articles of Confederation had failed, that they were, in fact, a "burlesque on government and a most severe satire on the wisdom and sagacity of the people."[10] Why had the Articles failed? Was there some intrinsic defect in confederal government or did Americans lack the political skills to make it work? The Father

Section of James Madison's draft essay, Notes on
Ancient and Modern Confederacies

Holograph

Madison Papers, Manuscript Division

*In the months preceding the Federal Constitutional Convention which
opened in Philadelphia in May 1787 James Madison made a thorough study of
confederal governments, ancient and modern, to ascertain if they could be used as
a model for the new American constitution (he concluded that they could not).
Among the modern confederacies analyzed by Madison was the government of
Switzerland—the Helvetic Confederacy, he called it—about which he made several
pages of observations.*

of the Constitution himself, James Madison, set out to answer this question in 1786. After doing extensive research on the behavior of confederal governments throughout history, Madison drafted his famous "Notes on Ancient and Modern Confederacies" shortly before the Federal Constitutional Convention convened. Madison listed the vices of the confederacies he examined, not sparing the Swiss, whose government, which he called the Helvetic Confederacy, did not "make one Commonwealth . . . but are so many independent Commonwealths in strict alliance. There is not so much as any common instrument by which they are all reciprocally bound together." The absence of adequate central authority, Madison noted, compelled Switzerland to ask an outsider, Victor Amadeus of Savoy, to mediate disputes between the cantons, a "striking proof of the want of authority in the whole over its parts."[11] Here, in fact, was the "vice" Madison found common to all confederacies, a lack of power at the center which had caused the dissolution and subjugation of all ancient confederacies and promised to do the same to modern ones.

The idea of an intrinsic flaw in confederacies, illustrated by Switzerland and other countries similarly governed, was a Federalist theme throughout the debates on the adoption and ratification of the Constitution. Alexander Hamilton, for example, in his great speech to the Constitutional Convention of 18 June 1787, charged that the Swiss had "scarce any Union at all and have been more than once at war with one another."[12] In the *Federalist*, written by both Hamilton and Madison, the "fallacious principle" of confederacies[13] was stressed and Switzerland was cited as an example of that principle in action. *Federalist* 19 asserted that "the connection among the Swiss Cantons scarcely amounts to a confederacy" and claimed that "whatever efficacy the Union may have had in ordinary cases, it appears that the moment a cause of difference sprang up, capable of trying its strength, it failed."[14]

That the Swiss Confederacy had failed was denied by the opponents of the Constitution, the Antifederalists, and as they debated this point with the Federalists, the dispute over the American Constitution at times turned into an argument about the competence of the government of Switzerland. This argument was not, to be sure, a major quarrel, but it is instructive, nevertheless, to record its contours.

Some Antifederalists like Luther Martin applauded the Swiss Confederacy because each canton, regardless of size or population, had an equal vote, a provision that Martin and other Antifederalists obstinately, but unsuccessfully, tried to incorporate into the American Constitution. "Bern and Zurich," Martin asserted at the Federal Convention on 28 June 1787, "are larger than the

Alexander Hamilton, Notes for Speech in Federal Constitutional
Convention, 18 June 1787

Holograph

Alexander Hamilton Papers, Manuscript Division

In his major speech in the Constitutional Convention, 18 June 1787,
Hamilton proposed a central government for the United States far stronger than
any advocated by his colleagues. He cited Switzerland as an example of what he
regarded as an intrinsic flaw in confederal governments: weakness of the central
authority, resulting in political instability.

remaining eleven cantons. . . . Bern alone might usurp the whole power of the Helvetic confederacy, but she is contented still with being equal."[15] Other Antifederalists saluted the Swiss because they had managed for centuries without a standing army. But most Antifederalists were drawn to the Swiss because they believed their loose confederacy of more or less sovereign states, contrary to the assertions of the Madisons and Hamiltons of the world, had worked gloriously and proved that Switzerland had been the proper model for the United States in 1776 and continued to be so in 1787.

No Antifederalist boasted more effusively about the success of the Swiss Confederacy than a "Farmer," writing in the *Baltimore Gazette* in March 1788. According to the "Farmer," "these happy Helvetians have in peace and security beheld all the rest of Europe become a common slaughter house;" they "have become in a series of years, passed in uninterrupted but moderate Labor, frugality, peace and happiness, the richest nation under the sun;" they had "remained under the simplest of all forms of government for near five hundred years, in uninterrupted tranquility and happiness."[16] They had, indeed, asserted Patrick Henry in the Virginia Ratifying Convention, for the simple reason that the "Swiss spirit" had remained strong; they had "encountered and overcome immense difficulties with patience and fortitude. In the vicinity of powerful and ambitious monarchs, they have retained their independence, republican simplicity, and valor."[17]

Madison and the Federalists, of course, won the argument with the Antifederalists about the "imbecility" of confederal government, just as Swiss reformers won the same argument with their opponents in 1848. But many historians contend that in the end the Antifederalists were winners, too, for they succeeded in compelling the Federalists to add the Bill of Rights to the Constitution, thereby giving the nation a charter that many consider as valuable as the Constitution itself. In a recent article Paul Widmer has presented the provocative thesis that the Swiss helped inspire the Bill of Rights.[18] Widmer does not mean that Americans looked to Switzerland for model codes of civil liberties. Eighteenth century Switzerland was, he is fully aware, a land in which serfdom and torture in judicial proceedings were still legal and, though far from a totalitarian state, Switzerland, like many of her continental neighbors, was just beginning to be receptive to the full range of Anglo-American notions of rights. What Widmer means is that some measure of the Antifederalists' motivation to demand a Bill of Rights was generated by their admiration for the historic, almost mythic, devotion to liberty that seemed to suffuse Swiss history. Through this channel, Widmer claims, the "Swiss spirit (Schweizer Geist)" flowed into the American Bill of Rights.

Although it may be difficult to document Widmer's specific claim about a link between Switzerland and the Bill of Rights, in a larger sense he is correct in discerning a spiritual communion between Americans and Swiss at the end of the eighteenth century. It is clearly evident in the cultural realm. The first musical, written and performed by Americans, opened in New York City on 18 April 1796. It was William Dunlap's *The Archers, or The Mountaineers of Switzerland*, a dramatic depiction of William Tell and his compatriots, Fürst, Melchtal, and Stauffacher. Several other plays on Swiss themes were also performed before appreciative audiences. The performances were popular because Americans felt a spiritual kinship with the Swiss. No American, declared a theater critic in the *New York Evening Post*, 23 February 1819, could be "insensible" to the story of William Tell. "It is an incident in the glorious struggle of the Swiss for independence. The Swiss were like our fathers, a plain and simple but virtuous, free and valiant nation."[19] To citizens of the young American Republic the Swiss were, to use a term from the modern American vernacular, soul brothers and sisters.

NOTES

1. Lyman H. Butterfield, et al., eds., *Diary and Autobiography of John Adams*, 3 (Cambridge, 1961), 352.
2. Paul H. Smith, et al., eds., *Letters of Delegates to Congress, 1774–1789*, 4 (Washington, 1979), 587.
3. Claude A. Lopez, et al., eds., *The Papers of Benjamin Franklin*, 27 (New Haven, 1988), 5.
4. James H. Hutson, *John Adams and the Diplomacy of the American Revolution* (Lexington, Ky., 1980), 32.
5. For a discussion of the sources of information about Switzerland used by eighteenth century Americans, I have relied upon Paul Widmer, "Der Einfluss der Schweiz auf die Amerikanische Verfassung von 1787," an unpublished paper in my possession. A revised version of this excellent essay has been published in *Schweizerische Zeitschrift für Geschichte*, 38 (1988), 359–389.
6. *Ibid.*, 15.
7. Zubly, *Law of Liberty*, 33.
8. William Coxe, *Travels in Switzerland and in the country of the Grisons . . .* (4th ed., London, 1808–1814), 644, 648.
9. Widmer, *op. cit.*, 15–16.
10. Jack P. Greene, *Peripheries and Center* (Athens, Ga., 1986), 190.
11. Robert A. Rutland, et al., eds., *The Papers of James Madison*, 9 (Chicago, 1975), 8–11.
12. Max Farrand, ed., *The Records of the Federal Convention*, 1 (New Haven, 1987), 285.

13. *Federalist* 18 in Jacob E. Cooke, ed., *The Federalist* (Middletown, 1961), 113.
14. *Federalist* 19, *ibid.*, 123.
15. Farrand, *op. cit.*, 1, 454.
16. Herbert Storing, ed., *The Complete Anti-Federalist*, 5 (Chicago, 1981), 47.
17. *Ibid.*, 227.
18. Widmer, *op. cit.*, 39–41.
19. Heinz K. Meier, *The United States and Switzerland in the Nineteenth Century* (The Hague, 1963), 14n.