Melancton Smith, Adam Smith, and the Sympathetic Theory of Representation

On June 22, 1788, at a convention convened in Poughkeepsie, New York to consider, and perhaps ratify, a new United States Constitution, a merchant of “the middling sort” named Melancton Smith rose to his feet and insisted, in opposition to the plan’s proponents, that representatives should “resemble those they represent…be a true picture of the people…possess the knowledge of their circumstances and their wants…sympathize in all their distresses, and be disposed to seek their true interests.”

This article is about the role of sympathy in the theory of representation developed by Melancton Smith and his associates during the “great national discussion” of 1787-1788 and that theory’s relationship with Adam Smith’s account of sympathy in *The Theory of Moral Sentiments*. I call Melancton Smith’s theory the “sympathetic theory of representation” because it is distinctive in the ratification debate, and in the history of political thought, precisely because sympathy appears center stage.

My claim is that Melancton Smith’s conception of sympathy, the one driving his distinctive theory of representation, is, in every important respect, the same as Adam Smith’s. Not only that: because sympathy is used in virtually the same way by both Smiths, we can deepen our understanding of Melancton Smith’s sympathetic theory

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of representation, and representation in general, by moving back and forth, from Adam to Melancton, and from Melancton back to Adam.

Melancton Smith and his associates didn’t simply adopt Adam Smith’s account of sympathy (or something just like it) from the Theory of Moral Sentiments; they developed and extended it to address a topic about which Adam Smith wrote comparatively little: political representation. By carefully reconstructing and then analyzing Melancton Smith’s theory of representation we can, I argue, get an inkling of what someone who sympathized with Adam Smith on sympathy thought about representation. This of course does not mean that Adam Smith shared Melancton Smith’s views on representation—their politics differed. But Melancton Smith’s sympathetic theory of representation is one way Adam Smith could have gone, had he constructed a theory of representation from sympathy.

The way Melancton Smith and his “circle” used sympathy has so much in common with Adam Smith’s conception of sympathy that I am compelled to conclude that someone in the Melancton Smith circle had read The Theory of Moral Sentiments, was familiar with its contents secondhand, or somehow, without knowledge of Adam Smith’s work, produced something remarkably and implausibly similar.

Since we know so little about Melancton Smith’s life, and hardly anything at all about him before 1769, when he was already a young man, we can only speculate about the merits of the aforementioned alternatives. Irrespective of his source—The Theory of Moral Sentiments, Adam Smith’s work secondhand, or his own considerable

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mind—Melancton Smith’s theory of representation deserves wider recognition than it has hitherto received. Melancton Smith and his associates, today largely forgotten, show us that representatives can represent, perhaps even should represent, their constituents by sympathizing with them.

1. The “Standard” Anti-Federalist Account of Representation

Melancton Smith and his circle are unique in the ratification debate, as I’ve said, because they used the concept of sympathy to hone their views on political representation. In order to see just how innovative Melancton Smith and his associates were it’s helpful to compare their account with those of run of the mill Anti-Federalists (the label used to identify opponents of the proposed Constitution).

Anti-Federalists shared many of the same concerns about representation under the proposed Constitution, but only a subset of them—Melancton Smith and his circle—used sympathy to express them. Once I’ve demonstrated the role and importance of sympathy in the Melancton Smith circle’s theory of representation, we will turn to its relationship with Adam Smith’s account of sympathy in the *Theory of Moral Sentiments*.

But before getting to what I’ll call the “standard” Anti-Federalist account of representation, it’s worth mentioning that no Anti-Federalist (and no Federalist, for that matter) developed a fully-formed, freestanding “theory” of representation. On both sides of the debate, the participants wrote to change minds, not to fill books. They wrote in response to the proposed Constitution and to one another as events unfolded. This means that the “political theory” we find in the ratification debate is largely implicit; scholars must reconstruct it for themselves, should they desire to do so.

The “standard” Anti-Federalist account of representation, like the sympathetic theory of representation, emerged in response to the

proposed Constitution. That must always be kept in mind. Anti-Federalist objections to the plan were numerous and wide ranging, but one of the most commonly voiced complaints was that both houses of the new national legislature would be too small. By too small they meant that each house would not have enough representatives. The new House of Representatives, at least until the first census and reapportionment (scheduled for 1790), would have sixty-five members. The new Senate, with two representatives per state, would have twenty-six. Ninety-one people would represent the entire United States, from Maine to Georgia and from the Atlantic Coast to the Mississippi River.

At that time, many state legislatures were bigger than the national legislature proposed by the Constitution. In the period after the Revolution, the smallest state assembly (Delaware’s lower chamber) had 21 members and the largest (Connecticut’s lower chamber) had 200. The median state’s lowest chamber had 78 representatives, more than the proposed House of Representatives for the entire country. And, in a particularly striking contrast, from 1754-1790 the British House of Commons had 588 members.

The fact that Anti-Federalists thought that new national legislature would be too small, on its own, does not tell us much. The reasons they thought it would be too small, however, are the key to the standard Anti-Federalist position.

Anti-Federalists identified two problems with small legislatures, or by extension, large constituencies. First, they argued that small legislatures could not provide “full” or “complete” representation of the people. The metaphor they often used in this context was that of a mirror. Anti-Federalists believed that the legislature should mirror

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the people it hoped to represent. In Melancton Smith’s words, the legislature should “be a true picture of the people.”

This idea was in not new. Eric Nelson has argued that it can be traced to a seventeenth century dispute between the English Parliament and the Crown, especially in the writings of Henry Parker.8 Parker claimed that Parliament is “nothing else, but the very people it self artificially congregated.”9 In British North America, over a century later, John Adams claimed that the representative assembly “should be in miniature, an exact portrait of the people at large. It should think, feel, reason, and act like them.”10

Some scholars claim that this piece of the theory follows from Anti-Federalists’ skepticism of representation.11 If the people themselves could not assemble under “some convenient tree”12 to conduct their business, the best they could do would be to send representatives in their stead. It then follows, from this perspective, that the representative body should reproduce the people in miniature. No significant segment of the society should be left out; every important interest should be represented.

However, as Saul Cornell has shown, views varied considerably within the Anti-Federalist camp.13 Many Anti-Federalists were not skeptical of representation as such. Even so, they agreed that representation under the new national government would be inadequate. They agreed that large constituencies would be unrepresentative.

Large constituencies would be unrepresentative, they argued, because they tend to contain more distinct interests than small constituencies. This, they believed, was simply a fact of sociology, though

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9 Observations Upon Some of His Majesties Late Answers and Expresses (London: 1742). Quoted in Nelson, The Royalist Revolution, 73.
12 Thomas Paine, Common Sense; Addressed to the Inhabitants of America (Philadelphia: R. Bell, 1776), 4.
13 Cornell, The Other Founders.
they would not have called it that. If a constituency contains more than one distinct interest, returning a single representative from that district ensures that some interest or interests will go unrepresented. Anti-Federalists assumed, perhaps with good reason, that representatives could not represent multiple interests simultaneously. The assumption is certainly reasonable in cases in which interests conflict and compete. If a constituency contains both debtors and creditors, for example, its representative cannot faithfully represent both at the same time.

Smaller districts, by contrast, because they tend to contain fewer distinct interests, are more likely to be represented “fully” by a single representative. If the aforementioned constituency containing both debtors and creditors were divided into two smaller districts, it could then send two representatives, one representing creditors and the other representing debtors, to the assembly.

Anti-Federalists’ first objection to the size of the proposed national legislature, then, was that it would not represent all of country’s distinct interests. Their second objection was that those chosen as representatives would favor particular interests, again as a sociological fact.

Scholars familiar with Publius’s argument for the “extended republic” will immediately grasp the second objection, for it “was the direct opposite of James Madison’s in the tenth number of The Federalist.”14 Madison argued that large districts would “refine and enlarge the public views, by passing them through the medium of a chosen body of citizens… whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.”15 According to Madison, large constituencies would filter out the “partial considerations” of parochial politicians.

Anti-Federalists agreed that large districts would return “a chosen body of citizens” but disagreed that they would be chosen well. The problem, they argued, was that constituencies, no matter their size,

tend to select the most prominent personalities to represent them. But the most prominent men in large constituencies are almost always rich—the great—rather than men of the “middling sort.” Large electoral districts would choose elites like Alexander Hamilton or Robert Livingston (Federalists), whereas smaller districts would choose men like Melancton Smith and his allies at the New York Ratifying Convention (Anti-Federalists). Even today, as of 2016, the median U.S. Senator, who represents an entire state, is worth nearly six times as much as the median Representative, who in most cases represents a district that is considerably smaller.\textsuperscript{16}

To recap: whereas Anti-Federalists’ first objection to a small national legislature was that it would not represent all of the country’s various interests, their second objection was that a small national legislature would be filled by the rich and the great. With the large constituencies imagined by the new Constitution it would be difficult for ordinary folk to elect anyone other than a merchant, banker, or large landowner; mechanics and small farmers would be excluded—not \textit{de jure} but \textit{de facto}. The new national legislature would be unrepresentative in two senses: it wouldn’t represent everyone, in terms of interests, and it wouldn’t represent everyone, in terms of class or social position.

This is the “standard” Anti-Federalist account of representation. The national legislature had to be large, most Anti-Federalists argued, so its constituencies could be small. Constituencies had to be small so that the legislative body would mirror the people it would represent. And they had to be small so that ordinary folk, not just bankers and lawyers, would have a seat at the table.

The problem with the standard account—the problem that the Melancton Smith circle’s sympathetic theory of representation resolves—is that it is opaque about the mechanism through which mirroring yields representativeness.

Anti-Federalists wanted the representative body to mirror the people so as to represent them better. But as the following passage

\textsuperscript{16}See \url{https://www.opensecrets.org/personal-finances}. 

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from Bernard Manin’s influential study of representation demonstrates, most Anti-Federalists, and many of their contemporary interpreters, don’t say how all of this actually works.

Manin argues, I believe correctly, that Anti-Federalists advanced a “descriptive” theory of representation, but also that “the ‘descriptive’ conception supposes that representatives will *spontaneously* do as the people would have done since they are a reflection of the people, share the circumstances of their constituents, and are close to them in both the metaphorical and spatial senses of the term.”

As we shall see in the next section, although most Anti-Federalists failed to explain exactly how representatives would “do as the people would have done,” it does follow that they would do so *spontaneously*, as Manin alleges. When Manin says that representatives will do as they people would have done because “they are a reflection of the people, share the circumstances of their constituents, and are close to them in both the metaphorical and spatial senses of the term,” he is describing the conditions under which representatives act representatively rather than *how* they do it.

This is genius of Melancton Smith and his circle. While some Anti-Federalists fumbled their way toward an explanation of the phenomenon—that representatives who resemble those they represent make better representatives—the Melancton Smith circle explained the mechanism: through sympathy. Representatives who resemble those they represent make better representatives because, and insofar as, they *actively sympathize* with their constituents. Melancton Smith and his circle also saw, with remarkable clarity—that members of the “middling sort,” representing small constituencies, were more likely to be capable of sympathizing with *all* of their constituents than rich men, elected from large constituencies.

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2. Sympathy and the Melancton Smith Circle

We now turn to sympathy as it was used by the Melancton Smith circle. By my count, using the digital edition of *The Documentary History of the Ratification of the Constitution*, “sympathy,” “sympathize,” and “sympathetic” appear 32 times—in the relevant sense—between September 17, 1787, the day the Constitution was signed in Philadelphia, and July 2, 1788, the day the Confederation Congress accepted its ratification.18 By “the relevant sense” I mean those instances in which sympathy refers to political representation.19

It turns out, in what would be a fascinating coincidence if it were indeed coincidental, that 25 of the 32 references to sympathy come from New York. Nine of these appear in newspapers, four in pamphlets, and twelve in the records of the New York Ratifying Convention in Poughkeepsie.

Ten references come from The Federalist. Fourteen come from The Federalist and Hamilton or Madison under their own names. And fifteen, nearly half, come from what I am calling, following Michael P. Zuckert and Derek A. Webb, the “Melancton Smith Circle.” Seven are from Melancton Smith himself, at the New York Ratifying Convention, one is from “Brutus,” four are from “Federal Farmer,” and three are from Melancton Smith’s Anti-Federalist allies at the New York Ratifying Convention: Gilbert Livingston, John Lansing, Jr., and John Williams. Only three references can be attributed to anyone other than the members of Publius or the Melancton Smith circle.20

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19I used the search term “sympat*” so as to capture “sympathy,” “sympathetic,” “sympathize,” and “sympathise.” The asterisk operates as a wildcard and returns any word beginning with “sympat”. Searches using lowercase letters are automatically case-insensitive, so the search includes capitalized forms. Note, furthermore, that at the time of writing, the digital edition included 28 of the 29 volumes in print. The search, therefore, excludes only one volume, “Ratification by the States: Confederation Congress and Vermont.” See https://www.wisconsinhistory.org/whspress/series.asp.
20See an “Extract of a letter from the Hon. William Pierce, Esq. to St. George Tucker, Esq. dated New York, Sept. 28, 1787,” published in the *Gazette of the
Before explaining in detail how the concept of sympathy was used by the Melancton Smith circle, let me first say what the circle was and why it matters. The very idea of the Melancton Smith circle is a clever solution to a vexing attribution problem in the historiography of ratification.

While we now know who wrote each of the Federalist essays, the same cannot be said for many of the pseudonymous Anti-Federalist papers, including “Brutus” and “Federal Farmer.” For many years, historians believed Federal Farmer was Richard Henry Lee and Brutus was Abraham Yates. We now know, with some certainty, that Federal Farmer was not Lee and Brutus was not Yates. But we don’t know with certainty who actually wrote them.

The problem is difficult because the literary evidence, assembled by Gordon Wood, Herbert Storing, Robert Webking, Joseph McGaughy, Michael Zuckert, and Derek Webb, and the statistical evidence, compiled by John Burrows, points to Melancton Smith as the author of both the Brutus and Federal Farmer essays.

This is incredible, however. Why would the same man write two sets of essays, in different media, and under different pseudonyms?


The Brutus essays were published in installments in the New York Journal, between October 18, 1787 and April 10, 1788. The Federal Farmer essays were published as two pamphlets, the first on November 8, 1787, and the second on May 2, 1788.\footnote{The essays were, however, dated individually.}

As Zuckert and Webb put the problem: “the two sets of essays are so substantively alike that they must have been written by one man, but so stylistically different that they could not have been.”\footnote{Zuckert and Webb, The Melancton Smith Circle, xxix.} Their solution, which I endorse, is the idea of the Melancton Smith circle: “one of the sets of essays was produced by another author or authors who were close to Smith; who discussed politics with him; and who shared an understanding, a mode of analysis, and a style of thinking.”\footnote{Zuckert and Webb, The Melancton Smith Circle, xxix.}

Zuckert and Webb, perhaps prudently, refrain from speculating about who belonged to the Melancton Smith circle. They do, however, reprint all of Melancton Smith’s letters, which offer a few clues. Those to whom Melancton Smith wrote are clearly candidates. These include Henry Livingston, Abraham Yates, John Smith, and Gilbert Livingston. Indeed, in a January 23, 1788 letter to Yates, Melancton Smith asked Yates and Samuel Jones for their “observations on this system, especially on the Judicial powers of it, about which very little has yet been written.”\footnote{Zuckert and Webb, The Melancton Smith Circle, 333.}

Additionally, since Melancton Smith was elected by Dutchess County, we can add his fellow delegates from Dutchess, including John De Witt, Jr. and Gilbert Livingston. Finally, Marinus Willett, John Lamb, and Samuel Jones were members, with Melancton Smith, of the Federal Republican Society of New York; Lamb, Smith, and Jones served on its correspondence committee.\footnote{Zuckert and Webb, The Melancton Smith Circle, 377.}

Beyond Melancton Smith’s correspondents, his fellow delegates from Dutchess Country, and the members of Federal Republican Society, we surely ought to include, as potential members of the Melancton Smith circle, any Anti-Federalist who used the concept
of sympathy. Since the Brutus essays, the Federal Farmer essays, and Melancton Smith’s speeches are “so substantively alike” as Zuckert and Webb insist, and since sympathy appears so rarely in the ratification debate, it seems to me quite plausible that Gilbert Livingston, John Lansing, Jr., and John Williams, each of whom used sympathy, were members of the Melancton Smith circle. Gilbert Livingston is especially promising, as he was from Dutchess County, a correspondent of Melancton Smith’s, and used sympathy at the New York Ratifying Convention.

3. The Sympathetic Theory of Representation

Despite having introduced the Melancton Smith circle and collecting all of its extant writings in a single volume, Zuckert and Webb only refer to sympathy in quotation. Nor does any other scholar of Anti-Federalism single out sympathy as a distinctive feature in the writings of Melancton Smith and his circle.

But sympathy is there, and it does important work. Here I reconstruct the sympathetic theory of representation by taking up each reference to sympathy by the Melancton Smith circle in chronological order.

Sympathy first appeared in Brutus’s third letter “To the CITIZENS of the STATE of New-York,” published in the New York Journal on November 15, 1787. Brutus begins with what I have called the “standard” Anti-Federalist account of representation. He argues that with the small national legislature imagined by the new Constitution, the “great body of the yeomen of the country cannot expect any of their order in this assembly…the distance between the people and their representatives, will be so very great, that there is no probability that a farmer, however respectable, will be chosen.” The consequence being that “there will be no part of the people represented, but the rich.”

This much the argument is familiar. Recall that according to the standard Anti-Federalist account of representation the rich have distinct interests, so a legislature controlled by the rich would inevitably neglect the interests of the lower orders. The standard account says nothing special about the rich, however. The same objection would
apply to a legislature dominated by any class, rich, poor, working, or middle.

But Brutus doesn’t leave the matter there; he explains exactly why a legislature dominated by the rich is so problematic. Invoking sympathy for the first time in the ratification debate, Brutus says: “the well born, and highest orders in life, as they term themselves, will be ignorant of the sentiments of the middling class of citizens, strangers to their ability, wants, and difficulties, and void of sympathy, and fellow feeling.”

We might say, on Brutus’s behalf, that the rich are deficient in two respects, one epistemological and one sentimental. The rich are deficient epistemologically because they lack sufficient knowledge of the abilities, desires, challenges, and opinions, of those in the middle classes. Presumably they are also ignorant of the opinions, abilities, desires, and challenges of the poor. The rich are deficient sentimentally because they lack sympathy and fellow feeling. The epistemological deficiency refers to facts; the sentimental deficiency refers to feelings.

We should distinguish between epistemological and sentimental deficiencies because it’s possible for someone to be deficient in one respect but not the other. A representative might possess perfect knowledge of a group’s opinions, abilities, desires, and challenges without sympathizing with its members (i.e. without the appropriate feelings). Similarly, it’s possible to sympathize with the members of particular group without knowing much about them.

Thus, when Brutus invokes sympathy in his criticism of the Constitution, he is making a subtle point, one that most of his fellow Anti-Federalists failed to articulate. According to Brutus, the new national legislature would be dominated by the rich because it would be too small, and a legislature dominated by the rich would be epistemologically and sentimentally deficient.

29Samuel Chase makes this point explicitly: the “rich and wealthy...will be ignorant of the sentiments of the middling (and much more of the lower) class of citizens, strangers to their ability, unacquainted with their wants, difficulties and distress and need of sympathy and fellow feeling.”
While Brutus extends the standard Anti-Federalist account of representation by explaining why we ought to be wary of a small assembly dominated by rich men in particular—because rich men typically lack sympathy for the lower orders—he does not explain how rich men come to be sentimentally deficient.

Federal Farmer gets us closer in “An Additional Number of Letters to the Republican,” published as a pamphlet on May 2, 1788. In Letter VII (dated December 31, 1787), he insists that members of the lower chamber “must possess abilities to discern the situation of the people and of public affairs, a disposition to sympathize with the people, and a capacity and inclination to make laws congenial to their circumstances and condition.” Instead of simply saying that the rich are “void of sympathy,” à la Brutus, Federal Farmer clarifies that representatives should have a *disposition* to sympathize with the people. Rich men are “void of sympathy,” according to Federal Farmer, because they don’t have the disposition to sympathize.

Later in Letter VII, Federal Farmer alludes to a condition—proximity—that facilitates sympathy between representatives and their constituents: “a small representation can never be well informed as to the circumstances of the people, the members of it must be too far removed from the people, in general, to sympathize with them, and too few to communicate with them[.]” A Federal Farmer see it, since “a small representation” implies large constituencies, each representative would be further away from his or her constituents. In large constituencies, representatives have to travel farther in order to gather information concerning “the circumstances of the people.” Indeed, with large constituencies, each representative “can only mix, and be acquainted with a few respectable characters among his constituents,” not all of them.30

Federal Farmer completes the argument in Letter XI (January 10, 1788), in a discussion of rotation in office:

30 Federal Farmer repeats the point about “the want of sympathy, information and intercourse between the representatives and the people” once more in Letter VII.
[O]ccasionally to be among the people, is not only necessary to prevent or banish the callous habits and self-interested views of office in legislators, but to afford them necessary information, and to render them useful: another valuable end is answered by it, sympathy, and the means of communication between them and their constituents, is substantially promoted[.]

This passage suggests, consistent with Letter VII, that being “among the people” facilitates sympathy. The structure of the passage indicates, furthermore, that sympathy is not reducible to information or communication; sympathy is “another valuable end.”

Let me briefly restate the argument from Brutus and Federal Farmer, as I have reconstructed it thus far. First, small legislatures, as in the proposed Constitution, are dangerous because they tend to be dominated by rich men. Rich men make bad representatives because they typically lack the disposition to sympathize with the lower orders. Second, proximity between representatives and their constituents facilitates sympathy, and sympathy’s value is not reducible to that of information or communication.

Five months later, at the New York Ratifying Convention (June 17-July 26), Melancton Smith would use sympathy and its variants seven times, while his allies, John Lansing, Jr., Gilbert Livingston, and John Williams, would each mention sympathy once.

We’ve already encountered, in first paragraph of this article, Melancton Smith’s first reference to sympathy. That is the passage, where he insists that representatives should “sympathize in all their” constituents’ “distresses,” for which Smith is best known.

Later in the same speech (June 21, 1788), Smith warns his fellow New Yorkers that they “ought to guard against the government being placed in the hands of” the rich, for they “cannot have that sympathy with their constituents which is necessary to connect them closely to their interest.” Sympathy here is a condition of interest representation.

31 Emphasis added.
He also argues that the rich should not be trusted with the public’s finances: “Being in the habit of profuse living, they will be profuse in the public expences. They find no difficulty in paying their taxes, and therefore do not feel public burthens[.]” The middle class, “from their frugal habits, and feeling themselves the public burdens,” by contrast, “will be careful how they increase them.”

This is an especially pregnant example of the function of sympathy in political representation. Melancton Smith argues that the rich will make bad representatives, especially with respect to financial matters, because their circumstances prevent them from sharing the feelings of “the middling class.” The rich will be careless with public funds, Smith suggests, because they don’t know what paying onerous taxes feels like; they don’t sympathize with overburdened middle-class taxpayers.

Two days later, on June 23, 1788, Alexander Hamilton took issue with Melancton Smith’s characterization of the rich. Hamilton claimed, sincerely it seems, that “the sympathy of the poor is generally selfish; that of the rich a more disinterested emotion.” Melancton Smith responded by defending his earlier claims, using the concept of sympathy once more.

The following day, Gilbert Livingston took up the relationship between sympathy and representation from a new angle. Livingston said that Senators would reside “in this Eden,” referring to the future District of Columbia, “with their families, distant from the observation of the people. In such a situation,” Livingston reasoned, “men are apt to forget their dependence—lose their sympathy, and contract selfish habits.”

Later that day, John Lansing, Jr. defended a proposed amendment to the Constitution to prohibit senators from serving more than six years in every twelve. This way, Lansing said, senators would “return, at certain periods, to their fellow citizens” so that they could “revive that sympathy with their feelings, which power and an exalted station are too apt to efface from the minds of rulers.”

32 Sympathy surfaces four more times in the DHRC entry for June 25, in Melancton Smith’s notes for his speech, in which he more or less repeated Livingston’s and Lansing’s arguments.
Sympathy appeared for the final time on June 27, 1788, in a speech by John Williams. Williams’s subject was Congress’s power to tax. He observed that people in England are “oppressed with a variety of other heavy taxes” in addition to “taxes for births, marriages and deaths.” “What reason,” he asked, “have we to suppose that our rulers will be more sympathetic, and heap lighter burthens upon their constituents than the rulers of other countries?” The question was of course rhetorical; its answer, assuming a small legislature populated by the rich, was “none.”

4. Melancton Smith, Sympathy, and Adam Smith

We’ve now seen how the Melancton Smith circle used the concept of sympathy in their theory of representation. Sympathy is how representatives represent well; sympathy is how representatives come to feel as their constituents do.

To recap, once again: according to the standard Anti-Federalist account of representation, the national legislature should be large enough to represent every distinct interest and to avoid being dominated by the rich. Melancton Smith and his circle extended the standard account, in the sympathetic theory of representation, by explaining why representatives from small districts would be more likely to represent their constituents’ “true interests,” and why rich men would ordinarily make bad representatives.

I now argue that Adam Smith’s conception of sympathy, far more than David Hume’s competing conception, accounts quite naturally for what’s distinctive in the sympathetic theory of representation. The contrast with Hume is for illustrative purposes.

In general, Adam Smith’s account fares better than Hume’s because it is, as Stephen Darwall has suggested, “richer, more sophisticated, and, arguably, more suggestive for a wider range of issues,” including representation.33 Moreover, as Fonna Forman-Barzilai

observes, Adam Smith’s account of the relationship between sympathy and proximity “is richer and ultimately more provocative for us today.” More specifically, Adam Smith’s conception of sympathy fits quite naturally into the sympathetic theory of representation because it hinges on imaginative “projection,” unlike Hume’s “contagion” theory.

In *The Theory of Moral Sentiments*, Adam Smith claims that we sympathize with another person by “conceiving what we ourselves should feel in the like situation.” We imaginatively project ourselves “into his body, and become in some measure the same person with him, and thence form some idea of his sensations, and even feel something which, though weaker in degree, is not altogether unlike them.” For Smith, then, active imagination is the mechanism through which sympathy takes place. Imaginative projection is how we sympathize.

For Hume, by contrast, in the *Treatise of Human Nature*, “to sympathize with others” is “to receive by communication their inclinations and sentiments, however different from, or even contrary to...”

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38I use Hume’s *Treatise of Human Nature*, despite the fact that it was not widely circulated in the United States, because it provides an explicit description of Hume’s associationist conception of sympathy. Some scholars have argued that the associationist account of sympathy—what I am calling the “contagion” conception—vanishes from Hume’s later work, notably the *Enquiries Concerning Human Understanding and Concerning the Principles of Morals*, which were more widely circulated than the *Treatise* in America as part of *Essays and Treatises on Several Subjects* (1753, 1768). (On the availability of the *Treatise* in America, I thank XXX...
our own.”

“When any affection is infus’d by sympathy,” Hume explains, “it is at first known only by its effects, and by those external signs in the countenance and conversation, which convey an idea of it.”

This means that for Hume to sympathize with another one must be in a position to observe or otherwise receive “the external signs” of an affection in the other person. Once received, the recipient forms an idea of the affection from those external signs. That idea is then “converted into an impression.” Finally, the impression acquires such a degree of force and vivacity, as to become the very passion itself, and produce an equal emotion, as any original affection.

Adam Smith’s is a projection conception of sympathy because, according to his view, people sympathize by projecting themselves, using their imagination, into the other; they adopt the other person’s perspective; they step into her shoes. Hume’s is a contagion conception because, according to his view, we sympathize by receiving, “by communication,” the feelings of the other person. For Hume, we sympathize by “catching” the other person’s emotions, as revealed in external signs.

The differences between Adam Smith’s projection conception and Hume’s contagion conception of sympathy matter, for our pur-

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poses, because in each case Smith’s conception accounts for or illu-
minates the sympathetic theory of representation; Hume’s does not, 
or does so less well. I consider three differences in the following. 
First, whereas for Hume proximity is a necessary condition for sym-
pathy, for Smith proximity “seems to be neither a necessary nor a 
sufficient condition for sympathetic response.” 43 Second, for Hume, 
genuine sympathy is passive whereas sympathy, for Smith, is active. 
Third, Smith argues that the rich do not sympathize with the poor; 
for Hume, sympathy is symmetrical: the rich and the poor sympa-
thize with one another.

Let me say a bit more about each difference, beginning with prox-
imity. Hume says that the success of sympathy depends on the 
strength of the relationship between the recipient and the original 
affection’s source: “The stronger the relation is betwixt ourselves and 
any object, the more easily does the imagination make the transition, 
and convey to the related idea the vivacity of conception, with which 
we always form the idea of our own person.” 44

One of the “relations” that facilitates “the transition” in Hume’s 
associationism is resemblance. The greater the resemblance between 
two persons, the more easily affections are transferred between 
them. The effects of resemblance on sympathy are enhanced, Hume 
adds, “from other relations, that may accompany it,” e.g., contigu-
ity, consanguinity, and acquaintance. 45

Contiguity, in particular, is required for the sentiments of others 
to “communicate themselves entirely.” 46 Proximity eases the trans-
fer of sentiments because it is “natural for us to consider with most 
attention such as lie contiguous to us.” 47 Presumably, when things 
are closer, we pay more attention to them and thereby make more 
detailed, and perhaps more accurate, observations of the relevant 
external signs. More detailed observations then generate more accu-
rate ideas, and so on.

43Forman-Barzilai, *Adam Smith and the Circles of Sympathy*, 141.
Hume writes in these passages as though proximity merely *facilitates* sympathy. Hume had argued, however, that “any affection is...first known only by its...external signs.” It follows that if the potential recipient of an affection is far enough away that she cannot even *observe* the relevant external signs, sympathy will be *impossible*, not just less likely. That is, if one takes Hume’s contagion metaphor seriously, as a lay reader across the Atlantic surely would have, physical proximity is, for Hume, a *necessary* condition of genuine sympathy.

Not so for Adam Smith. Note that for Adam Smith, “the imagination must do all of the work of sympathy.” The imagination is powerful, according to Smith. By contrast, Hume famously remarked, in the *Enquiry Concerning Human Understanding*, that the imagination “is really confined within very narrow limits, and that all this creative power of the mind amounts to no more than the faculty of compounding, transposing, augmenting, or diminishing the materials afforded us by the senses and experience.” Because sympathy, for Smith, is wholly imaginative, it is not constrained by physical proximity the way it is for Hume, given the latter’s account of the imagination.

If the Melancton Smith circle had been following Hume, rather than Adam Smith, on sympathy, they would have taken proximity even more seriously than they did. For representatives to sympathize with all of their constituents’ distresses, à la Hume, they would have had to traverse their districts, exposing themselves to all—every last one—of their constituents’ affections.

It’s curious, on this score, that when Melancton Smith suggested an amendment to increase the size of national legislature, he proposed that “the number of representatives be fixed at the rate of one for every twenty thousand inhabitants...until they amount to three

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50Fleischacker, “Sympathy in Hume and Smith,” 280, emphasis in original.
hundred.” If we assume, for a moment, that representatives spend half their time in their home districts, at Melancton Smith’s ratio representatives would need to “catch” the sentiments of about 55 constituents per day. And by capping the representation at 300, that number would have increased as soon as the population of the United States reached 6 million.  

Had Hume been Melancton Smith’s inspiration on sympathy, he surely would have proposed even smaller districts. Melancton Smith’s proposal to increase—modestly—the size of the national legislature, by contrast, is perfectly consistent under Adam Smith’s conception of sympathy. Under that conception, proximity is neither necessary nor sufficient for sympathy, but it does facilitate sympathy. Sympathy, as Smith argues, “does not arise so much from the view of the passion, as from that of the situation which excites it.” Proximity, therefore, allows representatives to gather facts about the situation(s) of their constituents, which they can then use to imaginatively project themselves into all of them. On Adam Smith’s conception of sympathy, but not Hume’s, it makes sense that Melancton Smith wanted more proximity, but not to commit himself to minuscule constituencies.

To be sure, something similar is possible under Hume’s conception of sympathy. Hume might have claimed that representatives could use a “general rule,” so as to “conceive a lively idea of the passion, or rather feel the passion itself, in the same manner, as if the person were really actuated by it.” This is sympathy “of a partial kind,” however. And this departure from Hume’s contagion metaphor isn’t easy to spot, especially for the lay reader.

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53 Smith, TMS, 12.

54 Hume, Treatise, 371.

55 Hume, Treatise, 371.
The second difference between Adam Smith’s projection conception and Hume’s contagion conception of sympathy is simpler than the first, and more important for my argument. Roughly speaking, sympathy for Smith is active whereas it is passive for Hume.

When the Melancton Smith circle mentions sympathy as a desideratum of representation, they argue as though it is something representatives do rather than something that happens to them. They want representatives to go out and actively sympathize with their constituents. In their view, sympathy is not just a byproduct of other activities—communication and information gathering, for instance. On this point, recall Federal Farmer’s claim that sympathy is “another valuable end,” not reducible to information or communication.

For that matter, when representatives actively and intentionally attempt to sympathize with their constituents, they can be seen doing so. When constituents see their representatives trying to sympathize in all of their distresses, they, along with their representatives, are more likely to feel “the pleasure of mutual sympathy.”

In modern parlance, people want to feel heard by their representatives. Representatives who make themselves seen in their districts, who ask their constituents detailed questions, who roll up their sleeves for local charities, who eschew ostentatious displays of wealth, and who shop for their own groceries are popular in part because sympathy goes both ways. People want representatives whose feelings they can share. This is why President George H. W. Bush was criticized for not knowing the price of a gallon of milk. It is also why the videos of President Donald Trump callously—dare I say unsympathetically—throwing paper towels to hurricane victims in Puerto Rico are so grating.

Hume’s passive conception of sympathy does not easily capture any of this. If sympathy is something that just happens, how do representatives make it clear to their constituents that they are sympathizing with them? Moreover, under Hume’s account, it’s not clear

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56Smith, TMS, 13.
whether sympathizing with one’s constituents is distinct from communicating with them or learning about them. Presumably, representatives who communicate with their constituents and try to learn about them firsthand will also receive “by communication” their sentiments. But if sympathy is a necessary or unavoidable byproduct of other kinds of interactions, à la Hume, why did the Melancton Smith circle bother mentioning sympathy at all? Again, as Federal Farmer put it, sympathy is “another valuable end.” The Melancton Smith circle wouldn’t have added sympathy to the standard Anti-Federalist account of representation if they had thought it came about, as Manin puts it, “spontaneously.”

The third and final difference between Smith’s projection account and Hume’s contagion account of sympathy concerns the capacities of the rich to sympathize with the lower orders. Smith’s conception, but not Hume’s, captures the Melancton Smith circle’s claim that small legislatures, dominated by the rich, are dangerous because the rich are less likely to be capable of sympathizing with the lower orders.

In *The Theory of Moral Sentiments*, Adam Smith has an extensive discussion of sympathy with the rich.\(^57\) Smith observes that “mankind are disposed to sympathize more entirely with our joy than our sorrow.”\(^58\) It follows, Smith argues, that people are naturally disposed “to go along with all the passions of the rich and the powerful.”\(^59\) Even when the great deserve our “fear, hatred, and resentment,” the people “are apt to relent every moment, and easily relapse into their habitual state of dependence to those whose they have been accustomed to look upon as their natural superiors.”\(^60\) Smith adds, in a key passage, that “the great never look upon their inferiors as their fellow creatures.”\(^61\)

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\(^57\)I thank an anonymous reviewer for reminding me of these passages in *TMS*.
\(^58\)Smith, *TMS*, 50.
\(^59\)Smith, *TMS*, 52.
\(^60\)Smith, *TMS*, 53.
\(^61\)Smith, *TMS*, 55.
The rich and the great, because of their rank, can get by with “talents and virtues…not…much above mediocrity[.]”\textsuperscript{62} A person of inferior rank, by contrast, “must acquire superior knowledge in his profession, and superior industry in the exercise of it. He must be patient in labour, resolute in danger, and firm in distress.”\textsuperscript{63} The success of “men in the inferior and middling stations in life…almost always depends upon the favor and good opinion of their neighbors and equals; and without a tolerably regular conduct these can very seldom be obtained.”\textsuperscript{64} The rich man “shutters with horror at the thought of any situation which demands the continual and long exertion of patience, industry, fortitude, and application of thought.”\textsuperscript{65}

Three features of Adam Smith’s account of the rich are worth noting. First, sympathy with the rich comes naturally to everyone. Second, the rich do not, at least ordinarily, sympathize with the lower orders. Third, unless people of inferior rank obtain wealth, they must acquire the admiration of their fellows through intelligence and hard work.

These three features account for the Melancton Smith circle’s skepticism toward legislatures dominated by the rich. First, because sympathy with the great comes naturally, there is no need to worry that their interests will be neglected. Everyone sympathizes with the rich, but the lower orders, because of their upbringing and circumstances, are more likely to be able to sympathize with their own order, and that of the poor.

Second, the rich typically make bad representatives because they “never look upon their inferiors as their fellow creatures.” Echoing Adam Smith, Brutus argued that “the well born, and highest orders in life…will be…void of sympathy, and fellow feeling.” At the New York Ratifying Convention, Melancton Smith claimed that the rich, “being in the habit of profuse living…do not feel public burthens.”

Third, Adam Smith’s discussion of the virtues of the lower orders complements the Melancton Smith circle’s celebration of yeoman
farmers. Men of the middling sort have “frugal habits” according to Federal Farmer, “probity and prudence, generosity and frankness” according to Adam Smith.66 And there are reasons to believe that men of the lower orders, having something to prove, will simply do a better job than the rich, to whom everything comes as a matter of course.

Another way to state the difference between Adam Smith’s and Hume’s conception of sympathy, with respect to the rich, is that Smith’s account of sympathy between social classes is asymmetrical and Hume’s is symmetrical. For Smith, the lower orders sympathize with the rich, but the rich do not sympathize, or have difficulty sympathizing, with the lower orders. The poor man feels that his poverty “either places him out of the sight of mankind, or, that if they take any notice of him, they have, however, scarce any fellow-feeling with the misery and distress which he suffers.”67 Rich men, to repeat, “never look upon their inferiors as their fellow creatures.” This is precisely why the Melancton Smith circle wanted a legislature populated by “the middling sort.”

Hume’s account of sympathy between social classes, by contrast, appears to be entirely symmetrical. In the Treatise, Hume remarks, “there remains nothing, which can give us an esteem for power and riches, and a contempt for meanness and poverty, except the principle of sympathy, by which we enter into the sentiments of the rich and poor, and partake of their pleasures and uneasiness.”68 Further evidence of symmetry can be found in Hume’s suggestion that the “minds of men are mirrors to one another…because they reflect each others emotions.”69

Although Hume argues that sympathy gives rise to contempt for meanness and poverty, he does not deny that we enter into the “sentiments of the…poor,” nor that we “partake of their…uneasiness.” Adam Smith, for his part, says “we feel for the misery of others,”70

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66Smith, TMS, 54.
67Smith, TMS, 51.
68Hume, Treatise, 362.
69Hume, Treatise, 365.
70Smith, TMS, 9.
but only Smith—and not Hume—singles out the rich for their diminished capacity to sympathize with their inferiors.

To summarize: Adam Smith’s projection conception of sympathy accounts for and illuminates the sympathetic theory of representation far better than David Hume’s contagion conception because for Smith, proximity is neither necessary nor sufficient for sympathy; sympathy is active rather than passive; and sympathy between social classes is asymmetrical rather than symmetrical. The same is true for sympathy in the Melancton Smith circle’s theory of representation: proximity facilitates sympathy, but isn’t necessary; sympathy is active rather than passive; and sympathy does not go both ways, between the rich and the lower orders.

Conclusion

It’s not implausible to conclude from the foregoing that the Melancton Smith circle’s idea of sympathy—the idea that distinguishes its theory of representation from that of countless other Anti-Federalists, in a remarkably productive and sophisticated way—is in every important respect the same as Adam Smith’s in *The Theory of Moral Sentiments*.

To be clear, the evidence presented here demonstrates the striking substantive similarities between sympathy as it was used by a select group of Anti-Federalists and sympathy as it was used by Adam Smith. It does not establish that anyone in the Melancton Smith circle had ever read *The Theory of Moral Sentiments* or encountered Adam Smith’s ideas in any other way.

But they certainly could have. The *Theory of Moral Sentiments* appeared in 16% of American libraries from 1700-1776 and in 31% from 1776-1790. David Lundberg and Henry F. May argue that among the writers of the Scottish Enlightenment, “the most popular

book was Adam Smith’s work on moral philosophy.”

According to Samuel Fleischacker, “John Witherspoon incorporated” the *Theory of Moral Sentiments* “into his teaching at Princeton,” Thomas Jefferson recommended it for a private library, John Adams discussed it in print, and Benjamin Rush quoted it in a lecture. And Melancton Smith, born in 1744, was eighteen years old when the first copies of the *Theory of Moral Sentiments* were advertised in British North America.

In 1773, George Washington ordered a copy of the *Theory of Moral Sentiments* for John Parke Custis, his stepson, for the latter’s use at King’s College (now Columbia) in New York City. Fleischacker interprets this as evidence that Smith’s book was “was used in college curriculums.” James Madison, who used sympathy nine times in the ratification debate, was a student of Witherspoon’s at Princeton from 1769-1771. Alexander Hamilton, who used sympathy four times, attended King’s College from 1774-1776. Gilbert Livingston, Melancton Smith’s ally at the New York Ratifying Convention, entered King’s College in 1756 and Marinus Willet, Melancton Smith’s fellow member of the New York Republican Society, matriculated at King’s in 1772.

Adam Smith’s *Theory of Moral Sentiments* appears in the catalog of the New-York Society Library in 1773 and 1789. James Duane, Robert Livingston, Richard Morris, Samuel Jones, Philip Living-

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72 Lundberg and May, “The Enlightened Reader in America,” 268.
75 Fleischacker, “Adam Smith’s Reception,” 898n2.
ston, all delegates to the New York Ratifying Convention, were subscribers in 1773.\textsuperscript{78} Unfortunately, the library was looted in 1776 by the British Army and was not reconstituted until 1788.\textsuperscript{79} However, as Robin Brooks notes, “Melancton Smith spent some of his early years in New York City” (Smith was born in 1744).\textsuperscript{80} He also served, along with Gilbert Livingston, Abraham Yates, Jr., and Robert Yates in New York’s Provincial Congress, held in New York City in 1775.\textsuperscript{81} The \textit{Theory of Moral Sentiments} was advertised for sale in New York City in 1762 and repeatedly in 1786, when Melancton Smith was living there.

Melancton Smith and his circle, then, had ample opportunities to get their hands on the \textit{Theory of Moral Sentiments}, or discuss ethics and politics with someone who had. Even if the circumstantial evidence amounts to nothing, the striking substantive similarities remain. Indeed, the conception of sympathy at work in the writings of the Melancton Smith circle is far too nuanced to be that of sympathy in the generic sense afloat in the late eighteenth-century.

It’s worth taking another moment to consider how strange it is that a concept so pregnant with implications—sympathy—appeared so rarely in what is surely one of the most consequential debates in the history of the United States, and yet, when it did appear, was used by such a small and well-connected group of people.

Even if the connection between Adam Smith’s \textit{Theory of Moral Sentiments} and the Melancton Smith circle’s sympathetic theory of representation is spurious, the latter is clearly interesting and important in its own right. Sympathy is a neglected but fertile facet of representation; representatives, even today, can represent their constituents better by imagining what it would be like to be them.


\textsuperscript{80}Brooks, “Melancton Smith,” 3.

\textsuperscript{81}New York Department of State, \textit{Calendar of Historical Manuscripts, Relating to the War of the Revolution, in the Office of the Secretary of State, Albany, N.Y.}, vol. 1 (Albany: Weed, Parsons and Company, 1868), 86.
And there is no need to let Melancton Smith and his circle have the last word. They developed their theory amidst the rough and tumble of practical politics, and like all theories, it was shaped by its context. There is value, I argue, in stepping away from the ratification debate to consider what a sympathetic theory of representation might look like now.

The sympathetic theory of representation goes beyond more familiar theories—interest representation, virtual representation, actual representation, even descriptive representation—by focusing on the interpersonal relationship between representatives and constituents. Descriptive representation supposes that representatives represent their constituents better when they are like them; sympathetic representation, by contrast, supposes that representatives represent their constituents better when they sympathize with them.

Sympathetic representation specifies one mechanism through which descriptive representation works the way we think it should. Representatives who are like their constituents find it easier to step into their shoes. This matters all the more when the constituents in question are racial, cultural, or ethnic minorities. Female representatives may not agree on the issues with their female constituents, but at least they know something about what it is like be women.

The sympathetic theory of representation has another advantage. Even when representatives are in no way like their constituents, sympathetic representation does not leave the matter there. The sympathetic theory tells representatives what they can do. A representative can “adopt the whole case of his companion with all of its minutest incidents; and strive to render as perfect as possible, that imaginary change of situation upon which sympathy is founded.”  

According to the sympathetic theory of representation, then, resemblance is merely a means to an end. Resemblance is desirable just in case it eases the burden of imaginative projection. The sym-

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82Smith, TMS, 21.
83Although the effect of resemblance on distance is discussed explicitly by Hume, Smith is not unaware of the phenomenon. Fonna Forman-Barzilai calls it “affective” distance. See Adam Smith and the Circles of Sympathy, 156.
pathetic theory also specifies a novel desideratum of political representation: imaginative dexterity. Good representatives, according to the sympathetic theory, have considerable imaginative capacities. Because of their natural talents, dispositions, or their experiences, good representatives excel at imagining themselves as unfamiliar others.

Through the two Smiths, then—Melancton and Adam—we have stumbled upon a theory of representation with considerable promise for our own time. In our increasingly fractured and fluid world, in which borders are simultaneously defended and porous, and in which the other is often our neighbor, we should demand sympathy and imagination from our representatives.

More can and should be done on the relationship between representation and sympathy. Melancton Smith and his circle argued, persuasively, that representatives represent well when they sympathize with their constituents. Adam Smith argued, persuasively, that we sympathize when we imaginatively project ourselves into the situation of another. Representatives around the world, and theorists of representation, should take note: imagination is at least as important as principles, conscience, or expertise—perhaps more so.

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