

My Umpteenth Reading of the Anti-Federalist Papers

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I'm departing from my normal practice today and am not blogging about an article that readers sent me, but rather, just to share a few interesting quotations that, I hope, will be thought-provoking.

Recently I received a catalogue of books from Dover Publications, and in its "thrift books" section, it included a collection of some of the Anti-Federalist papers. Dover's "thrift books" are little paperbacks very reasonably priced. This little edition of some of the Anti-Federalist papers cost only six dollars, so I purchased it, and have to say that the papers collected within it were nicely chosen and ordered.

But beyond this, one thing struck me in this latest re-reading; the prescience of some of the anti-federalists with where we are now.

For example, over and over again in the little Dover edition, the warning cry against the Philadelphia convention's creature was that it would inevitably issue in aristocracy; perhaps we might call it today a "plutocracy". "John DeWitt" in his third essay of 5 November 1787 "To the Free Citizens of the Commonwealth of Massachusetts" stated this:

Now therefore is unquestionably the proper time to examine it (the current constitution), and see if it really is what, upon paper, it appears to be. If with your eyes open, you

deliberately accept it, however different it may prove in practice what it appears in theory, you will have nobody to blame but yourselves; and what is infinitely worse, as I have before endeavoured to observe to you, you will be wholly without a remedy.

...

Upon attentive examination you can pronounce it nothing less, than a government which, in a few years, will degenerate to a complete Aristocracy, armed with powers unnecessary in any case to bestow, and which in its vortex swallows up every other Government on the Continent. In short, my fellow-citizens, it can be said to be nothing less than a hasty stride to Universal Empire in this Western World, flattering, very flattering to young ambitious minds, but fatal to the liberties of the people. (Dover edition, pp. 48-49.)

George Mason, one of the more well-known anti-federalists, was even more succinct in his predictions, being one of Virginia's delegates to the Philadelphia convention, and one of three delegates to the convention who refused to sign the document on the convention's conclusion, along with Elbridge Gerry and Edmund Randolph. We are constantly reminded of the usual narrative that their refusal was based solely on their concern that the document lacked a Bill of Rights. However, over and over the warnings of "aristocracy" and "corruption" occur, sometimes within, and sometimes outside of, a context of concern about such a lack of a Bill of Rights. No such context for Mason's remarks occurs here:

This Government will commence in a moderate Aristocracy; it is at present impossible to foresee whether it will, in its Operation, produce a Monarchy, or a corrupt oppressive Aristocracy; it will most probably vibrate some Years between the two, and then terminate in one or the other. (Boldface emphasis added)

Beyond this general warning, what comes across in this edition and arrangement of some of the anti-federalist papers is that the concern about "aristocracy" is a general template informing their opposition to the system, and that this was the root of their concern about the absence of a Bill of Rights, their critiques of the preamble, their concerns about the power of the judiciary and the open door to judicial activism (or, in some cases, the *lack* of judicial action), and so on.

In the current situation, people are turning to renewed study of the document and its promoters and advocates.

But I would offer that it is now even more important to revisit the sadly all-but-forgotten papers of the loyal opposition...

See you on the flip side...