

## ANTIFEDERALISM AND LIBERTARIANISM

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*It will be considered, I believe, as a most extraordinary epoch in the history of mankind, that in a few years there should be so essential a change in the minds of men. 'Tis really astonishing that the same people, who have just emerged from a long and cruel war in defence of liberty, should now agree to fix an elective despotism upon themselves and their posterity.*

Antifederalist Richard Henry Lee, 1788<sup>1</sup>

**T**HE ANTIFEDERALISTS, those men who opposed ratification of the federal Constitution in 1787-88, espoused a brand of libertarianism that is frequently misunderstood and misinterpreted by students of American political philosophy. In their arguments against the Constitution, the Antifederalists repeatedly warned that establishment of a strong, centralized national government would result in coercion, the erosion of state and local governments, and a loss of civil liberties. Yet, despite this libertarian strain in Antifederalist ideology, many historians and political scientists today view Antifederalism as a rather obscure philosophy espoused by a small group of conservatives and obstructionists. The belief that the Federalists (those who favored the Constitution) were the "true" radicals of the 1780s is based on a widespread misconception of Antifederalism and the Confederation era (approximately 1781-88) during which the Antifederalists were active in government and politics.

Many students in American high schools, colleges, and universities have been taught that 1781-88 was a "Critical Period" during which America nearly disintegrated into anarchy.<sup>2</sup> The economy plummeted and crowds rioted in the streets—Shay's Rebellion being offered as a prime example. The Confederation Congress did nothing to remedy this grave situation because it was supposedly a do-nothing body rendered impotent and bankrupt by the ill-suited Articles of Confederation. The new nation was in precarious straits

indeed but, as the story goes, was saved from ruin at the last moment by a group of men known as the Federalists. These patriots instituted a strong, centralized government under the federal Constitution of 1787 and brought stability and prosperity to the new American republic.

This "chaos and patriots to the rescue"<sup>3</sup> interpretation of the Confederation era, while good reading, is unfortunately not very good history. The Critical Period thesis is merely a repetition of one side of what was, in the 1780s, a two-sided political debate. There was great division among Revolutionary Americans about the direction in which the country was moving, and there was considerable debate over whether or not the federal Constitution was necessary or even suitable for the new American nation. Indeed, contrary to popular belief today, the Constitution barely received enough votes to be ratified. If there were many Federalists who supported the Constitution, there were certainly as many Antifederalists who considered it unnecessary and dangerous. Only by examining the views of both sides, Federal and Antifederal, can one intelligently view the debate over the Constitution.<sup>4</sup>

The Antifederalists lost their fight over ratification, and their reputations have gradually diminished ever since. During the 19th century their philosophical legacies of states' rights and individualism were perverted and tarnished by the Southern defense of slavery, the Civil War, and what were perceived as the capitalistic excesses of the Industrial Revolution. Americans came to favor an increasing federal role at the expense of state and local governments, and this sentiment has influenced historians' interpretations of the Antifederalist party. Although the Antifederalists have had some apologists,<sup>5</sup> the negative view of their position has for many years been in vogue in higher academic circles.<sup>6</sup> Were the Antifederalists radicals or reactionaries? libertarians or demagogues? Perhaps Prof. Morton Borden is most correct when he stresses the paradoxical nature of Antifederalism.<sup>7</sup> Borden points to the similarities between the Antifederalists and today's conservatives like Sen. Barry Goldwater of Arizona, contending that a belief in local control and weak central government is conducive to both libertarian and obstructionist sentiments.<sup>8</sup>

While Borden's idea is intriguing, I think there are a great many more differences between the Antifederalists (or all 18th- and 19th-century classical liberals, for that matter) and contemporary conservatives. While the former were isolationists, the latter are

militarists and interventionists. While the former opposed centralized military and economic power as well as centralized political power, the latter condemn only centralized political authority. Most important, there is a strong radical libertarian strain in Antifederalist ideology that is a mere vestige in modern-day conservatism. By examining the Antifederalists' positions on local control, democracy, aristocracy, taxation, standing armies, and civil liberties, one can see that, contrary to the charges of the Federalists and their 20th-century apologists, the Antifederalists were very much a part of the radical libertarian tradition of the American Revolution.

#### THE ORIGINS OF ANTIFEDERALISM

Who were the Antifederalists?<sup>9</sup> What did they believe, and where did they come from? The Antifederal party was led by men such as Sam Adams, Patrick Henry, William Grayson, James Monroe, Richard Henry Lee, John Randolph, and George Clinton. These men were the heirs to a colonial American political tradition that favored local control over national, or centralized, authority. They were 18th-century liberals who thought, as did Jefferson, that "that government is best which governs least." Many of the Antifederalists—Sam Adams and Patrick Henry, for example—had been at the forefront of the radical independence movement from 1763 to 1776, and much of the Antifederal political philosophy was drawn from the libertarian strain in Revolutionary ideology.<sup>10</sup> Because of the ordeal with Great Britain, the Antifederalists feared and distrusted strong governmental authority and were determined to thwart any effort to institute a coercive national government in America.

Thus, the Antifederalists fought the Federalist effort to centralize authority in the Continental Congress from 1776 to 1781.<sup>11</sup> Although some radical Antifederalists opposed the Articles of Confederation, most held that the Articles embodied their localist political philosophy.<sup>12</sup> The Antifederalists were outraged that anyone might want to replace the Articles without first giving them a proper chance. The so-called Critical Period was, to the Antifederalists, a perfectly natural postwar era—certainly not a time of severe economic dislocation and impending anarchy. They pointed to increased economic growth and prosperity and to the many accomplishments of the Confederation Congress.<sup>13</sup> To be sure, the

Antifederalists saw a need for change and further strengthening of the national government, but they proposed change in the form of amendments to the Articles of Confederation. They considered the federal Constitution a drastic renunciation of the democratic and localist spirit of the Articles. Indeed, the Antifederalists considered it a direct repudiation and perversion of the libertarian ideals of the American Revolution.<sup>14</sup>

We know a great deal about the Antifederal leaders, but only recently have we come to know the rank and file. To begin with, most of the Antifederalists resided in the small towns, villages, and countryside, while all of the major American cities were Federalist strongholds. A great many Antifederalists were westerners, as evidenced by their strong showing in the western regions of North Carolina, Virginia, Pennsylvania, Massachusetts, and up-state New York. Those Antifederalists who did live in cities or towns were usually small traders, mechanics, artisans, and craftsmen. But the real Antifederal strength lay in the "noncommercial" spectrum of the economy. Antifederalists were most often yeomen farmers who worked self-sufficient homesteads and exported only to neighboring areas. While the Federalists represented the mercantile interest—businessmen, importers, bankers, professionals, and overseas-exporting farmers—the Antifederalists were men with little capital. Not surprisingly, many of them were debtors and paper money advocates.<sup>15</sup>

The class implications here are obvious. The Federalists came from the upper classes; the Antifederalists, from the lower and "middling" classes.<sup>16</sup> Although the Antifederal leaders were usually men of wealth, their money was often "new" money—they were "nouveau riche" in comparison to the old families of the colonial aristocracy.<sup>17</sup> No better corroboration of the class conflict over the Constitution exists than in the writings of the time. Nearly all of the Antifederalist tracts condemn the "aristokratik" nature of the Constitution and its supporters. The Antifederalists castigated

those who have been long wishing to erect an aristocracy. . . . These consist generally of the NOBLE order of Cincinnatus, holders of public securities, men of great wealth and expectations of public office, Bankers, and Lawyers: these with their train of dependents form the aristokratik combination.<sup>18</sup>

A group of Massachusetts Antifederalists considered the "overgrown Rich. . . the most dangerous to the Liberties of a free State," and the Reverend William Gordon complained that "the rich will

have enough advantages against the poor without political advantages."<sup>19</sup> All of the Antifederalists were well aware of the class implications of the federal Constitution. They honestly feared that a "few tyrants" wanted to "lord it over the rest of their fellow citizens. . . [to] dissolve our present Happy and Benevolent Constitution [the Articles of Confederation] and to erect on the Ruins, a proper Aristocracy."<sup>20</sup>

While the above interpretation would seem to substantiate a Beardian or Marxist view of the debate over the Constitution, it tells only part of the story. Popularized Marxism often stresses only the social and economic components of one's "material being." Thus, some progressive (Beard, for example) and Marxist historians have tended to ignore the importance of political ideology and philosophy during the Revolutionary era. One's political ideology, while closely related to one's economic and social status, is not necessarily a result of the former two. Indeed, for those who had declared, fought, and won the American Revolution, political ideology had attained, by 1787, an importance that often surpassed class and economic factors. This argument can be made for Federalists and Antifederalists alike. Thus, the Antifederalists' political ideology is of prime importance in assessing the Antifederal movement as a whole.

#### THE ANTIFEDERAL CRITIQUE

The key tenet of Antifederalist political ideology was localism—a belief in local control as opposed to a strong central (national) government. Patrick Henry feared that "the tyranny of Philadelphia may be like the tyranny of George III,"<sup>21</sup> and all Antifederalists agreed that state and local governments should be sovereign to the national authority. This localism was not unique. It was drawn from the 17th- and 18th-century radical Whig tradition of mistrust of government authority<sup>22</sup> and from the great liberal thinkers of the Enlightenment—Locke, Rousseau, and, most importantly, Montesquieu.<sup>23</sup> Montesquieu held that if men were to remain free their governments should not extend over too great a territory. George Clinton ("Cato"), the Antifederalist governor of New York, quoted Montesquieu when he wrote, "In large republics, the public good is sacrificed to a thousand views; in a small one, the interest of the public is easily perceived, better understood, and more within the reach of every citizen."<sup>24</sup> Only

state and local governments could be responsive to the needs of their citizens. James Winthrop of Massachusetts argued that it was unthinkable to assign the most important administrative duties to only one central government:

The idea of an uncompounded republik, on an average one thousand miles in length, and eight hundred in breadth, and containing six millions of white inhabitants all reduced to the same standard of morals, of habits, and of laws, is in itself an absurdity, and contrary to the whole experience of mankind.<sup>25</sup>

The Antifederalists believed that people differed greatly from locale to locale and that their unique environments—their geographic, economic, and social differences—were of utmost importance in determining their governmental needs. Only state and local governments could answer these needs and thus insure liberty, for localism was “the foundation of free government.”<sup>26</sup> The inhabitants of Georgia or New Hampshire could not possibly “preside over your lives, liberty, and property, with the same care and attachment” as those of your own state, warned George Clinton of New York. By instituting one powerful central government to rule over all the 13 states, the Federalists would isolate the rulers from the people. Government would become “intricate and perplexed, and too mysterious to understand and observe.” This, in turn, would lead to a “monarchy, either limited or despotic.”<sup>27</sup> “Montezuma,” an Antifederalist, wrote satirically in favor of the Constitution’s subordination of the states, arguing that it would

leave the legislature of each *free* and *independent* state, as they now call themselves, in such a situation that they will eventually be absorbed by our *grand continental vortex* or dwindle into petty corporations, and have power over little else than yoking hogs or determining the width of cart wheels.<sup>28</sup>

Much of the Antifederalists’ localism was directly related to the fact that many of them advocated direct, participatory democracy as opposed to representational democracy. They believed that the federal Constitution would lead to a “transfer of power from the many to the few,” because a handful of congressmen in the “Federal City” could not possibly represent the needs of eight million inhabitants of the continental United States.<sup>29</sup> “To make representation real and actual,” wrote George Mason of Virginia, “the number of representatives ought to be adequate; they ought to mix with the people, think as they think, feel as they feel—ought to be perfectly amenable to them and thoroughly acquainted with

their interest and condition.”<sup>30</sup> Only state and local governments—or, ideally, the “town meeting” where each voter represented himself—could provide this direct representation. The system under the federal Constitution would exclude local representation and, the Antifederalists feared, ensure the election of “the *first* Men in the state in point of Fortune and Influence.”<sup>31</sup> By enlarging the area of representation and decreasing the number of representatives, the Constitution would elevate the office of congressman to a height attainable only by the rich and wellborn. The proposed number of representatives, wrote Melancton Smith, was

so small, the office will be highly elevated and distinguished; the style in which the members live will probably be high; circumstances of this kind will render the place of a representative not a desirable one to sensible men, who have been used to walking in the plain and frugal paths of life.<sup>32</sup>

While viewing the proposed Constitution as generally unrepresentative and aristocratic, the Antifederal party went on to make specific criticisms of undemocratic aspects of the document. They were particularly alarmed by the absence of provisions requiring rotation in office, annual elections, and recall procedures. At the same time, they criticized the powers given the Supreme Court and the president (“His elected majesty”) and the undemocratic nature of the Senate and the Electoral College. All of this, the Antifederalists feared, would tend to create an omnipotent federal bureaucracy in the national capital and would “totally change, in time, our condition as a people.”<sup>33</sup> The Constitution was often criticized also for its failure to require compulsory rotation in office, as the Articles of Confederation had. George Mason believed, “Nothing is so essential to the preservation of republican government as periodical rotation”;<sup>34</sup> and “Brutus” wrote, “everybody acquainted with public affairs knows how difficult it is to remove from office a person who is long been in it.”<sup>35</sup> In the same regard, the Antifederalists believed that “where annual elections end, slavery begins,” for, as William Findley of western Pennsylvania argued, “Annual elections are an annual Recognition of the Sovereignty of the People.”<sup>36</sup>

As for the Supreme Court, the Antifederalists questioned the wisdom of a sovereign federal judiciary. They accurately predicted the court’s ability to interpret the “constitutionality” of an issue and warned that the Federalists had “made the judges *independent*, in the fullest sense of the word. There is no power above them, to

control any of their decisions.”<sup>37</sup> The Antifederalists also criticized the “vast and important powers of the president.” The government under the Articles of Confederation had no chief executive, and the experience with Great Britain had instilled in many Antifederalists a profound distrust of executive authority. “Cato” warned that “if the president is possessed of ambition, he has power and time sufficient to ruin his country,” and “Philidelphiensis” asked, “Who can deny but the *president general* will be a *King* to all intent and purposes, and one of the most dangerous kind too—a King elected to command a standing army.”<sup>38</sup> All of these undemocratic aspects of the Constitution—the absence of rotation, recall, and annual elections; the presidency; and the proposed powers of the Supreme Court—spelled trouble to the Antifederalists. They predicted that the “Federal City” would be filled with “officers, attendants, suitors, expectants, and dependents,” all safely out of the reach of the people.<sup>39</sup> M. Kingsley of Massachusetts asked:

After we have given them all our money, established them in a federal town, given them the power of coining money and raising a standing *army* to establish their arbitrary government; what resources have the people left?<sup>40</sup>

One power granted the federal government under the proposed Constitution and vehemently opposed by the Antifederal party was the power of taxation. Again, this position was rooted in the Revolutionary experience, as was the Antifederalists’ advocacy of federal *external* taxation (tariffs, import duties, etc.) as opposed to the *internal* taxation proposed by the federal Constitution. “Cato Uticensis” of Virginia wrote,

In Art. I, Sect. 8, of the Proposed constitution, it is said, “Congress shall have power to lay and collect taxes, duties, imposts, and excises.” Are you then, Virginians, about to abandon your country to the depredations of excisemen, and the pressure of excise laws? Did it ever enter the mind of any of you, that you could live to see the day, that any other government but the General Assembly of Virginia should have power of *direct taxation* in this state? How few of you ever expected to see excise laws, those instruments of tyranny, in force in your country?<sup>41</sup>

The Antifederalists believed that the ability to tax “is the most important of any power that can be granted; it connects with it almost all other powers, or at least will in process of time draw all others after it.” They were afraid that federal taxation would take vital revenue away from the states and eventually eliminate the impor-

tance of state government. With national internal taxation, “the legislatures of the several states will find it impossible to raise money to support their governments . . . and they must dwindle away” and their powers be “absorbed” by the central government, warned “Brutus.” Moreover, taxation could tend to be a “great engine of oppression and tyranny” in a coercive national government that might very well infringe upon the civil liberties of a people. A “swarm of revenue and excise officers” might violate “the personal rights of the citizens” and “expose their property to fines and confiscation.” Indeed, the Federal Constitution

surrender[s] every kind of resource that the country has, to the complete abolition of the state governments, and . . . will introduce such an infinite number of laws and ordinances, fines, and penalties, courts, and judges, collectors and excisemen, that when a man can number them, he may enumerate the Stars of Heaven.<sup>42</sup>

One of the more interesting Antifederalist arguments against the Constitution was the opposition to creation of a professional standing army. The Antifederalists were the spokesmen for a great number of Revolutionary Americans who feared and distrusted professional soldiers.<sup>43</sup> General Washington’s continual problems in recruiting and funding the Continental Army during the Revolutionary War were directly connected to this distrust. The Federalists during the 1780s nearly unanimously supported a professional military,<sup>44</sup> and many Federalist leaders had served as officers in the Continental Army. They contended that the national government needed the “power of the sword” to make it effective and respected. Alexander Hamilton, a general in the Continental Army, believed that a standing army would provide Congress with “a solid basis of authority and consequences; for, to me, it is an axiom, that in our constitution, an army is essential to the American Union.”<sup>45</sup>

The Antifederalists were appalled by this view. They advocated a system of locally controlled militia companies to fight, in case of invasion, until a national force could be raised to augment them. “John De Witt” asked:

Isn’t the militia abundantly able to give security and stability to [our] government as long as it is free? . . . Are they not the most respectable body of yeomanry in that character upon earth? Have they not engaged in some of the most brilliant actions in America, and more than once decided the fate of princes? In short, do they not preclude the necessity of any standing army whatsoever, unless in case of invasion?<sup>46</sup>

The Antifederalists believed, as did all liberals in the radical Whig tradition, that "standing armies are dangerous to the liberties of a people."<sup>47</sup> "A Federal Republican" warned that the "power vested in Congress of sending troops for suppressing insurrections will always enable them to stifle the first struggles of freedom,"<sup>48</sup> and a group of Pennsylvania Antifederalists declared:

A standing army in the hands of a government placed so independent of the people, may be made a fatal instrument to overturn the public liberties; it may be employed to enforce collection of the most oppressive taxes; and to carry into execution the most arbitrary measures. An ambitious man who may have the army at his devotion, may step into the throne, and seize upon absolute power.<sup>49</sup>

An intriguing aspect of the Antifederalists' opposition to a standing army is their prediction that civil liberties might be violated in the raising of such an army. One Antifederalist accurately predicted the draft resistance problems that were to frequent American history from the Civil War to Vietnam, when he warned that the proposed Constitution would allow the central government to "impress men for the Army."<sup>50</sup> Pennsylvania Antifederalists bemoaned the fact that, in conscripting an army, "rights of conscience may be violated, as there is no exemption of persons [i.e., Quakers] who are conscientiously scrupulous of bearing arms."<sup>51</sup> And "Brutus" evidenced a considerable degree of enlightenment when he declared that "a defensive war is the only one I think justifiable" and concluded,

The European governments are almost all of them framed, and administered with a view to arms, and war, as that in which their chief glory consists. They mistake the end of government. It was designed to save men's lives, not to destroy them. We ought to furnish the world with an example of a great people, who in their civil institutions hold chiefly in view, the attainment of virtue and happiness among ourselves. Let the monarchs in Europe share among them the glory of depopulating countries, and butchering thousands of their innocent children. . . . I envy them not the honor, and I pray heaven this country may never be ambitious of it.<sup>52</sup>

This expressed concern for human rights in Antifederal literature is not just rhetoric. There is considerable evidence to document the Antifederalists' high regard for civil liberties during the Revolutionary era. Perhaps the best example is their concern over the absence of a Bill of Rights in the federal Constitution. The Antifederalists were disturbed that a document that granted the national government so much power did not, at the same time,

specifically enumerate the inalienable rights of the citizenry. "Why was not this Constitution ushered in with the bill of rights?" asked Luther Martin of Maryland. "Where is the security? Where is the barrier drawn between the government and the rights of the citizens. . . ?"<sup>53</sup> The Antifederalists agreed with Jefferson's criticism of the Constitution—that a "bill of rights is what a people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest on inference."<sup>54</sup> Like all 18th-century liberals, the Antifederalists thought "the experience of all mankind has proved the prevalence of a disposition to use power wantonly."<sup>55</sup> They were "proud to be jealous of their rulers. . . for jealousy was one of the greatest securities of the people in a republic."<sup>56</sup> The powers granted the central government in the proposed Constitution were so broad that the Antifederalists feared for the freedoms of speech, press, assembly, jury trial, habeas corpus, arms, and religion—freedoms that they had just fought the long and trying Revolutionary War to secure. They were extremely suspicious that "persons who attempted to persuade people that such reservations were less necessary under this Constitution" were "willfully endeavoring to deceive and to lead [the United States] into an absolute state of vassalage."<sup>57</sup> Thus, the Antifederal party refused to ratify any plan of government without a "Sacred Declaration, defining the rights of the individual."<sup>58</sup> The American Bill of Rights, adopted as the first ten amendments to the federal Constitution in 1791, is the great legacy of the Antifederalists to the American people.

The Antifederalists' advocacy of a Bill of Rights, and their positions on local control, democracy, taxation, and standing armies, were all based on a firm belief that, to quote the oft-quoted Lord Acton, "Power tends to corrupt, and absolute power corrupts absolutely." Patrick Henry warned of the "predominant thirst of dominion which has invariably and uniformly prompted rulers to abuse their power,"<sup>59</sup> and one Antifederal leader observed: "it is a truth confirmed by the unerring experiences of ages, that every man, and every body of men, invested with power, are ever disposed to increase it, and to acquire a superiority over everything that stands in their way."<sup>60</sup> The Antifederalist solution to this problem was to place specific restrictions on the powers granted to the national government. They were amazed at the number of powers given the central government under the federal Constitution and were concerned lest the "ambiguity of expression"<sup>61</sup> of the

Constitution lead eventually to federal aggrandizement of even more control.

To 18th-century liberals, who advocated specific written restrictions on governmental authority, the proposed Constitution was a nightmare. The Antifederalists "did not believe there existed a social contract on the face of the earth so vague and so indefinite as the one now on the table."<sup>62</sup> The Antifederal party assessed astutely the great importance and future impact of the Constitution's "implied powers" and specifically criticized the "necessary and proper" and "general welfare" clauses of that document. "Brutus" observed that "to provide for the general welfare is an abstract proposition, which mankind differ in the explanation of. . . . It will then be matter of opinion, what tends to the general welfare, and Congress will be the judges in the matter." And he warned of the "necessary and proper" clause, concluding that the "powers of the general legislature extend to every case that is of the least importance—there is nothing valuable to human nature, nothing dear to freemen, but what is within its power. It has the authority to make laws that will affect the lives, liberty, and property of every man in the United States."<sup>63</sup> Indeed, one group of New England Antifederalists protested:

. . . when we take a forward view of the proposed Congress—seated in the federal city, ten miles square, fortified and replenished with all kinds of military stores and every other implement; with a navy at command on one side, and a land army on the other—we say, when we view them thus possessed of the sword in one hand and the purse strings of the people in the other, we can see no security for [the people] in the enjoyment of their liberties.<sup>64</sup>

The Antifederalists' rhetoric is often shrill and sometimes even paranoid. They predicted that civil war, monarchy, and military despotism would immediately follow ratification of the Constitution. None of this happened. Yet, when one considers the Antifederal view of the course of the Revolution, their emotional style is more understandable. The Antifederalists believed the federal Constitution to be an outright repudiation of the goals and ideals of the American Revolution.<sup>65</sup> The "Old Patriots of '75" (as they liked to think of themselves) feared that all they had fought for was going to be perverted and thrown out by aristocrats and centralists. The Revolution, to the Antifederalists, had been fought as a direct challenge to strong, centralized authority—the authority of the British crown. The legacy of the Revolution was thus antiauthori-

tarianism—a belief in democratic, local control and a subservient national government. The members of the Antifederal party found it "astonishing" that "after so recent a triumph over British despots. . . a set of men among ourselves should have the effrontery to attempt the destruction of our liberties."<sup>66</sup> Perhaps their anger and frustration is best typified by "A Farmer and a Planter," who did not think it unlikely that

God in his anger, should think it proper to punish us for our ignorance, and sins of ingratitude to him, after carrying us through the late war and giving us liberty, and now so tamely to give it up by adopting this aristocratical government. . . . You labored under many hardships while the British tyrannized over you! You fought, conquered and gained your liberty—then keep it, I pray you, as a precious jewel. Trust it not out of your hands; be assured if you do, you will never more regain it.<sup>67</sup>

The most often heard charge against the Antifederalists was and is that they were mere obstructors with no plan of their own to offer. To be sure, the Antifederal Party maintained, with considerable evidence on their side, that the state of affairs under the Confederation government was satisfactory.<sup>68</sup> They saw a need for change, but not the drastic change manifested in the federal Constitution. The Antifederal solution to the problems of the 1780s lay in proposed amendments to the Articles of Confederation.<sup>69</sup> The Articles, a direct manifestation of the anticentralist tenets of the American Revolution, seemed to the Antifederalists a good starting point for the answers to America's political needs. They advocated further experimentation with modes of weak central government—adding the powers of external taxation and regulation of commerce but retaining as much state and local sovereignty as was possible. Self-rule was not going to be an easy task, the Antifederalists said over and over again. It has to be given time to work itself out. Surely, they argued, 13 years was too short a time to justify such a radical increase in the coercive powers of the central government as the federal Constitution proposed. Once precedents towards centralization had been established, there could be no turning back. The evolution would culminate, inevitably, in despotism. The Antifederalists maintained that localist principles should be given a chance to prove themselves. As William Grayson of Virginia argued:

But what would I do on the present occasion to remedy the existing defects of the present Confederation? There are two opinions

prevailing in the world—the one, that mankind can only be governed by force; the other, that they are capable of freedom and good government. Under a supposition that mankind can govern themselves I would recommend the present Confederation should be amended. Give Congress the regulation of commerce. Infuse new strength and spirit into the state governments; for when component parts are strong, it will give energy to the government, although it be otherwise weak.<sup>70</sup>

#### THE DEFEAT OF ANTIFEDERALISM

Although the Antifederalists lost their battle, the final vote was much closer than most people today realize. Jackson Turner Main has argued convincingly that there were Antifederal majorities among the people of Rhode Island, South Carolina, North Carolina, New York, Massachusetts, and Virginia.<sup>71</sup> Since the Constitution was approved by state ratifying conventions rather than by a popular vote, no one will ever know just how the people at large felt about the issue. We do know that two of the thirteen states, North Carolina and Rhode Island, rejected the Constitution outright.<sup>72</sup> Three other state conventions were originally composed of Antifederal majorities that disintegrated at the last minute as the Federalists gained momentum and won narrow victories. In New York, the Federalists won by 3 votes out of 57 cast; in Massachusetts, by 19 votes out of 355 cast; and in Virginia and New Hampshire, by 10 votes out of 168 and 104 cast, respectively. The Federalists came from behind to win. Their margin of victory was, for the Antifederalists, frustratingly narrow.<sup>73</sup>

There are many reasons for the Antifederal defeat. The influential urban newspapers had a distinct Federalist bias, and the Antifederal arguments often went unheard or were distorted. Only 12 out of the 100 newspapers in the United States sided with the Antifederalists.<sup>74</sup> At the same time, the Federalist leaders, because of their wealth and prominence, were much more influential than those of the Antifederal party. The prestige of Washington, Franklin, Madison, Jay, and John Adams was a great advantage to the Federalists and helped them win over many uncommitted delegates. Ratification got off to a quick start as strong Federalist states like Delaware, New Jersey, Pennsylvania, and Georgia ratified immediately. The Antifederalists were thus put on the defensive at the outset and never really did gain any momentum. But perhaps most important, the Antifederalists were not, as one Federalist leader observed, “good politicians.” Madison concluded, “There was not

a single person capable of writing their wills or directing their measures.”<sup>75</sup> Ironically, the Antifederalists’ individualistic and localistic natures precluded the kind of large-scale organization and regimentation necessary to win a national political battle. Considering all of the Antifederalists’ disadvantages, the surprising thing about the debate over ratification of the federal Constitution is that they did as well as they did. Gordon S. Wood writes:

That large numbers of Americans could actually reject a plan of government created by a body “composed of the first characters in the Continent” and backed by Washington and nearly the whole of the natural aristocracy of the country said more about the changing character of American politics and society in the eighties than did the Constitution’s eventual acceptance. It was indeed a portent of things to come.<sup>76</sup>

#### THE ANTIFEDERAL LEGACY

Thus, there were two distinctly opposing sides in the debate over the “crisis” of the Confederation. The Federalists claimed that America was beset by chaos and bankruptcy and was on the verge of anarchy because of the impotent Confederation government. They advocated a great strengthening of the coercive powers of the national government via the proposed federal Constitution. Their opponents, the Antifederalists, pointed to the accomplishments of the Confederation government—the fact that the United States had fought and won the Revolutionary War and that Congress had competently administered the affairs of the nation under the most trying of circumstances. The Antifederal party advocated amendments to the Articles of Confederation but violently opposed such a radical departure from state and local sovereignty as the Federalists were advocating. As it turned out, the Federalists won and the Antifederalists lost, but the issues were much too complex and the final vote much too close to view the period simply as one of “chaos and patriots to the rescue.”<sup>77</sup>

It is understandable that the Antifederalists have received a somewhat poor press, especially in the 20th century. The position of state’s rights was perverted and discredited during the Civil War era, and “rugged individualism” seemingly culminated in the robber baron mentality of capitalists during the Industrial Revolution. In direct reaction to those events, American liberals abandoned much of the Antifederal, or classical liberal, strain in their philosophy. Twentieth-century liberals no longer believed that “that



government is best which governs least" but instead advocated a great increase in the coercive and regulatory powers of the federal government. With the rise of "New Deal" welfare-state liberalism in the United States, Americans and American historians in particular have had difficulty understanding and interpreting the Antifederal movement. The Antifederal view is so foreign to 20th-century liberals that it appears to them to be conservative and provincial. To be sure, there is a conservative, reactionary strain in Antifederalism. The fact that several prominent Antifederalist leaders (Patrick Henry, Luther Martin, and Richard Henry Lee) joined the conservative Federalist party of the 1790s corroborates their obstructionism and desire to use local control to their own illiberal ends.<sup>78</sup> Yet, the vast majority of Antifederalists—the Antifederal rank and file—are not so easily labeled conservatives.<sup>79</sup> On the contrary, the Antifederalists' views on local control, democracy, aristocracy, taxation, standing armies, and the Bill of Rights demonstrate that Antifederalism was very much in keeping with the radical libertarian tradition of the American Revolution.

Although the Antifederalists lost their one great battle, their ideas have endured. The Jeffersonian and Jacksonian parties of the early national period had direct ideological roots in the Antifederal persuasion, and American classical liberalism of the 19th century was a direct descendant of Antifederalism. There is a small libertarian third party in the United States today, and vestiges of Antifederalism can be found in the civil libertarian strain in 20th-century American liberal thought.

Most modern-day liberals, however, share little in common with their Antifederal forerunners. The tenets of welfare-state liberalism would seem foreign indeed to "Brutus," William Grayson, George Clinton, and Sam Adams. Strangely, while modern-day liberals have abandoned their localist sentiments, 20th-century conservatives have come to espouse states' rights and local control—but usually to shield big business's excesses or to slow the process of racial integration. The comparison between the Antifederalists and modern conservatives thus breaks down in several respects. The Antifederalists opposed strong, centralized political authority for reasons most often related to civil liberties. At the same time, they opposed strong, centralized *military* and *economic* authority—both of which are goals for today's apologists for the military-industrial complex. Twentieth-century conservatives cry for a return to the principles of the federal Constitution—a document for which the

Antifederalists felt nothing but contempt. To the Antifederalists, the federal Constitution was the "original sin." Its adoption in 1788 set irreversible precedents that they believed would lead to consolidation and centralized tyranny. The Antifederalists believed, as "John De Witt" argued in 1787, that "it is yet much too early to set it down for a fact, that mankind cannot be governed by force."<sup>80</sup>

\*I would like to thank Prof. Harry Fritz of the University of Montana, Missoula, for his friendship and counsel during my graduate study at UM.

1. Cited in Gordon S. Wood, *Creation of the American Republic, 1776-1787* (New York: W. W. Norton, 1969), p. 469.

2. The "Critical Period" thesis was popularized by John Fiske, a late-19th-century philosopher and lecturer who wrote, according to Charles A. Beard, "without fear or research." See John Fiske, *The Critical Period of American History, 1783-1789* (Boston: Houghton Mifflin, 1902). For a discussion of the historiography of the Confederation period, see Richard B. Morris, "The Confederation Period and the American Historian," *William and Mary Quarterly*, 3d ser., vol. 13 (1956): 139-56. The Fiske controversy is discussed fully in Merrill Jensen, *The New Nation: A History of the United States during the Confederation, 1781-1789* (New York: Random House, 1950), pp. vii-xv. See also Merrill Jensen, *The Articles of Confederation: An Interpretation of the Social-Constitutional History of the American Revolution* (Madison: University of Wisconsin Press, 1940), pp. 3-7.

3. Jensen, *New Nation*, p. xiii.

4. Since Federalism per se will not be discussed in this essay, let me summarize: The Federalists (men like Washington, Jay, Hamilton, Adams, and Robert Morris) believed in strong executive and judicial power as a counterinfluence to the popularly elected legislative branch of government. They believed in a professional standing army and navy, rigorous national tax collection, federal support of creditor groups, and increased federal control of the national economy. Above all they were centralists—advocates of a strong central government at the expense of state sovereignty. Throughout the Confederation era the Federalists strove to amend the Articles of Confederation and thus to add to the coercive and regulatory powers of the national government. Ultimately they came to advocate the federal Constitution as a substitute for the Articles. For a fine analysis of the Federalist philosophy, I refer the reader to Wood's *Creation of the American Republic*.

5. The most celebrated is Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (New York: Macmillan, 1962). Of more relevance here are Jackson Turner Main, *The Antifederalists: Critics of the Constitution, 1781-1788* (New York: W. W. Norton, 1961), and Staughton Lynd, *Anti-federalism in Dutchess County, New York: A Study of Democracy and Class Conflict in the Revolutionary Era* (Chicago: Loyola University Press, 1962). And even Wood, who is highly complimentary of the Federalists in *Creation of the American Republic*, concludes that "the Antifederalists . . . were the true champions of the most extreme kind of egalitarian politics in the Revolutionary era" (p. 516).

6. See the introduction to Cecilia M. Kenyon, *The Anti-Federalists* (Indianapolis: Bobbs-Merrill, 1966) [Hereafter cited as Kenyon, *TA*], pp. xxi-cxvi, and Cecilia Kenyon, "Men of Little Faith: The Anti-Federalists on the Nature of Representative Government," *William and Mary Quarterly*, 3d ser., vol. 12 (1955): 3-43. According to Kenyon, "the Anti-Federalists were not latterday democrats" because they "distrusted the majority rule... through representation" ("Men of Little Faith," pp. 42-43, and Kenyon, *TA*, p. cxvi).

Other unfavorable interpretations of Antifederalism are in Morris, "Confederation Period," and Forest McDonald, "The Anti-Federalists, 1781-1789," *Wisconsin Magazine of History* 46 (1963): 206-14. See also Forest McDonald, *We the People: The Economic Origins of the Constitution* (Chicago: University of Chicago Press, 1958), and Robert Eldon Brown, *Charles Beard and the Constitution: A Critical Analysis of "An Economic Interpretation of the Constitution"* (Princeton, N.J.: Princeton University Press, 1956).

7. See Morton Borden, "The Antifederalist Mind," introduction to his edition of *The Antifederalist Papers* (East Lansing: Michigan State University Press, 1965) [Hereafter cited as Borden, *AP*], and "The Antifederalist Mind in American History" (unpublished).

8. Borden, "Antifederalist Mind in American History," pp. 8, 10, 15; Main, *Antifederalists*, pp. xi-xii: "Thus the Antifederalists included two major elements; those who emphasized the desirability of a weak central government, and those who encouraged democratic control. The democrats at this time accepted the doctrine of weak government, but the advocates of weak government did not always believe in democracy."

9. Throughout this essay the term *Antifederalist* will be used to denote those men who opposed the Constitution. However, the fact that the "Antifederalists" called themselves Federalists during the 1780s is a good example of just how great our misunderstanding of them has been. As Jackson Turner Main has shown, during the 1780s the word *Antifederal* implied hostility to the Confederation Congress and the government under the Articles of Confederation. Thus the "Federalists" (or Nationalists, as they were called then) were really antifederal, while the "Antifederalists" were really federalists! See Main, *Antifederalists*, pp. viii-xii. This explains why so many of the Antifederalist writers quoted below have pen-names like "A Federalist," "A Federal Farmer," or "A Federal Republican." See, for example, the *American Herald*, December 10, 1787, cited in Main, *Antifederalists*, p. ix: "A FEDERALIST is an Enemy to a Confederation.—Therefore, the FRIENDS to the new Plan of CONSOLIDATION are Anti-Federal, and its Opposers are firm Federal Patriots." For a discussion of the Nationalist faction (i.e., the men we today call Federalists) in Confederation politics, see Merrill Jensen, "The Idea of a National Government during the American Revolution," in *Essays on the Making of the Constitution*, ed. Leonard Levy (New York: Oxford University Press, 1969) pp. 63-68, 87; also Jensen, *New Nation*, p. 425, and *Articles of Confederation*, pp. 3-7, 13-14.

10. For the colonial and Revolutionary origins of Antifederalism, see Jensen, *Articles of Confederation*, pp. 7-11, 16-53.

11. Radical opposition to the Federalist (i.e., Nationalist) attempts to centralize and strengthen the national government during the Revolution is treated fully in Jensen, *Articles of Confederation*.

12. *Ibid.*, pp. 15, 110-11, 169-70, 242-44. Although the Articles of Confederation are an all-but-ignored document in American history, this "first" constitution of the United States evidences, in many ways, the radical libertarian strain in American Revolutionary ideology. For the political implications of the Articles of

Confederation, see Main, *Antifederalists*, p. 16: "The articles grew out of a political tradition widely accepted in Revolutionary America, and it was from the same tradition that Antifederalism grew."

13. For Antifederalist repudiation of the Critical Period idea, see William Grayson, Antifederalist No. 2 (Borden, *AP*, p. 3): "We have been told of phantoms and ideal dangers to lead us into measures which will, in my opinion, be the ruin of our country." The Antifederal view of the 1780s as a normal postwar era and their high regard for the Confederation government and Congress has recently been documented by Herbert James Henderson in *Party Politics in the Continental Congress* (New York: McGraw-Hill, 1975). Henderson points to many accomplishments of the Confederation Congress, especially the conducting of the Revolutionary War, the negotiation of the alliance with France and the Treaty of Paris and, during the 1783-87 period, the creation of the first American western policy—land ordinances, Indian relations, and territorial government for the west.

14. Main, *Antifederalists*, pp. viii, ix; Jensen, *New Nation*, pp. 422-24; Wood, *Creation of the American Republic*, pp. 523, 541; Borden, "Antifederalist Mind in American History," pp. 11-12.

15. For the geographic and economic bases of Antifederalism, see Borden, *AP*, p. ix; Main, *Antifederalists*, pp. 4, 267-68, 280, and, p. 271: "The mercantile interest (direct and indirect) understood in this broad sense, is the key to the political history of the period. Its counterpart is the non-commercial interest of the subsistence farmer. This is a socio-economic division based on geographical location and sustains a class as well as a sectional interpretation of the struggle over the Constitution."

16. Wood, *Creation of the American Republic*, p. 484: "The struggle over the Constitution can best be understood as a social one... men in 1787-1788 talked as if they were representing distinct and opposing social elements. The quarrel was fundamentally one between aristocracy and democracy." See also Main, *Antifederalists*, p. 26.

17. See, for example, Lynd, *Anti-Federalism*, pp. 4, 7. The seeming incompatibility of wealthy Antifederal leaders and poor followers is further explained by their geographical similarities mentioned above. The Antifederalists were all rural people, rich and poor, united against what they considered to be a cosmopolitan elite. Those Federalists who were rural people were often descendents of a landed aristocracy. Again, see *ibid.* For the urban-rural split in Revolutionary politics, see Jackson Turner Main, *Political Parties before the Constitution* (New York: W. W. Norton, 1973).

18. "A Federalist," Antifederalist No. 1 (Borden, *AP*, p. 2).

19. Main, *Antifederalists*, pp. 14, 20.

20. Wood, *Creation of the American Republic*, pp. 487, 91.

21. *Ibid.*, p. 520.

22. For English radical Whig ideology, see Caroline Robbins, *The Eighteenth Century Commonwealthman: Studies in the Transition, Development, and Circumstances of English Liberal Thought from the Restoration of Charles II until the War with the Thirteen Colonies* (Cambridge, Mass.: Harvard University Press, 1959); also see Bernard Bailyn, *Ideological Origins of the American Revolution* (Cambridge, Mass.: Harvard University Press, 1967). For the evolution of radical factions of the respective American colonies, see Jensen, *Articles of Confederation*, pp. 16-53.

23. Kenyon, "Men of Little Faith," pp. 6-7.

24. Antifederalist No. 14 (Borden, *AP*, p. 36-37).

25. Cited in Kenyon, *TA*, p. xxxix. See also Thomas Jefferson to James Monroe, July 9, 1786, *The Papers of Thomas Jefferson*, ed. Julian P. Boyd (Princeton: Princeton University Press, 1953), 9:112-13.

26. Kenyon, "Men of Little Faith," p. 9.  
 27. Antifederalist Number 14 (Borden, *AP*, pp. 37-39).  
 28. Antifederalist No. 9 (Borden, *AP*, pp. 20-21). For sectionalist implications of localism, see George Mason and "Agrippa," Kenyon, *TA*, pp. 132-34.  
 29. Wood, *Creation of the American Republic*, pp. 515-16, 520.  
 30. Kenyon, "Men of Little Faith," p. 10.  
 31. Wood, *Creation of the American Republic*, p. 515.  
 32. Kenyon, "Men of Little Faith," pp. 10-12; *TA*, p. iv.  
 33. Wood, *Creation of the American Republic*, pp. 519-23.  
 34. Kenyon, "Men of Little Faith," p. 28.  
 35. Antifederalist No. 62 (Borden, *AP*, p. 182). No one today is quite sure just exactly who "Brutus" was. Some historians contend he was Thomas Tredwell of New York, while others say he was Robert Yates of the same state. Whoever "Brutus" was, he wrote some of the most articulate, well reasoned, and prophetic critiques of the federal Constitution known today. Thus the writings of "Brutus" will be quoted extensively in the remainder of the essay. See "Brutus," Antifederalist Papers Nos. 17, 23-25, 32, 33, 54, 62, 78-82, and 84 (Borden, *AP*), and "Robert Yates: The Letters of Brutus" (Kenyon, *TA*, pp. 323-58).  
 36. Main, *Antifederalists*, p. 12. For more on annual elections and rotation in office see "Montezuma," Antifederalist No. 9 (Borden, *AP*, pp. 20-23). On recall, see "Amicus," Antifederalist No. 53 (*ibid.*, pp. 152-54).  
 37. "Brutus," Antifederalist Nos. 78, 79 (Borden, *AP*, p. 222).  
 38. "Cato," Antifederalist No. 67 (Borden, *AP*, p. 197); "Philadelphensis" (Kenyon, *TA*, p. 72).  
 39. Richard Henry Lee, quoted in Borden, "Antifederalist Mind in American History," p. 2.  
 40. Quoted in Wood, *Creation of the American Republic*, p. 522.  
 41. Antifederalist Nos. 30-31 (Borden, *AP*, p. 80).  
 42. All of the quotations in this paragraph are taken from "Brutus," Antifederalist Nos. 17, 32 (Borden, *AP*, pp. 43, 84-86). See also "Robert Yates: The Letters of Brutus" (Kenyon, *TA*, pp. 324-34). "Brutus" also made an interesting prediction that the central government's unlimited "power to borrow money" might "create a national debt so large as to exceed the ability of the country ever to sink." See Antifederalist No. 23 (Borden, *AP*, p. 61).  
 43. For the militia vs. standing army debate and its great importance in Revolutionary and early national politics, see Richard H. Kohn, *Eagle and Sword: The Beginnings of the Military Establishment in America* (New York: Macmillan, 1975).  
 44. *Ibid.*, p. 12: For "most Federalists . . . the attraction and fascination with armies went much deeper. Federalists viewed society as an integrated, stable organization in which individuals deferred to their natural superiors . . . they emphasized order, tradition, natural distinction among men . . . Strikingly, these same values personified the eighteenth century military officer."  
 45. Quoted in Jensen, "Idea of a National Government," p. 77.  
 46. Antifederalist No. 28 (Borden, *AP*, p. 75).  
 47. "Brutus," Antifederalist No. 24 (Borden, *AP*, p. 62).  
 48. Antifederalist No. 8 (Borden, *AP*, p. 20).  
 49. "The Pennsylvania Minority" (Kenyon, *TA*, p. 57).  
 50. "Brutus," Antifederalist No. 23 (Borden, *AP*, p. 61).  
 51. "The Pennsylvania Minority" (Kenyon, *TA*, p. 57).  
 52. Antifederalist No. 23 (Borden, *AP*, p. 59-61). For an Antifederal legislative alternative to a standing army, see "Brutus," Antifederalist No. 25 (*ibid.*, p. 69).  
 53. Quoted in Wood, *Creation of the American Republic*, p. 536.  
 54. *Ibid.*, p. 537.

55. Kenyon, "Men of Little Faith," p. 36.  
 56. Wood, *Creation of the American Republic*, p. 520.  
 57. "Brutus," Antifederalist No. 84 (Borden, *AP*, p. 246).  
 58. John Mercer (Maryland), Antifederalist No. 60 (Borden, *AP*, p. 176). See also the satire of "Montezuma," Antifederalist No. 9 (*ibid.*, p. 22).  
 59. Patrick Henry, Antifederalist No. 40 (Borden, *AP*, p. 109); Kenyon, "Men of Little Faith," p. 14.  
 60. "Brutus," Antifederalist No. 17 (Borden, *AP*, p. 45).  
 61. Quoted in Kenyon, "Men of Little Faith," p. 22.  
 62. *Ibid.*  
 63. Antifederalist No. 33 (Borden, *AP*, p. 89). See also "Brutus," Antifederalist No. 17 (*ibid.*, pp. 44-45).  
 64. "Consider Arms, Malichi Mayhard, and Samuel Fields," (opponents of ratification in the Massachusetts convention), Antifederalist No. 52 (Borden, *AP*, pp. 151-52). For a precise analysis of the "implied powers" in the Constitution and a remarkably accurate prediction as to how the "necessary and proper" and "general welfare" clauses would be used to expand the powers of the central government and reduce state sovereignty, see "Brutus," Antifederalist No. 32 (*ibid.*, pp. 82-86). Also, "Robert Yates: The Letters of Brutus" (Kenyon, *TA*, pp. 330-31).  
 65. Wood, *Creation of the American Republic*, p. 523.  
 66. "Centinel," Antifederalist No. 40 (Borden, *AP*, p. 111).  
 67. Antifederalist No. 74 (*ibid.*, p. 213), and Patrick Henry, Antifederalist No. 40 (*ibid.*, p. 109).  
 68. See n. 13 above.  
 69. For "The Antifederal Solution" to the problems of the 1780s, see Main, *Antifederalists*, pp. 168-86.  
 70. Antifederalist No. 2 (Borden, *AP*, p. 5). See also Main, *Antifederalists*, pp. 168-86.  
 71. Main, *Antifederalists*, p. 249.  
 72. Rhode Islanders were so united in their opposition to the Constitution that in March 1787, 48 of the 64 town meetings voted not even to hold a ratifying convention.  
 73. "Appendix D," in Main, *Antifederalists*, p. 288. Note the original stand-off in Virginia and the cross-over of once-Antifederal majorities in Massachusetts, New Hampshire, and New York:
- | States         | Feds vs. Antifeds | Final Vote  |
|----------------|-------------------|-------------|
| Delaware       | 30-0              | 30-0        |
| Pennsylvania   | 46-23             | 46-23       |
| New Jersey     | 39-0              | 39-0        |
| Georgia        | ?                 | 26-0        |
| Connecticut    | 128-40            | 128-40      |
| Massachusetts  | 170-190           | 187-168     |
| New Hampshire  | 30-77             | 57-47       |
| Rhode Island   | (see n. 38)       | (see n. 38) |
| Maryland       | 62-12             | 63-11       |
| South Carolina | 126-98            | 149-73      |
| Virginia       | 84-84             | 89-79       |
| New York       | 19-46             | 30-27       |
| North Carolina | 75-193            | 75-193      |
74. For the pro-Constitution bias of the press, see Main, *Antifederalists*, pp. 250-52. When the various ratifying conventions were meeting, often concurrently, this press bias had a lethal effect on the Antifederal cause. For instance, Pennsylvania's convention read a false account saying that Patrick Henry had switched to

the Federalist side in Virginia, and South Carolinians read that thirty-nine fortieths of the New York convention was in favor of ratification. Rhode Islanders read that, in Virginia, "there are only three or four against the Constitution." New Hampshireites read that Patrick Henry and George Clinton were for ratification and the *New Hampshire Spy* reported that even the Shayites were in favor of the Constitution! At conventions where the vote was even or leaning toward the Antifederalists, this sort of news had the effect of influencing fence-sitters and waverers to change their votes so as to get on the "bandwagon," as it were.

75. Quoted in Wood, *Creation of the American Republic*, p. 486.

76. *Ibid.*, p. 498. For an analysis of the antifederal defeat, see Main, *Antifederalists*, pp. 249-50.

77. Jensen, *Articles of Confederation*, pp. 3-7; *New Nation*, pp. 422-28.

78. Borden, *AP*, p. x.

79. Main, *Antifederalists*, p. 281.

80. Antifederalist No. 28 (Borden, *AP*, p. 77). See also Borden, "Antifederalist Mind," *ibid.*, pp. xiii-xiv, and "Antifederalist Mind in American History," p. 14.

## Discussion Note

### A TAOIST ARGUMENT FOR LIBERTY

The ancient Chinese Taoists presented an argument for liberty<sup>1</sup> which differs radically from traditional arguments advanced by Western philosophers. In defense of liberty, Western philosophers have appealed to natural rights theories, utilitarianism in its various forms, and social contract theories. Proponents of these theories attempt to justify liberty by making a claim to moral knowledge. That is, these theories are claimed to be *true* (or correct) in some sense. In sharp contrast, the ancient Taoists made *no* claim to moral knowledge and, I believe, made the lack of such a claim a premise in their argument for liberty.

In the first part of this paper a Taoist claim to moral ignorance is presented. This is followed by evidence that the Taoists supported liberty—that is, a government that would not interfere with the actions of peaceful people. The paper concludes with a formulation of what I believe to be an implicit premise in the Taoist argument. This premise, when combined with the Taoist claim to moral ignorance, leads to the Taoist concept of minimal government, i.e., liberty.

The Taoists had little use for moral principles and theories (rules of benevolence and righteousness), not because they believed them to be false, but because they knew of no universally acceptable way of demonstrating a moral truth. Chang Wu-tzu said:

Suppose you and I have had an argument. If you have beaten me instead of my beating you, then are you necessarily right and am I necessarily wrong? If I have beaten you instead of you beating me, then am I necessarily right and are you necessarily wrong? Is one of us right and the other wrong? Are both of us right or are both of us wrong? If you and I don't know the answer, then other people are bound to be even more in the dark. Whom shall we get to decide what is right? Shall we get someone who agrees with you to decide? But if he already agrees with you, how can he decide fairly? Shall we get someone who agrees with me? But if he already agrees with me, how can he decide? Shall we get someone who disagrees with both of us? But if he already disagrees with both of us, how can he decide? Obviously, then, neither you nor I nor anyone else can decide for each other. Shall we wait for still another person?<sup>2</sup>

The lack of any known objective method for demonstrating moral truths may lead to the admission of total moral ignorance.

Nieh Ch'üeh asked Wang Ni, "Do you know what all things agree in calling right?"

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