

Antifederalist Nos. 18-20:

What Does History Teach? (Part 1) What Does History Teach? (Part II)

Part 1: "AN OLD WHIG," taken from *The Massachusetts Gazette*, November 27, 1787, as reprinted from the [Philadelphia] *Independent Gazetteer*.

. . . . By the proposed constitution, every law, before it passes, is to undergo repeated revisions; and the constitution of every state in the union provide for the revision of the most trifling laws, either by their passing through different houses of assembly and senate, or by requiring them to be published for the consideration of the people. Why then is a constitution which affects all the inhabitants of the United States -- which is to be the foundation of all laws and the source of misery or happiness to one-quarter of the globe -- why is this to be so hastily adopted or rejected, that it cannot admit of a revision? If a law to regulate highways requires to be leisurely considered and undergo the examination of different bodies of men, one after another, before it be passed, why is it that the framing of a constitution for the government of a great people -- a work which has been justly considered as the greatest effort of human genius, and which from the beginning of the world has so often baffled the skill of the wisest men in every age -- shall be considered as a thing to be thrown out, in the first shape which it may happen to assume? Where is the impracticability of a revision? Cannot the same power which called the late convention call another? Are not the people still their own masters? If, when the several state conventions come to consider this constitution, they should not approve of it, in its present form, they may easily apply to congress and state their objections. Congress may as easily direct the calling another convention, as they did the calling the last. The plan may then be reconsidered, deliberately received and corrected, so as to meet the approbation of every friend to his country. A few months only will be necessary for this purpose; and if we consider the magnitude of the object, we shall deem it well worth a little time and attention. It is Much better to pause and reflect before hand, than to repent when it is too late; when no peaceable remedy will be left us, and unanimity will be forever banished. The struggles of the people against a bad government, when it is once fixed, afford but a gloomy picture in the annals of mankind, They are often unfortunate; they are always destructive of private and public happiness; but the peaceable consent of a people to establish a free and effective government is one of the most glorious objects that is ever exhibited on the theater of human affairs. Some, I know, have objected that another convention will not be likely to agree upon anything -- I am far however from being of that opinion. The public voice calls so loudly for a new constitution that I have no doubt we shall have one of some sort. My only fear is that the impatience of the people will lead them to accept the first that is offered them without examining whether it is right or wrong. And after all, if a new convention cannot agree upon any amendments in the constitution, which is at present proposed, we can still adopt this in its present form; and all further opposition being vain, it is to be hoped we shall be unanimous in endeavoring to make the best of it. The experiment is at least worth trying, and I shall be much astonished, if a new convention called together for the purpose of revising the proposed constitution, do not greatly reform it ...

It is beyond a doubt that the new federal constitution, if adopted, will in a great measure destroy, if it does not totally annihilate, the separate governments of the several states. We shall, in effect, become one great republic. Every measure of any importance will be continental. What will be the consequence of this? One thing is evident -- that no republic of so great magnitude ever did or ever can exist. But a few years elapsed, from the time in which ancient Rome extended her dominions beyond the bounds of Italy, until the downfall of her republic. And all political writers agree, that a republican government can exist only in a narrow territory. But a confederacy of different republics has, in many instances, existed and flourished for a long time together. The celebrated Helvetian league, which exists at this moment in full vigor, and with unimpaired strength, while its origin may be traced to the confines of antiquity, is one among many examples on this head; and at the same time furnishes an eminent proof of how much less importance it is, that the constituent parts of a confederacy of republics may be rightly framed, than it is that the confederacy itself should be rightly organized. For hardly any two of the Swiss cantons have the same form of government, and they are almost equally divided in their religious principles, which have so often rent asunder the firmest establishments. A confederacy of republics must be the establishment in America, or we must cease altogether to retain the republican form of government. From the moment we become one great republic, either in form or substance, the period is very shortly removed when we shall sink first into monarchy, and then into despotism. . . . If the men who at different times have been entrusted to form plans of government for the world, had been really actuated by no other motives than the public good, the condition of human nature in all ages would have been widely different from that which has been exhibited to us in history. In this country perhaps we are possessed of more than our share of political virtue. If we will exercise a little patience and bestow our best endeavors on the business, I do not think it impossible, that we may yet form a federal constitution much superior to any form of government which has ever existed in the world. But whenever this important work shall be accomplished, I venture to pronounce that it will not be done without a careful attention to the Framing of a bill of rights.

In different nations, we find different grants or reservations of privileges appealed to in the struggles between the rulers and the people; many of which, in the different nations of Europe, have long since been swallowed up and lost by time, or destroyed by the arbitrary hand of power. In England, we find the people, with the barons at their head, exacting a solemn resignation of their rights from King John, in their celebrated magna charta, which was many times renewed in Parliament during the reign of his successors. The petition of rights was afterwards consented to by Charles I and contained a declaration of the liberties of the people. The habeas corpus act, after the restoration of Charles II, the bill of rights, which was obtained of the Prince and Princess of Orange, on their accession to the throne, and the act of settlement, at the accession of the Hanover family -- are other instances to show the care and watchfulness of that nation to improve every Opportunity, of the reign of a weak prince or the revolution in their government, to obtain the most explicit declarations in favor of their liberties. In like manner the people of this country, at the revolution, having all power in their own hands, in forming the constitutions of the several states, took care to secure themselves, by bills of rights, so as to prevent as far as possible the encroachments of their future rulers upon the rights of the people. Some of these rights are said to be unalienable, such as the rights of conscience. Yet even these have been often

invaded, where they have not been carefully secured, by express and solemn bills and declarations in their favor.

Before we establish a government, whose acts will be the supreme law of the land, and whose power will extend to almost every case without exception, we ought carefully to guard ourselves by a bill of rights, against the invasion of those liberties which it is essential for us to retain, which it is of no real use for government to deprive us of; but which, in the course of human events, have been too often insulted with all the wantonness of an idle barbarity.

AN OLD WHIG

Part 2: "A NEWPORT MAN," wrote this wit which appeared in *The Newport Mercury*, March 17, 1788.

. . . -- I perceive in your last [issue a] piece signed "A Rhode-Island Man," it seems wrote with an air of confidence and triumph; he speaks of reason and reasoning -- I wish he had known or practiced some of that reasoning he so much pretends to; his essay had been much shorter. We are told in this piece, as well as others on the same side, that an ability given to British subjects to recover their debts in this country will be one of the blessings of a new government, by inducing the British to abandon the frontiers, or be left without excuse. But the British have no other reason for holding the posts, after the time named in the treaty for their evacuation, than the last reason of Kings, that is, their guns. And giving them the treasure of the United States is a very unlikely means of removing that. If the British subject met with legal impediments to the recovery of his debts in this country, for [the] British government to have put the same stop on our citizens would have been a proper, an ample retaliation. But there is nothing within the compass of possibility of which I am not perfectly sure, that I am more fully persuaded of than I am, that the British will never relinquish the posts in question until compelled by force; because no nation pays less regard to the faith of treaties than the British. Witness their conduct to the French in 1755, when they took a very great number of men of war and merchant ships before war was declared, because the French had built some forts on the south side of an imaginary line in the wilds of America; and again, the violation of the articles by which the people of Boston resigned their arms; and the violation of the capitulation of Charles Town. Again we are told that Congress has no credit with foreigners, because they have no power to fulfill their engagements. And this we are told, with a boldness exceeded by nothing but its falsehood, perhaps in the same paper that announces to the world the loan of a million of Holland guilders -- if I mistake not the sum; a sum equal to 250,000 Spanish Dollars -- and all this done by the procurement of that very Congress whose insignificance and want of power had been constantly proclaimed for two or three years before. The Dutch are the most cautious people on earth, and it is reasonable to suppose they were abundantly persuaded of the permanency and efficacy of our government by their risking so much money on it.

We are told that so long as we withhold this power from Congress we shall be a weak, despised people. We were long contending for Independence, and now we are in a passion to be rid of it. But let us attempt to reason on this subject, and see to which side that will lead us. Reason is truly defined, in all cases short of mathematical demonstration, to be a supposing that the like causes will produce the like effects. Let us proceed by this rule. The Swiss Cantons for a hundred years have remained separate Independent States, consequently without any controlling power.

Even the little Republic of St. Marino, containing perhaps but little more ground than the town of Newport, and about five thousand inhabitants, surrounded by powerful and ambitious neighbors, has kept its freedom and independence these thirteen hundred years, and is mentioned by travelers as a very enlightened and happy people. If these small republics, in the neighborhood of the warlike and intriguing Courts of Paris, Vienna, and Berlin, have kept their freedom and original form of government, is it not reasonable to suppose that the same good sense and love of freedom, on this side the Atlantic, will secure us from all attempt within and without. And the only internal discord that has happened in Switzerland was on a religious account, and a supreme controlling power is no security against this, as appears by what happened in Ireland in the time of Charles the First, and in France in the time of Henry the Fourth. It seems rational in a case of this importance to consult the opinion of the ablest men, and to whom can we better appeal than to J. J. Rousseau, a republican by birth and education -- one of the most exalted geniuses and one of the greatest writers of his age, or perhaps any age; a man the most disinterested and benevolent towards mankind; a man he most industrious in the acquisition of knowledge and information, by travel, conversation, reading, and thinking; and one who has wrote a Volume on Government entitled the Social Contract, wherein he inculcates, that the people should examine and determine every public act themselves. His words are, that "every law that the people have not ratified in person, is void; it is no law. The people of England think they are free. They are much mistaken. They are never so but during the election of members of Parliament. As soon as they are elected, they are slaves, they are nothing. And by the use they make of their liberty during the short moments they possess it, they well deserve to lose it." This is far from advising that thirty thousand souls should resign their judgments and wishes entirely to one man for two years -- to a man, who, perhaps, may go from home sincere and patriotic but by the time he has dined in pomp for a week with the wealthy citizens of New York or Philadelphia, will have lost all his rigid ideas of economy and equality. He becomes fascinated with the elegancies and luxuries of wealth. . . . Objects and intimations like these soon change the champion for the people to an advocate for power; and the people, finding themselves thus basely betrayed, cry that virtue is but a name. We are not sure that men have more virtue at this time and place than they had in England in the time of George the Second. Let anyone look into the history of those times, and see with what boldness men changed sides and deserted the people in pursuit of profit and power. If to take up the cross and renounce the pomps and vanities of this sinful world is a hard lesson for divines, 'tis much harder for politicians. A Cincinnatus, a Cato, a Fabricius, and a Washington, are rarely to be found. We are told that the Trustees of our powers and freedom, being mostly married men, and all of them inhabitants and proprietors of the country, is an ample security against an abuse of power. Whether human nature be less corrupt than formerly I will not determine -- but this I know: that Julius Caesar, Oliver Cromwell, and the nobles of Venice, were natives and inhabitants of the countries whose power they usurped and drenched in blood.

Again, our country is compared to a ship of which we are all passengers, and, from thence 'tis gravely concluded that no officer can ever betray or abuse his trust. But that men will sacrifice the public to their private interest, is a saying too well known to need repeating. And the instances of designed shipwrecks, and ships run away with by a combination of masters, supercargoes, and part owners, is so great that nothing can equal them but those instances in which pretended patriots and politicians have raised themselves and families to power and greatness, by destroying that freedom and those laws they were chosen to defend.

If it were necessary to cite more precedents to prove that the people ought not to trust or remove their power any further from them, the little Republic of Lucca may be mentioned -- which, surrounded by the Dukedom of Tuscany, has existed under its present constitution about five hundred years, and as Mr. Addison says, is for the extent of its dominion the richest and best peopled of all the States of Italy. And he says further that "the whole administration of the government passes into different hands every two months." This is very far from confirming the doctrine of choosing those officers for two years who were before chosen for one. The want of a decisive, efficient power is much talked of by the discontented, and that we are in danger of being conquered by the intrigues of European powers. But it has already been shown that we have delegated a more decisive power to our Congress than is granted by the Republic Swiss Cantons to their General Diet. These Republics have enjoyed peace some hundreds of years; while those governments which possess this decisive, efficient power, so much aimed at, are as often as twenty or thirty years, drawing their men from the plough and loom to be shot at and cut each other's throats for the honor of their respective nations. And by how much further we are from Europe than the Swiss Cantons with their allies, and Lucca and St. Marino are from France, Prussia, and Austria, by so much less are we in danger of being conquered than those republics which have existed, some earlier than others, but the youngest of them one hundred and thirty years, without being conquered. As for the United Provinces of Holland, they are but nominal Republics; their Stadtholder, very much like our intended President, making them in reality a monarchy, and subject to all its calamities. But supposing that the present constitution, penned by the ablest men, four or five years in completion, and its adoption considered as the happiest event -- supposing, I say, the present Constitution destroyed, can a new one be ratified with more solemnity, agreed to in stronger or more binding terms? What security can be given that in seven years hence, another Convention shall not be called to frame a third Constitution? And as ancient Greece counted by olympiads, and monarchies by their Kings' reigns, we shall date in the first, second, or third year, of the seventh, eighth, or ninth Constitution.

In treating this subject I have not presumed to advise, and have intruded but few comments. I have mentioned the state of those countries which most resemble our own and leave to the natural sense of the reader to make his own conclusions. The malcontents, the lovers of novelty, delight much in allegory. Should I be indulged a few words in that way, I should not compare the new Constitution to a house. I should fetch my simile from the country and compare it to Siberian Wheat (otherwise called Siberian cheat) which is known to have been the most praised, the most dear, the most worthless, and most short-lived thing that was ever adopted. But if the free men of this continent are weary of that power and freedom they have so dearly bought and so shortly enjoyed -- the power of judging and determining what laws are most wholesome; what taxes are requisite and sufficient -- I say, if the people are tired of these privileges, now is the time to part with them forever. Much more might be said to show the bitterness and mischief contained in this gilded pill, but being fond of brevity, I shall rely on the good sense of the public to keep themselves out of the trap, and sign myself in plain English.

A NEWPORT MAN