

Antifederalist No. 38

Some Reactions to Federalist Arguments

This was an essay by "Brutus Junior" which appeared in The New-York Journal on November 8, 1787. Two articles by "A Countryman" were written by DeWitt Clinton, and appeared also in the New York Journal on January 10 and February 14, 1788.

I have read with a degree of attention several publications which have lately appeared in favor of the new Constitution; and as far as I am able to discern, the arguments (if they can be so termed) of most weight, which are urged in its favor, may be reduced to the two following:

1st. That the men who formed it, were wise and experienced; that they were an illustrious band of patriots, and had the happiness of their country at heart; that they were four months deliberating on the subject, and therefore, it must be a perfect system.

2nd. That if the system be not received, this country will be without any government, and of consequence, will be reduced to a state of anarchy and confusion, and involved in bloodshed and carnage; and in the end, a government will be imposed upon us, not the result of reason and reflection, but of force and usurpation.

As I do not find ' that either Cato or the Centinel, Brutus, or the Old Whig, or any other writer against this constitution, have undertaken a particular refutation of this new species of reasoning, I take the liberty of offering to the public, through the channel of your paper, the few following animadversions on the subject; and, the rather, because I have discovered, that some of my fellow citizens have been imposed upon by it.

With respect to the first, -- it will be readily perceived that it precludes all investigation of the merits of the proposed constitution, and leads to an adoption of the plan without inquiring whether it be good or bad. For if we are to infer the perfection of this system from the characters and abilities of the men who formed it, we may as well determine to accept it without any inquiry as with. A number of persons in this [New York] as well as the other states, have, upon this principle, determined to submit to it without even reading or knowing its contents.

But supposing the premises from which this conclusion is drawn to be just, it then becomes essential in order to give validity to the argument, to inquire into the characters of those who composed this body, that we may determine whether we can be justified in placing such unbounded confidence in them.

It is an invidious task, to call in question the characters of individuals, especially of such as are placed in illustrious stations. But when we are required implicitly to submit our opinions to those

of others, from a consideration that they are so wise and good as not to be liable to err, and that too in an affair which involves in it the happiness of ourselves and our posterity, every honest man will justify a decent investigation of characters in plain language.

It is readily admitted that many individuals who composed this body were en of the first talents and integrity in the union. It is at the same time, well known to every man, who is but moderately acquainted with the characters of the members, that many of them are possessed of high aristocratic ideas, and the most sovereign contempt of the common people; that not a few were strongly disposed in favor of monarchy; that there were some of no small talents and of great influence, of consummate cunning and masters of intrigue, whom the war found poor or in embarrassed circumstances, and left with princely fortunes acquired in public employment. . . . that there were others who were young, ardent, and ambitious, who wished for a government corresponding with their feelings, while they were destitute of experience ... in political researches; that there were not a few who were gaping for posts of honor and emolument -- these we find exulting in the idea of a change which will divert places of honor, influence and emolument, into a different channel, where the confidence of the people will not be necessary to their acquirement. It is not to be wondered at, that an assembly thus composed should produce a system liable to well founded objections, and which will require very essential alterations. We are told by one of themselves (Mr. [James] Wilson of Philadelphia) the plan was [a] matter of accommodation, and it is not unreasonable to suppose, that in this accommodation, principles might be introduced which would render the liberties of the people very insecure.

I confess I think it of no importance what are the characters of the framers of this government, and therefore should not have called them in question, if they had not been so often urged in print, and in conversation, in its favor. It ought to rest on its own intrinsic merit. If it is good, it is capable of being vindicated; if it is bad, it ought not to be supported. It is degrading to a freeman, and humiliating to a rational one, to pin his faith on the sleeve of any man, or body of men, in an affair of such momentous importance.

In answer to the second argument, I deny that we are in immediate danger of anarchy and commotions. Nothing but the passions of wicked and ambitious men will put us in the least danger on this head. Those who are anxious to precipitate a measure will always tell us that the present is the critical moment; now is the time, the crisis is arrived, and the present minute must be seized. Tyrants have always made use of this plea; but nothing in our circumstances can justify it.

The country is in profound peace, and we are not threatened by invasions from any quarter. The governments of the respective states are in the full exercise of their powers; and the lives, the liberty, and property of individuals are protected. All present exigencies are answered by them. It is true, the regulation of trade and a competent provision for the payment of the interest of the public debt is wanting; but no immediate commotion will arise from these; time may be taken for calm discussion and deliberate conclusions. Individuals are just recovering from the losses and embarrassment sustained by the late war. Industry and frugality are taking their station, and banishing from the community, idleness and prodigality. Individuals are lessening their private debts, and several millions of the public debt is discharged by the sale of the western territory. There is no reason, therefore, why we should precipitately and rashly adopt a system, which is

imperfect or insecure. We may securely deliberate and propose amendments and alterations. I know it is said we cannot change for the worse; but if we act the part of wise men, we shall take care that we change for the better. It will be labor lost, if after all our pains we are in no better circumstances than we were before.

I have seen enough to convince me very fully, that the new constitution is a very bad one, and a hundred-fold worse than our present government. And I do not perceive that any of the writers in favor of it (although some of them use a vast many fine words, and show a great deal of learning) are able to remove any of the objections which are made against it. Mr. [James] Wilson, indeed, speaks very highly of it, but we have only his word for its goodness; and nothing is more natural than for a mother to speak well of her own bantling, however ordinary it may be. He seems, however, to be pretty honest in one thing -- where he says, "It is the nature of man to pursue his own interest, in preference to the public good" -- for they tell me he is a lawyer, and his interest then makes him for the new government, for it will be a noble thing for lawyers. Besides, he appears to have an eye to some high place under it, since he speaks with great pleasure of the places of honor and emolument being diverted to a new channel by this change of system. As to Mr. Publius [The Federalist], I have read a great many of his papers, and I really cannot find out what he would be at. He seems to me as if he was going to write a history, so I have concluded to wait and buy one of his books, when they come out. The only thing I can understand from him, as far as I have read, is that it is better to be united than divided -- that a great many people are stronger than a few -- and that Scotland is better off since the union with England than before. And I think, he proves too, very clearly, that the fewer nations there are in the world, the fewer disputes [there] will be about the law of nations -- and the greater number that are joined in one government, the abler will they be to raise ships and soldiers, and the less need for fighting. But I do not learn that any body denies these matters, or that they have anything to do with the new constitution, Indeed I am at a loss to know, whether Mr. Publius means to persuade us to return back to the old government, and make ourselves as happy as Scotland has by its union, or to accept of the new constitution, and get all the world to join with us, so as to make one large government. It would certainly, if what he says is true, be very convenient for Nova-Scotia and Canada, and, for ought I know, his advice will have great weight with them. I have also read several other of the pieces, which appear to be wrote by some other little authors, and by people of little consequence, though they seem to think themselves men of importance, and take upon them grand names such as . . . Caesar,' . . . Now Mr. Caesar do[es] not depend so much on reasoning as upon bullying. He abuses the people very much, and if he spoke in our neighborhood as impudently as he writes in the newspapers, I question whether he would come off with whole bones. From the manner he talks of the people, he certainly cannot be one of them himself. I imagine he has lately come over from some old country, where they are all Lords and no common people. If so, it would be as well for him to go back again as to meddle himself with our business, since he holds such a bad opinion of us.

A COUNTRYMAN

The Federalist, as he terms himself, or Publius, puts one in mind of some of the gentlemen of the long robe, when hard pushed, in a bad cause, with a rich client. They frequently say a great deal which does not apply; but yet, if it will not convince the judge nor jury, may, perhaps, help to

make them forget some part of the evidence, embarrass their opponent, and make the audience stare, besides increasing the practice.

A COUNTRYMAN