

# The Debate Over the Constitution: Federalists vs. Antifederalists

By John E. Semonche

The Constitution that emerged from Philadelphia in mid-September 1787 by its own terms required the ratification of nine states before it could go into operation. Its supporters would have to sell the compromise product to conventions in the various states called specifically to consider whether to ratify the Constitution. Although the meeting at Philadelphia had been called to suggest changes to the Articles of Confederation, that document had been quickly put aside as the delegates crafted an entirely new framework of government. Changes to the Articles would have required the unanimous consent that had doomed suggested amendments earlier. Although this new framework was supported by those who styled themselves Federalists, it really provided for a new national government with delegated powers, one that operated directly upon the citizens of the new country, not, as had the Articles, on the states themselves. Earlier a federal government meant a government of independent entities, such as that established under the Articles. Now the supporters of the Constitution redefined the term by applying it to the government developed at Philadelphia. Although Antifederalists Patrick Henry and George Mason were as politically visible as were their opponents, this was not true of opponents in other states. One of the most effective Antifederalist writers was Melancton Smith of New York, but unlike Federalist Alexander Hamilton, he was virtually unknown beyond the state's borders. No single individual was better known in the fledgling nation than George Washington. He had not only presided over the Philadelphia Convention, but he staked his reputation on support for its product. The opponents of the Constitution were forced on the defensive both in regard to the appellation, Antifederalist, and in regard to the fact that they had no ready alternative to suggest. They could only attack certain provisions and bemoan the absence of others, hoping to stall the momentum early state ratification initiated and to gain support for a second convention to modify the work of the first. The fact that the Antifederalists lost the battle and the fact that the Constitution quickly became a revered document combined to relegate their cause to the scrap heap of history.

In recent times their cause has been resurrected, and from Ronald Reagan's presidency forward there has been a new interest in federalism; that is, the proper balance between state and national power under the Constitution. For instance, a contemporary historian has concluded that the Antifederalists were not "men of little faith," as an earlier historian had labeled them, but rather "men of great faith and forbearance." He based this assessment on the willingness of the opponents to accept their defeat and work within the Constitution to achieve their ends. Another writer has gone even further by giving his treatment of Antifederalists the title *The Other Founders*. This shift in historical assessment of the losers in the ratification contest reflects broader social and political changes that have taken place over the last generation or so--changes that have revived ideas of states' rights and federalism amid worries about a too powerful national government headed by an imperial president. So let us venture back to that period from the early fall of 1787 into the summer of 1788, when the heavyweight states of Virginia

and New York ratified the Constitution and assured its acceptance. An inspection of the contest between Federalists and Antifederalists might inform us not only about the past but about our present as well.

Despite the early disparagement of the Antifederalists, all observers credited them for insisting that the Constitution should contain a bill of rights. Federalists countered that the new government was one of delegated powers with no authority to invade individual rights and that any listing of rights would be incomplete. Their adversaries responded that a central government endowed with the authority to pass "necessary and proper" legislation could indeed infringe on individual rights. Antifederalists recognized that they had found a popular issue and the Federalists had to give ground in a number of states by suggesting that the state append amendment proposals to its ratification. These suggestions were considered in the First Congress and a bill of rights was added to the Constitution in 1791, when the requisite number of states had ratified the first ten amendments that comprise the Bill.

Much of the controversy over the Constitution can be attributed to differing world views. The Federalists believed in strong and effective government that would ensure commercial growth and international prestige; the Antifederalists saw such goals threatening liberty and preferred local control. The Antifederalists saw a strong national government as a threat to the liberties of Americans, believing its distance from the people and its extended territory only increased the threat. Not surprising, then, was the fact that Federalists tended to reside in coastal areas, where commercial growth was high on the agenda, while Antifederalists were located inland in areas of small farms where commercial growth had little immediate impact.

Most opponents of the Constitution worried that popular government; that is, government by the people, was threatened by the new proposal. The hope for such government, they believed, was grounded in keeping it close to the people themselves. Antifederalists were generally willing to cede certain powers to a central government, but they should be few and the actions that most affected the people should be the actions of state government. Furthermore, each state was unique with its own political culture; popular government could only survive if the people's representatives made law that rested firmly upon the distinctive traits of the specific state. Had not the break with England occurred because the mother country had failed to respect local authority? To maintain faith with the Revolution, state authority had to be preserved. Antifederalists were concerned that the Constitution's preamble, which began "We the People" signified an attempt to merge the states into a single entity, where a majority could coerce recalcitrant states. Was not the supremacy clause simply another piece of evidence of this desire? History had taught them that a republican form of government could not succeed over such an extended area.

James Madison responded in the tenth essay in *The Federalist*, a series of newspaper articles authored also by John Jay and Alexander Hamilton to aid the fight for the ratification of the Constitution in New York. The Virginian argued that an extended republic would actually be better able to control the faction that had destroyed smaller republics by balancing interests against each other, thus preventing any one from dominating. The case for the Constitution was ably presented in the completed work, which sought to give to the hybrid government created by the Constitution a coherence and orderly exposition, whether the subject was presidential power or judicial review.

This exposition of the new government after the fact remains the most complete statement of Federalist views. Despite the differences at Philadelphia, the Federalists saw the new framework of government as a decided improvement over the old, and as they sought to come to terms with it they began to extol its virtues. The articles, all published under the penname Publius, sought to calm the fears of those critics who saw only danger ahead. In collected form they comprise one of the most important, if not the most important, book of American political theory.

Federalists had doubts as to whether the Constitution, with its necessary compromises, provided for a strong enough government to protect the republican experiment. What *The Federalist* did was provide a defense of the document that showed it to be both coherent and republican. Answering the arguments of opponents, the trio of writers surveyed the text in a way that gave authority to the exposition that was recognized both at the time and subsequently. The papers were divided into two parts. The first part, comprising the first 26 articles, argued that union was essential and that the Constitution was the answer to its preservation. The Constitution's ratification, Publius argued, was not only necessary but desirable as well. The second part, comprising most of the remaining articles, dealt with specific provisions of the Constitution.

Antifederalists had more respect for and faith in legislative power and saw bicameralism and the separation of powers as the means by which to check the avaricious few. Federalists, on the other hand, saw the devices as checks on legislative power and as the means to energize both executive and judicial power. They had to attack the Antifederalist claim that the legislative branch was the only real representative of the people's interests. The Constitution's supporters pointed to the fact that, under the Articles, the states had enacted legislation that trampled upon individual rights, including the right of property. Instead of fearing a strong executive or an active judiciary, the Federalists argued, the people should appreciate that these branches were also servants of their interests. The separation of powers, Publius insisted, encouraged a proper respect for the law and for the Constitution.

Wherever the Antifederalists looked in the new document they found provisions that excited their worries. Would not Americans be enslaved by the power to tax? Was a Congress that could pass all laws that were "necessary and proper" really limited? Also, that same Congress was given unbridled power to create a federal judiciary that might well swallow up all state power, especially since the Constitution made federal law, treaties and the Constitution itself the "supreme law of the land." Congress could raise armies with no peacetime limitation, and the president had its force at his disposal as commander-in-chief. Their parade of horrors seemed to know no limit. Hanging in the balance, the Constitution's opponents believed, was the very fate of republican government. The heralded separation of powers and checks and balances of the new system only seemed to confirm that republican virtue had given way to the need to control self-seeking governors.

Antifederalists worried also that the Constitution departed from precedent by conferring powers on government rather than limiting them. Representation in Congress, they claimed, could not succeed in protecting the public's interest, for, unlike in the states, representatives would be separated from their constituents and could, through repeated reelection, retain their offices indefinitely. Their answer was to place effective government at the local level where governor and governed knew and understood each

other. Representatives should follow the wishes of the governed and hold their offices for short terms. Only in this way could ambition be held in check and liberties be protected, because no legislators would make laws that they themselves would find oppressive.

Despite unanimity on certain issues, Antifederalists did differ among themselves. For example, we can look at the issue of slavery. Those supportive of the institution worried that the new government might assume the power to abolish slavery, while those against the institution complained that the Constitution protected slavery. At times, then, opponents were strange bedfellows indeed. In fact, one historian, Saul Cornell, has divided the opponents into three categories: middling Antifederalists, who believed in popular government by majority rule; more virulent Antifederalists, who, as farmers and artisans, saw a conspiracy afoot to establish aristocratic rule, and finally elite Antifederalists, who viewed majority rule with suspicion and sought balanced government. More than anything however the Constitution's opponents were dissenters, carrying on a tradition of the past and buttressing the tradition for the future.

The debate over the Constitution lasted less than a year, and the Antifederalists accepted the fact that its popular ratification had legitimated the document. They hoped, though, that they could weaken some of the granted powers by suggested amendments. When James Madison in the House of Representatives took charge of the process of culling those suggestions into acceptable amendments, those proposals seeking to eliminate or limit the conferred powers were discarded. What remained was the Tenth Amendment, which simply recognized that powers not delegated to the new government were reserved to the people or to the states. However, although Antifederalists were no more after the Constitution was ratified, their legacy lived on, and not only through the Bill of Rights. Some opponents became eager supporters of the new Constitution, but the Antifederalist legacy survived as politicians contested not the Constitution itself but the meaning of its words and phrases. When we look today at those observers and practitioners who say the Constitution should be interpreted as its framers intended, we are projected back to the 1790s when Thomas Jefferson and Alexander Hamilton argued over just what the Constitution permitted. The ratification fight had been permanently transformed into an ongoing controversy over how the words and phrases of the fundamental law were to be interpreted. The Antifederalist tradition looked toward a narrow or strict interpretation and the Federalist tradition looked toward an expansive and broad interpretation. This battle continues in American political life.

Additionally, liberals, who lament that the people's government has been captured by special interests, and conservatives, who lament that the government has become too big and powerful, have all found sustenance and support in the writings of the Antifederalists. This fact highlights the significance of their ongoing contribution to political and constitutional thought in the United States. A certain wariness and distrust of government has been characteristic of Americans from colonial days, and the conviction of the Antifederalists that citizens must be alert to threats to their liberties resonates as much with us today as it did in 1787 and 1788.