

Ideas in Progress, Episode 3, Federalist and Anti-Federalist with Brad Birzer, part 1

- Anthony Comegna: [00:20](#) Welcome back to our next episode of Ideas in Progress, brought to you by the Institute for Humane Studies where we support faculty and graduate students, help them advance their careers with a wide catalog of wonderful academic programs. Things like our recent graduate student discussion colloquium on the Federalists and anti-Federalists with discussion leader, Brad Birzer. Professor Birzer is an historian specializing in Jacksonian America and the American West at Hillsdale College, and he joins us now to give us his thoughts. So Professor Birzer, are you now, or have you ever been, a Federalist?
- Brad Birzer: [01:01](#) Wow, I get the third degree immediately. Anthony, thanks for having me on. It's great to be talking with you and always to do things with IHS, so I'm very, very glad to be here. Am I a Federalist, or have I ever been? Yeah, you know, actually I would say when I was a high school debater, so way back in the eighties, I was a... I would've considered myself a huge Federalist, still a free market libertarian at the time, but I was really into James Madison. And strangely enough, I had an overnight radio show during the summers when I was in high school, and in between commercial breaks, when I wasn't deciding what songs were on, and it was a rock station, I actually would read the Federalist Papers. That's how nerdy I was back in high school.
- Brad Birzer: [01:48](#) So yeah, I was very taken with them. Of course, at the time, I thought they were perfect. As I've gotten older, definitely thought of myself more as a kind of conservative anti-Federalist, or an extremely liberal and open Federalist. I think there were really good things that both sides brought to the table, and again, if we're going to have a government, which in our foreseeable future we are, I think that probably the best solution is to go for a kind of small libertarian republic, a very localized one.
- Anthony Comegna: [02:22](#) So now that sounds an awful lot to me like when you do identify with the Federalist tradition, it really is say in that 1790s context of the early republic. But when you shift to different decades, federalism always means something different.
- Brad Birzer: [02:39](#) Right.
- Anthony Comegna: [02:42](#) Is that correct that you'd say you're a Federalist in that sort of 1780s, 1790s context of the constitutional convention, but not necessarily a Federalist in the Jacksonian period, or say the 1950s? Would you have been a throughout the sort of wide span of American history, or is it more isolated to a particular time and context?

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- Brad Birzer: [03:09](#) Yes, I was thinking very specifically of 1787, '88, and '89, so really not much beyond that, but very specifically large F Federalists. Thinking of Madison more than J or Hamilton, but definitely a kind of Madisonian, which I think at the time, now again, don't get me wrong, I think there were great things about the Articles of Confederation, but I also think that Madison brought up some very good arguments that if we're going to have a republic, there are probably some things that we need to shape. Now obviously, and you and I have talked about this, Anthony, I think there were grave mistakes that the founders made, and I don't think that's... I don't think that's just in hindsight we can say that. I think there were people at the time, including the anti-Federalists, who recognize what those grave mistakes were. And I wish the Federalists had been a little more circumspect about it, but obviously we are where we are in history did occur it away, it occurred.
- Anthony Comegna: [04:05](#) What do you think were some of the things that the Articles of Confederation did the best?
- Brad Birzer: [04:09](#) You know, I think the very fact that we didn't immediately go into a counterrevolution, or some kind of devolved revolution. We did have skirmishes, but that was not atypical. We had some bloodshed, we had some violence, but again, not atypical. If we take seriously the histories of the middle ages, then when we had a kind of Christian Republic, if one... if such a thing ever existed, especially in Anglo-Saxon areas and other Germanic areas, Iceland and so forth, there was a lot of bloodshed. And bloodshed seems to be, at least the threat of it, kind of a part of having a free society in some ways. So, I'd rather avoid it, but obviously there was the threat that existed.
- Brad Birzer: [04:52](#) So yeah, I mean, I think there's a possibility that we could have gone in different directions, but as it was, I mean, there we are. And I think the Articles of Confederation were very good at preventing a further revolution. I think they maintained a certain sort of stability, whatever the problems. But there are other things they did as well. Obviously, we defeated the British with huge help from the French, and the Dutch, and the Danish we were able to defeat the British, but we were able to do that under the Articles of Confederation. And we also were able to pass the Northwest Ordinance, which I think is arguably the most Republican law ever passed in the history of republics. So I think there are a lot of good things that came out of the articles.
- Anthony Comegna: [05:35](#) Can you break down that point about the Northwest Ordinance for our listeners?

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- Brad Birzer: [05:39](#) Sure. I'm a huge fan of the Northwest Ordinance, so it was passed unanimously on July 13th of 1787, and of course, you can think about two foundings. We have one group of founders, those with Madison and the constitutional convention are in Philadelphia, but we have another group of founders who are the first Congressman up in the articles of Confederation Congress in New York. And they're doing really interesting things, and the idea and the fact that they're able to get passed unanimously, this bill that would prevent slavery in particular, in what's now Ohio, Indiana, Michigan, Wisconsin, in these areas. The fact that they were able to prevent that I think is astounding, and to do so with debate, but with a unanimous vote, which of course the articles demanded for a bill that large. But the Northwest Ordinance, in my mind, is really as important as the Declaration of Independence, is as important as the Articles and the Constitution, really ranks up there with the Bill of Rights. I think it should be regarded as one of the great founding documents.
- Anthony Comegna: [06:48](#) And I believe, if I remember correctly, at our discussion colloquium, you mentioned that Abraham Lincoln considered it one of the fundamental laws.
- Brad Birzer: [06:57](#) Right. In the Lincolnian period they often referred to it as one of the four organic laws along with the Declaration, the Articles, and the Constitution.
- Anthony Comegna: [07:07](#) You know, I find it amazing that there was this period, like the Articles seem like such a unique moment in world history, where it genuinely is this organization that other governments can voluntarily join to create this new sort of organization that doesn't operate on territorial conquest and internal coups that switch the ruling class from one side to another. But it really is this sort of sisterhood of Republican nations unlike anything that has really existed, certainly in the modern day, maybe not since the thousand colonies of ancient Greece, or something, was there something similar. It's a really unique moment that almost seems spoiled by what followed.
- Brad Birzer: [07:55](#) Yeah, you state it beautifully, Anthony. I agree with you completely. I think it was an incredible moment and in that Northwest Ordinance especially, it's not just that it's anti-slavery, it also demands that there is a respect for property rights, and property rights, not just for white Americans, but for American Indians as well. And of course, we know that history of the United States never played out that way, but there was this kind of ideal moment where things could have gone in a very different direction.

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- Anthony Comegna: [08:24](#) It's amazing too that they got all these states like, like Virginia or Pennsylvania, to give up their Western land claims-
- Brad Birzer: [08:31](#) Oh, it's incredible.
- Anthony Comegna: [08:31](#) ... for the the benefit of some other future states left to be determined.
- Brad Birzer: [08:39](#) That's right. States that would not, theoretically, be a part of an empire, but instead a brotherhood of republics. Yeah, just incredible.
- Anthony Comegna: [08:43](#) So it kind of does surprise me that people so offhandedly just remark that the articles were a failure, simply because they didn't last very long.
- Brad Birzer: [08:52](#) Yeah, there's a long tradition of that, and I think part of it is what we discussed at that great weekend with IHS. I mean, I think a large part of it is that that anti-Federalist tradition, for better or worse, latches on to, or at least those who come after, latch onto that anti-Federalist tradition and it gets mixed up with the issues of slavery and state's rights, and it becomes tainted in some weird way that I think is actually an inversion of what the original intent was.
- Anthony Comegna: [09:22](#) Well, yeah. I mean, you said that you thought the greatest benefit, or triumph, of the articles was in preventing a counter-revolution and further bloodshed, and it actually did promote stability. But I think the refrain that we're used to hearing by now then, from the historical profession, is "Well look, both of these regimes, the Articles of Confederation and later the Constitution, both of them were actually set up specifically to maintain a system of bloodshed, especially in the South on the plantation, or what would become the cotton plantations of the deep South. That these regimes promoted stability for some specifically so those elite few could exploit huge numbers of other people. I mean, is that the kind of stability that we really want?
- Brad Birzer: [10:15](#) No, of course not. I mean, Anthony, what a great way of putting it. And clearly we see there, history being used to serve very specific interests. And you have to give some credit to the South, as much as you and I hate slavery and disagree with them, they were incredible at propaganda and being able to kind of play into the idea of the lost cause, and the noble cause, and to to create a kind of aura around what they were doing

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that obviously really obscured the true intent of promoting slavery.

Anthony Comegna: [10:50](#)

Now let's talk a bit about the readings from the discussion colloquium.

Brad Birzer: [10:54](#)

Sure.

Anthony Comegna: [10:54](#)

We have a lot of selections from Carey and McClellan's, The Federalist, which I suppose you were reading maybe the same edition back at the radio station you mentioned earlier.

Brad Birzer: [11:04](#)

No, that one wasn't out yet, so no, [crosstalk 00:11:07] I had the old paper back. I think the Signet edition, and anyway, go ahead. I'm sorry.

Anthony Comegna: [11:12](#)

And then we also have Herbert Storing's, The Anti-Federalist, which course is not something that many students will be able to encounter throughout their educations. You usually don't see any writings from The Anti-Federalist included on syllabi. Maybe if you're lucky, your professor will have picked up an interest in some anti-Federalists along the way. But both of these are excellent document readers. I'm wondering, did you have... do you have any particularly favorite readings from the primary sources that we read?

Brad Birzer: [11:41](#)

Yeah, so that Liberty Fund version of the Federalist Paper is by far the best one I've seen, and there are a lot of competitors out there. But I think that that version in particular, its greatest strength, and this may sound really odd, Anthony, but I think its greatest strength is its index. That index is masterful and you get a sense by looking at it just right away what the Federalists were really interested and what they weren't interested in. So the Declaration is only mentioned once, you find that Locke is only referenced, I think once, if at all. And you have something like 75 to 80 references to the classical world within the Federalist Papers. So I've actually handed that index out before to my students just to go through it, just to look at what's important and what's not within those Federalist Papers.

Brad Birzer: [12:35](#)

But yeah, that's a beautiful edition, and I've had that hard back at least since it came out and Liberty Fund released that, so really great. I liked the Storing too, Storing obviously is coming from a very Straussian viewpoint, and I think that some of the selections he picks kind of reflect that. I think he's trying to show that yes, there were good things among the anti-Federalists, but still ultimately, he's looking for that kind of

nationalism that might be lurking around the corner and especially through the Federalists. I really like, and I don't know if you've seen this one, Anthony, but I really like Bruce Frohnen's collection that came out from Regnery, maybe 20 years ago now, of the anti-Federalist Papers. That's generally the one that I reference.

Brad Birzer: [13:17](#)

I also, I think Bruce, as much as a curmudgeon as he is, is a really brilliant guy. And there's a lot in those papers, especially in his index and then in the footnotes, that I think gives a great context to what the anti-Federalists were trying to do and what their problems were. Obviously, they were a group of very disparate individuals, unlike the Federalists who had a very concrete plan and knew where they were going. The anti-Federalists were much looser in Confederation, but in some ways, some of the best arguments, though you have to dig them out, really can be found in the anti-Federalists writings. So my favorite by far, I love the writings by Brutus, despite the name. I mean, I'm not a fan of Brutus in history, you know, especially through Shakespeare, but what a great set of writings. And the Federal Farmer is really good too. And we still don't know who a lot of those people were.

Brad Birzer: [14:14](#)

Even in our most recent editions of the anti-Federalists readers, we've only got good guesses as to a lot of those people. But one of the persons that I admire most, who may have been an anti-Federalist, or we know she was, but she may have actually been an author of some of the anti-Federalist Papers was Mercy Otis Warren. And I think she is an excellent historian, and obviously a great revolutionary, but the fact that she may have authored some of those, I think is astounding as well, just really wonderful.

Anthony Comegna: [14:44](#)

I almost think that before we talk much in detail about the Federalists and anti-Federalists and who these people actually were, we kind of have to step back to just before the Revolution and talk about, especially this concept that historians have of the first and second patriot coalition, I think that comes from Barbara Clark Smith, that originally, there's this first patriot coalition of average people in the streets protesting British policies that affect them the most. And then closer to the actual time of the Revolution, they sort of get joined by the upper more elite folks like the Sons of Liberty. And you have this sort of coalescence of two different patriot coalitions that are actually able to, through their combined efforts, secure independence. But then they just break apart again in the 1780s and sort of form up into, again, their different sort of natural coalitions and sort of scramble for control of some kind of new

governing institutions. I wonder if you could tell us a bit about how those earlier conflicts led up to what we see dividing people's opinion in the debates over the convention.

Brad Birzer: [16:05](#) Yeah, that's a great point, Anthony, and I have to admit, I've not read her scholarship, but that sounds fascinating and that's my error that I've not read that. It does sound very similar to Pauline Maier's work in *American Scripture and Ratification* where she makes the same point that there is this kind of just broad spread support, a widespread support, broad support, broad base of support for much of the revolutionary ideals and that the really, the continental Congress is late coming to all of this and is trying to play catch up. Yeah, there had been roughly 200 separate declarations of independence by the time that the official one from the Second Continental Congress came. And yeah, I think that speaks volumes about how important this was as a people. And that also reference too, Anthony, to the work of Bernard Bailyn and Gordon Wood.

Brad Birzer: [17:00](#) And yeah, I think maybe they, in some ways, in their kind of [inaudible 00:17:05] maybe take the determinism of ideas too far. But at the same time, when we look at the intellectual origins of the founding, there are so many widespread ideas, especially coming out of the old Cato Papers and Cato, a tragedy, and so many of the newspaper editorials and things that the average intelligent citizen, and of course Americans at that point are deeply literate, mostly because of their Protestant background. They know how to read, they know how to write, it's a huge part of their culture. So it's not surprising that at the very beginning of the movement, you do have so much widespread support.

Brad Birzer: [17:45](#) And again, here's Liberty Fund publishing those various works by Don Lutz that he's edited, and Charles Hyneman. You have some really great collections of those pamphlets, and sermons, and so many things that were circulating among really just normal, intelligent people, how much that really did shape the American founding. And it does, you know, not that I would ever diminish what Thomas Jefferson did with the Declaration, but when you start reading things like the pamphlets of Demophilus, and you read Richard Brand's, and all these others that were circulating in the 1760s '70s, you really see that a lot of that small W wig thought really was in the population as a whole.

Anthony Comegna: [18:31](#) So then by the time we do get to the ratification debates, who really are these people? I mean, one of the points that I kept bringing up during the discussion was that, "Hey, only six to

eight percent of Americans ever voted for this thing, The Constitution." That's an extraordinarily tiny number of people for such a democratic republic, or however you'd want to style this government. That's a tiny number of people, whoever positively expressed their consent to it. So not that your vote actually counts as consent, but you know what I mean.

Brad Birzer: [19:08](#)

I'm with you, don't worry.

Anthony Comegna: [19:09](#)

Let's not get all Spooner here already. We're about 70 years too early for that. So who were these people then by the early 1790s, say? What did your average Federalist look like, talk like? What did they do for a living? What did they think, and why? And the same for your average anti-Federalist.

Brad Birzer: [19:28](#)

Yeah, you know, I think there should always be time for Spooner, Anthony. I'm [crosstalk 00:19:32]-

Anthony Comegna: [19:31](#)

Yeah, that's a good point.

Brad Birzer: [19:36](#)

But yes, that would be a little, a-historical to place him on the founding. You know, it is really interesting because we have, oh our best guess that probably about 10 to 25% of the American population, give or take a day, or where a battle is, or what horrible things have just happened, are either in favor of the American Revolution, or deeply against it. And we knew that throughout much of the course of the war, and it means that most people are in the middle ground, not surprisingly. You know, look at what we do today. I mean, imagine in a pre-social media world probably only a certain percentage of people really, really care about an issue. Now in a social media world, of course, there's... you know, that's a different issue. We've got caring but it may be kind of... Well it seems superficial, at least it changes quite readily what that feeling is.

Brad Birzer: [20:29](#)

But then of course, when we get to something like the U.S. Constitution, as you said, and I thought your points were excellent, we've really got a very small percentage of Americans putting this thing into effect and the only answer I really have as a historian Anthony, and I'm sure you have the same answer, is whatever consent was given at the time, clearly this thing, by tradition, has taken on a kind of life of its own. You know the idea, I mean, we could... I think we can very readily make a historical argument that there was a lot of Machiavellian craftiness in getting the constitution passed, but I think we'd be foolish to suggest that somehow this thing isn't real.

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- Brad Birzer: [21:10](#) Now, obviously it is real and we may be able to kind of chip at the edges of it and say, "Look, where is its legitimacy?" But clearly it's taken on a life of its own. And that's where I think when we're thinking about these questions, I am very curious who supported it, who didn't. It strikes me from the things that I've seen and the evidence we have that you've got this interesting coalition of people who are essentially on the frontier, which of course, would have been a major part of the American population in the 1780s. And these people who would be kind of budding evangelicals who really did kind of support the anti-Federalist side and then kind of shift at the last minute, in large part because they were worried and then they had their worries kind of calmed down, whether or not this would be the Federalist side and the Constitution would bring in kind of an Anglican hegemony.
- Brad Birzer: [22:09](#) So I think there were a lot of religious sentiments that went into this as well. But you know, it's also interesting that there weren't really shots fired after the Constitution was put into effect. We're going to have to wait until the Civil War for there to be real bloodshed over the meaning of the Constitution. So even Shays' Rebellion isn't really about the Constitution, or excuse me, the Whiskey Rebellion, it's about other things going on that's related to it, but not quite that.
- Anthony Comegna: [22:39](#) Do you think there is any truth to the sort of classic progressive Charles and Mary Beard, economic interpretation of the Constitution, that this was all the creature of a bunch of bankers, and merchant capitalists, and planters trying to protect their interests and there isn't much ideology involved in it?
- Brad Birzer: [23:02](#) You know, I've always been fascinated by that, Anthony, and I would guess you have as well. And most of that I got, not through the Beards, but through Forrest McDonald, and especially reading, yeah, he was so heavily influenced by that progressivism, which is interesting considering what a conservative he was, but he was deeply influenced by that. And you can find... it's all over his biographies, everything that he was writing, so that shaped me pretty dramatically. But for my own exploration, especially in my work on Charles Carroll of Carrollton, and George Washington, and some of the others, that just doesn't play out from what I've seen. These guys like Washington and Carroll were putting huge amounts of their own personal resources on the line, and both lost incredible amounts of money by supporting the revolutionary cause and the Continental Army.

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- Brad Birzer: [23:52](#) So when you go back and you look, and even somewhat... I'm not a huge fan of Hamilton, though I think he's a fascinating guy. But if you go back and look at the debates that he was a part of when he was in Congress, so much of that early Congress was just dedicated to trying to figure out if anyone was benefiting from the laws. And the fact that that took up, and I can't give a percentage, I'm guessing from my reading, anywhere from 20 to 30% of Congress's time just to investigate and make sure that no congressperson, no Congressman at the time, is getting a special benefits from the laws. I find that pretty convincing that the progressive ideal of self interest was not that... it was not that clear at the time. I think, in fact, if anything, the evidence is against it.
- Anthony Comegna: [24:45](#) Now I think of you, let's say first and foremost at least, as a kind of a cultural historian of the early American mythos. You do the West in American history, you do Jacksonian America, you sort of do these early Republican ideas and ideals. Let's say a historian of the people's romance about themselves and their own ideas. You know?
- Brad Birzer: [25:11](#) Can we say a romantic historian?
- Anthony Comegna: [25:13](#) No, sure. Sure. I like that, actually. Now I'm wondering though, how do you think that federalism and anti federalism as themes fit into the stories that you usually tell about the 19th century?
- Brad Birzer: [25:29](#) We had talked about this briefly at the conference, but I take a lot from Bruce Frohnen's work on anti-Federalism, and one of the points that he makes in, I think his excellent work that he did for Regnery out of his anti-Federalist reader, one of the points he makes is that because this all happened prior to the French Revolution, and his argument's more complicated than that, but because so much of what was going on in America in the 1770s and '80s was prior to that. It was really... and not just prior, but it was really kind of the last moment in which you can have true friends really disagreeing with one another without there being a necessity of bloodshed afterwards.
- Brad Birzer: [26:10](#) So you can go into the constitutional convention and you can have a Luther Martin and you can have an Alexander Hamilton who are diametrically opposed to one another, but at the end of the day, and I'm sure you've seen Independence Hall, it's tiny. This was in a very hot, humid summer in Philadelphia. We don't have deodorant yet. You've got 55 guys in this very tiny room, I'm sure tempers flared. And yet at the end of that, these guys always go out and they share their Madeira with one another.

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Brad Birzer: [26:43](#) And the same thing was generally true after the Federalists and anti-Federalists debated as well. And I think that's very telling that it's a different world, now I think we could put a cynical spin on that and say, "Look, these are all politicians who are just trying to get done what they need to get done." But Bruce's point is if we take their ideas seriously, they really do seem to be the kind of last, really the last moment, the last manifestation of non-ideological politics in the modern world. And after that we basically shift to a kind of extremism where it does become violent, and everything becomes a kind of into the earth matter, and you're destroying the American Republic. And I'm sure there are arguments to go against that, but I do find Frohnen pretty convincing on that.

Anthony Comegna: [27:35](#) Our warmest thanks to Professor Birzer for an invigorating discussion, a terribly fun weekend, and why not? A great recent book on Andrew Jackson. And that's where we'll turn next week on Ideas in Progress, so subscribe now on iTunes or SoundCloud, toss us a rating and review, and see you next week.