CHAPTER 2:
LOCALISM IN ANTI-FEDERALIST POLITICAL THOUGHT

The Anti-Federalists, those Americans who, in late 1787 and early 1788, opposed the ratification of the Constitution (or ratification without amendments), have been described as “men of little faith,” liberals, republicans, communitarians, democrats, and conservatives.¹ The literature on the Anti-Federalists is well established, yet there is little agreement, and none forthcoming, about which of these labels is most accurate.² Two features of Anti-Federalism are beyond dispute: (1) virtually all Anti-Federalists desired a Bill of Rights and (2) opposed the “consolidating” tendencies of the new plan.³ Closely related to this second feature, most scholars of Anti-Federalism agree that many, if not all, Anti-Federalists were localists. Joshua Miller, for instance, argues that “the Antifederalists sought to design a national government that would protect localism, equality, and widespread popular participation.”⁴ Christopher Duncan contends that the Anti-Federalists were “men of a different faith: a localist, republican faith that [saw]

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³ However, Jonathan Clark disagrees that the Federalists were attempting to consolidate. See Jonathan Clark, "The Myth of the Consolidating Federalists," Historical Reflections / Réflexions Historiques 4, no. 1 (1977).
political participation as an end in itself rather than a means to other things.”

Gordon Wood, the premier historian of the ratification period, suggests that “the Anti-Federalists...offered a spirited defense of the most localist and particularist kind of representation voiced in the entire revolutionary era.” Finally, to end this string of examples, Anti-Federalism, which according to Robert Stalhope, was “as much a social and cultural phenomenon as a political movement,” “sprang from a reactionary localism that pervaded American society.”

The literature has not, however, clarified exactly (or even roughly) what the Anti-Federalists’ localism entailed. In many cases, Anti-Federalist localism is associated with populist, participatory, or direct democracy. The often misleading search for heroes in the ratification debate, as well the remnants of the Beardian economic approach, have reinforced this tendency. The assumption that localism, as the desire to “make local” or “keep local” entails popular or direct political participation is common but false. Local control is perfectly consistent with elite domination, or as elites themselves would put it, “leadership.” In other cases, Anti-Federalist localism has been associated with republicanism, with special influence assigned to Montesquieu and his “theory of the small republic.”

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5 Duncan, The Anti-Federalists and Early American Political Thought, xxiv.
with the more participatory approaches because the "small republic" referred to in the theory was usually the state, a political entity much too large, even in the 1780s, for face-to-face politics. A third strand associates localism with communalism or communitarianism. According to this view, the Anti-Federalists rejected individualism and instead favored traditional community anchored in the locality. This view neglects the substantial number of ambitious state politicians in the Anti-Federalist ranks. Finally, a fourth strand of the literature has detected localism in the Anti-Federalists' conception of representation. The Anti-Federalists wanted more representatives than their Federalist opponents, and they urged a closer connection between a representative and his local community. This fourth strand is accurate, but tells only part of the story.

In this chapter I reconcile the conflicting interpretations of Anti-Federalist localism in the secondary literature by describing the set of localist arguments the Anti-Federalists developed

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11 Several Anti-Federalists argued that the existing states were too large, and needed to be broken up. Centinel asked, "Do we not already see, that the inhabitants in a number of larger states, who are remote from the seat of government, are loudly complaining of the inconveniencies and disadvantages they are subjected to on this account, and that, to enjoy the comforts of local government, they are separating into smaller divisions." Centinel I, Philadelphia Independent Gazetteer, October 5, 1787 in Kaminski et al., eds., DHRC Digital Edition. All subsequent references to Anti-Federalist writings are to the DHRC Digital Edition unless otherwise noted. Also see Luther Martin, Genuine Information IV, Baltimore Maryland Gazette, January 8, 1788.

12 Duncan, The Anti-Federalists and Early American Political Thought.


14 I use the masculine pronoun when discussing primary sources, simply because every published Anti-Federalist, with the exception of Mercy Warren, writing as A Columbian Patriot, was male. Like Warren, most Anti-Federalists wrote pseudonymously. I follow the typographical practices of Cornell and Storing in writing the names of pseudonymous authors (no quotation marks). On pseudonyms in the period, see Eran Shalev, "Ancient Masks, American Fathers: Classical Pseudonyms During the American Revolution and Early Republic," Journal of the Early Republic 23, no. 2 (2003).
and utilized in the ratification debates. This seems to me more fruitful than to try to impose thematic order on a decentralized and discordant political discourse. If, as I argued in the introduction, localism should be understood as (1) an attachment to, or affection for, a particular locality or its government, (2) the political activity in which actors attempt to transfer political power and authority *downward*, in a scalar hierarchy,¹⁵ from higher to lower decision-making entities, or (3) the practices of legitimation and justification in which actors present arguments in favor of their preferred conceptualization or organization of political space—localism appears throughout the ratification debates in various forms. My focus on *arguments* as a structural unit in political discourse allows me to identify localism in the midst of substantive disorder.¹⁶ My approach can recognize, for example, the affinity between the wealthy Maryland planter Luther Martin’s proto-states’ rights position and support for local jury trials among backwoods populists. The chapter also builds on the analytical work of the introduction by fleshing out an example of localism in concrete terms.

A few preliminary remarks: first, the Anti-Federalists are often discounted in the history of political thought, dubbed incoherent, parochial, irrational,¹⁷ and narrow-minded.¹⁸ Even a contemporary contributor to the *Pennsylvania Packet* exclaimed, “Away ye spirits of discord! ye narrow views! ye local policies! ye selfish patriots, who would damn your country for a sixpenny duty! In the present state of America, *local views are general ruin!*”¹⁹

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¹⁵ Brenner, "The Limits to Scale? Methodological Reflections on Scalar Structuration."
¹⁸ According to Kenyon, “The ‘parade of imaginary horribles’ has become an honorable and dependable technique of political debate, but the marvelous inventiveness of the Antifederalists has rarely been matched.” Kenyon, “The Political Thought of the Antifederalists,” lxv.
There is an element of truth in these characterizations. Nevertheless, the Anti-Federalists have been the unfortunate victims of the canonization of the *Federalist Papers*.\(^{20}\) Alexander Hamilton, James Madison and John Jay’s efforts were indeed revolutionary.\(^{21}\) Yet the eighty-five installments of the *Federalist*, which represent Federalist writing of the highest quality, are frequently and unfairly compared with the entire Anti-Federalist corpus. If the *Federalist* (which initially appeared in installments in New York City newspapers) is compared with Anti-Federalist writings of the highest quality (e.g. Federal Farmer,\(^ {22}\) Brutus, and Cato) the two camps are far better matched. Additionally, it should be noted that the *Federalist* was much less popular in 1787-1788 than its current fame suggests.\(^ {23}\)

Second, contrary to the claims of several commentators, most notably Herbert Storing, editor of *The Complete Anti-Federalist*, the Anti-Federalists did not produce a unified body of political thought.\(^ {24}\) The influence of the *Federalist* is again misleading. Publius’s *Federalist* was

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\(^{20}\) Hamilton, Madison, and Jay, *The Federalist*.


\(^{23}\) See, for example, William H. Riker, *The Strategy of Rhetoric: Campaigning for the American Constitution*, ed. Randall L. Calvert, John E. Mueller, and Rick K. Wilson (New Haven: Yale University Press, 1996), 27. Only twenty-four installments were printed outside New York City and no single installment was reprinted more than eight times. See Elaine F. Crane, “Publius in the Provinces: Where Was ‘the Federalist’ Reprinted Outside New York City?” *William and Mary Quarterly*, 3rd ser., 21, no. 4 (1964). In contrast, two Anti-Federalist documents were reprinted forty-six times and twenty-three documents were reprinted eight or more times. Installments of “Cato” were reprinted a total of twenty-three times, and of “Brutus” twenty-seven times. A pamphlet containing the first five installments of “Federal Farmer” was reprinted five times and a second compilation of “Federal Farmer” essays (nos. 6-18) was reprinted once. See Cornell, *The Other Founders*, appendix 1.

On the *Federalist*, Centinel wrote: “This hobgoblin appears to have sprung from the deranged brain of Publius, a New York writer, who, mistakeing sound for argument, has with Herculean labour accumulated myriads of unmeaning sentences, and mechanically endeavored to force conviction by a torrent of misplaced words; he might have spared his readers the fatigue of wading through his long winded disquisitions on the direful effects of the contentions of inimical states, as totally inapplicable to the subject he was professedly treating; this writer has devoted much time, and wasted more paper in combatting chimeras of his own creation.[.]” Centinel XI, Philadelphia Independent Gazette, January 16, 1788.

\(^{24}\) Although he qualifies the claim somewhat, Storing says his aim is “to give a sympathetic, critical, and full account of the fundamental Anti-Federal position.” He adds, “In searching for the underlying unity in the Anti-Federal position we are not tabulating the frequency of different arguments. We are looking not for what is *common* so much as what is *fundamental*.” Storing, *What the Anti-Federalists Were For*, 5, 6. The disagreement between
a formally organized collaboration; Anti-Federalism, and Federalism generally, were not. Saul Cornell has made this point most persuasively: “Traditional constitutional historians have portrayed Anti-Federalism in monolithic terms. Anti-Federalist texts have been read as though they were the product of a single intelligence, an Anti-Federalist alternative to the Federalist.”

He argues that instead of “seeking a single intellectual tradition, it makes far more sense for scholars to acknowledge the plurality of competing discourses available to American citizens in the late eighteenth century.”

In The Other Founders, Cornell disaggregates Anti-Federalism into three distinctive discursive communities: elite, middling, and plebeian. Some of the confusion and disagreement in the literature is indeed attributable to the failure to disaggregate Anti-Federalism in this way. Richard Sinopoli can claim that the Anti-Federalists were liberals because he focuses his attention on three middling Anti-Federalists, Brutus, Federal Farmer, and Cato, who each utilize social contract language, a characteristic mark of liberalism. Similarly, those commentators who stress the connection between localism and direct, participatory, or populist democracy tend to draw on plebeian Anti-Federalists. And as Gordon Wood has shown, elites in the late...


26 Cornell, "Beyond the Canon," 7. Also see Kramnick, "The "Great National Discussion"; Smith, "Multiple Traditions in America." Kramnick acknowledges competing discourses, but not within Anti-Federalism.


eighteenth century were skeptical of plebeians and the social transformation connected with rising democracy. Elite and plebeian Anti-Federalists were frequently at odds.

Although I do not explicitly disaggregate Anti-Federalists into elite, middling, and plebeian camps, my focus on arguments avoids the problems Cornell has identified. When I refer to the Anti-Federalists in what follows, I am just using convenient shorthand. All I mean when I use this language is that some Anti-Federalists made such and such argument. Moreover, the Anti-Federalists were unified, at least insofar as they opposed the draft Constitution without amendments. In the remainder of this chapter, I describe a set of political arguments against the proposed Constitution—arguments that appeal to an attachment (broadly construed) to locality in order to justify or legitimate resistance to the relocation of political authority upward—in the scalar hierarchy—to the new national government.

What the Anti-Federalists Were Against

Before plunging into an account of the Anti-Federalists’ localist arguments, it is worth summarizing what exactly in the Constitution the Anti-Federalists were objecting to. Cornell has identified nine issues that appear throughout the ratification debates, five of which (I argue) have some connection to localism: consolidation, representation, judicial tyranny, taxes, and standing army.

The Constitution was considered to be consolidating or centralizing in nature because it eliminated the Articles of Confederation’s textual guarantee of state sovereignty (Art. 2), and replaced equal voting by state delegation in a unicameral national legislature with proportional

29 On the social transformation, see Wood, Radicalism of the American Revolution.
30 The other four issues are: aristocracy, separation of powers, the absence of a bill of rights, and executive. See Cornell, The Other Founders, 30-31. For an alternative listing see Riker, The Strategy of Rhetoric, 265-273. For contemporary catalogues of grievances, see “Amendments Proposed by William Paca in the Maryland Convention,” Maryland Journal, April 29, 1788; “An Officer of the Late Continental Army,” Philadelphia Independent Gazetteer, November 6, 1787.
voting and equal voting (but by individuals) in the House of Representatives and Senate, respectively.\(^{31}\) Under the new Constitution, the states would be represented only insofar as their senators were appointed by the state legislatures.\(^{32}\) This, according to the Anti-Federalists, was to abandon the “confederal” nature of the Articles in favor of a national or consolidated general government.\(^{33}\) The new Constitution also gave Congress the power to oversee state elections in certain cases (Art. 1, sec. 4). With respect to elections, the Anti-Federalist objection was minor but frequently repeated: national oversight of elections would allow national officials to interfere with and manipulate state contests to their own advantage.\(^{34}\)

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\(^{32}\) According to Luther Martin, “It was insisted, that in the whole system there was but one federal feature—the appointment of the senators by the States in their sovereign capacity, that is by their legislatures, and the equality of suffrage in that branch; but it was said that this feature was only federal in appearance.” *Genuine Information IV*, Baltimore *Maryland Journal*, January 8, 1788. Additionally, under the Articles, delegates to Congress were subject to recall at any time, not so under the proposed Constitution. The power to recall made national delegates dependent on their state legislatures.

\(^{33}\) According to the “Dissent of the Minority of the Pennsylvania Convention,” “consolidation pervades the entire constitution.” *Pennsylvania Packet*, December 18, 1787. The Anti-Federalists were fully aware of the terminological inversion in the ratification debates. The Anti-Federalists were clearly the federalists and the Federalists were the true anti-federalists. According to the late eighteenth century English immigrant Thomas Cooper, the vast majority of Americans were “of two classes; the one leaning to an extension rather than a limitation of the powers of the legislative and executive governments [...] inclining to introduce and extend the funding, the manufacturing, and the commercial systems. In this class, rank almost all the executive officers of government, with Mr. Washington at their head; the majority of the members of the Senates [sic], and the greatest part of the opulent merchants of the large towns. This party is denominated the Federalists, partly because they were the chief introducers and supporters of the present federal government and the constitution of 1787; and party from the very ingenious series of letters in favor of that constitution by Mr. Hamilton, termed ‘The Federalist.’

The other party are called, ‘Anti-federalists:’ not because they are adverse to a federal government [...] but in contradistinction rather to the denomination of the other class. The Anti-federalists, at the time when the present American constitution was in agitation, were hostile to the extensive powers given to the government, and wished for more frequent returns to the people, of the authority they were to delegate to their trustees in office.”

\(^{34}\) *Vox Populi* explains several possible scenarios: “Supposing Congress should direct, that the representatives of this commonwealth [Massachusetts] should be chosen all in one town, (Boston, for instance) on the first day of March—would not that be a very injurious institution to the good people of this commonwealth?—Would not there be at least nine-tenths of the landed interest of this commonwealth entirely unrepresented? Surely one may reasonably imagine there would. What, then, would be the case if Congress should think proper to direct, that the elections should be held at the north-west, south-west or north-east part of the state, the last day of March? How many electors would there attend the business?—And it is a little remarkable, that any gentleman should suppose, that Congress could possibly be in any measure as good judges of the time, place and manner of elections as the legislatures of the several respective states.” *Massachusetts Gazette*, October 30, 1787.
There is some overlap between the Anti-Federalists’ objection to consolidation and their objections to the nature of representation in the Philadelphia plan. Most often, Anti-Federalists objected to the size of the House of Representatives, or more specifically, the ratio of representatives to constituents. Since the general government would be assuming powers and functions traditionally handled at the state level (i.e. consolidation), many thought that the general government needed to be much more representative, which would mean that the House would require many more than sixty-five members. The Anti-Federalist Brutus called representation in the proposed plan a “mere burlesque.”35 Some Anti-Federalists also objected to the length of terms in the legislature: two years for the House and six years for the senate (Art 1, sec. 2, 3). Annual elections were the norm in many states, as well as a requirement of the Articles of Confederation (Art. 5).

The third article of the proposed Constitution set up a national judiciary that many Anti-Federalists feared would, in time, swallow up the state courts. They had obvious objections to the supremacy clause (Art. 6, cl. 2) as well as to appellate jurisdiction for the proposed Supreme Court (Art 3, sec. 2, cl. 2). The Constitution would have guaranteed that trials would be conducted in the state in which the crime was committed (Art 3, sec. 2, cl. 3), but would have allowed appeals of both law and fact. Appeals of fact were thought to undermine some of the traditional powers of local juries.

The Articles of Confederation gave Congress the power to tax, but only through a requisition system in which each state collected funds to meet its own quota. The states were notoriously delinquent in meeting their obligations. Attempts to amend the Articles to allow a national impost (a tax on imports) were continuously thwarted. The new Constitution, in

contrast, would have given Congress the power to tax individuals directly (bypassing the states), including property taxes, imposts, and excise taxes (taxes on enumerated goods, e.g. whiskey). Moreover, the states were to be prohibited from levying, without the consent of Congress, import or export duties (Art. 1, sec. 10, cl. 2). States were also to be prohibited from issuing paper money (Art. 1, sec. 10, cl. 1). Anti-Federalists feared unscrupulous tax collectors from the general government and worried that national taxation would inhibit the collection of state revenue.

Finally, the new Constitution would give Congress the power to raise an army and maintain a navy, and to call forth the militias of the states and govern them while under the service of the United States (Art. 1, sec. 8). As we shall see, the militia was an intensely local institution, and many Anti-Federalists thought it was dangerous to surrender control over these forces to the general government, even in emergency situations. The second amendment to the United States Constitution was a response to these worries.

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36 Whiskey was an extremely important commodity in the late eighteenth century because of the poor quality of the early American transportation network. Whiskey, distilled from grain, was much easier to transport than the grain itself. W.J. Rorabaugh has argued that this fact contributed to the early Americans’ heavy drinking. See W. J. Rorabaugh, *The Alcoholic Republic: An American Tradition* (New York: Oxford University Press, 1979). The Whiskey Rebellion was a dispute over an excise tax on distilled grain.
Spatial Theses About Government

“Distance has a physical effect upon men’s minds—”
—Alexander Hamilton, June 18, 1788

“Distance will weaken dependence!”
—Melancton Smith, June 24, 1788

Rosmarie Zagarri has perceptively argued that the Anti-Federalists made “spatial assumptions about government.” Her primary interest is the relationship between size and representation; my concern in this chapter is more general. Anti-Federalist localism was premised on the belief that size and distance matter in the workings of government. Fundamentally, Anti-Federalists wanted to keep their government close, and their representatives closer. More specifically, I contend that the following two spatial theses provide the glue that holds Anti-Federalist localism together.

First, many Anti-Federalists believed that the strength of affection, attachment, and loyalty was, to use modern jargon, negatively correlated with the spatial distance between a citizen and his or her government. The further the government, the weaker the attachment. It may be difficult for the modern reader to understand quite what Anti-Federalists meant by the “distance” between a citizen and his or her government. Modern students of politics see the state everywhere and tend not to think that government can be located in space. It did not take a Foucault to demonstrate the ways in which power, especially state power, extends its many

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38 Convention Debates (Hamilton’s Notes).
39 Zagarri, *The Politics of Size*, 85. Similarly, Richard Sinopoli suggests that “many Anti-Federalists believed ‘consolidated government’ to be incompatible with liberty because…the people are unlikely to feel affection for a distant government.” "Liberalism and Political Allegiance in Anti-Federalist Political Thought,” 130.
tentacles. Of course capitals can be located in space, but “government” cannot, at least not without acrobatics.

In contrast, late eighteenth century Americans wrote as if the government could be located in space. After all, a decade and a half earlier, British Americans could easily find their imperial government in London. Furthermore, as scholars of American Political Development have shown, the American state has grown more powerful and more complicated over time. At a time when governments performed many fewer functions, it made much more sense to speak of government existing in this or that place.

Call the claim that attachment is negatively correlated with distance the attachment thesis. According to the New York Anti-Federalist Cato:

It may be suggested…that whoever is a citizen of one state, is a citizen of each, and that therefore he will be as interested in the happiness and interest of all, as the one he is delegated from; but the argument is fallacious, and, whoever has attended to the history of mankind, and the principles which bind them together as parents, citizens, or men, will readily perceive it. These principles are, in their exercise, like a pebble cast on the calm surface of a river, the circles begin in the center, and are small, active, and forcible, but as they depart from that point, they lose their force, and vanish into calmness.

This thesis was especially important because many eighteenth century Americans accepted (consciously or unconsciously) David Hume’s distinction between force and opinion. Hume pondered “the easiness with which the many are governed by the few” given that “FORCE is always on the side of the governed” and that “the governors have nothing to support them but opinion.” The Virginia Anti-Federalist Richard Henry Lee put the point slightly differently,

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41 Cato III, New York Journal, October 25, 1787.
recognizing that unwise governors might try to use force in spite of Hume’s observation:

“opinion founded on the knowledge of those who govern, procures obedience without force. But remove the opinion, which must fall with a knowledge of characters in so widely extended a country, and force then becomes necessary to secure the purposes of civil government[.].” For both Hume and Lee “opinion” meant something like “good estimation,” or to use the terminology of localism, attachment, affection, or loyalty.44

From the assumptions that governments are maintained by either force or opinion (attachment), and that attachment to government is negatively correlated with spatial distance, it follows that the likelihood of the use of force (tyranny, despotism) is positively correlated with spatial distance. Or, conversely, political liberty (i.e. security)45 is negatively correlated with the distance between the people and their government. Note that I haven’t yet explained the mechanism at work or the reason the Anti-Federalists believed there was an inverse relationship between attachment and distance—Lee suggests an epistemic consideration—but this will have to wait for a subsequent section.

41 Richard Henry Lee to Samuel Adams, April 28, 1788, in Kaminski et al., eds., DHRC Digital Edition. Also see Federal Farmer, Letters to the Republican, October 9, 1787. Brutus notes, “The body of the people being attached, the government will always be sufficient to support and execute its laws[.]” See Brutus I, New York Journal, October 18, 1787.

44 “What is thought of a person by others; the (esp. good) estimation in which one stands; reputation (of being such, or of possessing some quality).” Oxford English Dictionary, s.v. “opinion,” http://www.oed.com/view/Entry/131891?isAdvanced=false&result=1&rskey=nIXIfX& (accessed July 15, 2015).

45 The New York Anti-Federalist “Cato” wrote: “Political liberty, the great Montesquieu again observes, consists in security, or at least in the opinion we have of security; and this security therefore, or the opinion, is best obtained in moderate governments, where the mildness of the laws, and the equality of the manners, beget a confidence in the people, which produces this security, or the opinion. This moderation in governments, depends in a great measure on their limits, connected with their political distribution.” Cato III, New York Journal, October 25, 1787, emphasis in original.
Figure 1: Population Density in the United States, 1790

Source: https://www.census.gov/history/img/1790-b.jpg
Darker shading indicates greater population density.
An important corollary to the first thesis, that attachment to government is negatively correlated with distance, is that the *accountability* relationship between a representative and his or her constituents is also weakened by distance. According to Melancton Smith, Alexander Hamilton’s Anti-Federalist nemesis at the New York Ratifying Convention, “It is a truth, capable of demonstration, that the nearer the representative is to his constituents, the more attached and dependent he will be[.]”

Craig Borowiak calls this distance between representatives and constituents the “spatial gap.” The claim is a corollary of the first thesis insofar as diminished accountability (alternatively: connection, dependence) may itself weaken an individual’s attachment to his or her government. A representative is a representative of his or her constituents to the government as well as a representative of the government to his or her constituents (though in different senses). When a citizen loses faith (alternatively: trust, confidence) in her representative, she is more likely to lose faith in her government. Both the distance between a representative and his constituents and the distance between the government and its citizens may weaken or undermine an individual’s attachment to her government, with important consequences for political liberty.

Second, many Anti-Federalists assumed, again using modern terminology, that there was a positive correlation between diversity and geographical size. Call this the *diversity* thesis. Smaller territories were thought to be more homogenous, in multiple respects, notably manners, climate, and interests. At the New York Ratifying Convention, Governor George Clinton argued, “Each state is but a narrow district compared to the United States: The situation of its commerce,

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46 Convention Debates, June 25, 1788. Luther Martin argued “that the connection between the *representative* and the *represented*, ought to be as near and as close as possible.” *Genuine Information IV*, Baltimore *Maryland Gazette*, January 8, 1788, emphasis in original.


its agriculture, and the system of its resources will be proportionably more uniform and simple[.]”

John Lansing, Jr. suggested that the state legislatures “have but a few varying interests to comprehend in general provisions.”

This relationship between diversity and size is important because (at least according to the dominant republican tradition) the government of a homogenous territory was distinctly capable of legislating for the common good—what “the eighteenth century termed ‘public virtue.'”

A diverse territory, attempting to legislate for itself, could not assume that what was good for the majority was good for all. As Luther Martin put it in his Genuine Information, “the members of a State government, the district of which is not very large, have generally such a common interest, that laws can scarcely be made by one part oppressive to the others, without their suffering in common[.]”

James Madison would contest this reasoning and turn it on its head in Federalist no. 10; yet his argument was radical precisely because it undermined an exceedingly common assumption. Diversity, at least according to many Anti-Federalists, was a threat to be managed rather than an asset to be exploited.

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49 Convention Debates, June 21, 1788.
50 Convention Debates and Proceedings, June 28, 1788.
51 Quotation from Wood, Creation of the American Republic, 68. According to Wood, the Anti-Federalists “became fervent defenders of the traditional assumption that the state was a cohesive organic entity with a single homogenous interest at the very time they were denying the consequences of this assumption” with their attack on elitism and the natural aristocracy. Wood, Creation of the American Republic, 499.
52 Genuine Information II, Baltimore Maryland Gazette, January 1, 1788. Martin’s Genuine Information was an important source of information, throughout the country, on the proceedings of the Constitutional Convention.
Table 5: Summary of Spatial Theses

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<td>attachment thesis</td>
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<td>2. likelihood of despotism is positively correlated with distance</td>
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<td>3. liberty (as security) is negatively correlated with distance</td>
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<td>corollary to attachment thesis</td>
<td>4. connection between a citizen and her representative is negatively correlated with distance</td>
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<tr>
<td>diversity thesis</td>
<td>5. diversity of manners, interests, climate, etc. is positively correlated with a territory’s size</td>
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The Arguments

In this main section of the chapter, I show how the Anti-Federalists used the spatial theses in their arguments for localism understood as preventing authority from being transferred upward in the spatial hierarchy. I am interested in their discourse of legitimation: how they explained and justified the theses, as well as how the theses were combined with other principles and beliefs, with varying levels of complexity and sophistication. Most simply, I hope to provide some insight into how the Anti-Federalists’ localist arguments worked. This, I argue, is the key to understanding what the Anti-Federalists’ localism entailed.

That many Anti-Federalists were attached to their localities (localism in the first sense) is abundantly clear. Centinel, addressing the freemen of Pennsylvania, declared: “You have the peculiar felicity of living under the most perfect system of local government in the world.” Federal Farmer argued, “the strength of the government, and the confidence of the people, must be collected principally in the local assemblies[..]” Agrippa suggested, “It is vain to tell us, that we ought to overlook local interest. It is only by protecting local concerns, that the interest of the whole is preserved.” Finally, A Federalist (actually an Anti-Federalist) declared: “I had rather be a free citizen of the small republic of Massachusetts, than an oppressed subject of the great

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53 Centinel IX, Philadelphia Independent Gazetteer, January 8, 1788.
54 “An Additional Number of Letters to the Republican,” January 23, 1788.
55 Agrippa VII, Massachusetts Gazette, December 18, 1787.
American empire.[n]56 In short, the Anti-Federalists’ localism, understood as attachment to the locality, is incontestable. Accordingly, below my focus is on how localism as theory interacted with localism as activity.

Consolidation and Empire

Perhaps the least sophisticated argument in the Anti-Federalists’ localist repertoire was the claim that the proposed Constitution ought to be rejected because it set up an empire rather than a republic. Yet there is more to this argument than meets the eye. The Massachusetts Anti-Federalist Alfred asked, “Cannot we be a number of confederated states, confederated for the purpose of defence and commerce, without erecting a fabric, more like an empire, than a republic. Empires are considered as despotic, and is there no danger of despotism in the establishment of one so great and complicated as the American will be?”57 Implicit in this query is the belief that the Constitution would, by shifting too much power and too many functions to the general government, consolidate the several states. Without the states as consequential intermediaries, a territory as large as the United States would indeed be an empire, at least in eighteenth century mind.58

But what makes an empire so obviously despotic? Alfred’s answer invokes the first spatial thesis, that despotism (a consequence of weakened attachment) is positively correlated with distance: “Vast empires are in many respects unnatural; but particularly in this, that be they ever so well constituted, THE AFFAIRS OF THE MANY must, in such governments TURN UPON A FEW; and the relation be less sensible, and in a manner lost between the magistrate and

56 Boston Gazette, November 26, 1787.
57 Alfred, Philadelphia Independent Gazetteer, December 13, 1787, emphasis in original.
58 Consider Wolin, Politics and Vision, chapter 3; Wolin, "Tending and Intending a Constitution: Bicentennial Misgivings."
the people, in a body so unwieldy in its limbs, and whose members lie so remote from one from one another, and distant from the head.” Alfred suggests, because of the weakened connection in them between the government and the people. 

Along these same lines, a contributor to the New York Morning Post argued, “There is something unnatural in supposing a large society, sufficient for the good purposes of an independent political union; to extend civil power over distant states, and form grand unwieldy empires, has been one grand source of human misery.” The contributor fails to mention tyranny or despotism, but his point is clear nevertheless. Both Alfred and the contributor to the New York Morning Post argue in favor of confederation and against empire by invoking the attachment thesis: keeping political authority at the local level will guarantee the attachment of the people and prevent the descent into despotism.

In contrast, An Old Whig argued in favor of keeping political authority local, and against consolidating the states into an empire, by invoking the diversity thesis:

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...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...is one, among many examples on this head.... [H]ardly 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. 

59 Alfred, Philadelphia Independent Gazetteer, December 12, 1787, emphasis in original.
60 February 19, 1788. The editors of the DHRC say that “the source from which these “Political Observations” were taken has not been identified[.]” However, four of the six paragraphs are quotations from Richard Price, Additional Observations on the Nature and Value of Civil Liberty, and the War with America: Also Observations on Schemes for Raising Money By... (London: 1777), 75n. Price is quoting from Francis Hutcheson, A System of Moral Philosophy, in Three Books (Glasgow: 1755), 2: 309.
61 An Old Whig IV, Philadelphia Independent Gazetteer, October 27, 1787.
In this passage, An Old Whig is suggesting that the Roman Empire fell because it attempted to rule its diverse peoples under a single government. The Helvetian League (1291-1798), in contrast, is strong because each of the cantons is allowed its own form of government, adapted to its own circumstances. The Roman Empire and the Helvetian League confronted the same basic fact—that a large territory is more diverse than a small one—but responded in different ways. An Old Whig’s argument is ultimately an appeal to history: given that a large territory is more diverse than a small one, the states of the United States ought to keep authority at the local level, according to the model of the Helvetian League.62

These arguments from Alfred and An Old Whig are not particularly sophisticated. They invoke the attachment and diversity theses as primitive truths. Other Anti-Federalists advanced arguments that flesh out why a consolidated empire would lose the support of its citizens and/or fail to legislate for the common good. Federal Farmer, for example, echoes the above claim of Lee and Hume that “the laws of a free government rest on the confidence of the people,” but he adds that such laws “never can extend their influence very far—if they are executed on free principles, about the centre, where the benefits of government induce the people to support it voluntarily[.]”63

Admittedly this does not add much to the first spatial thesis (attachment is negatively correlated with distance). It does, however, move beyond a cryptic metaphysical claim by invoking influence and benefits. The idea is that a government’s effectiveness is spatially constrained, and those living near the government are more likely to receive its benefits (though

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Federal Farmer does not say what these are). And it is the benefits (broadly understood) of
government that work to secure voluntary support.

In yet another variation, Fabius remarks “that a territory of such extent as that of United
America, could not be safely and advantageously governed, but by a combination of republics.”
This is because, Fabius argues, an extensive territory’s “power must languish through distance of
parts.”64 Again, this is only a slight alteration of the arguments discussed previously.
Nevertheless, Fabius contributes an important point about security and the spatial limits of
governmental power. A Farmer (not to be confused with Federal Farmer) adds that an extensive
territory “would be ruined by internal imperfection” because the “authority of government in a
large republic does not equally pervade all the parts; nor are the political advantages equally
enjoyed by the citizens remote from the capital as by those in the vicinity[.].”65 In this passage, A
Farmer is echoing Federal Farmer’s claim about benefit as well as Fabius’s point about power,
but with different terminology (advantages and authority).

Together, Federal Farmer, Fabius, and A Farmer flesh out a first approximation of the
Anti-Federalists’ reasons for accepting the first spatial thesis. An individual’s attachment to his
or her government weakens with distance because a government’s power, authority, and
influence, which are necessary for maintaining public safety, are spatially constrained.66 Citizens
have little reason to support their government if it fails to provide them a modicum of personal

64 Fabius VIII. Pennsylvania Mercury, April 29, 1788, emphasis in original.
65 A Farmer, Philadelphia Freeman’s Journal, April 23, 1788.
66 For additional examples, see Aristides, “Remarks on the Proposed Plan,” January 31, 1788; Luther
Martin, Genuine Information IV, Baltimore Maryland Gazette, January 8, 1788 (quoted by Centinel XIV,
Philadelphia Independent Gazetteer, February 5, 1788).
Moreover, the benefits and advantages of government are more likely to accrue to those citizens residing near the capital, the center of governmental power.

An implication of each of the arguments canvassed in this section is that if the United States were to remain a genuine confederacy, with substantial power maintained locally, the citizenry would remain attached to their government(s). The state governments would be close enough to the people to preserve the peace and secure the benefits of government for their citizens. Put differently, since the national government would be too far away to secure the confidence of the people, its power ought to be limited.

Knowledge

The two spatial theses are far more convincingly deployed when they are combined with epistemic considerations. In fact, epistemic arguments are ubiquitous in the Anti-Federalist discourse of localism. In my discussion of the diversity thesis, I quoted George Clinton’s claim that the several states “will be proportionably more uniform and simple.” He goes on to argue, “To a knowledge of these circumstances, therefore, every member of the state legislature will be in some degree competent. He will have a considerable share of information necessary for enacting laws, which are to operate in every part of the state.” That is, because the states are smaller, they are less diverse, and it is easier for state legislators to gather the information necessary to govern justly and effectively.

Furthermore, Clinton continues, “easy communication with a large number of representatives from the minute districts of the state, will increase his acquaintance with the public wants: All the representatives, having the same advantages, will furnish a mass of

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67 Hobbes provides a classic statement of this position in the “Review and Conclusion” to his *Leviathan.*
information, which will be the securest defence from error.” Not so for the general government, says Clinton. The national legislature “will be totally unacquainted with all those circumstances of any particular state, which mark the proper objects of laws, and especially of taxation.”

Numerous additional examples of this point can be found in the Anti-Federalists’ writings. Anti-Federalists argue consistently that diversity in the extensive territory of the United States generates the need for laws “adapted to the local Habits Feelings, Views & Interests of those distant Parts[.]” Put differently, consolidation is epistemically disadvantageous: “the state legislatures are more nearly connected with the people, and more acquainted with their situation and wants. They better know, when to enforce, or relax their laws; to embrace objects, or relinquish them according to change of circumstances: They have but few varying interests to comprehend in general provisions.”

In some of these arguments, the epistemic implications of the diversity assumption do double duty. Particularized knowledge of the locality allows the government to better understand the wishes and desires of the people, which helps maintain their attachment to the government. Thus, the diversity and attachment theses often work together.

Representation

I have already described, as a corollary to the attachment assumption, the Anti-Federalists’ belief that the connection between an individual and his or her representative is weakened by spatial distance. Here I show how the attachment and diversity theses, combined with a further sociological premise, generate an argument for small electoral districts. For it was

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68 Convention Debates, June 21, 1788.
69 Convention Debates, June 21, 1788.
70 Samuel Adams to Richard Henry Lee, December 3, 1787
71 John Lansing Jr., Convention Debates and Proceedings, June 28, 1788. For additional examples, see Agrippa XVI, Massachusetts Gazette, February 5, 1788; Centinel I, Philadelphia Independent Gazetteer, October 5, 1787.
the Anti-Federalists’ desire to *keep* their representatives *local*, bound to the locality, in small, homogenous constituencies, that made their conception of representation central to their localism.

The additional sociological premise is the belief that the size of a constituency affects the kind of men elected to represent it. James Madison, in *Federalist* no. 10, provided the most famous example of the premise. He argued that since “each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practice with success the vicious arts by which elections are too often carried; and the suffrages of the people being more free, will be more likely to centre in men who possess the most attractive merit and the most diffusive and established characters.”

The same reasoning applies equally well to large districts as large republics. When Madison says that “the suffrages of the people” would be freer, he is suggesting that the electors in a large territory would not be stuck with demagogues or merely local notables. Freer, that is, to select individuals who belonged to what the eighteenth century called the “natural aristocracy.”

The Anti-Federalist Cato came to the opposite conclusion. He says that in national elections, “the choice will be confined to a very few.” What he means is that only “the most diffusive and established characters” would be viable candidates, thereby limiting the constituency’s realistic options. According to Federal Farmer, “nine times in ten, men of elevated classes in the community only can be chosen[.]” Anti-Federalists and Federalists therefore *agreed* that larger electoral districts were more likely to return members of the natural aristocracy, but they disagreed over whether this fact expanded or contracted the electors’

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74 “Letters to the Republican,” Letter III, October 10, 1787.
freedom of choice. They also disagreed over whether members of the natural aristocracy were desirable representatives.

The Anti-Federalists’ argument against the large electoral districts favored by the Federalists utilizes literal and metaphorical senses of distance. The metaphorical sense of distance is the “distance” between the interests of the representative and the interests of his constituency. Popular (i.e. non-elite) Anti-Federalists tended to believe that this distance would be greater in large than in small constituencies because, per Madison’s argument, large districts were more likely to be represented by members of the natural aristocracy. According to Brutus, “the distance between the people and their representatives, will be so very great, that there is no probability that a farmer, however respectable, will be chosen…It will and must be esteemed a station too high and exalted to be filled by any but the first men in the state, in point of fortune[.]” The metaphorical sense of distance can also be understood as the strength of the connection between a representative and his constituents. In the large electoral districts proposed by the Constitution, this distance would be large because members of the national aristocracy could not connect with their ordinary constituents.

Although the Anti-Federalists did not have a modern sense of class, they recognized multiple “orders” of men with potentially conflicting interests. Members of the natural

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75 It should be noted that district elections were not the norm in the late eighteenth century. Connecticut, Pennsylvania, New Hampshire, and New Jersey elected their representatives “at-large” (a single multimember constituency for the entire state). Despite this fact, Andrew Rehfeld had argued that “at the founding of the United States, territorial electoral constituencies were an institutional habit of mind so ingrained in thought and practice that almost no argument about them appears in the literature.” Andrew Rehfeld, The Concept of Constituency: Political Representation, Democratic Legitimacy, and Institutional Design (Cambridge: Cambridge University Press, 2005). The following passage from Federal Farmer suggests that the matter was subject to debate: “By establishing district elections, we exclude none of the best men from being elected; and we fix what, in my mind, is of far more importance than brilliant talents, I mean a sameness, as to residence and interests, between the representative and his constituents[.]” “Letters to the Republican,” emphasis added.


77 Brutus III, New York Journal, November 15, 1787.
aristocracy were thought to be less-than-desirable representatives because their interests conflicted with the interests of their ordinary constituents. Many Anti-Federalists wanted their representatives to share the interests of their constituents. They wanted to minimize the metaphorical distance between citizens and their representatives.

Ensuring that a representative resembled his constituents was the most certain way to reduce the metaphorical distance between citizens and their representatives. According to Brutus, “those who are placed instead of the people…should bear the strongest resemblance of those in whose room they are substituted.” Anti-Federalists argued, and this is crucial, that the best way to ensure resemblance, and to minimize the metaphorical distance between a representative and his constituents, was to reduce the literal (i.e. spatial) distance between them. And the literal distance between a citizen and his or her representative depended on the size of the constituency.

Quite simply, the larger the district, the greater the spatial distance between a representative and each of his constituents. In a large district an individual was less likely to live near his or her representative; citizens and representatives were less likely to reside in the same neighborhood. This meant that the citizens of a large electoral district were less likely to have interacted with their representative and that they were less likely to know their representative personally. As Cornelius put it, “members of Congress…are to be chosen within large circles:

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They will be unknown to a very considerable part of their constituents, and their constituents will be not less unknown to them.”

Furthermore, the extent of a large district meant that it would be more difficult for the representative to become acquainted with each of his constituents and the various sections of his geographical constituency. According to Agrippa, “every member will depend upon thirty thousand people, mostly scattered over a large extent of country, for his election.” It would also be harder for the representative to obtain detailed knowledge of his constituents’ needs, wants, and desires, as well as knowledge of the constituency generally.

To summarize the argument thus far: Anti-Federalists favored small electoral districts because small districts reduce the literal, spatial distance between the modal citizen and her representative. A consequence of reducing the literal distance between representative and citizen is that the representative is more likely to resemble his constituents and identify with their interests. Finally, when a representative identifies with his constituents’ interests, he is more likely to pursue their interests in the legislature, thereby earning their trust, attachment, and support.

Note that the Anti-Federalist argument for small districts is simultaneously a sophisticated argument for the attachment thesis. The idea of resemblance helps fill in an account of the assumption’s mechanism: distance decreases resemblance, and diminished resemblance undermines trust. In the words of Brutus, under the proposed Constitution, the citizenry “will have no persons so immediately of their choice so near them, of their neighbors

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80 *Hampshire Chronicle*, December 18, 1787,

81 *Agrippa XII, Massachusetts Gazette*, January 18, 1788.
and of their own rank in life, that they can feel themselves secure in trusting their interests in their hands.”

A further piece of the argument for small electoral districts flows from the *diversity thesis*. Since, according to the thesis, the size of a territory is positively correlated with its diversity, large districts are more diverse than small districts. Importantly, diversity within electoral districts undermines the entire foundation of the Anti-Federalists’ resemblance ideal. A representative cannot resemble his district, and cannot be disposed to seek its interests, if it contains multiple competing interests. A representative might resemble a *subset* of his constituency, and might be disposed to seek *its* interests, but he cannot resemble the whole district, nor can he be disposed to seek multiple competing interests at once. The argument for small districts from the diversity thesis is therefore fairly straightforward. Representatives of smaller, more homogenous constituencies, which contain fewer competing interests, are more likely to resemble their constituents, and therefore pursue their genuine interests.

The above argument for small districts has important implications for the legislature as a collective body. Anti-Federalists frequently argued that a legislature composed of representatives chosen from large districts would constitute an aristocracy. Given the sociological premise discussed above, each member of the legislature under the proposed Constitution would be a member of the natural aristocracy and would seek the interests of his own order rather than the interests of the common people. In contrast, a legislature composed of representatives elected from small districts would be more numerous and would resemble the diversity of the whole republic. Each of the smaller districts would be more homogenous, and each representative

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would resemble his constituents. The diversity of the resulting legislature would be constructed from internally homogenous constituencies.

The Anti-Federalist ideal of representation trades diversity within constituencies for diversity among constituencies. Such diversity among constituencies guaranteed that the legislature would include representatives from each of the many distinct interests in the republic. According to The Impartial Examiner, “the representation should be complete, that is, it should be such as to comprehend every species of interest within the society. All orders of men, who have any permanent interest in the government, as far as practicable, ought to be represented.”

In this sense, the Anti-Federalist conception of representation has some affinity with contemporary pluralism.

The Anti-Federalist concern with literal and metaphorical distance appears once again in the relationship between the citizenry and the national legislature. The distance between any given citizen and the national capital added insult to the injury of large electoral districts. Not only would the legislature be too small, and filled with aristocrats, it was hundreds of miles away, beyond the gaze of a watchful citizenry. In contrast, the state governments were much closer, and state legislators could be carefully monitored. This was one of many reasons Anti-Federalists would have preferred to keep the most important political powers and functions under state control. As George Mason put it, “[i]f a check be necessary in our own State Government, it is much more so in a Government where our Representatives are to be at the distance of 1000 miles from us without any responsibility.”

The Anti-Federalists imagined that the national legislature, off by itself with a goodie-bag of new powers, would quickly degenerate into an aristocratic tyranny. Any representative who

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83 The Impartial Examiner III, Virginia Independent Chronicle, June 4, 1788.
84 George Mason, (Virginia Convention) Debates, June 11, 1788.
arrived at the capital without aristocratic pretensions would soon fall in with his colleagues, together devising a plot to quash the Americans’ precious liberty. The distance between the capital and their local districts would lead representatives to forget where they came from and to lose sympathy with their constituents at home. According to Gilbert Livingston, national representatives will “reside, with their families, distant from the observation of the people. In such a situation, men are apt to forget their dependence—lose their sympathy, and contract selfish habits.”85 In short, the literal distance between the national capital and the people was especially problematic because it was likely to increase the metaphorical distance between the people’s interests and the interests of the people’s representatives. As Centinel put it, in his characteristically pithy manner, “they may become so independent of the people as to be indifferent of its interests.”86

Trials and Courts

As I’ve already suggested, Anti-Federalists worried that new federal courts would eventually eliminate the state courts. According to Luther Martin, “to have inferior courts appointed under the authority of Congress in the different States, would eventually absorb and swallow up the State judiciaries, by drawing all business from them to the courts of the general government[.]”87 Appellate jurisdiction for the national Supreme Court would have much the same effect: the “equity of our State Judicial Courts, has never been a subject of complaint. Why then should we give up these State trials, and suffer ourselves to be harassed by a long and expensive appeal to a Continental Supreme Judicial Court?”88 State courts were threatened by

86 Centinel II, Philadelphia Freeman’s Journal, October 24, 1787.
87 Luther Martin, Genuine Information VI, Baltimore Maryland Gazette, January 15, 1788.
88 Candidus I, Independent Chronicle, December 6, 1787.
the new Constitution because inferior federal courts, as well as appellate jurisdiction for the national Supreme Court, would render them redundant. In both cases, Anti-Federalists sought to protect state courts in order to keep the institutions of justice close to the people. They wanted to keep justice local.

As a practical matter, appeals to the federal Supreme Court would be expensive because of the spatial distance between the citizens and the national capital. In the late eighteenth century, communication and transportation were especially slow and expensive. Financial losses from inattention while away on judicial business added to the costs of travel. In many cases, the poorest citizens would not be able to afford to pursue their interests on appeal.

In addition to expense, distant trials were thought to be less effective because, as Federal Farmer explains, “when trials of facts are removed to a distance from the homes of the parties and witnesses, oral evidence becomes intolerably expensive, and the parties must depend on written evidence, which to the common people is expensive and almost useless; it must be frequently taken ex-parte, and but very seldom leads to the proper discovery of truth.” Anti-Federalists wanted to keep their courts local so that the judicial process would remain effective and inexpensive.

Even more than inferior federal courts and federal appellate jurisdiction, Anti-Federalist complaints revolved around the jury trial. Most Anti-Federalists complained that the proposed Constitution did not guarantee a jury trial in civil cases. More importantly for my purposes, the Constitution guaranteed a jury trial in the state in which the crime was committed (Art. 3, sec. 2). But this was not enough for most Anti-Federalists, for “an inhabitant of Kentucky may be tried

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90 “Letters to the Republican,” Letter IV, October 12, 1787.
for treason at *Richmond*."^91^ According to Patrick Henry, “By the Bill of Rights in England, a subject had a right to a trial by his peers—what is meant by his peers?—Those who reside near him—his neighbors—and who are well acquainted with his character and situation in life. Is this secured in the proposed plan before you? No, Sir, I think not.”^92^ This Anti-Federalist argument for a “jury of the vicinage” builds on many of the same considerations canvassed in the section on representation.

A jury trial in the locality was considered to be especially important because it was thought that justice required particular *knowledge* of the accused and his circumstances. If the trial were held a great distance from the site of the crime strangers, rather than neighbors and acquaintances, would try the accused. At the Massachusetts Ratifying Convention, Abraham Holmes argued:

> in a criminal process a person shall not have a right to insist on a trial in the vicinity where the fact was committed, where a jury of the peers would, from their local situation, have an opportunity to form a judgment of the *character* of the person charged with the crime, and also to judge of the *credibility* of the witnesses. There a person must be tried by a jury of strangers—a jury who *may be* interested in his conviction; and where he *may*, by reason of the distance of his residence from the place of trial, be incapable of making such a defence, as he is in justice intitled to, and which he could avail himself of, if his trial was in the same county where the crime is said to have been committed.^93^

These considerations in favor of local jury trials have much in common with Anti-Federalist arguments for small electoral districts and local representation. In both cases, spatial distance

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^91^ Centinel II, Philadelphia *Freeman's Journal*, October 24, 1787. Kentucky was still part of Virginia at this time.


^93^ Abraham Holmes, January 20, 1788, A.M. According to Agrippa: “The individual is to take his trial among strangers, friendless and unsupported, without its being known whether he is habitually a good or a bad man; and consequently with one essential circumstance wanting by which to determine whether the action was performed maliciously or accidentally.” Agrippa V, *Massachusetts Gazette*, December 11, 1787.
acts a proxy for the likelihood of personal knowledge, acquaintance, and sympathy, each considered essential for representation and for justice.

The importance of local jury trials also helps to explain the Anti-Federalists’ specific objection to appeals of fact. Of course, Anti-Federalists had objections to federal appellate jurisdiction in general. However, appeals of fact were thought to be especially problematic because they undermined the entire purpose of local jury trials. In the words of The Impartial Examiner, “what is an appeal to enquire into facts after a solemn adjudication in any court below, but a trial de novo?” A trial de novo, held outside the locality in which the crime was committed, would lack the essential knowledge and dispositions only a local jury could provide. Furthermore, members of the natural aristocracy would almost certainly adjudicate a trial de novo, and there was no guarantee that their interests and sympathies would align with those of ordinary people.

To summarize: Anti-Federalists preferred to keep the judiciary close to the people under its jurisdiction. They were skeptical of federal courts for precisely this reason. State courts were more accessible and therefore less expensive and more effective. Furthermore, many Anti-Federalists insisted that juries be selected from the neighborhood of the accused. Jurors drawn from the immediate neighborhood had the local knowledge necessary to tailor their judgment to the particular circumstances of the case. Jury trials, as the democratic component of the judiciary, gave ordinary people a chance to participate in the judicial process. Appeals of fact were resisted because they allowed aristocratic judges to overrule the findings of local juries.⁹⁴

⁹⁴ According to Hampden, “the inestimable right of a trial by jury,” with no appeal of facts, “is the democratical balance in the Judiciary power, without it, in civil actions, no relief can be had against the High Officers of State, for abuse of private citizens[.]” *Massachusetts Centinel*, January 26, 1788.
The Militia

One of the amendments proposed by William Paca at the Maryland Ratifying Convention stated: “Militia not to be subject to the Rules of Congress, nor marched out of the State, without Consent of the Legislature of such State.”

Many Anti-Federalists agreed with Paca that the militias ought to remain under the firm control of the state governments. This was because the militia was “the only defence and protection which the States can have for the security of their rights against arbitrary encroachments of the general government.”

Furthermore, the states “would respectively best know the situation and circumstances of their citizens, and the regulations that would be necessary and sufficient to effect a well regulated militia in each[.]”

Moreover, Anti-Federalists worried that with the militia under national control “you may be dragged from your families and homes to any part of the continent and for any length of time, at the discretion of the future Congress.”

Some Anti-Federalists disagreed that the militia should be under state control. According to Saul Cornell, plebian populists in Carlisle, Pennsylvania were not “especially impressed that the state courts would protect their interests.” Rather, following a riot over the Constitution, they “demanded a hearing in their local community; and, when they were denied that, citizens acting through the militia bypassed the existing structure of both the state and local courts and turned to the militia to settle the matter. In this instance, plebeians viewed the local militia as the final check on tyranny.” Furthermore, the “actions of the militia were not guided by the state, but

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95 Maryland Journal, April 29, 1788.
97 Centinel III, Philadelphia Independent Gazetteer, November 8, 1787.
98 Cornell, The Other Founders, 114.
reflected the views of the local units." This example from Carlisle demonstrates that Anti-Federalists disagreed over how local the militia should be. Some thought the militia should remain under state control; others thought the militia should fall under more local control.

The plebeian conception of the militia is a rare example of dynamic rather than protective localism in Anti-Federalist discourse. Plebeian Anti-Federalists wished to wrest control over the militia from the state government and move it down the scalar hierarchy to the locality (e.g. county). It is not entirely clear, however, exactly what plebian Anti-Federalists had in mind. Did they wish to place control over the militia in the local governments (e.g. town or county)? Or, as Cornell suggests, were local militia units thought to be entirely self-governing? If it was the latter, I contend that the plebian conception of the militia was not an example of localism. The militia, as an independent, mobile network of citizen-soldiers, lacked the necessary connection to geographical place that I have argued is essential to localism. If it was the former, the desire to wrest control of the militia from the state government, to make the militia genuinely local (and not merely independent of the state and national governments), constitutes the necessary attachment to place to qualify as a form of localism.

Conclusion

Whatever else they may have been—communitarians, liberals, conservatives, republicans, democrats—the Anti-Federalists were surely localists. They were localists because they were attached to their localities—their states, towns, and counties—and because they wanted to keep their government close and their representatives closer. Most Anti-Federalists

99 Cornell, The Other Founders, 114.
100 This distinction is discussed in the introduction.
101 On the form of local governments in early America, see Bruce C. Daniels, ed. Town and County: Essays on the Structure of Local Government in the American Colonies (Middletown, CT: Wesleyan University Press, 1978).
opposed the consolidating tendencies of the proposed Constitution because they wished to keep the most significant political powers and functions under the control of their state governments.

If a territory the size of the late-eighteenth century United States were to remain divided into a number of confederated republics, Anti-Federalists reasoned, each citizen would remain attached to his nearby state government. Because the state governments were within reach of the citizenry, they could rely on opinion rather than force. The state governments were smaller and more homogenous, and therefore capable of legislating for the common good. They were better positioned to obtain the knowledge necessary to govern with the confidence of the people.

Anti-Federalists favored small electoral districts because a small, homogenous district was more likely to elect a representative who resembled his constituents, and a representative who resembled his constituents was more likely to pursue their true interests. Furthermore, representatives drawn from small districts were more accessible to their constituents, and more easily monitored. Anti-Federalists wanted to minimize the distance—both literal and metaphorical—between citizens and their representatives.

When the representatives of small, homogenous constituencies gathered together as a legislative body, they would represent each of the diverse interests of their society. Each representative would resemble his constituents, and legislature as a whole would resemble the citizenry as a whole. Yet even a numerous and complete representation in the national legislature, if it were possible, could not completely eradicate the dangers of distance.

Left to its own devices, in a distant national capital, the legislature might degenerate into an aristocracy. Anti-Federalists were never completely comfortable with government conducted at such a distance. A provincial mentality is unmistakably evident in much Anti-Federalist writing; they discussed the national government as though it were a foreign government rather
than their own. Because they were not close to it they could not identify with it and they certainly could not trust it. They could not trust courts outside their home states, nor could they trust juries composed of strangers. They surely could not trust the national government to take control of their own local militias. Ultimately, the Anti-Federalists were localists because they believed that for a government to be their government, and worthy of support, it had to be within their reach.