Introduction

One likes to establish elsewhere what is established at home.
Montesquieu, *EL* 6.29.27

One clear September day in 2010, hundreds of Afghan children gathered on Kabul's Nader Khan Hill.[1] They had come for kites on offer from the Americans. Outlawed under Taliban rule, kite-flying is a favorite pastime in Afghanistan, though it is customarily reserved for boys and men. A contractor for the United States Agency for International Development (USAID) had organized a kite giveaway as part of an initiative to "promote the use of Afghanistan's formal justice system." Kites emblazoned with slogans about women's rights and the rule of law would be given to boys and girls alike. Through play, they would begin to acquire ideas and habits of great political import. But the event did not go as planned. Afghan police took dozens of kites for themselves, and they beat the children with sticks and water bottles to keep them from crowding the distribution tent. In the commotion, very few girls sought or managed to get one of the thousand kites on offer. An aid worker succeeded in pushing her way through a throng of boys to give a kite to a girl. Triumphant, the little girl ran back to her father, who seized the kite and gave it to her brother. "He is my son and he should get the kite," the father explained. The event's chief organizer claimed success when the

[1] Rod Nordland, "Afghan Equality and Law, but With Strings Attached," *The New York Times*, September 25, 2010. www.nytimes.com/2010/09/25/world/asia/25kite.html; Tim Gaynor, "U.S. Project Flies Democracy Message on Afghan Kites," *Reuters*, September 24, 2010. www.reuters.com/article/us-afghanistan-kites-idUSTRE68N2SS20100924.

kites were gone. But one aid worker, responsible for administering the "kite event effectiveness survey," expressed doubt. "That's not a very good example of the rule of law," said Abdul Manem Danish. "Maybe it is the nature of these people that needs to be changed."

Child's play, as it turns out, is a serious subject. Despite the unhappy denouement of this tale, it is difficult to fault those who conceived the plan for a kite giveaway in Kabul, for behind this idea lay the realization that establishing the "rule of law" in Afghanistan would require more than merely constructing liberal political and legal structures and training office-holders to operate them. The event, in other words, demonstrated a degree of insight into the connection between liberal government and the everyday habits and customs of a people. But the tale also betrays our tendency to underestimate the strength of customary points of resistance to unfamiliar liberal values and institutions. The kites were redistributed according to the same illiberal mores they were designed to soften. The aid worker's tragi-comic remark – complete with an oblique and perhaps unintended reference to the power of habit as second nature – signals a realization that the task of political liberalization may be far more difficult than anyone supposed.

Surveying the events of the last fifteen years, one could produce dozens of similar vignettes, and their illustrative force is only intensified as we view them in the context of broader political trends. Following a remarkable 50 percent increase in the portion of democracies in the world from 1973 to 2000, the year 2018 marked the twelfth consecutive year of a net decline in liberal democratic freedoms worldwide, as measured by Freedom House.[2] Laurence Whitehead reminds us that at the dawn of the current century, global democratization seemed to be proceeding at such a pace that some observers had come to regard "the universalization of liberal democracy as an almost 'natural' state of affairs ... as everywhere from Albania to Zimbabwe was assigned a position on a presumably unilinear continuum destined to converge on a predetermined 'end of history'."[3] Such exuberant hopes proved hard to maintain in the face of an Arab Spring turned to Arab Winter and with the return of civil war to Iraq.

[2] "Freedom in the World 2013," Freedom House, last modified February 17, 2018, https://freedomhouse.org/sites/default/files/FIW%202013%20Booklet_0.pdf, 12; "Freedom in the World 2018," Freedom House, last modified March 21, 2018, https://freedomhouse.org/sites/default/files/FH_FITW_Report_2018_Final_SinglePage.pdf.

[3] Laurence Whitehead, "The International Politics of Democratization from Portugal (1974) to Iraq (2003)," in *The International Politics of Democratization: Comparative Perspectives*, ed. Nuno Severiano Teixeira (London: Routledge, 2008), 9. See also Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992).

These trends certainly do not demonstrate that stable constitutional government is unattainable in the Middle East, North Africa, or any other region. But the reality of global democratic stagnation, represented in episodes like our kite story, does serve to raise a set of crucial questions concerning liberal democracy's putative status as the universal regime. What are the preconditions of liberal politics? Should we conceive of liberalism as consisting mainly in a set of institutions and principles that can be installed or applied almost anywhere? Or is liberalism a form of political life that assumes and, in part, consists in a distinctive culture, an "unusual state of mind," in Roger Scruton's phrase?[4] If the latter, how can we reconcile the universal moral claims of liberalism with this reality? Should we expect liberal democracy to prevail at last in all quarters, or should such hopes be tempered by a recognition of its preconditions? Although contemporary events raise these questions afresh, they are as old as liberal theory itself.

This book is written in the conviction that liberal statesmen cannot afford to ignore questions like these, but often do; that contemporary liberal theory has impoverished itself by losing sight of questions of this kind; and that Montesquieu's political philosophy and political science can enrich our reflections concerning this family of questions and teach us to ask them more often and probingly.

At bottom, these questions require us to confront the problem of liberalism's contested universality, and no early liberal theorist was more alive to this problem than was the baron de Montesquieu.[5] In the present

[4] Roger Scruton, *The Uses of Pessimism: And the Danger of False Hope* (Oxford University Press, 2010), 189. Emphasis in original.

[5] The term "liberalism" is of nineteenth-century vintage, but in treating Montesquieu as an intellectual founder of classical liberalism, I follow a century of scholarship. Émile Faguet, *La Politique compareé de Montesquieu, Rousseau et Voltaire* (Geneva: Slatkine Reprints, 1981 [1902]), may have been the first to pronounce, "Montesquieu est un liberal" (14). His judgment is shared by Raymond Aron, *Main Currents in Sociological Thought: Montesquieu, Comte, Marx, de Tocqueville, and the Sociologists and the Revolution of 1848*, 2 vols. (New Brunswick, NJ: Transaction Publishers, 1998), 1.1; Isaiah Berlin, "Montesquieu," in *Against the Current*, ed. Henry Hardy (Princeton University Press, 2013), 164-203; Bernard Manin, "Les deux libéralismes: marché ou contre-pouvoirs," *Intervention* 9 (1984), 10–24; Judith N. Shklar, *Montesquieu* (Oxford University Press, 1987); Thomas L. Pangle, *Montesquieu's Philosophy of Liberalism* (University of Chicago Press, 1973); Diana J. Schaub, *Erotic Liberalism* (Lanham, MD: Rowman & Littlefield, 1995); Pierre Manent, *An Intellectual History of Liberalism* (Princeton University Press, 1996); Sharon Krause, *Liberalism with Honor* (Cambridge, MA: Harvard University Press, 2002); Catherine Larrère, "Montesquieu and Liberalism: The Question of Pluralism," in *Montesquieu and His Legacy*, ed. Rebecca E. Kingston (Albany, NY: State University of New York Press, 2008), 279–302; Paul O. Carrese, *Democracy in*

study, I argue that the two principal elements of Montesquieu's thought – his liberal constitutionalism and his critique of political universalism – are mutually reinforcing and complementary parts of a coherent whole. Far from being orthogonal to or in contradiction with his normative commitments, Montesquieu's rejection of universal politics flows from the logic of his liberalism and shares with it the common purpose of securing a stable, moderate politics of liberty. By addressing ourselves to this interpretive task, we may gain insight into the character of liberal political philosophy. A serious encounter with Montesquieu's thought opens to our view the possibility of a liberalism that is, on principle and by design, opposed to universalism in politics and uniquely alert to the relationship of politics and culture. We can best understand Montesquieuian liberalism not merely as an embryonic antecedent of today's liberalism, but rather more aptly as an alternative, half-heard variety of liberal theory that is strong and well-developed at certain points where contemporary liberal theory and statecraft falter. By reorienting our understanding of liberalism and redirecting our attention to modern liberty's distinctive preconditions, a return to Montesquieu's political philosophy leaves us better prepared to confront sensibly the questions we have adumbrated above, and the practical challenges that continue to thrust them into our field of vision.

In this Introduction, we briefly consider the status of these questions in the contemporary theory and practice of politics, identifying several deficiencies in light of which a recovery of Montesquieu's example appears especially fitting. We then turn to the tasks of framing the nested interpretive and theoretical problems of this study and sketching an overview of the book.

IDEAL THEORY AND IDEAL STATECRAFT

No one will accuse late twentieth-century liberal theory of a preoccupation with "facts on the ground." As John Tomasi argues, the "most striking characteristic of academic theorizing" in the wake of Rawls's *Theory of Justice* has been the "willingness of liberal theorists to separate the professional discipline of political philosophy from the more civic

Moderation: Montesquieu, Tocqueville, and Sustainable Liberalism (Cambridge University Press, 2016); and many others. For a learned alternative, see Céline Spector, *Montesquieu: Pouvoirs, richesses et sociétés* (Paris: PUF, 2004); Céline Spector, "Was Montesquieu Liberal? *The Spirit of the Laws* in the History of Liberalism," in *French Liberalism from Montesquieu to the Present Day*, ed. Raf Geenens and Helena Rosenblatt (Cambridge University Press, 2012), 57–72.

ideal of political wisdom," understood as "the skill of negotiating the boundaries between theoretical ideals and practical realities."[6] Robert S. Taylor notes that reflections on political transitions or political change have been a special casualty of liberal theory's turn toward the abstract task of identifying "realistically utopian" principles of justice, to the exclusion of feasibility and implementation considerations.[7] Similarly, Douglas Casson observes that as "modern liberalism has come to understand itself as primarily a set of political axioms that can be universally endorsed," we have diminished our capacity to appreciate "the difficulty of fostering stable and just communities at home and abroad."[8] In view of such deficiencies, David Miller suggests the need for a mode of "political philosophy that is sensitive not only to general facts about the human condition but also to facts of a more specific kind, *facts about particular societies*, or types of societies."[9]

In his seminal work, *A Theory of Justice* (1971), John Rawls does indeed comment on the capacities, attitudes, and qualities necessary to sustain liberal democracy; he writes of the need for a sense of justice, mutual trust, and an attitude of friendship among citizens.[10] But as Peter Berkowitz points out, Rawls too readily assumes that well-ordered liberal institutions themselves will produce the qualities necessary for their own stability.[11] With a lick and a promise, Rawls assures us that "when institutions are just (as defined by this conception), those taking part in these arrangements acquire the corresponding sense of justice and desire to do their part in maintaining them."[12] Ideal liberal institutions produce

[6] John Tomasi, *Free Market Fairness* (Princeton University Press, 2012), 205.
[7] Robert S. Taylor, "Democratic Transitions and the Progress of Absolutism in Kant's Political Thought," *The Journal of Politics*, 68, no. 3 (2006), 558.
[8] Douglas Casson, *Liberating Judgment: Fanatics, Skeptics, and John Locke's Politics of Probability* (Princeton University Press, 2011), 1, 17–18.
[9] David Miller, *Justice for Earthlings: Essays in Political Philosophy* (Cambridge University Press, 2013), 18. Emphasis added. Miller goes on to note that one of the benefits of such a mode of political philosophy is that, "We will not be tempted to apply the principles in question outside of their proper context. We will not, for example, prescribe that governments everywhere should be constituted democratically, on the grounds that democracy is the only legitimate principle for allocating political authority."
[10] John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), ch. 8; esp. 469–79.
[11] Peter Berkowitz, *Virtue and the Making of Modern Liberalism* (Princeton University Press, 1999), 25–6.
[12] Rawls, *Theory of Justice*, 454. Earlier, he explains, "But man's propensity to injustice is not a permanent aspect of community life; it is greater or less depending in large part on social institutions, and in particular on whether these are just or unjust" (245). See John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), 194–5.

the virtues or qualities necessary for their own maintenance, and a failure in practice to produce those qualities indicates a defect in institutions and the principles they reflect. Rawls assumes that the correct principles of justice, embodied in institutions, "will win the full motivational compliance of all citizens."[13] Thus on his account, even earthy concerns about feasibility and stability lead us back to the tasks of identifying the abstract principles of justice and idealized institutions.

None of this is terribly satisfying. But even if Rawls had not collapsed the question of liberal stability into his search for ideal principles, it would remain the case that his approach to liberal theorizing places the emphasis squarely upon principles of justice. And this emphasis, as much as the defects in his treatment of the origin of liberal capacities and dispositions, seems to account for the theoretical trend that Tomasi and others criticize.

In recognition of the excessively abstract character of Rawlsian liberal theory and in response to the power of Alastair MacIntyre's and Michael Sandel's critical efforts, a number of liberal theorists over the last thirty years have attempted to construct, or to recover from history, an account of the habits of heart and mind upon which liberal democracy depends.[14]

Berkowitz, *Virtue and the Making of Modern Liberalism*, 25–6, and Bonnie Honig, *Political Theory and Displacement of Politics* (Ithaca, NY: Cornell University Press, 1993), 143–4, are critical of this line of thought in *Theory of Justice*. See also David Walsh, *The Growth of the Liberal Soul* (Columbia, MO: University of Missouri Press, 1997), 85.

[13] Tomasi, *Free Market Fairness*, 206.

[14] Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (South Bend, IN: University of Notre Dame Press, 1981); Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge University Press, 1982). See Rita Koganzon, "Contesting the Empire of Habit: Habituation and Liberty in Lockean Education," *American Political Science Review,* 110, no. 3 (2016), 547–58; Ruth W. Grant, "John Locke on Custom's Power and Reason's Authority," *The Review of Politics,* 74 (2012), 607–29; Casson, *Liberating Judgment*; Krause, *Liberalism with Honor*; Emily R. Gill, *Becoming Free: Autonomy and Diversity in the Liberal Polity* (Lawrence, KS: University of Kansas, 2001); Berkowitz, *Virtue and the Making of Modern Liberalism*; Thomas A. Spragens, *Civil Liberalism: Reflections on Our Democratic Ideals* (Lanham, MD: Rowman & Littlefield, 1999); Nathan Tarcov, *Locke's Education for Liberty* (Lanham, MD: Lexington Books, 1999); Richard Dagger, *Civic Virtues: Rights, Citizenship, and Republican Liberalism* (Oxford University Press, 1997); Ronald Beiner, *What's the Matter with Liberalism?* (Berkeley: University of California Press, 1992); William Galston, *Liberal Purposes: Good, Virtues, and Diversity in the Liberal State* (Cambridge University Press, 1991); Richard Rorty, *Contingency, Irony, and Solidarity* (Cambridge University Press, 1989). Regarding Rorty's inclusion in this list, see William Curtis, *Defending Rorty: Pragmatism and Liberal Virtue* (New York: Cambridge University Press, 2015). Amy Gutmann, *Democratic Education* (Princeton University Press, 1987), focuses mainly on the virtues necessary for democratic deliberation. Stephen Macedo, *Liberal Virtues: Citizenship,*

Most of these efforts have focused on moral and intellectual virtues conducive to the liberal project, while others have considered more broadly the capacities and dispositions that liberal citizens must possess.[15] Each of these studies recognizes that well-ordered liberal institutions, no matter how ideal, cannot themselves produce all of the cultural, moral, and intellectual conditions necessary to their preservation. At times, studies of this kind can partake of an idealism of their own, spinning out lists of impressive "liberal virtues" with no realistic account of their sources and cultivation. But on balance, this turn to liberal culture represents an edifying departure from Rawlsian theory's narrow focus upon abstract principles and formal institutions. The present study travels in the same lane but attempts to go further.

The deficiencies of contemporary liberal theory in the wake of Rawls are, as I have intimated, strangely mirrored in contemporary liberal statecraft. Historian Richard Bourke observes that the "retreat of political philosophy onto the terrain of abstract morals," exemplified in the work of Rawls and Dworkin, "overlapped with the rise of moralism ... in international affairs."[16] It was not John Rawls, but President George W. Bush, who said that "it is the practice of democracy that makes a nation ready for democracy, and every nation can start on this path."[17] He identified democratic institutions as the source of democratic mores, thereby tabling the question of whether Iraq was ready for democracy. In addition to this optimism about the power of formal institutions themselves, President Bush also famously maintained and apparently acted on the view that a natural human nisus toward freedom could supply the

Virtue, and Community in Liberal Constitutionalism (Oxford: Clarendon Press, 1990), follows Rawls in holding that "liberal regimes are capable of generating a common ethos" to sustain themselves, despite his rejection of Rawls's view that liberal virtues can remain merely in the public or political sphere (285; 45, 51–73).

[15] For a helpful account of the trajectory of the "virtue liberalism" in contemporary political theory, see Curtis, *Defending Rorty*, 7–21.

[16] Bourke refers explicitly to Bush-era foreign policy. Richard Bourke, "Hume's Call to Action," *The Nation*, April 20, 2016. www.thenation.com/article/humes-call-to-action.

[17] President George W. Bush, "Remarks on the 20th Anniversary of the National Endowment for Democracy, November 6, 2003," in *Public Papers of the Presidents of the United States: George W. Bush, 2003, Book 2, Presidential Documents – July 1 to December 31, 2003* (Washington, DC: Government Publishing Office, 2006), 1471.

qualities necessary to sustain liberal democracy in Iraq, and anywhere else.[18] As he argued in his 2003 speech at Whitehall,

> In our conflict with terror and tyranny, we have an unmatched advantage, a power that cannot be resisted, and that is the appeal of freedom to all mankind... Perhaps the most helpful change we can make is to change our own thinking. In the West, there's been a certain skepticism about the capacity or even the desire of Middle Eastern peoples for self-government. We're told that Islam is somehow inconsistent with a democratic culture. Yet more than half of the world's Muslims are today contributing citizens in democratic societies...
>
> Peoples of the Middle East share a high civilization, a religion of personal responsibility, and a need for freedom as deep as our own. It is not realism to suppose that one-fifth of humanity is unsuited to liberty; it is pessimism and condescension, and we should have none of it.[19]

A year later, in his second inaugural address, President Bush would chastise those who "have questioned the global appeal of liberty." "Eventually, the call of freedom comes to every mind and every soul," he asserted. "Liberty will come to those who love it."[20] In his 2003 address before the US Congress, Prime Minister Tony Blair similarly rejected the "myth that though we love freedom, others don't; that our attachment to freedom is a product of our culture." A universal human love of freedom accounted for the fact that "anywhere, anytime ordinary people are given the chance to choose, the choice is the same: freedom, not tyranny; democracy, not dictatorship." But of course, there is a worm in the rose. As Charles Kesler observes in his critique of this rhetoric, a man's desire for freedom does not guarantee that he will desire the same for his

[18] "We believe that liberty is the *design of nature*; we believe that liberty is the direction of history ... And we believe that freedom – the freedom we prize – is not for us alone, it is *the right and the capacity of all mankind*." Emphasis added. Bush, "Remarks on the 20th Anniversary of the National Endowment for Democracy," 1474.

[19] President George W. Bush, "Remarks at Whitehall Palace in London, United Kingdom, November 19, 2003," in *Public Papers of the Presidents of the United States: George W. Bush, 2003, Book 2, Presidential Documents – July 1 to December 31, 2003* (Washington, DC: Government Publishing Office, 2006), 1576–7.

[20] This mode of argument and its detractors have a long history in American political discourse. When, as evidence of the naturalness of democratic republics, Samuel Adams asserted that a "love of liberty" is "interwoven in the soul of man," John Adams shot back, "So it is, according to La Fontaine, in that of a wolf." John Adams to Samuel Adams, October 18, 1790, in *The Works of John Adams*, ed. Charles Francis Adams (Boston: Little, Brown & Co., 1850–56), vol. 6, 417. See also, illustratively, William Jennings Bryan, "Imperialism," in *Speeches of William Jennings Bryan*, ed. William Jennings Bryan (New York, London: Funk & Wagnalls Company, 1909), vol. 2, 24–5.

neighbor; his desire not to be oppressed does not guarantee that he will not oppress.[21]

Taking stock of these practical oversights and theoretical blind spots provides us an occasion to appreciate the distinctive character of Montesquieu's liberal political philosophy. If ever there was a work of "political philosophy that is sensitive . . . to facts of a more specific kind, facts about particular societies" (David Miller's tall order), it is Montesquieu's magnum opus, *The Spirit of the Laws* (1748). Montesquieu displays a Herodotean fascination with the mores and manners of virtually every known people on the face of the earth, and he invites theorists and statesmen to attend carefully to the relationship of political institutions to character, custom, and culture: all of this in the context of a robustly liberal project. His political theory lingers over a set of problems commonly (and dangerously) obscured in contemporary liberal theory and statecraft. The aim of the present study is not simply to catalogue the preconditions of liberal government as Montesquieu saw them, although we will certainly consider his approach to such along the way. Rather I seek primarily to explain how Montesquieu develops a liberal constitutionalism that avoids the inclination toward abstract political universalism, a tendency that besets some other strains of liberal theory and entails a neglect of liberalism's "dispositional" preconditions.

No study of Montesquieu's thought can address our contemporary political concerns in a direct or immediate manner. The focal point of this book is not Kabul, Baghdad, or Tripoli, but rather an interpretive difficulty at the heart of *The Spirit of the Laws*, a problem I shall outline later. Yet it is entirely appropriate, as we revisit great works of political philosophy, that we should find the events of our day allow us to see in a text what we had not seen before, to discern connections that had not previously disclosed themselves, and to follow threads we would not otherwise have bothered to trace. If great texts of political philosophy treat perennial questions, questions continually implicit in and arising out of political

[21] Charles R. Kesler, "Democracy and the Bush Doctrine," in *Life, Liberty, and the Pursuit of Happiness: Ten Years of the Claremont Review of Books*, eds. Charles R. Kesler and John B. Kienker (Lanham, MD: Rowman & Littlefield, 2012), 171–2. The withdrawal of all American forces from Iraq in 2011 – a decision predicated on our having left behind a putatively "sovereign, stable and self-reliant Iraq" – seemed to betray a similarly deficient understanding of liberal democracy's preconditions. President Barack Obama, "Remarks at Fort Bragg, North Carolina, December 14, 2011," in *Public Papers of the Presidents of the United States: Barack Obama, 2011, Book 2, Presidential Documents – July 1 to December 31, 2011* (Washington, DC: Government Publishing Office, 2015), 1548.

action, we should not be surprised when an encounter with such a text leaves us with a new way of understanding the problems that remain with us. This approach stands at some distance from antiquarian treatments of the history of political thought; it stands equally distant from efforts to inject the details of a current controversy into a text from an earlier time.

Montesquieu is not a participant in a twenty-first-century debate concerning regime change in the Islamic world, but neither was he merely a disputant in an eighteenth-century debate over the *ancien régime*. Although he endeavored to shape the politics of his day, he believed he had written a work of enduring political significance.[22] He even wondered, with a touch of dark irony, whether *Spirit* would prove more useful in a later age than in his own: "I have resolved ... to persuade myself that seven or eight hundred years from now, there will arrive a certain people for whom my ideas will be very useful" (*MP* 1940).

MONTESQUIEU'S POLITICAL PARTICULARISM

The Anglo-American reception of Montesquieu's *The Spirit of the Laws* has long emphasized his constitutionalism as contained especially in his admiring account of English liberty. In the eighteenth century, publishers in London and Edinburgh printed excerpts on the English system of government as free-standing pamphlets – the "essential Montesquieu" for British subjects. Anglophone readers, statesmen, and scholars have tended to see Montesquieu's accounts of the separation of powers, judicial independence, federalism, and limited government as his chief contributions to the science of law and politics.[23] Indeed, it is on the basis of

[22] *The Spirit of the Laws* is a work written not only for men of letters, but also for men of political action. Montesquieu modestly notes that *The Spirit of the Laws* "would not be useless in the education of young princes, and would perhaps be worth more to them than vague exhortations to govern well, to be great princes, to make their subjects happy – which is the same thing as exhorting a man who does not know the first propositions of Euclid to resolve some nasty geometry problems" (*MP* 1864). There is significant anecdotal evidence to support the view that Montesquieu hoped that his work would be read in the royal palaces of Europe. See Robert Shackleton, *Montesquieu: A Critical Biography* (Oxford University Press, 1961), 62, 121, 366; Montesquieu à Guasco, March 28, 1748, Nagel 3:1112–14; Montesquieu à Charles-Edouard, March 1748, Nagel 3:1114; Montesquieu à l'abbé Venuti, July 22, 1749, Nagel 3:1247–50; Montesquieu à Guasco, 1753, Nagel 3:1471–2.

[23] See, illustratively, James Madison, Alexander Hamilton, and John Jay, *The Federalist Papers,* ed. Clinton Rossiter (New York: Mentor, 1999); Herbert Storing, ed., *The Complete Anti-Federalist* (University of Chicago Press, 1981), vol. 1, 378; Thomas Jefferson, *Political Writings*, eds. Joyce Appleby and Terence Ball (Cambridge University