

THE AGE OF FINAL POLICY
Heirs of Antifederalists Lose Faith in Their Fathers*
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American politics forgives apostasy with remarkable indulgence. Marxists and communists frequently learned this, as they lurched from bombast to submission over a sixty-year period. Consistently misreading the culture of American politics and often speaking as aliens rather than peers, they nonetheless benefited from recognition as “fellow citizens.” Throughout this period, and continuing still, progressives have built upon foundations of antifederalism—fears of privilege and organized wealth—without ever understanding why the Antifederalists considered theirs the true conception of democracy. In the most recent agonizings about American political culture these heirs of Antifederalists (not the only heirs by any means) reflect sustained commitment to antifederalist democracy but have made no advance in understanding its genuine aims. For that reason now, and ever since the inception of the New Deal, they have pursued the one substantive goal which is entirely incompatible with antifederalism—namely, the conceit that there is some one policy or one set of policies which constitute salvation for democracy. Their goal is to end, finally, the one objective of all true antifederalism, which is to assure a cultural and political agility which enables the people, consistent with their own presumptions, to follow such policies as they wish, from age to age. Antifederalism built upon opposition to notions of final policy, politically administered, while contemporary progressives seek still the illusion of a final policy that resolves social and political contradictions.

Gordon Lloyd and I captured the Antifederalists suspicions about final policies bottomed on governmental authority in our essay “In Support of Capitalism and Democracy”:

“The Antifederalists were deeply suspicious of economic and political privilege... They warned that the unlimited power over trade bestowed on Congress by the new Constitution would lead to the establishment of monopolies which, in turn, would give undue influence in government to the ambitious few... They asserted that the prosperity of the nation was best served when a large number of buyers and sellers pursued their self-interest in a market place free from the regulation and intrusion of a central government... Such power not only distorted allocation decisions and enervated the enterprising spirit, it also provided government with revenue for pursuing the aristocratic goals of international respect and grandeur... [And] They admitted that in the nature of things certain inequalities were unavoidable. However, necessary inequalities were acceptable if they were compensated for by the elimination of unnecessary social inequality spilling over into the political realm which would, in turn, become the foundation for legitimizing both political and social inequality as natural...¹

These core Antifederalist views were tied to broader social and political views in which the Antifederalists defended, essentially, an open-ended democratic process as the only just form of political association. An open-ended political process is precisely one in which the conceits

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¹ W. B. Allen & Gordon Lloyd, *The Essential Antifederalist* (Lanham, MD: University Press of America, 1985), ch. 4, pp. 225-226.

of legislators (of the founding variety) do not over-ride the preferences of ordinary citizens. Every attempt at final policy (that is, foreclosing future democratic deliberation), by contrast, is predicated on a legislative presumption that popular will shall always prove inadequate to the necessities of justice.

The inverse is not applicable: there is no presumption that popular will shall always be generous and just. Rather, it is acknowledged that from place to place and time to time popular will shall waver, subject to generous and stingy influences. Antifederalists argued, however, that only a government organized so as to sustain the legitimate authority of that will could be just. Consequently, the practical effect into the indefinite future that Antifederalists had to expect was a dynamic politics that would merit variously praise as just and inclusive and criticism as unjust and exclusive.

This conception of political life poses a severe challenge to contemporary progressives, who suffer deeply by the thought of unborn millions who will not enjoy assured benefits beyond the “mere” benefit of a just government. In that respect they are much oriented as the founders were, although the founders spoke of unborn posterity rather as peers than as beneficiaries and were content to leave to them the policy determinations which would govern their specific enjoyments.

The Politics of Doers and Sufferers

The progressives’ dilemma emerged first in the most famous phrase from John F. Kennedy’s inaugural address:

Ask not what your country can do for you; ask what you can do for your country.

Kennedy’s high rhetorical gloss struck an immediate but not a lasting responsive chord in his countrymen. The effect was immediate for the sufficient reason that ordinary humanity is ennobled by calls for self-sacrifice. Such calls rightly convey to human beings a sense of their own worth and self-sufficiency. The effect could not be sustained, however, because of Kennedy’s unfortunate selection of the second person voice in which to phrase it. Over the long haul the expression separates the policy-maker from the citizen. “Ask not [me] what your country [I] can do for you.” It is perhaps not surprising, therefore, that all of our political culture since has been focused on the question of the effect of government on non-governing citizens. From the War on Poverty through Affirmative Action to the still unnamed “redemption of the middle class” the political culture of the United States has come to be grammatically parsed as a relation of doers and sufferers. The vote—in elite discussions—does not rise beyond the level that Aristotle attributes to the voice of beasts: sufficient to convey pleasure and pain but not to distinguish the advantageous and the disadvantageous. Had Kennedy been minded to speak in the first person singular—of the manner, perhaps, of saying, that “each night before I fall to sleep, I ask myself, not what my country can do for me, but what I can do for my country”—he could have embraced his fellow-citizens in a common responsibility for making the decisions that would determine the extent and character of their enjoyments. Alas, he did not.

Getting Things Right

When Cohen and Rogers reduce the 1994 election and all other American elections to “an economic referendum” they subscribe to the concept of a politics of doers and sufferers.

This would be sufficient to explain why their “explanation” of indigenous politics at the local level can find much justification in the New Party but none in the Christian Coalition (which occupied the ground prior to the New Party, though subsequently to Jane Fonda and Tom Hayden’s unsuccessful venture in California). If readers were meant to take more than hortatory value from this description, they would fail to find it in so limited an account.

The account is limited, I believe, because it has not taken seriously the Antifederalist understanding that there is no intrinsic connection between the efficacy of the political methodology and the policy objectives espoused by the New Party. This is the identical intellectual flaw which leads Cohen and Rogers (among others) to expect that involving unions, environmental special interests, and other non-traditional centers of authority in corporate decision making will tend to make such nouveau participants anything other than corporate decision makers. It values policy-making above constitutionalism and prescribed results above open-ended responsibility. Accordingly, one suspects that, not unlike early century progressives, Cohen and Rogers would lose much of their enthusiasm for methods, which in themselves are surely commendable, if they had to face the reality that the folk who applied them came to sensibly different political conclusions.

The evidence of recent American elections (including the 1994 election) makes quite clear that voters who participate in the elections have lost substantial confidence in an array of “final policy” alternatives of the last generation. Moreover, they have diminished confidence in the policy makers. Their embrace of term-limits is no accident, representing the more robust form of Antifederalism which progressives are loath to acknowledge. Nor is it less meaningful that many prospective voters, in the face of this wave, do not vote. The rationalizations—excuses—of alienation and other pseudo-psychological accounts cannot displace the obvious conclusion that, insofar as these prospective voters are conscious of the moving wave, they participate in it at least to the extent of welcoming it in precisely the manner as the bather who allows the wave to break over his head at the beach. The decline of the Democratic Party is not a mere decline of a liberal reliquary. It far rather reflects popular disenchantment with a politics of doers and sufferers, and a potential reinvigoration of sentiments of self-government.

A Voice of Political Unity

Partisanship contributes nothing at all to the meaning of American democratic life. George Washington provided what remains the most successful lesson on that theme in his “Farewell Address.” The extraordinary difficulty which even intelligent people meet in dealing with that reality demonstrates the utter necessity of Washington’s lesson. Schor’s dream about her own chance to be a George Washington conveys an utter unawareness that her vision must be addressed not only to the handful of adherents of a tendentious cause but to an entire citizen body among whom are many whom she requires to demonstrate a genuine affection for in order to establish her legitimate claims.

What Schor in fact does, however, is to speak to the initiate; she resembles nothing so much as Koestler’s poor Rubashov, speaking to the party of adherents on account of having nothing to say to anyone else. Thomas Jefferson’s first inaugural proudly proclaimed, “We are all Republicans; we are all Federalists.” What looked like mere rhetoric was in reality a substantial acknowledgment of the limits of partisanship, its subordination to the sense of membership in a single “people.” Schor may have good reasons to eschew national identity.

However those reasons do not establish any purchase for her judgments of the political system founded on United States national identity. Insofar as that identity is democratic, it becomes still more urgent that contributions to the deliberations sponsored by it establish themselves on the grounds of that identity. Nothing is more inappropriate in democratic politics than a rhetoric of “us” and “them” in point of the citizens common domestic concerns.

As I read Schor she regards her exclusive rhetoric as appropriate only to the extent her conceit of a final policy projects a time when, matters arranged conformably to her vision, there will be no such souls among her fellow citizens as those she considers responsible for contemporary dysfunctions. Not needing to fear their future existence, she need take no heed of their present being. Accordingly, she is free to discuss economic trends leading to wage degradation without ever mentioning tax rates. Similarly, she is deaf to the diverse answers to the questions she poses, regarding quality of life, kinds of growth, and distribution of benefits. Her task is to generate a final policy to answer these questions, when the point should be to live in a society in which persons can make these decisions for themselves—and make their decisions stick.

For this reason, I do not take particular note of the policy prescriptions themselves. They constitute answers to contingent circumstances which purport to respond non-contingently and are, accordingly, obviously flawed. It is even appropriate to ignore the over-dramatized rejection of Clinton Administration policies, while she simultaneously embraces the most important statement of Administration objectives: “a world trading system whose foundation is a series of international agreements guaranteeing basic rights and protections for workers and citizens.” The notion of an international civil society, entertained as a point of transition from the nation-state, is the very objective of contemporary “global village” rhetoric, including that of the Clinton Administration.

The Global Village

That “global village” rhetoric characterizes contemporary progressives probably surprises no one, although it would certainly surprise early century progressives. The “silver” solution progressives in some ways initiated the age of “final policy,” though not so thoroughly as their successors in the New Deal. Woodrow Wilson, however, responded to silver advocates definitively with annunciation of the arrival of the global village nearly a century ago:

They [proponents of silver as the basis of coinage] were easily persuaded that money would be more plentiful... They were not studious of the laws of value. They knew the resources of the country were abundant, that its prosperity came from its own skill and its own wealth of rich material, and that it was getting a certain predominance in the markets of the world. They could not see why it should not be sufficient unto itself, why its standards of value should not be its own, irrespective of the practice of other countries, why its credit should be affected by the basis upon which the currency of other countries rested, or why international trade should dominate its domestic transactions. All the world had in fact become at last a single commercial community.²

² Woodrow Wilson, *History of the American People*, 1901.

In this passage Wilson described the 1896 election won by McKinley and Republican majorities in both houses of Congress, and in which the “cheap money” progressives were defeated by the “global village” party. That progressives today constitute the “global village” party only serves to underline the importance of recurring themes in American politics, and the little likelihood of any final policy ever gaining permanent ascendancy.

The idea that the “global village” means that we now live, as Schor maintains, with “America’s archaic political system” remains not only an untested idea but a probably meaningless assertion. The transition she would urge, away from the nation, has by no means been a necessary consequence of learning to live in a “single commercial community.” Moreover, the very fact of exertions to preserve the fundamental principles of the United States in the face of changing contingencies domestically and internationally all point to the likelihood and desirability of confronting policy decisions with an informed understanding of the requirements of those principles. It was never intended at the founding of the United States that the regime designed might live thereafter unreflectively. Or, to state it differently, while it may be possible to choose a constitution by reflection and choice, it does not necessarily follow that the people who do so will live immune to the consequences of accident and force. Alexander Hamilton, of course, spoke of “good government” rather than “constitution” in that formulation from the first *Federalist Paper*. Schor, however, speaks of a good economy, a “good quality of life,” rather than good government, presumably because the point is to escape the dynamism of democratic self-government insofar as it affects primarily economic questions. What possible constitutional principles could accomplish such a magical feat?

Final Policy Versus Constitutionalism

In the last analysis, American politics today seems to be a much about learning to live without final policy as anything else—with accepting reasonable uncertainties in our collective life while retaining justified confidence in those institutional requisites designed to render uncertainties manageable. A constitution is an alternative to final policy, whose purpose is to assure real opportunities to escape the ill effects of policies poorly chosen. The goal of the new constitutionalism is to put policy back in its place, and thus to avoid so entailing the community’s future as to render meaningful choice to unborn posterity beyond reach.

In this sense, it is utterly irrelevant whether Schor’s and Cohen and Rogers’ diagnostics are accurate. As contributions to a political dynamic, the only thing that matters—and the only reasonable standard of judgment—is whether they address constitutional requisites in such a way as to convey reassurance that, following their prescriptions, this people and their posterity would unfailingly retain the ability to alter their course so as to assure their happiness as they think fit. These writers all fail this central test of the Declaration of Independence. Whatever the current mood of the American electorate reflects in point of policies, what matters about it is the people’s indefeasible right to pursue the aims their judgments counsel within the traces laid out by a constitutional regime designed to prevent injustices.

Every friendly exhortation to the people established under the constitution or any worthy successor must meet the test of confessing, first, that the system established preserve inviolate an openness to good-willed abandonment. Good-willed abandonment is nothing less than the people acting on the strength of sure conviction of their justice and prudence but nonetheless acting erroneously. Any attempt to foreclose a people’s susceptibility to error can only end by

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destroying a people's ability to act rightly. There is no human life, however comfortable, which can be defended against the fatal critique that it is lived by people who can no longer act on the basis of their judgment. Self-government, then, subordinates policy. Political parties founded solely on the basis of policy alternatives—and final policy at that—are inimical to the welfare of a democratic society. The Antifederalists, who also preferred to strengthen social and local centers of democratic authority, recognized this. Their progressive descendants have lost faith in this democratic principle.

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