

The Worst Holiday of the Year



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Tomorrow, September 17th, is Constitution Day in the United States. Many will either gather to or independently pay homage to the United States Constitution. This document ostensibly created and gave the necessary authority to the Federal government. It was believed that its predecessor, the Articles of Confederation, created a federal government that was too weak to accomplish anything meaningful. Though the drafters of the Constitution were originally tasked with amending the Articles, and proceeded instead to replace it entirely, that the Constitution went through a ratification process ensured everyone that it did indeed give the requisite authority to the newly formed government. But did it really? Did the new government have proper authority to exercise its delegated powers over the then territorial boundary of the thirteen colonies? After considering a few important facts, I think its claim to authority is just that, a claim, but one which no one is really bound to honor.

No Authority

Every libertarian and voluntarist knows that majority rule is invalid as a governing principle. Some people, no matter how numerous, can’t simply vote away the liberties of others. Unless you’ve committed a crime, an act of aggression, I have no right to restrict your actions on or to take your property by the use of force. And because I have no right to such, I and a group of others haven’t that right either. This is a very basic principle in political philosophy. After the Constitution was drafted, it went through a ratification process. At every point leading up to this, majority vote decided the outcome. Majority vote chose the convention delegates and the ratifiers, and majority vote in many of the colonies decided ratification. Clearly, based on the above principle, none of this was valid. Again, majorities can’t take away (through voting) the liberties of others, and both the newly formed State governments and Federal government did just that. Dissenters at every level retained their liberties to act as if their governments didn’t exist.

Criminals, Most of Them

That those who drafted and ratified the Constitution lacked the authority to do so is easy to show using the above analysis, but let's go further. In 18th century America, most people were not allowed to participate in elections. Men without landed property, women, children, and slaves were all excluded from the political process. Only white men with land had the privilege of voting for or becoming delegates (drafters) and ratifiers. The wealthy, in other words. That they were wealthy there is no doubt, but what was the source of that wealth? Most were slaveholders, meaning, they forcibly exploited others to build their wealth. Under the libertarian theory of justice, the rightful owners to that wealth were actually the slaves themselves*. Their masters were *mala in se* criminals. What are the implications of that?

Do criminals have the right to use their stolen wealth as evidence of their "right" to participate in a political system that restricts participation to the wealthy? Do criminals have the right to draft a new Constitution, thereby creating a new federal government with the powers of taxation, regulation, and monopoly dispute adjudication? Do criminals have the right to ratify the new Constitution, thereby delegating to it said powers over the rest of society within a given territorial boundary? Do criminals have the right to vote away the liberties of noncriminals? I can't think of a single reason why criminals, whose crimes are the forceful kidnapping, imprisonment, and subjugation of innocent people, would have the right to do any of these things.

Final Thoughts

It's simple, really. The Constitution has no authority, nor does the Federal government that it created. The powers it exercises are an usurpation of the rights and liberties of all Americans. Likewise every other government within and without the United States. Though every government commits acts of aggression against its own people, the United States has a sordid history of both domestic and foreign aggression. Constitution Day is really a celebration of one of the greatest crimes in the history of the world, and of the criminals who committed it. I can't in good conscience observe what is arguably *the worst holiday of the year*.

** Either as the real creators of that wealth, or as it was owed to them as reparations for generations of slavery.*