SE-04 · ESSAY

The Caged Constitution

Why the Semperists were right

Essay · second version · October 2026 · S. Harrison Knudson, J.D.

A better name

The label Anti-Federalist has misled since 1787. These men were not against federalism, and most of them served the Republic once the Bill of Rights was added. They were against the confidence that structural design alone, without explicit prohibition, would hold the powers being granted. I call them Semperists, from semper, always: the temptations of power are permanent, so the prohibitions must be too.

Madison's concession

Madison was the Semperists' student before he was their opponent. Mason's Virginia Declaration of Rights of 1776 is the direct ancestor of the amendments Madison drafted in 1789, and by the First Congress he had been persuaded. The Bill of Rights is not the dissenting half of a divided founding. It is the Federalist structure completed by the program its principal architect came to accept. The cage is not external to the building. The cage is the building.

The heretic becomes the inquisitor

Movements that rise against an order in the name of conscience win, take the institutions, and within a generation turn the same techniques on new dissenters. Technique outlives content. That is why the grammar of the Bill of Rights is the grammar of distrust: not of the present rulers, but of every future generation, especially those who rise to correct the abuses of the past.

Unscrewed by translation

Prohibitions are rarely repealed. More often their words are kept and refilled. The essay traces the technique through the fasces and the word socialist to the present use of equity, which borrows the weight of its Chancery, financial and Aristotelian senses while meaning none of them — and states what evidence would refute the claim.

The same technique reads the Constitution as a permission structure and routes durable change around Article V. The American inheritance is cultural, not material, so it can be lost the same way: not by amendment, not by revolution, but by translation.

> The full essay sets out the European and colonial history the Semperists drew on, the fragility of a constitutional inheritance that lives only in practice, and what recovery would require. It is the second of a pair; the companion essay on the Nordic welfare states is available on request with it.