

To Mr. Church from his sister  
Elizabeth H. Hamilton

# FEDERALIST;

A COLLECTION

OF

E S S A Y S,

WRITTEN IN FAVOUR OF THE

NEW CONSTITUTION,

AS AGREED UPON BY THE FEDERAL CONVENTION,  
SEPTEMBER 17, 1787.

IN TWO VOLUMES.

VOL. I.



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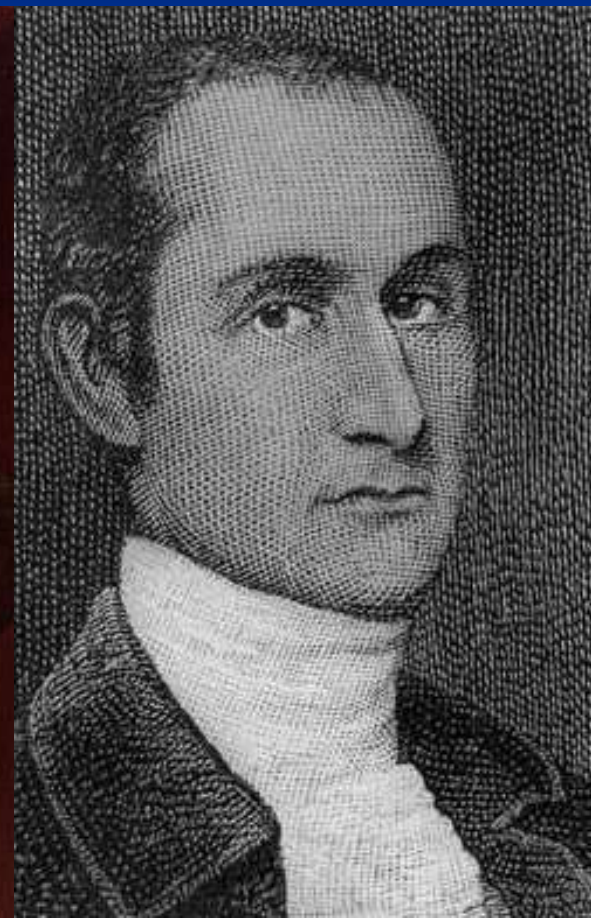
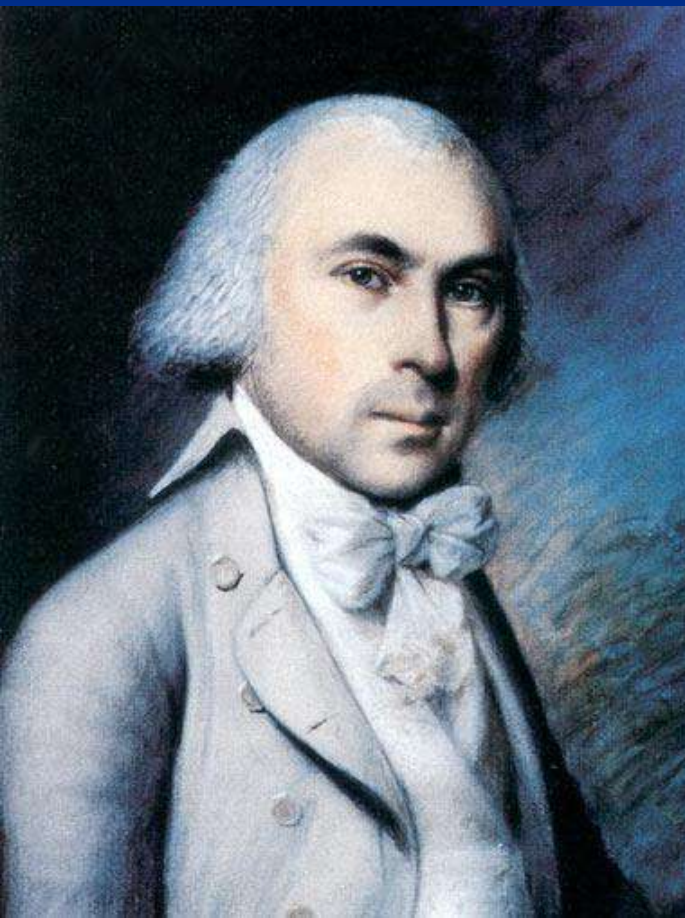
Mr. Jefferson's Copy

# Debate Over Ratification: The Federalist Papers & The Anti-Federalist Papers

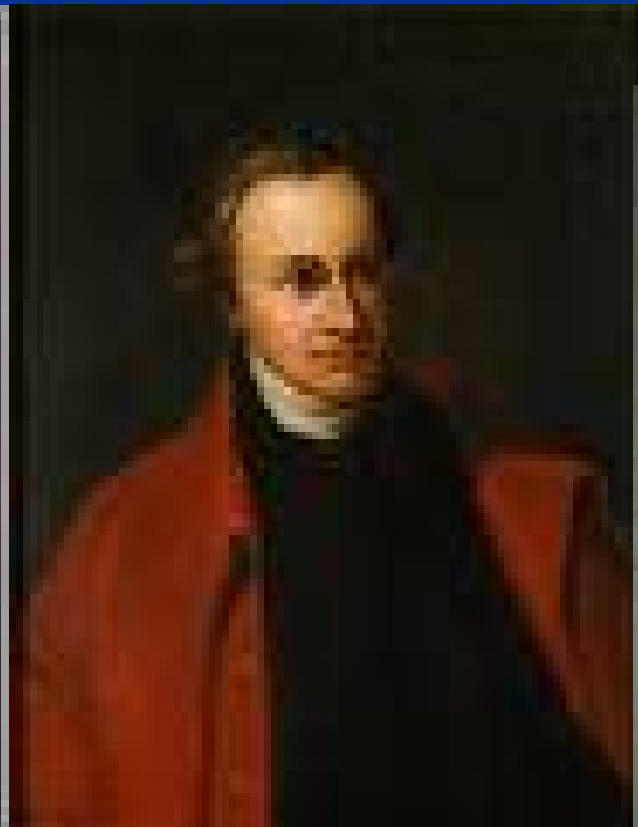
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# Madison, Hamilton & Jay:

Tried to persuade delegates at ratifying conventions to support the new Constitution

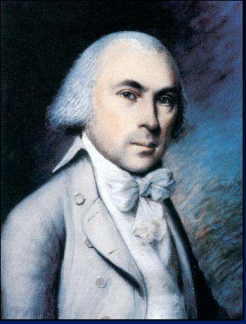


Henry, Lee, Yates, and Others  
Used Roman names (and anonymity)  
to express their fears over ratification



# Watch the Video

- <http://www.youtube.com/watch?v=mO-Ui50mlqA&feature=related>



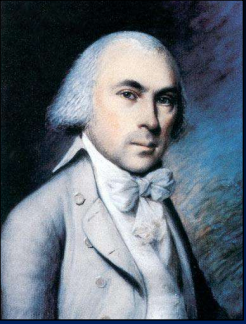
# Federalist #10

**“The Union as a Safeguard Against Domestic Faction and Insurrection”**

- Published initially in the *New York Packet*, November 23, 1787
- Written by James Madison

# The Federalist #10

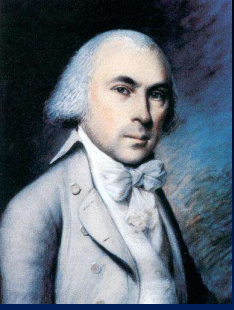
- Why does Madison think the problem of a “Minority” faction is easy to handle?
- Conversely, why is he so troubled by the potential of a majority faction?
- How does he distinguish direct democracy from a republican gov’t?
- What is he getting at when he terms elected representatives “proper guardians of the public weal”?
- Why does he think that “extensive republics” are more likely to produce such representatives than small ones?



# Federalist #10

- What is a faction?
  - A group of people sharing common interests, preferences and/or philosophy.
- Factions can form on the basis of:
  - Social class
  - Industry
  - Religion, national origin, language
  - Many other social & economic traits.

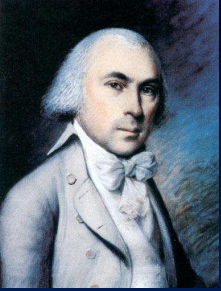




# Why are factions to be feared?

- Self-love is an inherent aspect of human nature. People are:
  - Selfish
  - Biased
  - Often overcome with emotion
  - Often do unreasonable things
- *Groups can amplify all of these bad tendencies.*

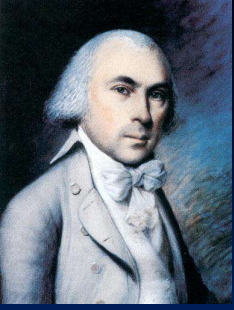




# Factions can be dangerous to the republic.

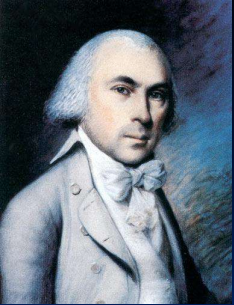


- When a faction gains political power, it is likely to:
  - Pursue its own interests zealously.
  - Trample the rights of others.
  - Govern without concern for the “public good.”



# How can the Republic be protected from the mischief of factions?

- Logically, there are two possibilities:
  - Take steps to stop factions from forming
  - Accept factions and take steps to keep them from gaining too much political power.

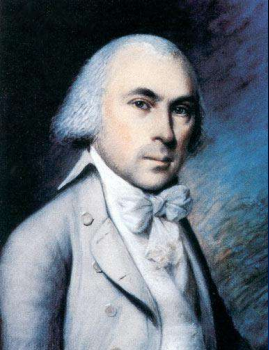


# How can the Republic be protected from the mischief of factions?

- Make electoral districts large.
  - Size → Diversity
    - Diversity → “Better” elected officials

# The Federalist #51

- How did Madison think the necessary separation of powers among the 3 branches should be achieved?
- What did he consider to be the greatest difficulty in creating a government? What solution did he suggest?
- What 2 reasons did Madison give to argue the judiciary should be selected differently from the other 2 branches?
- How are Madison's concerns about the "equal power of self-defense" reflected in our system of checks & balances?
- Is Madison a good source of information about the document? Why or why not?

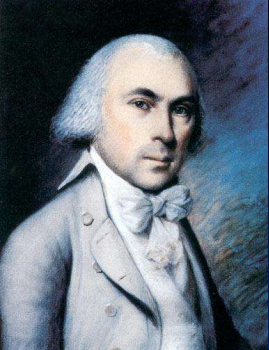


# Federalist #51



“The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments”

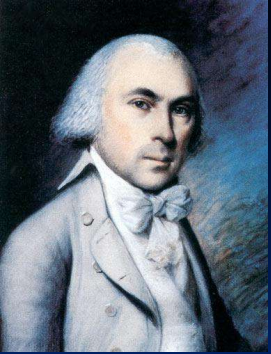
- Published in the *New York Packet*, February 8, 1788
- Probably written by Madison, though some believe it is by Hamilton.



# Federalist #51



- Federalist #10 argued that large districts *help* to check the mischief of a faction.
- But elected officials will be passionate, biased, ambitious – they will sometimes pursue their passions at the expense of the public good.

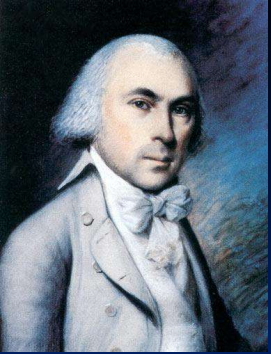


# Federalist #51



- Moreover, a strong state confederacy -- as under the *Articles of Confederation* -- can lead to anarchy.
- Following Hobbes (*Leviathan* 1651): Fear of anarchy leads even those in the majority to support civil rights for all



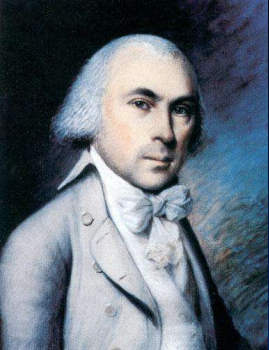


# Federalist #51

Like Federalist #10,  
a concern for minority rights:



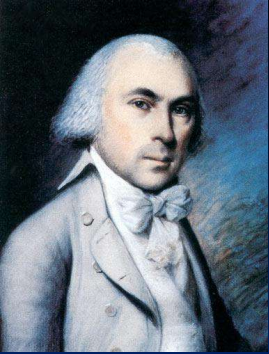
- “In a free government the security for civil rights must be the same as that for religious rights.”
- “Justice is the end of government.”



# Federalist #51

Many Founders had a Pessimistic view of human nature:

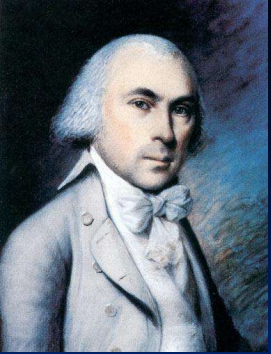
- “If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.”



# How can we design government to further check the power of factions and the danger of self-love?



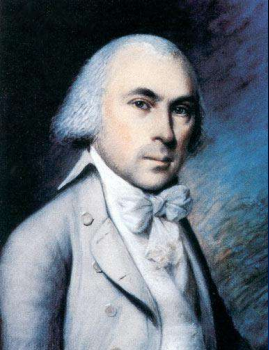
- Government should be designed to take advantage of “self love” and ambition.
- Use human weakness as an asset.



# The Aim of the new Constitution:



- “The constant aim is to divide and arrange the several offices in such a manner as that each be a check on the other – that the private interest of every individual may be a sentinel over the public rights.”

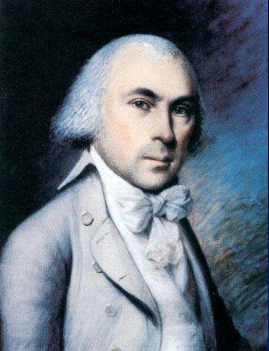


# Federalist #51

## The main solution:



- Separation of powers:
  - Limited interaction of those selecting members of each branch
  - Economic and political independence of each branch

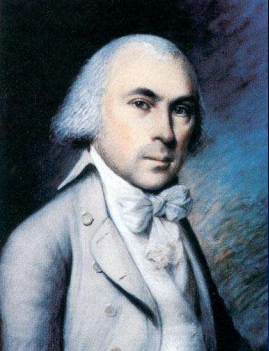


# Federalist #51

## The secondary solution:



- Federalism provides “double security.”
- “The power surrendered by the people is first divided between two distinct governments”
- A “compound republic” leads to *dual allegiance* and *double protection*.



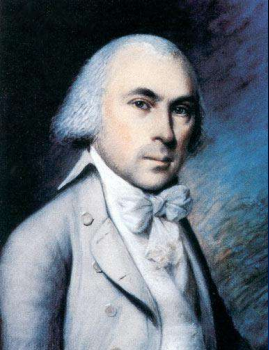
# Federalist #10 & #51

## Summary – The Problem:



- Human imperfection creates a danger from majority rule but governments derive their power from the governed.
- So how can we design a government that protects liberty, achieves justice, and serves the public good?





# Federalist #10 & #51

## Summary: The Solution



- The new *Constitution*:
  - Creates a large republic, that dilutes the power of factions and promotes moderation.
  - Creates a system of checks and balances that make human weakness an asset:
    - Divide power between states and federal government.
    - Separate powers within both governments.

# Patrick Henry's Speech

- Why was Henry's objection to the use of the words, *We the People*?
- In what way did Henry think the convention had overstepped its authority?
- What did Henry see as the chief danger of the proposed Constitution?
- What did Henry mean when he said states are the “soul of the Confederation?”
- Do you agree that it would be easy for a President to make himself an absolute ruler? Explain your answer.

# To Ratify or Not?

- NC initially voted down the Constitution. Now we must decide whether or not to ratify the document that has now taken effect.
- We have missed the Presidential elections and the 1<sup>st</sup> Congress has now convened now for its 2<sup>nd</sup> session.
- What to do?