

The
FEDERALIST
PAPERS



Alexander Hamilton

The Federalist Papers

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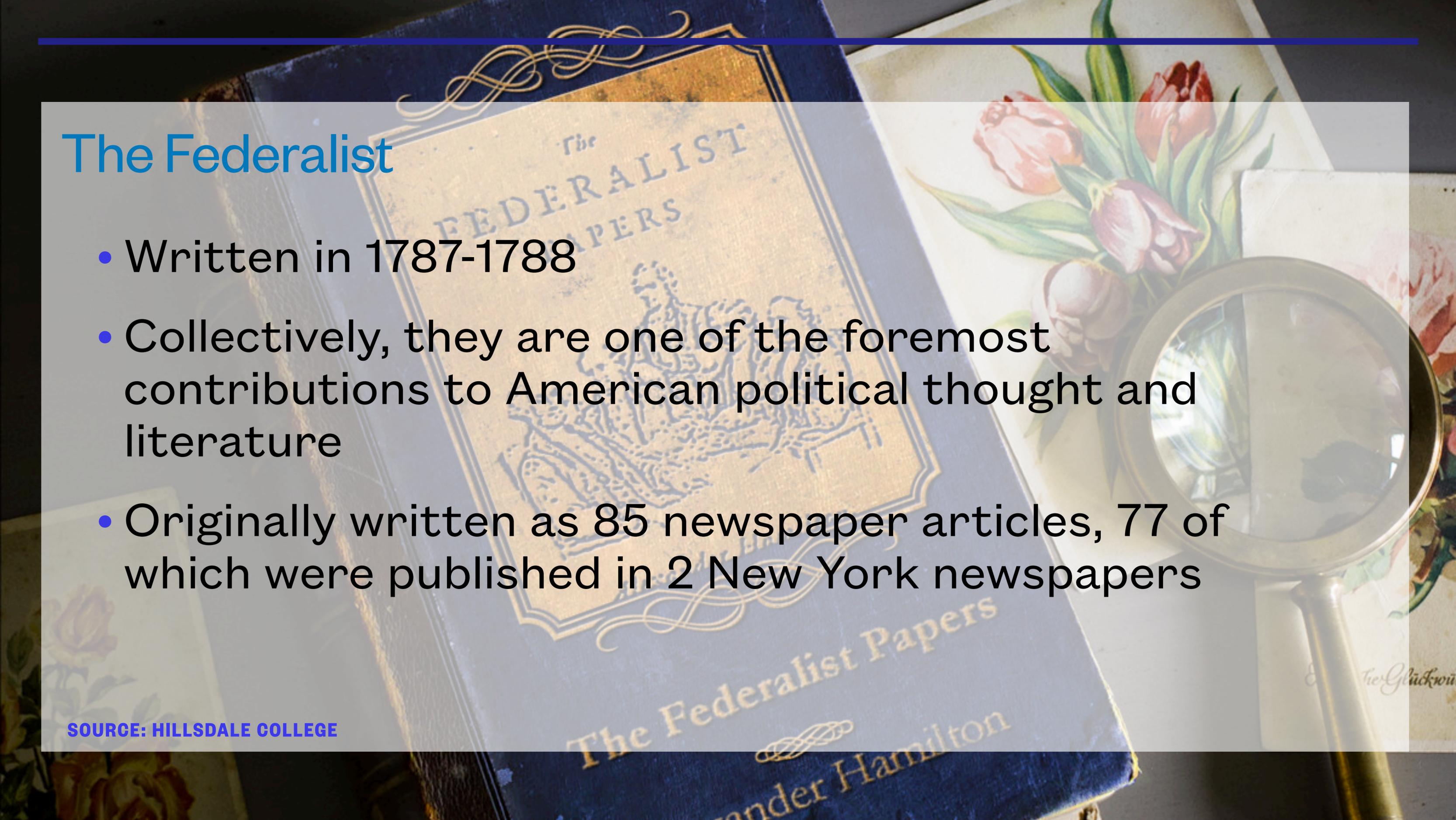


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The Federalist

- Written in 1787-1788
- Collectively, they are one of the foremost contributions to American political thought and literature
- Originally written as 85 newspaper articles, 77 of which were published in 2 New York newspapers

SOURCE: HILLSDALE COLLEGE



The Federalist

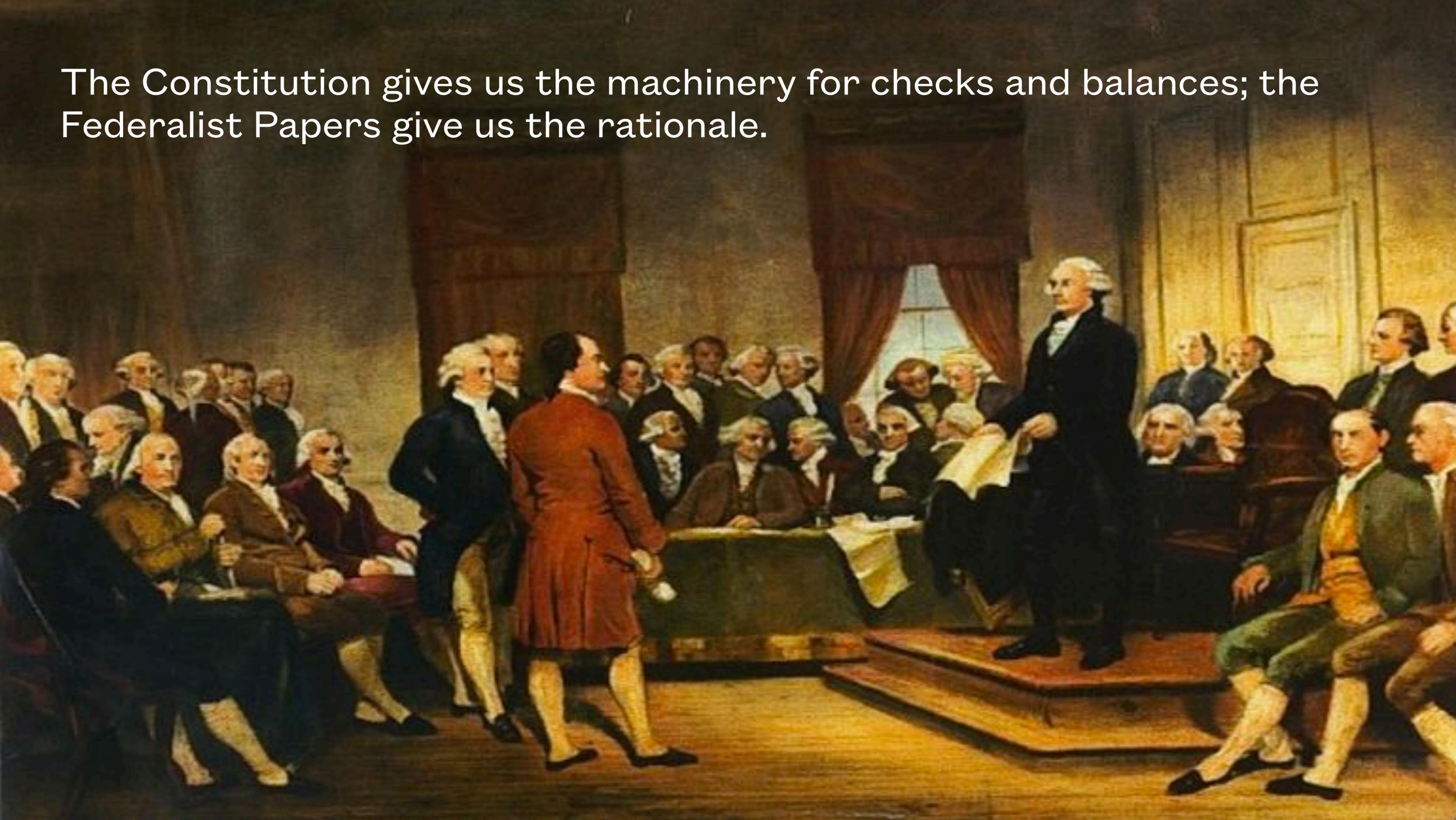
- Articles written by “anti-federalists” criticizing the new Constitution had appeared first. These articles were a response to those.
- The authors wrote the articles under the pen name “Publius” and were organized by John Hamilton
- They were written as a public campaign to convince the colonies, particularly New York, to ratify the Constitution

SOURCE: HILLSDALE COLLEGE

Key Messages

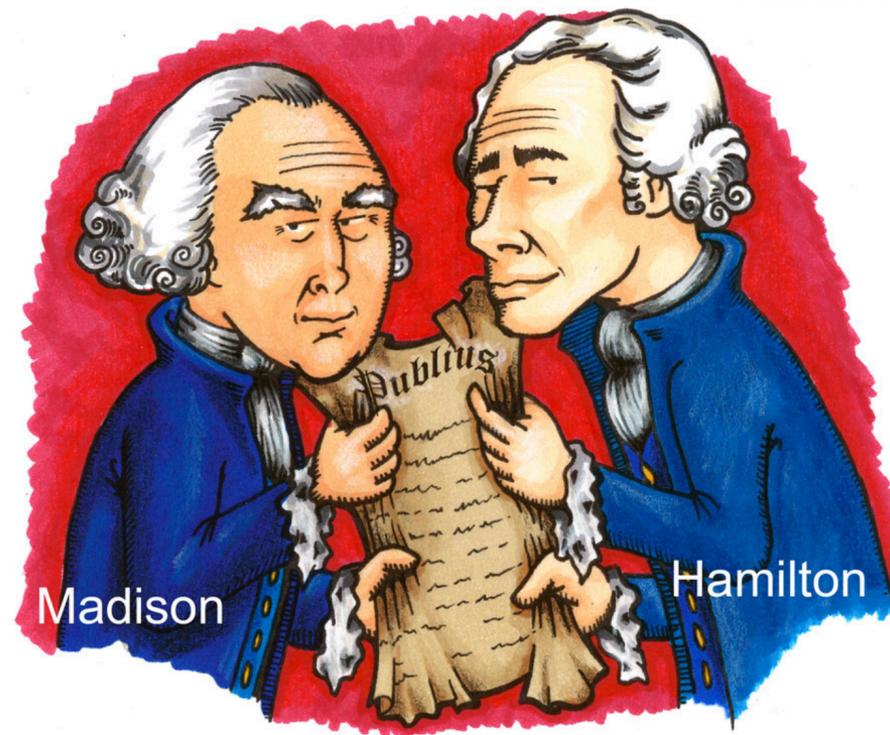
- The Articles of Confederation are inadequate
- Anti-federalists are offering no alternative
- Federations throughout history have failed
- The Constitution, while not perfect, is good
- A second convention (going back to the drawing board) is unlikely to produce a better document

The Constitution gives us the machinery for checks and balances; the Federalist Papers give us the rationale.



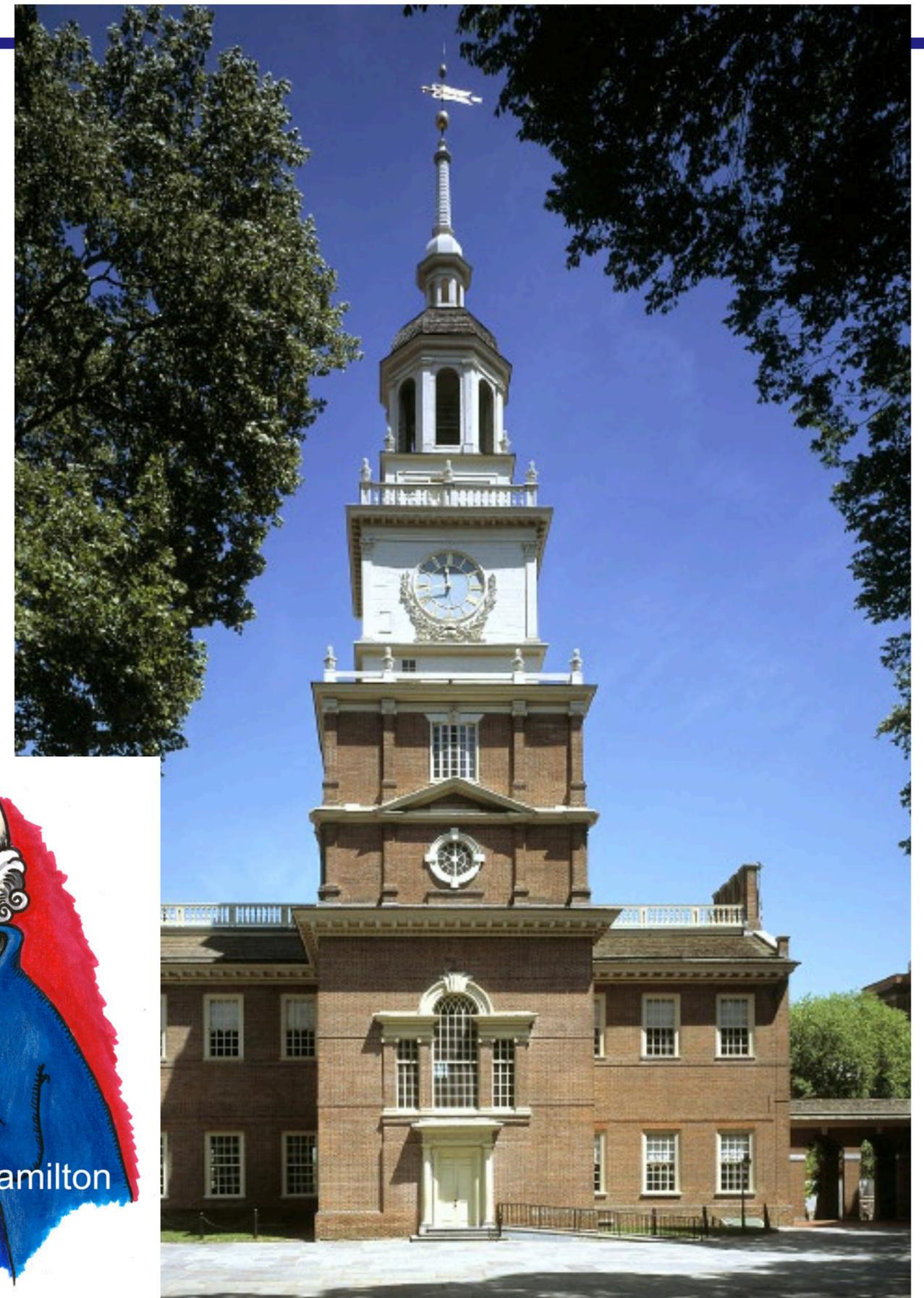
Who Wrote Them?

- They were written by John Jay, James Madison, and Alexander Hamilton
- Madison and Hamilton were the main authors of the Constitution
- The Constitution wasn't perfect, but it was something they could agree on.



Madison

Hamilton



What was Happening at the Time?

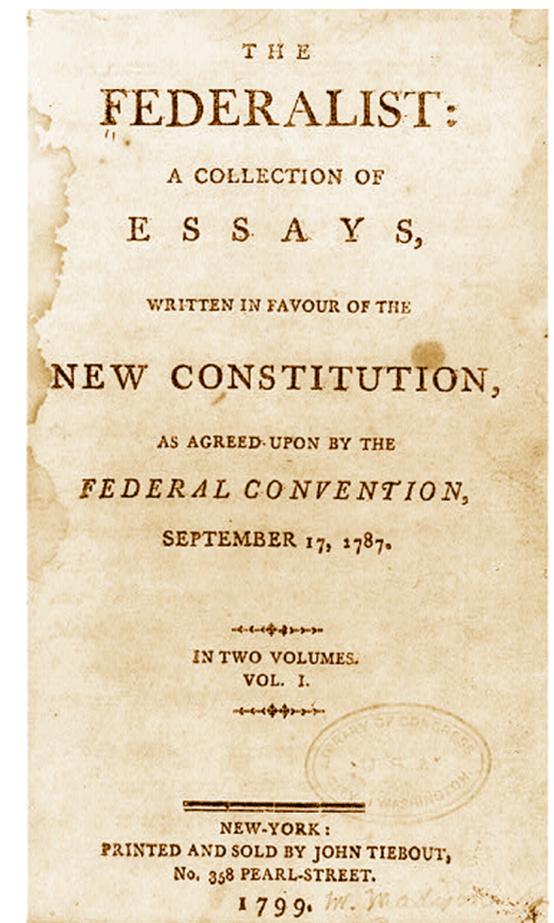
- The Articles of Confederation could not be revised. The colonies would have to start from scratch.
- The Framers, primarily Hamilton, had come up with a new Constitution, setting up the states in a constitutional republic rather than a federation.
- The states would share power with the federal government, but the federal government would be strong enough to do for the states what they could not do — or do well — on their own.
- Now the Constitution had to be ratified (voted on).

What was Happening at the Time?

- The Constitution was the subject of a national debate.
- The Constitution had to be ratified (accepted) by delegates from at least nine of the 13 states.
- Those reading the Federalist Papers were voting on delegates to the State Ratifying Conventions.
- The political establishment was opposed to ratifying the Constitution.
- Hamilton, seeing that the political establishment was overwhelmingly against the Constitution, took his arguments to the people directly.

What was Happening at the Time?

- Hamilton asked James Madison to help him make the argument for the Constitution (Illness prevented John Jay from writing more than 5 of the essays)
- Although there is little evidence that the Federalist directly influenced anyone to vote to ratify the Constitution, it is a well-written rationale for the Constitution.
- These essays collectively represent THE historical authority on the intent of the framers and the interpretation of the Constitution



The Anti-Federalist Papers

- These critiques of the Constitution inspired the Federalist Papers.
- Federalists and Anti-Federalists both advocated a strong national government. Anti-Federalists held the position that the Constitution made the federal government was TOO strong.
- Anti-Federalists wanted more power at the state level, which actually was more of a federalist position.
- The Constitution is the only law that the American people have passed directly. It was designed so that the elected officials cannot overcome that law.

What were the Readers Like?

- Self-sufficient
- Readers
- Religious
- Hardworking and honest
- Want to be free
- They were not re-creating the countries they left; they wanted to start over.



Bill of Rights

- The founders worried about the Bill of Rights.
- The first thing the Bill of Rights did was to change the Constitution, paving the way for more tinkering.
- Concern that the Bill of Rights would make people focused on their rights, rather than how the Constitution's checks and balances/ separation of power restrains the government. If tyranny is prevented, rights *are* protected.

Tyrant: An out-of-control government dictator with no accountability to anyone, who destroys, steals and kills in order to gain and hold power over everyone else while making himself rich on what they produce.

Tyrants

- Tyrannies don't last long.
- To extend their rule, tyrants must make war on every kind of excellence (Aristotle)
 - Particularly faith in God
 - Particularly **excellence of thought** and **virtue of character**
- A tyrant can't have people thinking there is anything above him or her; they try to convince people they are gods, or superior humans, with special rights and privileges (the rules do not apply to them)

Federalist 1 (Hamilton)

- An introduction to the series of articles
- Americans have a nearly unique opportunity in history to answer the question whether man can be governed through “reflection and choice” rather than “accident and force”
- The stakes are high. The world is watching.
- People are self-seeking. It’s difficult to be truly impartial, but the framers wrote the Constitution to the best of their ability.
- Note the respect with which he addresses his critics.

Federalist 10 (Madison)

- Madison examines factions as the characteristic problem of republics
- Factions seek their own benefit, rather than the public good
- Liberty is to faction what air is to fire. Liberty fuels special interest groups, lobbies, and guilds/associations
- By “extending the sphere” of government, citizens can diminish the influence and power of factions. A stronger Federal government can do this.

Federalist 51 (Madison)

- ⦿ Federalist 47-51 defends the separation of powers (specifically the overlap of powers)
- ⦿ The fact that such separations, checks, and balances are necessary acknowledges the sinful nature of man, yet at the same time, “if men were angels, no government would be necessary.”
- ⦿ “In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed, and in the next place, oblige it to govern itself.”

Federalist 62 & 63 (Madison)

- Madison defends the Senate
- He hadn't been a fan of the Senate previously in the Philadelphia Convention
- Here, he gives a legal brief on their apportionment and mode of selection

Federalist 78 (Hamilton)

- ⦿ This article discusses the judiciary.
- ⦿ There were some who were concerned about judges not being elected, and not being accountable to anyone.
- ⦿ Hamilton makes a case that this is a good thing for impartiality.
- ⦿ Anti-federalists were saying that this puts the judiciary above the legislative branch.
- ⦿ Hamilton counters that this power of judiciary puts the Constitution above them both.

Federalist 85 (Hamilton)

- Anti-federalists were arguing for a Bill of Rights.
- Hamilton continued to argue against the need for a Bill of Rights:
 - The Federal government would have only the authority given to it by the people via the Constitution.
 - All other acts and powers not specifically enumerated by the Constitution would therefore be unconstitutional and illegal.
- If citizens' rights were spelled out, the legislature could infer that these are the ONLY rights of the citizens, and legislate in ways that trampled other rights NOT listed on the Bill of Rights.

Main Points in the Federalist Papers

- Federalism — combines a general or central government with a regional or state government as a political system
- Checks and Balances — the power of each branch of government to defend itself against the other two (checks), and to require decisions to be made by more than one branch of government (balances)
- Separated Powers — the tasks of the three branches (and sub-entities within each branch) make tyranny more difficult
- Representation — the government would answer to the people
- Human nature — people will grab power if they can