

The Federalist Papers: Seeking a Balance of Power by means of History, Philosophy, and Reason

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Please Silence Cell Phones

What are they?

- Advocate adoption of the Constitution as proposed by the Philadelphia Constitutional Convention
- Serial publication, Oct. 1787 to May 1788;
- “Publius”
- Published in two volumes, March-May 1788

The Authors

- Alexander Hamilton (1757-1804): Rep. NY at Convention; first Secretary of the Treasury
- James Madison (1736-1836): Rep. Virginia at Convention; Served in Congress; Sec. of State; President
- John Jay (1745-1829): Neg. peace with England in 1783; Dept. of State; First Chief Justice

Influences

- Montesquieu's *Spirit of the Laws* (1748): Separation of Powers Theory
- Thomas Hobbes: View of Human Nature as rapacious and power hungry; Hence the need for Checks and Balances
- John Locke: the ideals of republican government and the purpose of govt.
- Ancient Greek and Roman government and law makers
- European examples of Republics

Liberty versus Vigor (#1); Hamilton

- “it will be forgotten that the vigor of government is essential to the security of liberty; that in contemplation of a sound and well-informed judgment, their interest can never be separated; and that a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people than under the forbidding appearance of zeal for the firmness and efficiency of government. History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter, and that of those men who have overturned the liberties of republics, the greatest number have begun their career by paying an obsequious court to the people; commencing demagogues, and ending tyrants.”

Homogeneous People—One Nation (#2); Jay

- State Rights versus Federal Vigor
- “**Providence** has been pleased to give this one connected country to one united people—a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs...This country and this people seem to have been made for each other, and it appears as if it was the design of Providence, that an inheritance so proper and convenient for a band of brethren, united to each other by the strongest ties, should never be split into a number of unsocial, jealous, and alien sovereignties.”

“Almighty”; #37 Madison

- Need for stability in federal govt.
- The difficulty of clearly identifying first principles and definitions, yet the necessity that “not only the ideas should be distinctly formed, but they should be expressed by words distinctly and exclusively appropriate to them.”
- “When the Almighty himself condescends to address mankind in their own language, his meaning, luminous as it must be, is rendered dim and doubtful by the cloudy medium through which it is communicated.”

37 Continued: Almighty Assistance

- In discussing the challenges of the Convention
- “The real wonder is that so many difficulties should have been surmounted with a unanimity almost as unprecedented as it must have been unexpected. It is impossible for any man of candor to reflect on this circumstance without partaking of astonishment. It is impossible for the man of pious reflection not to perceive in it **a finger of that Almighty hand** which has been so frequently and signally extended to our relief in the critical stages of the revolution.”

43; Madison; Powers of Fed Govt.

- In discussing the circumstances in which the Constitution can be ratified or revoked
- "The first question is answered at once by recurring to the absolute necessity of the case; to the great principle of self-preservation; to the transcendental law of nature and of nature's God, which declares that the safety and happiness of society are the objects at which all the political institutions aim, and to which all such institutions must be sacrificed."
- Fear of future civil war implied

Human Nature Dictates the Need for Vigorous Nat. Gov. (#6); Hamilton

- Independent states would become a source of civil war as states compete with each other
- “To presume a want of motives for such contests as an argument against their existence, would be to forget that men are ambitious, vindictive, and rapacious. To look for a continuation of harmony between a number of independent, unconnected sovereignties in the same neighborhood, would be to disregard the uniform course of human events...”
- Hobbes

Balance of Powers; 48; Madison

- Virginia established a positive model
- Venice as a negative model where the legislative becomes despotic
- "For this reason, that convention...laid its foundation on this basis, that the legislative, executive, and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time."
- Goal was balance of power, not total and absolute separation

51; Need for Checks and Balances; Hamilton or Madison

- "Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on 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. 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 control itself.

Senate as Check on People #63; Hamilton or Madison

- “so there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens in order to check the misguided career and to suspend the blow mediated by the people against themselves...”
- Athens had no Senate to safeguard
- Rome, Sparta and Carthage

Summary

- The vision of a Strong Federal Government to compensate for the weakness of Articles of Confederation
- Arguments based upon logic and analysis of history rather than Biblical or Divine Revelation
- Distrust of Democracy; favored Representative Government as a protection of the property interests of the minority
- Sought Balance of Power, but with a strong Executive; legislative is weakened in many ways
- Represents a balance between Hobbesian and Lockeian view of Human Nature