

Background to the *Federalist Papers*

During the Revolutionary War, Americans set up a new national government. They drew up a plan of government called the Articles of Confederation. This document created a national government that had little power. The government could not raise taxes, nor could it control trade among the states. It could not even draft soldiers into an army. Each state was only loosely bound to the others.

When the war ended in 1783, the United States was in debt, and trade among the states was difficult.

In 1787, delegates from the 13 states met in Philadelphia. Over the summer, the delegates wrote a new plan for government: the Constitution. The delegates signed the Constitution on September 17, 1787. The Constitution would be the “law of the land,” but first it had to be approved by nine of the 13 states. People in every state talked about one question: Should they accept the new Constitution?

Hamilton, Jay, and Madison

Alexander Hamilton was a lawyer from New York who had helped write the Constitution, and he was the only delegate from New York who signed it. Hamilton feared that New York might not approve the Constitution.

In October 1787, Hamilton published an essay defending the Constitution. He soon asked two other men, James Madison and John Jay, to write articles. James Madison had been a delegate from Virginia at the Constitutional Convention. John Jay had helped negotiate the Treaty of Paris, which ended the Revolutionary War.

Hamilton, Madison, and Jay wrote 85 essays for New York newspapers to convince New Yorkers that the Constitution was a good model for a new government. One New York newspaper printed the essays as a book (in two volumes) called *The Federalist*. Many people in other states read them, too.

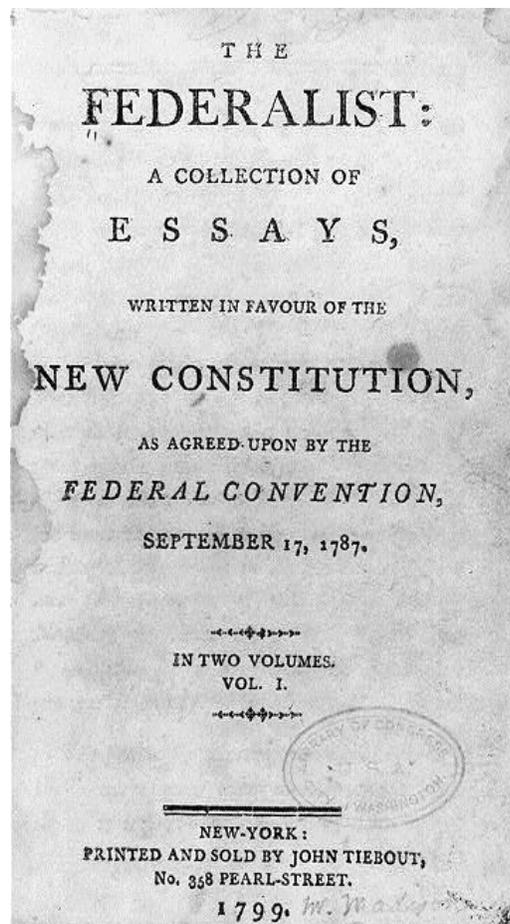
Today, we know them as the *Federalist Papers*. They help us understand what the writers of the Constitution had in mind.

What the *Federalist Papers* Said

In Federalist Paper, No. 51, Madison told why government is needed. “If men were angels,” he wrote, “no government would be necessary.” He also wrote that government had to have power, but not too much power.

The *Federalist Papers* explained how the Constitution set up such a government. Much of the *Federalist Papers* explained three basic ideas behind the Constitution:

1. The Constitution separates the powers of the national government.
2. The Constitution creates a federal form of government.
3. The Constitution sets up a republic.



Title page of *The Federalist*, vol. 1 (N.Y.: John Tiebout, 1799), a collection of the *Federalist Papers*. (Library of Congress).

What do you notice first about this title page? What can you learn from examining this? What do you wonder about?

Separation of Powers

The Constitution puts many checks on government. One is called the **separation of powers**. Congress, the president, and the courts have separate powers. Congress makes laws, the president carries them out, and the courts say what the laws mean. In Federalist Paper, No. 47, Madison told why the powers of government should be separated. He said: Putting “all powers . . . in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.” In other words, giving one person or group all the power will unjustly take away other people’s freedom.

Federalism

Another check on government is **federalism**. The Constitution lists the powers of the national government and reserves all other powers for the states. This dual system of state and national governments is known as federalism. As Madison explained in Federal Paper, No. 46, the federal system lets state governments, which are closer to the people, meet the “personal interests of the people.” The states also serve to check the power of the federal government.

A Republic

The *Federalist Papers* text emphasized that the Constitution created a republic. A republic is a representative democracy, which is a system in which people elect those who govern them. A republic relies on the consent of the governed. In Federalist Paper, No. 39, Madison defined a republic as a government that gets its powers from the people and is run “by persons holding their offices . . . for a limited period, or during good behavior.”

Many thinkers believed that a republic could not work in a large country. In Federalist Paper, No. 10, Madison responded that large republics actually prevented special interests from taking over. Madison said that in a large republic, “. . . you take in a greater variety of . . . interests; you make it less probable that a majority . . . will have a common motive to invade the rights of other citizens . . .” In other words, in a large republic, the special interests balance each other out.

The Anti-Federalists

Those opposed to the Constitution were called the Anti-Federalists. They also wrote essays in New York newspapers. First, they said that Congress, the president, and the courts would have too much power, more power than the old British government. The British had crushed American freedom. They said the government created by the Constitution would also.

Second, they wanted the states to keep their power. They thought that only small governments, close to the people, could insure freedom. A strong national government would not listen to the people.

Third, they said that the Constitution should have a bill of rights. This last point struck a chord.

Approval of the Constitution

By June 1788, most states had approved the Constitution. But several states still had not. The two biggest states, New York and Virginia, were still debating. To get these states to approve the Constitution, the Federalists promised that a bill of rights would be added to it. With this promise, the states approved the Constitution.

When the first Congress met in 1789, Madison drafted proposed amendments to the Constitution. Congress passed 10 of the amendments, and these amendments are called the Bill of Rights.

In all, only 27 amendments have been added to the Constitution. It created a democratic government that has lasted more than 200 years. The *Federalist Papers* text helped create this government.

Writing & Discussion Questions

1. What were the Articles of Confederation? Why did they fail? How did their failure lead to the writing of the Constitution?
2. Who were the authors of the *Federalist Papers* and how was their work published?
3. Briefly describe the three basic ideas behind the Constitution expressed in the *Federalist Papers*.
4. What were the arguments for and against a republic?
5. Why did the Anti-Federalists oppose the Constitution? Why did the Federalists oppose a bill of rights? Do you agree with either position? Explain.