

## *The Federalist Papers* Introduction

Whether or not to actually ratify and enact the new Constitution was the subject of furious debate in the young republic following the Constitutional Convention in 1787. On one side, the faction identifying as **Federalists** argued that the *Articles of Confederation* had failed and that the new Constitution was the correction needed to ensure the nation's future. On the other side, **Anti-Federalists** (a name coined by the Federalists), feared that just a few short years after having won independence from a tyranny, the Constitution would create another all-powerful tyranny and perhaps lead us down the road towards monarchy again.

While the states conventions and the public debated the promises and perils of the proposed Constitution, both sides published pseudonymous letters airing their concerns and arguing their viewpoints. The most well-known collection is the *Federalist Papers*, a series of 85 letters written individually but in concert by James Madison of Virginia and Alexander Hamilton and John Jay, both of New York. Published in 1787 and 1788, the Federalist Papers argued in favor of the carefully-crafted Constitution in all its aspects.

Central to the *Federalist Papers* were arguments in favor of the republican form of government the Constitution established. Striking a delicate balance between the power of a national government and the power of state governments, the Federalists wrote about how the Constitution reflected the concepts of natural rights, limited government, the equality of mankind, due process of law, and the rule of law. Believing the *Articles of Confederation* were broken beyond repair, the Federalists advocated that the new Constitution was the best protection for the ideals and principles fought for in the American Revolution.

## ***Federalist No. 39 (1788) Excerpts***

To the People of the State of New York:

The first question that offers itself is, whether the general form and aspect of the government be strictly republican. It is evident that no other form would be reconcilable with the genius of the people of America; with the fundamental principles of the Revolution...

Could any further proof be required of the republican complexion of this system, the most decisive one might be found in its absolute prohibition of titles of nobility, both under the federal and the State governments; and in its express guaranty of the republican form to each of the latter.

“But it was not sufficient,” say the adversaries of the proposed Constitution, “for the convention to adhere to the republican form. They ought, with equal care, to have preserved the FEDERAL form, which regards the Union as a CONFEDERACY of sovereign states; instead of which, they have framed a NATIONAL government, which regards the Union as a CONSOLIDATION of the States.” And it is asked by what authority this bold and radical innovation was undertaken? The handle which has been made of this objection requires that it should be examined with some precision.

...it appears, on one hand, that the Constitution is to be founded on the assent and ratification of the people of America, given by deputies elected for the special purpose; but, on the other, that this assent and ratification is to be given by the people, not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong. It is to be the assent and ratification of the several States, derived from the supreme authority in each State, the authority of the people themselves. The act, therefore, establishing the Constitution, will not be a NATIONAL, but a FEDERAL act.

...Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, then, the new Constitution will, if established, be a FEDERAL, and not a NATIONAL constitution.

...The executive power will be derived from a very compound source. The immediate election of the President is to be made by the States in their political characters. The votes allotted to them are in a compound ratio, which considers them partly as distinct and coequal societies, partly as unequal members of the same society. The eventual election, again, is to be made by that branch of the legislature which consists of the national representatives; but in this particular act they are to be thrown into the form of individual delegations, from so many distinct and coequal bodies politic. From this aspect of the government it appears to be of a mixed character, presenting at least as many FEDERAL as NATIONAL features.

But if the government be national with regard to the OPERATION of its powers, it changes its aspect again when we contemplate it in relation to the EXTENT of its powers. The idea of a

national government involves in it, not only an authority over the individual citizens, but an indefinite supremacy over all persons and things...

If we try the Constitution by its last relation to the authority by which amendments are to be made, we find it neither wholly NATIONAL nor wholly FEDERAL. Were it wholly national, the supreme and ultimate authority would reside in the MAJORITY of the people of the Union... Were it wholly federal, on the other hand, the concurrence of each State in the Union would be essential to every alteration that would be binding on all... In requiring more than a majority, and particularly in computing the proportion by STATES, not by CITIZENS, it departs from the NATIONAL and advances towards the FEDERAL character; in rendering the concurrence of less than the whole number of States sufficient, it loses again the FEDERAL and partakes of the NATIONAL character.

The proposed Constitution, therefore, is, in strictness, neither a national nor a federal Constitution, but a composition of both. In its foundation it is federal, not national; in the sources from which the ordinary powers of the government are drawn, it is partly federal and partly national; in the operation of these powers, it is national, not federal; in the extent of them, again, it is federal, not national; and, finally, in the authoritative mode of introducing amendments, it is neither wholly federal nor wholly national.

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