

# Federalist Paper 51

JAMES MADISON For the New York  
Packet: Tuesday, February 5, 1788 The  
Constitutional Convention and the New  
Federalism

# Set the Stage

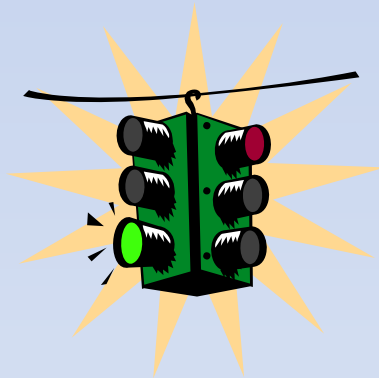
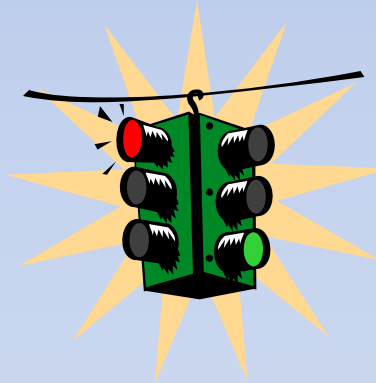
- What & Why have Government
- Europe in the 1700
- Need for Federalist 51
- What did it question
- What was left to destiny

# Why Have Government?

- Food for thought not an answer.
- Consider the possibility that it is because “We don’t trust our neighbors!”
- Principle function of Government is to foster mistrust.
  - Is he treated better than me?
  - Where are my taxes going?
- Government should be kept small

# Power of Principles (Structure)

- Where do we have structures that provide freedom in our daily life?
- Traffic laws
  - Stop on Red
  - Go on Green



# What Motivates People?

- **"Good and evil, reward and punishment, are the only motives to a rational creature: these are the spur and reins whereby all mankind are set on work, and guided."**

– John Locke (1632-1704):

"The Philosopher of Freedom."

- Good and Evil = Morality
- Reward and Punishment comes from Integrity

# Where did Government come from?

- Great power had been consolidated in Europe
  - Rule by might began in the dark ages with tribes
  - Warlords banded together to consolidate power
  - Meanest/most ruthless became King
  - Division by language/ethnicity due to primitive transportation
  - Feudalism evolved to Manorism

# Dichotomy of Kings

- “There is something exceedingly ridiculous in the composition of Monarchy; it first excludes a man from the means of information, yet empowers him to act in cases where the highest judgment is required. The state of a king shuts him from the World yet the business of a king requires him to know it thoroughly. . . .” - Thomas Paine

# 18<sup>th</sup> Century Rulers

- ***Catherine II***, often called Catherine the Great, was born on May 2, 1729, in Stettin, Prussia (now Szczecin, Poland), and became the Russian empress in 1762. Under her reign, Russia expanded its territories and modernized, following the lead of Western Europe. She died on November 17, 1796





# 18th Century Rulers

**Louis XV** (1710 –1774), known as Louis the Beloved, was a monarch of the House of Bourbon who ruled as King of France from 1 September 1715 until his death. He succeeded his great-grandfather Louis XIV at the age of five. He reached maturity in 1723 and Cardinal Fleury was his chief minister from 1726 until the Cardinal's death in 1743, at which time the young king took sole control of the kingdom.



# 18th Century Rulers

- **Frederick II** (German: Friedrich; 24 January 1712 – 17 August 1786) was King of Prussia from 1740 until 1786. Frederick's achievements during his reign included his military victories, his reorganization of Prussian armies, his patronage of the Arts and the Enlightenment in Prussia.



# 18th Century Rulers

- **King George III (1738-1820)**  
England's longest-ruling monarch before Queen Victoria, ascended the British throne in 1760. During his 59-year reign, he pushed through a British victory in the Seven Years' War, led England's successful resistance to Revolutionary and Napoleonic France, and presided over the loss of the American Revolution.



# English History of Government Reform

**Charter of Liberties 1100** The Charter was not legislation, but rather a promise to return to the law, as it existed in the time of William I, before it had been corrupted by William II. The promises made in the Charter could not be enforced. There is ample evidence that Henry I ignored them.

**Magna Carta 1215** Showed that the original 1215 charter had concerned the medieval relationship between the monarch and the barons, rather than the rights of ordinary people, but the charter remained a powerful, iconic document.

**Petition of Rights 1628** The Petition of Right is a major English constitutional document that sets out specific liberties of the subject that the king is prohibited from infringing. Passed on 7 June 1628, the Petition contains restrictions on non-Parliamentary taxation, forced billeting of soldiers, imprisonment without cause, and the use of martial law.

**English Bill of Rights 1689** The English Bill of Rights is an act that the Parliament of England passed on December 16, 1689. The Bill creates separation of powers, limits the powers of the king and queen, enhances the democratic election and bolsters freedom of speech.



# Age of Enlightenment

John Locke (1632-1704) "The Philosopher of Freedom."

Reasoned that political authority was derived, or should be, from the consent of the governed and that its goal was the general welfare.

Voltaire (1694-1778) "Prince of Reason"

French Enlightenment writer, historian, and philosopher famous for his wit, his attacks on the established Catholic Church, and his advocacy of freedom of religion, freedom of expression, and separation of church and state.

Adam Smith (1723-1790) "Wealth of Nations"

Smith was preaching a kind of economic democracy that was contrary to contemporary theory and practice. Wealth, he urged, came not from the gold and silver that states managed to store in their treasuries; it stemmed from the labor of the people who produced it and who consequently should benefit from it proportionately. "No society can surely be flourishing and happy," he wrote, "of which the far greater part of the members are poor and miserable."

Thomas Paine (1737-1809) "Common Sense"

Hereditary absolute monarchies were a useless evil, supported neither by scripture nor common sense and condemnable by historical experience - a burden humanity should no longer suffer.

# Evolving Governments

- Over the decades leading to 1776, most of the other leading European nations had succeeded in converting archaic government management into more systematic procedures. Individual officials with vested interests in their jobs were being replaced by impersonal agencies or by salaried individuals with fixed responsibilities.

# Evolving Governments

- Uniform laws,
- Equitable taxation,
- Sounder fiscal programs
- Orderly administration was replacing the irregularities of earlier years.
- Official records were kept in central archives



# Ben Franklin British Parliamentary Post

- Postmaster in Philadelphia 1737
- One of two Deputy Postmasters of North America 1757
  - Couldn't lower cost to attract customers
  - Made the system more efficient
    - Cut delivery time in half (Coaches ran at night)
    - Established best routes between cities
    - Set rates based on Distance and Weight
- Made the post office profitable
- Revolutionized Communication in America



# General Education

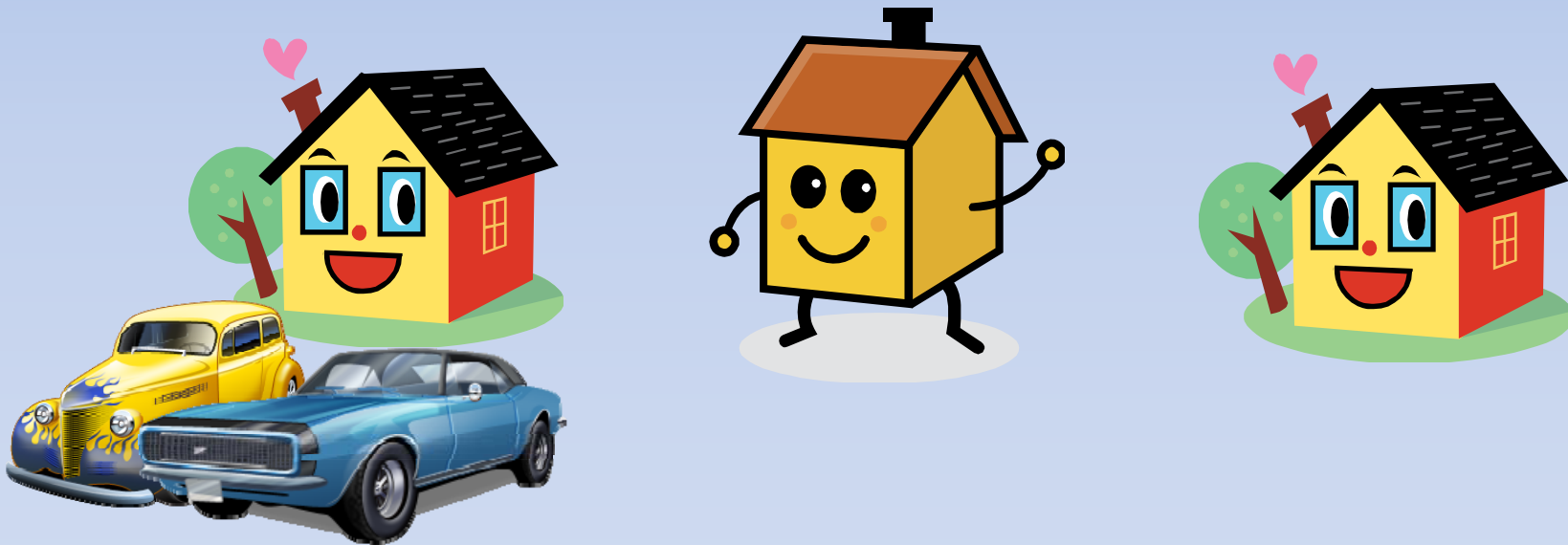
- The English colonists in America undertook something which no nation had ever attempted before --
- Education of the whole people
- The movement for universal education began in New England back in 1647
- Freedom's survival depends on a well educated and moral population

# Evolution in Economics

- For the longest time governments measured their economic strength by the amount of gold and silver they had amassed in their treasury.
- The French physiocrats Francois Quesnay, Robert Turgot, and Pierre Samuel du Pont de Nemours had already declared that governmental controls along mercantile principles discouraged economic growth.
- Realization was dawning that true economic power depended on the productivity of a country's population

# Equal rights to enjoy their lives, liberties, and property.

- Redistribution



Right to property is key to liberty and prosperity.

# Seven Years' War (French and Indian War)

- Involved American colonists and native Indian as well as factions in Asia - France, Austria, Russia, Saxony, Sweden, and Spain on one side and Prussia, Great Britain, and Hanover on the other.

*It was a world war.*

- And even the winners had amassed tremendous...

*Debt.*

# During the Revolutionary War

- Colonists
  - Men and Women could read
  - Fast mail delivery
  - Understood cyphers
  - Many women were spies
  - Army of volunteers
- British
  - 20% literacy in England
  - Officers could read
  - Messages traveled by sea
  - Army of conscripts and mercenaries

“If a man empties his purse into his head,  
no man can take it away from him. An  
investment in knowledge always pays the  
best interest.”

Benjamin Franklin

# America?

- The opportunity to experiment was ripe in the American colonies
- Colonies had formed “parliaments” of their own
- Population was educated almost everyone could read and write
- Postal system allowed rapid circulation of ideas
- There was no local King to dethrone
- An “American ethnicity” was incubating

# What is Ethnicity?

- It is a noun that means an affiliation resulting from racial or cultural ties. A person's ethnicity is their ethnic traits, classification, or association.
- One-third of the men who signed the Declaration of Independence were of non-English stock, eight being first-generation immigrants.
- “Europe, and not England was the parent country of America. The New World had for years, offered asylum to the persecuted lovers of civil and religious liberty from every part of Europe.” Thomas Paine in Common Sense
- This abundance of experience and knowledge that characterized the world of 1776 was the inheritance America shared as a birthright.

# Careful What You Wish For

- Threw Off the British Monarchy 1783
- Nature Abhors A Vacuum.
- Articles of Confederation
  - No Power To Levy Taxes
  - Regulate Trade
  - Enforce Laws
  - No provision for Defense
- Constitution in September 1787



# Ratifying the Constitution

- Distrust was rampant and different groups of people, often forming along state or religious lines, had different ideas on how to move forward.
- Federalist papers were a series of writings arguing for the ratification.

# FEDERALIST NO. 51

“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. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.”

# Democracy vs. Republic

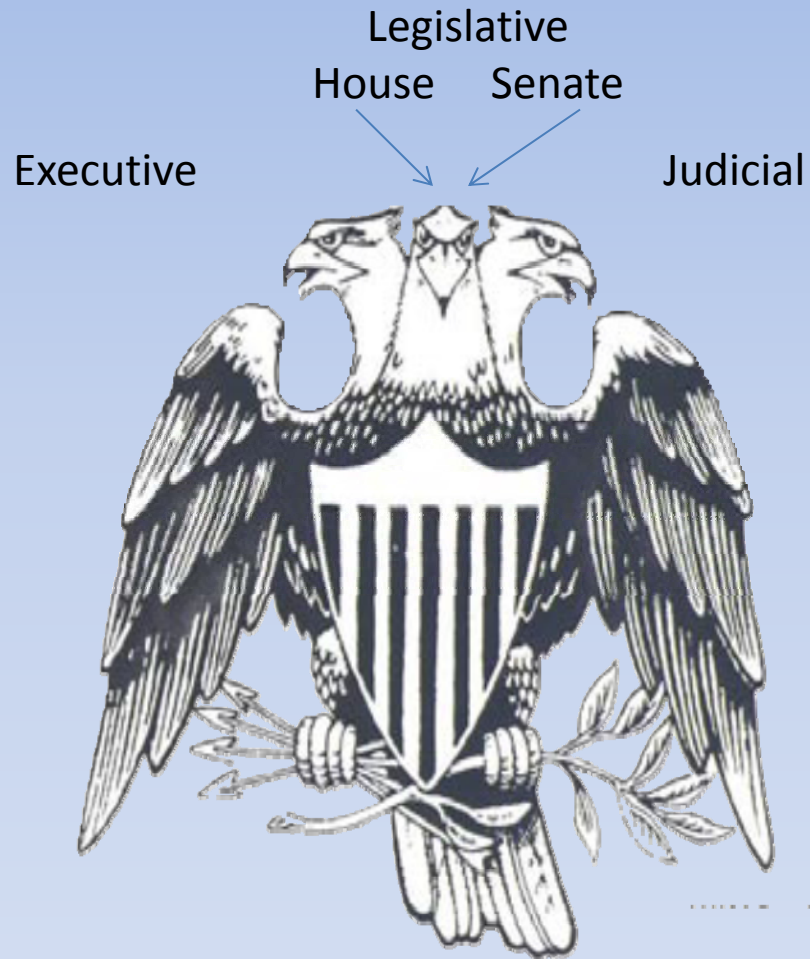
- Democracy
  - 25 man posse captures someone
  - 25 vote to hang him
  - I vote not to hang him
  - Majority rules, he gets hung
- Republic
  - 25 man posse captures someone
  - 25 vote to hang him
  - I vote not to hang him
  - Sherriff arrives and says he must have a trial

# Protection from Human Nature

- The Constitution is all about -- providing freedom from abuse by those in authority.
- Anyone who says the American Constitution is obsolete just because social and economic conditions have changed does not understand the real genius of the Constitution.
- It was designed to control something which has not changed and will not change in thousands of years...

**Human Nature.**

# Separation of Powers



Problem solving  
wing of  
compassion,  
sensitive to the  
unfulfilled needs of  
the people and  
enforce the law.

Can we afford it?  
Secondly, what will  
it do to individual  
freedom? Is it  
within the  
constraints of the  
constitution?

# Federalist 23

- National Security
- Protection from Domestic Disturbances
- Regulation of Commerce
  - Between States
  - Between Countries

Alexander Hamilton

# Protect Minorities

- It is important in a republic to not only protect society against the oppression of its rulers, but to protect each part of society against the injustice of the others.
- If some common interest were to unite a **majority** of citizens, then the rights of the **minority** would be at risk.

# Looking to History

The idea of making up for man's lack of virtue by putting his interests in opposition to those that rival his own is not a new one.

Writers of the Constitution had a remarkable understanding of HISTORY and therefore of HUMAN NATURE



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# Republic

- Under the rule of law each citizen has the same responsibilities and rights.
- Protects the people from the frailties of rulers
- Depends on ethical and moral society
  - Ethics is keeping your word
  - Morality is being guided by a greater authority than man

# Separation of Power

- Divide and concur for the protection of the people from their government
- Three branches of Government
  - Legislative
  - Judicial
  - Administrative
- Therefore, they should be structured in a way that the members of each Branch will play as small a role as possible in the appointment of the members of the other Branches.

# What is its Purpose

- Freedom is not the natural state of man.
- Constitution was simply to provide a structure that would protect us from anyone who thought they were greater than God.
- “It is an instrument for the people to restrain the government—lest it come to dominate our lives and interests.”

Patrick Henry

# Administrative

- Election by popular vote
  - Four year term
  - Veto power
- Founders were students of history and understood that no man—ruler or otherwise—can ever be perfect.

# Multilayered Government

- America is a Compound Republic
  - Federal
  - State
  - County
  - Community

# Size Matters

- In the immense republic of the United States, with its numerous and diverse interests, parties, and religions, the formation of a majority coalition throughout all of society would probably only happen if it were based on the principles of justice and the general good.

# Live with Human Nature

- America's Founders sought neither to "fix" human nature nor to deny its predictable ends. Instead, by devising a republican government based on checks and balances and an economy functioning as a free market with commonsense regulation, the Founders turned the weakness of human nature into a strength of its government.



# Good or Bad Assumption?

- In the immense republic of the United States, with its numerous and diverse interests, parties, and religions, the formation of a majority coalition throughout all of society would probably only happen if it were based on the principles of justice and the general good.

# What Motivates People?

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- ***What is in it for me?!!!***

# Amendment 17

## 1913

- Direct election of Senators
- If a Senate seat becomes vacant, the Governor of that State shall issue writs of election to fill such vacancy.
- The legislature of that state may empower the governor to make a temporary appointment until the people fill the vacancy by an election.

# Majority Coalition

- Political Parties
  - George Washington warned about this
  - Corruption and loss of integrity
- Social Security/Federal welfare
  - Started under FDR
  - Created a dependence
- Liberal/Socialist Movement
  - Woodrow Wilson
  - Selective enforcement of laws
  - Attack on religion of all kinds = loss of morality
  - Ends justify the means = Loss of Integrity
- **Good intentions with unforeseen Consequences?**

# Most Unexpected Event

- National press being developed
- The press turning from a watchdog to propagandist

A Republic Ma'am, if you can keep it

What Benjamin Franklin responded to a lady who asked "What have you given us?" as he left the Constitutional Convention