



Scholar Exchange: Ratification and the Federalist Papers

Briefing Document

INTERACTIVE CONSTITUTION RESOURCES

- [Resources for Article VII - Ratification Debates](#)

INTRODUCTION

Big Questions

- When was the Constitution completed and signed, and what was the process for deciding whether to adopt it?
- What is ratification?
- Who were the Federalists, and what were some of the key arguments in favor of the new Constitution?
- Who were the Anti-Federalists, and what were some of the key arguments against the new Constitution?
- What were The Federalist Papers, who wrote them, and what did they say?
- How did the ratification process play out at the state level, and how did the supporters of the new Constitution win the battle?
- What role did compromise play in the ratification of the U.S. Constitution?
- What is the relationship between the ratification process and key constitutional principles like popular sovereignty and federalism?

BIG IDEA

When the Constitution was signed by the Framers at the Constitutional Convention on September 17, 1787, it was a mere proposal. The Framers understood that the people themselves still had to accept this new Constitution. Acting through their state ratifying conventions, the American people had to decide whether to give the Constitution life—whether to say “yes” or “no.”



INTRODUCTION: THE RATIFICATION FIGHT AND THE KEY PLAYERS—THE FEDERALISTS AND THE ANTI-FEDERALISTS.

This week, we're covering the battle over whether to say "yes" or "no" to the new Constitution. The fancy word for this process is "ratification."

After signing the new Constitution in Philadelphia in September 1787, the delegates to the Constitutional Convention then sent our nation's charter to the states for ratification.

So, even though the Framers spent months hammering out a new framework of government, they left the final decision to the American people—acting state-by-state through specially elected state ratifying conventions.

The American people were free to say "yes" or "no."

Of course, we know how this story ended. The supporters of the new Constitution—the Federalists—won the battle over ratification. And the American people voted to adopt the new Constitution.

To us today, this whole story may lack drama. It may seem inevitable. Far from it! The American people almost said "no!"

The battle over ratification—pitting the Federalists (supporters of the Constitution) against the Anti-Federalists (opposing the Constitution)—was very close.

Just a few shifted votes in a few important states like Massachusetts, Virginia, or New York may have changed the entire outcome. The new Constitution may have failed. The Anti-Federalists may have won.

But of course, the Federalists did win. And because of the brilliance of the Federalists' new Constitution, the force of their political (and constitutional) arguments, their willingness to compromise, and a little bit of luck, the American people said "yes"—they ratified—the U.S. Constitution.

Before turning to the ratification story itself, who were the Federalists and the Anti-Federalists?

Let's begin with the Federalists.

Supporters of the new Constitution included:

- Two of America's most beloved figures: George Washington and Benjamin Franklin.
- And some of the nation's most gifted political leaders (and thinkers), including James Madison, Alexander Hamilton, John Jay, John Dickinson, James Wilson, and Gouverneur Morris.

So, the Federalist leaders included some (very) popular leaders, brilliant thinkers, and political heavyweights!

What about the rank-and-file Federalists?

- Overall, they tended to be better educated than the Anti-Federalists.

- And they were more likely to be wealthy and to live in cities.

Why did the Federalists support a new Constitution? What did they say?

Broadly speaking, the Federalists argued that in order to grow into a great nation, the United States needed a stronger national government. The Federalist drive for a new Constitution was driven, in part, by the events of the previous decade.

- The failures of Congress during the American Revolution.
- The weakness of the Articles of Confederation.
- The flaws of the new state governments put in place between the Declaration of Independence and the new Constitution.

Drawing on these experiences, the Federalists concluded that America needed a national government with enough power to address genuinely national issues.

In other words, in the Federalists' view, America's national government must have the sorts of powers that national governments—for instance, those in Europe—usually had.

The power to raise an army.

The power to tax.

The power to regulate commerce and trade with other nations and between the American states.

The power to shape the nation's foreign policy.

And the power to declare war.

Finally, in today's class, we're going to spend some time with the most famous set of writings authored by the Federalists—The Federalist Papers. What were they?

The Federalist Papers were a series of 85 essays printed in newspapers to persuade critics of the Constitution and those on the fence to support ratification.

Alexander Hamilton wrote 51 of these essays, James Madison 29, and John Jay five.

All three authors wrote under the same famous pen name—"Publius."

Broadly speaking, Madison focused on the big theoretical and structural questions of government and politics.

And Hamilton focused on specific issues like the structure of (and Framers' vision for) the Presidency and national courts.

The Federalist Papers—and their brilliant authors—were capable of both high-minded theory and persuasive political arguments.

In this class, we will focus on both of these key features of The Federalist Papers, some of the key arguments in a couple of the most famous essays, and the broader vision advanced by the supporters of the new Constitution.

So, those are the Federalists and their famous The Federalist Papers. What about the Anti-Federalists? Who were they?

The Anti-Federalists opposed the new Constitution.

The Anti-Federalist camp included its own list of Founding-era heavyweights—including:

Virginia’s George Mason, Patrick Henry, and Richard Henry Lee.

Massachusetts’s Samuel Adams, Elbridge Gerry, and Mercy Otis Warren.

And New York’s powerful Governor George Clinton.

What about the rank-and-file Anti-Federalists?

Generally speaking, Anti-Federalists were more likely to be small farmers than lawyers or merchants.

In addition, Anti-Federalist support was stronger:

Out West rather than in the East.

In rural areas rather than in the cities.

And in large states rather than in small states.

While many Americans know about The Federalist Papers, the Anti-Federalists included their own set of powerful authors—every bit as politically potent and theoretically sophisticated as their Federalist opponents.

For instance, there’s “Brutus”—usually thought to be leading New York Anti-Federalists (and one-time Constitutional Convention delegate) Robert Yates. (We’ll take a close look at his Essay No. 1 later today.)

Massachusetts poet, historian, and patriot—Mercy Otis Warren—penned her own influential Observations on the New Constitution, using the pen name: “A Columbian Patriot.”

And other key Anti-Federalist writers included Federal Farmer (likely New York’s Melancton Smith or Virginia’s Richard Henry Lee) and Centinel (Pennsylvania’s Samuel Bryan).

What were some of the Anti-Federalists’ main reasons for opposing the new Constitution?

In many ways, the ratification battle was a debate over political power—and where to place it.

In other words, it was a battle over federalism—the question of how much power to give to the national government and how much power to keep with the states.

While the Federalists argued for a stronger national government, the Anti-Federalists defended a vision of America rooted in powerful states.

The Anti-Federalists feared that the new Constitution gave the new national government too much power.

And that this new government—led by a new group of distant, out-of-touch political elites—would:

Seize all political power.

Swallow up the states—the governments that were closest to the people themselves.

And abuse the rights of the American people.

For the Anti-Federalists, this was the road to tyranny!

Remember, Americans at the Founding rarely traveled outside of their own towns.

For them, the nation’s capital—though located in New York, Philadelphia, and (eventually) Washington, D.C.—might as well have been in London.

So, the Anti-Federalists weren’t interested in replacing a powerful, out-of-touch, distant government in Great Britain with a new one—whether in New York City, Philadelphia, or (eventually) Washington, D.C.

Better to keep most political power at the state and local level, where it had always been in America—the governments closest to the American people.

And limit the powers of the national government.

In the end, the Anti-Federalists faced an uphill fight during the battle over ratification.

Americans had largely concluded that the Articles of Confederation had serious problems.

Even many key Anti-Federalists agreed with that!

Furthermore, to win political battles, it often takes a plan to beat a plan.

The Federalists had a plan—the new Constitution.

The Anti-Federalists didn’t.

As a result, it was easy for the Federalists to frame the ratification fight as a battle between a new Constitution and the deeply flawed Articles of Confederation.

Even so, the Anti-Federalists almost won!

Let's turn to that story now.

Big Idea: When the Constitution was signed by the Framers at the Constitutional Convention on September 17, 1787, it was a mere proposal. The Framers understood that the people themselves still had to accept this new Constitution. Acting through their state ratifying conventions, the American people had to decide whether to give the Constitution life—whether to say “yes” or “no.”

THE RATIFICATION STORY—BEGINNING WITH THE DISSENTERS AT THE CONSTITUTIONAL CONVENTION.

Let's begin our story in September 1787.

It's the closing days of the Constitutional Convention.

The Framers are debating the final details of the new Constitution.

However, in the view of some of the delegates, the Framers had forgotten something very important: a Bill of Rights.

Today, Americans cherish the Bill of Rights.

For many Americans, it's the very heart of the Constitution.

But the Framers left one out. Why?

The short answer is probably that they had too much on their plate.

Over a hot, sticky, smelly summer in Philadelphia, the Framers had crafted an entirely new government from scratch—with a Congress, a President, and a new national judiciary (led by a Supreme Court).

This difficult task led to heated debates, bitter disagreements, and hard-fought compromises.

By September, the delegates were tired.

They were ready to see their families.

They were ready to sleep in their own beds.

They were ready to go home.

The push for a Bill of Rights didn't emerge until the closing days of the Constitutional Convention.

An unsurprising dissenter led this final (failed) push: Virginia's George Mason.

Who was George Mason?

A neighbor of George Washington, Mason was one of the most influential members of the Founding generation.

Prior to the Constitutional Convention, Mason's main claim to fame was as author of Virginia's own state Bill of Rights: the Virginia Declaration of Rights.

Mason wrote his Declaration in June 1776—so, a month before Jefferson's Declaration of Independence.

It would influence Jefferson.

And it would influence state constitution-writers throughout the nation—with many state constitutions simply copying and pasting from Mason's Declaration, word for word!

So, the Virginia Declaration of Rights was a big deal!

Virginia would later nominate Mason as a delegate to the Constitutional Convention.

And Mason himself was an active participant in Philadelphia—winning on some issues and losing on others.

His push for a Bill of Rights was his final losing battle at the Convention.

How did this story play out?

Between September 12th and September 17th, the Framers worked to put the finishing touches on their new Constitution.

During these final debates, Mason raised the idea of including a Bill of Rights in the new Constitution, arguing that it would "give great quiet to the people."

Mason's pitch was simple.

He was the father of Virginia's beloved Declaration of Rights.

Just give him a few days or even a few hours, and he could put together a Bill of Rights for the new Constitution.

Massachusetts's Elbridge Gerry agreed with Mason and moved to create a committee for that purpose.

Not a single state supported Gerry's motion.

The delegates were ready to go home.

On September 17, 1787, the Convention delegates signed the new Constitution.

But George Mason, Elbridge Gerry, and Edmund Randolph refused.

At the Constitution Center, we affectionately refer to these three key figures as “the Dissenters.”

Why did they refuse to sign to the new Constitution?

Together, the three Dissenters—Mason, Randolph, and Gerry—criticized the Framers for:

Refusing to write a Bill of Rights into the Constitution.

And for creating a powerful new national government that was destined to:

Seize all political power.

Swallow up the states.

And abuse the rights of the American people.

Mason set out his own specific reasons in writing.

These are known as Mason’s “Objections to the Constitution.”

Interestingly, Mason first scribbled his key objections out on his own September 12th copy of the new Constitution.

Mason would then circulate his objections in a more polished form to important opponents of the Constitution throughout the nation.

Finally, he would eventually print them in pamphlet form for broader distribution.

Mason’s “Objections” would deeply influence the Anti-Federalist case against the new Constitution in the months ahead.

Given his final push at the Convention itself, it’s little wonder that Mason’s very first objection was the lack of a Bill of Rights in the new Constitution.

Here are the opening words of Mason’s “Objections”: “There is no Declaration of Rights.”

Without a Bill of Rights, Mason feared that the new Constitution gave Congress broad powers that would allow the new national government to impose new crimes, inflict cruel and unusual punishments, and seize new political power.

Furthermore, Mason was especially worried that the Constitution didn’t protect the liberty of the press or against standing armies in times of peace.

The Convention’s closing days were a prelude to the ratification battles to come—as Americans debated whether to ratify the new U.S. Constitution.

THE STATE-BY-STATE RATIFICATION FIGHT

Interestingly, the Constitution itself set out the rules of the game—in other words, how the ratification process was supposed to work.

Remember, in September 1787, the United States already had a national framework of government—the Articles of Confederation.

The new Constitution was the Framers’ proposal for replacing that government.

But it was only that—a proposal.

The Framers left the question of ratification—whether to say “yes” or “no” to the new Constitution—to the American people.

In the Framers’ view, only the American people themselves had the authority to tear up the Articles of Confederation and establish a new government.

James Madison explained this well—describing the Constitution (in Federalist No. 40) as “of no more consequence than the paper on which it was written” unless ratified by the American people.

In other words, it didn’t matter that the new Constitution was signed by America’s two most beloved figures—George Washington and Benjamin Franklin—and written by some of the nation’s best constitutional (and political) thinkers.

It wasn’t up to them.

It was up to the American people themselves.

That’s a great example of one of the Constitution’s core principles: popular sovereignty—rule by “We the People.”

This is a just a fancy way of saying that the Constitution establishes a government that’s driven by us—not a monarch, not the elites, not an aristocracy—but by us, the American people.

The ratification process was the Framers’ attempt to make popular sovereignty a reality—a living, breathing thing in the world.

For them, the foundation of all political power—the very legitimacy of our Constitution and the national government itself—rested with us: the American people.

How was the ratification process supposed to work? In other words, what were the specific rules of the game?

Under Article VII of the new Constitution, the new government would go into effect if nine states ratified. In other words, if nine states said “yes.”

Each state would elect delegates to its own state ratifying convention.

From there, each ratifying convention would then debate the Constitution and decide whether to support it (or not).

And the ratification vote was very close in many key states—like Massachusetts, Virginia, and New York!

Let’s take a look at how this ratification process played out on the ground.

First, it’s worth noting that the ratification battle itself wasn’t a single moment, but a longer process—one that took nearly a year.

Every state held a ratifying convention.

And the supporters and opponents of the Constitution waged battles at the state level—state by state.

Second, it’s important to remember that the American people themselves were surprised by the new Constitution.

The delegates to the Constitutional Convention met in secret.

The Confederation Congress instructed the delegates to amend the Articles of Confederation—not write a new charter of government.

Most Americans expected just that—amendments.

Instead, they got a proposal for a new Constitution.

Third, the ratification process itself was a democratic moment for its time.

Ordinary Americans cared about the new Constitution.

In their elections to the state ratifying convention, many states got rid of their typical voting requirements—including property requirements—allowing nearly all taxpaying male citizens to vote. (Of course, even these expanded voting rules left out many voices that are essential to American democracy today.)

And the American people fiercely debated the merits (and defects) of the new Constitution in newspapers, pamphlets, at bars and taverns, and, of course, in the state conventions themselves.

So, how did these state-by-state battles play out over time?

The first state to ratify the Constitution was Delaware (unanimous)—on December 7, 1787.

Delaware was quickly joined by four other states:

Pennsylvania (46-23, on December 12, 1787)—which was a bitter fight.

New Jersey (unanimous, on December 18, 1787).

Georgia (unanimous, on January 2, 1788).

And Connecticut (128-40, on January 9, 1788).

However, the Constitution—and its supporters—then ran into serious, organized opposition in the important state of Massachusetts.

The Massachusetts Convention was closely divided between Federalists and Anti-Federalists.

And two of the state’s leading voices—Samuel Adams and John Hancock—emerged as critics of the Constitution.

As part of the debates in Massachusetts Convention, many Anti-Federalists called for amendments to the new Constitution.

To get to “yes,” the Federalists brokered a compromise with Adams and Hancock.

Under this “Massachusetts Compromise,” a majority of delegates agreed to ratify the new Constitution.

But only if the Convention agreed to recommend a set of amendments to the new Congress following ratification.

The Massachusetts Convention finally voted in favor of ratification on February 6, 1788.

But the vote was close—187 to 168.

This Massachusetts Compromise paved the way for the Constitution’s ratification—with later states following Massachusetts’s example and brokering similar compromises to secure the support of many critics of the Constitution.

Every remaining state convention—except for Maryland’s—recommended amendments as part of their decision to ratify.

With these key compromises, the ratification debates themselves shaped the Constitution’s future in important ways—perhaps, most notably, by getting James Madison to push for a Bill of Rights in the new Congress after ratification was secure.

Even though many Federalists (including Madison himself) didn’t think that either a Bill of Rights or other structural amendments were necessary, Anti-Federalist strength in many key states forced them to compromise.

And the compromise worked.

The compromise paved the way for ratification in many of the remaining states.

Here's the ratification timeline for the next wave of states.

Maryland, April 28, 1788 (63-11).

South Carolina, May 23, 1788 (149-73).

New Hampshire, June 21, 1788 (57-47).

Virginia, June 25, 1788 (89-79)—in a close fight.

And New York—in another bitterly close fight—on July 26, 1788 (30-27).

So, by the end of July 1788, eleven states had ratified the new Constitution, including critical states like Pennsylvania, Massachusetts, Virginia, and New York.

The American people said “no” to the Articles of Confederation.

And “yes” to the new Constitution.

And once ratified, the Bill of Rights itself—approved by the First Congress and ratified in 1791—would calm many of the fears of the Anti-Federalists and increase support for the new Constitution.

Interestingly, the final two states—North Carolina and Rhode Island—wouldn't ratify the Constitution until after the new government was already established.

Let's end the ratification story with a passage that captures the power (and drama) of ratification itself.

It's Fourth of July in 1788.

Ten states had already voted to ratify the new Constitution.

And the Anti-Federalist stronghold of New York would soon follow.

Americans were ready to launch a new national government—one more powerful than the one established by the Articles of Confederation, but still one of limited powers.

To borrow from Alexander Hamilton in Federalist No. 1—through the ratification process—Americans had proven that it was possible for a nation to establish a new republic through “reflection and choice” not “accident and force.”

In short, Americans voted—state by state—to ratify (to say “yes”) to the new Constitution.

Here's how influential Federalist James Wilson explained this powerful moment during a speech at a 1788 Fourth of July celebration in Philadelphia:

“You have heard of Sparta, of Athens, of Rome; you have heard of their admired constitutions. . . . But did they ever furnish . . . an exhibition similar to that which we now contemplate? Were their constitutions framed by those, who were appointed for that purpose by the people. After they were framed, were they submitted to the consideration of the people?”

So, that’s the ratification process itself.

Let’s end our time together with the key arguments advanced by the Federalists and the Anti-Federalists during the ratification debates.

THE KEY ARGUMENTS MADE BY THE FEDERALISTS AND THE ANTI-FEDERALISTS—FOCUSING ESPECIALLY ON CANONICAL DOCUMENTS LIKE THE FEDERALIST PAPERS (ESPECIALLY NO. 10 AND NO. 51) AND BRUTUS NO. 1.

Let’s end by exploring the key arguments advanced by the Federalists and the Anti-Federalists during the ratification debates.

Perhaps the easiest way to capture the two sides of this great debate is by focusing on some of the canonical documents that Americans still read today.

Let’s begin with one of the most forceful Anti-Federalist voices during the ratification debates: “Brutus.”

While scholars still debate the specific author, most believe that these essays were written by New York Anti-Federalist Robert Yates.

Yates was a New York state judge.

He was a close ally of powerful New York Governor (and leading Anti-Federalist) George Clinton.

He represented New York at the Constitutional Convention—but left early because he strongly opposed the new Constitution emerging in Philadelphia.

And he served in the New York state ratifying convention.

Brutus published his essays during the New York ratification debates.

He expressed a range of doubts about the new Constitution.

And his essays were so powerful that they helped spur Alexander Hamilton to begin to organize (and co-author) The Federalist Papers in response.

For today’s class, let’s take a close look at Brutus Essay No. 1.

It’s worth noting that even Brutus criticized the Articles of Confederation—and argued that changes were needed.

However, he urged caution.

The Federalists speak of a national crisis.

They argue that time is of the essence.

But for Brutus, history teaches us that once a national elite seizes political power, they are unlikely to give it back.

So, the American people must be careful before creating a new national government and granting it serious power.

For Brutus, the ratification debate came down to one key question: Do we want a system driven by powerful states or one organized around a single grand republic governed by a national legislature, a national executive, and a national court system?

Brutus—and his Anti-Federalist allies—sided with state and local governments over a powerful national government.

Brutus warned that the new Constitution would end with an all-powerful national government.

Finally, Brutus feared that a republican form of government—one rooted in elections and popular self-governance—couldn't succeed in a large nation like America.

Brutus argued that history didn't show any examples of a republic working over such a large nation.

Republics were fragile.

Previous republics were small.

And they collapsed once they got too big.

Think of Ancient Rome.

Furthermore, for a republic to work, the manners, sentiments, and interests of the people should be similar.

Elected representatives must know the minds of their constituents.

And the people as a whole must have similar enough interests to rally around a common vision of the public good.

Brutus feared that this was impossible in a large republic like the one established by the new Constitution.

The United States was large.

And its people were diverse.

Under the new Constitution, Brutus worried that the nation (and its government) would be overrun by clashing interests and factions.

In such a large and diverse nation, was something like a common good even possible?

Or were we destined to be stuck with an endless series of battles between different—often conflicting—visions?

In Brutus's view, an American republic under the new Constitution would end with leaders out of touch with the American people.

Elected representatives would abuse their power.

They would serve their own self-interest.

And they would oppress the people.

The bottom line?:

The new Constitution would destroy state governments.

It would place all political power in a single national government.

That new, all-powerful national government wouldn't serve the public good.

Instead, it would abuse its power, promote the self-interests of its leaders, and destroy the people's liberties.

Quite a cheery picture!

How did the Federalists respond? To capture the Federalist vision, let's end by turning to their most famous writings—The Federalist Papers.

Today, scholars and ordinary Americans alike recognize The Federalist Papers as some of the finest works of political theory.

But it's also important to understand them in context—as political documents written during the fight over the ratification of the U.S. Constitution.

The Federalist Papers were printed primarily in New York to rally support for the new Constitution.

Alexander Hamilton, James Madison, and John Jay wrote these essays under the pen name "Publius."

To capture some of the key Federalist arguments, we're going to focus today on two of the key essays written by James Madison—Federalist No. 10 and No. 51.

Let's begin with Federalist No. 10.

Madison published this essay on November 22, 1787.

He titled it: “The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection.”

Madison began by setting out his main thesis: “Among the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction.”

What did Madison mean by a “faction?”

Madison: “By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse or passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.”

For Madison, factions meant groups driven by passion and self-interest, not reason and the public good.

And he had already seen the dangers of faction in America—in some of the problems with America’s own state governments.

The danger of a factional majority—driven by passion and self-interest—was that they might harm everyone else.

For Madison, this danger was greatest in a small republic like a state or two—where it was easier for a majority faction to join together and oppress the minority.

For Madison, the solution was a combination of both constitutional structure and civic republican virtue.

Madison believed that in larger republics factions would struggle to win political power.

Here’s Madison explaining this theory in one of the most famous passages in The Federalist Papers:

“Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other.”

So, a larger republic (like a nation)—with a greater diversity of voices and groups—would make it harder for each faction to build a majority and oppress everyone else.

Furthermore, Madison argued that a larger republic would help attract the best and the brightest to the national government.

This would result in enlightened leaders, committed to civic republican virtue—reason (not passion) and the public good (not private self-interest).

And with these leaders in place, better public debates—and better political decisions—would follow.

So, that's Federalist No. 10. What about Federalist No. 51?

Madison published this essay on February 8, 1788.

He titled it: "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments."

In it, Madison explained how the Constitution's structure checked the powers of the elected branches and protected against possible abuses by political elites.

For Madison, the solution was a combination of both separation of powers and checks and balance.

With the separation of powers, the Framers divided the powers of the national government into the three separate branches.

The new legislative branch—Congress—was tasked with making the laws.

The new executive branch—led by a single President—was responsible for enforcing the laws.

And the new judicial branch—headed by a Supreme Court—had the duty of interpreting the laws.

The goal was to prevent any single branch of government from becoming too powerful.

At the same time, each branch of government was also given the power to check the other two branches.

This is the key principle of checks and balances.

Madison explains this system in one of the most famous passages in American history:

"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."

But as Madison and Framers knew, men were not angels.

How did this system of checks and balances work?

Take one simple example.

Congress was given the power to make our nation's laws.

But the President was given the power to veto any law passed by Congress, and federal judges were given the power to declare any law unconstitutional. (This is known as the power of judicial review.)

And so on.

For Madison, ambition must be made to counteract ambition because the Constitution assumes that human nature is imperfect and that all political elites (and factions) will seek greater political power.

As a result, the best way to control the national government is to harness the political ambitions of each branch of government and use them to check the other branches.

Finally, how did these various arguments combine into a broader vision for the national government under the new Constitution?

While it's always dangerous to generalize, Madison, Hamilton, and Jay set out a compelling vision in The Federalist Papers.

In designing their new government, the Framers were no doubt concerned about the threat of tyranny.

After all, the American revolutionaries rebelled against an abusive, distant, and out-of-touch Parliament and King.

Therefore, it's little wonder that the Founders were concerned with designing a national government with limited powers—one that would secure the blessings of liberty to themselves and their posterity.

However, the Founders were also interested in forming a national government that worked.

If the tyranny of George III was fresh in their minds, so, too, were the failures of the Articles of Confederation—a government incapable of raising revenue, promoting cooperation between the states, or securing our infant nation.

By drafting and ratifying our Constitution, the Founding generation sought to create a national government more powerful than one created by the Articles of Confederation, but also one of limited powers.

This was no simple task.

In The Federalist Papers, Madison, Hamilton, and Jay envisioned a constitutional system driven by reasoned debate and principled compromise.

In part, they feared majority and minority factions as enemies of public reason, and, in part, they sought to build a system that guarded against majoritarian tyranny, making it hard for (as James Madison put it) “stronger factions [to] readily unite to oppress the weaker.”

This is the familiar American constitutional story. Separation of powers. Checks and balances. Factions counteracting factions.

However, that's only part of the story.

The Founders also sought to design a system that worked—one that promoted public reason and filtered the views of the American people through representative bodies filled with America’s best and brightest.

Of course, while House elections were intended to align the government with the views of the American people, the Framers also designed a “complicated” system—one that was not simply driven by the immediate preferences of the people themselves.

Through the new Constitution, Madison sought to limit the dangers of party passion and factional unreason.

For Madison, “the aim of every political constitution was . . . , first, to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of society.” (Fed 57)

While states often had a limited pool of quality candidates for their legislatures, the national government would have, in John Jay’s words, “the widest field of choice.” (Fed 3)

Since the Framers “extended . . . the spheres of elections,” a larger universe of potential candidates would be available for each position in the national government, and only those with well-established reputations would win. (Fed 27, Ham)

This would result in elected officials who were “temperate and cool,” (Fed 27, Ham) congressional deliberations filled with “moderation and candor,” (Fed 27, Ham), and decisions that were “more wise, systematical, and judicious, than those of the individual states.” (Fed 3, Jay)

This form of representative government would “refine and enlarge the public’s views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the interest of their country, and whose patriotism and love of justice, would be least likely to sacrifice it to temporary or partial considerations.” (Fed 10)

So, the Framers’ goal was to build a positive feedback loop of civic republican virtue: Build a system likely to attract great leaders, attract those leaders, build the public’s affection for the national government, and rinse and repeat.

And the system as a whole was designed to slow the political process down, filter public opinion, and lead to good decision making.

The people would elect the members of the House directly and indirectly play a role in the selection of the new government’s President and Senators.

And any idea or piece of legislation would face considerable obstacles before succeeding.

Competitive elections. Bicameralism. The presidential veto. Judicial review.

This process would kill bad ideas, revise flawed ones, and refine good ones.

Over time, by slowing our politics down, national policy would promote the common good.



Scholar Exchange: Article VII - Ratification and the Federalist Papers Briefing Document

Or at least, that's the Federalists' broader theory of government.

**Research provided by Nicholas Mosvick, senior fellow for constitutional content and Thomas Donnelly, senior fellow for constitutional studies, at the National Constitution Center.*