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# How Human Nature Informs the Structure of Government: An Exegesis of *The Federalist Papers*

C. Jason Beavers

Thesis  
Submitted in Partial Fulfillment of  
the Requirements for the Degree of  
Master of American History and Government

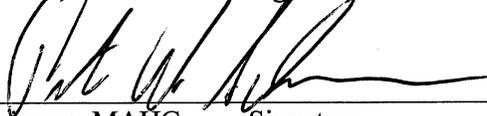
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**A thesis submitted in partial fulfillment of the requirements of the  
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## **How Human Nature Informs the Structure of Government:**

### **An Exegesis of *The Federalist Papers***

Throughout its famed eighty-five essays, *The Federalist* provided a running commentary on the topics of human nature and republican government structure. The primary authors of this seminal treatise on political theory, Alexander Hamilton and James Madison, both agreed in general principle and in most particulars that human nature was characterized by some positive traits that were often overshadowed by heavy flaws. They also agreed that while there were enough positives to make republican government theoretically possible, the flaws necessitated certain structural checks on human nature to ensure the practical feasibility of such government.

#### **Part 1: Human Nature in *The Federalist***

Some scholarship suggests that a divided Publius existed within *The Federalist*. Allegedly, this was the result of the two different personalities and minds that were Hamilton and Madison. Representing opposing interests, these two founders approached the problems of the young republic from different angles. John Quincy Adams, for example, wrote in 1850 that *The Federalist* was not the “production of a single mind.” When comparing Federalist 9 with Federalist 10, the former produced by Hamilton, the latter written by Madison, it appeared that they were writing “rival dissertations upon faction and its remedy.” While both believed that faction was an endemic disease in republics, Hamilton, said Adams, drew his examples and remedies from his study of Greek republics, while Madison’s solutions and remedies emerged from the theoretical studies of human nature. Additionally, Adams declared that these two papers emphasized different political structures. Hamilton focused on the differences between a confederation versus a consolidation of states, whereas Madison focused on how to overcome

faction within a republic as opposed to a democracy.<sup>1</sup> In essence, although he admitted that the authors agreed that faction was the basic problem, Adams argued that they used different language and theoretical approaches to identify and remedy the problem.

This argument has merit. The purpose of this thesis is not to disprove the various aspects of this assertion point-by-point. Instead, this thesis focuses on a significant agreement between the two personalities of Publius. Even Bernard Bailyn, who supported Adams' argument in his book *To Begin the World Anew*, also stated in that same work that Hamilton and Madison exhibited "broad agreement on fundamental points."<sup>2</sup> In short, we will show in the first part of this thesis that Madison and Hamilton both agreed in principle that human nature was replete with moral failings that were tempered by important strengths. Further, they not only agreed generally, but also agreed on the specific negatives and positives that human nature entailed. We will demonstrate in the second part of this thesis that Hamilton and Madison also agreed that these truths about human nature should guide the erection of republican government structure. Both writers agreed that republican government was possible because of the strengths found in human nature, but certain checks on the negative aspects of human nature must be put in place in order to make such a system workable. Not only did Hamilton and Madison concur in principle on this matter, they also agreed on the specific structures to be used to temper the flaws of humanity. In other words, Publius was consistent in his argument that if we are to have good republican government, it must be constructed in light of the possibilities, demands, and limitations of human nature properly understood.

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<sup>1</sup> John Quincy Adams, *The Lives of James Madison and James Monroe* (Buffalo: George H. Derby and Company, 1850), 40-42, accessed March 9, 2012, <http://play.google.com/books/reader?id=82USAAAAYAAJ&printsec=frontcover&output=reader&hl=en>.

<sup>2</sup> Bailyn, *To Begin the World Anew*. 101.

In this thesis, we will define the term “human nature” as “the innate moral qualities that tend to drive human behavior.” These moral qualities were defined by Hamilton and Madison throughout *The Federalist* in regard to public political as well as private social behavior. The descriptions that each author provided in various *Federalist* essays demonstrate that Publius saw human nature as fixed and universal, as well as flawed and capable of great destruction. The moral failings of humanity, according to these writers, were juxtaposed with just enough optimism to see potential for success in human self-government. Both Hamilton and Madison were in basic agreement on this issue fundamental to their writing project, as we will show in the next sections of this thesis.

### ***Federalist 1: Hamilton on the Failings of Human Nature***

Hamilton saw human nature as heavily flawed and, consequently, he accentuated those moral failings and the resulting depravity of conditions he observed. He began his famous work with very memorable lines to this effect. It has fallen to America, he proclaimed, to decide the fateful question of whether human beings are capable of establishing “good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.” Hamilton cut to the heart of the American constitutional crisis of 1788 right at the onset of his co-authored *Federalist* project. The important question, simply put, was this: are human beings composed of the requisite moral qualities to create and sustain self-government via reason (“reflection”) and representation (“choice”)? Or, conversely, are human beings so flawed and self-interested that their only hope of constituting government is through either accident or the force of the strongest local superintending entity? This question had been tested by numerous ancient republics, all of which had ultimately failed to answer

affirmatively. In the modern era, it was being asked yet again, perhaps for the final time, in America. The opportunity to answer that question once and for all “seems to have been reserved to the people of this country,” Hamilton wrote. The time to answer that question was Hamilton’s present, which he duly noted by stating that “the crisis at which we are arrived may...be regarded as the era in which that decision is to be made.” Furthermore, the consequences were dire. A “wrong election” on America’s part would “deserve to be considered as the general misfortune of mankind.”<sup>3</sup> In other words, ratifying the American Constitution would be the last, best chance for any human society to successfully experiment with self-government. To fail would mean to settle forever for either the drudgery of despotism or short-lived, accidental good government.

After outlining the significance of the question laid before the American people, Hamilton proceeded to unfold his understanding of human nature. In short, he claimed that humanity exhibited multiple failings, and chief among them was the narrow pursuit of self-interest without regard to the public good. There would be cause for celebration if indeed the American people could answer the great political question of the era without any self-interest or bias. “Happy will it be,” Hamilton wrote, “if our choice should be directed by a judicious estimate of our true interests, unperplexed and unbiased by considerations not connected with the public good.” However, because Hamilton believed human nature was not to be viewed as optimistically as that, “this is a thing more ardently wished for than seriously to be expected.” Instead, the difficulties of the Philadelphia Convention and state ratification conventions had proven that human nature was not inherently altruistic enough to consider this proposed Constitution without self-interest, bias and attachment to tradition. The proposed Constitution affected too many “particular interests,” too many “local institutions,” to not ignite “passions and

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<sup>3</sup> George W. Carey & James McClellan, *The Federalist: The Gideon Edition* (Indianapolis: Liberty Fund, Inc., 2001), 1.

prejudices little favorable to the discovery of the truth.” The whole process of making the Constitution revealed to Hamilton that human nature led to too much narrow self-interest, attachment to familiar political institutions, and the resulting whirl of emotions, protectiveness, and bias. As we will show, this theme of self-interest and the condition of humanity that resulted in protecting that self-interest were major themes of Hamilton’s philosophy regarding human nature. But again, the great question for Hamilton was whether human nature could allow for cool judgment and open-minded reason to decide the matter of constitution-making. Thus far, Hamilton did not seem very optimistic.<sup>4</sup>

*Federalist 1* continued to address human nature. Hamilton connected narrow self-interest to a myriad of other moral failings—unwillingness to capitulate power, strife, discord, and ambition, among others. For instance, Hamilton noted that human nature tended to produce men who resist giving up power. He specifically criticized those men entrenched in their State government offices under the Articles. The proposed Constitution, he pronounced, stirred up opposition from those men that feared the “hazard [of] a diminution of the power, emolument, and consequence of the offices they hold under the State establishments.” In other words, instead of trying to improve the operation of government, these men stuck stubbornly to the inefficient status quo in order to preserve their own power and thus their narrow self-interest.<sup>5</sup>

Hamilton also noted the self-interested ambition of mankind. He wrote of other American men who wanted to curtail ratification, not because they guarded power that the new Constitution threatened to revoke, but because they sought to create new posts out of the failure of the Articles. Hoping to defeat the Federalist plan of Union, they would sit back and watch as the government under the Articles collapsed under its own ineffective weight. These ambitious

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<sup>4</sup> Carey and McClellan, *The Federalist*, 1

<sup>5</sup> Carey and McClellan, *The Federalist*, 2.

men would then attain new positions of power by ensuring that the Union broke into smaller confederacies, and would create new thrones for themselves. Hamilton wrote of “the perverted ambition of another class of men, who...hope to aggrandize themselves by the confusions of their country, or will flatter themselves with fairer prospects of elevation from the subdivision of the empire into several partial confederacies than from its union under one government.” To the precious New Yorker, human nature’s ambitious self-interest produced discord and strife. Men therefore desired to attain power over their own parochial territory rather than attain the lasting peace that Union would yield. Here, Hamilton was looking into the future, predicting what crises may result from failed ratification and disunion. These fears were rooted in his belief that humans by nature are ambitiously self-interested and seek to attain or retain power to promote that self-interest.<sup>6</sup>

Hamilton conceded shortly thereafter in *Federalist 1* that not all anti-Federalists have immoral intentions in their opposition and, further, that not all Federalists lend support for upright reasons. He explained that humans can make “honest errors” that are “actuated by [the] upright intentions” of “wise and good men.” This demonstrates many nuances in Hamilton’s thought. Not all opposition to the proposed constitution was necessarily rooted in mere selfishness. There may be well-intentioned opposition too. However, the point remained that humanity was still flawed, as this example nonetheless proved our capacity for error. Essentially, Hamilton was stating that human nature is capable of well-intentioned error. Honest error was still error and “wise and good men” could still be on the “wrong side” of the most important questions society faces. Moreover, just because a man was in favor of the proposed Constitution did not mean to Hamilton that his motives were any more pure simply because said individual agreed with the New Yorker. Hamilton believed that “ambition, avarice, personal

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<sup>6</sup> Carey and McClelland, *The Federalist*, 2.

animosity, [and] party opposition,” are just as likely “to operate” on those on the right side of a political question as those on the wrong side. By studying human behavior, we often find that even those on the correct side of a question may be motivated by the wrong impulses. Therefore, to Hamilton, human nature could not be characterized as unbiased in most cases, especially with the political issue presented to the American people in 1788.<sup>7</sup>

Hamilton ended his first essay with admonishments to keep human nature and the history of humanity in mind during the Constitutional debates. He feared that the proposed charter would “let loose” a “torrent of angry and malignant passions.” Essentially, he contended that the American experience would be and had already been one that demonstrated humanity to be full of turbulent passions. The famed lawyer observed that our nature proved that we tended to be swayed by passions rather than by reason or deliberation. Because the emotion of the ratification debate over-clouded reason, he feared that his arguments would be taken for exactly the opposite of what he meant. Hamilton believed that anti-Federal opponents, in their passionate zeal, would misconstrue the upright intentions of some Federalists to promote stability and energy in government as tyrannical grabs for power. The movement to add to the powers of the national government in the Constitution was seen by the freedom-loving anti-Federalists, who were attached to their state governments, as a prelude to a return to monarchy. Additionally, he warned followers of the anti-Federal creed to remember the lessons learned by human political experience from the past. The great danger to past republics, he warned, had not come from energetic government as much as it had come from democratic excesses, which had often led to demagoguery and tyranny. It is in our nature, Hamilton believed, to allow a positive trait to be coupled with negative ones, to allow extremism to infect us so as to make what is good to turn toward the bad. He wrote, just as “jealousy is the usual concomitant of love,” so “enthusiasm for

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<sup>7</sup> Carey and McClelland, *The Federalist*, 2.

liberty” is often coupled with “a spirit of narrow and illiberal distrust.” In other words, he warned his readers to not forget history, and urged that the study of the past could show the people of the present that the road to despotism was most often built upon a zeal for liberty rather than a zeal for “vigor in government.” It was a natural result of the human condition to see tyranny emerge from groups proclaiming security for the rights of the people. In all these cases, Hamilton warned that human nature is apt to allow reason be over-shadowed by emotion and passion—a failing that had often led and in his time was leading to much strife.<sup>8</sup>

### ***Federalist 6: Hamilton on the Failings of Human Nature***

Most of the themes of Hamilton’s take on human nature were summarized in his first *Federalist* essay. Humanity at its core is self-interested, ambitious, often unreasonably swayed by passions, and prone to error. These traits are expounded upon in his subsequent papers. Essays 2-14 argue for the “utility of the union” as a necessary precondition for the political prosperity of America, but *Federalist 6* in particular reiterates his earlier points on and provides ample evidence of Hamilton’s consistency on the subject of human nature. In *Federalist 6*, Hamilton argued that war between rival sections would be the inevitable result of disunion. He wrote, “a man must be far gone in Utopian speculations” to doubt that the States would be thrown into “frequent and violent contests with each other” if not bound by the bonds of Union. Violent tendencies were seen in human nature, especially when a nation was divided into confederacies, and thus not unified. To forget that truth would be akin to forgetting that, by nature, humans are “ambitious, vindictive, and rapacious.” Simply stated, these qualities lead us to war.<sup>9</sup>

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<sup>8</sup> Carey and McClelland, *The Federalist*, 23

<sup>9</sup> Carey and McClelland, *The Federalist*, 21.

Note here also Hamilton's assumption: human nature was not something that we developed due to environmental circumstances. "Men are," he stated, not "men become over time through experience." This inherited, universal, and permanent state led to a human condition that was often harsh. We cannot, he said, look for "harmony between a number of independent, unconnected sovereignties in the same neighborhood." To search for such would be to "disregard the uniform course of human events, and to set at defiance the accumulated experience of the ages." History has proven nothing less than neighboring sovereign nations will make war on each other. Due to our nature, it is inevitable. Neighboring nations had always made war upon each other because human nature never changes. All the more reason for Union, Hamilton argued.<sup>10</sup>

What is it about Union that will better prevent war between neighboring nations (or in the American case, states)? Hamilton began to answer this by pointing out that war amongst neighboring sovereigns does not occur merely because of proximity. Our nature creates further reasons to war. "The causes of hostilities among nations are innumerable...Of this description are the love of power or the desire of pre-eminence and dominion—the jealousy of power, or the desire of safety." As he alluded to in *Federalist 1*, Hamilton saw jealousy as innate to humans. Moreover, as he stated directly in Essay 6, ambition was one of our frailties. These characteristics not only led men to oppose the Union, but also cause physical strife. Humanity's in-born love of power, dominion, pre-eminence, even the positive qualities of safety and equality—all of these lead to war. Even trade can cause battle. As Hamilton wrote, "rivalships and competitions of commerce" often led to hostility. In addition, private passions, as well as the aforementioned public ones, direct humanity toward conflict. Case in point: the "attachments, enmities, interests, hopes, and fears" of the leaders of communities led to war.

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<sup>10</sup> Carey and McClelland, *The Federalist*, 21.

Men of power often sacrificed “the national tranquility to personal advantage or personal gratification.” Human nature was marked by the desire to use public position for private gain. The history of humanity has seen many political leaders allowing their private passions to spur them to abuse power, often, no less, in the name of public spirit, ultimately leading to war with neighbors. Many examples followed in *Federalist 6*.<sup>11</sup>

Hamilton rounded out *Federalist 6* by finishing his dismal painting of the human nature portrait. He responded to those who said commercial activity softens the manners of men and that peace is the natural virtue of a republican people by pointing out that history, in actuality, has demonstrated the opposite. Echoing his thesis of human self-interest in *Federalist 1*, Hamilton rhetorically flourished, has it not “invariably been found that momentary passions, and immediate interest, have a more active and imperious control over human conduct” than anything similar to justice? Humanity's selfish interests, Hamilton maintained, frequently overpower our more altruistic motives, proving human nature to lean toward the darker rather than lighter side. Addressing the history of democracies and republics, he contended, “[A]re not popular assemblies frequently subject to the impulses of rage, resentment, jealousy, avarice...?” Republics, where political power is based in the people, are just as likely to exhibit these dark traits as many other government types. Further, he pondered, “is not the love of wealth as domineering and enterprising a passion as that of power and glory?” Additionally, “has not the spirit of commerce...administered new incentives to the appetite” for war? The nature of republics does not undo the nature of man, as opponents suggested. Commerce, as well as power and glory, was a cause of war. As such, commerce did not lead to a spirit of cooperation, but simply gave us more excuses to war with each other. Hamilton then went on to list how the

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<sup>11</sup> Carey and McClelland, *The Federalist*, 21.

histories of republics, to at least as great an extent as monarchies, have been marked by war and strife.<sup>12</sup>

Hamilton tied together his treatment of historical republics and his argument that Union will better prevent war among neighbors with the following analysis. If the States were to be disunited, he asked, “what reason can we have to confide in those reveries which would seduce us into an expectation of peace and cordiality between members of the present confederacy...?” After seeing the innate warlike, impassioned, self-interested nature of man at work in history, what would make the separate states believe that they would escape the same fate? A proper view of human nature would render such an expectation void. Additionally, Hamilton again reasserted that human nature was fixed, that it was immutable. In other words, humanity’s moral qualities have not changed over time, despite that difference associated with a more optimistic political system like republicanism. It is “fallacy” to think America would have an “exemption from the imperfections, weaknesses and evils incident to society in every shape.” Human nature always was, is, and always will be marked by the same imperfections that contribute to the problem of warfare among neighbors—whether individuals, states or nations. And as Hamilton will show, there is something about a well-constructed Union and republic that will help to mitigate these unchanging aspects of human nature.<sup>13</sup>

### **Re-examining *Federalist 1*: Hamilton on the Strengths of Human Nature**

When one considers the dismal portrait of human nature, and the resulting human condition, as described by Hamilton, it may be excusable to answer the grand question found in *Federalist 1* in the negative. Reading the Hamilton’s words above would force one to favor the

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<sup>12</sup> Carey and McClelland, *The Federalist*, 23.

<sup>13</sup> Carey and McClelland, *The Federalist*, 25.

view that human government itself—due to its operators’ self-interested, ambitious, warlike, greedy, and frail qualities—can never be founded on reflection and choice. Rather, its establishment must forever be relegated to accident and force, if this is the best we can expect of humanity and human nature. However, Hamilton provided an additional take on human nature. Although he did not quite present this second facet in a fully optimistic light, he did insist that humanity was capable of enough positive qualities for successful self-government. In other words, Hamilton believed that human nature possessed the requisite capacity for republicanism.

*Federalist 1* provides evidence for this view. In Hamilton’s initial essay, he introduced his grand question, one that posed two alternatives: accident and force versus reflection and choice. On the one hand, there was the idea that human nature, though not totally benevolent in its essence, may be good enough. Human nature may consist of sufficient positive qualities to produce stable, rights-protecting governments through reason, public virtue, and deliberation. On the other hand, it may be impossible for humanity to purposefully produce such a government. The answer to this riddle lies in the actual constitution of human nature. If our nature is composed of the requisite positive qualities, then the formation of such a government by the former means is possible; if our nature lacks these qualities, then only accident and force can produce governing entities. Hamilton utilized quite a bit of prose to argue how poorly constituted human nature is, was, and will be. However, note the slight optimism inherent in his dichotomy. “Accident and force” denotes a negative view of humanity, but the positive assumption found in his reflection-and-choice statement must also be considered. Was humanity capable of creating lasting good government? If human morality did not allow it, was it possible for humanity to exhibit the capacity to utilize reason and intellect to create institutional structures that could soften the dangers human depravities posed to such government? It is certain, by

reading the whole of *The Federalist*, that this is exactly what Hamilton believed was possible. In fact, it was with that confidence, slight as it was, to which Hamilton clung while writing these papers to persuade the citizens of New York in favor of ratification.

Throughout the rest of *Federalist 1*, Hamilton offered hope to his readers that the positive qualities of human nature can shine, only to later negate these said qualities. As previously stated, Hamilton wrote that Americans would be “happy” if their choice in the Constitutional crisis was directed by “a judicious estimate of [their] true interests, unperplexed and unbiased by considerations not connected with the public good.” He was essentially offering hope, temporarily, that the Framing generation would prove human nature to be highly moral in its constitution. They would prove it so if they could achieve the creation of good government with civic disinterest, by placing interests that favor self-only in the backseat when deciding the structure of government. But the loquacious writer seemed to reject that off-hand by noting that the Constitution offended too many parties. The experience of drafting and ratification thus far had proven that human nature was not pure enough to consider this proposed constitution without bias, self-interest, and unreflective attachment to tradition. As we have already noted, he also stated that men may be motivated by good intentions, yet be on the wrong side of the question. Again it seemed that Hamilton saw something salvageable in humanity, implying that not every error is necessarily accompanied by self-interest. However, he stated that these men are still in error, and in the same paragraph he emphasized “ambition, avarice, personal animosity [and] party opposition” as aspects of human nature more likely to be found than well-intentioned error. He will state later that humanity does exhibit some admirable sentiments, such as the ability to recognize the need for energy and efficiency in government, in addition to an admirable love and enthusiasm for liberty. Yet he all but negated these qualities when he stated

that for every positive, there was an overshadowing negative on the flip side of the coin: respectively, the frequent displays of despotism, jealousy, and distrust among human beings.<sup>14</sup>

Despite the numerous doubts expressed in relation to the goodness of human nature, Hamilton did not ultimately forsake the reader to total despair and cheerless gloom. Despite his rather untrusting assessment of human nature, the fact that he was writing *The Federalist* revealed Hamilton's belief that good government by reflection and choice is possible. And he ended his first paper by stating that if the people make the right choice, the structures found in the new Constitution would be the best guard against the bad aspects of human nature and make good government possible despite those bad aspects. He explicitly advised his readers that "I am clearly of opinion [that] it [is in] your interest to adopt [the Constitution]." He then laid out the purpose of the arguments in his *Federalist* enterprise: he would show that the Union was essential to American political prosperity, that the structures found in the current Articles of Confederation were not sufficient to preserve the Union, that a new government established to preserve the Union must be equally as energetic as the one proposed in the Constitution, and that the proposed document conformed to the principles and structures of republican government. How could Hamilton have maintained such a dismal outlook on human nature and simultaneously expected *any* government to long endure—let alone a republican government? After all, government itself consists of human beings and self-interested, ambitious humans would utilize government for their own ends—ends that would not necessarily have the common good in mind. Again, what hope did Hamilton see?<sup>15</sup>

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<sup>14</sup> Carey and McClelland, *The Federalist*, 1-3.

<sup>15</sup> Carey and McClelland, *The Federalist*, 3.

### ***Federalist 9: Hamilton on the Failings and Strengths Found in Human Nature***

The reason for his cautious optimism is found in *Federalist 9*. Here, Hamilton contended that it was not human *moral* capacity that could ensure the establishment and maintenance of republican government. Instead, human *intellect* and *reason* contained the potential to erect governmental structures that would offset the flaws of human nature just enough to make self-government possible. In other words, enlightened reason was the facet of humanity that could sufficiently facilitate the creation of governmental structures, which in turn could—if well-constructed—mitigate the moral failings inherent in human nature.

At first glance at No. 9, it seems as if Hamilton meant to simply add to the list of negative human qualities, as well as offer compliments that turn out to be taken back. *Federalist 9* was titled “The Union as a Safeguard Against Domestic Faction and Insurrection.” Within this number he stated that a firm Union was of the “utmost moment to the peace and liberty of the States.” When analyzing Hamilton’s statements on the subject of human nature, one sees that he adds the traits of factiousness and insurrection to the list of human moral failings. Hamilton did not delve into a systematic description of factions and insurrection like Madison would. It suffices, though, that he claimed the whole history of republicanism was marked by both. He maintained that “the petty republics of Greece and Italy” contained such violent history that this subject’s student would be filled with “sensations of horror and disgust” when studying “the rapid succession of revolutions by which they were kept in a state of perpetual vibration between the extremes of tyranny and anarchy.” If the accounts of classical Greece and Rome taught Hamilton anything about human nature, it was that the histories of republics are inevitably marked primarily by long and frequent periods of brutal war and strife. He did admit that these republics enjoyed “occasional calms” which served as “momentary rays of glory” that broke

“forth from the gloom.” Despite this compliment, Hamilton stressed that these moments of peace, these “intervals of felicity,” were “short-lived contrast[s] to the furious storms” that always came later. While the peaceful epochs of republican history “dazzle us with a transient and fleeting brilliancy,” they also “admonish us to lament” that human frailties will certainly rend such goodness asunder, and will “pervert the direction and tarnish the luster” of the temporary positive accomplishments of human state-building. If there were ever periods of peace and tranquility, they were only exceptions that proved the rule of human moral failings.<sup>16</sup>

Note, however, the positive aspect of Hamilton’s description of republics. Hamilton suggested that human nature is capable of producing such brilliance. Even if short-lived, these golden ages are possible. Humanity has the capacity to sustain peace and prosperity, even under republican government. Perhaps this is what Hamilton meant by historical “accident.” But how can a society *purposefully* sustain good government, despite human frailty? Was human nature capable of such a feat? Hamilton desired an enduring, stable republican government. As will be detailed soon, he will contend that humanity is capable, through “reflection,” to produce government structures that could nourish such stability.

Hamilton actually defended republican government in the subsequent paragraph of *Federalist 9*. He described the views of those opposed to republican government, who decried it as being “inconsistent with the order of society.” Later in this thesis, we will examine these anti-republican arguments, and Madison’s response, more fully. For now, suffice it to say that both Hamilton and Madison will note that the vice of factiousness, perhaps above all other human failings, often had caused the downfall of historic republics. Here Hamilton was simply commenting that, because of such deficiencies found in human nature, some contemporary political theorists scorned the idea that modern nations could successfully create lasting

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<sup>16</sup> Carey and McClelland, *The Federalist*, 37.

republics. Despite his negative outlook on human nature, and the weaknesses of republicanism, Hamilton proceeded to describe the strengths of such systems. He insisted that some republican structures or “stupendous fabrics reared on the basis of liberty” had “flourished for ages.” That is, republican theory had provided humanity with some governmental institutions that had some sense of permanence to them. Such success served to refute the “gloomy sophisms” of the opponents of representative government. He then turned optimistically to the American experiment. America too could act as a shining example of good republicanism for future followers to copy, if the proposed Constitution was ratified. It would be possible for American government to enjoy a “broad and solid foundation” that could serve as one of the “permanent monuments” to republican success. The key to this stability would be found in an aspect of human nature that was positive, namely the ability to use reason and intellect to improve upon republican governmental theory.<sup>17</sup>

Hamilton then described political science as a discipline that had “received great improvement.” Ancient republics had failed precisely because these improvements had not existed yet. But armed with these new theories of government structure, republican government could long endure. At this point in his essay, Hamilton listed some of these improvements: separation of powers, *legislative* checks and balances, the institution of courts composed of judges holding their offices during good behavior, and legislative representation (later Hamilton would add a fifth improvement—enlarging the sphere, an improvement that would be crucial to Madison’s teaching on how to make republican government compatible with the shortcomings of human nature). Hamilton called these “means, and powerful means, by which the excellences of republican government may be retained and its imperfections lessened or avoided.”<sup>18</sup>

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<sup>17</sup> Carey and McClelland, *The Federalist*, 37-38.

<sup>18</sup> Carey and McClelland, *The Federalist*, 38.

Note the statement on human nature here. This passage demonstrates that Hamilton saw reason to cheer human reason and intellect. He optimistically believed that progress and improvement were possible. Humanity had the capacity to learn from mistakes and apply those lessons practically. Republican government, because of its bloody history, would have been indefensible. However, improvements had come in the field of political science. These enhancements would not have developed if human reason, the human mind intellect, were incapable of advancement and correction. Additionally thinkers were applying these innovations practically, proving that humanity had sufficient intellectual acumen to avail itself of good government theory when administering government in fact. Human intellect and reason was both capable of inventing such devices and recognizing the utility of applying them. And, as will be discussed in the second part of this thesis, these improvements worked to help make republican government, an otherwise untenable system considering the realities of human nature, defensible.

Most of these “improvements” were structural alterations of government. They changed the way government operated structurally, by dividing government power into legislative, executive, and judicial branches. They provided each branch the ability to check the unwise, encroaching, or tyrannical actions of another; they insulated judges from inordinate popular opinion; and they allowed the people to be represented, directly or indirectly, by government officials. These structural changes were useful to lessen the "imperfections" of human government and human nature, as will be dealt with in Part 2 of this essay. Human nature was given an upward evaluation by Hamilton in *Federalist 9* when he said that humanity owned the intellectual capacity to have made such improvements on government.

Hamilton mentioned only briefly one more moral failing of humankind in *Federalist 9*. As stated, the title of this ninth essay suggested that Union was the remedy for suppressing faction. Instead of expounding on this subject, however, Hamilton spent more time in this paper analyzing Montesquieu's contracted republican government theory. Montesquieu had claimed that republican governments were only possible in nations of smaller geographic and demographic size. As will be explained later, both Hamilton and Madison claimed the opposite would be true, that is, that an extended republic could long endure—in fact that extending the republic was essential for republican endurance. As the ninth installment of the *Federalist* closed, Hamilton still had not dealt directly with these latter subjects. The issues of factions and the extended republic would be dealt with in the next essay, which would be Madison's first contribution to the project.

### **General Comparisons Between Hamilton and Madison's View of Human Nature**

Madison's view of human nature was generally similar to Hamilton's. They both agreed that human nature was marked primarily by its weaknesses, or, to use a Madisonian word, was depraved to a degree. They also agreed on many of the particular weaknesses they saw. Both wrote of human nature as being self-interested, ambitious, and factious. However, they also both saw that human nature contained sufficient positive qualities to make republican government possible. Madison's two-pronged view of human nature was summarized in *Federalist 55*. "As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust, so there are other qualities in human nature which justify a certain portion of esteem and

confidence. Republican government presupposes the existence of these qualities in a higher degree than any other form.”<sup>19</sup>

### ***Federalist 10: Madison on the Failings of Human Nature***

Madison began his famed *Federalist 10* with the “depraved” half of this formula, as he described the problem of faction. He promised that a “well constructed Union” would serve to “break and control the violence of faction.” Factiousness, according to Madison, was an aspect of human nature that was deadly to republican governments. Madison called it a “mortal disease” under which “popular governments everywhere perished.” Indeed, Madison claimed that the “friend of popular government” would be “alarmed” when he considered that *all* republics contained “propensity to this dangerous vice.” Republican government, because of human nature, always tended toward factiousness.<sup>20</sup>

What exactly is a faction? Madison defined the term soon into his discussion. “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 of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.” In essence, Madison labeled as factions any self-interested group in a society that was united by the desire to strip rights from other individuals or certain segments of society. Further, he claimed that factions could target a wider spectrum than just individuals or social groups, but that they could be motivated by the desire to seek self-gain in opposition to the common good, or to the whole of society.<sup>21</sup>

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<sup>19</sup> Carey and McClelland, *The Federalist*, 291.

<sup>20</sup> Carey and McClelland, *The Federalist*, 42.

<sup>21</sup> Carey and McClelland, *The Federalist*, 43.

Madison believed that factiousness was a moral failing found not only in republican governments, but also in the broader human experience. He stated that it was a potentially fatal congenital defect of republican governments, a “dangerous vice” that would be their “mortal disease” if not mitigated adequately. He claimed that America’s contemporary republican government was racked by faction, leading to a situation in which the States were “too unstable” because the “public good [was] disregarded” when “rival parties”<sup>22</sup> contended. Cases were not being decided “according to the rules of justice and the rights of the minor party,” but instead the “superior force of an interested and overbearing majority” was winning the day. Madison laid these and other accusations at the feet of factiousness. “These must be chiefly,” he wrote, “if not wholly, effects of the unsteadiness and injustice with which a factious spirit has tainted our public administrations.” These, of course, were cases that related to republican government. To Madison, they are most dangerous in a republic, as republican governments are directed by the majority. However, Madison saw factiousness as more universal than being simply confined to republics; it was a problem that was rooted in human nature, and any remedy to this problem would require an honest account of the defects of human nature.<sup>23</sup>

Madison, after defining faction, turned to methods of dealing with the problem of faction. First, he considered removing the causes of faction. One way to remove the cause of faction would be to destroy liberty. Madison wrote, “liberty is to faction what air is to fire.” Get rid of political and social freedom, then faction could be eradicated. People in a society would, in such a case, not have the liberty to form factions against individuals, social groups, or the common good. Madison rejected this proposal, though, because to destroy liberty would be an anathema to republicanism. It would be just as foolish to say that in order to get rid of the destructiveness

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<sup>22</sup> It is true that not all “rival parties” are necessarily factions, but in the context of this passage, Madison is using this term and “factions” synonymously.

<sup>23</sup> Carey and McClelland, *The Federalist*, 42-43.

of fire, humanity should rid the world of air. In one fell swoop precious humanity as well as the destructive fire would turn extinct, the resulting damage being of much worse consequence than the original problem. In turn, depriving humanity of liberty in order to rid the earth of factions would not truly solve the problem for a republican government that is founded in liberty.<sup>24</sup>

Madison then proceeded to explain his second remedy and in the process expound on the genesis of factions. He argued that one of the chief sources of factiousness was rooted in the unequal distribution of property. To explain, he began this line of reasoning by commenting on the nature of human intellectual endowments. He noted that humans had a “diversity in...faculties.” Each person had a unique set of intellectual talents, opinions, and interests. Because each person can think for himself, a wide range of talents, opinions, and interests abounded. As each human chased different kinds of property to suit his own desires, “the possession of different degrees and different kinds of property” resulted. Naturally, humans that have similar degrees and kinds of property would clamor for government to protect their degrees and kinds of property. Parties of similar interests then coalesce into distinct interest groups that pressure government to protect their property. Therefore, because of the manner in which human faculties are constituted, and the diverse objects upon which they are employed, there ensues “a division of the society into different interests and parties.” These different parties often clash with each other, as they are often “inflamed” with “mutual animosity” and are rendered “much more disposed to vex and oppress each other” than to “co-operate for their common good.” When these different interests and parties clash, factions often arise. Madison wrote that these clashes could be avoided by “giving to every citizen the same opinions, the same passions, and the same interests.”<sup>25</sup>

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<sup>24</sup> Carey and McClelland, *The Federalist*, 43.

<sup>25</sup> Carey and McClelland, *The Federalist*, 43-44

To Madison, the second method of curing factiousness would be “as impracticable, as the first would be unwise.” How would one practically *force* every person to think alike? This solution to the mischief of faction was virtually impossible and consequently unworkable. Madison claimed that just the very fact that we all think, act, feel differently would be “an insuperable obstacle to an uniformity of interests.” Additionally, republican government was meant to protect individual freedom to pursue one’s own interests and property. To Madison, that charge was such a government’s “first object.” Republican governments could not force all men to think alike, to desire and acquire similar interests and ends and still perform the requisite functions of republicanism. It would be abhorrent to liberty, and therefore not viable in a republic, to transform humanity into a collective of like-minded robots. Madison therefore duly noted the “impracticability” of his second cure for faction.<sup>26</sup>

While taking the reader down this latter line of thought, Madison gave the reader additional insights into the failings of human nature. First, observe the destructive self-interest implied by Madison. Because of human partisan interests, conflict often occurred. Madison would list later in Number 10 two interested areas that seemed to have caused much discord: “zeal for different opinions concerning religion [and] concerning government” had led to ruinous conflict. Ambition also was a noteworthy foible. Much strife had originated from men who were “ambitiously contending for pre-eminence and power.” Thirdly, Madison stated that the reason of humans was “fallible.” Our faculties and the use we make of them are subject to frailty, imperfection, and error. Our reason will sometimes work in selfish tandem with our passions, each having a “reciprocal influence” on the other to the point that our emotions trick our rational mind into acting in factious manners in order to protect our property. As Madison wrote, a “connection subsists between [human] reason and...self-love.” Human reason is

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<sup>26</sup> Carey and McClelland, *The Federalist*, 43

therefore imperfectly self-interested and can work as a seed of faction. Essentially, the point that Madison made about human nature here was that factiousness was a natural part of human nature. In his own words, “the latent causes of faction are thus sown in the nature of man.” Faction is found in more than just republican societies; it is found universally amongst humanity.<sup>27</sup>

### **Continued Comparisons Between Hamilton and Madison’s View of the Failings of Human Nature**

Thus far, Madison and Hamilton agree on human nature. In general, Hamilton saw self-interest, ambition, and other vices woven into the human tapestry. Madison agreed in principle, with the only real difference between them being the extent to which they discussed the vice of factiousness (Madison providing more detail). Yet, Madison’s subsequent essays further cemented the general consonance. In *Federalist 37*, Madison stated that the history of human legislatures was a dark tale. He wrote, “the history of almost all the great councils held among mankind... is a history of factions, contentions, and disappointments.”<sup>28</sup> Here, Madison agreed with Hamilton’s view of human nature as being factious (*Federalist 9*) and divisively contentious (*Federalist 6*). In No. 52, Madison, while discussing the proposed national legislature, implied that representatives are not immune to the negative aspects of human nature. “It is a received and well-founded maxim” that “the greater the power is, the shorter ought to be its duration.”<sup>29</sup> If human nature were pure and perfect, why would there need to be limits on the length of terms for government officials? Madison implied that humans, including legislators, are ambitious, factious, and self-interested. Therefore, they should not be given unlimited time in office. Madison reiterated this point in No. 53 when he stated that one-year term lengths do

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<sup>27</sup> Carey and McClelland, *The Federalist*, 43-44

<sup>28</sup> Carey and McClelland, *The Federalist*, 185

<sup>29</sup> Carey and McClelland, *The Federalist*, 276

not magically make it possible for “human virtue” to overcome “temptations of power.”<sup>30</sup>

Additionally, Madison, in No. 62, reaffirmed that the national legislature may not overcome human nature when he stated that “those who administer” government “may forget their obligations to their constituents, and prove unfaithful to their important trust.”<sup>31</sup> Madison, like Hamilton, believed that human nature was not always credible enough to allow unlimited faith in the people or unlimited power in government.

Madison and Hamilton also agreed generally on human reason. As stated, Madison noted the flaws in human reason in No. 10. Although Hamilton proposed in No. 9 that human intellect was of sufficiently capable of devising structural innovations that would ameliorate the flaws of republican government, he did not believe human reason to be perfect. Indeed, he commented in No. 9 that these advances in political science would only help “lessen” or “avoid” the imperfections of republican government.<sup>32</sup> It seemed that human intellect was not so powerful as to make republican government permanently perfect; it could only lessen the negatives and emphasize the positives of that government system.

### ***Federalist 51: Madison on the Failings of Human Nature***

*Federalist 51* contained more evidence for the negative aspects of Madison’s view of human nature. Madison had already declared human nature to be power-hungry. In *Federalist 10*, he claimed that there was a propensity for government leaders to “ambitiously” contend “for pre-eminence and power.” Additionally, in the same paper, he claimed that it was possible for “men of factious tempers...or of sinister designs” to first obtain power on the tides of popularity,

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<sup>30</sup> Carey and McClelland, *The Federalist*, 277

<sup>31</sup> Carey and McClelland, *The Federalist*, 321

<sup>32</sup> Carey and McClelland, *The Federalist*, 38

then “betray the interests of the people.”<sup>33</sup> Also, as Madison wrote in No. 48, legislators can act just as tyrannically as kings, if they ambitiously assemble “all power in the same hands.”<sup>34</sup>

In No. 51, Madison discussed these failings in detail. Power, because of the depravities found in human nature, should not be concentrated in one governmental department. Instead, separation of powers and checks and balances were to be put in place in order to safeguard against the moral and cerebral failings of humanity. Madison wrote, “[T]he great security against a gradual concentration of the several powers in the same department” was to provide each governmental branch the constitutional ability to ward off the encroachment of the others. Note here the subtle comment on human nature. Madison *assumed* that, blaming both human intention and historical circumstances, it is in our nature to have power consolidated in the hands of the few. Like Hamilton, Madison agreed that humans were ambitiously power-hungry. Therefore, in order to counterbalance this moral failing, governmental power *should* be divided. Or, as Madison put it, “ambition must be made to counteract ambition.”<sup>35</sup>

After explaining the need for separation of powers and checks and balances, Madison offered further commentary on human nature. “It may be a reflection on human nature, that such devices should be necessary to control the abuses of government.” That controls on government were needed proved how frail human nature was. If we were morally and intellectually perfect, then government departments would not *need* to be checked. “But what is government itself,” Madison continued, “but the greatest of all reflections on human nature?” If we were to be honest, he was saying, we would realize that human nature was greedy, vindictive, rapacious, factious, self-interested. We required a superintendent—in this case, government—to control our flaws and keep us from tearing each other apart. He then wrote, “if men were angels, no

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<sup>33</sup> Carey and McClelland, *The Federalist*, 44 and 47, respectively

<sup>34</sup> Carey and McClelland, *The Federalist*, 257

<sup>35</sup> Carey and McClelland, *The Federalist*, 268

government would be necessary.” Men in general were not angels, not perfect, not selfless, not faultlessly obedient; therefore, government was necessary. “If angels were to govern men, neither external nor internal controls on government would be necessary.” The men who governed the people were not angels either; therefore internal and external controls were necessary for ensuring that our natures did not destroy government and along with it, liberty. “In framing a government which is to be governed by” imperfect men over imperfect 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.” Since human nature is what it is, the difficulties of government consisted in finding some way to regulate the conduct of the people and in having the proper controls on government so that it would not become tyrannical. One way to control the government was a remedy found in republicanism, relying on the people as a source of power so that they could vote out government officials of lesser moral and intellectual fiber. However, Madison stated, human nature is so suspect that that would not suffice: “But experience has taught mankind the necessity of auxiliary precautions.” Separation of powers, and checks and balances were necessary additional barriers erected in order to prevent the concentration of power into the hands of a corruptible few.<sup>36</sup>

### **Summary of Hamiltonian and Madisonian Agreement on the Strengths of Human Nature**

Thus we see that Hamilton and Madison fundamentally agreed on the negative facets of human nature. They also agreed on the general positives. Copying Hamilton’s style, Madison provided negative commentary on human nature to temper his positive assertions. For example, in *Federalist 10*, Madison stated that it was vain to say that enlightened statesmen, men who always displayed the virtue necessary to place the common good above self, would always come

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<sup>36</sup> Carey and McClelland, *The Federalist*, 268-269

to the rescue of republics. In this vein, he wrote, “Enlightened statesmen will not always be at the helm.”<sup>37</sup> This seems like a wholly negative statement at first glance; it in fact has a strong negative commentary on human nature. However, notice the optimism implied. It is *possible* for humanity to produce enlightened statesmen. At times, we can act in selfless, virtuous, even altruistic ways. It may not be regular in occurrence. It may even be rare. But, it can occur. He reiterated this ironic compliment in *Federalist 37*. After contending that the history of republics was that of “factions, contentions, and disappointments,” Madison reflected that in a “few scattered instances...brighter aspect[s]” of human nature may be “presented.” Of course, he admitted that the “lustre” of these golden ages “serve only as exceptions” and “admonish us of the general truth,” the truth that these were only exceptions that proved the rule—that most of the time human nature behaved in a depraved manner.<sup>38</sup>

The implication, though, despite the negatives, was that human nature was not totally dark. There were some instances that called for the celebration of humanity. Madison, again in No. 37, stated that the Philadelphia Convention of 1787 was one of those instances. “The convention must have enjoyed...an exemption from the pestilential influence of party animosities” and either were satisfied with the product of Philadelphia, or were able to put aside self-interest due to a “deep conviction of the necessity of sacrificing private opinions and partial interests to the public good.”<sup>39</sup> At times, we demonstrate the rare but estimable capacity for putting aside party faction and self-interest in favor of the general good. And similar to Hamilton, Madison supposed that human nature contained the requisite strength in order to make republican government possible. Madison actually defined “republic” in *Federalist 39*. To him, a republic was a government system that “derives all its powers directly or indirectly from the

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<sup>37</sup> Carey and McClelland, *The Federalist*, 45

<sup>38</sup> Carey and McClelland, *The Federalist*, 185

<sup>39</sup> Carey and McClelland, *The Federalist*, 185

great body of the people.”<sup>40</sup> While there was no direct statement on human nature here, the devil, or the angel in this case, was in the details. Madison assumed that people had *enough* positive moral and intellectual traits to make republican government possible. Such was what he was writing to defend. He even more clearly stated such when he stated, again in *Federalist 55*, that “Republican government presupposes the existence of these qualities in a higher degree than any other form.”<sup>41</sup>

In all, Hamilton and Madison agreed generally over the positive and negative moral and intellectual aspects of human nature. They also agreed generally not only on how the national government should be structured, but also that these structures would ameliorate the frailties of human nature.

## **Part 2: Government Structure as the Amelioration of the Faults of Human Nature**

Madison and Hamilton both claimed that human nature possessed sufficient moral and intellectual strengths for republican government to succeed, a system in which the people are considered sovereign. However, government must be structured in such a way as to offset the flaws of human nature, which both Madison and Hamilton believed tended to outweigh the positives.<sup>42</sup> They contended that the proposed Constitution of 1787 contained enough checks on the people and upon the government itself to warrant faith that it could succeed and, therefore, to warrant its ratification by American citizens. Since human nature is constituted as it is, the

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<sup>40</sup> Carey and McClelland, *The Federalist*, 194

<sup>41</sup> Carey and McClelland, *The Federalist*, 291

<sup>42</sup> It could be argued that while Hamilton saw more negatives than positives in human nature, Madison actually, at worst, saw the admixture to be equal in degree. As he stated in *Federalist 55*, “As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust, so there are other qualities in human nature which justify a certain portion of esteem and confidence.” While this quote seems to indicate that Madison saw equal degrees of negative and positive in human nature, this thesis argues that the rest of his writing within *The Federalist* focused much more on the negatives. But it is not only the quantity, also the extent to which he sees the negatives dominating the human condition. See commentary on *Federalist 51*. This reveals that Madison did indeed agree with Hamilton in this matter.

national government founded in the Constitution was appropriately constituted as it was. Hamilton and Madison both agreed that, in order for the American republican experiment to succeed, certain structures were necessary. A firm Union of the States was paramount. In addition, federalism, checks and balances, separation of powers, bicameralism, and the internal constitution of the three branches themselves were advantageous political innovations. Applied correctly, all these would work to check the weaknesses of human nature, helping to ensure that American republicanism would endure.

Hamilton and Madison believed strongly that the frailties of human nature necessitated stronger checks on government. Their experience with the Articles of Confederation proved to them the necessity of a more vigorous government to curb human weakness. Hamilton and Madison both had pushed for a meeting of the States to discuss certain interstate trade issues that were causing havoc within the Confederation. Meeting at Annapolis in 1786, the delegates produced a report—primarily the product of Hamilton’s mind—which listed “the power of regulating trade” as an issue that needed immediate constitutional attention. The report went further to state that trade was not the only confederal problem: “the defects, upon a closer examination, may be found greater and more numerous” than the Annapolis Convention could handle. In other words, the problems in the Confederation arose from deeper defects in the very structure of the Articles themselves. Therefore, the Annapolis delegation called for future revision of the Articles in a convention of the States, to meet in Philadelphia during the following summer.<sup>43</sup>

Both Madison and Hamilton went on to criticize the Articles of Confederation. In preparation for the Philadelphia Convention of 1787, Madison wrote some private notes, titled

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<sup>43</sup> “The Report of the Annapolis Conference,” last modified: 8 Jan 2010, <http://www.usconstitution.net/annapolis.html>

*Vices of the Political System of the United States*. In it, he outlined many problems that would form the basis of his lists of human failings in *The Federalist*. Similar to his fear that legislators might forget their “obligations” to their constituents, he outlined how States had written a “multiplicity” of laws that were often “mutable” and “unjust”. Reminiscent of his fear of factions and ambitious politicians, Madison leveled these charges at the States: “Failure of the States to comply with the Constitutional requisitions”; “Encroachments by the States on the federal authority”; “Trespasses of the States on the rights of each other”; and “want of concert in matters where common interest requires it.” The State governments had acted in their own self-interest, especially in commercial matters, causing such strife that the American Union was beginning to implode. In essence, what was lacking was a firm Union, a problem which he addressed directly when he stated that there existed a “want of sanction to the laws, and of coercion in the Government of the Confederacy.”<sup>44</sup>

Hamilton also saw a lack of strong union as a central problem. He addressed this in *Federalist 21*. Agreeing with Madison, he stated that the most serious problem with the Articles government was “the total want of a SANCTION to its laws.” The problems were that disunity existed amongst the States and that the confederal government had no power to compel obedience or cohesion. Indeed, the Confederacy had “no express delegation of authority to them to use force against delinquent members.” The problem was the lack of a strong national government to superintend the States, which resulted in the lack of a firm Union.<sup>45</sup>

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<sup>44</sup> “Vices of the Political System of the United States,” accessed March 10, 2012, <http://teachingamericanhistory.org/library/index.asp?document=802>

<sup>45</sup> Carey and McClelland, *The Federalist*, 99

## **The Utility of the Union to Ameliorate the Faults of Human Nature**

To both Hamilton and Madison, a firm Union was the crucial governmental structural necessary to offset human nature's failings. Again, Hamilton stated in the sixth paper that a "man must be far gone in Utopian speculations" if he believed the States would *not* descend into the depths of rival, warring confederacies without a firm Union. As the history of republics proved, "popular assemblies frequently" were "subject to impulses of rage, resentment, jealousy, avarice." What would prevent the States from fighting each other if there was no firm Union? To counter the States' passions and ambitions, it was necessary for republican governments to be structured in a manner that mitigated discord. An energetic, vigorous central government could be given the appropriate powers to guide the States and their self-interested factions toward compromise and concord. To show this, Hamilton quoted the French thinker Abbe de Mably: "NEIGHBORING NATIONS...are natural enemies...unless their common weakness forces them to league in a CONFEDERATE REPUBLIC, and their constitution prevents the differences that neighborhood occasions, extinguishing that secret jealousy" that would cause them to war with each other. This quote pointed to the problem, human nature's warlike tendency with neighboring sovereigns, and its remedy, the Union brought about by a common constitution.<sup>46</sup>

Keeping neighboring States from each others' proverbial throats was just one advantage of a firm Union. Both Hamilton and Madison added auxiliary benefits, namely the ability of a firm Union to suppress faction and internal rebellion. Hamilton started No. 9 with the phrase: "a FIRM union will be of the utmost moment to the peace and liberty of the States, as a barrier against domestic faction and insurrection." As in the sixth essay, he gave outlined the account of how historical confederacies, not firmly united, characteristically descended into chaos. Then, to

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<sup>46</sup> Carey and McClelland, *The Federalist*, 21, 23, and 26, respectively

what must have been the amazement of thinkers of the day, he began to challenge Montesquieu's theory—or, at least the understanding of many Americans, like the Anti-federalists, of Montesquieu's teaching—of a contracted republic. Opponents of the proposed Constitution, he admitted, would side with Montesquieu's theory, which stated that large republics—like the United States had become—were too cumbersome and extensive to succeed. The larger the area, the more self-interested parties and factions would arise. This would lead to disunity, civil war, and dissolution, or its opposite—tyrannical rule under a centralized despotism. Instead, smaller republics like those of ancient Greece or medieval Italy were more likely to succeed. A society smaller in area would most likely contain homogenous peoples. The more homogenous the population, the less likely violent factions would form. This contracted theory of republics was an accepted political truism of the day, especially by Anti-federalists. Many anti-Federalists believed that the States of America were more like the small republics Montesquieu would have favored; so anti-Federalists, therefore, predictably resisted the proposed Constitution.<sup>47</sup>

Hamilton attempted to correct the view that an extensive America could not be a successful republic composed of the *United States*. He believed that an extended republic, with a firm union of States, a union firm enough to control the tendency of neighboring states to fall into violent discord, could in fact endure, despite the prevailing view of the day. First, he stated that almost *every* State was too big to fit Montesquieu's description. The only remedy, then, based on common logic, was to either return to monarchy to keep the States firmly united or to descend into competing petty republics. But a new improvement in the realm of political science was the theory of the enlarged republic. "Enlargement of the orbit" of the republic would improve its chances of success. One structural remedy to the evils of human nature was a larger union of smaller States under a superintending government with requisite powers to enforce the

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<sup>47</sup> Carey and McClelland, *The Federalist*, 37

peace between them. Hamilton here introduced the great theme of the enlarged republic upon which Madison would elucidate in No. 10.<sup>48</sup>

Madison agreed with Hamilton that a strong and well-constructed Union was a necessary structural component of American government to offset human nature. Madison's great contribution to this particular dialogue was to expound on the benefit of what Hamilton only mentioned, namely the extended republic, or a Union with an *enlarged* orbit. "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." If the problem was our natural tendency to fall into factiousness, then the enlarged Union was a structural institution that could help to obviate the problem.<sup>49</sup>

When we reconsider Madison's theoretical cures for the mischief of faction, we recall that he outright rejected the first, which was to remove its causes. The second, to rid a republic of faction by "controlling its effects", he endorsed. To Madison, the structural remedy for minority factionalism was already woven into the republican scheme. If a faction represented a minority of the population, "relief [was] supplied by the republican principle, which enable[d] the majority to defeat its sinister views by regular vote." Republics already had a structure in place to offset human nature, which was to allow the people to elect representatives, the majority of which could overrule the minority faction. In such a case, factious mischief could be minimized. But if a majority faction reared its ugly head, what to do then? In such a case, the faction could vote in any sinister scheme it wanted, since majorities rule in republics. Madison's remedy was to "extend the sphere," or, take in a larger geographic area, and therefore larger population, within the boundaries of a republic. "[E]xtend the sphere," Madison wrote, "and you

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<sup>48</sup> Carey and McClelland, *The Federalist*, 37

<sup>49</sup> Carey and McClelland, *The Federalist*, 42

take in a greater variety of parties and interests.” The greater the population, the more diverse it will be. The more diverse it is, the more interests will be represented. The greater the number of interests, the less likely that one group will have sufficient numbers to form a majority, and, by extension, then form a factious majority. If there were still factions after this, the greater variety will make it less likely that one would dominate. This treatment of the disease of factiousness would make it less likely that a majority faction would ever form in the first place. He wrote that if the republic is extended, “you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens.” Therefore, an enlarged Union would be the American structural remedy to the human nature problems of factions and other vices.<sup>50</sup>

### **The Utility of Checks and Balances/Separation of Powers to Ameliorate the Faults of Human Nature**

Hamilton and Madison strongly believed in the importance of a firm Union to ameliorate the negative aspects of human nature. However, they did not believe that these were the only solutions to the problems posed by humanity’s flawed constitution. Madison summarized this view in No. 63. While reconsidering the importance of an extended republic, he also admitted, “At the same time, this advantage ought not to be considered as superseding the use of auxiliary precautions.” Human nature, it seemed, was not trustworthy enough to be suppressed by only one governmental structure. The ensuing pages of this thesis outline examples of these “auxiliary precautions.” They include checks and balances, separation of powers, federalism, bicameralism, and the internal constitution of the three branches themselves.<sup>51</sup>

Madison and Hamilton agreed that the twin principles of separation of powers and checks and balances would be structural solutions to help correct the deficiencies found in human

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<sup>50</sup> Carey and McClelland, *The Federalist*, 45 and 48

<sup>51</sup> Carey and McClelland, *The Federalist*, 327

nature. Hamilton, in No. 9, had called these theories “improvements” that modern political thinkers had developed or modified in order to make republican government feasible. He left Madison to explain more fully how they would do so. Madison defended these innovations in No. 51. Madison deemed the use of separation of powers to be “essential to the preservation of liberty.” Separation of powers allowed government authority to rest in multiple departments and not a single man’s hands. Due to the realities of human nature, the latter would necessarily result in misuse of power and/or tyranny. It was in our nature to ambitiously take as much power as possible; therefore, in order to keep liberty alive, it was crucial that governmental powers be divided into distinct departments, with each having less chance to usurp powers of the others. Many detractors of the proposed Constitution, however, noted skeptically that powers were not truly kept separate under the new scheme. Madison confessed that in theory “the members of each department should be as little dependent as possible on the others.” Madison declared, “each department should have a will of its own.” In that way usurpation across the divisions would be both less likely and less possible, or would help keep each branch in “their proper places.” Ironically, though, the way to give each branch a will of its own was to make sure the principle of separation of powers was not too “rigorously adhered to.” The appointment of judges and the ability to shape the lower courts were powers shared between the executive and legislature. The president also had the ability to cancel legislation through the veto. These examples did not conform strictly to the pure separation-of-powers doctrine, as each department was given powers that by nature belonged to the others. Instead, this unorthodox mixing of government power between departments formed the basis for another structure, namely the doctrine checks and balances. While Madison defended the separation of powers doctrine as a theoretically sound method of obviating the negative aspects of human nature that seek to

concentrate power, he also defended the checks and balances, this impure version of the former structure, to aid in prohibiting that same concentration.<sup>52</sup>

The structure of checks and balances acts as a barrier to the political mischief that can be caused by human failings. Madison called it the “great security against a gradual concentration of the several powers in the same department.” Human nature being what it is—self-interested, ambitious, and factious—a realistic threat to a republic would be the concentration of power into the hands of a single person or department and that power’s subsequent misuse. It was necessary, therefore, to mix some powers between the different branches. This arrangement would use human self-interest against itself. The result would then theoretically be beneficial to a republic, in that each department would work more actively to guard its own power rather than try to usurp and concentrate in itself the powers of the other departments. Each department would hold its power jealously if it knew that the other branches had the ability to threaten or encroach upon that power. As Madison wrote, “[T]he interest of the man must be connected to the rights of the place.” If the executive was given some powers that were traditionally legislative in nature, then the legislature would hold on more tightly to the powers it *did have* against any *unconstitutional* encroachments.<sup>53</sup>

The same reasoning applied to all activity between the departments of the federal government. Madison wanted to use checks and balances to avoid the concentration of power that could come via one branch usurping the others’ powers or even by one branch happily lending its power to another. Essentially, Madison was advocating that each branch be granted the constitutional means to fend off encroachments by other branches. It was in this context that Madison wrote that “ambition must be made to counteract ambition.” Checks and balances

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<sup>52</sup> Carey and McClelland, *The Federalist*, 267-268

<sup>53</sup> Carey and McClelland, *The Federalist*, 268

would mix the powers just enough so that each branch would desperately hold on to what it *had* been given. Fundamentally, it was the people of the republic, and namely the rights of the people, that Madison hoped to protect through these schemes. Separation of powers and checks and balances, in the end, were meant to protect the rights of the people by hindering the concentration of despotic power. Checks and balances would correct human deficiencies in that “the private interest” of each government department “may be a sentinel over the public rights.”<sup>54</sup>

Madison believed that republican government, by its very nature, provided structural checks against human shortcomings that might manifest themselves in rulers. Madison wrote in No. 51 that “dependence on the people is, no doubt, the primary control on government.” But Madison also believed that human nature was so frail, so ambitious, so factious that “experience had taught mankind the necessity of auxiliary precautions.”<sup>55</sup> He explained in No. 48 that in republics, the legislatures tended to dominate the other branches. This is true for many reasons. First, they have more constitutional power. In a representative republic, most executives and judiciaries have powers that are “carefully limited.” Legislatures, instead, have powers that are “less susceptible of precise limits.” In other words, legislatures have less structural restraints on their power. They also have “access to the pockets of the people,” meaning, having the sole power of the purse allows legislatures to wield sometimes inordinate power over the affairs of the nation when compared to the other branches. Additionally, the legislatures are more connected to the people, often being selected by the people more directly than the other branches. Because of this, they feel that they have more influence over the people. If the people are sovereign, then the legislature feels more authoritative than the other branches for this reason. Madison wrote that a

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<sup>54</sup> Carey and McClelland, *The Federalist*, 268-269

<sup>55</sup> Carey and McClelland, *The Federalist*, 268-269

legislature, for this reason, has “an intrepid confidence in its own strength.” Because of these realities, legislatures are more likely to encroach on the purviews of the other branches. Having more powers, a legislature can “mask under complicated and indirect measures, the encroachments which it makes on the co-ordinate departments.” In other words, because the other branches are less powerful, they are less likely and less able to be as active in pursuing the concentration of power as legislature with all its “enterprising ambition.”<sup>56</sup>

Because they were the most powerful, said Madison in No. 51, they were not given “equal power of self-defense” as the others. The judicial branch was, seemingly, the weakest. In many regards, it was wholly dependent on the others for its appointment to the bench, the number appointed to the bench, and its existence (at least, for the latter, at the lower federal levels). Madison contended, however, that granting life terms to the judiciary would help them develop a degree of independence upon selection: “the permanent tenure” of “appointments...must soon destroy all sense of dependence” on the executive and legislative branches. The legislature was not granted such lengthy terms because it was too powerful—or, had the potential to become too powerful. Because human nature is what it is, life terms for legislators would soon result in to tyranny. Life terms for the judiciary, however, would act as a check against the intrusions of the other branches. Additionally, the president was given the veto to ward off encroachments on his power by the legislature. One would think, Madison wrote, that an absolute veto would be “the natural defense with which the executive magistrate should be armed.” The proposed Constitution did not supply such a veto, however, but instead gave the executive one that could be overridden. An absolute veto might not be used “with the requisite firmness,” therefore not fulfilling its intent of warding off the legislature. It also could be “perfidiously abused.” A veto that could be overwritten—with a difficult 2/3 concurrence of

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<sup>56</sup> Carey and McClelland, *The Federalist*, 257

both houses—struck the proper balance between allowing the president the firm protection of his position without the heightened potential of abuse. In essence, checks and balances acted as the structural “auxiliary precautions” against the ambition and self-interest found in human nature.<sup>57</sup>

### **The Utility of Federalism to Ameliorate the Faults of Human Nature**

Hamilton and Madison promoted federalism as a uniquely American governmental structure useful to mitigate the ills of human nature. Madison described America as a “compound republic,” or a federal one, in which power was granted by the sovereign people to “two distinct governments.” These two distinct governments were the States and the national government. Opponents of the proposed Constitution had worried that the new government charter would obliterate the States, turning the confederacy into a “NATIONAL government, which regards the Union as a CONSOLIDATION of the States.” Madison contended in No. 39 that this was not going to be the case. Instead, in some cases States retained much of their former powers (as No. 45 states, “all the objects...which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people), while in only a few did the national government predominate (as No. 45 also states, mostly “external objects,” such as war, peace, foreign commerce). But in no cases would the States be obliterated. With the States ratifying the Constitution, “in its foundation it is federal, not national.” The House’s powers were more national in nature, but the Senate was purely rooted in the States, while the president was elected from a mixture of national (election thrown to the House in the case of a runoff) and federal (electors chosen from the States) sources. This led Madison to observe that “in the sources from which the ordinary powers of the government are drawn, it is partly federal and partly national.” In the operation of the powers granted through the Constitution, these would be at the national

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<sup>57</sup> Carey and McClelland, *The Federalist*, 268-269

level, not the State. But the extent of the powers of the national government was not total, reserving many powers to the States. Finally, the amendment process was neither “wholly federal nor wholly national” in nature, as a simple majority of the popular vote would not create amendments, and amendments would no longer require unanimous State agreement as in the Articles. Thus did Madison describe the federal nature of the new Union, attempting to ease fears that it would not be a wholly national government that annihilated the States.<sup>58</sup>

More importantly for Madison, federalism related directly to checking human nature. Reverting back to No. 51, Madison saw the necessity of federalism when considering how ambitious, self-interested, and factious humans were. The rights of the people were secured by separation of powers, horizontal across the central government departments, in that tyranny would have less of a chance to thrive when total power was not granted a single department. Additionally, Madison stated that the American compound republic held extra security against tyranny. In America, not only was governmental power divided “among distinct and separate departments,” but it is also “divided between two distinct governments.” Consequently, the American republic had two structural checks against human nature. This second one, in which power was divided between the States and the national government, would further separate powers, only now vertically. If one level of government became tyrannical, the other could work to protect liberty. In Madison’s words, “hence a double security arises to the rights of the people.”<sup>59</sup>

Hamilton did not write of separation of powers/checks and balances in great detail, as that task was left for Madison. Hamilton also did not address federalism in great detail. What he did write about federalism, however, agreed with Madison’s views on the topic. The main

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<sup>58</sup> All references to *Federalist 39*: Carey and McClelland, *The Federalist*, 196-199; all references to *Federalist 45*: Carey and McClelland, *The Federalist*, 241.

<sup>59</sup> Carey and McClelland, *The Federalist*, 267 and 270

difference between them was a matter of emphasis—Hamilton emphasized the importance of the national level of federalism much more than Madison. Both agreed that the State governments had caused much trouble. They also agreed that a traditional confederation would not work—one in which the states enjoyed equal suffrage in the national councils, and in which the national government only could act when the States collectively agreed with near unanimity. This was the system that had allowed human nature vices to bring American politics to a crisis in the 1780s. Such a system, Hamilton wrote in No. 9, had been “the cause of incurable disorder and imbecility in the government.” Hamilton did not want this old version of confederation. A proper understanding of government structure was needed. Poorly contrived structures, like the ones just mentioned, would not remedy the ills of human nature, but instead produced imbecility and mismanagement. Adequate structures, developed with a proper understanding of human nature, were, conversely, effective in mitigating the defects in human nature. A federal system, constituted with a proper view of human nature, would include a national government that properly checked the foibles of the States.<sup>60</sup>

The abolition of state governments and forming one consolidated government of America was not Hamilton’s proposed structural remedy. A federal government, in which states retained some sovereignty, was a structure worth keeping, but with modifications. “The proposed Constitution,” Hamilton wrote “so far from implying an abolition of the State governments, makes them constituent parts of the national sovereignty.” It especially did so through the mode of electing Senators, namely, the process in which the state legislatures select members of the upper house. This mode of appointing Senators gave the States a direct voice in the national government. Far from destroying the States, Hamilton argued that the proposed Constitution gave them a crucial role in the new government. In essence, Hamilton desired the development

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<sup>60</sup> Carey and McClelland, *The Federalist*, 41

of federalism to strengthen the existing system by retaining the State governments and augmenting the national. This would be Hamilton's "novel refinement" of the old, useless confederal system. A confederation, with a functioning partly-national/partly-federal governmental system in place, was part of Hamilton's desired remedy for the political problems in America that arose because the former system did not properly address the defects of human nature.<sup>61</sup>

### **The Utility of Bicameralism to Ameliorate the Faults of Human Nature**

To Hamilton and Madison, the direct influence of the people on government was very much in need of checking. As stated, both men believed that human nature held the requisite positive capacity to make republican government defensible. Much of their writing was aimed at discussing the checks that a constitution must place on government in order to protect the people. However, there were enough negatives in human nature to require suspicion on the part of the crafters of constitutions. In order for a political community to last, checks must be placed on the people because of their natures.

Hamilton indicated his opinion on this matter in *Federalist 15*. He asked, "Why has government been instituted at all?" He answered with, "Because the passions of men will not conform to the dictates of reason and justice, without constraint." Human beings do not always act reasonably or justly. He leveled this charge at individuals and assemblages of men. "Has it been found that bodies of men act with more rectitude or greater disinterestedness than individuals?" Of course not, he asserted. "The contrary of this has been inferred by all accurate observers of the conduct of mankind." His main points were twofold. First, as has been stated,

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<sup>61</sup> Carey and McClelland, *The Federalist*, 41

human beings, individually and collectively, possessed many negative inborn traits. Second, these deficiencies must be checked if human society is to endure. Observe his point that men will not always behave reasonably or justly unless government steps in. Why has government been instituted? To act as the “constraint,” or a restraining mechanism on the negative aspects of human behavior. Government itself is a check on human nature.<sup>62</sup>

Madison agreed in *Federalist 63*. He expanded on Hamilton’s point that that in *general* governments themselves are checks on the people. He wrote here that *specifically* the national legislature was constructed in a manner that would check the people. The House, by virtue of its mode of selection, directly represented the people. The Senate, by virtue of its mode of selection, was removed from the people’s immediate influence. This was advantageous, Madison believed. “[T]here 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.” At times in a republic, he explained, the passions of the people, the interests of the people, or the gullibility of the people will lead them to push their representatives to write bad laws. A unicameral, popular legislature would not have the ability to sufficiently prevent this situation. The people, being directly sovereign over such a body, would “prevail” over their lawmakers and the measure would be codified. However, if the legislature were to be divided into two departments, the chances of this situation occurring could be lessened. The proposed Constitution included an upper house, a Senate, which differed from the House in mode of selection and powers enumerated. The Senate was insulated from direct connection to the people by virtue of being put in office instead by the state legislatures.

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<sup>62</sup> Carey and McClelland, *The Federalist*, 73

Because of these differences, the Senate could act as a restraining mechanism on the people's direct representatives, the House. If a bad law was proposed by the popular department, it could not become law unless the Senate agreed to its passage. "In these critical moments, how salutary will be the interference of some temperate and respectable body...to check the misguided career, and to suspend the blow mediated by the people against themselves...?" Here, Madison was describing a structural check on the people. Essentially, he claimed that the constitutional structure of bicameralism acted as an often necessary defense "to the people against their own temporary errors and delusions."<sup>63</sup>

Bicameralism was an additional Constitutional structure that would soften the less respectable facets of human nature. This was an internal check on human nature found within the legislature itself, not an external check by the other branches or the States. Madison, in No. 48 and the famed No. 51, argued that the legislature was the predominant branch. Increased power would heighten the threat it posed to the young republic, as its members would not be immune to the foibles of human nature. Madison argued that "the remedy for this inconveniency is to divide the legislature into different branches." The legislature was so powerful, the weight of its "authority requires that it should thus be divided" into a House and Senate. Bicameralism, therefore, was a structural remedy that could help to counter the ambition, factiousness, and self-interest of humanity. Here, the "ambition" of the one department of the legislature could "counteract [the] ambition" of the other. If one house got out of hand, the other could check it.<sup>64</sup>

It is worth noting at this point a few of the differences that existed between the House and the Senate. We will make many distinctions between these departments near the end of this thesis regarding the nature of their internal constitutions. Presently, however, we will address

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<sup>63</sup> Carey and McClelland, *The Federalist*, 327

<sup>64</sup> Carey and McClelland, *The Federalist*, 268-269

which of these two seemed to pose the greatest threat to a republic. Anti-federal opponents to the proposed Constitution decried the Senate as the most dangerous (they said it would devolve into an elected, elitist aristocracy. Hamilton and Madison, on the other hand, both agreed that the House would pose a greater threat to the rights of the people than the Senate.

Madison wrote in No. 47 that the “accumulation of all powers, legislative, executive and judiciary, 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.”<sup>65</sup> It is human nature to see tyrannical accumulation of power into one department of government. Did Madison believe that the greatest threat in this regard to American republic was found in the presidency? If the American government had been a monarchy, then the answer would have been affirmative. In No. 48, Madison wrote, “In a government where numerous and extensive prerogatives are placed in the hands of a hereditary monarch, the executive department is very justly regarded as the source of danger.” The history of absolutism in medieval Europe had proven this to Enlightenment thinkers. This was not the case, however, in America. “But in a representative republic...the executive magistracy is carefully limited...in the extent and the duration of its power.” The executive branch was not to be feared the most, then. The judiciary was hardly to be feared in the immediate sense. This branch was even less power given to it under the proposed Constitution, a point Hamilton supported by stating, “the judiciary [was] described by landmarks still less uncertain.” Instead, as previously outlined, it was the legislature that posed the greatest threat. “The legislative department is every where extending the sphere of its activity and drawing all power into its impetuous vortex.”<sup>66</sup> Again, Madison

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<sup>65</sup> Carey and McClelland, *The Federalist*, 249

<sup>66</sup> Carey and McClelland, *The Federalist*, 256-257

reiterated in No. 51 when he said, “In republican government the legislative authority necessarily predominates.”<sup>67</sup>

But it was the House of Representatives that was the most dangerous of two legislative departments. Popular assemblies had been a main cause of the downfall of past republics. As stated, popular assemblies feel the extent of their power as they are connected to the people directly. When the people act unreasonably and unjustly, their representatives follow their lead. Much trouble has come from this formula. “In a democracy, where a multitude of people exercise in person the legislative functions...tyranny may well be apprehended.”<sup>68</sup> Madison again emphasized this point in *Federalist 62*. “[T]he propensity [exists for] all single and numerous assemblies to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions.”<sup>69</sup> Which department of the proposed federal legislature would most closely resemble these descriptions? It was not the Senate. As the upper house was selected by the state legislatures, and not the people, it could not rightly be considered of the same type as traditional popular assemblies. The House, however, could. Although Madison seemed to be speaking of ancient unicameral popular assemblies in the context of the above quoted passages, the House was the department that resembled the internal structure of those bodies. The House, being elected by the people, was most similar in constitution to such popular assemblies. Being so much closer the seat of political power, the people, made the House the most dangerous of all the federal departments to the American republican experiment. With so much power potentially concentrated in one place, the structural check of bicameralism was made all the more necessary.

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<sup>67</sup> Carey and McClelland, *The Federalist*, 269

<sup>68</sup> Carey and McClelland, *The Federalist*, 257

<sup>69</sup> Carey and McClelland, *The Federalist*, 322

The division of the legislature represented a structural solution to correct the problem of potential tyranny. The House was given less prestige, as it had some key powers taken from it and given to the Senate. This was fortunate, wrote Madison, for two reasons. First, it would have less power to abuse. As Madison put it in No. 52, “with less power, therefore, to abuse, the federal representative can be less tempted on one side.”<sup>70</sup> Second, by dividing the Congress, the House would be watched like a hawk by not only the judiciary and the executive, but also by the other department of the legislature. Madison wrote in No. 62 that since its offices were elected directly by the people, who are at times “seduced by factious leaders into intemperate and pernicious resolutions,” it had potential to produce the most dangerous threats.<sup>71</sup> All the more reason to have a Senate, not chosen directly by the people and therefore theoretically cooler in temperament, to act as a restraining mechanism. The House, therefore, would be less tempted on one side to abuse power because it had key powers removed from it and given to the Senate. And, returning to No. 52, it would be “doubly watched on the other” by that upper house.<sup>72</sup>

Madison essentially repeated his argument in *Federalist 62* when he described the Senate. The upper house, by negating improper bills originating in the House, would act as an “impediment against improper acts of legislation.” Seeing in human nature frequent designs of “schemes of usurpation or perfidy” and “ambition and corruption,” the Senate could act as a “salutary check” on the House. Here we find another “double security to the people,” where the effects of a faction overtaking the House would be minimal in effect because if factiousness did seem to threaten the nation through the House, the Senate was in a position to fend off that

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<sup>70</sup> Carey and McClelland, *The Federalist*, 276

<sup>71</sup> Carey and McClelland, *The Federalist*, 322

<sup>72</sup> Carey and McClelland, *The Federalist*, 276

factional impulse. In other words, if human nature reared its ugly head and produces unhealthy legislation out of the popular house, the upper may check it by negating the legislation.<sup>73</sup>

Madison also connected bicameralism with federalism when he wrote, “no law or resolution can now be passed without the concurrence, first, of a majority of the people, and then, of a majority of the states.” By this he meant that every law must be passed by the House and Senate in identical forms. The House represented the people directly and proportionally. The Senate represented the States equally. Therefore, no law can be passed, in one manner of thinking, without the approval of both the people (House) and the States (Senate). Here Madison showed that bicameralism actually reinforced federalism, giving the States, through the Senate, a direct contribution to the legislation of created by the national government. By extension, this situation also buttressed his argument that the Constitution could adequately check human nature. The layers of security that factions and dangerously self-interested parties would have to go through in order to wreck havoc were greatly multiplied.<sup>74</sup>

Hamilton agreed with Madison’s thoughts on bicameralism. He claimed that the House, or the more “NUMEROUS body”, since it was connected more directly to the passions of the people, would be more likely to produce improper laws. The “legislative checks” that he had briefly mentioned in *Federalist 9*, was an example of how the numerous body that is the House could be checked by the Senate. Madison wrote in No. 63, “the proper remedy for this defect must be an additional body in the legislative department” that could kill unjust bills before they took effect. Though Madison expounded on this topic more than Hamilton, it was an issue upon which Publius was not divided. Both agreed that the people, due to their nature and represented

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<sup>73</sup> Carey and McClelland, *The Federalist*, 321

<sup>74</sup> Carey and McClelland, *The Federalist*, 321

directly in the House, needed to be checked. Bicameralism was a government structure proposed by the Constitution that could check the people's powerful body of representatives.<sup>75</sup>

### **The Utility of the Internal Constitution of the Three Federal Branches to Ameliorate the Faults of Human Nature**

Both Hamilton and Madison also concurred that the internal constitutions of the national governmental departments provided structures to check the vices of human nature. The internal makeup of the House, Senate, Presidency, and Judiciary contained checks on human nature.

Consider first the nature of the House of Representatives. Madison argued that its internal constitution helped check human nature. He wrote, as previously stated, in *Federalist 51* that reliance on the people for political power was a primary method of controlling government. Government officials are more likely to govern justly and behave ethically when the only way to stay in office is to be reelected by the people or their representatives. His anti-Federalist opponents countered that the representatives would be drawn from “that class of citizens which will have less sympathy with the mass of people, and be most likely to aim at an ambitious sacrifice of the many to the aggrandizement of the few.” Turning that argument on its head in No. 57, however, Madison argued that reliance on the people would be one method of *forestalling* this eventuality. If the members of the House turn tyrannical, the people could vote them out. Hoping for wise and virtuous legislators would be another check. “The aim of every political constitution...ought to be...to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of society.”<sup>76</sup> Of course, had said himself that “enlightened statesmen” would not always be “at the helm.”<sup>77</sup> Experience having taught the need for auxiliary precautions, Madison added a third check: the mode of election of members of

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<sup>75</sup> Carey and McClelland, *The Federalist*, 326

<sup>76</sup> Carey and McClelland, *The Federalist*, 295

<sup>77</sup> Carey and McClelland, *The Federalist*, 45

the House. After choosing the wisest and most virtuous, the people ought to then “take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust.” “The elective mode” best suited to this end, in a republican system, was the “limitation of the term appointments.” Said limits on term length—two years for each representative—would be too short a time to foment factious plans. If a factious person found themselves somehow seated, the people could shortly unseat him in the next election. This structural check on human nature would help “maintain a proper responsibility to the people” and prevent “degeneracy” in the elected official.<sup>78</sup> “Frequent elections,” Madison wrote in No. 52, “are unquestionably the only policy by which this dependence... can be effectually secured.” Again, referring to legislative-branch dominance, he wrote, “the greater the power is, the shorter ought to be its duration.” Madison then argued at length about how biennial elections were short enough to pose no threat to the people: “the liberties of the people can be in no danger from BIENNIAL elections.”<sup>79</sup> His opponents argued that human nature was not good enough to withstand terms of any length longer than a year without succumbing to ambition, self-interest, or faction. Madison defended the Constitution’s proposed term length by stating that there was no tangible link between the solar cycles and human depravity. He wrote, “no man will subject to the ridicule of pretending that any natural connection subsists between the sun or the season, and the period within which human virtue can bear the temptations of power.”<sup>80</sup> The amount of time that it takes for a human to succumb to corruption is not fixed. Madison argued that if Anti-federalists claimed that human nature wasn’t capable of resisting temptation for more than one year, what makes them any more capable of resisting for months, or weeks, or days? South Carolina, at the time, had biennial elections. Did that fact in itself make their government of lesser quality than Rhode

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<sup>78</sup> Carey and McClelland, *The Federalist*, 295-296

<sup>79</sup> Carey and McClelland, *The Federalist*, 273 and 276

<sup>80</sup> Carey and McClelland, *The Federalist*, 277

Island, which held two elections per year? His point was that Anti-federalist emphasis on annual elections was arbitrary, not based in logic or observation. And two years seemed sufficiently short, not too long, for Madison, in that the House's power had been decreased somewhat (as discussed) by the proposed Constitution. Since the House was being "watched" by the Senate and other branches, a two-year term was a sufficient structural check on the men who fulfilled its offices' responsibilities.

The internal structure of the Senate also served to check human nature. Madison described the qualifications for Senators in *Federalist 62* and *63*. The Senate held more prestige than the House, especially because of its role in foreign affairs (to ratify treaties) and due to its ability to play a key role in domestic affairs (through the trial of an impeached president and through confirmation power of appointments). Fittingly, as compared to the House, Senators had to be older to achieve office and had a longer qualification for citizenship. This was proper, according to Madison, because the "nature of the senatorial trust" was greater than that for the House. The Senate required "greater extent of information and stability of character" than representatives. Senators must be older so that they could have attained the maturity and wisdom that such responsibility would require, or, as Madison put it, "the senator should have reached a period of life most likely to supply these advantages." Nine years being removed from habitation in a foreign nation seemed prudent to Madison too, as being nearer to one's former country may not have "thoroughly weaned from the prepossessions and habits incident to foreign birth and education." Humans tend to demonstrate indiscretion and overzealous passion in youth. Many potential Senators had been born in foreign nations; humans tend to exhibit self-interested attachment to their homelands. Both realities would make for poor Senators,

considering the qualification. Madison saw the qualifications of the Senate as a check on these potential shortcomings.<sup>81</sup>

The number of Senators and length of the Senatorial term also acted to check human nature's deficiencies. Harkening back to his reasons for bicameralism, Madison stated that the "single and numerous assemblies" often "yield to the impulse of sudden and violent passions" and are often "seduced by factious leaders into intemperate and pernicious resolutions." The proposed Constitution would work to counter this by, first, dividing Congress, and, second, giving the upper house fewer members and a longer term. The "less numerous" this upper house was, the less likely that a mob mentality would control it.<sup>82</sup> Truly, the smaller membership of the Senate would make each officer feel the heavy weight of responsibility to the people. Madison wrote, "it can only be found in a number so small that a sensible degree of the praise and blame of public measures may be the portion of each individual."<sup>83</sup> Additionally, a longer term would help give the Senators greater freedom from the people. If they did not have to worry so often about reelection, they could act as a check on the people's, and therefore the House's, factious passions when they emerged. "A tenure of considerable duration" would help provide "great firmness," therefore, in this chamber to resist the people's dangerous self-interest.<sup>84</sup>

The method of the Senate's selection was also a check on human nature. Anti-federalist opponents of the proposed Constitution especially disliked this mode of appointment, saying that the Senate would be very likely to become an aristocracy or oligarchy of privilege against the people's best interests. Selection by the State legislatures would insulate them from the people, making the Senate less reliant on the ultimate source of political power in any republic. Madison

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<sup>81</sup> Carey and McClelland, *The Federalist*, 319

<sup>82</sup> Carey and McClelland, *The Federalist*, 322

<sup>83</sup> Carey and McClelland, *The Federalist*, 325

<sup>84</sup> Carey and McClelland, *The Federalist*, 322

responded by noting that separating the Senate from direct election by the people helped ensure that they would have the “cool and deliberate sense” that their station required. Selected by the people’s elected State delegates, the Senate would be the best chosen from among the best. Additionally, in order for the Senate to become an effective tyrannical oligarchy they would have to become corrupt itself, corrupt the State legislatures, and then corrupt the House. The first would be less likely, considering the internal constitution that has already been discussed, while the latter would be less likely because of the bicameral checks that have also been discussed. The State legislatures would also have to be corrupted. If the Senate could not corrupt them, the “periodic change of members,” or the people voting in new State assembly members, would cleanse the Senate of its evil-doers, or “regenerate the whole body.” The structure of having the States legislatures select Senators could keep the upper house honest.<sup>85</sup>

Additionally, a connection exists between bicameralism, checks and balances, and the modes of selection for the legislative departments. Bicameralism would be useless if the House and Senate simply collaborated on every item of business. A benefit of their separation would be that dividing them would make it less likely that they could collude to tyrannize segments of the population, to engage in corruption, or to succumb to many other behaviors to which frail human nature is susceptible. In order to reduce the likelihood of the two legislative departments colluding in these manners would be, first, to sharply distinguish their powers. Give each department certain powers to which they would guard jealously, then, give them the means of defending these powers. If they are consumed with protecting themselves from the other, the odds of them agreeing on tyrannical actions would be diminished. In other words, checks and balances would reinforce bicameralism. Providing each legislative house with a different mode of selection would also be a structure that would reinforce bicameralism. If the Senate sees itself

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<sup>85</sup> Carey and McClelland, *The Federalist*, 327 and 330

as different from the House not only in regards to power, but in regards to its internal constitution as well, it is more likely to guard its powers from encroachment by the House.

Hamilton did not write any essay specifically on the House and only two on the Senate. Madison had finished the House portion of the project and had moved to the Senate when Hamilton took up the pen again in No. 65. Therefore, Hamilton barely mentioned the topics of separation of powers, checks and balances, and bicameralism. This, however, does not mean that Hamilton and Madison were divided on these issues. Concerning the separation of powers doctrine, Hamilton wrote, “the true meaning of this maxim has been discussed...in another place, and has been shown to be entirely compatible a partial intermixture of those departments for the special purposes, preserving them, in the main, distinct and unconnected.” Not only did Hamilton approve of Madison’s view of separation of powers, but he also approved of the Virginian’s treatment of checks and balances, or the mixing of the powers, as a way to preserve the actual powers granted to each department. He reiterated his agreement with certain checks and balances later on when he said the executive veto power had been shown by the best political scientists of the era to be “an indispensable barrier against encroachments” of the legislature on the president. Additionally he agreed with Madison’s view that bicameralism helped to check human nature. When speaking of the impeachment power, he noted that House had the ability to accuse only and the Senate has the ability to convict only. “The division of them between two branches of the legislature...guards against the danger of persecution, from the prevalency of a factious spirit in either of those branches.” Dividing the power of impeachment among the two branches of Congress was only one aspect of bicameralism.

Bicameralism also kept faction from overwhelming a single legislature. In a two-house system, if faction swept through one, it would also have to sweep through the other in order to do

anything factious. Since the two houses are so different in constitution, the odds were decreased that one factious outburst would overtake both. This was a structural barrier to human nature that would help protect the public good, in general, and in cases of impeachment would help protect the presidency from undue persecution by inappropriate passions. Indeed, Hamilton agreed with much of the same principles as Madison in regards to human nature and structural barriers against it.<sup>86</sup>

Hamilton did write two papers specifically on the Senate. In these two, he wrote on different topics than Madison regarding that body, but agreed in principle with him. Madison believed that the Senate represented the “cool and deliberate sense” of the nation. In their mode of selection, in their august powers, in their term length, and in their qualifications, the likelihood was increased that they would be wiser and more virtuous in their conclusions. Hamilton agreed with this ideal when he wrote about the Senate’s role in impeachment. He wrote that the Senate was the “most fit depository of this important trust.” He stated that it was “sufficiently dignified” and “sufficiently independent” to conduct the trial of the impeached officers, more so than even the Supreme Court. He doubted that the Supreme Court would have the courage or confidence, considering that it was the weakest of the branches, to be the sole judge of such cases. The Senate, however, had “CONFIDENCE ENOUGH IN ITS OWN SITUATION” to be cool-headed enough to conduct the trial and to show impartiality between the president and his accusers, the people.<sup>87</sup>

The Federalist papers on the presidency and courts were left for Hamilton to defend. It is difficult, therefore, to ascertain with certainty whether Madison would have agreed with Hamilton at the time of the writing of *The Federalist* without analyzing Madison’s other

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<sup>86</sup> Carey and McClelland, *The Federalist*, 342-344

<sup>87</sup> Carey and McClelland, *The Federalist*, 338-339

writings. Since that is outside the scope of this paper, we will leave Madison to speak for himself on the matters above. However, Hamilton finished out the project by discussing the executive and judiciary. Hamilton continued the consistency that he and Madison had displayed earlier on human nature and the structure of government when considering these governmental departments.

The mode of selecting the president was a check on human nature. The presidential electoral system was an institution devised to ensure the selection of a man most suited to the office. Giving the choice of this most important office directly to the people would have been unwise. Viewing human nature as he did, Hamilton believed that the public, susceptible to be controlled by passions, factiousness, and self-interest, would choose someone just like them. Allowing a pre-existing body to choose the president, on the other hand, could connect the office with secret cabal and tyrannical aristocracy, making him a puppet of a private club. Instead, the electors occupied a middle ground. Presidents would not be chosen by the people directly, or by “preexisting bodies of men, who might be tampered with beforehand to prostitute their votes.” Instead, electors would be “chosen by the people” and would only sit “for the special purpose” of selecting the president. In this way, the presidential electoral system would not meet except when called, and the period of four years between each meeting could change the personnel involved and stretch out the number of meetings. All of these things made it less likely that they could collude against the people. Add to this the fact that the electors only convened in each State, not together as a large body. As Madison and Hamilton both agreed, the larger the body, the more likely it was that emotions and factions would replace reason and deliberation. Since the electors only met state-by-state, not in Congress, “this detached and divided situation will expose them much less to heats and ferments...than if they were all to be convened at one time,

in one place.” The fact that the people were not the direct presidential electors also helped ensure that the ones who actually did the choosing would be more deliberate and have sufficient knowledge to make such an important decision. As Hamilton wrote, “[T]he immediate election should be made by men most capable of analyzing the qualities adapted to the station.” The task of selecting the president was so very important, especially considering America’s history of fearing tyrants, that the electors would need almost senatorial cool sense and deliberation: “a small number of persons, selected by their fellow-citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigations.” Through these structures the presidential electoral system would “promise an effectual security against [the] mischief” of human nature. Again, Hamilton contended that the “process of election affords a moral certainty”—in other words, would guard against the moral failings of human nature—“that the office of President will never fall to the lot of any man who is not in an eminent degree endowed with the requisite qualifications.”<sup>88</sup>

The length of the president’s term of office, to Hamilton, was another method of ameliorating the realities of human nature. “It is a general principle of human nature, that a man will be interested in whatever he possesses, in proportion to the firmness...of the tenure by which he holds it.” Here Hamilton was arguing that man’s natural self-interest in his political offices will be more firm if he feels that he can maintain them safely for a longer duration. But he would “be less attached to what he holds by a momentary or uncertain title.” In relation to the topic at hand, the longer the president’s term and the more secure he feels in office because of his term length, the more likely he is to fight to protect his powers granted. If the president had a short term of office, he would “be apt to feel himself too little interested in it to hazard any material censure or perplexity, from the independent exertion of his powers.” A person’s nature

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<sup>88</sup> Carey and McClelland, *The Federalist*, 352-354

will dictate his/her level of enthusiasm for a task and the rule was that too-short a term for president would decrease that enthusiasm. Essentially, then, Hamilton was arguing against the Anti-Federalists, some of whom demanded a single-year term. This would not be long enough to give the president a sense of permanency or effectiveness to do the job well and protect its integrity. In fact, if he knew he had to give it up soon upon election, and he wanted to stay in it longer, such a term length would actually increase his temptation to seek to gain personally from his position while in office. Such a situation would “tend still more powerfully to corrupt his integrity, or debase his fortitude.” Since little time was granted to perform the duties properly and thereby gain respectable notoriety, he would feel compelled toward corruption in order to make his sacrifice of time worthwhile. A four-year term would be just the right length to give the president a feeling of security to fulfill the office virtuously. It also would help the president feel safer from the occasional overzealous or factiously self-interested passions of the people. The president should not feel obliged to bow to every “sudden breeze of passion” or “transient impulse” promoted by the people. It is the president’s duty, as a virtuous and wise public official, to “withstand the temporary delusion[s]” of the public “in order to give them time and opportunity for more cool and sedate reflection.” A four-year term, and, in fact, the structure of having the president selected by the electors, would sufficiently isolate the president from reprisals by the masses for not bowing to their temporary and self-interested whims. Additionally, “a duration of four years will contribute to the firmness of the Executive in sufficient degree.” Such a term would not be too long to disconnect the chief executive from a republican reliance on the people. In Hamilton’s words, the length of the president’s term “is not enough to justify any alarm for the public safety.” Thus, the internal structures of the executive office acted as innovative checks on the failings of human nature.<sup>89</sup>

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<sup>89</sup> Carey and McClelland, *The Federalist*, 370-372

When considering the judicial branch, Hamilton understood its internal makeup also to be a method of checking human nature. The mode of selection was one safeguard. The process of appointment to offices like the Supreme Court entailed one man—the president—choosing, with a smaller body of men—the Senate—confirming or denying that choice. This seemed most proper to Hamilton. Given the structures devised for selecting the president, the president would theoretically be a man that was hindered less by the deficiencies of human nature: “there would always be a great probability of having the place supplied by a man of abilities, at least respectable.” He would feel the weight of responsibility, as he was the sole appointer, to choose wisely, or, in Hamilton’s words, he would “beget a livelier sense of duty and a more exact regard to reputation.” He therefore would be “more interested to investigate with care the qualities requisite to the stations to be filled”—his sense of responsibility would force him to grasp fully the positions and qualifications of the positions which he was appointing. And his virtue would aid him being impartial, not engaging in self-interested or factious nepotism: “to prefer with impartiality the persons who may have the fairest pretensions” to the offices. As he is one man, and not a group of men, he would have numerically “fewer personal attachments to gratify...and will be so much the less liable to be misled by the sentiments of friendship and of affections.” Again, he would be less likely to play favorites or engage in cronyism, first, as he is supposedly most likely to be of greater virtue, and second, as the number of his favorites or cronies would mathematically be fewer than if an assembly were to appoint. But if the president did happen to suffer from any of these maladies, the august body of the Senate would be there to check his immorality. If the president corruptly chose a favorite, the Senate “would be an excellent check upon a spirit of favoritism in the President” by denying the appointment. If the president’s judgment lapsed, the Senate “would tend greatly to prevent the appointment of unfit characters.”

To this pragmatic New York politicians, “a man disposed to view human nature as it is, without either flattering the its virtues or exaggerating its vices, will see sufficient ground of confidence in the probity of the Senate” to forestall any dangerous failings by the president in the case of appointments to the Court (or any other officials). With the mode of appointment so patterned, the odds that corrupt characters would secure the appointment would be diminished. Thus the mode of selecting members the Supreme Court would safeguarded against the ascension of persons of unsavory character to the bench. The proposed Constitution yet again provided for structural checks on human nature.<sup>90</sup>

Hamilton also saw great utility in the length of term for Supreme Court judges. The term of continuing under good behavior, or serving life terms, was “one of the most valuable of the modern improvements in the practice of government.” Not only did it act as check/balance on the legislature, or an “excellent barrier to the encroachments and oppressions” of the Congress, but it also provided the circumstances for the judiciary to “secure a steady, upright, and impartial administration of the laws.” Congress, in other words, would have few opportunities to rid the bench of justices on purely political grounds. Additionally, terms during good behavior allow for a certain independence from the other branches, especially from the powerful legislature, so that the judges could decide cases without fear of political reprisal. Hamilton agreed with Madison’s formula that the less the power, the greater the term in office it could be granted. He applied this to the Courts. He saw the judiciary as the “least dangerous to the political rights” of the people because it had the least “capacity to annoy or injure them.” It had “no influence over either the sword or the purse” as the legislative and executive had. But if it was the *least* powerful, would it not be in the *most* danger from the other branches? After all, human nature is ambitious and self-interested. Would the legislature not design to intimidate and act as the

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<sup>90</sup> Carey and McClelland, *The Federalist*, 392-395

purveyors of the Court? The Court was in “continual jeopardy of being overpowered, awed, or influenced by its co-ordinate branches.” The best way, then, to help provide as much independence and firmness of office to the judicial branch was “permanency in office.”<sup>91</sup> Terms during good behavior for judges were so important to Hamilton that he called them “an indispensable ingredient” to the judiciary and “the citadel of the public justice and the public security.” After all, if human nature was as ambitious and self-aggrandizing as Hamilton and Madison claimed, a powerful protection would be needed by this branch.<sup>92</sup>

Hamilton added in No. 78 the judicial role in the separation of powers/checks and balances equation. Just as Madison claimed that human nature was not divorced from self-interest enough for a man to be the judge “in his own cause,” so did Hamilton say that the legislature could not be the sole determiner of the constitutionality of the laws.<sup>93</sup> “The interpretation of the laws is the proper and peculiar province of the courts,” he wrote. A constitution, after all, must be regarded as “a fundamental law”. Judges should therefore have the power to review the constitutionality of laws: “it therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body.”<sup>94</sup> This would provide a vital check on the legislature, to ensure that the people would not be affected negatively by poor legislation, by legislation rooted in the foibles of human nature. Judges would, in essence, be the voice of the people in determining whether a law conformed to the Constitution or not. Thus, the powers and internal structures of the judicial branch provided a final method of ameliorating the negative components of human nature.

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<sup>91</sup> Carey and McClelland, *The Federalist*, 392-395

<sup>92</sup> Carey and McClelland, *The Federalist*, 401-403

<sup>93</sup> Carey and McClelland, *The Federalist*, 44

<sup>94</sup> Carey and McClelland, *The Federalist*, 404

### **Part 3: Conclusion**

Hamilton and Madison were, as subsequent events would prove, two men of divergent political worldviews. That they could generally agree on the characteristics of human nature and on the topic of how government structure could ameliorate negative human qualities, two areas basic to the question of whether republican government can endure, is a testament to how close to a workable answer they developed. Hamilton and Madison, throughout their *Federalist* project, agreed in principle about the constitution of human nature, both the positive and negative aspects, and the utility of the structural checks contained in the proposed Constitution to ameliorate the defects found therein. Human nature contained enough positive qualities to make republican government possible. As Madison summarized in *Federalist 51*, human nature, though, was suspect enough to warrant mistrust. This suspicion led the Framers to advocate for certain structural remedies to be used in government in order to ameliorate human nature and therefore to improve the human experience of government as a whole. If Hamilton and Madison were correct in their understanding of human nature, then the framers are to be admired for their insight and ingenuity. In the nineteenth and twentieth centuries, however, there have been rival explanations of human nature. Progressives, for example, contended that human nature and the human condition are entirely fluid, and that therefore government should adapt to keep pace with societal evolution. If such rival views of human nature are valid, then the structures found within the Constitution could be said to be erroneously-based and/or outdated. This is a question that modern politicians and philosophers should consider. In order to have the best human condition possible, the most accurate view of human nature should be accepted and utilized in constructing governmental structures. This is a conclusion that Hamilton and Madison both understood well.