

Teaching Federalist # 1

Civics/History Lesson Plan Grades 7-12

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Overview:

This lesson provides students an opportunity to use primary source documents as they examine the philosophical origins of the natural rights philosophy of consent using Federalist # 1. It also uses John Locke's Second Treatise on Government and the Mayflower Compact. The idea is to show how consent and choice are enlightenment ideas for government and could be done in America. This gave America a pragmatic view of the Enlightenment rather than an ideological view. Perspectives include the ideology of the enlightenment philosophers and the pragmatism of the colonists. A number of perspectives on social studies themes of power, consent of the governed, origins of power and civic ideals are found in this lesson.

Purpose:

To encourage students to examine Federalist # 1 and determine and consider the questions posed by Alexander Hamilton.

Connection to the Curriculum:

Civics, American Government

Grade Level:

9-12

Time:

1 class period of 90 minutes

Objectives:

- Students will use information from original text sources to explain why consent of the governed is essential in a free government.
- Students will demonstrate application of the historian's skills of asking historical questions, acquiring historical information, and answering historical questions.
- Students will engage in a group discussion on the concept of governments based on reflection and choice rather than accident or force.

NCSS Thematic Strands:

- **Power, Authority, and Governance**
 - a. What are the purposes and functions of government? Under what circumstances is the exercise of political power legitimate? What are the proper scope and limits of authority? How are individual rights protected and challenged within the context of majority rule? What conflicts exist among fundamental principles and values of constitutional democracy? What are the rights and responsibilities of citizens in a constitutional democracy?
- **Civic Ideals and Practice**
 - a. What are the democratic ideals and practices of a constitutional democracy? What is the balance between rights and responsibilities? What is civic participation? How do citizens become involved?

NCHS Standards:

Standard 3A

The student understands the issues involved in the creation and ratification of the United States Constitution and the new government it established.

Historical Thinking Standard 3: Historical Analysis and Interpretation

- a. Analyze the features of the Constitution which have made this the most enduring and widely imitated written constitution in world history.
- b. Compare the arguments of Federalists and Anti-Federalists during the ratification debates and assess their relevance in late 20th-century politics.

Materials Needed:

- Federalist # 1 (Hamilton)
- Locke's Second Treatise on Government, Chapter 8 sect. 95,96,97,114,119
- The Mayflower Compact

Background information/homework/pre-learning: Students should read the 3 documents in the materials section before class.

Essential Question: How important is consent in developing a free government?

Procedures:

1. Have students read Federalist # 1 and the selected sections of Locke's Second Treatise.
2. On an LCD projector or overhead, put up the selected passage from Federalist #1 at the end of the 1st paragraph;
"It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to **decide the important question**, whether societies of men are really capable or not of establishing good government from **reflection and choice**, or whether they are forever destined to depend for their political constitutions on **accident and force**. If there be any truth in the remark, the crisis at which we are arrived may with propriety be regarded as the era in which that decision is to be made; **and a wrong election of the part we shall act may, in this view, deserve to be considered as the general misfortune of mankind.**"
3. Have a 'cave' moment, where students write on their own. The questions you should pose are;
"If you could reflect and choose, what would you consider essential in a good government?"
"Why are these characteristics you choose essential?"
4. After you have them write for a bit, (5 minutes) have a 'water cooler' moment where they share answers with a couple people around them.
5. After sharing answers with a couple people in their immediate vicinity, have a 'campfire' moment where the class comes together as a whole, and shares answers.
6. Using the Mayflower compact, put up the selected passage;
"Do by these Presents, solemnly and mutually, in the Presence of God and one another, **covenant and combine ourselves together into a civil Body Politick, for our better Ordering and Preservation**, and Furtherance of the Ends aforesaid: And by Virtue hereof do enact, constitute, and frame, such just and equal Laws, Ordinances, Acts, Constitutions, and Officers, from time to time, as shall be thought most meet and convenient for the **general Good of the Colony**; unto which we promise **all due Submission and Obedience.**"

7. Ask students, "Why would the settlers make this compact even before they got off the boat?"
"What is a civil body politic?" "How does it give preservation?"
"Is this the same reflection and choice that Hamilton is talking about in Federalist # 1?"
"How do the Mayflower Compact and Federalist 1 relate to sections 95 and 97 of Locke's Second Treatise?"
"Does our Declaration of Independence also profess these ideas when it reads, "To secure these rights, governments are established deriving their just powers from the consent of the governed"?"

Wrap Up: Pose the question, "Hamilton stated in Fed. # 1, " **and a wrong election of the part we shall act may, in this view, deserve to be considered as the general misfortune of mankind.**" Was he correct? Why or why not?

Assessment:

- Students should be able to write a 2 to 3 paragraph comparison of consent and reflection and choice using the documents.
- Short answer quiz.
- You may also use the wrap up question as a short, 1 page essay for students.

Extensions/Enrichments:

Consent can be a theme during the entire teaching of formation of government and the Constitutional period. Students can take a number of documents/primary sources from Federalist Papers, Anti-Federalist papers, individual letters of the Framers notes from speeches to continually identify when consent was recognized or not.

Students can compare emerging countries and their constitutions which include a number of positive rights for the citizenry. They can recognize people will agree/consent to government if their needs are met and it is considered fair.

Websites

- <http://www.constitution.org/fed/federa01.htm> (Federalist 1)
- <http://www.philosophypages.com/hy/4n.htm> (John Locke's view on social order and government)
- <http://www.constitution.org/jl/2ndtreat.htm> (Locke's Second Treatise)
- http://avalon.law.yale.edu/17th_century/mayflower.asp (Mayflower Compact)
- http://www.archives.gov/exhibits/charters/declaration_transcript.html (Declaration of Independence)

The Federalist No. 1

Introduction

Independent Journal
Saturday, October 27, 1787
[Alexander Hamilton]

To the People of the State of New York:

AFTER an unequivocal experience of the inefficacy of the subsisting federal government, you are called upon to deliberate on a new Constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences nothing less than the existence of the UNION, the safety and welfare of the parts of which it is composed, the fate of an empire in many respects the most interesting in the world. It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force. If there be any truth in the remark, the crisis at which we are arrived may with propriety be regarded as the era in which that decision is to be made; and a wrong election of the part we shall act may, in this view, deserve to be considered as the general misfortune of mankind.

This idea will add the inducements of philanthropy to those of patriotism, to heighten the solicitude which all considerate and good men must feel for the event. Happy will it be 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. But this is a thing more ardently to be wished than seriously to be expected. The plan offered to our deliberations affects too many particular interests, innovates upon too many local institutions, not to involve in its discussion a variety of objects foreign to its merits, and of views, passions and prejudices little favorable to the discovery of truth.

Among the most formidable of the obstacles which the new Constitution will have to encounter may readily be distinguished the obvious interest of a certain class of men in every State to resist all changes which may hazard a diminution of the power, emolument, and consequence of the offices they hold under the State establishments; and the perverted ambition of another class of men, who will either 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.

It is not, however, my design to dwell upon observations of this nature. I am well aware that it would be disingenuous to resolve indiscriminately the opposition of any set of men (merely because their situations might subject them to suspicion) into interested or ambitious views. Candor will oblige us to admit that even such men may be actuated by upright intentions; and it cannot be doubted that much of the opposition which has made its appearance, or may hereafter make its appearance, will spring from sources, blameless

at least, if not respectable--the honest errors of minds led astray by preconceived jealousies and fears. So numerous indeed and so powerful are the causes which serve to give a false bias to the judgment, that we, upon many occasions, see wise and good men on the wrong as well as on the right side of questions of the first magnitude to society. This circumstance, if duly attended to, would furnish a lesson of moderation to those who are ever so much persuaded of their being in the right in any controversy. And a further reason for caution, in this respect, might be drawn from the reflection that we are not always sure that those who advocate the truth are influenced by purer principles than their antagonists. Ambition, avarice, personal animosity, party opposition, and many other motives not more laudable than these, are apt to operate as well upon those who support as those who oppose the right side of a question. Were there not even these inducements to moderation, nothing could be more ill-judged than that intolerant spirit which has, at all times, characterized political parties. For in politics, as in religion, it is equally absurd to aim at making proselytes by fire and sword. Heresies in either can rarely be cured by persecution.

And yet, however just these sentiments will be allowed to be, we have already sufficient indications that it will happen in this as in all former cases of great national discussion. A torrent of angry and malignant passions will be let loose. To judge from the conduct of the opposite parties, we shall be led to conclude that they will mutually hope to evince the justness of their opinions, and to increase the number of their converts by the loudness of their declamations and the bitterness of their invectives. An enlightened zeal for the energy and efficiency of government will be stigmatized as the offspring of a temper fond of despotic power and hostile to the principles of liberty. An over-scrupulous jealousy of danger to the rights of the people, which is more commonly the fault of the head than of the heart, will be represented as mere pretense and artifice, the stale bait for popularity at the expense of the public good. It will be forgotten, on the one hand, that jealousy is the usual concomitant of love, and that the noble enthusiasm of liberty is apt to be infected with a spirit of narrow and illiberal distrust. On the other hand, it will be equally forgotten that the vigor of government is essential to the security of liberty; that, in the contemplation of a sound and well-informed judgment, their interest can never be separated; and that a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people than under the forbidden appearance of zeal for the firmness and efficiency of government. History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter, and that of those men who have overturned the liberties of republics, the greatest number have begun their career by paying an obsequious court to the people; commencing demagogues, and ending tyrants.

In the course of the preceding observations, I have had an eye, my fellow-citizens, to putting you upon your guard against all attempts, from whatever quarter, to influence your decision in a matter of the utmost moment to your welfare, by any impressions other than those which may result from the evidence of truth. You will, no doubt, at the same time, have collected from the general scope of them, that they proceed from a source not unfriendly to the new Constitution. Yes, my countrymen, I own to you that, after having given it an attentive consideration, I am clearly of opinion it is your interest to adopt it. I am convinced that this is the safest course for your liberty, your dignity, and your happiness. I affect not reserves which I do not feel. I will not amuse you with an appearance of deliberation when I have decided. I frankly acknowledge to you my convictions, and I will freely lay before you the reasons on which they are founded. The

consciousness of good intentions disdains ambiguity. I shall not, however, multiply professions on this head. My motives must remain in the depository of my own breast. My arguments will be open to all, and may be judged of by all. They shall at least be offered in a spirit which will not disgrace the cause of truth.

I propose, in a series of papers, to discuss the following interesting particulars: -- *The utility of the UNION to your political prosperity -- The insufficiency of the present Confederation to preserve that Union -- The necessity of a government at least equally energetic with the one proposed, to the attainment of this object -- The conformity of the proposed Constitution to the true principles of republican government -- Its analogy to your own state constitution -- and lastly, The additional security which its adoption will afford to the preservation of that species of government, to liberty, and to property.*

In the progress of this discussion I shall endeavor to give a satisfactory answer to all the objections which shall have made their appearance, that may seem to have any claim to your attention.

It may perhaps be thought superfluous to offer arguments to prove the utility of the UNION, a point, no doubt, deeply engraved on the hearts of the great body of the people in every State, and one, which it may be imagined, has no adversaries. But the fact is, that we already hear it whispered in the private circles of those who oppose the new Constitution, that the thirteen States are of too great extent for any general system, and that we must of necessity resort to separate confederacies of distinct portions of the whole.¹ This doctrine will, in all probability, be gradually propagated, till it has votaries enough to countenance an open avowal of it. For nothing can be more evident, to those who are able to take an enlarged view of the subject, than the alternative of an adoption of the new Constitution or a dismemberment of the Union. It will therefore be of use to begin by examining the advantages of that Union, the certain evils, and the probable dangers, to which every State will be exposed from its dissolution. This shall accordingly constitute the subject of my next address.

PUBLIUS

1 - The same idea, tracing the arguments to their consequences, is held out in several of the late publications against the new Constitution.

Mayflower Compact : 1620

Agreement Between the Settlers at New Plymouth : 1620

IN THE NAME OF GOD, AMEN. We, whose names are underwritten, the Loyal Subjects of our dread Sovereign Lord King *James*, by the Grace of God, of *Great Britain, France, and Ireland*, King, *Defender of the Faith*, &c. Having undertaken for the Glory of God, and Advancement of the Christian Faith, and the Honour of our King and Country, a Voyage to plant the first Colony in the northern Parts of *Virginia*; Do by these Presents, solemnly and mutually, in the Presence of God and one another, covenant and combine ourselves together into a civil Body Politick, for our better Ordering and Preservation, and Furtherance of the Ends aforesaid: And by Virtue hereof do enact, constitute, and frame, such just and equal Laws, Ordinances, Acts, Constitutions, and Officers, from time to time, as shall be thought most meet and convenient for the general Good of the Colony; unto which we promise all due Submission and Obedience. **IN WITNESS** whereof we have hereunto subscribed our names at *Cape-Cod* the eleventh of November, in the Reign of our Sovereign Lord King *James*, of *England, France, and Ireland*, the eighteenth, and of *Scotland* the fifty-fourth, *Anno Domini*; 1620.

Locke on Government

Locke's Second Treatise on Government, Chapter 8

Sect. 95. MEN being, as has been said, by nature, all free, equal, and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent. The only way whereby any one divests himself of his natural liberty, and puts on the *bonds of civil society*, is by agreeing with other men to join and unite into a community for their comfortable, safe, and peaceable living one amongst another, in a secure enjoyment of their properties, and a greater security against any, that are not of it. This any number of men may do, because it injures not the freedom of the rest; they are left as they were in the liberty of the state of nature. When any number of men have so *consented to make one community or government*, they are thereby presently incorporated, and make *one body politic*, wherein the *majority* have a right to act and conclude the rest.

Sect. 96. For when any number of men have, by the consent of every individual, made a *community*, they have thereby made that *community* one body, with a power to act as one body, which is only by the will and determination of the *majority*: for that which acts any community, being only the consent of the individuals of it, and it being necessary to that which is one body to move one way; it is necessary the body should move that way whither the greater force carries it, which is the *consent of the majority*: or else it is impossible it should act or continue one body, *one community*, which the consent of every individual that united into it, agreed that it should; and so every one is bound by that consent to be concluded by the *majority*. And therefore we see, that in assemblies, impowered to act by positive laws, where no number is set by that positive law which impowers them, the *act of the majority* passes for the act of the whole, and of course determines, as having, by the law of nature and reason, the power of the whole.

Sect. 97. And thus every man, by consenting with others to make one body politic under one government, puts himself under an obligation, to every one of that society, to submit to the determination of the *majority*, and to be concluded by it; or else this *original compact*, whereby he with others incorporates into *one society*, would signify nothing, and be no compact, if he be left free, and under no other ties than he was in before in the state of nature. For what appearance would there be of any compact? what new engagement if he were no farther tied by any decrees of the society, than he himself thought fit, and did actually consent to? This would be still as great a liberty, as he himself had before his compact, or any one else in the state of nature hath, who may submit himself, and consent to any acts of it if he thinks fit.

Sect. 114. Though it be a sufficient answer to their objection, to shew that it involves them in the same difficulties that it doth those they use it against; yet I shall endeavour to discover the weakness of this argument a little farther.

--*All men, say they, are born under government, and therefore they cannot be at liberty to begin a new one. Every one is born a subject to his father, or his prince, and is therefore under the perpetual tie of subjection and allegiance.* It is plain mankind never owned nor considered any such natural subjection that they were born in, to one or to the other that tied them, without their own consents, to a subjection to them and their heirs.

Sect. 119. *Every man* being, as has been shewed, *naturally free*, and nothing being able to put him into subjection to any earthly power, but only his own *consent*; it is to be considered, what shall be understood to be a *sufficient declaration* of a man's *consent*, to make him *subject* to the laws of any government. There is a common distinction of an express and a tacit consent, which will concern our present case. No body doubts but an express *consent*, of any man entering into any society, makes him a perfect member of that society, a subject of that government. The difficulty is, what ought to be looked upon as a *tacit consent*, and how far it binds, i.e. how far any one shall be looked on to have consented, and thereby submitted to any government, where he has made no expressions of it at all. And to this I say, that every man, that hath any possessions, or enjoyment, of any part of the dominions of any government, doth thereby give his *tacit consent*, and is as far forth obliged to obedience to the laws of that government, during such enjoyment, as any one under it; whether this his possession be of land, to him and his heirs for ever, or a lodging only for a week; or whether it be barely travelling freely on the highway; and in effect, it reaches as far as the very being of any one within the territories of that government.