

Lock, hobbes, and the federalist papers



**ASSIGN
BUSTER**

The Federalist Papers, written by Jay, Madison, and Hamilton, were laid out in order to convince the individual states to ratify the new U. S. Constitution and defend a central government. Many times the words of these Founding Fathers echoed those of 17th century authors Thomas Hobbes and John Locke. Federalist #10, #51, and #78, all bear resemblance to either or both of these philosophers, especially Locke's Two Treatises of Government and Hobbes' Leviathan. Many of the essays found in the Federalist Papers are in one way or another based on these two gentlemen, and specifically these two works. In Federalist #10, James Madison addresses the problem of factions, and the problematic inability to dissolve these factions. He writes that factions are impossible to dissolve without taking away liberty, thus the best course of action is to take power away from the factions and attempt to control them. This is very similar to Hobbes' view of the "state of nature". According to Madison, a society with unchecked factions is likely to run rampant and wild, such as that described in Leviathan. Madison argues that factions exist to join people with similar passions or ideas and allows them to fight against what they consider wrong. Naturally, this causes animosity and warring between groups, because, according to Hobbes, "If any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; and in their way to the End, endeavor to destroy, or subdue one an other." However, the liberty that allows these factions to exist cannot be taken away. Locke grants all the "natural rights" of "life, health, liberty, and possessions", something which Madison agrees with and defends. The question arises of how to control these factions while still allowing them to have these "natural rights". Madison's answer, which resembles Locke, is to have a representative government. A government

who gets its power from those it leads. Madison also argues that this government must be made up of a large number of people, so that it is “ less probable that a majority of the whole will have a common motive to invade the rights of other citizens.” Ideally, this representation of people will be prohibitive to Hobbes’ constant state of war and violence. Both Madison’s Federalist #10 and Locke’s Two Treatises of Government agree that in the natural state, factions or groups will emerge against one another, and the best way to control these groups is through a representative governing body, made up of enough people to remain impartial, so that any one faction cannot rise up and gain authoritarian power. Federalist #51 discusses the need for power to be separated amongst various branches of the government, so that one single group cannot rise up and gain total control. Madison states that by “ so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places.” Similarly, as Locke suggests, the government will only have the powers that the people give it. Should the government overstep its bounds and infringe on the natural rights of man, Locke gives the people the right to revolt, because the government has breached a social contract. By spreading the power out and only allowing the government to control that which it is given by the people, the possibility that one group will rise up is eliminated. Federalist #78, written by Alexander Hamilton, discusses the role of the judiciary and the need for a judiciary separated from the executive and legislative branches. Locke supports the development of a judicial branch. In his words, “ Those who are united into one body, and have a common established law and judicature to appeal to, with authority to decide

controversies between them, and punish offenders, are in civil society one with another: but those who have no such common appeal, I mean on earth, are still in the state of nature, each being, where there is no other, judge for himself, and executioner; which is, as I have before shewed it, the perfect state of nature.” Forming a judicial branch furthers the development of a “civil society” and takes people away from the “state of nature”. Hamilton also views the judicial branch as relatively harmless. He states the judicial branch is the least powerful because it cannot “attack with success either of the other two.” Hamilton proposes that the judicial branch will be the foundation of a limited Constitution. The courts can determine legislation as well as the acts of the executive branch to be unconstitutional, and therefore check the other two branches. This proposition would fall in line with Locke’s philosophy of keeping power spread thin in order to limit the influence of factions. Hobbes on the other hand would be less likely to support having a separate judicial branch. Hobbes declares “He therefore that is partial in judgement, doth what in him lies to deter men from the use of judges and arbitrators, and consequently, against the fundamental law of nature, is the cause of war.” Since the nature of man is greedy, selfish, and cruel, having an impartial judge becomes nearly nonexistent. However, this argument is defeated by Locke, whose separated powers prevents partial judgment. Throughout each of these three essays from The Federalist Papers, Hobbes and Locke’s influence is seen time and again. Hamilton, Jay, and Madison, took the different views of the state of nature and found ways to improve Hobbes’ “poor, nasty, brutish, and short” life, by incorporating some of Locke’s ideas to eliminate the state of nature. By limiting factions, spreading out power, and creating a separate judicial system, the Founding Fathers

created a government that gains its power from those it governs and a government, as Locke says, that can govern itself first.