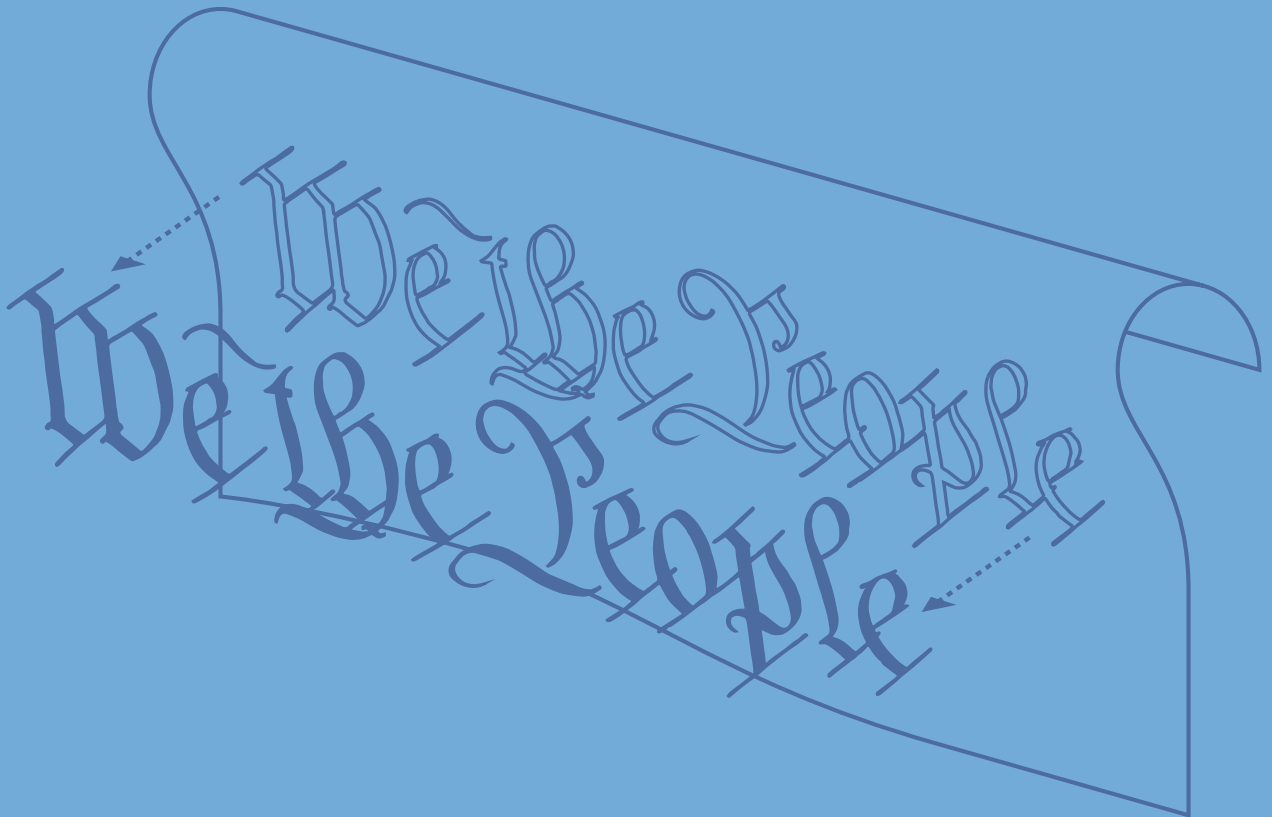


CONSTITUTION

MODULE 3

ROAD TO THE CONVENTION



ROAD TO THE CONVENTION

The founders were children of the Enlightenment, a European intellectual movement beginning in the late 1600s. The ideas that fueled this period were a celebration of reason, the power through which human beings might understand the universe and improve their condition. Overall, the movement strived for knowledge, freedom, and happiness. These ideas sparked transformational changes in art, philosophy, and politics. When crafting a new constitution, the founders followed this Enlightenment model and drew lessons from history and from their own experiences. Between the Declaration of Independence and the U.S. Constitution, the American people were governed at the national level by the Articles of Confederation and at the state level by state constitutions. From the founders' perspective, these frameworks of government were noble experiments, but also deeply flawed. With the U.S. Constitution, the Founding generation established a new national government designed to address the deficiencies in these forms of government—creating a new government that was strong and deliberative enough to achieve common purposes and check mob violence, but also restrained enough to protect individual liberty.

Learning Objectives

At the conclusion of this module, you should be able to:

1. Explore Shays' Rebellion and its influence on the Founding generation.
2. Describe the Articles of Confederation and determine what type of national government it established.
3. Discuss what the Founding generation learned from key state constitutions.
4. Explain why the Founding generation decided to write a new constitution.
5. Examine the key lessons in Federalist Nos. 10 and 55.

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Module 3: Road to the Convention Lesson Plan

3.1 Activity: U.S. Constitution and Shays' Rebellion

Purpose

In this activity, you will be introduced to Shays' Rebellion, the weakness of the Articles of Confederation, and how Shays' Rebellion helped lead to the Constitutional Convention.

Process

Review the [image](#) below depicting a scene from 1786 and describe what you see. Be prepared to answer the following questions and engage in classroom discussion:



1. What do you see in this picture? What do you think is happening?
2. Do you know what event this is depicting? If not, what would your guess be?

[Hint: It happened just before the Constitutional Convention.]

After the discussion has concluded, complete the [Activity Guide: U.S. Constitution and Shays' Rebellion](#) worksheet.

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Module 3: Road to the Convention Lesson Plan

Activity 3.1 Notes & Teachers Comments

Launch Information

Ask students to review the [Visual Info Brief](#) of the image and describe what they see. If no one answers, step in and say: “This is a depiction of Shays’ Rebellion.” Then, ask the following questions:

1. Take a look at the image. Does anyone recognize the image? Do you know anything about this event?
2. Let’s take a moment to analyze the image. Can you share with me what you see in the image?
3. Does anyone know what happened that led up to this event?

You can give additional [background on Shays’ Rebellion](#). Additional information about what actually happened can be found in the Info Brief: Summary of Shays’ Rebellion document and the Constitution Daily article, [On this day, Shays’ Rebellion starts in Massachusetts](#).

Let students know that the picture depicts an event from 1786, outside a courthouse, in Massachusetts. After students share their observations, ask the class the following questions:

1. Would you call the scene in the image a mob?
2. How do you define a mob?
3. What is the difference between a protest and a mob?

Then, have students complete the worksheet.

Activity Synthesis

Ask students the following questions:

- What is the government’s role in checking the threat of mob violence?
- How did Shays’ Rebellion contribute to the loss of confidence in the Articles of Confederation?

Activity Extension (Optional)

Invite students to further research the causes, events, and response to Shays’ Rebellion.

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Module 3: Road to the Convention Lesson Plan

3.2 Activity: The Critical Period—The Years Between the American Revolution and the Constitutional Convention

Purpose

In this activity, you will identify the powers of the government under the Articles of Confederation, learn why it was designed that way, and identify some of the problems that emerge from its flaws. The one thing to remember about the Articles of Confederation is that it created a weak national government—a “league of friendship”—one that largely preserved state power (and independence).

Process

1. Read information in the [Info Brief: The Road to the Convention](#) document.
2. When finished, complete the [Activity Guide: The Critical Period](#) worksheet to summarize the information.
3. Break into small groups and review your completed charts together with your classmates.

Activity 3.2 Notes & Teachers Comments

Launch

Give students time to read the excerpts/summary of the Articles of Confederation and complete the chart.

Ask them to reflect on why they think the founders made those changes to the system of government. The goal is for the students to develop some well-formed thoughts to help them engage in the next activities.

Allow students to check their completed chart with one or two classmates.

Key features: structure, powers, and the amendment process (left hand side of chart).

Activity Synthesis

Invite students to share and react to each other. Questions to ask could be:

1. What were some of the strengths of the Articles of Confederation? Why might its framers have designed it that way?
2. What key parts of the Articles of Confederation—its structure, powers, and amendment process—were most important to revise? To keep?

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Activity Extension (Optional)

Have students compare the structure and power of the government under the Articles of Confederation with the structure and power of the Pennsylvania or Massachusetts state governments in the years between the American Revolution and the Constitutional Convention. You can find the Articles of Confederation, the Pennsylvania Constitution, and the Massachusetts Constitution in the [Founders' Library](#).

3.3 Activity: Key Terms

Purpose

In this activity, you will learn more about concepts related to the events leading up to the Constitutional Convention.

Process

In small groups, create a Jeopardy/Kahoot game for your classmates based on the key terms of this module. For each term, you will need to complete the following categories:

- Definition
- Examples
- Key resource or text

Use the [Activity Guide: Key Terms - Road to the Convention](#) worksheet to record your answers.

Activity 3.3 Notes & Teachers Comments

Launch

Give students time to complete the key terms activity.

Activity Synthesis

Invite students to share and react to each other. Questions to ask could be:

- Which of the terms do you think best represents the reason why people wanted to revise the government under the Articles of Confederation (and, in many cases, write a new constitution)? How so?

Activity Extension (Optional)

Now that students have a better understanding of the main terms, ask the following questions:

- Are any of these terms still relevant today? How so?

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Lesson Plan

3.4 Video Activity: Road to the Convention

Purpose

In this activity, you will learn more about the ideas and events that led to the Constitutional Convention. With the Constitutional Convention, the Founding generation set out to build a new national government that combined:

- *Strength*: A government strong enough to achieve common purposes and address the dangers of mob violence
- *Restraint*: A government restrained enough to ensure that the new national government did not threaten individual liberty
- *Deliberation*: A government structured in a way to attract virtuous leaders, slow down politics, promote deliberation (and compromise), and advance policies that served the common good

Process

Watch [the video](#) about the events leading up to the Constitutional Convention.

Then, complete the [Video Reflection: Road to the Convention](#) worksheet.

Identify any areas that are unclear to you or where you would like further explanation. Be prepared to discuss your answers in a group and to ask your teacher any remaining questions.

Activity 3.4 Notes & Teachers Comments

Launch

Give students time to watch the video and answer the related questions.

Activity Synthesis

Invite students to share and react to each other. Once you've finished the discussion, ask students:

- What type of national government did the Founding generation set out to build at the Constitutional Convention?

Activity Extension (Optional)

Now that the students have a better understanding of the ideas and events leading up to the Constitutional Convention, ask students to predict what issues would likely be the most contentious for the Convention delegates.

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Lesson Plan

3.5 Activity: Fear of Factions and Mobs

Purpose

In this activity, you will learn more about the Founding generation's fear of factions and mobs and how one function of a constitution is to structure the government in such a way that it might slow down the political process, cool emotions, curb passions, frustrate factions, and promote deliberation and compromise. For the Founding generation, its ultimate goal was to craft a government that delivers better results—results driven by reason (not passion) and serving the common good (not factional self-interest).

Process

Read excerpts from the [Primary Source: Federalist No. 10 and Federalist No. 55](#) and complete the [Activity Guide: Fear of Factions and Mobs](#) worksheet.

Activity 3.5 Notes & Teachers Comments

Launch

In the *Federalist Papers*, James Madison, Alexander Hamilton, and John Jay envisioned a constitutional system driven by reasoned debate and principled compromise. Over time, by slowing our politics down, national policy would check factional interests and promote the common good. Or at least, that's the Federalists' broader theory of government.

Provide students with background information on the *Federalist Papers* from the [Info Brief: The Federalist Papers](#) document. Introduce the authors and why they wrote them. Give students time to read the excerpts from *Federalist* No. 10 and 55 and answer the questions.

Activity Synthesis

- Invite students to share their answers and react to others. Questions to ask could be:
- Do you think that slowing politics down checks factional interests and promotes the common good? Why or why not?

Activity Extension (Optional)

Have students read the entire *Federalist Papers* No. 10 and 55 instead of excerpts. See the link at the bottom of the [Info Brief: The Federalist Papers](#) worksheet.

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3.6 Summary Activity: Striking the Right Balance

Purpose

In this activity, you will learn more about what led the Founding generation from the Articles of Confederation to the Constitutional Convention (and, ultimately, the U.S. Constitution). The primary outcome of the Convention was that the delegates built a new national government, but it was up to We the People to choose whether to accept this new government or not.

The Founding generation came into the Constitutional Convention in a time of turmoil and significant change. Before they arrived, they crafted a national framework of government (the Articles of Confederation), experimented in their states with the creation of state constitutions, debated one another over the proper way to structure a new government, and researched many ideas about how their new government should work. With the U.S. Constitution, they wanted to strike a balance that combined strength, restraint, and deliberation.

Process

Work with your group to answer the following questions (as a preview to next week's module on the Constitutional Convention):

- Based on what you know now, do you think the Founding generation struck the right balance with the new constitution? Which article is the most important to you (and why)? Which article is the least important to you (and why)?
- Were there other principles that the Founding generation should have considered in crafting the new constitution?
- What else would you like to learn about the Constitutional Convention (and the Constitution itself) to help you answer these questions?

Activity 3.6 Notes & Teachers Comments

Launch

Assign the class into groups and have them discuss the activity questions.

Activity Synthesis

Share with students the following objective: The framers of the Constitution wanted to strike a balance that combined strength, restraint, and deliberation within this new government structure. Then, invite students to share and react to others' answers:

- Did they strike the right balance?
- Do we have the right balance today?

Activity Extension (Optional)

Now that students have a better understanding of the outcome of the Convention, ask the following questions:

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- What guardrails would you add to the Constitution to ensure this balance is met?
- Can you identify reforms or changes you would make to the system to ensure our democracy thrives?

Looking for a deeper dive? Share this project with students: [Guardrails of Democracy](#).

3.7 Test Your Knowledge

Purpose

Congratulations for completing the activities in this module! Now it's time to apply what you have learned about the basic ideas and concepts covered.

Process

Complete the questions in the following quiz to test your knowledge.

- [Test Your Knowledge: The Road to the Convention](#)



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3.1 Info Brief: Summary of Shays Rebellion

SUMMARY OF SHAYS' REBELLION

The economic situation grew dire by 1786. Revolutionary war debt ravaged the budgets of the national government and some states. States tried a variety of measures to address the debt crisis—including debt relief. Businesses were failing, and trade suffered. And under the Articles of Confederation, the national government could do little to help.

In late 1786, farmers in western Massachusetts—facing high land taxes (and growing debt) and feeling that the economic (and governing) class in Boston didn't represent them—took matters into their own hands.

Under the leadership of Daniel Shays—a 39-year-old farmer who had fought in the American Revolution, including at Lexington and Bunker Hill—the farmers organized themselves into an armed fighting force and marched through the western part of the state. The farmers seized control of court buildings preventing the state government from taking possession of their farms. They forced debtors' prisons to close. And they attempted to commandeer the arsenal at Springfield, Massachusetts. Their plan was to march to Boston and confront the Massachusetts government.

Under the Articles of Confederation, Congress had no power to raise an army. They could ask the states for help—but they couldn't force them to raise troops. As a result, a Massachusetts militia eventually put down the rebellion. For many in the Founding generation—including George Washington, Alexander Hamilton, and James Madison—Shays' Rebellion was proof that the Articles were too weak to govern the country.

They feared that this might be the first of many violent uprisings. The national government had no real power to stop future uprisings or to address the underlying problems through good policy.

Eventually, these key leaders concluded that the nation needed to hold a convention—one that might work to propose a strong national government, whether through revisions to the Articles of Confederation or even through a new constitution. Key figures like James Madison and Alexander Hamilton pushed to ensure that the nation called that convention and that America's most beloved leader—George Washington—would be there when it happened.

On February 21, 1787, the Confederation Congress did agree to call for a convention of state delegates to meet in Philadelphia for the “sole and express purpose of revising the Articles.”

However, the Framers instead crafted an entirely new framework of government—the U.S. Constitution.

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3.1 Activity Guide

U.S. CONSTITUTION AND SHAYS' REBELLION

In this activity, you will be introduced to Shays' Rebellion, the weakness of the Articles of Confederation, and how Shays' Rebellion helped lead to the Constitutional Convention.

Read these two excerpts and identify the perspectives expressed by George Washington and Thomas Jefferson. Underline words that help you understand each man's perspective.

George Washington's 1787 letter to Henry Knox:

"[I shall] be extremely anxious to know the issue of the movements of the forces that were assembling, the one to support, the other to oppose the constitutional rights of Massachusetts. – The moment is, indeed, important! – If government shrinks, or is unable to enforce its laws; fresh maneuvers will be displayed by the insurgents – anarchy & confusion must prevail – and everything will be turned topsy/turvy in that State; where it is not probable the mischiefs will terminate."

What is Washington's main idea?

Letter from Thomas Jefferson to James Madison, December 20, 1787:

"I own I am not a friend to a very energetic government. It is always oppressive. The late rebellion in Massachusetts has given more alarm than I think it should have done. Calculate that one rebellion in 13 states in the course of 11 years, is but one for each state in a century & a half. No country should be so long without one. Nor will any degree of power in the hands of government prevent insurrections. . . ."

What is Jefferson's main idea?



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3.1 Activity Guide

Who do you find more persuasive, and why?

What are the strengths and weaknesses of each view?

Jefferson	Washington
Strengths:	Strengths:
Weaknesses:	Weaknesses:

How might views like those of Washington influence the founders when crafting the U.S. Constitution?

How might views like those of Jefferson influence the founders when crafting the U.S. Constitution?

THE ROAD TO THE CONVENTION

How did the post-independence experience of governing—of actually being in charge—influence the Founding generation and shape the U.S. Constitution? One way of framing this question is as follows: *How did we get from the Declaration of Independence (and the American Revolution) to the U.S. Constitution?*

- What changed?
- What remained the same?
- And how did this experience—and the debates of the period—shape the push to create a new national government in just a little over a decade?

Let's begin by reviewing some of the key events (and factors) leading to the push for a new constitution.

THE ARTICLES OF CONFEDERATION

When the Constitutional Convention met in Philadelphia in 1787, our nation already had a framework of government—the [Articles of Confederation](#). And the Constitutional Convention itself was, in many ways, a response to the weaknesses of this form of government.

- The one thing to remember about the Articles of Confederation: The Articles created a weak central government—a “league of friendship”—one that largely preserved state power (and independence).

The Articles created a national government centered on the legislative branch, which consisted of a single house. There was no separate executive branch or judicial branch. There was no separate House and Senate. The delegates in the legislative branch voted by state—with each state receiving one vote, regardless of its population.

The powers of the national government were limited. The national government didn't have the power to tax or to regulate commerce between the states. It couldn't force states to provide troops or send the government money.

Any proposed amendment to the Articles required *unanimous* approval from all 13 states. As a result, no amendment was ever ratified. Congress couldn't exercise the powers that it *did* have without support from *nine* of the 13 states.

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3.2 Info Brief

In other words, it couldn't declare war, enter into treaties with other nations, spend money, or appoint a commander in chief of the military with the support of *nine* states. This supermajority requirement made it difficult for the national government to govern.

These limits created several problems for the young nation. Without the power to tax, Congress struggled to fund that national government and to pay its soldiers. It depended on *voluntary* contributions from state governments. And many states simply refused to pay their fair share. The national government struggled to defend the frontier. And many states raised trade barriers against one another—imposing taxes on one another's goods, spurring unhealthy competition between the states, and harming the new nation's economy.

Congress was powerless to stop this.

STATE CONSTITUTIONS

The Constitutional Convention was also a response to the nation's experience with revolutionary-era state governments. Prior to the American Revolution, the American colonies were ruled by royal governments linked to the British Empire. With the outbreak of the American Revolution, these royal governments fell.

Informal patriot assemblies assumed the duties of governance throughout America. In May 1776, Congress agreed to a resolution, proposed by John Adams, calling for the colonies to set up new state governments. The American colonies responded with new charters of government: state constitutions. This was a constitutional revolution in itself—a decisive turn toward written constitutions.

In the years between the Declaration of Independence in 1776 and the new Constitution in 1789, the United States was governed primarily by 13 separate governments. During this period, the state constitution makers looked to translate their vision of an ideal American republic into concrete written constitutions.

Most states built their constitutions within the confines of the theory of mixed government.

This is the traditional idea that constitutions should model themselves after the British Constitution and include traces of three key sources of political power: the one (monarchy), the few (aristocracy), and the many (democracy). The one was traditionally embodied by an executive. Within the states, this was usually called a "governor." The few and the many were usually represented in the two houses of the state legislature: the few in the upper house—often called a senate—and the many in a lower house—often called an assembly.

Interestingly, Pennsylvania's state constitution—the most radical and democratic at the time—included a state legislature with only one house (rather than two).

In 1776, John Adams wrote his [*Thoughts on Government*](#)—which offered his own guide for state constitution makers. The pamphlet circulated widely in the states and it was one of the most

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influential pamphlets of the period. In it, Adams tried to outline the proper mode of constitution writing for states. He framed the question as follows: *How might constitution makers write a constitution that strikes the right balance between the one, the few, and the many?*

Americans were divided over how best to strike this balance.

Conservatives were accused of giving too much power to the monarchical (the one) and aristocratic (the few) elements—in other words, the governor and the upper house of the legislature. At the same time, radicals were thought by their critics to give too much power to the democratic branch (the many)—the lower house of the legislature.

Generally speaking, America's early state constitutions created governments led by a strong legislature—responsive to each state's voters—and a weak executive branch and judiciary.

These state governments pushed laws to relieve debtors (those who owed money). They set up trade barriers to protect their own businesses from competing with businesses from other states.

During this period, the American economy cratered—with many leaders blaming the downturn on the economic policies advanced by the states' democratically elected legislatures. With the new Constitution, the framers were looking, in part, to respond to—what they perceived to be—the weaknesses of the powerful, democratic state legislatures.

Many took the Massachusetts Constitution—written in response to some of the perceived flaws of the other state constitutions—as a model. The Massachusetts Constitution looked to check the powers of the lower house of the state legislature. It created a powerful and independent governor—elected directly by the people and equipped with a veto that could check unwise legislation. It created a powerful and independent judiciary and tried to create an upper house with a property qualification designed to represent the wealthy and elite in Massachusetts. In the Massachusetts Constitution, we see important constitutional principles like separation of powers (dividing the powers of government between three co-equal branches of government) and checks and balances (providing each branch of government with the powers to check the other branches).

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3.2 Activity Guide

THE CRITICAL PERIOD: THE YEARS BETWEEN THE AMERICAN REVOLUTION AND THE CONSTITUTIONAL CONVENTION

In this activity, you will identify the powers of the government under the Articles of Confederation, learn why it was designed that way, and identify some of the problems that emerge from its flaws. The one thing to remember about the Articles of Confederation is that it created a weak national government—a “league of friendship”—one that largely preserved state power (and independence).

Read information about the Articles of Confederation in [Info Brief: The Road to the Convention](#).

Complete the chart to summarize the information.

Feature of the Articles of Confederation <i>What is actually included in the document?</i>	Purpose of this feature <i>Why might that be included?</i>	Potential Problem with this feature <i>What are some potential problems this feature may cause?</i>

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Feature of the Articles of Confederation <i>What is actually included in the document?</i>	Purpose of this feature <i>Why might that be included?</i>	Potential Problem with this feature <i>What are some potential problems this feature may cause?</i>

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Module 3: Road to the Convention

3.3 Activity Guide

KEY TERMS - ROAD TO THE CONVENTION

In this activity, you will learn more about concepts related to the events leading up to the Constitutional Convention.

Key Term	Definition	Examples	Key Resource of Text
Faction	Any group of people, either a majority or a minority, animated by passion rather than reason, devoted to self-interest rather than the common good.		
Mob	A large group of people engaging in disorderly, illegal conduct.		
Constitutionalism	The principle that a government's powers are defined and limited in advance.		
Demagogue	A leader who uses false claims and false promises to play on the popular passions and prejudices of the people in order to gain political power.		

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3.3 Activity Guide

Key Term	Definition	Examples	Key Resource of Text
Republicanism	A government in which ultimate authority resides in the people—with the people exercising their power by voting for elected representatives and those representatives exercising power on behalf of the people in ways consistent with virtue, reason, the rule of law, and the common good.		
Passion	An intense, immediate feeling that drives particular preferences—often distinct from decision driven by reason and a concern for the common good.		
Self-interest	A concern for one's own advantage and well-being rather than the good of the wider community.		
Reason	The power of the mind to think, understand, and form judgments by the process of logic. <i>(Source: Oxford Languages)</i>		

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3.3 Activity Guide

Key Term	Definition	Examples	Key Resource of Text
Public good	A goal or policy that serves the interests of the wider community — not simply one's own self-interest.		
Virtue	A commitment to exercise one's judgment through reason (not passion) and a concern for the common good (not private self-interest).		

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3.4 Video Reflection

ROAD TO THE CONVENTION

In this activity, you will learn more about the ideas and events that led to the Constitutional Convention. With the Constitutional Convention, the Founding generation set out to build a new national government that combined strength, restraint, and deliberation.

Watch the [video](#) about the events leading up to the Constitutional Convention.

After you have watched the video, answer the questions below:

What were some of the weaknesses of the Articles of Confederation? Were there any that you did not think of before? If so, circle them.

What did the Founding generation learn from the revolutionary-era state constitutions?

What were the key causes of Shays' Rebellion?

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3.4 Video Reflection

What did the Founding generation learn from Shays' Rebellion?

What did James Madison frame as the central evil the Constitution should counteract? How did he think that the new Constitution might address it?

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3.5 Primary Source: Federalist No. 10 and Federalist No. 55

THE FEDERALIST PAPERS

Federalist No. 10

View the document on the National Constitution Center's website [here](#).

After the Constitutional Convention adjourned in September 1787, heated debate on the merits of the Constitution followed. Each state was required to vote on the ratification of the document. A series of articles signed by "Publius" appeared in New York newspapers. These *Federalist Papers* supported the Constitution and continued to appear through the summer of 1788. Alexander Hamilton organized them, and he and Madison wrote most of the series of 85 articles, with John Jay contributing five. These essays were read and debated, especially in New York, which included many critics of the Constitution. The *Federalist Papers* have since taken on immense significance, as they have come to be seen as an important early exposition on the Constitution's meaning. In *Federalist 10*, Madison explores how the Constitution combats the problem of faction.

Excerpt:

A good government will counteract the dangers of faction. 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. The friend of popular governments never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice.

Our state constitutions improved on those that came before them, but they still have problems; they are unstable; and they often value factional interests over the common good. The valuable improvements made by the American constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarranted partiality, to contend that they have as effectually obviated the danger on this side, as was wished and expected. Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable; that the public good is disregarded in the conflicts of rival parties; and that measures are too often decided, not according to the rules of justice, and the rights of the minor party, but by the superior force of an interested and overbearing majority. These must be chiefly, if not wholly, effects of the unsteadiness and injustice, with which a factious spirit has tainted our public administrations.

Factions are driven by passion and self-interest, not reason and the common good. By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of

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3.5 Primary Source: Federalist No. 10 and Federalist No. 55

interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

But there are ways to tame the dangers of faction. There are two methods of curing the mischiefs of faction. The one, by removing its causes; the other, by controlling its effects. There are again two methods of removing the causes of faction. The one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

One way is to take away everyone's liberty; this is a bad idea. It could never be more truly said, than of the first remedy, that it is worse than the disease. Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it would not be a less folly to abolish liberty, which is essential to political life because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

Another way is to give everyone the same opinions, passions, and interests; this isn't possible in a free and diverse republic. The second expedient is as impracticable, as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his selflove, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to an uniformity of interests. The protection of those faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

Factions are natural, and they form easily; the most common cause is the unequal division of property. The latent causes of faction are thus sown in the nature of man; ... and rendered them much more disposed to vex and oppress each other, than to co-operate for their common good. So strong is this propensity of mankind, to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts. But the most common and durable source of factions has been the various and unequal distribution of property. Those, who hold, and those who are without property, have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall into a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation and involves the spirit of the party and faction in the necessary and ordinary operations of government.

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3.5 Primary Source: Federalist No. 10 and Federalist No. 55

We can't rely on great leaders; we won't always have them. It is vain to say, that enlightened statesmen will be able to adjust these clashing interests and render them all subservient to the public good. Enlightened statesmen will not always be at the helm.

We can't eliminate the causes of faction; so, we must figure out how to control them. The inference to which we are brought is, that the causes of faction cannot be removed; and that relief is only to be sought in the means of controlling its effects.

Majority rule solves the problem of minority factions; we can vote abusive minority factions out of power; but this doesn't solve the problem of a majority faction abusing the minority; we need to come up with a new solution to this vexing problem. If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views, by regular vote. It may clog the administration; it may convulse the society; but it will be unable to execute and mask its violence under the forms of the constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest, both the public good and the rights of other citizens. To secure the public good, and private rights, against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is the greatest object to which our inquiries are directed. ...

There are a couple of ways to address this problem. By what means is the object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority, at the same time must be prevented; or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression.

Direct democracy isn't the answer. From this view of the subject, it may be concluded, that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure from the mischiefs of faction.

But representative government offers a promising path; to address the problem of faction, we need to elect representatives, and we need a large (not small) republic. A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the union. The two great points of difference, between a democracy and a republic, are, first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and the greater sphere of country, over which the latter may be extended.

Representative government promotes a process of deliberation led by virtuous leaders; this process improves public opinion and helps to ensure that we end up with a government that serves the common good, not the immediate passions of the people or

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3.5 Primary Source: Federalist No. 10 and Federalist No. 55

the self-interests of powerful factions; finally, contrary to the views of famous political thinkers like Montesquieu, it is helpful that we have a large republic rather than a small one. The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice, will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen, that the public voice, pronounced by the representatives of the people, will be more consonant to the public good, than if pronounced by the people themselves, convened for the purpose.... The question resulting is, whether small or extensive republics are most favorable to the election of proper guardians of the public weal; and it is clearly decided in favor of the latter by two obvious considerations.

There are a larger number of quality candidates in a large republic. In the first place, it is to be remarked, that however small the republic may be, the representatives must be raised to a certain number, in order to guard against the cabals of a few; and that however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude. Hence, the number of representatives in the two cases not being in proportion to that of the constituents, and being proportionately greatest in the small republic, it follows that if the proportion of fit characters be not less in the large than in the small republic, the former will present a greater probability of a fit choice.

And in a large republic, the people are more likely to choose virtuous leaders than demagogues. In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practice with success the vicious arts, by which elections are too often carried; and the suffrages of the people being more free, will be more likely to center in men who possess the most attractive merit, and the most diffusive and established characters.

Because a large republic covers more territory and contains a greater number of factions, it is more difficult for a majority faction to form and abuse power. The other point of difference is, the greater number of citizens, and extent of territory, which may be brought within the compass of republican, than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former, than in the latter. .. Extend the sphere, and you will take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other.

Large republics are better at controlling faction than small republics. Hence, it clearly appears, that the same advantage, which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic - enjoyed by the union over the states composing it.

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3.5 Primary Source: Federalist No. 10 and Federalist No. 55

We have found a republican solution to the problem of faction. In the extent and proper structure of the union, therefore, we behold a republican remedy for the diseases most incident to republican government.

Federalist No. 55

View the document on the National Constitution Center's website [here](#).

On February 15, 1788, James Madison published *Federalist* No. 55—titled “The Total Number of the House of Representatives.” Following Shays’ Rebellion in Massachusetts, Madison and his allies pushed for a new Constitution that might address the dangers of excessive democracy, including mob violence. In *Federalist* No. 55, Madison addressed a range of important issues, including the proper size of the House of Representatives, the role of representation in a republican government, and the importance of civic republican virtue. Madison warned, “In all very numerous assemblies, of whatever character composed, passion never fails to wrest the sceptre from reason. Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob.” Madison had in mind a specific episode in ancient history—the push by the demagogue Cleon to mislead the massive Athenian Assembly (filled with 6,000 people) into starting the Peloponnesian War. With the new Constitution, the framers sought to create a new government strong enough to achieve common purpose and curb mob violence, but also restrained enough that it would not threaten individual rights.

Excerpt:

Critics fear that the U.S. House of Representatives is too small to represent the interests of a large country; instead, there’s a danger that it will be filled with a small governing elite distant from the people. The number of which the House of Representatives is to consist, forms another and a very interesting point of view, under which this branch of the federal legislature may be contemplated. Scarce any article, indeed, in the whole Constitution seems to be rendered more worthy of attention, by the weight of character and the apparent force of argument with which it has been assailed. The charges exhibited against it are, first, that so small a number of representatives will be an unsafe depository of the public interests; secondly, that they will not possess a proper knowledge of the local circumstances of their numerous constituents; thirdly, that they will be taken from that class of citizens which will sympathize least with the feelings of the mass of the people, and be most likely to aim at a permanent elevation of the few on the depression of the many; fourthly, that defective as the number will be in the first instance, it will be more and more disproportionate, by the increase of the people, and the obstacles which will prevent a correspondent increase of the representatives.

There is no right answer to how large a legislative body should be in order to govern well; this is a difficult issue, and the states themselves disagree over it. In general it may be remarked on this subject, that no political problem is less susceptible of a precise solution than that which relates to the number most convenient for a representative legislature; nor is there any point on which the policy of the several States is more at variance, whether we

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3.5 Primary Source: Federalist No. 10 and Federalist No. 55

compare their legislative assemblies directly with each other, or consider the proportions which they respectively bear to the number of their constituents. . . .

There are also serious dangers when a legislative body is too large; this may undermine deliberation and heighten the passions; in the end, the goal is to try to avoid a body that is either too small or too large. Another general remark to be made is, that the ratio between the representatives and the people ought not to be the same where the latter are very numerous as where they are very few. Were the representatives in Virginia to be regulated by the standard in Rhode Island, they would, at this time, amount to between four and five hundred; and twenty or thirty years hence, to a thousand. On the other hand, the ratio of Pennsylvania, if applied to the State of Delaware, would reduce the representative assembly of the latter to seven or eight members. Nothing can be more fallacious than to found our political calculations on arithmetical principles. Sixty or seventy men may be more properly trusted with a given degree of power than six or seven. But it does not follow that six or seven hundred would be proportionably a better depository. And if we carry on the supposition to six or seven thousand, the whole reasoning ought to be reversed. The truth is, that in all cases a certain number at least seems to be necessary to secure the benefits of free consultation and discussion, and to guard against too easy a combination for improper purposes; as, on the other hand, the number ought at most to be kept within a certain limit, in order to avoid the confusion and intemperance of a multitude. In all very numerous assemblies, of whatever character composed, passion never fails to wrest the sceptre from reason. Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob. . . .

Elections are an important check on abuses by elected officials. The true question to be decided then is, whether the smallness of the number, as a temporary regulation, be dangerous to the public liberty? Whether sixty-five members for a few years, and a hundred or two hundred for a few more, be a safe depository for a limited and well-guarded power of legislating for the United States? I must own that I could not give a negative answer to this question, without first obliterating every impression which I have received with regard to the present genius of the people of America, the spirit which actuates the State legislatures, and the principles which are incorporated with the political character of every class of citizens I am unable to conceive that the people of America, in their present temper, or under any circumstances which can speedily happen, will choose, and every second year repeat the choice of, sixty-five or a hundred men who would be disposed to form and pursue a scheme of tyranny or treachery. . . .

The critics of the Constitution are too pessimistic; the American people have enough virtue to make our new republic work. The improbability of such a mercenary and perfidious combination of the several members of government, standing on as different foundations as republican principles will well admit, and at the same time accountable to the society over which they are placed, ought alone to quiet this apprehension. But, fortunately, the Constitution has provided a still further safeguard. The members of the Congress are rendered ineligible to any civil offices that may be created, or of which the emoluments may be increased,

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3.5 Primary Source: Federalist No. 10 and Federalist No. 55

during the term of their election. No offices therefore can be dealt out to the existing members but such as may become vacant by ordinary casualties: and to suppose that these would be sufficient to purchase the guardians of the people, selected by the people themselves, is to renounce every rule by which events ought to be calculated, and to substitute an indiscriminate and unbounded jealousy, with which all reasoning must be vain. The sincere friends of liberty, who give themselves up to the extravagancies of this passion, are not aware of the injury they do their own cause. 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. Were the pictures which have been drawn by the political jealousy of some among us faithful likenesses of the human character, the inference would be, that there is not sufficient virtue among men for self-government; and that nothing less than the chains of despotism can restrain them from destroying and devouring one another.

***Bold sentences give the big idea of the excerpt and are not a part of the primary source.**

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3.5 Activity Guide

FEAR OF FACTIONS AND MOBS

In this activity, you will learn more about the founding generation's fear of factions and mobs and how one function of a constitution is to structure covering so that it might slow down the political process, cool emotions, curb passions, frustrate factions, and promote deliberation and compromise. The ultimate goal? To craft a government that gets better results—results driven by reason (not passion) and promoting the common good (not factional self-interest).

Read excerpts from the [Primary Source: Federalist No. 10 and Federalist No. 55](#) and answer the following questions. Be prepared to discuss as a class.

How would you describe Madison's vision? Do you find it persuasive? What are some of its strengths and weaknesses for his time? Are they the same today?

Consider Madison's arguments today. What challenges do modern developments like social media present to Madison's vision?

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Does Madison provide us with a vision that might address them?



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3.7 Test Your Knowledge

THE ROAD TO THE CONVENTION

Complete the questions in the following quiz to test your knowledge of basic ideas and concepts covered in this module.

1. The Founders were students of this European intellectual movement, which began in the 1600s and celebrated the ideas of reason.
 - a. The Reformation
 - b. The Crusades
 - c. The Enlightenment
 - d. The French Revolution

2. During which year did the Constitutional Convention occur in Philadelphia?
 - a. 1765
 - b. 1776
 - c. 1781
 - d. 1787

3. Between the Declaration of Independence and the adoption of the U.S. Constitution, Americans were governed by _____ at the national level and _____ at the state level.
 - a. The English King, British Redcoats
 - b. The Articles of Confederation, state constitutions
 - c. Their French Allies, French soldiers
 - d. The president of the United States, governors

4. With the U.S. Constitution, the Founding generation sought to establish a new national government that could _____.
 - a. Achieve common purposes
 - b. Guard against mob violence
 - c. Still be restrained enough to protect individual liberty
 - d. All of the above

5. Which of these was a problem that existed under the Articles of Confederation?
 - a. There was no ability to raise taxes to pay soldiers.
 - b. The national government had no ability to regulate interstate commerce.
 - c. The Articles were nearly impossible to amend.
 - d. All of the above

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6. What was required to pass an amendment to the Articles of Confederation?
 - a. Unanimous consent from the states
 - b. A majority of votes from the Confederation Congress
 - c. A direct order from the president of the United States
 - d. Three-fourths of the states had to ratify it

7. Why did the founders create a weak central government under the Articles of Confederation?
 - a. They distrusted too much power in the central government.
 - b. They wanted to preserve the sovereignty of the states.
 - c. Both A and B
 - d. They secretly hoped the revolution would fail.

8. Which of these was *not* true about the Pennsylvania state constitution?
 - a. It had a unicameral (one house) legislature.
 - b. It had a bicameral (two house) legislature.
 - c. It had no single executive.
 - d. It began printing money that led to inflation.

9. What was Shays' Rebellion?
 - a. An outbreak of farmers and war veterans in Massachusetts who couldn't pay their debts
 - b. A rebellion of loyalists who wanted to return to British rule
 - c. The first battle of the Revolutionary War
 - d. An anti-slavery uprising

10. According to Washington's letter to Henry Knox, if the government in Massachusetts was unable to enforce its laws, what would happen?
 - a. Peace and prosperity
 - b. Anarchy and confusion
 - c. Large payments to the soldiers
 - d. Nothing of any importance

11. What was true of Thomas Jefferson's letter to James Madison in 1787?
 - a. He calculated that at that rate, states would experience a rebellion every year.
 - b. He was a friend of a very energetic government.
 - c. He thought people should be more alarmed at the rebellion.
 - d. He thought the rebellion gave more alarm than it should have.

12. There was a failed attempt at a Constitutional Convention in Annapolis, Maryland, in 1786. Which of these factors do you think was a reason why the convention didn't work?
 - a. Famous founders like George Washington and Benjamin Franklin were not present.

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3.7 Test Your Knowledge

- b. Many states refused to send delegates, including the host state Maryland.
 - c. Americans were still wary of stronger central government.
 - d. All of the above
13. Which of these is an accurate representation of the Articles of Confederation?
- a. A strong central government with regulatory power over the states
 - b. A balanced government divided into three equal branches
 - c. A loose league of friendship with very little power over the states
 - d. An oppressive government headed by a single dictator
14. Which founder spent the summer before the Constitutional Convention reading books on past governments and preparing a blueprint to present at the Constitutional Convention?
- a. Thomas Jefferson
 - b. James Madison
 - c. John Adams
 - d. Samuel Adams
15. What was James Madison's definition of a faction?
- a. Any group animated by passion and self-interest rather than reason and the common good
 - b. A well-organized political party with regular elections
 - c. A government whose members supported a king
 - d. A mathematical term
16. James Madison wrote about his fears of mobs and factions in this literary work:
- a. The Declaration of Independence
 - b. The Virginia Bill of Rights
 - c. The Federalist Papers
 - d. The Articles of Confederation
17. The goals of the founders at the Constitutional Convention could be best described by which three ideals?
- a. Power, discipline, tyranny
 - b. Strength, restraint, deliberation
 - c. Popular sovereignty, weak central government, mob rule
 - d. Monarchy, rule by few, separation of powers
18. James Madison believed that America's vast geography and large population _____.
- a. Would prevent passionate mobs from mobilizing
 - b. Could never support any kind of republican government
 - c. Was too vast for people to know what type of government they had
 - d. Would be too easily controlled by demagogues

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19. What was the *stated* purpose of the Constitutional Convention, agreed to on February 21, 1787?
- Creating a brand-new form of government
 - Revising the Articles (of Confederation)
 - Reinstating the British Monarch
 - Making George Washington king of America
20. Which of these founders was *not* an author of the Federalist Papers?
- James Madison
 - John Jay
 - Alexander Hamilton
 - George Mason

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3.7 Test Your Knowledge

Answer Key

1. C
2. D
3. B
4. D
5. D
6. A
7. C
8. B
9. A
10. B
11. D
12. D
13. C
14. B
15. A
16. C
17. B
18. A
19. B
20. D