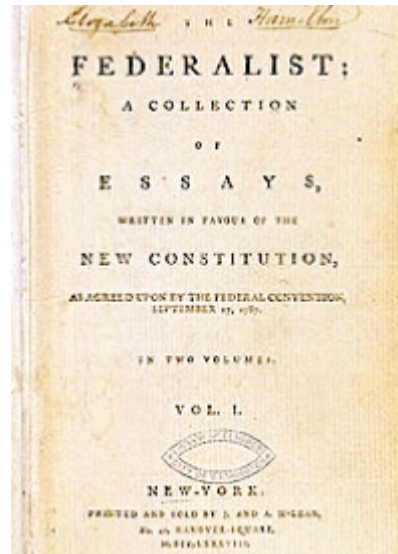




Written by [Joe Wolverton, II, J.D.](#) on April 29, 2011

## Federalist Papers and the Right of “Self-Defense”

The growing unrest among state legislatures and the zeal of millions of Americans to restore the balance between the federal and state governments (principally through the restoration of the sovereignty of the states) is presaged by Alexander Hamilton, James Madison, and John Jay in the seminal work of American political philosophy: the Federalist Papers.



In at least two locations in the *Federalist Papers* the authors define the purpose of government in terms of the protection of property. In Federalist 10, James Madison explains that the differences in the faculties of men is the source of the rights of property and that “the protection of these faculties is the first object of government.” Again in Federalist 54 Madison states that “government is instituted no less for protection of the property than of the persons of individuals.” It is interesting at this point to note that one of the first goals of a socialist or communist regime is to eliminate private ownership of property.

Comparison of this view of the purpose of government with that of John Locke can establish at least a very strong Lockean influence upon the philosophy of the *Federalist* at a fundamental and integral level, namely the purpose of government.

For comparison, let’s examine John Locke’s opinion on the purpose of government. In his *Second Treatise of Government*, Locke asserts that once a man has entered into civil society he is assured protection of “his person, actions, possessions, and his whole property....” The protection that man receives from the government is necessary because upon entering civil society, Locke claims that man must relinquish “as much of his natural liberty in providing for himself, as the good, prosperity, and safety of the society shall require....”

In another section of the *Second Treatise of Government*, Locke reaffirms his belief that “governments the laws regulate the right of property, and the possession of lands is determined by positive constitutions....” It seems apparent that in forming a government, men unite the defense of their property with that of another or many others and place all under obligation to a constitution.

It could be inferred then that it is government’s first obligation to protect and preserve property and right to ownership thereof that give it first life. If men, in forming governments and thereby relinquishing some of their natural rights over their property, feel betrayed by unconstitutional encroachments by that same government, then it appears that they are naturally empowered to form a



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new government that more fully satisfies the purpose of its original creation.

The right to alter or abolish one's government is evident in the foundational documents of our republic.

In the Declaration of Independence, Thomas Jefferson asserts that whenever any form of government becomes destructive of these ends (life, liberty, and the pursuit of happiness), it is the right of the people to alter or to abolish said government, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. It seems here apparent that Jefferson considered the right to abolish or alter one's government a primary right and indeed a right which must be kept by the people if they are to expect their government to function properly and within its afforded sphere of delegated powers.

Publius also recognized the preeminence of the right of man over his government. In Federalist 28, Alexander Hamilton (as Publius) claims that the people's right of self-defense (defending oneself against unlawful infringement by his government) is "original." That the right of self-defense is "original" means that it existed before the formation of the state.

In fact, it may be said that the state was created by man to unite himself with others with a common view of the good, and as a result of the commonality of that view, the state became a defensive organization to protect its members from intrusion by men of opposing views. Hamilton asserts that since the right of the people to defend themselves cannot be taken from them, that right will always be a means of controlling those by whom they are governed.

In the republic of the United States, citizens elect representatives. However, if the elected representatives of the people betray their constituents, the people have the inherent right to divest those representatives of their "artificial strength of government."

The Founding Fathers believed that the power of government was artificial because citizens of a republic elect representatives to do for them what is by nature under their own dominion. Alexander Hamilton explained this principle thus: "The right of colonists, therefore, to exercise a legislative power, is an inherent right. It is founded upon the right of all men to freedom and happiness."

The question left by these statements is: How do we as citizens know when the time has come for us to overthrow our government and reform ourselves? Hamilton states that the exercising of the "right of self-defense" is defensible only when "there is no resource left." The voice of the people can be heard in various ways and can be amplified through the election of state and national representatives.

The authors of the *Federalist Papers* suggest that the only time a nation would be justified in abolishing or altering its government is when all means of effectual representation have been taken away. In Federalist 46, Madison says that any spirit to overthrow a government must "animate and conduct the whole."

At present, there are yet true and committed patriots to be found among the ranks of our duly elected representatives. Indeed, Americans still possess the power to promote other like-minded men and women and elect them to office in the state and national legislatures.

If, however, the day comes when ballots are useless to thwart the rise of tyranny, then Americans are well within their natural rights to abolish that illegitimate government. The prayers of all citizens of our Republic should call upon Providence to help us avoid being confronted by that difficult decision.



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