

Why The Federalist Belongs In The Classroom (IP-11-1991)

December 6, 1991

Issue Paper

By [John Andrews](#), John Fonte

Executive Summary

- The Federalist can help prepare high school students for effective citizenship by teaching them the why of our American constitutional system.
- Studying this work illumines the Founders key assumption that human nature is a mixture of worthy qualities to be valued in the political system and baser impulses to be restrained.
- The problem of popular government is to provide for decision-making that reflects the will of a voting majority while preventing majority tyranny.
- Our system solves the problem by establishing a republic which is extended, commercial, and governed through representation instead of direct democracy (example: President felt he had to consult Congress, not just opinion polls, before ordering Desert Storm).
- Further, our system is protected by the separation of powers (example: Bush and the Senate sharing power over seating Justice Thomas), federalism (example: Congress and the states sharing power over Medicaid), and limited government (example: Supreme Court rulings on abortion).
- The Federalist insists man remains imperfect and in need of restraint, irrespective of the form of government. (Contrast the doctrine of human perfectibility under new institutions, held by the French revolutionaries and the Soviet Marxists.)
- This classic belongs in schools because political practitioners from Washington and Jefferson to the East European democrats of today have acclaimed it as the best explanation of the best system on earth.

Andrews: Those Darn Voters

Legislators sound the alarm to voters about a growing list of federal programs mandated upon the states without funds to pay for them.

Executives in business and government complain to voters about Congress exempting itself from dozens of laws that everyone else in America must obey.

School boards worry that voter apathy and taxpayer weariness make it increasingly difficult to secure approval for the level of quality which people expect from public education.

Everyone who holds elective office fears a citizen backlash through the term limit movement, apprehensive that a burst of temporary frustration could work permanent change in our political system and produce adverse, unintended consequences.

Dont all these tensions have the same source? Isnt each just an expression of the basic concern that too many Americans are unprepared to exercise intelligently the voting power entrusted to them under our form of government?

Civics and government are still taught in the schools, of course; or at least "social studies" are. But there are all kinds of evidence that the job is not being done with any real effectiveness. The message is just not getting across.

Dragging students through a rote curriculum on the U.S. Constitution in eighth grade or eleventh grade, or whenever it is done, obviously falls well short of instilling the thoughtful grasp of republican principles which we need in citizens if the country is to avert decline. Young people must not only be given the what and how of the Constitution; they must also be helped to understand the why.

Education must include strategies for encouraging students to buy into our republican principles at a deeper level, hopefully to reason their way to the same set of conclusions the Founders and the

founding generation arrived at.

Inside the Mind of the Architects

This means finding a way to have learners not only review the constitutional provisions but also, in some degree, relive the constitution-making experience. The course in American government cannot stop with a mere tour of the floor plan; it should take students inside the very mind of the architects.

If it is objected that no one could write a course outline that does this, the answer is that no one needs to. The outline has been available for 200 years in The Federalist Papers.

Legislation to make reasonable mastery of The Federalist a condition of high school graduation in Colorado was approved by the state House last February but died in a Senate committee soon after.

"I doubt frankly whether the most patriotic soul in this country could talk intelligently about The Federalist Papers," said one senator, an employee of the Denver Public Schools and former civics teacher, in explaining his no vote (Rocky Mountain News, March 7, 1991). This pessimistic gentleman was wrong on two counts.

First, there are at least some few constitutionally literate souls in these United States whom he was selling short, and to whom the rest of us owe thanks for guarding the flame.

Second, to the extent constitutional illiteracy is indeed pandemic in America today, that condition is a reason for urgent remedial action, not a justification for dismissing the matter with a shrug.

Fonte: The Founders Classic

The Federalist Papers represent the most sophisticated political thinking of Americas founders. "The Federalist is the most important work in political science that has ever been written or is likely ever to be written, in the United States," states the eminent scholar Clinton Rossiter.

"It is indeed the one product of the American mind that is rightly counted among the classics of political theory."

The Federalist Papers were originally a series of 85 essays written by Alexander Hamilton, James Madison, and John Jay under the pseudonym "Publius" and published in New York newspapers between 1788 and 1789. They argued the case for ratification of the then-proposed Constitution of the United States.

Similarly mistaken was the House opponent of the bill who contended that this timeless classic of political thought is no longer relevant today because the subject matter is out of date, the language archaic.

It was the House sponsor who had it right, arguing that the older we get as a nation, the more "its important that we know who we are and what we are and how we got there" (Rocky Mountain News, February 25, 1991).

Dull Constituents Preferred?

Given the constant complaint of legislators that voters do not understand what it takes to make government work, one might think they would unanimously support a civic-education measure such as this.

Apparently, however, some legislators prefer their constituents on the dull side. But are they willing to admit it in so many words?

Demonstrating an ability to use the powerful conceptual tools of The Federalist is already a requirement to get a high school diploma in such states as Texas, North Carolina, South Carolina, Maine, Florida, and Virginia.

In the interest of our self-preservation as a free society, that ability should be a graduation requirement in Colorado as well. Maybe the legislature will take this little civics exam again in 1992 -- and pass it this time.

The Federalist, then, presents the most authoritative underpinnings of the American constitutional system from the Founders perspective. Its concept of human nature, for example, is crucial to understanding the philosophical basis of the American regime. In one of the most famous passages of The Federalist, No. 51, James Madison states,

"But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary."

Madison writes further in Federalist 55:

"As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust so there are other qualities in human nature which justify a certain position 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 nothing less than the chains of despotism can restrain them from destroying and devouring one another.

Human beings, in other words, possess many faults (they are "not angels"), but they are capable of self-government if a popular regime is constituted to complement instead of clash with human nature. Thus, the framers of the U.S. Constitution proposed a system that would constrain (and when possible, properly motivate) rather than change human nature.

In a sense, the entire American constitutional edifice of a democratic republic with majority rule and minority rights, federalism, limited government, and the separation of powers among legislative, executive and judicial branches is based on the Founders concept of human nature as derived from their experience and their reading of history.

Without this particular understanding of human nature (that is, if men were, or could become, angels) the checks and balances of the American constitutional structure would not be necessary.

The Problem of Popular Government

According to the Founders, most popular (republican) governments in the past had failed to secure either good government or liberty. The Federalist noted that in many cases weak popular governments unable to maintain order had been replaced by tyrannies that extinguished liberty and ignored justice. Hence, the danger was that republican regimes could become too weak (and thus inept, unable to secure liberty or establish effective government) or too strong (and thus tyrannical and unjust).

The problem for the framers of the U.S. Constitution was stated succinctly by James Madison in Federalist 10:

To secure the public good and private rights against the danger of a faction [an overbearing majority], and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed."

In other words, the Founders hoped to create a constitutional framework that provided for popular sovereignty (representative democracy), liberty (individual rights) and good government (justice).

However, the Founders knew this would be difficult to achieve. They would have to create a political system that would guard against the "mortal diseases" of popular government, i.e. one that would restrain and channel the exigencies of human nature, while at the same time establishing self-government and securing political freedom.

Specifically, overcoming the danger of "faction" was critical to the well-being of republican government. A faction was defined by Publius as a group of citizens united around some common impulse, passion, or interest adverse to the rights of other citizens, or to the interests of the community as a whole. Since popular or republican government was based on majority rule, the greatest danger to liberty and justice occurred when a faction became the majority.

Hence, how to avoid (or lessen) the formation of "factious majorities" was a major problem for the framers of the U.S. Constitution. (One should emphasize that the Founders were not opposed to the

formation of majorities per se, because that would have been against the spirit of self-government).

Moreover, Publius noted that it was neither desirable nor even possible to eliminate the cause of faction. It was not desirable because it would require "destroying liberty" and thus the remedy "was worse than the disease". It was not possible because "the causes of faction are sown in the nature of man".

Solution to the Problem

The solution offered by The Federalist to the "mortal diseases" of popular governments was the creation of a regime founded on the principles of republicanism (i.e. representative democracy), separation of powers, federalism, and constitutionalism (limited government). Crucial to this framework was the theory of an extended republic that encouraged a "multiplicity of interests".

The Extended Republic: The Federalist authors insisted that the United States, unlike the failed popular governments of the past, consisted of a relatively large population and territory. Because it was an "extended republic" it possessed crucial advantages over smaller republics for the maintenance of ordered liberty and the alleviation of the problems of faction. Madison wrote in Federalist 51:

In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good."

In other words, the new government was a popular regime, majorities could be formed and they would prevail. However, since the United States was an extended republic a "multiplicity of interests" existed and this made it unlikely (though not impossible) that factious majority coalitions could be formed around unjust, foolish, or tyrannical policies.

Commercial Republic: The United States, according to Publius, was fortunate to be not only an extended republic, but a commercial republic as well.

In a large commercial republic with a diversified economy political conflict occurred over "degrees" and "kinds" of property ("landed interests, manufacturing interests, mercantile interests, monied interests"). This was preferable to the factious disputes over "amounts" of property (rich vs. poor) that had destroyed the republics of antiquity.

The Federalist argued that in order to secure its wellbeing, the American republic must: (1) protect the interests of small (as well as large) property holders and individual citizens, allowing them to be free to seek economic gain; (2) ensure that commercial life "be made honorable and universally practiced"; and (3) attain a reasonable degree of prosperity. Publius believed that the large commercial republic of the United States possessed a number of institutional features critical to its success and survival.

Representation:: Unlike the turbulent direct democracies of the past, the new government was a republic (representative democracy). This permitted the enlargement and refinement of public views through the process of deliberation.

Separation of Powers.: Powers at the national level were separated into three branches of government: the legislative (Congress), executive (presidency), and judicial (courts). This separation operated as a barrier to tyranny and faction because it motivated officials in the three different branches to defend their respective prerogatives against possible encroachments from the other two. Publius suggested that the psychology of "human nature" be put to use so that ambition would "be made to counteract ambition."

Federalism:: Federalism divided governmental power between the national and state governments. The Federalist Papers described the new government as a "compound republic", a combination of a national regime (with a central authority) and a confederation (where power rested chiefly in regional and local entities). Considerable power was to reside in state governments under the new constitution.

Limited Government.: The Federalist argued that the Constitution contained limits on the authority of the national and state governments. The judiciary, Publius stated, can limit the actions of the executive and legislative branches of the national government and the state governments as well. Federalist 78 developed the justification for giving the courts the power to declare acts of Congress unconstitutional. In accepting the concept of limited government the American Founders (unlike ancient political theorists) distinguished between the legal role of government and the public but nongovernmental activities of civil

society (churches, voluntary associations, professional bodies, etc.). America in the eighteenth century possessed a thriving civil society; the deeper questions of morality and virtue were, for the most part, presumed to fall within this realm.

Contrast with French Revolutionary Thought

It is significant that the views of the American Founders about human nature -- and hence on the philosophical basis of constitutional government -- differed considerably with the theorists and leaders of the French Revolution.

Rousseau, Condorcet, Robespierre, St. Just, and their fellow French revolutionaries believed that the negative aspects of human nature were the result of oppressive government and that the end of tyranny would free human beings and lead to the perfection of mankind, hence these negative characteristics were "unnatural" and would disappear with the elimination of tyrannies.

The American revolutionaries, on the other hand, believed that popular government must be erected in accordance with a human nature that possessed both positive and negative characteristics.

The Founders Perspectives of The Federalist

From the perspective of Americas Founders, The Federalist essays represented not only the best explanation of the proposed American political order, but a major contribution to universal political thought.

For example, Thomas Jefferson wrote James Madison that The Federalist was "the best commentary on the principles of government ever written."

George Washington wrote Alexander Hamilton, "That work will merit the notice of posterity because in it are candidly and ably discussed the principles of freedom and the topics of government -- which will always be interesting to mankind so long as they shall be connected in civil society".

Contemporary Significance of The Federalist

The issues facing the authors of The Federalist -- how to create a stable, prosperous, representative democracy that provided for ordered liberty and justice -- are essentially the same issues that face the fledgling new democracies in the former Soviet republics, Eastern Europe, Asia, Africa, and Latin America in the 1990s. It is significant that The Federalist Papers is the single most requested book by Polish and Czech educators who are struggling to develop a new democratically-based citizenship education in their countries.

The Federalist offers a realistic, non-utopian, yet democratic framework for analyzing the serious issues that have always confronted nation builders: the interplay of self-government, power, representation, reason, emotion, rights, responsibilities, and the common good.

Starting with the sobering premise that human beings are neither perfect nor perfectible, The Federalist delineates a tough-minded perspective based on history, experience, observation and reason that contrasts sharply with political philosophies premised on changes in human behavior such as Marxism, French Revolutionary Jacobinism, and other utopian theories.

At a time when our countrys political resiliency is being tested by far-reaching cultural and demographic change, and when our relevance as a model for emerging democracies is being acknowledged worldwide, this timeless classic can be more valuable than ever before in Americas high schools.

In the United States today, The Federalist belongs in any civics and government curriculum worthy of the name. Political leaders, concerned citizens, and parents should insist that educators make a place for it there.

JOHN FONTE holds a Ph.D. in world history from the University of Chicago, and is currently a senior associate at the Office of Educational Research and Improvement of the U.S. Department of Education. No official endorsement of his essay by the U.S. Department of Education is implied or intended.

JOHN ANDREWS is president of the Independence Institute and editor of its issue paper series. He has

been an education appointee of Presidents Bush and Reagan, and a candidate for Governor of Colorado.
BARRY SANDOVAL assisted him in editing this issue paper.

Nothing written here is to be construed as necessarily representing the views of the Independence Institute or as an attempt to influence any election or legislative action.
Please send comments to Independence Institute, 14142 Denver West Pkwy., suite 185, Golden, CO 80401 Phone 303-279-6536 (fax) 303-279-4176 (email)webmgr@i2i.org