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The Federalist Papers

Publius

Study Guide on *The Federalist* 10, 14–15, 23, 30–31, 39–46, 55

Why do the Federalists insist that the Constitution establishes a republic, not a democracy? What are the differences between these two (#10, p. 58 ff.¹)? What effect does the republican nature have on the future success of the Union? (Consider also #37, pp. 221 ff.)

What is the nature and cause of faction in a political body (#10, p. 58), and how does the Constitution aim to overcome this affliction?

- What do the Federalists mean by “faction” (#10, p. 54)?
- Does faction always arise from strife over property (#10, pp. 55–6)?
- Why does the author claim that democracy “can admit of no cure for the mischiefs of faction” (#10, p. 58)? Does this seem right?
- How does a republic, generally speaking, alleviate this problem? Consider #10, p. 60.
- Within the U.S. Constitution, how does the House of Representatives stand with respect to factions?

Why is the present confederation insufficient “to preserve the Union” (#15)? List the arguments that Hamilton gives. Are they persuasive?

Is this a national or a federal constitution? Evaluate the arguments Madison gives in support of its federal identity (#39, pp. 242–6).

- Why is the distinction between a relation of states and a relation of individuals important?
- How does this view compare with that expressed in Hamilton’s *Federalist No. 9*: “so long as the separate organization of the members be not abolished . . . it would still be . . . a confederacy” (52)?

¹ Alexander Hamilton, John Jay, and James Madison. *The Federalist: A Commentary on the Constitution of the United States*. Edited by Robert Scigliano. New York: Modern Library, 2000. (All page numbers refer to this edition.)



Are the powers of taxation laid out explicitly in the Constitution?

- Is the federal government's power to tax unlimited? Is this a necessary condition for this kind of government? Hamilton writes that "[The Union's] future necessities admit not of calculation or limitation" (#30, p. 183). Is this sufficient reason?
- Is the principle correct, that "every power ought to be in proportion to its object" (#30, p. 182)? Does Hamilton apply it appropriately in his argument?
- Why does Hamilton believe that for the federal government to acquire revenue from the states is "unavailing" (#31, p. 188)?
- Why must the power to tax extend to individuals (#15, p. 89)?

As the Federalists describe it, is the Constitution more Aristotelian or Lockean? What view of human nature do these authors have in mind? Consider the following:

- What motivates human conduct? Is it wealth, virtue, the common good, or something else?
- What is the end of government, in the view of each author? What does it mean, that all political institutions aim at the "safety and happiness of society" (#43, p. 283)?
- To what extent is the virtue of the people and the rulers important? How important is the structure of government, and its institutions?

What gives the union the most "energy" (#37, p. 223)? Is this the same as, or different from, what gives it the most unity? How does the size of the territory affect the energy needed (#23, p. 145)?

Are the Federalist authors out of tune with the dangers of federal usurpation of the power of taxation? How do the Federalists defend the powers required for a more energetic union (#23, #30, #31)? Is this prudent or dangerous? Explain.

Suggested use: This study guide includes a few questions and observations about *The Federalist*. Among possible uses, one could consider these comments while reading the work; or one could use them as starting points for a classroom discussion.



Study Guide on *The Federalist*

47-49, 51, 54, 62-63, 69-70, 78, 84-85

Consider Publius' expression, "But what is government itself, but the greatest of all reflections on human nature?" (#51, p. 331¹). How does government reflect human nature? Consider the influence of the passions and reason (#49, p. 325). Do these passions belong to each individual man, or to the people as a whole?

Why is the separation of powers in government an important part of the Constitution? What good comes from it, and how is this good produced?

- Does the division of powers direct selfish pursuits toward the common good? Does it turn vicious behavior into public benefit? (cf. #51, p. 332.)
- To what degree is government with separate branches dependent on the noble intentions or public-spiritedness of those in government? Can a system of checks and balances function independently of these?
- "In a free government the security of civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects" (#51, p. 334). Why (or how) does "multiplicity" secure rights?
- What is meant by the statement, "Ambition must be made to counteract ambition" (#51, p. 320)?

What degree of separation of powers is required? Is complete separation of powers a bad idea? Consider #47, #51. How does the Constitution provide the right balance—what is the "great security" that it offers (p. 331)?

What do the Federalist authors mean by "tyranny"? Does it have to do more with the structure and division of political power, or the outcome of the political process? According to this view, what is the strongest bulwark against tyranny? (Consider #47, p. 308, 310.)

¹ Alexander Hamilton, John Jay, and James Madison. *The Federalist: A Commentary on the Constitution of the United States*. Edited by Robert Scigliano. New York: Modern Library, 2000. (All page numbers refer to this edition.)



What is meant by “Justice” in these papers, and why is it “the end of government . . . [and] civil society” (#51, p. 334)?

Why is the legislative branch the most dangerous in a representative republic? Why is the executive branch not the most dangerous, as it is in monarchies and democracies (#48, p. 417–8)?

What does the division of Congress into the House and Senate accomplish? Why is it necessary? (See #48, p. 317.) What is the unique role of the Senate in this division (#62–63)? How does it relate to the passions of the republic (pp. 397–8)?

Does the presidency add a monarchical element to the Constitution? Why is the presidency desirable? Is unity under one person necessary in the executive branch?

According to Federalist #78, is judicial tyranny a problem that Americans need to worry about? Why or why not?

Federalist 51 famously states that “If men were angels, no government would be necessary” (#51, p. 331). What does this quotation mean? What moral understanding of man and government does it embody? Consider the following questions:

- In the minds of the Federalists, is government necessary only to prevent or correct injustice, or does it perform a positive function?
- Consider the quotation above in the following light: If men were angels, would society exist? In a society, is it necessary that one part be concerned with the good of the whole, and govern the rest? Why or why not?
- What do the Federalist authors believe to be the supreme object of government? Are they consistent in this regard? Is one objective preeminent? Recall the following objects, proposed in the *The Federalist*:
 - “The protection of these faculties [of acquiring property] is the first object of government” (#10, p. 55).
 - Government has been instituted because “the passions of men will not conform to the dictates of reason and justice, without constraint” (#15, p. 91).
 - “the safety and happiness of society are the objects at which all political institutions aim . . .” (#43, p. 283).
 - “Justice is the end of government” (#51, p. 334).



- “Government is instituted no less for protection of the property, than of the persons, of individuals” (#54, p. 351).

What motivates human conduct, in the minds of the Federalist authors? Is it the pursuit of wealth, self-improvement in moral virtue, public-mindedness, or something else?

What is the “genius of the people of America” (#39, p. 239; #63 p. 405)? How does Madison use this genius in his argumentation? Is he correct in assessing this genius, and its implications?

Why is the majority of the argument in Federalist #54 within quotation marks? Does the Federalist author himself make this argument? Is he convinced by it? If so, why not give it in his own voice?

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