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*Founding Documents
by Founding Fathers*

Study Guide on the Declaration of Independence, the Articles of Confederation, the US Constitution, and *The Federalist* 1, 2, 6, 9

What is the central message of the Declaration of Independence? Does it aim more at political innovation or restoration? To whom is it addressed, and what is the significance of the intended audience?

Do the Articles of Confederation establish one nation or a league of separate and sovereign states? Consider the following:

- Can a state remain sovereign while ceding some authority to a higher, confederate government?
- What process do the Articles create for amending the Articles? Explain the significance of this measure.
- What recourse, if any, do states have if they judge the confederate government has overstepped its bounds? Who is the arbiter between the confederate and state governments?

What is defective or imperfect about the Articles of Confederation, according to the Federalists? Recall:

- Hamilton claims to “delineate dangers . . . which will in all probability flow from dissensions between the States themselves, and from domestic factions and convulsions” (#6, p. 27¹).
 - What dangers does he identify?
 - How does he argue that these consequences would follow if the Articles of Confederation were retained? What kinds of support do they offer?
- Do the Federalists consider it to be impossible for the States to continue if the Union were dismembered (See #1, p. 7)?

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.)



The Articles of Confederation expressly limit the Confederation in its powers (Art. II), and then impose several limits on the power of the states – “No state shall . . . *etc.*” For the Constitution, the principal limitations come as amendments. What implications does this distinction have? Are the starting points the same for both documents?

How does the Constitution change the nature of the union between the states?

- Does the Constitution make the States parties of a new national sovereignty, or create a new sovereignty above them?
- What does Hamilton mean by calling a confederate republic “an association of two or more states into one state”? (#9, p. 52) Does this description fit the organization given in the Constitution?
- How is this organization different from, and how similar to, the states under the Articles?
 - Are there any provisions in the Constitution for states that deem the federal government to be overstepping its bounds?
 - Who is the judge between the federal and state governments?
- To be a federal system, is it sufficient that the states not be abolished as institutions, or is something more required? Depending on your answer, does this correspond with the idea of federal government?

Who are the agents or parties to the contract in each of these three documents (Declaration, Articles, and Constitution)? Is each document internally consistent in this regard? How does this confirm or hamper the purpose of each document?

Which kind of regime does the Constitution establish at the federal level? Which elements are present, and in what ways? (Consider the monarchical, aristocratic, and democratic.)

In what ways does the Constitution draw upon the Declaration? How are the two documents related? Do they seem to express the same ideals about governance?

What is a “confederate republic” (#9, p. 52)? What distinguishes it from a “consolidation of the States” (51)? In what does the unity of the “confederate republic” consist? Is this form desirable? How does Hamilton argue this?



According to the Federalists, how does the Constitution remedy the imperfections of the Articles of Confederation? Publius states that the purpose of Federalist 9 is “to illustrate the tendency of the Union to repress domestic faction and insurrection” (51). How does the Constitution aid in unifying the states and in preventing factions?

Consider the grounds on which the Constitution could be opposed, and the Federalists’ response. For example, how does Hamilton respond to the charge of “the necessity of a contracted territory for a republican government” (#9, p. 49)?

Consider the amendments to the Constitution, especially the first ten (the “Bill of Rights”). Do any of these change the essential nature of the union? Do they tend in any particular direction? Do they seem wise?

Suggested use: This study guide includes a few questions and observations about the Declaration of Independence, the Articles of Confederation, the US Constitution, and *The Federalist* 1, 2, 6, 9. Among possible uses, one could consider these comments while reading the work; or one could use them as starting points for a classroom discussion.

