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THE FEDERALIST AND HUMAN NATURE

DANNY ADKISON

There can be little doubt but that Americans admire (some would even go so far as to say worship) their Constitution. At least two factors would seem to justify such admiration. The longevity of the document itself would seem to indicate that it was founded on sound principles. Written in 1787, it is the oldest national constitution in the world still in effect. A second reason would be its success in successfully providing for the general welfare of such a large nation. This second accomplishment is made even more impressive when one considers the numerous and significant changes that the nation has witnessed. In fact, all things considered, perhaps the critical question is not why the Constitution has survived, but why the Constitution is not dead. One author has referred to this as a “whodunit in reverse.”

As the Constitution approaches its bicentennial, it seems appropriate to discover how the Constitution governs. This, of course, assumes that it does. Not all constitutional scholars would concede this point. In recent years this argument has basically taken the form of how the Constitution should be interpreted. In this essay, the question of how to interpret the Constitution will be examined first. Having demonstrated the implications and pros and cons of the major approaches to constitutional interpretation, another way of thinking about how the Constitution governs will be presented.

This essay will argue, that the Constitution can be viewed as a “fundamental law,” but not in the conventional (or legalistic) sense in which the phrase “fundamental law” is ordinarily used. That phrase is used in a general sense to mean that the Court merely interprets the Constitution. Specifically, the phrase is taken to mean the Court interprets the Constitution with the intentions of its authors as its primary guide. The more basic way in which the Constitution governs, however, is in its implicit understanding of human nature. In short, the Constitution governs because it accepts man for what he is, institutionalizing an accurate view of human nature in the machinery of the government.

We begin with an examination of methods for interpreting the Constitution. Herman Pritchett has identified four methods of constitutional interpretation based on; (1) the intention of the framers; (2) the meaning of the words; (3) logical reasoning; and (4) the experiential approach. The first and second methods emphasize the use of historical evidence to uncover the original intent of the framers. The third method is hardly a method of its own since, as Pritchett points out, logic cannot provide answers to questions as to which premises, based on constitutional interpretation, are correct or incorrect. Those relying on the fourth method are usually referred to as “living constitutionalists.” None of these methods totally ignores the authority of the Constitution; it is the degree to which supporters of each feel bound by the Constitution that distinguishes the methods.
INTENT OF THE FRAMERS

One approach to constitutional interpretation that has been advocated throughout American's history is to examine the intent of the framers. (The "meaning of the words" approach is a variation of this method.) Justice George Sutherland of the U.S. Supreme Court, was an advocate of this position. "The whole aim of construction," wrote Sutherland, "as applied to a provision of the Constitution, is to discover the meaning, to ascertain and give effect to the intent, of its framers and the people who adopted it." 4 As early as 1803 Chief Justice Marshall had alluded to this approach in Marbury v. Madison.

Professor Raoul Berger has been one of the staunchest contemporary advocates of original intent. He quotes James Madison, Alexander Hamilton, Thomas Jefferson, Joseph Story, John Marshall, and others in support of his position. He argues, "If the Court may substitute its own meaning for that of the Framers it may, as Story cautioned, rewrite the Constitution without limit." 5

More recently, this approach has been identified with conservatives. This is perhaps due to the endorsement of this method by conservative Supreme Court Justices, led by Chief Justice Rehnquist, and by Attorney General Meese. Meese has stated:

It has been and will continue to be the policy of this administration to press for a Jurisprudence of Original Intention. We will endeavor to resurrect the original meaning of constitutional provisions and statutes as the only reliable guide for judgment.6

This approach to constitutional interpretation reveals a strong belief in the Constitution as the fundamental law. As such it is not just the Constitution that takes precedence to statutory law, but the Constitution as specifically written, with a specific intent. If this approach leads one to conclude that a constitutional provision requires an undesired policy, then recourse can be had in the amending process. As Hamilton stated in "Federalist 78, "Until the people have, by some solemn and authoritative act, annulled or changed the established form, it is binding upon themselves collectively, as well as individually. . . ." It is somewhat ironic that the Court's power of judicial review, which is often seen as the device used to circumvent the original intent of the Constitution, was defended by Hamilton. However, his view of this power was based upon the very idea of the Constitution serving as a fundamental law. He explained this in the same Federalist Paper:

The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges as, a fundamental law. It therefore belongs to them to ascertain its meaning as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the su-
prior obligation and validity ought, of course, to be preferred; or, in other words, the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.

This view of the Constitution as fundamental law rests on the concept of popular sovereignty. In this form of government ultimate authority resides with the people. The most basic act of the people was their ratification of the Constitution, which was done in specially constituted state conventions. It is in this respect that the Constitution can be viewed as establishing a republic. One sense in which that word was used by the framers (but not the only sense) was to mean "popular" or non-monarchial. As such, the people are sovereign, or the people are supreme. It is the role of the courts, Hamilton argued, to enforce this supremacy, if necessary, by striking down laws passed by Congress (or actions taken by the president) that contravene the Constitution. Seen in this light, there is no contradiction between Hamilton's defense of judicial review and his argument that changes in the Constitution must be sought through amendments.

THE LIVING CONSTITUTION

"The experiential approach is one which treats the Constitution more as a political than a legal document." Living constitutionalists, as those who espouse this view are usually called, charge those arguing for original intent with "filio-pietism," "verbal archeology," and "antiquarian historicism" that would "freeze" the Constitution's original meaning. Justice Holmes put the conception of the "living" Constitution into eloquent language when he wrote, in the case of Missouri v. Holland (1920):

When we are dealing with words that also are a constituent act, like the Constitution of the United States, we must realize that they have called into life a being the development of which could not have been foreseen completely by the most gifted of its begetters. . . . The case before us must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago.

Professor Arthur S. Miller has been a leading advocate of the living constitution position. Miller recognizes that customs and judges both make law and in effect change the meaning of the Constitution. Professor Miller argues that our government is controlled as much by the "unwritten constitution" as it is the written. Thus Miller urges the Supreme Court actively to make policy. According to him, however, the judges should not be guided by the framers' intent, but by the goal of establishing human dignity. Commenting on this position, Professor Henry J. Abraham writes:

[that] . . . the role [Miller] envisages for his Nine Platonic Guardians is utterly at war with our written Con-
stitution, bothers him not one iota. He does not wish to be bound by what he variously styles "men long dead" or the "dead hand of the past."\footnote{11}

At least one current member of the U.S. Supreme Court, Justice Brennan, has endorsed the living constitution approach. In response to Meese's call for reliance on the original intent theory, for example, he argues that it was "arrogance cloaked as humility [for anyone] to pretend that from our vantage we can gauge accurately the intent of the Framers on application of principle to specific, contemporary questions."\footnote{12} While Brennan and other living constitutionalists do not ignore the Constitution, they are more likely to be guided by the spirit of the document than by the actual meaning of the words as intended by the framers in 1787.

FUNDAMENTAL LAW

Which theory of interpretation is correct is beyond the scope of the discussion here.\footnote{13} It is hardly deniable that in some cases the Court has been guided by the intent of the framers while in others it has been guided by the spirit of the Constitution. What is important is that when the Court has seen fit to do so, it has decided constitutional issues applying the living constitutionalist approach. Both liberals and conservatives would agree on this point. They would not agree as to whether or not this is proper.

It is this tendency that has led men such as Charles Evans Hughes to state, "We live under a Constitution, but the Constitution is what the judges say it is,"\footnote{14} and others to describe the Supreme Court as a constitutional convention constantly in session. It is unrealistic to expect the Court to be strictly guided by the Constitution. Even if the justices tried to follow the intent of the framers, it would still be true, in a great number of cases, that the "intent of the framers" provides little guidance for the Court. This is the case for explicit provisions of the Constitution and for the application of modern problems to constitutional questions.

It might help to understand this by examining the contrast that is often made between the U.S. Constitution and the "unwritten constitution" of Great Britain. The British constitution is described as "unwritten" because so much of their government is based on laws, judicial decisions, and customs rather than on a single written document. Yet the U.S. government also operates to a great extent on custom. Much of the mechanics of the electoral college and the entire system for nominating presidential candidates is due to customs (sometimes codified in state law). In short, although the Constitution mentions the electoral college, it does not prescribe many of the details as to how it will operate. The result is that custom has decided the meaning of that provision, and the same could be said for many other portions of the Constitution. If this is true for explicit provisions of the Constitution, it is even more true for the application of modern problems to constitutional questions. How reasonable is it to expect to obtain answers to constitutional questions raised by such issues as genetic engineering or the Playboy Channel by relying on what the framers thought?
Speaking of the Constitution in this sense, it would seem to be improper to speak of, much less celebrate, the longevity of the Constitution. In answer to the “whodunit in reverse” question referred to earlier (Why isn’t the Constitution dead?), one author responded. “It could not die because it never existed.” One highly respected scholar of the founding era would seem to agree. Gordon Wood has written, “The struggle [over the meaning of the Constitution] will never end because the ‘true meaning,’ the ‘true reality’ of the Constitution will never be finally discovered; no such animal exists.”

Is there, then, any sense in which the Constitution governs? Does it only govern when a majority of the Court decides that what it says is what they wanted to decide? There are, of course, those parts of the Constitution whose meaning is not in dispute. No one argues, for example, that a four year term for the president means something different. But that leaves most of the Constitution open to interpretation, from clauses like “due process” to words like “shall.”

What should not be forgotten is that just as is the case with the British “unwritten constitution,” so too do we depend on laws, judicial decisions, and custom to describe what “constitutes” our system of government. To accurately describe the American system of government, these must be included, and perhaps can be denoted as the U.S. “constitution.” Nearly everyone takes this for granted, although language such as “written Constitution” often obscures the fact that our “constitution” is more than the single written document of 1787. There is, in addition, a deeper meaning in the word “constitution.” This meaning goes beyond the typical legal meaning ascribed to the Constitution (or even “constitution”).

In its most fundamental sense, the Constitution was the embodiment of what “constituted” the character of the American people in 1787. At the same time, the Constitution would have a strong influence on what would “constitute” the American people in the years to come. It is very important, therefore, to understand what is most fundamental about the Constitution. This is true even in the legal setting of the courts. As stated above, some phrases of the Constitution are too loosely worded to result in an interpretation based on the framers’ intent or to be applied to modern problems. In these instances, in order to follow the intent of the framers, an appeal could be made to those factors underpinning the government as constituted by the Constitution. One set of writings that reveals the fundamental aspect of the Constitution is The Federalist Papers.

THE AUTHORITY OF PUBLIUS

The Federalist Papers, 85 essays written by James Madison, Alexander Hamilton, and John Jay using the pseudonym Publius and in support of ratification of the Constitution, have been praised as America’s greatest contribution to political theory. About this collection of papers Jefferson wrote, “[It is] the best commentary on principles of government which was ever written.”
Scholars and jurists throughout American history have been just as generous in their evaluation of these papers. Charles Pierson, who examined all Supreme Court cases up to 1924 to determine the extent to which the Court relied on these for its decisions, concluded, “Perhaps the most impressive of all the tributes to the greatness of "The Federalist" has been the deference paid to it in decisions of the United States Supreme Court.” 20 Chief Justice Marshall, in the case of *Cohens v. Virginia* (1821), commented that:

The opinion of the Federalist has always been considered as of great authority. It is a complete commentary on our constitution; and is appealed to by all parties in the questions to which that instrument has given birth. Its intrinsic merit entitles it to this high rank; and the part two of its authors performed in framing the constitution, put it very much in their power to explain the views with which it was framed.21

Thus the impact of *The Federalist* has been more than theoretical. However, the Court has not hesitated, when convenient, to ignore these papers.

One instance when the Court ignored *The Federalist* occurred early on in the landmark case of *Chisholm v. Georgia* (1793). In that case the Court ruled, based upon the wording of the Constitution, that a citizen could sue a state. Hamilton, in *Federalist* 81, had argued that, because of sovereign immunity, this was not possible under the Articles of Confederation and that nothing in the Constitution would change this situation. The Court ignored Hamilton’s argument, and the result was the quick proposal and ratification of the Eleventh amendment, which made Hamilton’s viewpoint constitutional. Another example can be seen in the case of *Myers v. United States* (1926). At issue in this case was the removal power of the president, an issue which had also been important during President Andrew Johnson’s presidency. In *Myers* President Wilson was being challenged for firing a postmaster, an officer whose appointment required Senate confirmation. The Congress had passed a law requiring Senate consent in the firing of superior officers since all such officers were confirmed by them. Hamilton, in *Federalist* 77, explicitly provided an interpretation of the president’s removal powers which agreed with the Congress; yet the Supreme Court ruled in favor of President Wilson.

Thus, although *The Federalist* has been spoken of as an authoritative exposition of the Constitution, it has by no means been a controlling influence. In fact, one has to wonder if the Court’s frequent references to *The Federalist* in its opinions, are simply *post hoc* justifications for a predetermined view. In short, the same questions occur here as occur with respect to theories of constitutional interpretation, yet to an even greater degree. If an advocate of original intent is discouraged over the manner in which the Court interprets the Constitution, he would, in fact, totally despair over the treatment given *The Federalist*.

Perhaps this is only proper. There certainly are numerous arguments on both sides. In *The Federalist* one can gain insights into what the framers thought was most basic about man. Their view of what “constituted” man was critical
to the success (or longevity) of the Constitution. For, as will be discussed below, if they ignored any laws of nature in establishing the Constitution, the result would be at least an unenforceable law or at most social and political upheaval.

THE FEDERALIST AND HUMAN NATURE

Given the way our Constitution has in fact been interpreted, it is probably unrealistic to think that any one approach to constitutional interpretation will come to dominate. The Constitution will probably go on meaning whatever the justices say it means. This should not lead us to conclude that our Constitution has ceased to govern. Nor must it lead us to conclude that the Constitution, except perhaps as a symbol, is dead.

Given the manner in which language changes, the lack of precision in the use of words, and at times the deliberate intent on the part of authors to be general, it is not surprising that most of the changes occurring in the U.S. system of government have been through interpretation rather than through the amending process. Still, regardless of the specific language of the Constitution, it would be helpful if the intentions of the men writing it were known. This knowledge could be used to guide justices in their decisions, and as such the Constitution could be said to have real meaning. Further, one could then speak of the Constitution as truly governing. Unfortunately, there is disagreement over what the intentions of the framers were. Furthermore, these differences are hardly one of degree. Charles Beard and others do not think the Constitution is a democratic document in the tradition of the Declaration of Independence; Martin Diamond and others think it is “wholly popular,” and therefore democratic.

It seems unlikely that this argument will be resolved with any certainty. Are there any other general principles on which the foundation of the Constitution rests? One such principle is revealed in the writings of Publius, which, more than anything else, explains who our Constitution governs. That principle is Publius’ view of human nature.

This is not to say that what Publius thought of human nature is not itself disputed. Although it is disputed, the evidence is rather overwhelming that Publius thought of man as driven by self-interest, particularly men in positions of power. Consider the conclusions of several scholars in this regard. Diamond concluded that Madison, as Publius, was arguing that “Human nature is such that there just are not enough ‘better motives’ to go around, not enough citizens and politicians who will be animated by motives that rise above self-interestedness and the gratification of their own passions so as to get the work of government and society done.” In his abridgment of The Federalist Papers Beard wrote, “And first among these first principles [upon which Hamilton and Madison proceeded] was a conception of ‘man, the political animal,’ as a little lower than the angels — indeed quite a little lower.” Thus, these two men, who severely disagreed over the intent of the framers, agreed on the framers’ conception of human nature.
Benjamin Wright, in his study of human nature and *The Federalist*, con­
cluded, "The essential presupposition with which both men [Madison and
Hamilton] worked was, then, the imperfections of men's character and rea­
son." 26

Publius refers, both directly and indirectly, to human nature throughout
the eighty-five essays. Although there are too many to list, here is only a
sampling of Publius' views:

Men of this class [leading individuals in the commu­
nity]... have in too many instances abused the confidence
they possessed; and assuming the pretext of some public
motive, have not scrupled to sacrifice the national tran­
quility to personal advantage or personal gratification. *(Federalist 6)*

To presume a want of motives for such contests as
an argument against their existence would be to forget
that men are ambitious, vindictive, and rapacious. *(Fed­
eralist 6)*

Has it not, on the contrary, invariably been found that
momentary passions, and immediate interests, have a
more active and imperious control over human conduct
than general or remote considerations of policy, utility, or
justice? *(Federalist 6)*

The latent causes of faction are thus sown in the
nature of men... and rendered them much more disposed
to vex and oppress each other than to co-operate for their
common good. *(Federalist 10)*

To judge from the history of mankind, we shall be
compelled to conclude that the fiery and destructive pas­sions of war reign in the human breast with much more
powerful sway than the mild and beneficial sentiments of
peace; and that to model our political systems upon spec­ulations of lasting tranquillity would be to calculate on the
weaker springs of human character. *(Federalist 34)*

The history of almost all the great councils and con­sultations held among mankind for reconciling their dis­cordant opinions, assuaging their mutual jealousies and
adjusting their respective interests, is a history of factions,
contentions, and disappointments, and may be classed
among the most dark and degrading pictures which display
the infirmities and depravities of the human character.
*(Federalist 37)*

If men were angels, no government would be nec­
essary. *(Federalist 51)*
The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit [treaty-making] . . . to the sole disposal of a . . . President. . . . *(Federalist 75)*

One of the fascinating things about Publius' view of human nature is the fact that it was often applied to the framers themselves. Could one expect a group of elites today, meeting to recommend the setting up of a government, to describe man in this fashion, and simultaneously include themselves in the analysis? Yet, Publius "almost never asserted that the authors of the document in defense of which he was writing were superior to ordinary men."

Just as important as this view of human nature was the framers' views on the mutability of that nature. Unlike the ancients, the framers were pessimistic about the prospects of changing man's nature. For the ancients, as Martin Diamond has written,

... the political task is to refine and improve a regime's opinion of what is advantageous and just and to help thereby to improve the human characters formed by that regime. But Madison instead turns away almost in horror from the human 'zeal for different opinions concerning religion, concerning government.' . . . From the perspective of the new political science, it is apparently too risky to rely on refining and improving a society's opinions.

For several reasons, this is perhaps the most important break the framers made with the ancients. First, it meant that the framers did not have to create a government so strong as to deprive man of liberties. A government that controls a great part of man's behavior was a logical conclusion of the ancients' approach. It is the second reason that is most pertinent to the discussion here.

The second reason is important because it provides a new way of considering the Constitution as a fundamental law. In normal usage, that reference means "final," with, in the legal sense, no further appeals. That is, once the meaning of the Constitution is determined, it is to be adhered to over a law passed by any other legal authority in America. The problem with this, as discussed above, is determining what certain provisions of the Constitution mean, and additionally, how those provisions whose meaning is somewhat clear are to be applied to present-day controversies. The Constitution, however, is fundamental in another sense: it recognizes what man is and understands what he can become. In writing the Constitution the framers adopted a view of human nature that conformed to the truth of man's character. They did not try to establish machinery of government that would seek to change that nature. To have done so would have been like writing a constitution that would alter gravity on holidays. Such a constitution would be unwise and unpopular, and the same can be said, though without the same authority, of a constitution based on an incorrect view of man. According to Wright, "This assumption [of man's imperfections] is stated not as an arguable proposition but as a simple statement of fact which will scarcely be disputed by the reader."
MANIFEST TENOR

The framers believed in first principles. In *Federalist* 31 Hamilton wrote, “In disquisitions of every kind there are certain primary truths, or first principles, upon which all subsequent reasonings must depend.” As an example he refers to the maxim of geometry that the whole is greater than its parts. The reason man has not agreed to first principles in politics is because those are less obvious, and man’s “unruly passions” have prevented him from reaching a consensus on them. Recognition of the role self-interest plays in the behavior of the politician is perhaps the most fundamental law behind the design of the Constitution. Operating under this assumption, the framers designed a Constitution. Rather than change human nature, they designed a Constitution which, paradoxically, relies on self-interest to produce good government. “Pushing the question of virtue aside, they sought to develop political arrangements and institutions that would insure ‘the existence of security of the government, even in the absence of political virtue.’”

The means for achieving this, more often than not, was to design the government in such a way as to make the self-interest of politicians coincide with their duty. The idea of frequent elections and reeligibility to office are two examples. This does not necessarily mean that the framers thought politicians should always be guided by the momentary whim of the masses. Far from it, as can be seen in the design of the Senate and the Court. But even in these offices, ambition is counted on to produce good government, for, as Diamond writes,

Truly ambitious men do not readily yield to momentary popular clamor because thus yielding produces little lasting fame or power. . . . The constitutional belief is that presidents and judges will stand firm for reasons of self-interest. They will gamble that their own power and prestige will be greater than ever when the majority comes to its senses.

The machinery for combining self-interest with duty was the separation of powers and checks and balances.

It is interesting to note that neither of these terms is mentioned in the Constitution. In spite of this, these concepts are probably the first anyone studying the Constitution learns about. They permeate the Constitution and over time have been the justification for numerous Supreme Court decisions. They are logical extensions of the “first principle” that self-interest is the one thing that can be counted on to motivate politicians.

Given that this is the “first principle” of the Constitution, justices should be guided by it when deciding cases. In *Federalist* 78, Hamilton argued that the duty of justices “must be to declare all acts contrary to the manifest tenor of the Constitution void.” At least one aspect of what is meant by “manifest tenor” is that men in general and politicians in particular are driven by self-interest. The Constitution recognizes this and does not seek to change it, but
establishes procedures for using this fact of life to produce good government. This explains the longevity of the Constitution and how it governs. As long as this is the basis of the presumption behind provisions of the Constitution it will continue to govern.

CONCLUSION

It is perfectly proper for Americans to want their Constitution to govern. Current debate concerning whether the Constitution governs has centered on the various methods of interpreting it. One extreme method relies on the intent of the framers: at the other extreme are the "living constitutionalists." While the former method would seem to be the best method in a system in which the Constitution "meant" something, the loose wording of the Constitution, along with modern problems, results in this method begging the question. It merely shifts the question to "what did the framers intend?" with all of the subsequent ambiguities that surrounded the question over the words in the Constitution. The latter method would seem to be the more practical, yet it also denies, at least implicitly, that we have a Constitution at all.

There is, however, a manner in which Americans may have their cake and eat it too. They may truly speak of being governed by a Constitution, and at the same time have a flexible and adaptable document. This is made possible because the framers, in their wisdom, established a Constitution that recognized the basic fact of life governing man. Rather than try to contradict all of history and write a Constitution that tried to make man into their vision of what he should be, they wrote a Constitution based on what he was. They left it to other institutions to try to make man into something different.

Their realistic view of human nature can be seen throughout the Constitution. Separation of powers and checks and balances are examples of this. As Madison stated in Federalist 51, "Ambition must be made to counteract ambition." Ambition is one thing that actually makes the Constitution work, and there would appear to be no shortage of it in politics. Federalism (or division of powers), bicameralism, and the method of elections are additional examples of the framers designing the Constitution so as to check the more negative aspects of human nature. This sophisticated and ultimately accurate conception of human nature, as written into the Constitution, is what explains its longevity. It is also the sense in which the Constitution can be said to truly govern.
NOTES

3Pritchett, p.34.
7Pritchett, p.35.
8Berger, p.363.
9Pritchett, p.35.
13Only the broad outlines of these theories have been given and others, involving more sophistication, have not been mentioned at all. See Abraham article above and also Walter F. Murphy, “The Art of Constitutional Interpretation, in Essays on the Constitution of the United States, ed. by M. Judd Harmon (Port Wash.,N.Y.: Kennikat Press, 1978), pp.130-159.
15Seagle, p.286.
17Even this is open to some dispute. For example, the question of when a president-elect actually became president (at midnight prior to inauguration or noon the day of inauguration) has resulted in speculations of “presidents that served a day.” See Edward Corwin, The President: Office and Powers (New York: New York University Press, 1957).
18For an excellent discussion of this idea see Chapter 1 of Horwill’s book, and for a discussion of the meaning of constitution as encompassing morals, character, etc. see, Robert A. Goldwin, “Of Men and Angels: A Search for Morality in the Constitution,” in The Moral Foundations of the American Republic, ed. by Robert H. Horwitz (Charlottesville: University Press of Virginia, 1979), pp.8-12.
21Cited by Pierson, p.730.
22For Publius’ views on the difficulties of communication see Federalist 37.
23See Charles Beard, An Economic Interpretation of the Constitution of the United States (New York: Macmillan, 1913) and Diamond’s The Founding of the Democratic Republic mentioned above. For a current book sympathetic to Diamond’s position see David F. Epstein, The Political Theory of the Federalist (Chicago: The University of Chicago Press, 1984). For a variety of positions see Goldwin and Schambra’s edited work, How Democratic Is the Constitution?
27Wright, p.5. This is not to say that Publius never recognized any “goodness” in man, although Wright (p.6) finds only two such references in all 85 essays. See also George Mace, Locke, Hobbes, and the Federalist Papers (Carbondale, Ill.: Southern Illinois University Press, 1979), pp. xi, 3, 49-53. 114-120.
29Wright, p.27.
31Diamond, The Founding of the Democratic Republic, p.94.

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