Fame and *The Federalist*

Since its appearance in 1788 down to the present day, no praise has been too high, no tribute too exalted for *The Federalist Papers*. While written in the heat of the debate over ratifying the Constitution, the collection of eighty-five essays penned by "Publius" was almost instantly recognized as a work of great, even unprecedented merit. Thomas Jefferson, who was not uncritical of the handiwork of the Framers, nevertheless considered *The Federalist* "the best commentary on the principles of government which was ever written." George Washington, who had presided at the Federal Convention, correctly predicted that *The Federalist* would "merit the notice of Posterity." Even before the series of papers was completed and published as a single work, its pseudonymous author was praised as a "judicious and ingenious writer," whose "greatness is acknowledged universally," and who "in genius and political research, is not inferior to Gibbon, Hume, [or] Montesquieu." 

Following ratification and the formation of the new government under the Constitution, the reputation of *The Federalist* steadily spread. The work also grew in stature and authority when it was publicly revealed in the 1790s that the essays were the joint product of three men who had played key roles in the drafting and/or ratification of the Constitution: Alexander Hamilton, James Madison, and John Jay. Within a decade of its publication, *The Federalist* was being cited by Supreme Court justices to add weight and authority to their opinions. In *Calder v. Bull* (1798), Justice Samuel Chase appealed to Publius on the issue of *ex post facto* laws, an author he "esteem[ed] superior" even to Blackstone "for his exten-
sive and accurate knowledge of the true principles of Government." Chief Justice John Marshall, in the celebrated case of Madison v. Marbury (1803), defended the Court's authority to overturn "unconstitutional" acts of Congress using arguments and language drawn from Federalist No. 78. Thus did the vital principle of "judicial review" (only implicit in the Constitution) enter into constitutional orthodoxy. In subsequent cases, Marshall affirmed that "[t]he opinion of the Federalist has always been considered of great authority," and that "[n]o tribute can be paid to [the papers] which exceeds their merit."4

James Kent, Chancellor of New York and second only to Joseph Story among antebellum jurists, eloquently praised The Federalist in his popular and influential Commentaries on American Law (1826-30). "[T]here is no work on the subject of the Constitution," wrote Kent, "and on republican and federal government generally, that deserves to be more thoroughly studied .... No constitution of government ever received a more masterly and successful vindication." The Federalist was not merely an unparalleled commentary on the Constitution; it was superior to even the great classics of political thought, "equally admirable in the depth of its wisdom, the comprehensiveness of its views, the sagacity of its reflections, and the fearlessness, patriotism, candor, simplicity, and elegance with which its truths are uttered and recommended."5 In his own famous Commentaries (1833), Justice Story sought to "employ ... the whole substance of the Federalist," which he considered an "incomparable commentary of three of the greatest statesmen of the age." John C. Calhoun called The Federalist "the fullest and, in many respects, the best" work on the principles of American government," while John Quincy Adams affirmed that The Federalist was not only a "classical work in the English language," but as a "commentary on the Constitution of the United States, of scarcely less authority than the Constitution itself."6

The weight of such "authority" was reflected in the frequent use of The Federalist in Supreme Court opinions. While direct references abated in the decades following Reconstruction, the work was cited in many of the Court's most important rulings in the late
nineteenth and early twentieth centuries. In more recent years, appeals (if not eulogies) to *The Federalist* have been increasing, and have figured prominently in a number of important decisions. Nor have members of Congress hesitated to invoke the authority of Publius in disputes over the constitutionality of legislation, the actions of the co-ordinate branches, or the federal nature of the Union. Even presidents have sought the solicitude of *The Federalist*, as when Ronald Reagan pledged that his "administration [was] committed-heart and soul-to the principles of American Federalism, which are outlined in the original Federalist Papers of Hamilton, Madison, and Jay."

Perhaps the most partisan use of *The Federalist* has occurred during impeachment proceedings, in which both accusers and defenders have made ready use of the relevant numbers. So frequent were such references during the impeachment of President Clinton, that popular media sources ran stories on *The Federalist*, while legal experts and political pundits scrambled for copies of the "venerable" text. In conjunction with its other "official" uses, it may be said without exaggeration that *The Federalist* has long enjoyed a talismanic status in American constitutional interpretation.

The authority vested in *The Federalist* by Congress, the Supreme Court, and presidents has been greatly augmented by generations of admiring scholars, including jurists, historians, and political scientists. Yet prior to the twentieth century (and the rise of modern scholarship) little of substance was written on *The Federalist*, although it was almost invariably praised in passing. John Fiske, in his influential history of the "critical period" under the Articles of Confederation, called it "perhaps the most famous of American books, and undoubtedly the most profound and suggestive treatise on government that has ever been written." Yet even after "progressive" historians such as J. Allen Smith, Charles Beard, and Vernon Parrington mounted the first major challenge to the "official" interpretation of the Constitution, it would be decades before *The Federalist* became the object of close, widespread, and sustained scrutiny."

Ironically, it was Beard himself who, thirty five-years after the
appearance of his famous "economic" critique of the Constitution, praised The Federalist as not merely "the most instructive work on political science ever written in the United States," but "owing to its practical character, it ranks first in the world's literature of political science." Around the same time, Douglas Adair published a series of articles which, inter alia, firmly established the authorship of certain disputed numbers. In the postwar era, scholarly interest in The Federalist rapidly spread, resulting in several new editions, a flood of articles, and a number of full-length studies. Even before the Constitution's bicentennial (which prompted a further outpouring), it was possible to speak of a "growth industry" in Federalist scholarship. 

In sheer weight, the production of the last fifty years has cemented The Federalist's reputation as both the leading commentary on the Constitution and an enduring political classic. That it has attracted the serious attention of some of the best minds in law, history, and political science tends to confirm the assertion. In his influential treatise on Revolutionary-era political thought, Gordon Wood affirmed that The Federalist propounded "a political theory worthy of a high place in the history of Western thought." Jack Rakove, in a study which won a Pulitzer Prize, averred that among works of political science "nothing equals it in analytical breadth and conceptual power." The distinguished scholar Hans Morgenthau praised The Federalist as "an unsurpassed compendium of political truth," while Clinton Rossiter, an editor of the papers, called it "the most important work in political science that has ever been written, or is likely ever to be written in the United States. It is, indeed, the one product of the American mind that is rightly counted among the classics of political theory." As for its status "among the sacred writings of American political history," Rossiter observes, "[i]t would not be stretching the truth more than a few inches to say that The Federalist stands third only to the Declaration of Independence and the Constitution itself." The fact that two or three of the most influential papers (Nos. 10, 51, 78) now regularly appear alongside these "sacred writings" in American government textbooks, indicates that Rossiter stretched
the truth but a few pages. Indeed, it was Thomas Jefferson himself who, in preparing the curricula for the University of Virginia, placed *The Federalist* second only to the Declaration of Independence in a list of the “the best guides” for the study of the principles of American government.  

Without denying its value or significance, the skeptical reader might suspect that the fame of *The Federalist* has actually been more parochial than its most zealous (American) admirers have suggested. Certainly, the rest of the world has not been so effusive in praising Publius. While no “foreign” history of *The Federalist* currently exists, one scholar's summary of its reputation abroad puts to rest the suspicion that the fame of “Publius” is merely an *affaire American*.  

In Great Britain the work was singled out for praise by reviewers and some of the leading political writers of the nineteenth-century. The *Edinburgh Review* effused that its authors exhibited a “profoundity of research and an acuteness of understanding which would have done honour to the most illustrious statesman of modern times.” Similarly, *Blackwood's Magazine* affirmed that *The Federalist* “may be called seriously, reverently, the Bible of Republicanism. It is a work altogether, which for comprehensiveness of design, strength, clearness, and simplicity has no parallel. We do not even except or overlook those of Montesquieu and Aristotle ....” Three eminent Victorians, each of whom contributed a political classic of his own, were hardly less enthusiastic. John Stuart Mill called *The Federalist* “the most instructive treatise we possess on federal government,” while Sir Henry Summer Maine concurred with Chancellor Kent’s exalted assessment of the work. Lord Bryce, whose *The American Commonwealth* (excepting *The Federalist* itself), is second only to Tocqueville’s *Democracy in America* as a commentary on the American polity, looked to “Publius” as the unsurpassed expositor of the Constitution; a document William Gladstone called “the most wonderful work ever struck off at a given time by the hand and purpose of man.”  

In the non-English speaking world, *The Federalist* made its debut in France, where it was translated in 1792—the same year the revolutionary government bestowed honorary citizenship upon its
two principal authors, Hamilton and Madison. Even earlier the essays had been freely cited in the debates of the Constituent Assembly. Following the proclamation of the Republic, and the National Convention's condemnation of "le gouvernement federal," the work fell into disrepute. Yet like the French governments of the time, such official disfavor did not long endure. Tallyrand, who placed Hamilton above Napoleon and Pitt among the luminaries of the age, warmly recommended the work, while Tocqueville called it "an excellent book, which ought to be familiar to the statesman of all countries." Scholar-statesman Francois Guizot did "not know in the whole compass of my reading [on government and politics] ... so able a book." At the turn of the century The Federalist was newly translated, and has continued to attract the attention of French students of government.

In Germany The Federalist's reception was less dramatic, but not without consequence. Robert von Mohl relied heavily on the work in his 1824 treatise on American government, and in a later study recognized its perennial value as classic of political science, adding that "it is absolutely impossible to speak with greater clarity" on the subject. It is thought that the authors of the short-lived Frankfurt Constitution (1848) were admirers of the essays, while in the 1860s, as Germany moved toward forging its own federal union, a book on The Federalist was published which included a partial translation of the papers. Both before and after unification in 1871, the nationalist historian Treitschke acknowledged that The Federalist bore the original conception of the German Bundesstaat or federal system of government. Nor was admiration for the work lacking among Wilhelmine scholars. Albert Haenel declared the work an unparalleled example of political reasoning, while Hugo Preuss, father of the Weimar Constitution, looked to The Federalist as "the canonical book of American constitutionalism." In the 1950s, the first complete German translation appeared, and the work remains a relevant source on federalism and constitutional government.

The Federalist attracted little notice in Italy during the nineteenth century, although the few scholars familiar with the text
found it a work of notable merit. As Italy considered decentralization after World War II, the papers suddenly became the object of considerable interest. In the mid-1950s, Aldo Garosci published one of the first full-length studies of *The Federalist*, which he considered "a book of great value," and unsurpassed for the weight and cogency of its arguments. Shortly thereafter Gaspare Ambrosini, a justice on Italy's Constitutional Court, translated the work into Italian for the first time, and declared the papers "a profound and suggestive commentary on the Constitution and a great treatise of political science.

In Latin America *The Federalist* was translated into Spanish and Portuguese in the early nineteenth century and appears to have influenced constitutional developments in Argentina and Brazil. In Mexico it has attracted the attention of scholars, one of whom praised it as a "monumental work," while others have attested to its world reputation and enduring value. The various experiments with constitutional government and federalism in Mexico and around the world have given the work a relevance and currency well beyond the interest of scholars.

Given its global reputation, it is not surprising that *The Federalist* has assumed an honored position among the pantheon of literary, scientific, and philosophical classics. Selected for inclusion in the Great Books of the Western World compiled by the University of Chicago, the newspaper essays of Publius took their place alongside Plato's *Dialogues*, Newton's *Principia*, and Darwin's *Origins of the Species* as seminal testaments of the Western mind. The presence of *The Federalist* among the Harvard Classics and similar collections has confirmed the papers' canonical status in the republic of letters.

Finally, the work of Publius has been singled out for its important place in the broader currents of intellectual history. Peter Gay, for instance, crowned his landmark study of the *European* Enlightenment with a remarkable tribute to the *American* authors of *The Federalist*. The papers, Gay writes, did not merely reflect the "spirit of the age;" they implicitly embodied "all the great themes of the Enlightenment ... the dialectical movement away from Christianity
to modernity; the pessimistic though wholly secular appraisal of human nature coupled with an optimistic confidence in instrumental arrangements; the pragmatic reading of history as an aid to political sociology; the humane philosophy underlying their plea for the proposed constitution; the commitment to the critical method and the eloquent advocacy of practicality." The work of "Publius," Gay concludes, "fully deserves immortality as a classic in the art of politics."

The "Other" Federalist

Were the preceding account left to stand alone it might serve as a fitting encomium on The Federalist, but it would leave but a partial, indeed a distorted picture of the work's actual reception and history. It will be recalled that Publius wrote as an advocate of the Constitution in the midst of a contentious, sometimes bitter struggle over the great question of ratification. Those who opposed adoption, the Antifederalists, denounced the document (in whole or part) as a dangerous innovation, and predicted that it would create a "consolidated" government of, by, and for the few at the expense of the many. Given their record of opposition, there is little reason to presume that Publius's reassurances to the contrary were persuasive with many of the Constitution's opponents. Yet because they lost the struggle, and because their worst fears proved illusory, the Antifederalists fell into an obscurity from which they have only recently begun to emerge. Given the remarkable ascendance of the United States under the Constitution, it is not surprising that subsequent generations looked down on its original critics as false prophets and "men of little faith." But in light of history and the bright glare of Constitution-worship, it is often forgotten how perilously close the Antifederalists came to defeating the work of the Framers. In key states such as Virginia, Pennsylvania, and Massachusetts, sentiment against the Constitution ran high, and ratification was obtained by a only small margin, and then only after accepting certain Antifederalist objections in the form of proposed amendments. In North Carolina, the ratifying convention refused to
approve the document, proposed amendments, and adjourned. So strong was the opposition in Rhode Island that the legislature failed to call a ratifying convention for two-and-a-half years after Congress first authorized the states to do so. 28

In New York City, where The Federalist essays were first published, the contest was particularly heated, and sparked an unprecedented outpouring of partisan literature. 29 As noted above, once ratification was secured, the letters of Publius shortly attained a privileged status as an authoritative commentary on the Constitution and a classic of political thought. While the outcome of the struggle was undecided, however, admiration for Publius was far from universal. As the Federalist essays began to blanket city newspapers at a rate of three to four a week, some readers complained of sheer "overkill." A group of "Twenty-seven Subscribers" scolded the editor of the New-York Journal "for cramming us with the voluminous Publius," who had "become nauseous." 30 The sentiment was shared by others, who like one frustrated reader, could no longer stomach "the dry trash of Publius in 150 numbers." 31

It was not merely the length and ostensible tedium of The Federalist that attracted criticism: Publius was also accused of sophistry, redundancy, even irrelevance. With an air of condescension, "Countryman," one of the more able Antifederalist writers, confessed, "I really cannot find out what he would be at; he seems to me as if he was going to write a history ...." In a later essay, he compared Publius to a sophistic lawyer "when hard pushed, in a bad cause, with a rich client." "They frequently say a good deal, which does not apply; but yet if it will not convince the judge nor jury, may, perhaps, help to make them forget some part of the evidence—embarrass their opponent, and make the audience stare, besides increasing the practice." 32

In Philadelphia, where some of the Federalist numbers were reprinted, "Centinel" railed against Publius for "mistaking sound for argument" and "accumulating myriads of unmeaning sentences." "[I] might have spared his readers the fatigue of wading through his long winded disquisitions ... as totally inapplicable to the subject he was professedly treating; this writer has devoted much time, and
wasted more paper in combating chimeras of his own creation.” Another critic compared "Publius" to a famous Scots preacher, whose long-winded sermons would "jade the brains of any poor sinner ..." To these charges, Louis Otto, the French envoy, added that *The Federalist* was a *practical* failure—"of no value whatever to well-informed people, and ... too learned and too long for the ignorant." Even some of the Constitution's supporters considered the work ill-suited to the task of influencing popular opinion.

Such pointed criticisms may be ascribed to the heat of controversy, but the general sentiment was not restricted to an inconsequential minority. Indeed, it was a view shared by a majority of delegates elected to the New York Ratifying Convention, a principal target of the essays. Moreover, subsequent references to *The Federalist* were not always as exalted as suggested above. In fact, some of its warmest admirers voiced reservations about its merit as a work of political thought and questioned its authority on the meaning of the Constitution. Immediately after praising *The Federalist* as "the best commentary on the principles of government . . . ever written," Jefferson observed that "[i]n some parts, it is discoverable that the author means only to say what may best be said in defense of opinions in which he did not concur." Similarly, after asserting that "[n]o tribute . . . exceeds [its] merit," John Marshall insisted that the Supreme Court retained "a right to judge of [its] correctness ... The implication that *The Federalist* contained "errors" or omissions was also drawn by Justice Story, who observed that "it cannot in candor be admitted to be wholly satisfactory, or conclusive" in some of its arguments. Spencer Roane, who sat on the Virginia Court of Appeals, did not doubt the "general ability" of Publius, but hastened to inform his fellow justices that *The Federalist* originated as "a mere newspaper publication, written in the heat and hurry of battle." Similar reservations (and some outright criticism) were also expressed by members of the antebellum Congress. In the first Congress, Senator William Maclay hoped to obtain a copy of the essays "without buying it," considering the purchase "not worth it. During the dispute over whether Congress had the authority to charter a national bank—a debate in which both sides invoked the
authority of Publius—Elbridge Gerry of Connecticut denounced "this part of his performance ... as a political heresy" and argued that "[h]is doctrine, indeed, was calculated to lull the consciences of those who differed in opinion with him at the time ...." 40 William Lowdes of South Carolina recognized the merit of the work, but reminded his colleagues that its authors were "jealous advocates" who could not claim the authority of "an impartial judge" on matters of constitutional construction. 41 John Quincy Adams, who considered The Federalist "a classical work ... of scarcely less authority than the Constitution itself," nonetheless found it lacking in "that entire unity of design, or execution which might have been expected had it been the production of a single mind." In the same breath in which he called The Federalist "the fullest and, in many respects, the best" treatise on American government, John C. Calhoun charged that "it takes many false views and by no means goes to the bottom of the system." Later, he would speak of "its radical and dangerous" errors, which he believed had "contributed, more than all others combined, to cast a mist over our system of government, and confound and lead astray the minds of the community as to a true conception of its real character."

Following the Civil War and Reconstruction, outright attacks on The Federalist were rare, although Woodrow Wilson did complain of its "strange, persistent longevity of power," which he blamed for "obscuring much of [the] development of constitutional practice ..." 42 While Wilson qua scholar held distinctly "unorthodox" views regarding American government, his objection found expression among judges and jurists who questioned the relevance and validity of The Federalist as a aid to constitutional interpretation. Typically, the Supreme Court's use of the papers has been entangled with the larger question of "original intent" and the propriety of using contemporaneous exposition as a guide for determining cases. 43 On occasion, however, the authority of The Federalist has been directly challenged, as when Justice Baldwin, in Cherokee Nation v. Georgia (1831), bluntly observed that the Court could "expound the constitution without a reference to the definitions of a state or nation by any foreign writer, hypothetical reasoning, or the dissertations of
To do otherwise "would be to substitute individual authority in place of the declared will of the sovereign power of the union, in a written fundamental law." Later, in a case involving jurisdiction over corporations, Justice Campbell raised what one scholar has called "the classic objection to the majority's use of *The Federalist*-extrapolation from such dated sources." Since corporations were not "within the contemplation of the framers of the Constitution," Campbell wrote, *The Federalist* could have no bearing in resolving jurisdictional disputes.46

The belief that changed circumstances rendered Publius irrelevant to a widening range of constitutional controversies gained currency with the rise of industrial society and America's emergence as a world power. It had never been possible to consult *The Federalist* in cases involving constitutional amendments, of which twelve were adopted by 1803. Indeed, Publius had defended the absence of a bill of rights in the Constitution, which he maintained was "itself in every rational sense, and to every useful purpose, A BILL OF RIGHTS." (No. 84) So unpersuasive was such reasoning that many Federalists (including Hamilton, Madison, and Jay) were forced to concede the point and pledge support for adding a bill of rights once the new government convened. The need to remedy this "defect" in the Constitution was underscored by some of the ratifying conventions, which included a bill of rights among the proposed amendments attached to their articles of ratification. The Civil War amendments, particularly the Fourteenth, which reconfigured the relation between state and national governments, further reduced the relevance and authority of *The Federalist* in the Court's adjudications. In a case involving the equal protection clause, Justice Douglas cited *Federalist* No. 68 as evidence that the arguments of Publius "belong to a bygone day."47 More recently, Justice White criticized Justice O'Connor's selective use of *The Federalist*, which he dismissed as "elaborate window dressing," possessing a "distinctly wooden quality."48

The notion that Publius is of dubious authority as a guide to the Constitution and "is invoked to affirm conclusions already reached" has been shared by students of the Supreme Court's use of *The Federalist*.
In reviewing cases where the Court directly cited the work, Charles Pierson observed that its authors “were addressing the people at large and their aim was to influence public opinion, not to formulate principles for the guidance of the courts. No one foresaw the possibility that what they were writing would some day be cited in the law reports along with Blackstone and Kent.”

Jacobus tenBroek, in his influential critique of the use of “extrinsic aids” in constitutional construction, anticipated Justice White in noting that “[w]hether The Federalist is used [by the Court], seems to be determined solely by whether or not an appropriate passage can be found in it ....”

More recent students of the Supreme Court's use of *The Federalist* have reached similar conclusions. A review of such uses, notes James Ducayet, "fails to provide any general consensus on why *The Federalist* ought to be regarded as an authoritative guide to the proper interpretation of the constitutional system." Similarly, James Wilson contends that "the Court has made no real effort to understand *The Federalist*” and has “continually used it as an instrument of persuasion.” Indeed, “[p]assages have been cited (although frequently out of context), ignored (although *The Federalist* had been shown to support an opposing argument), or even rejected (when the changed times argument dictated a different result), depending on the position a justice wanted to advance. Rarely has the Court gone beyond its meaning or significance.”

More fundamentally, as Peter Quint notes, "*The Federalist* is not of direct relevance to many of the major issues of contemporary constitutional litigation.”

While one should not confuse criticism of the Supreme Court's "use" of *The Federalist* with criticism of the work itself, insofar as the pattern of (mis)use is attributed to certain "ambiguities" and "underlying tensions" within the papers themselves, the latter is often implied. Such criticism was initially suggested by contemporaries who considered the essays ill-suited for gaining adherents to the Constitution, a view supported by historians who affirm that their actual impact on ratification was "marginal." Rarely, however, has *The Federalist* been the subject of direct or sustained criticism. The
"revisionist" interpretation of the Constitution by "progressive" historians, and specifically Charles Beard's economic analysis of Federalist No. 10, did gain widespread currency but failed to produce a revised Publius.

This is not to say that the papers have entirely escaped scholarly detraction. While ranking The Federalist "first in the world's literature of political science," Beard himself complained that its arguments are "more than occasionally repetitious and defective in logical structure." Similarly, political scientist Robert Dahl found Madison's reasoning in Federalist No. 10 "shot through with assumptions and arguments that do not stand up under criticism" and concluded that "his nice distinctions were at bottom arbitrary." Even Clinton Rossiter, who placed The Federalist "among the sacred documents" of American history, could speak of the work's "startling omissions and uneven quality"—hardly words typically associated with the Declaration of Independence or the Constitution.

More curious, however, is Rossiter's gloss on The Federalist's defects as a work of "political theory," which reads remarkably like a Antifederalist broadside:

As a piece of very special pleading—some have called it a lawyer's brief— it says the same thing over and over in a half dozen ways, tiptoes delicately around many of the hard criticisms directed against the Constitution and slogs ponderously through some of the silliest, and makes at least a few arguments and appeals which its authors must have had trouble justifying to their own consciences.75

The assertion that The Federalist suffers from bias, verbosity, obfuscation, and bad faith may sound odd in the midst of a eulogy, but it is not (as we have seen) without precedent. Nor have more recent scholars failed to note (if only in passing) the presence of such "defects." As for the more substantive charges, some have located the source of the work's chief "weakness"—its ambiguity of meaning—in the differing contributions of Hamilton and Madison. The seeds of this view were planted by John Quincy Adams, who found
it "not difficult to perceive [in The Federalist] that diversity of genius and character which afterwards separated [Madison and Hamilton] so widely from each other on questions of public interest, affecting the construction of the Constitution ...." 58

More than a century later, Douglas Adair sorted out the disputed essays, and in the process detected a "radical divergence" in the two men's views on government, concluding that Publius suffered from a "split personality."59 Exploring this diagnosis, Alpheus Mason supplied additional grounds for the contention that "Hamilton and Madison display a sharp theoretical split" in The Federalist. Given the discrepancy between the views each man expressed at the Federal Convention and the actual provisions of the Constitution, is it not probable that they were forced to make "concessions to views they could not honestly support"? Moreover, in light of the subsequent break between Madison and Hamilton into sharply divided camps, is it not possible that each deliberately wrote "in language so equivocal as to disguise the Constitution's true import?" Indeed, "did not The Federalist, instead of elucidating and clarifying the points of contention within the fundamental law, actually gloss over these and thereby add to the confusion?" Mason does not directly answer these questions, but his discussion suggests that the charges are entirely plausible.

While the "split personality" thesis has not gone unchallenged, many of its implications have been absorbed by subsequent observers.61 Some have detected an "inherent ambiguity" in The Federalist, while others have suggested that its authors were placed in the "false position" of assuming views contrary to their "personal, considered thoughts about American politics."62 Others still have found that in meeting the objections of the Constitution's opponents, The Federalist is less a model of persuasion than "a masterpiece of evasion."63

Further examples could be added, but such remarks are typically not intended to impugn the overall merit of The Federalist or the skill of its authors: more often they assume the form of passing criticism by a friendly source. In at least one case, however, a reputable scholar has unequivocally challenged the reputation of Publius. William Crosskey, in accounting for the "great mass of
misconceptions” surrounding the Constitution, singles out the authors of *The Federalist* for especial censure. "[P]roperly understood" (that is, in the context of a highly-charged, partisan struggle), the papers “are seen to contain much of sophistry; much that is merely distractive; and some things . . . which come perilously near to falsehood.” G4 Not only was Publius guilty of employing “the various tricks of advocacy,” he displayed an “utter confusion” over the first principles of American government. And while “The Federalist's sophistries, its inconsistencies, distractions, and other tricks, are obvious today,” its canonization as the definitive commentary on the Constitution led to the confusion which has flourished over its meaning ever since.

As for the claim that Publius reflects the views of those who drafted and ratified the Constitution, Crosskey claims that “[n]othing could be much further from the truth.” Indeed, these views “were diametrically opposed to those expressed in *The Federalist.*” As such, “discerning men” who supported the Constitution found many of its arguments embarrassing and “ridiculous,” while the Antifederalists were given “in permanent form, a body of sophistry, innuendo, and near-falsehood, as to the meaning of the Constitution, which was of unique value to that party.” Measured against its “great vogue” among subsequent generations of jurists, scholars, and politicians, such unflattering revelations suggest that *The Federalist* occupies a “very questionable place in American history.” 65

Whatever the merit of this assessment, Crosskey does underscore a critical aspect of *The Federalist* that has frequently escaped the attention of scholars; viz., the partisan, rhetorical, and polemical context in which it was written. Most know that the papers were part of an effort to elect pro-Constitution delegates to the New York Ratifying Convention, but few have given more than passing notice to the papers’ historical origins in political controversy or the authors’ immediate aim of persuading the electorate. Invariably, students of *The Federalist* have engaged the text from an analytical perspective, with slight consideration for its historical context or literary quality. The author of a leading study of *The Federalist* found no alternatives to an analytical approach,” and pronounced “the
literary style” of the work of “no concern.” Few have been so categorical, but rarely have the papers been approached from a non-analytical perspective. Crosskey suggests that the emphasis on theoretical analysis at the expense of historical, political, and linguistic factors has served to conceal the true significance of the papers. Accordingly, to know something of this significance is

... to know something of certain peculiarities of America speech at the time the papers were written; to know something of the legal and political ideas and terminology of the period; to know what was being said about the Constitution in the other states, ... And most important of all, it is necessary to put the “Federalist Papers” back into their native context, that is, of the constitutional controversy that raged, in 1787 and 1788, in the newspapers of New York.

If Crosskey found it odd that “[n]o attempt to evaluate The Federalist upon such a basis” had yet been made, it must appear all the more so a half-century later. More recent studies have shown a greater concern for the work's linguistic, philosophical, and ideological dimensions, and for the historical circumstances of its composition. Yet the suggestion that it is necessary to read The Federalist within the context of partisan controversy—that is, as a work of deliberative rhetoric—has failed to attract much attention. On the few occasions when the “rhetorical” aspect of the papers has been addressed, it is typically treated as a blemish and not infrequently associated with deception, confusion, and inconsistency.

Echoing the sentiments of earlier observers, John Zvesper has suggested that the confused, partisan use of The Federalist by later generations “was made possible, perhaps even inevitable, by Publius’s rhetorical position.” Elsewhere it has been noted that Madison and Hamilton’s support for federalism “could only be rhetorical,” given their hidden bias for a strong national government. The compilers of The Federalist Concordance have observed that the “internal inconsistencies” of the papers were due more to “the demands of political rhetoric than ... an excess of ideological symmetry.
More frequently, however, the rhetorical element in *The Federalist* is politely by-passed or simply ignored. This practice suggests that it is possible, indeed appropriate, to separate the *rhetoric* of Publius from his *political science*, his *polemic* from his *logic*. Under this assumption, a leading student of *The Federalist* has observed that, "although its authors used much rhetoric" in making the case for the Constitution, "they also argued logically." 72 Another has drawn a distinction between Publius’s "substantive arguments (political science) and his techniques of persuasion (rhetoric)," 73 while a third suggests that the authors of *The Federalist* used "rhetoric" much in the manner of a political confidence man:

Their aim was not to discuss an idea logically, but to prevail in a political contest, and they were fully prepared to do a bit of fudging in order to achieve that objective. They skirted issues and molded their phrases to suit their audience, in the manner of our public relations experts. 74

Again, such observations are rarely intended to diminish or even challenge *The Federalist’s* reputation. They do, however, reflect a common attitude towards its "rhetorical" dimension-and to rhetoric in general. The former is commonly treated as an extrinsic element, peripheral to the work’s "substantive" teaching, while the latter implies mere technique. Insofar as *The Federalist* has been almost exclusively valued as a commentary on the Constitution and explication of the American polity, it is not altogether surprising that Publius should fail to garner much attention as a rhetorician. The common (if unfortunate) practice of equating rhetoric with "ideology," "propaganda," or "sophistry" also helps explain the lack of interest in the rhetorical *Federalist*. On the other hand, the simple fact that the papers were written in the context of a momentous political struggle by advocates seeking to influence the outcome, suggests that the role of rhetoric in *The Federalist* is neither as marginal nor inconsequential as most observers have indicated.

With this in mind, a plain reading of *The Federalist* reveals that its authors not only employ conventions commonly associated with deliberative rhetoric, but that the entire work is written from a
rhetorical standpoint: that is, with the immediate aim of persuasion. True, in some parts the papers are more patently "rhetorical" than in others, such as those which involve direct appeals to the patriotism, good sense, and candor of the reader. Yet an attention to the forms of argument and peculiarities of usage in *The Federalist* clearly indicates that its rhetorical dimension is anything but peripheral. On the contrary, its authors habitual use of persuasive language and rhetorical forms of discourse strongly support the conclusion that rhetoric (properly understood) is *intrinsic* to *The Federalist*, and largely inseparable from the work's "logical" arguments as they actually appear. Read in this light, one will labor in vain to find a single page free of advocacy or a single argument untouched by rhetoric. In no case, however, does rhetoric function as a mere appendage or ornament of disputation. Rather, *Publius's overt appeals to the reader serve to reinforce his more substantive reasoning, while this reasoning itself is thoroughly infused with the language of persuasion.* Remarkably, what was obvious to contemporary readers has left remarkably little impression on posterity.

**Publius and the Rhetoricians**

Bower Aly's *The Rhetoric of Alexander Hamilton* (1941) was the first major study devoted to the oratory of an American Founder. Focusing on his speeches at the New York Ratifying Convention, Aly analyzed Hamilton's rhetoric according to classical (Aristotelian) standards, and judged the performance worthy of "the highest commendation." While he did not consider Hamilton's *Federalist* essays, Aly's emphasis on Hamilton the *speaker*, his *audience*, his *means of persuasion*, and the *occasion* of ratification is highly relevant to a rhetorical reading of Publius. More specifically, in applying the analytical framework of Aristotle's *Rhetoric* to Hamilton's speeches on behalf of the Constitution, Aly properly underscored the vital importance of rhetoric in the ratification campaign, and provided a model for reading *The Federalist* as a work of oratory.

Despite the original and suggestive nature of *The Rhetoric of Alexander Hamilton*, a half-century would elapse before an effort
was made to examine *The Federalist* by the standards of classical oratory. In the interim, only a handful of scholars bothered to address its rhetorical dimension at all, much less under the aegis of Aristotle.

Writing shortly after the appearance of Aly’s study, Clarence Faust devoted much of an article on the “rhetoric of ratification” to a discussion of *The Federalist*. Beyond illustrating the fundamentally rhetorical character of the papers, Faust developed a general theory of the rhetorical task faced by Madison and Hamilton under the assumption that “[t]he problems ... [they] faced as rhetoricians can best be understood by reference to their problems as statesmen during the deliberations of the Philadelphia Convention.” Just as Convention delegates were charged with persuading their colleagues of the need to establish “a more perfect union,” Madison and Hamilton faced the task of “persuading their readers that the proposed government promised them many advantages and that it conformed to the political principles cherished in America.” By definition each man had to bury the objections he had raised at the Convention and lay aside personal reservations regarding the propriety of the Constitution and the relative merit of its various provisions. Conversely, each labored to “specify at length the ways in which the national government would serve the various interests of the country, and to stress the aspects in which it conformed to certain prevailing political doctrines.” In doing so, Publius not only showed a “shrewd recognition of the rhetorical problem,” but “in a measure prepared his readers to agree with him.

More specifically, Faust observes, the authors of *The Federalist* consistently used two basic types of argument in attempting to demonstrate the “utility of union” on the one hand, and the Constitution’s conformity with republican principles on the other. Proofs for the former were largely built upon “premises concerning causes and effects-general maxims ... about the causes of peace and war, domestic tranquility and disturbance, of commercial success or failure, together with propositions concerning matters drawn from the experiences of earlier political societies.” Proofs for the latter were “developed largely by definition.” Both types of argu-
ment, whether grounded in a practical “consideration of interests” or a theoretical “concern with principle,” had the ultimate aim of persuading readers that the Constitution not only answered the minimum requirements, but provided an “ideal” solution to the problem of reconciling societal interests and republican principles. As with the related task of demonstrating the insoluble link between “energy” in government, national security, and individual liberty, it was the chief aim of Publius “to prove that what was right was also useful, and that what was useful was also right.” 78

Given the admitted “novelty of the undertaking” (Federalist No. 37)-the establishment of an extended, federal republic—“formulas had to be invented or discovered” that would persuasively exhibit the compatibility of bedrock principles and divergent interests, and thereby “compel” support for the Constitution. According to Faust, the most important of these rhetorical maneuvers was “the way in which [Publius] elevated the conflict of interests to a principle of good government.” Contrary to accepted wisdom, which held that private right and public good were inherently competing principles, the authors of The Federalist argued that both might be served within a properly constituted republic: viz., one that contained specific institutional safeguards and “provided for the expression and interplay of numerous and divergent interests.” 79

While Faust did not detail the specific arguments or persuasive techniques used in The Federalist, his focus on the rhetorical problems and general aims of its authors represents a notable landmark. In light of subsequent scholarship, however, it was an isolated event. The same maybe said of an article by James Scanlon, who touched on the rhetorical element of The Federalist while exploring its authors’ views on human nature and politics. Like Faust, Scanlon underscored the rhetorical nature of the papers, and averred that an attention to this feature “throws more light on the specific qualities of The Federalist as a political argument” than does a strictly analytical approach. 80 Scanlon’s chief contribution, however, was to illustrate how the authors’ understanding of human nature informed their arguments and guided their appeals. At the broadest level, they could assume an obvious fact: i.e., that their
readers had the "capacity to be moved to action by motives of certain sorts."

Given the variety of human motives, it was necessary for Publius to address a wide range of interests and employ different types of arguments in order to strengthen his overall appeal. Cold logic and reasoned discourse might suffice to move some readers to support the Constitution, but since men were not equally susceptible to rational persuasion, other motives had to be solicited. Furthermore, even the most dispassionate reader was subject to considerations of a more prosaic nature and could be expected to act on the basis of mixed motives. Accordingly, appeals based on reason had to be supplemented with appeals of a more direct and tangible kind. As Scanlon points out, *The Federalist* is replete with both, a clear indication that its authors considered it "foolish to omit any avenue of influence." Passion no less than reason, emotion no less than logic was looked to as a primitive source of motivation, and Publius spared no pains in soliciting "the most active springs of the human heart." (Federalist No. 27)

While recognizing the usefulness of such appeals, the need to cultivate a disposition "favorable to the ascertainment of fact and the exercise of judgment" prevented Publius from placing too great an emphasis on non-rational motives. However, arguments grounded in an anemic rationalism—whether expressed in appeals to abstract principle, historical precedent, or theoretical propriety—could hardly be expected to provide the basis for "a correct and durable consciousness of interest" on the part of his readers. Given Publius's tacit recognition of these limitations, Scanlon concludes, "it is not surprising that the chief rhetorical targets in The Federalist, in paper after paper, are immediate and personal interests." The emphasis on interest, moreover, was not merely an effort to persuade on the basis of the lowest common denominator, although there is certainly no greater or more universal principle in politics. Rather, appeals to motives of self-interest, no less than appeals to reason and passion, share a common source in Publius's understanding of the human condition, particularly in its political dimension. The rhetoric of *The Federalist*, then, is "fully consistent with the authors' expressed and
implied views on the subject of `human nature.' As Scanlon explains:

The theory of motivation is presupposed by the rhetoric of *The Federalist:* it guides the authors in the selection of arguments. Human `rationality' is not denied; intellectual capacities sufficient to grasp the authors' arguments are clearly assumed. The arguments themselves are directed to the many sources of human action, wherever possible to those powerful sources which are most to be depended upon.

Like Aly's study, those of Faust and Scanlon provided persuasive grounds for a rhetorical reading of *The Federalist,* yet subsequent students of the papers showed little interest in building on their suggestive findings. More than two decades after Scanlon's essay, Forrest McDonald drew attention to this general neglect, not just of *The Federalist,* but of the political literature of the Founding era. In the course of discussing "The Rhetoric of Alexander Hamilton," McDonald confirmed many of the findings Aly reached in applying classical categories to Hamilton's speeches. He concluded that Hamilton and the Founders "studied and practiced the art [of rhetoric] in accordance with the Aristotelian model." More significantly, McDonald placed the "classical" rhetoric of Hamilton and his colleagues on a par with their monumental practical achievements. Indeed, it was their rhetoric which made these very accomplishments possible.

[It was their commitment to and practice of open, dispassionate, informed, and reasoned discussion of public questions which made their achievements possible. Their rhetoric, in other words, was not a mere by-product of their accomplishments: rather, their accomplishments were the product of their rhetorical interchange."

In addition to illustrating the conformity of Hamilton's writings with Aristotelian standards, his maturation as a rhetorician, and the symbiotic relationship between his oratory and statecraft, McDonald provides a compelling argument for placing greater stress on the
rhetorical character of the Founders’ writings. “Historians,” he writes, “have paid too much attention to the ‘justice of their reasonings’ and not enough to their ‘vehemence.’” In neglecting the later—the “disdain, anger, boldness, freedom,” involved in a continual stream of argument—students of the Revolutionary era had failed to credit the instrumental role of rhetoric in shaping the course of the American Founding. To seriously examine the rhetoric of the Founders, particularly as an instrument of statecraft and nationbuilding, would, according to McDonald, represent “an enormous contribution to our understanding of them.”

Despite the suggestiveness of McDonald’s remarks, his call for a rhetorical approach to the political literature of the American Founding failed to resonate with students of the period. As for The Federalist specifically, a decade would pass before the papers were examined in the spirit of McDonald’s injunction. Of the numerous books and articles on The Federalist published in the 1980s, only a few bothered to address the rhetorical nature of the work.

In his preface to The Authority of Publius (1984), Albert Furtwangler did propose to “reassess these papers by looking closely at their form—by recognizing the literary strategies that shape their arguments and the conventions of political journalism which give meaning to the series as a whole.” Yet as an ostensible study of the work’s “rhetoric and structure,” Furtwangler’s alternative “reading” promised more than it delivered. Often indistinguishable in its analysis from conventional (non-rhetorical) approaches, The Authority of Publius suffers from a series of ambiguities. On one hand, the papers are said to “reflect a timely approach to a very particular occasion,” and “share a commonplace eighteenth-century form.” On the other hand, however, the papers are singled out as “unique among the arguments over ratification,” and credited with having “modified the tradition of eighteenth-century newspaper campaigning.” Further ambiguity is apparent in Furtwangler’s observation that The Federalist was a failure from the standpoint of “propaganda,” but as a “campaign effort” directed at confronting the objections of the Constitution’s opponents, “it is hard to see how it could have been surpassed.” Similarly, for all the “tension of
arguments that are not conclusive,” the occasionally “strained, rhetorical, and legalistic” answers, the transformations “in the course of [the papers] development,” and the fact that Hamilton and Madison wrote “against their deepest convictions,” the papers “remain very consistent if one looks upon them as efforts of active statesmanship, as high political rhetoric.” 88

While there are solid grounds for Furtwangler’s conclusion, it rubs against the grain of many of his specific observations. Moreover, the assertion that the “authority” of The Federalist lies less with the sanctity of its doctrines, wisdom of its insights, erudition of its authors, or soundness of its arguments, and more with Publius’s “imaginative grasp of how to address an American audience” is dubious on face-and too vague to bear scrutiny. As an epitaph for The Federalist, it is only slightly less amorphous than the claim that “the authority of Publius is strong because of his high civility.” 89

Just as Furtwangler’s “reading” of Publius failed to tangibly augment our understanding of The Federalist as a work of deliberative rhetoric, Paul Peterson’s “rhetorical” reading of the tenth paper constitutes a similar disappointment. Like Furtwangler, Peterson correctly observes that the “rhetorical dimension” of the papers had been largely ignored, and proposes to “recover the rhetorical design of Federalist No. 10 and to show the relationship of that design to the essay’s theoretical teaching.” 90 While his analysis represents a competent summary of Madison’s famous argument, it is largely indistinguishable from the many accounts that make no claim to “recover” the paper’s rhetorical element. No less than Furtwangler, Peterson shows no real interest in relating The Federalist to classical or conventional categories of deliberative rhetoric, and simply ignores the important work of Aly, Faust, Scanlon, and McDonald. 91 More substantive is Daniel Howe’s discussion of “The Political Psychology of The Federalist,” in which many of the general observations of Faust and Scanlon are recapitulated under the rubric of eighteenth-century “faculty” psychology. Drawing on the influential work of J. G. A. Pocock and Quentin Skinner, who sought to understand early modern political thought in terms of “language paradigms” and “historical setting,” Howe claimed to have found the key to “the
original meaning and context" of The Federalist's core terminology in the "new rhetoric" associated with eighteenth-century Scottish "common-sense" philosophy.

In addition to echoing Scanlon's observations on Publius's need to "combine rationality with motivation in order to persuade effectively," Howe addressed the manner in which Publius "defined his audience" with the same intent. On one hand, Publius "credits his audience with being members of the wise and virtuous elite," yet gives little support for the presumption that he viewed the majority of his readers, much less the American people at large, truly worthy of the appellation. As Howe notes, the frank recognition that "political institutions must take account of the perversity of human nature posed a great problem for the political advocate. How could one persuade the public to adopt the institutions it so sorely needed?" Howe claims that Publius "found the key to his rhetorical problem in eighteenth-century faculty psychology, in the concept of enlightened self-interest." Implicit in this solution—which entailed enlisting "prudential motives on the side of reason and virtue"—was the articulation of arguments aimed at two separate audiences: "the direct audience of dispassionate inquirers and the larger, indirect audience capable of enlightened self-interest." While the former could be expected to support the Constitution on largely rational grounds, the latter might be persuaded to do so on the basis of prudential considerations, and thereby assist in containing the "passionate multitude" who often mistook their own self-interest or nourished untoward motives. Yet unlike Hugh Blair, the influential Scot rhetorician who advocated a judicious appeal to the passions in persuasive speech, Howe observes that "Publius does not invoke them; indeed, he deprecates them." 30

As we shall see, the notion that Publius does not appeal to the "passions" of his readers, that his "own rhetoric is coldly and carefully rationalistic," will not withstand scrutiny. Yet Howe's emphasis on the intellectual context of The Federalist's oratory, and the strategic considerations of its authors, provides additional grounds for a rhetorical reading of the papers. A similar impetus may be found in the work of political theorist Judith Shklar, who contra
Howe argues that Publius not only made calculated appeals to the passions of his audience, but was even guilty of alarmism. Unlike the Antifederalists, who "did not see immediate dangers ahead, but anticipated distant, irreversible consequences" attending the adoption of the Constitution, it was "Publius who saw utter disaster around every corner threatening the thirteen states. Military danger from abroad, corruption by foreign agents, and war among the states were the immediate dangers in his view." According to Shklar, it was on the basis of such fear-mongering that "Publius and the federalists generally were perceived as rash and visionary" by the Constitution's opponents.

In a subsequent essay on "Alexander Hamilton and the Language of Political Science," Shklar did not directly address *The Federalist* but did underscore Hamilton's vital role in "setting the terms of what is now called political science." In contrast to McDonald and Howe, who suggest that the key elements of the Founders' political vocabulary (e.g., reason, experience, passion, interest, virtue) have changed so dramatically that contemporary readers are bound to be mislead without the assistance of Dr. Johnson's Dictionary or an immersion in Scottish philosophy, Shklar marvels at the "continuity of the language of social science"-that "the structure of political discourse has changed so little" since the days of the Founding. Shklar also touches on the general character of Hamilton's discourse, locating its roots in "Baconian" science and historical reasoning.

While Aly and McDonald summarized Hamilton's rhetoric in greater detail and in accordance with classical categories, Shklar highlighted the deliberative dimension of *The Federalist* and lent support to the notion that its rhetorical nature may be sufficiently grasped without an expert knowledge of eighteenth-century discourse.

On the whole, however, it was just such a concern with patterns of "political discourse"-their origins, significance, and transformation in revolutionary America-that dominated the scholarly landscape of the last quarter of the twentieth century. The pioneering work of Bailyn (1967), Wood (1969), Skinner (1969), and Pocock (1975) produced an impressive body of scholarship and made a
distinct contribution to our understanding of the Founding era and the early republic. In conjunction with sorting out the various strands of republican ideology—from covenant theory and Lockean individualism to common law and Scottish philosophy—much of this discussion has centered on a series of overlapping polarities: e.g., "old" revolutionaries and "young men" of the revolution, "court" and "country," federalists and antifederalists, Jeffersonian and Hamiltonian, commercial and agrarian, seaboard and backcountry, classical republicanism and modern liberalism.

It is the last of these pairs, however, that has served as the central paradigm for discussions of the economic divisions, ideological conflicts, and societal tensions that marked political life in early America. Specifically, scholars such as Gordon Wood have argued that the decline in "civic virtue" and increasing preoccupation with "self-interest" in the years following the Revolution—a process which culminated in the defeat of the Antifederalists in the ratification contest—"marked an end to the classical conception of politics." Others, however, have pointed to the survival of Antifederalist ideology, particularly as reflected in the Republican party under the leadership of Madison and Jefferson.

Not surprisingly, The Federalist assumed a key presence in what has now become a well-worn debate over the character and transformation of early American political thought. Some have viewed its authors' hard-nosed realism, distrust of the common people, emphasis on self-interest and commerce, and the elevation of "clashing interests" to a principle of good government as the death knell of "classical republicanism." Others have pointed to The Federalist's fundamental consistency with the principles of "classical republicanism," insofar as Publius articulated a vision of the common good, supported a government of limited powers, expressed a warm regard for individual liberty, solicited a variety of interests, and showed repeated concern for measures aimed at checking the abuse of power. More frequently, however, The Federalist has been characterized as a "hybrid" production, embodying a transitional mode of discourse with vestiges of classical republicanism existing alongside features of modern liberalism. In a variation of this view,
one scholar has found "a striking combination of Calvinist and Enlightenment thought" in *The Federalist's* stark view of human nature coupled with a confident faith in a "science of politics." Finally, some observers have questioned the very assumptions and nomenclature guiding the debate over the "ideological" character of the Founding. Thomas Pangle, for example, has detected a striking "ignorance" of the roots of classical republicanism among scholars who have expressed "a romantic longing to discover, somewhere in the past, the roots of a prebourgeois and non-Lockean American 'soul.'"

While the vast literature on the sources, character, and interplay of the various "modes" of early American political thought is not without relevance to the rhetorical *Federalist*, it has not fulfilled Forrest McDonald's call for a focus on the Founders' "vehemence" as a key to grasping the symbiotic relationship between their deliberative rhetoric, active statesmanship, and political achievements. With some qualification, the same may be said of the handful of more recent studies exploring the "rhetoric" of the Philadelphia debates, the ratification campaign, and ensuing Federalist era. While none of these studies employ classical categories, and only one discusses *The Federalist* at length, they do reflect a recognition of the centrality of oratory in the American Founding.

Peter Knupfer, who focuses on the Federalists' effort to fashion a "rhetoric of conciliation," accuses the Constitution's supporters (and implicitly Publius) of "bombast," "hyperbole," and "rhetorical excesses" in attempting to persuade a presumably gullible public that a spirit of unanimity, concord, and compromise pervaded the deliberations of the Federal Convention. Given the open clash of interests, the departure of certain delegates, the deadlock and near break-up of the Convention, the failure of some delegates to sign the document (e.g., George Mason and Edmund Randolph), and the reservations of others who did (e.g., Madison and Hamilton), Federalist eulogies on the "unanimity and compromise" that allegedly prevailed in Philadelphia not only distorted the reality of the actual proceedings, they "belied the weak basis for national union that the Constitution was supposed to address."
Such weakness, Knupfer suggests, was reflected in a variety of ways: first, in the failure of Federalists to address the more substantive Antifederalist objections, second, in a “fundamental misreading of what Americans really meant” on the subject of a bill of rights, and third, in a tendency to “firmly steer the discussion to the question of union and disunion . . . .” Knupfer freely concedes that the Antifederalists were subject to certain handicaps of their own, and in particular “were too dependent on a zero-sum analysis of politics.” Yet his general discussion leaves the impression that the “rhetoric” of the Constitution’s publicists (at least on the subject of “conciliation”) was hardly distinguishable from calculated sophistry.

Unlike Knupfer, who treats the Federalists collectively, David Erikson’s examination of the ratification debate contains a detailed, thoughtful essay on The Federalist. While deliberative rhetoric, in the strict sense, is peripheral to Erikson’s concern with distinguishing “federal” republicanism (pace the Antifederalist “Federal Farmer”) and “national” republicanism (pace Publius), he does offer a few observations of rhetorical note. As others have observed, Erikson affirms that *au fond* “the ratification debate was a dispute over different definitions of both the American republic and republicanism.” In this war of words, Publius was charged with the formidable task of supplanting the prevailing view of “federal” republicanism rooted in the Articles of Confederation with the innovative “national” republicanism embodied in the proposed Constitution. Convinced that only “a government at least equally energetic with the one proposed” (Federalist No. 23) could preserve the union, Publius, “not very subtly, attempts to establish an expansive definition of federalism to include the proposed government.” At the same time, he sought to counter the charge that the Constitution would create a “consolidated” government in which the states would all but lose their political identities. To this end, Publius “gives greater credence, at least rhetorically, to the opposite scenario of a federal balance that favors the state governments, creates veneration for those governments, and nurtures localist sentiments.”

Conversely, “it was equally important for him to, *sotto voce,* wrap the proposed government in all the attributes of power and
the union with all the attributes of nationhood." In walking this
delicate line—championing an empowered national government
while assuaging fears of an incipient Leviathan—the authors' of
The Federalist repeatedly identified the fate of the American
union with the Constitution itself. And while the assertion that
their periodic emphasis on the reserved powers of the states "was
(mostly?) intended to mollify the opponents of the Constitution
hardly needs argument" is too facile by half, the claim that Publius's
attempt to redefine republicanism and political union along "na-
tional" lines "provides a subtext for the entire Federalist Papers"
highlights a critical and overarching facet of the rhetorical challenge
he faced.\footnote{The most ambitious effort to examine the role of rhetoric in the
ratification campaign was the scholarly swan-song of William H.
Ricker, a pioneer in the study of American elections. Published
the American Constitution enlisted analytical, empirical, and statis-
tical methods in uncovering "distinct rhetorical patterns in the
campaign, including especially an emphasis on negative themes,"
and the "notable failure" of either side "to address all the issues of
the campaign, or indeed even address the same issues." More
specifically, Ricker sought to "examine the rhetoric and heresthetic"
of the ratification campaign, and to "arrive at some descriptive
generalizations about both lands of efforts and about the interplay
between them."

Defining \textit{rhetoric} as the "persuasive value of sentences," and
\textit{heresthetic} as the "strategy value of sentences" or "art of setting up
situations," Ricker explored the relationship between Federalist
efforts to persuade by argument and the "procedural maneuvers"
employed to secure ratification.\footnote{While many of his formulations
will appear Greek to those unconversant with statistical analysis,
Ricker's detailed description of the interplay of rhetoric and
heresthetic, and his emphasis on the decisive role of the latter in
securing victory for the Constitution, represent a seminal contri-
bution to our understanding of the dynamics of the ratification cam-
paign.}
While it is a truism that "[p]eople win politically by more than rhetoric," the notion that campaigns are typically won merely by framing the alternatives in such a way that others "will feel forced by circumstances to join them—even without any persuasion at all"—suggests that rhetoric is frequently incidental to the outcome of political contests. On the other hand, Ricker's contention that "heresthetic and rhetoric are inseparably linked and must analyzed together" unduly collapses the two categories, leaving little room for examining deliberative rhetoric in its own terms. As far as the ratification campaign is concerned, however, Ricker's conclusion that "[b]oth [rhetoric and heresthetic] were necessary for the Federalist victory" is highly relevant for the student of The Federalist. Obversely, his admission that "[t]he line between heresthetic (manipulation) and rhetoric (persuasion) is wavy and uncertain" serves as a useful reminder of the decidedly practical aims of campaign oratory.

Publius and Classical Rhetoric

Despite the sporadic nature of the literature on the rhetoric of The Federalist (and Founding era), taken collectively it provides a counterweight to a large body of scholarship preoccupied with Publius's "substantive" arguments on the Constitution, defense of republican government, federalism, and contribution to the "science of politics." Only in 1990, however, did The Federalist receive the kind of serious and sustained attention as a work of classical oratory that Bower My had called for a half-century earlier. In the annual Political Science Reviewer, Eugene Miller and Larry Arnhart contributed lengthy articles which to varying degrees related the arguments of The Federalist to the rhetorical theory of Aristotle. While Miller's primary focus was on Publius's conception of "interest," he did draw an explicit parallel between the deliberative principles outlined in the Aristotle's Rhetoric and those employed in The Federalist, which he judged "a masterpiece of political rhetoric.

The path-breaking study of "The Deliberative Rhetoric of The Federalist," however, was the work of Larry Arnhart. A student of
classical oratory and author of a treatise on the "political reasoning" of Aristotle's *Rhetoric*, Arnhart was uniquely qualified to assess *The Federalist* from a rhetorical standpoint. (In fact, it was Arnhart's unpublished paper of 1979 on the topic that inspired McDonald to pen his article on the rhetoric of Hamilton.) Given its seminal and unique status, it will be useful to examine Arnhart's essay at some length.

The essay itself is divided into two parts: first, an analysis of the deliberative rhetoric of *The Federalist* within the Aristotelian framework, and second, an attempt to "show how the constitutionalism of *The Federalist* is intended to promote deliberative rhetoric in the new government . . . and the partial success of this project" in American political life. As a by-product of this dual approach, Arnhart suggests that the "new theorists" of political rhetoric, viz., those who underscore the role of public deliberation in American politics, "could strengthen their position by rooting it in American political thought," and in particular *The Federalist*. Only the first of these-Arnhart's analysis of the papers as a species of classical rhetoric-will be of concern here.

Of the three forms of rhetoric identified by Aristotle, *The Federalist* represents an example of deliberative (or political) rhetoric, which is concerned with persuading an audience of the wisdom or folly, advantage or disadvantage of some future course of action. Of the other forms, the epideictic (or ceremonial) aims to secure the honor or dishonor of a person through the praise or blame of present deeds, while the forensic (or legal) centers on establishing the guilt or innocence of past deeds in order to promote justice. As its chief aim was to demonstrate the expediency of adopting the Constitution, *The Federalist* clearly falls into the category of deliberative rhetoric, although the others forms are occasionally employed in an auxiliary capacity.

The deliberative nature of the papers is also evident in their specific content and structure. There is a prologue and an epilogue, clearly stated transitions, reminders to the reader "of the unity of the series as a coherent whole with one deliberative end." Moreover, Publius announces from the outset that he is an advocate for the
Constitution, and addresses himself to an undecided audience capable of assessing the arguments in a fair manner. *The Federalist* also qualifies as a work of deliberative rhetoric insofar as it addresses in great detail the central topics of political deliberation: revenue, war and peace, national defense, trade, and general legislation. As Arnhart observes, "[t]he subjects that Aristotle thinks appropriate for deliberative rhetoric are prominent in *The Federalist*." Like earlier writers, Arnhart notes that the central "rhetorical problem" for Publius was to persuade readers that the strong national government envisaged by the Constitution was consistent with republican liberty and the integrity of the states. In taking republican and federal principles for granted, Publius exhibits another distinctive feature of deliberative rhetoric, which "must draw its fundamental premises from the existing regime." As Arnhart explains, "rhetorical reasoning always begins with the opinions commonly accepted by the audience," and in America public opinion was almost universally of a republican and federal cast. On the one hand, the remarkable consensus on general principles was an enormous asset for Publius. As George Carey observes, Publius enjoyed "the luxury of advancing his positions in a society with shared moral foundations, convictions, and outlooks." On the other hand, however, the Constitution contained a number of innovations which departed from much of the conventional wisdom regarding the nature and meaning of republicanism and federalism. To convince readers that these innovations were not merely benign, but absolutely essential to the very existence of the Union (which Publius habitually equates with liberty, prosperity, and security), constitutes the principal rhetorical task addressed in *The Federalist*.

Having shown that *The Federalist* qualifies as a work of deliberative rhetoric, Arnhart proceeds to explore its modes of argumentation and rhetorical techniques in the context of classical oratory. Observing that rhetoric occupies a middle ground between science and sophistry, Arehart first considers "the validity of the formal, logical structure of rhetorical argumentation" or "canons of logical inference that govern rhetorical persuasion." Principal among these is the *enthymeme*, a deductive form of reasoning similar to the
syllogism used in logic or dialectic. Although the "true" enthymeme, whose premises and conclusion are based on accepted opinions, does not carry the absolute certainty of the scientific syllogism, it remains a valid and potentially forceful mode of reasoning. Some enthymemes will possess a high degree of certitude, but most will occupy the realm of probability. Far from a defect, the reliance of rhetoric on probabilities "conforms to the Aristotelian principle that one should demand only that degree of certitude appropriate to the subject matter."[112]

A second type of rhetorical argumentation involves reasoning through examples, which corresponds to the method of induction in science. As Aristotle notes, "Examples are most suitable for deliberative speaking, for in divining things that will happen we judge from things that have happened." While even the abstract principles derived from the enthymeme ultimately rest on induction, examples are drawn directly from the concrete lessons of experience. In order to be persuasive, a rhetorician must display a command of such "lessons" (i.e., the relevant political and historical facts) and show an ability to infer what is likely to follow from the natural course of events.

"Reason" and "experience, then, are the two cardinal sources of rhetorical logic, and the skilled orator will draw upon one or the other depending upon its relevance to the question at hand. According to Arehart, the rhetoric of Publius mirrors the classical model, as reflected in deductive arguments based on reason, inductive arguments based on experience, and more frequently a combination of the two, "since the most persuasive arguments are those that show experience confirming the conclusions deduced from theory." Thus, Publius often bolsters his appeals to "reason" with appeals to the "facts" in order to prove that "examples support the reasoning we have employed." (Federalist No. 63) And while Bacon, Locke, and Hume may have been the immediate intellectual forefathers of Madison, Hamilton, and Jay, the "rhetorical logic" of The Federalist, Arnhart concludes, is an exemplar of Aristotelian principles.

Yet Aristotle did not limit the means of persuasion to logical forms of argument, the enthymeme and the example. In addition to
the "logical" proof, the effective rhetorician will selectively employ
the "ethical proof," which aims to create a favorable impression of
the speaker's character, and the "emotional proof," which seeks to
positively direct the emotions of the audience. Finally, there is the
matter of rhetorical style, particularly the persuasive use of meta-
phor. Arnhart notes that "a glance at The Federalist might lead one
to think Publius ... scorns such methods" of disputation. A more
sustained view, however, reveals that these elements of rhetoric not
only "contribute to rational argumentation" generally, but are fully
"present in The Federalist."114

As for the character of the speaker, Arehart observes that
Publius exhibits the same qualities Aristotle considered most per-
suasive: prudence, virtue, and good will. Prudence or practical
wisdom is evident in the rational tone which pervades the papers as
a whole and its authors' repeated emphasis on the utility of the
Constitution and the expediency of adopting it. Virtue and good will
are seen, for example, in Publius's ardent patriotism and recurrent
expressions of solicitude for the well-being of his "fellow-citizens."
"Thus does Publius," writes Arnhart, "portray himself as a rhetori-
cian concerned with the welfare of his country who has both the
virtue and the prudence required to advise his countrymen properly
in promoting their common interests." Hence, in addition to strictly
rational arguments, "Publius also tries to persuade them by exhib-
ting the character of a rational, patriotic, and fair-minded man.

Insofar as Publius succeeds in placing himself (as well as the
Framers) in such a favorable light, "[t]he persuasiveness of a
speaker's character cannot be dismissed as irrational." But may the
same be said of a speaker's appeals to the emotions or passions of his
audience? Given the age-old dichotomy between reason and pas-
sion, logic and emotion, the idea that such appeals can meet the
standard of rationality appears dubious indeed. However, in the
realm of rhetoric—a practical art aimed at persuading people to
act—the motivational power of emotion is of direct relevance. More
generally, the passions (as Aristotle observes) are in a sense rational
or at least reasonable insofar as they are grounded in social reality.

On the surface, Publius appears to be an enemy of the passions,
and "seems to scorn emotional appeals that would detract from cool rationality." On the other hand, Arnhart notes that Publius "does not think . . . that the passions are simply irrational" but recognizes that reason and passion, opinions and emotions "will have a reciprocal influence on each other." (Federalist No. 10) In other words, "what one thinks about things will influence one's emotional response to them." For instance, fear of the dire consequences of disunion (the result of rejecting the Constitution) and pride in the prospect of an ascendant America (the result of adopting it), are reasonable emotions. "The crucial point," Arnhart writes, "is that persuasion through the passions is an integral part of persuasion through rational argumentation," and Publius exhibits this Aristotelian principle through frequent appeals to his readers' emotions."

Finally, there is the matter of style and composition. Like the speaker's character and the emotions of the audience, an orator's style would appear extraneous to rational argumentation. When the aim is practical, however, style can strongly contribute to a rhetorician's persuasiveness. "For Aristotle," Arnhart writes, "good style is not mere ornamentation, since the goodness of style is in satisfying a natural desire of listeners for learning through reasoning." Just as the enthymeme (which takes its premises for granted) functions as a kind of "short-hand" for rational demonstration, the metaphor (which reveals a "likeness" or "semblance" between different things) provides a form of "quick learning." In both cases, real knowledge is gained, if not absolute certainty. Moreover, metaphor, the most common stylistic device used in rhetoric, "is as much a form of reasoning as the enthymeme, for it is characteristic of all rational inference to discover the likenesses among things and to view one thing through the mirror of another." Admittedly, The Federalist does not make great use of metaphor, yet the occasional use of mechanical and biological metaphors often "conveys a complex argument in a vivid manner" and more generally, contributes to "a rational examination of political issues."

From this summary it should be clear that Arnhart not only considers classical rhetoric a paradigmatic form of political reasoning, but views The Federalist as "an outstanding example of such
rhetorical argumentation ....” As noted above, Arnhart calls upon students of rhetoric to root their theorizing in the classics of American political thought. “For that purpose,” he concludes, “The Federalist should be essential, not only because, as a masterpiece of American deliberative rhetoric, it teaches by example, but also because, as a commentary on the Constitution, it shows how the constitutional framework can channel political controversy through rhetorical debate as a deliberative process.”

A Rhetorical Document

By identifying The Federalist as an exemplary species of classical rhetoric, Arnhart provided one of the few truly original interpretations of the papers since Charles Beard’s revisionist reading of Federalist No. 10. Yet despite a revival of interest in rhetoric in recent years, no effort was made to build on Arnhart’s groundbreaking article in the decade following its appearance. The main reason, no doubt, is the relative dearth of scholars familiar with the rhetorical tradition, and in particular its classical foundations. The Federalist, like other classics on politics, has long been the preserve of historians, political scientists, and jurists, who typically approach the work from the vantage of their respective disciplines. Given the comparatively small number of scholars conversant with classical oratory (and the peculiar status of “speech communication” among the liberal arts) it is hardly surprising that rhetorical studies have had little impact on Federalist scholarship.

This said, the fact that The Federalist is first and foremost a work of deliberative rhetoric and only secondarily a commentary on the Constitution, that its authors were primarily interested in persuading their readers to act as opposed to merely instructing them to know, and that the papers themselves exhibit all the leading elements of classical oratory, points to an oversight of almost inexpllicable proportions. Neglecting the rhetorical essence of The Federalist is akin to forgetting that Shakespeare’s plays are dramas to be acted, not merely literature to be read. Accordingly, to recall that Publius writes as an orator, that his papers are a species of rhetoric,
and that his political analysis is subordinated to practical ends, is to place *The Federalist* in its proper light: it is to view the play itself, as opposed to simply reading the script. And just as an actual performance gives life to the printed word, a rhetorical reading of *The Federalist* restores the color, the vibrancy, and the "vehemence" of the paper's original context, the ratification debates.

No one who has witnessed a first-rate production of *Hamlet* or *Macbeth* will read the plays in the same way again. Similarly, no one who has fully grasped the fundamentally rhetorical nature of *The Federalist* can read Publius as a mere "commentator" on the Constitution. For those accustomed to conventional accounts of *The Federalist*, the papers will take on a decidedly different cast, and the common practice of separating the "analytical" wheat from the "rhetorical" chaff, the "politics" from the "polemic," will appear not only questionable but misguided. One will gain an eye for pertinent details that have largely been ignored or overlooked, and discover in even the most "disinterested" passages the subtle hand of persuasion. With this restored vision, the reader will find that for all his professions of "candor" and dedication to the "truth," Publius never loses sight of his practical aim, and from start to finish, remains the determined orator intent on persuading his audience to rally behind the Constitution.

Recognition that *The Federalist* is best understood as a work of deliberative rhetoric does not mean that "non-rhetorical" approaches to the papers are simply "wrong" or "invalid." As Edward Millican has noted, "the argument of Publius is many-faceted and profound and can be validly approached in a number of ways." It must be remembered, however, that *The Federalist* was written in response to a specific event by practicing statesmen in a deliberate effort to move their countrymen to a specific action. In conjunction with the character of the papers themselves, this fact strongly suggests that a rhetorical approach is entitled to a position of decided privilege. This will particularly hold true for those interested in recovering the actual dynamics of the ratification debate, as well as those concerned with the nature and foundations of political arguments generally. Broadly conceived, the rhetorical framework provides the logical
starting-point and appropriate rubric under which *The Federalist* may be profitably read and discussed by students of various disciplines. Attention to the oratory of Publius will not only enrich the work of specialists concerned with a particular aspect of the papers, it will be a leading feature of any attempt at a comprehensive interpretation of *The Federalist*. Such an interpretation may well require the combined skills of the historian, the political theorist, and the philosopher, but it will be directed by the rhetorician.

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NOTES


7. Calhoun to A. D. Wallace, December 17, 1840. *The Papers of*
20. Rakove, Original Meanings, xv.
23. Minutes of the Board of Visitors of the University of Virginia (March 4, 1925), quoted in Albert Furtwangler, The Authority of Publius: A Reading of the Federalist Papers (Ithaca, 1984), 37.


26. As Linda De Pauw notes, "[t]here is no evidence that Publius converted a single Antifederalist, but he may well have made additional enemies for the Constitution." *The Eleventh Pillar: New York State and the Federal Constitution* (Ithaca, 1966), 114.


36. As one North Carolina Federalist observed, Publius "is certainly a judicious writer, though not well-calculated for the Common people." Quoted in De Pauw, Eleventh Pillar, 115.


38. Quoted in Rakove, "Early Uses," 244.


50. Pierson, "Federalist in the Supreme Court," 728.


55. Furtwangler, Authority of Publius. 23. According to De Pauw, the newspaper essays "had little value as propaganda," while the effect of the first bound volume on the election of delegates to
the New York ratifying convention, "if any, was minuscule." Eleventh Pillar, 114, 112. As Rossiter notes, "the chief usefulness of The Federalist in the events of 1788," was not in swaying the electorate, but "as a kind of debaters handbook in Virginia and New York." Federalist Papers, xi.

57. Rossiter, Federalist Papers, xiii, xv.
62. Millican, One United People, 8; Furtwangler, Authority of Publius, 25, 24.
63. Peter B. Knupfer, The Union As It Is: Constitutionalism, Unionism and Sectional Compromise, 1787-1861 (Chapel Hill, 1991), 46.
65. Crosskey, Politics and the Constitution, 9, 10, 9, 10.
66. Dietz, Federalist, 31, 32.
70. David E. Ericson, The Shaping of American Liberalism: The Debates Over Ratification, Nullification, and Slavery (Chicago,
1993), 52.
71. Thomas S. Engman and Edward J. Erler, The Federalist
Concordance (Middleton, 1980), xii.
72. David F. Epstein, The Political Theory of The Federalist
(Chicago, 1984), 4.
74. Millican, One United People, 9.
75. Murray Forsyth has come nearest to grasping this quality.
“The Federalist,” he observes, “is polemical, but not in a flashy or
obvious way. There are certainly passages of eloquence, fire, and
rhetoric, but these naturally grow out of the arguments. The
argument itself is grounded in history and logic.” “The Federalist,”
12.
76. Bower Aly, The Rhetoric of Alexander Hamilton (New York,
1941), 196.
77. Clarence H. Faust, "The Rhetoric of the Debate Over the
Adoption of the Constitution," in The Philosophy of American
78. Faust, "Rhetoric,” 43, 55, 57, 44, 46, 44.
84. Forrest McDonald, "The Rhetoric of Alexander Hamilton,"
87. Furtwangler, Authority of Publius, 9.
88. Furtwangler, Authority of Publius, 10, 18, 11, 81, 87, 81, 58,
32, 146.
89. Furtwangler, Authority of Publius, 44, 97.
90. Paul Peterson, "The Rhetorical Design and Theoretical
Teaching of Federalist No. 10,” Political Science Reviewer, 17 (1987), 194.

91. The same may be said of Russell L. Hanson’s examination of “the influence of republican ideology on the politics and rhetoric of the Founding period.” While noting the “extraordinarily rich rhetorical exchanges of the period,” his treatment of The Federalist is along conventional lines. The Democratic Imagination in America: Conversations with Our Past (Princeton, 1985), 54-91.


96. Wood, Creation of the American Republic, 606.


100. Knupfer, Union As It Is, 33, 39, 33.

101. Knupfer, Union As It Is, 39, 40, 41.


105. Ricker, Strategy of Rhetoric, 10, 9, 10, 11, 9.

106. Ricker, Strategy of Rhetoric, 9, 10, 11, 9.

110. Arnhart; "Deliberative Rhetoric," 55.
115. Arnhart, "Deliberative Rhetoric," 64.
120. Millican, One United People, 21.