

Peter Berkowitz: Why Colleges Don't Teach the Federalist Papers

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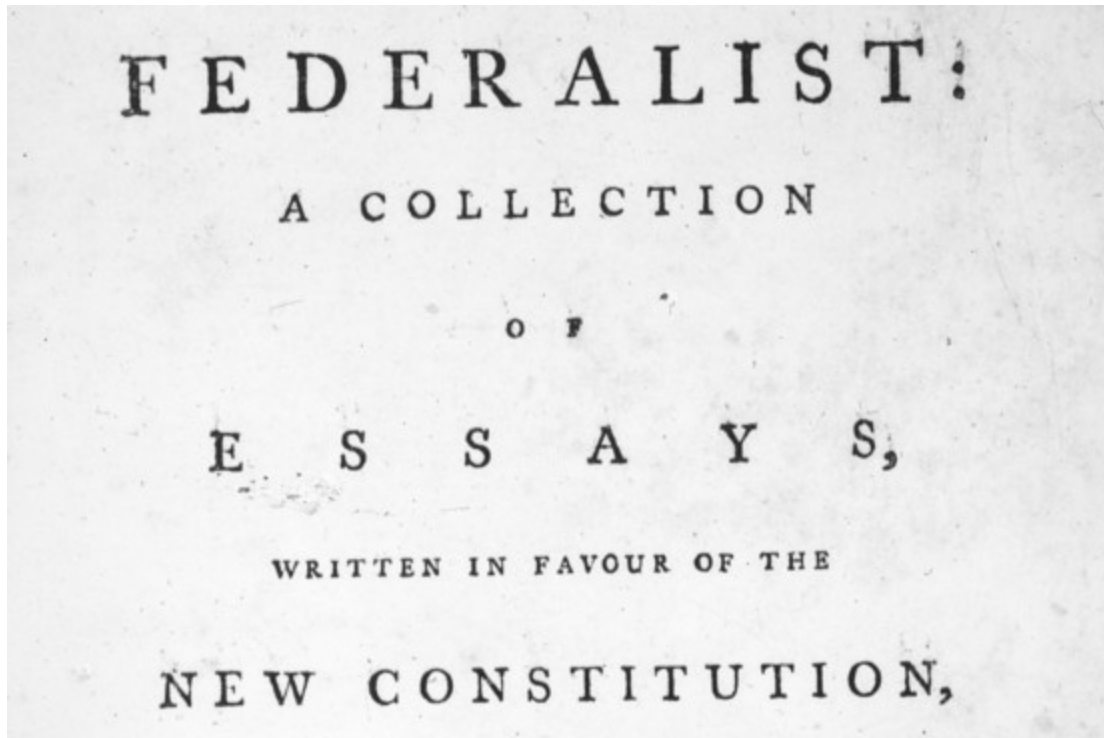
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It would be difficult to overstate the significance of The Federalist for understanding the principles of American government and the challenges that liberal democracies confront early in the second decade of the 21st century. Yet despite the lip service they pay to liberal education, our leading universities can't be bothered to require students to study The Federalist—or, worse, they oppose such requirements on moral, political or pedagogical grounds. Small wonder it took so long for progressives to realize that arguments about the constitutionality of ObamaCare are indeed serious.

The masterpiece of American political thought originated as a series of newspaper articles published under the pseudonym Publius in New York between October 1787 and August 1788 by framers Alexander Hamilton, John Jay and James Madison. The aim was to make the case for ratification of the new constitution, which had been agreed to in September 1787 by delegates to the federal convention meeting in Philadelphia over four months of remarkable discussion, debate and deliberation about self-government.

By the end of 1788, a total of 85 essays had been gathered in two volumes under the title The Federalist. Written at a brisk clip and with the crucial vote in New York hanging in the balance, the essays formed a treatise on constitutional self-government for the ages.

The Federalist deals with the reasons for preserving the union, the inefficacy of the existing federal government under the Articles of Confederation, and the conformity of the new constitution to the principles of liberty and consent. It covers war and peace, foreign affairs, commerce, taxation, federalism and the separation of powers. It provides a detailed examination of the chief features of the legislative, executive and judicial branches. It advances its case by restatement and refutation of the leading criticisms of the new constitution. It displays a level of learning, political acumen and public-spiritedness to which contemporary scholars, journalists and politicians can but aspire. And to this day it stands as an unsurpassed source of insight into the Constitution's text, structure and purposes.



The Title Page of the Federalist: a Collection of Essays circa 1787. ILLUSTRATION: Getty Images

At Harvard, at least, all undergraduate political-science majors will receive perfunctory exposure to a few Federalist essays in a mandatory course their sophomore year. But at Yale, Princeton, Stanford and Berkeley, political-science majors can receive their degrees without encountering the single surest analysis of the problems that the Constitution was intended to solve and the manner in which it was intended to operate.

Most astonishing and most revealing is the neglect of The Federalist by graduate schools and law schools. The political science departments at Harvard, Yale, Princeton, Stanford and Berkeley—which set the tone for higher education throughout the nation and train many of the next generation's professors—do not require candidates for the Ph.D. to study The Federalist. And these universities' law schools (Princeton has no law school), which produce many of the nation's leading members of the bar and bench, do not require their students to read, let alone master, The Federalist's major ideas and main lines of thought.

Of course, The Federalist is not prohibited reading, so graduates of our leading universities might be reading it on their own. The bigger problem is that the progressive ideology that dominates our universities teaches that The Federalist, like all books written before the day before yesterday, is antiquated and irrelevant.

Particularly in the aftermath of the New Deal, according to the progressive conceit, understanding America's founding and the framing of the Constitution are as useful to dealing with contemporary challenges of government as understanding the horse-and-buggy

is to dealing with contemporary challenges of transportation. Instead, meeting today's needs requires recognizing that ours is a living constitution that grows and develops with society's evolving norms and exigencies.

Then there's scientism, or enthrallment to method, which collaborates with progressive ideology to marginalize *The Federalist*, along with much of the best that has been thought and said in the West. Political science has corrupted a laudable commitment to the systematic study of politics by transforming it into a crusading devotion to the refinement of method for method's sake. In the misguided quest to mold political science to the shape of the natural sciences, many scholars disdainfully dismiss *The Federalist*—indeed, all works of ideas—as mere journalism or literary studies which, lacking scientific rigor, can't yield genuine knowledge.

And thus so many of our leading opinion formers and policy makers seem to come unhinged when they encounter constitutional arguments apparently foreign to them but well-rooted in constitutional text, structure and history. These include arguments about, say, the unitary executive; or the priority of protecting political speech of all sorts; or the imperative to articulate a principle that keeps the Constitution's commerce clause from becoming the vehicle by which a federal government—whose powers, as Madison put it in *Federalist* 45, are "few and defined"—is remade into one of limitless unenumerated powers.

By robbing students of the chance to acquire a truly liberal education, our universities also deprive the nation of a citizenry well-acquainted with our Constitution's enduring principles.

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