

It is very probable that mankind would have been obliged at length to live constantly under the government of a single person, had they not contrived a kind of constitution that has all the internal advantages of a republican, together with the external force of a monarchical government. I mean a confederate republic.

This form of government is a convention by which several smaller states agree to become members of a larger one, which they intend to form. It is a kind of assemblage of societies that constitute a new one, capable of increasing, by means of new associations, till they arrive to such a degree of power as to be able to provide for the security of the united body.

A republic of this kind, able to withstand an external force, may support itself without any internal corruptions. The form of this society prevents all manner of inconveniences.

If a single member should attempt to usurp the supreme authority, he could not be supposed to have an equal authority and credit in all the confederate states. Were he to have too great influence over one, this would alarm the rest. Were he to subdue a part, that which would still remain free might oppose him with forces independent of those which he had usurped and overpower him before he could be settled in his usurpation.

Should a popular insurrection happen in one of the confederate states the others are able to quell it. Should abuses creep into one part, they are reformed by those that remain sound. The state may be destroyed on one side, and not on the other; the confederacy may be dissolved, and the confederates preserve their sovereignty.

As this government is composed of small republics, it enjoys the internal happiness of each; and with respect to its external situation, it is possessed, by means of the association, of all the advantages of large monarchies.

These passages summarize the principal arguments for the Union, and remove the false impressions intended by misapplying other parts of the work. They are also connected with the subject of this paper: the Union's ability to repress domestic faction and insurrection.

A subtle distinction has been raised between a confederacy and a consolidation of States. The essence of the first, it is said, is that its authority is restricted to the members' collective capacities, excluding the individuals that compose them. Some contend that the national government should be uninvolved in internal administration. Others insist that a confederacy's member States must have exactly equal suffrage. These arbitrary positions are unsupported by principle and precedent. Indeed, there is no absolute rule on these subjects. This investigation will show such equality has caused incurable disorder and imbecility.

The definition of a confederate republic seems simply to be "an assemblage of societies," or two or more States joined in one State. The extent and specifics of federal authority are discretionary. So long as the States' separate governments stay in power serving local purposes but subordinate to the Union's general authority, it would still be an association of States, or a confederacy.

The proposed Constitution, far from abolishing the State governments, makes them integral to national sovereignty, by allowing them direct representation in the Senate and certain exclusive, important portions of sovereign power. This conforms to the definition of a federal government.

In the Lycian confederacy, consisting of 23 cities or republics, the largest were entitled to three votes in the common council, those in the middle to two, and the smallest to one. The common council appointed all the cities' judges and magistrates. This, obviously, interfered with the local jurisdictions' natural powers, which include appointing their own officers. Yet Montesquieu said of this association: "Were I to give a model of an excellent Confederate Republic, it would be that of Lycia."

From this it is apparent that he never contemplated the distinctions the objectors insist upon.

Publius.

FEDERALIST NO. 10

The Union vs. Faction and Insurrection – #2 Madison

To the People of the State of New York:

IN POPULAR governments, faction is a dangerous vice. The Union's key advantage is its ability to break and control it.

Faction generates instability, injustice and chaos that have destroyed many elected governments – arming liberty's enemies. Our State constitutions have introduced improvements on democracy, but faction remains a danger. Some prominent citizens complain our

governments are too unstable; that the public good is disregarded in factional rivalries and decisions are too often based on the majority's overbearing interest.

These complaints are in some degree true, and some of the blame we lay to government is mistaken. Still, many serious problems derive from distrust of public actions and fear for private rights. These largely result

from factious spirits reflected in unsteady, unjust administration.

By a faction, I mean a minority or majority united and motivated by an interest conflicting with others' rights or the community's interests.

There are two cures for faction: (1) remove its causes, (2) control its effects. And there are two ways to remove the causes: (1) destroy liberty and (2) give everyone the same opinions, passions and the interests.

The first remedy is worse than the disease. To abolish liberty because it nourishes faction makes as much sense as abolishing air because it supports fire. As to the second, as long as reason isn't perfect, and we are free to exercise it, opinions will differ. As reason is linked to ego, opinions and passions influence each other. Men's varied faculties – the source of property rights – also prevent uniform interests.

Protecting these faculties is government's first duty. Protecting different, unequal property-acquiring faculties creates different sizes and kinds of property, and their influence on the emotions and views of respective owners divides society into factions.

Faction is human nature, and it works everywhere at different levels. Different religions, political ideas, attachment to different candidates ... These are some things that divide us into factions. Sometimes faction inflames animosity and drives us to fight each other. This "drive" is so strong, that when there is no major cause at work, minor distractions can ignite violence.

But the most common, durable cause of faction is unequal property distribution. Those with and those without property have always taken political sides. Regulating these conflicting interests (an essential legislative mission) involves partisanship and faction in government's necessary, ordinary operations.

No man is allowed to be a judge in his own cause, because his interest would bias his judgment and probably corrupt his integrity. Wisely, bodies of men are barred from both judgment and advocacy of a given cause. But most legislation is judicial as it concerns citizens' rights. And legislators are advocates and parties to political causes on which they decide and vote. To a proposed law concerning private debts, creditors are parties on one side and debtors on the other. Justice should hold the balance between them, yet the parties themselves are the judges and the largest, most powerful *will* win.

Shall we encourage domestic manufacturing by restricting foreign goods? This question would be decided very differently by the landed versus the manufacturing classes. It is pointless to say that enlightened statesmen can adjust these clashing interests and subject them to the public good. In fact, they will not always be in charge. In short, causes of faction cannot be removed but only (hopefully) controlled to optimize or minimize its effects.

But in a republic, if an evil faction has less than a majority, the republican principle allows the majority to vote against and defeat it. The offenders may clog government and convulse society, but the Constitution will prevent their violence.

But when a faction holds a majority, nothing can stop it from sacrificing the public good for its own benefit.

Elected government must protect against it in order to win popular support, either by preventing a bad idea from gaining a majority or an "infected" majority from taking malevolent action.

From this, you may conclude that a democracy, where citizens govern in person, cannot cure the ills of faction. Common passions or interests almost always affect majorities of the whole; there is nothing to stop them from sacrificing the minority to its own cause. This is why democracies are typically turbulent and contentious, incompatible with personal security or property rights and typified by short lives ending in violent deaths. Theoretic politicians who promote pure democracy suppose that perfect equality will equalize everyone's possessions, opinions and passions; history shows this is mistaken.

Each State shall appoint, in such manner as the legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States shall be appointed an Elector.

Article II Section 2 of the United States Constitution
The Electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote ...

Article II Section 3 of the United States Constitution
Note: The Articles of Confederation do not contain the words "President" or "election."

A republic where people act through elected representatives offers the cure. Examine its differences from pure democracy, and you will see how it benefits the Union. The two great differences between a democracy and a republic are:

1. The small number of delegates elected to government by the rest.
2. The greater number of citizens, and greater territory, over which the republic may extend.

The first difference refines and enlarges public views by passing them through a chosen body, whose wisdom can best discern the country's true interest, and is least likely to sacrifice that interest to expediency. This way, the people's voices, amplified by their representatives, are more in harmony with the public good than if pronounced by the people themselves in a meeting for the purpose.

On the other hand, the effect may be inverted. Corrupt men may use intrigue, bribery or other means to win election and then betray the people's interests. This raises the question whether small or large republics can elect better guardians of the public good. Larger republics are the best choice, because:

A. However small, the republic must have enough representatives to guard against the malicious few.

B. However large, delegates must be few enough to prevent the chaos of over-representation.

Note that the number of representatives in each case is not in proportion to its constituency, and the small republic has a greater proportion. It follows that if the ratio of fit candidates in the large republic equals that in the small, the large republic will offer more choices a better chance to elect a qualified representative body.

For the most convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislatures of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year. No State shall be represented in Congress by less than two, nor more than seven members

...
Article V of the Articles of Confederation
Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

Article II Section 3 of the United States Constitution

Moreover, as each representative will be elected by more voters in the large than in the small republic, it will be more difficult for unworthy men to win election; and since voters are more free, they will likely gravitate to worthy candidates.

Yet there is a middle ground, surrounded by concerns. Too many voters make it difficult for representatives to

learn their interests. Too few voters tied to them limit their ability to understand and deal with national questions.

The federal Constitution refers the great, aggregate interests to the national Congress and local, particular questions to the State legislatures.

Another difference: A republic can govern a larger population and territory than a democracy, because it is most able to control faction.

The smaller the society and the fewer the interests within it, the more often a majority concentrates in one party and fewer individuals are needed to form a majority – which operates over a short, narrow range of issues. This makes it easy for oppressors to organize, plot and operate.

But when you widen the fields of interest, including more people, more parties and diverse interests, you make it more difficult for a majority to violate the minority's rights. That limits a faction's opportunity and ability to function. For one reason, it takes many more people to gather critical mass and soon distrust and dissension begin to erode effectiveness.

In controlling faction, a large republic like the proposed United States has the same advantage over a small republic that any republic holds over a pure democracy: the ability to place many strong obstacles against unjust self-interested majorities.

Factionous leaders may kindle fires within their own States, but they could not spread general conflagration through the others. A religious sect may degenerate into a political faction in a corner of the nation, but the number and variety of denominations spread across it will shield the country from that kind of danger. A rage for paper money, an abolition of debts, an equal division of property or any other improper or wicked project will be unlikely to pervade the Union.

In the Union's size and proper organization, I see a republican cure for the diseases that most often afflict republican governments. In the pride we feel in being republicans should be our zeal in cherishing the spirit and supporting the character of Federalists.

Publius.