In the debate over the ratification of the federal constitution in 1787 and 1788, those opposed to the new constitution (the Antifederalists) argued that if adopted it will inevitably fail because the territory of the United States was too large for republican government. Why did they think this? What did the Federalists say in response? How would you have voted if you had been a member of one of the state ratifying conventions and why? In answering these questions, make sure you discuss all of the authors (and arguments) on each side. You should also discuss what thinkers the two sides drew on, what historical examples they cited, and what their view of human nature was.

In order to answer these questions, you have a selection of newspaper essays and speeches given in the state ratifying conventions. You can find these sources below the writing guide in this prompt. You should begin this paper by reading these sources closely and taking detailed notes on the arguments each author makes.

Your paper should be supported by well-chosen short quotations. So if you are talking about one of the anti-federalist arguments, quote a phrase or (at most) a sentence or two. If you say something in your own words about one of the sources and don’t wish to quote from it, you should still cite it. For example, Brutus says that large republics will fail because [your description of what he says] (Brutus, page number). Every major point of summary or analysis in the paper should cite a source (or sources).

When citing these sources, identify the author or the title of the source followed by the page number(s) in brackets. So if you are quoting from Federalist 39 do it as follows: As Federalist 39 argues, “quote” (21). Or as the Old Whig (or Cato) argues, “quote” (15).

Your paper should be around 1500 words. It should be typed, double-spaced, have a title (though there is no need for a title page), your name, and page numbers! There is no need for a bibliography or works cited page either.

Below is a grading rubric, as well as a brief guide to writing mistakes I see repeatedly on student papers. Make sure that your paper is well-written and well-structured, with a short introductory paragraph, a clear thesis statement, good transitions between paragraphs and within them (from one sentence to the next), etc. The quality of your writing is as important as the acuity of your analysis of these debates about republican government. Please read the writing guide below closely!

The first draft of your paper is due at the start of class on February 25th. I will then return an edited draft to you in time for you to hand in the final version of the paper at the start of class on March 11th. The first draft is worth 10% of the final grade; the final
version of your paper is worth 30% of the final grade. **When you hand in the final version please also hand in the first draft with my comments so I can see what revisions you made.**

**Grading rubric.** I have assigned a maximum score of 20 points for this paper. If it is well-written and well-structured (has good topic sentences and clear transitions), offers an accurate and thoughtful summary and analysis of the arguments on each side, and contains no serious errors of grammar, syntax, diction, or punctuation, it gets 20/20.

Conveys the arguments of both sides accurately and clearly ________ (10)

How well you make a case for why you would have voted for or against the constitution (i.e., which side had the better arguments) (5)__________

Writing: errors of structure, grammar, punctuation, syntax, or diction – between a ½ point to 1 point off for each error (to a maximum of 5; please see below for the short-hand I used to mark these errors)__________ (5)

Total _______ Letter grade ________

Letter grades:
20 – A+
19 – A
18 – A
17 – A-
16 – B+
15 – B
14 – B-
13 – C+
12 – C
11 – C-
10 – D+
9 – D
8 – D-
7 – F

I will use the following shorthand in the margin of your papers.

FC – False claim. You have either made an error of fact, or have characterized a text or an argument in an incorrect or misleading way. 1 point off.

U – Unclear meaning. I do not understand what you are trying to say. This could be because you are not sure of the point you are making; or it could be because of faulty syntax, diction, or punctuation. 1 point off.
E – Your evidence is either non-existent or insufficient. That is, you have not cited any source for the claim or claims you are making in your paper, or you have cited a source that is not relevant to the claim or claims you are making. Alternately, the evidence you do offer is insufficient to bear the weight of your claim or claims. 1 point off.

PR – Please proof read. ½ point off.

Rep – Repetitive. You have made this point already. ½ point off.

TR – A poor (because illogical) or non-existent transition from one point to another (either between two sentences or two paragraphs). ½ point off.

NAS – This is not a grammatically complete sentence. ½ point off.

FP – Faulty parallelism (two or more parts of a compound sentence do not have the same grammatical structure). ½ point off.

Q – You have not introduced or set up your quote properly (see the list of common writing mistakes below). ½ point off.

CS – Comma splice (you have joined two independent clauses with a comma instead of a semi-colon, or a conjunction, or a period). ½ point off.

WC – You have used the wrong word to convey your meaning (or have used a word that does not exist). ½ point off.

DM – Dangling modifier. ½ point off.

SV – No agreement between subject and verb. ½ point off.

VT – Inconsistent verb tense (for example, the paper shifts from the present to the past tense or vice versa). ½ point off.

PV – Passive voice. ½ point off.

Pref – The pronoun does not agree with the noun it stands in for. ½ point off.

Prep – The preposition is not idiomatically correct. ½ point off.

Poss – Incorrect use of the possessive apostrophe (or it is missing altogether). For example, the possessive apostrophe appears in a plural noun. ½ point off.

MP – missing punctuation. ½ point off.

IP – incorrect punctuation. ½ point off.
CQ – a colloquial word or phrase which is not appropriate in an academic paper (e.g., you were “blown away” by Berkin’s chapter. It was a “ton of” fun to read). ½ point off.

Here are some common writing mistakes; please do not make any of them.

i) Sentence Fragments: a sentence has to consist of a subject and a verb; it must also express a complete thought. The following are not grammatically complete sentences:

- “These areas being the family, state and community.”
- “Meaning that property density aided the breakdown of the political system.”

ii) Faulty Parallelism: Be sure you use a grammatically equal (i.e., parallel) structure to express two or more matching ideas or items in a series. Parallel structure means that the items are the same part of speech. This sentence lacks a parallel grammatical structure:

“To keep horses at home, the owner must commit a significant amount of time to daily care and knowing how to identify signs of illness or injury in the horse.”

Here we have two verb phrases conjoined by and. Therefore, the items that need parallel structure are as follows:

Must commit a significant amount of time to daily care
and knowing how to identify signs of illness or injury in the horse

Check to see if the items are the same part of speech and if they use the same form. In this case, both items are verbs or verb phrases. However, they are not in the same form. The first one is the uninflected form must commit; the other is the present participle form knowing.

If the items are not the same part of speech and the same form, change the items so that they are.

Revision: must commit a significant amount of time to daily care (and)
must know how to identify signs of illness or injury in the horse

iii) Verb Tense: be consistent in your use of verb tenses. It is best to use the past tense consistently when writing about history.

- “Thomas Jefferson is an opponent of British policy” is incorrect. You should write that he was an opponent of British policy.
- However, you may use the present tense when discussing a modern author – for example, “Taylor argues that . . .”
iv) **Dangling or Misplaced Modifiers**: you need to indicate clearly the relationship between modifiers (for example a phrase or clause) and the words they modify. The following is an example of a dangling (and thus incorrect) modifier:

> “Having eaten our lunch, the train departed.”

v) **Comma Splice**: you cannot use a comma to join two independent clauses. You must use either a semi-colon, or a conjunction (and, but, etc.). You can also choose to use a period and make the clauses into two separate sentences (rather than one compound sentence). Example: “The Chesapeake was individualistic, New England was communal” is not correct. Use the following instead:

> “The Chesapeake was individualistic; New England was communal.”
> “The Chesapeake was individualistic, but New England was communal.”

vi) **Passive Voice**: avoid the passive form of verbs. It is more direct and less wordy to say: “British taxation caused the American Revolution” than “The American Revolution was caused by British taxation.” More importantly, the passive voice also allows the author to avoid taking responsibility for his or her claims by hiding the agent who did the action being described. For example: “It was decided to close the school.” Who decided?

vii) **Diction**: be careful that you are using the correct word to convey your meaning. You should always consult a dictionary when writing.

> “Where” is an adverb; “were” is a verb.
> “It’s” is not the same as “its.” It’s is a contraction of it is. Its is a possessive pronoun.
> “There” is an adverb; “their” is an adjective.
> “The patriarchal system designated women to the home” is incorrect. You cannot “designate” someone to a place.
> Avoid the use of “personal.” It is almost always meaningless: “my personal opinion is . . .” It’s your opinion so it’s obviously “personal”!
> Lead is present tense; led is past tense
> “foresightful” is not a word (as in Jefferson was foresightful)

viii) **Prepositions**: Make sure that you use the correct preposition when writing prepositional phrases. For example, “believers of God” is incorrect. It should be “believers in God.” I agree on his point should be I agree with his point. “Historians’ arguments of the use of mobs” should be about the use of mobs. For a list of idiomatic prepositional phrases, consult a guide to proper usage

ix) **Colloquialism or Slang**: avoid using words or phrases such as “juicy,” “a ton of,” “mess up,” or “blown away,” in academic writing. As well, do not employ clichéd phrases such as “Winthrop’s idea of liberty really ‘moved the goalposts’.”
x) **Noun ‘Pile-Ups’**: Don’t use a noun to modify another noun or nouns (save in cases where the usage is widely accepted – e.g., television set). That’s what adjectives are for. In most cases, using nouns as adjectives is either unclear or inelegant. Here are two examples of this construction, both of which appeared in a prominent recent history of Jacksonian America – “slavery issues” and “slavery restriction provision.” “Slavery issues” is meaningless verbiage. You need to specify what issues you are referring to. And “slavery restriction provision” is both unclear and infelicitous. It would be better to use more words and say something like “the provision restricting slavery from new territories.” Please avoid writing something like this (from a student paper): “the Powhatan resident native population.”

xi) **Pronoun Referents**: Make sure that all of your pronouns have a clear referent. In this sentence it is unclear whether “them” refers to the British or the French:

> The British victory over the French did not make them a bigger threat to the colonies

xii) Use of **commas**: Don’t put a comma between subject and verb – “In his new book, Jones, argues that the American economy is in decline” is incorrect. There is no need for a comma after Jones. The same rule applies when introducing a quote – colonial trade, “was intended to . . .” And never introduce a quote with a semi-colon: “As Locke stated; “quote.” For more on quoting, see xv velow.

xiii) Don’t confuse **plurals and possessives**. The apostrophe is for the latter not the former. “The Smith’s house is on fire” is correct. But “the Smith’s decided to get a divorce” is incorrect.

xiv) Make sure all your phrases and clauses clearly convey your **exact meaning**. Here’s an example of what not to do from a student paper which is trying to describe the changes that the new Massachusetts charter put in place in 1691. In the student’s words, the new charter “imposed restrictions on issues.” What he/she meant to say was that the new charter placed restrictions on the freedom of the colonists in Massachusetts in a number of areas – the law, religion, politics. Here’s another example of such writing from a department of education document quoted in the New York Times: Federal scholarship money will only go to “students affected by impacts of poverty or family instability.” What is an “impact of poverty”? It would be clearer (and more concise) to say “affected by poverty.”

xv) You need to introduce (or set up) your **quotes** properly. The following is incorrect (though very common in student papers): James Madison defended the new federal constitution, “quote from Madison.” Instead try this: James Madison defended the new constitution. As he said in the Federalist Papers, “quote from Madison.” This is also incorrect: As James Madison said: “quote from Madison.” As in the example above, use a comma (or colon) to introduce a quote not a semi-colon. You can also do this: James Madison defended the new federal constitution. “Quote from Madison.” Or you can weave the quote into your sentence more artfully: James Madison, who argued in the
Federalist Papers that “quote from Madison,” was an ardent defender of the new federal constitution. Note that in the latter case the quoted material from Madison has to fit the grammar of your sentence as a whole. In effect, it becomes part of your sentence.

xvi) Don’t use “scare” quotes in your writing – e.g., “the colonists were ‘frightened’ of the Indians.”

xvii) Try not to use the same word (or phrase) more than once in the same sentence. For example: “because of Jamestown, the English gained a stronger foothold in America, and this stronger foothold allowed them to be stronger in Europe.”

To avoid these and other errors, read your paper out loud. Or have a friend read it over for you. Or both. As well, make sure you revise your paper at least once before handing it in.

Writing is hard. In order to do it well you need to work at it.

Always have a dictionary with you when you are writing (as well as a thesaurus). I would also suggest getting a guide to grammar and composition (there are many good ones available).

You should also read good writing, paying attention to how the authors use language. You need to develop an ear for what works and what doesn’t; what is correct and what is incorrect.

If you don’t make an effort to improve your prose, you will end up writing sentences like these (all from UCLA undergraduate papers):

- The old claim that history is of whites has been somewhat reproached.
- This section attempts to understanding the causes of the unimportance given to Native Americans.
- When Parliament enforced the Quartering Act and reduced the power of the Assemblies is what caused resentment in the colonies.
- “The role of the family in comparative perspective has many similarities and differences as that of the Plymouth Colony.”
Republican Government

succeeded. At length a Convention of the states has been assembled, they have formed a constitution which will now, probably, be submitted to the people to ratify or reject, who are the fountain of all power, to whom alone it of right belongs to make or unmake constitutions, or forms of government, at their pleasure. The most important question that was ever proposed to your decision, or to the decision of any people under heaven, is before you, and you are to decide upon it by men of your own election, chosen specially for this purpose. If the constitution, offered to your acceptance, be a wise one, calculated to preserve the invaluable blessings of liberty, to secure the inestimable rights of mankind, and promote human happiness, then, if you accept it, you will lay a lasting foundation of happiness for millions yet unborn; generations to come will rise up and call you blessed. You may rejoice in the prospects of this vast extended continent becoming filled with freemen, who will assert the dignity of human nature. You may solace yourselves with the idea, that society, in this favoured land, will fast advance to the highest point of perfection; the human mind will expand in knowledge and virtue, and the golden age be, in some measure, realised. But if, on the other hand, this form of government contains principles that will lead to the subversion of liberty—if it tends to establish a despotism, or, what is worse, a tyrannical aristocracy, then, if you adopt it, this only remaining asylum for liberty will be shut up, and posterity will execrate your memory.

Momentous then is the question you have to determine, and you are called upon by every motive which should influence a noble and virtuous mind, to examine it well, and to make up a wise judgment. It is insisted, indeed, that this constitution must be received, be it ever so imperfect. If it has its defects, it is said, they can be best amended when they are experienced. But remember, when the people once part with power, they can seldom or never resume it again but by force. Many instances can be produced in which the people have voluntarily increased the powers of their rulers; but few, if any, in which rulers have willingly abridged their authority. This is a sufficient reason to induce you to be careful, in the first instance, how you deposit the powers of government.

With these few introductory remarks, I shall proceed to a consideration of this constitution.

The first question that presents itself on the subject is, whether a confederated government be the best for the United States or not? Or in other words, whether the thirteen United States should be reduced to one great republic, governed by one legislature, and under the direction of one executive and judicial, or whether they should continue thirteen confederated republics, under the direction and control of a supreme federal head for certain defined national purposes only?
This inquiry is important, because, although the government reported by the convention does not go to a perfect and entire consolidation, yet it approaches so near to it, that it must, if executed, certainly and infallibly terminate in it.

This government is to possess absolute and uncontrollable power, legislative, executive and judicial, with respect to every object to which it extends for by, the last clause of section 8th, article 1st, it is declared "that the Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution, in the government of the United States; or in any department or office thereof." And by the 6th article, it is declared "that this constitution, and the laws of the United States, which shall be made in pursuance thereof, and the treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution, or law of any state to the contrary notwithstanding." It appears from these articles that there is no need of any intervention of the state governments, between the Congress and the people, to execute any one power vested in the general government, and that the constitution and laws of every state are nullified and declared void, so far as they are or shall be inconsistent with this constitution, or the laws made in pursuance of it, or with treaties made under the authority of the United States.—The government then, so far as it extends, is a complete one, and not a confederation. It is as much one complete government as that of New-York or Massachusetts, has as absolute and perfect powers to make and execute all laws, to appoint officers, institute courts, declare offences, and annex penalties, with respect to every object to which it extends, as any other in the world. So far therefore as its powers reach, all ideas of confederation are given up and lost. It is true this government is limited to certain objects, or to speak more properly, some small degree of power is still left to the states, but a little attention to the powers vested in the general government, will convince every candid man, that if it is capable of being executed, all that is reserved for the individual states must very soon be annihilated, except so far as they are barely necessary to the organization of the general government. The powers of the general legislature extend to every case that is of the least importance—there is nothing valuable to human nature, nothing dear to freemen, but what is within its power. It has authority to make laws which will affect the lives, the liberty, and property of every man in the United States; nor can the constitution or laws of any state, in any way prevent or impede the full and complete execution of every power given. The legislative power is competent to lay taxes, duties, imports, and excises;—there is no limitation to this power, unless it be said that the clause which directs the use to which those taxes, and duties shall be applied, may be said to be a limitation; but this is no restriction of the power at all, for by this clause they are to be applied to pay the debts and provide for the common defence and general welfare of the United States; but the legislature have authority to contract debts at their discretion; they are the sole judges of what is necessary to provide for the common defence, and they only are to determine what is for the general welfare; this power therefore is neither more nor less, than a power to lay and collect taxes, impose, and excise, at their pleasure; not only the power to lay taxes unlimited, as to the amount they may require, but it is perfect and absolute to raise them in any mode they please. No state legislature, or any power in the state governments, have any more to do in carrying this into effect, than the authority of one state has to do with that of another. In the business therefore of laying and collecting taxes, the idea of confederation is totally lost, and that of one entire republic is embraced. It is proper here to remark, that the authority to lay and collect taxes is the most important of any power that can be granted; it connects with it almost all other powers, or at least will in process of time draw all other after it; it is the great mean of protection, security, and defence, in a good government, and the great engine of oppression and tyranny in a bad one. This cannot fail of being the case, if we consider the contracted limits which are set by this constitution, to the late governments, on this article of raising money. No state can emit paper money—lay any duties, or imports, on imports, or exports, but by consent of the Congress; and then the net produce shall be for the benefit of the United States: the only mean therefore left, for any state to support its government and discharge its debts, is by direct taxation; and the United States have also power to lay and collect taxes, in any way they please. Every one who has thought on the subject, must be convinced that but small sums of money can be collected in any country, by direct taxes, when the federal government begins to exercise the right of taxation in all its parts, the legislatures of the several states will find it impossible to raise moneys to support their governments. Without money they cannot be supported, and they must dwindle away, and, as before observed, their powers absorbed in that of the general government.

It might be here shewn, that the power in the federal legislative, to raise and support armies at pleasure, as well in peace as in war, and their control over the militia, tend, not only to a consolidation of the government, but the destruction of liberty.—I shall not, however, dwell upon

*Article I, section 8, clause 1.
these, as a few observations upon the judicial power of this government, in addition to the preceding, will fully evince the truth of the position.

The judicial power of the United States is to be vested in a supreme court, and in such inferior courts as Congress may from time to time ordain and establish. The powers of these courts are very extensive; their jurisdiction comprehends all civil causes, except such as arise between citizens of the same state; and it extends to all cases in law and equity arising under the constitution. One inferior court must be established, I presume, in each state, at least, with the necessary executive officers appurtenant thereto. It is easy to see, that in the common course of things, these courts will eclipse the dignity, and take away from the respectability, of the state courts. These courts will be, in themselves, totally independent of the states, deriving their authority from the United States, and receiving from them fixed salaries; and in the course of human events it is to be expected, that they will swallow up all the powers of the courts in the respective states.

How far the clause in the 8th section of the 1st article may operate to do away all idea of confederated states, and to effect an entire consolidation of the whole into one general government, it is impossible to say. The powers given by this article are very general and comprehensive, and it may receive a construction to justify the passing almost any law. A power to make all laws, which shall be necessary and proper, for carrying into execution, all powers vested by the constitution in the government of the United States, or any department or officer thereof, is a power very comprehensive and definite, and may, for ought I know, be exercised in such manner as entirely to abolish the state legislatures. Suppose the legislature of a state should pass a law to raise money to support their government and pay the state debt, may the Congress repeal this law, because it may prevent the collection of a tax which they may think proper and necessary to lay, to provide for the general welfare of the United States? For all laws made, in pursuance of this constitution, are the supreme law of the land, and the judges in every state shall be bound thereby, any thing in the constitution or laws of the different states to the contrary notwithstanding. By such a law, the government of a particular state might be overthrown at one stroke, and thereby be deprived of every means of its support.

It is not meant, by stating this case, to insinuate that the constitution would warrant a law of this kind; or unnecessarily to alarm the fears of the people, by suggesting, that the federal legislature would be more likely to pass the limits assigned them by the constitution, than that of an individual state, further than they are less responsible to the people. But what is meant is, that the legislature of the United States are vested with the great and uncontroulable powers, of laying and collecting taxes, duties, imposts, and excises; of regulating trade, raising and supporting armies, organizing, arming, and disciplining the militia, instituting courts, and other general powers. And are by this clause invested with the power of making all laws, proper and necessary, for carrying all these into execution; and they may so exercise this power as entirely to annihilate all the state governments, and reduce this country to one single government. And if they may do it, it is pretty certain they will; for it will be found that the power retained by individual states, small as it is, will be a clog upon the wheels of the government of the United States; the latter therefore will be naturally inclined to remove it out of the way. Besides, it is a truth confirmed by the unerring experience of ages, that every man, and every body of men, invested with power, are ever disposed to increase it, and to acquire a superiority over every thing that stands in their way. This disposition, which is implanted in human nature, will operate in the federal legislature to lessen and ultimately to subvert the state authority, and having such advantages, will most certainly succeed, if the federal government succeeds at all. It must be very evident then, that what this constitution wants of being a complete consolidation of the several parts of the union into one complete government, possessed of perfect legislative, judicial, and executive powers, to all intents and purposes, it will necessarily acquire in its exercise and operation.

Let us now proceed to enquire, as I at first proposed, whether it be the best the thirteen United States should be reduced to one great republic, or not? It is here taken for granted, that all agree in this, that whatever government we adopt, it ought to be a free one; that it should be so framed as to secure the liberty of the citizens of America, and such an one as to admit of a full, fair, and equal representation of the people. The question then will be, whether a government thus constituted, and founded on such principles, is practicable, and can be exercised over the whole United States, reduced into one state?

If respect is to be paid to the opinion of the greatest and wisest men who have ever thought or wrote on the science of government, we shall be constrained to conclude, that a free republic cannot succeed over a country of such immense extent, containing such a number of inhabitants, and these encroaching in such rapid progress as that of the whole United States. Among the many illustrious authorities which might be produced to this point, I shall content myself with quoting only two. The one is the baron de Montesquieu, spirit of laws,* chap. xvi. vol. 1. “It is natural

*Charles Louis de Secondat, Baron de Montesquieu, *The Spirit of Laws* (3 vols., Geneva, 1748). By 1775 five English editions had been printed. Montesquieu was quoted often in the debate over ratification of the Constitution, by Federalists and Antifederalists alike.
to a republic to have only a small territory, otherwise it cannot long subsist.

In a large republic there are men of large fortunes, and consequently of less moderation; there are trusts too great to be placed in any single subject; he has interest of his own; he soon begins to think that he may be happy, great and glorious, by oppressing his fellow citizens; and that he may raise himself to grandeur on the ruins of his country. In a large republic, the public good is sacrificed to a thousand views; it is subordinate to exceptions, and depends on accidents. In a small one, the interest of the public is easier perceived, better understood, and more within the reach of every citizen; abuses are of less extent, and of course are less protected." Of the same opinion is the marquis Beccarari.

History furnishes no example of a free republic, any thing like the extent of the United States. The Grecian republics were of small extent; so also was that of the Romans. Both of these, it is true, in process of time, extended their conquests over large territories of country; and the consequence was, that their governments were changed from that of free governments to those of the most tyrannical that ever existed in the world.

Not only the opinion of the greatest men, and the experience of mankind, are against the idea of an extensive republic, but a variety of reasons may be drawn from the reason and nature of things, against it. In every government, the will of the sovereign is the law. In despotic governments, the supreme authority being lodged in one, his will is law, and can be as easily expressed to a large extensive territory as to a small one. In a pure democracy the people are the sovereign, and their will is declared by themselves; for this purpose they must all come together to deliberate, and decide. This kind of government cannot be exercised, therefore, over a country of any considerable extent; it must be confined to a single city, or at least limited to such bounds as that the people can conveniently assemble, be able to debate, understand the subject submitted to them, and declare their opinion concerning it.

In a free republic, although all laws are derived from the consent of the people, yet the people do not declare their consent by themselves in person, but by representatives, chosen by them, who are supposed to know the minds of their constituents, and to be possessed of integrity to declare this mind.

In every free government, the people must give their assent to the laws by which they are governed. This is the true criterion between a free government and an arbitrary one. The former are ruled by the will of the whole, expressed in any manner they may agree upon; the latter by the will of one, or a few. If the people are to give their assent to the laws, by persons chosen and appointed by them, the manner of the choice and the number chosen, must be such, as to possess, be disposed, and consequently qualified to declare the sentiments of the people; for if they do not know, or are not disposed to speak the sentiments of the people, the people do not govern, but the sovereignty is in a few. Now, in a large extended country, it is impossible to have a representation, possessing the sentiments, and of integrity, to declare the minds of the people, without having it so numerous and unwieldy, as to be subject in great measure to the inconveniency of a democratic government.

The territory of the United States is of vast extent; it now contains near three millions of souls, and is capable of containing much more than ten times that number. Is it practicable for a country, so large and so numerous as they will soon become, to elect a representation, that will speak their sentiments, without their becoming so numerous as to be incapable of transacting public business? It certainly is not.

In a republic, the manners, sentiments, and interests of the people should be similar. If this be not the case, there will be a constant clashing of opinions; and the representatives of one part will be continually striving against those of the other. This will retard the operations of government, and prevent such conclusions as will promote the public good. If we apply this remark to the condition of the United States, we shall be convinced that it forbids that we should be one government. The United States includes a variety of climates. The productions of the different parts of the union are very various, and the interests, of consequence, diverse. Their manners and habits differ as much as their climates and productions, and their sentiments are by no means coincident. The laws and customs of the several states are, in many respects, very diverse, and in some opposite; each would be in favor of its own interests and customs, and, of consequence, a legislature, formed of representatives from the respective parts, would not only be too numerous to act with any care or decision, but would be composed of such heterogenous and discordant principles, as would constantly be contending with each other.

The laws cannot be executed in a republic, of an extent equal to that of the Unites States, with promptitude.

The magistrates in every government must be supported in the execution of the laws, either by an armed force, maintained at the public expense for that purpose, or by the people turning out to aid the magistrate upon his command, in case of resistance.

In despotic governments, as well as in all the monarchies of Europe, standing armies are kept up to execute the commands of the prince or the magistrate, and are employed for this purpose when occasion requires: But they have always proved the destruction of liberty, and is abhorrent to the spirit of a free republic. In England, where they depend upon the parliament for their annual support, they have always been complained of
as oppressive and unconstitutional, and are seldom employed in executing
of the laws; never except on extraordinary occasions, and then under the
direction of a civil magistrate.

A free republic will never keep a standing army to execute its laws.
It must depend upon the support of its citizens. But when a government
is to receive its support from the aid of the citizens, it must be so con-
structed as to have the confidence, respect, and affection of the people.
Men who, upon the call of the magistrate, offer themselves to execute the
laws, are influenced to do it either by affection to the government, or
from fear; where a standing army is at hand to punish offenders, every
man is actuated by the latter principle, and therefore, when the magistrate
calls, will obey; but, where this is not the case, the government must rest
for its support upon the confidence and respect which the people have
for their government and laws. The body of the people being attached,
the government will always be sufficient to support and execute its laws,
and to operate upon the fears of any faction which may be opposed to it,
not only to prevent an opposition to the execution of the laws themselves,
but also to compel the most of them to aid the magistrate; but the people
will not be likely to have such confidence in their rulers, in a republic so
extensive as the United States, as necessary for these purposes. The con-
fidence which the people have in their rulers, in a free republic, arises
from their knowing them, from their being responsible to them for their
conduct, and from the power they have of displacing them when they
misbehave; but in a republic of the extent of this continent, the people
in general would be acquainted with very few of their rulers; the people
at large would know little of their proceedings, and it would be extremely
difficult to change them. The people in Georgia and New-Hampshire
would not know one another’s mind, and therefore could not act in concert
to enable them to effect a general change of representatives. The different
parts of so extensive a country could not possibly be made acquainted
with the conduct of their representatives, nor be informed of the reasons
upon which measures were founded. The consequence will be, they will
have no confidence in their legislature, suspect them of ambitious views,
be jealous of every measure they adopt, and will not support the laws they
pass. Hence the government will be nerveless and inefficient, and no way
will be left to render it otherwise, but by establishing an armed force to
execute the laws at the point of the bayonet—a government of all others
the most to be dreaded.

In a republic of such vast extent as the United-States, the legislature
cannot attend to the various concerns and wants of its different parts. It
cannot be sufficiently numerous to be acquainted with the local condition
and wants of the different districts, and if it could, it is impossible it
should have sufficient time to attend to and provide for all the variety of
cases of this nature, that would be continually arising.

In so extensive a republic, the great officers of government would
soon become above the control of the people, and abuse their power to
the purpose of aggrandizing themselves, and oppressing them. The trust
committed to the executive offices, in a country of the extent of the
United-States, must be various and of magnitude. The command of all the
troops and navy of the republic, the appointment of officers, the power
of pardoning offences, the collecting of all the public revenues, and the
power of expending them, with a number of other powers, must be lodged
and exercised in every state, in the hands of a few. When these are attended
with great honor and emolument, as they always will be in large states,
so as greatly to interest men to pursue them, and to be proper objects for
ambitious and designing men, such men will be ever restless in their pursuit
after them. They will use the power, when they have acquired it, to the
purposes of gratifying their own interest and ambition, and it is scarcely
possible, in a very large republic, to call them to account for their mis-
conduct, or to prevent their abuse of power.

These are some of the reasons by which it appears, that a free
republic cannot long subsist over a country of the great extent of these
states. If then this new constitution is calculated to consolidate the thirteen
states into one, as it evidently is, it ought not to be adopted.

Though I am of opinion, that it is a sufficient objection to this
government, to reject it, that it creates the whole union into one govern-
ment, under the form of a republic, yet if this objection was obviated,
there are exceptions to it, which are so material and fundamental, that
they ought to determine every man, who is a friend to the liberty and
happiness of mankind, not to adopt it. I beg the candid and dispassionate
attention of my countrymen while I state these objections—they are such
as have obstructed themselves upon my mind upon a careful attention to
the matter, and such as I sincerely believe are well founded. There are
many objections, of small moment, of which I shall take no notice—
perfection is not to be expected in any thing that is the production of
man—and if I did not in my conscience believe that this scheme was
defective in the fundamental principles—in the foundation upon which a
free and equal government must rest—I would hold my peace.
Cato III

New York Journal, 25 October 1787

To the citizens of the state of New-York,

In the close of my last introductory address, I told you, that my object in future would be to take up this new form of national government, to compare it with the experience and opinions of the most sensible and approved political authors, and to show you that its principles, and the exercise of them will be dangerous to your liberty and happiness.

Although I am conscious that this is an arduous undertaking, yet I will perform it to the best of my ability.

The freedom, equality, and independence which you enjoyed by nature, induced you to consent to a political power. The same principles led you to examine the errors and vices of a British superintendence, to divest yourselves of it, and to reassert a new political shape. It is acknowledged that there are defects in this, and another is tendered to you for acceptance; the great question then, that arises on this new political principle, is, whether it will answer the ends for which it is said to be offered to you, and for which all men engage in political society, to wit, the mutual preservation of their lives, liberties, and estates.

The recital, or premises on which this new form of government is erected, declares a consolidation or union of all the thirteen parts, or states, into one great whole, under the firm of the United States, for all the various and important purposes therein set forth.—But whoever seriously considers the immense extent of territory comprehended within the limits of the United States, together with the variety of its climates, productions, and commerce, the difference of extent, and number of inhabitants in all; the dissimilitude of interest, morals, and policies, in almost every one, will receive it as an intuitive truth, that a consolidated republican form of government therein, can never form a perfect union, establish justice, insure domestic tranquility, promote the general welfare, and secure the blessings of liberty to you and your posterity, for to these objects it must be directed; this unkindred legislature therefore, composed of interests opposite and dissimilar in their nature, will in its exercise, emphatically be, like a house divided against itself.

The governments of Europe have taken their limits and form from adventitious circumstances, and nothing can be argued on the motive of agreement from them; but these adventitious political principles, have

*This is the third of seven essays signed "Cato" that appeared in the New York Journal between 27 September 1787 and 3 January 1788. The author is not known, but contemporaries attributed it to Governor George Clinton. This essay was reprinted in the New York Daily Advertiser, 27 October, and the Albany Gazette, 8 November.

nevertheless produced effects that have attracted the attention of philosophy, which has established axioms in the science of politics therefrom, as irrefragable as any in Euclid. It is natural, says Montesquieu, to a republic to have only a small territory, otherwise it cannot long subsist; in a large one, there are men of large fortune, and consequently of less moderation; there are too great deposits to intrust in the hands of a single subject, an ambitious person soon becomes sensible that he may be happy, great, and glorious by oppressing his fellow citizens, and that he might raise himself to grandeur, on the ruins of his country. In large republics, the public good is sacrificed to a thousand views; in a small one the interest of the public is easily perceived, better understood, and more within the reach of every citizen; abuses have a less extent, and of course are less protected—he also shews you, that the duration of the republic of Sparta, was owing to its having continued with the same extent of territory after all its wars; and that the ambition of Athens and Lacedemon to command and direct the union, lost them their liberties, and gave them a monarchy.

From this picture, what can you promise yourselves, on the score of consolidation of the United States, into one government—impracticability in the just exercise of it—your freedom insecure—even this form of government limited in its continuance—the employments of your country disposed of to the opulent, to whose contentment you will continually be an object—you must rise much, by indispensably placing trusts of the greatest magnitude, into the hands of individuals, whose ambition for power, and aggrandisement, will oppress and grind you—where, from the vast extent of your territory, and the complication of interests, the science of government will become intricate and perplexed, and too mysterious for you to understand, and observe, and by which you are to be conducted into a monarchy, either limited or despotic; the latter, Mr. Locke remarks, is a government derived from neither nature, nor compact.*

Political liberty, the great Montesquieu again observes, consists in security, or at least in the opinion we have of security; and this security therefore, or the opinion, is best obtained in moderate governments, where the mildness of the laws, and the equality of the manners, begat a confidence in the people, which produces this security, or the opinion. This moderation in governments, depends in a great measure on their limits, connected with their political distribution.

*In his Second Treatise of Government (1690), John Locke (1632–1704) stated that "... despotic power is an absolute, arbitrary power one man has over another to take his life whenever he pleases. This is a power which neither nature gives—for it has made no such distinction between one man and another—not compact can convey, for man, not having such an arbitrary power over his own life, cannot give another man such a power over is...."
The extent of many of the states in the Union, is at this time, almost too great for the superintendence of a republican form of government, and must one day or other, revolve into more vigorous ones, or by separation be reduced into smaller, and more useful, as well as moderate ones. You have already observed the feeble efforts of Massachusetts against their insurgents; with what difficulty did they quell that insurrection; and is not the province of Maine at this moment, on the eve of separation from her. The reason of these things is, that for the security of the property of the community, in which expressive term Mr. Lock makes life, liberty, and estate, to consist—the wheels of a free republic are necessarily slow in their operation; hence in large free republics, the evil sometimes is not only begun, but almost completed, before they are in a situation to turn the current into a contrary progression; the extremes are also too remote from the usual seat of government, and the laws therefore too feeble to afford protection to all its parts, and insure domestic tranquility without the aid of another principle. If, therefore, this state, and that of N. Carolina, had an army under their control, they never would have lost Vermont, and Frankland,‡ nor the state of Massachusetts suffer an insurrection, or the dismemberment of her fairest district, but the exercise of a principle which would have prevented these things, if we may believe the experience of ages, would have ended in the destruction of their liberties.

Will this consolidated republic, if established, in its exercise beget such confidence and compliance, among the citizens of these states, as to do without the aid of a standing army—I deny that it will.—The malcontents in each state, who will not be a few, nor the least important, will be exciting factions against it—the fear of a dismemberment of some of its parts, and the necessity to enforce the execution of revenue laws (a fruitful source of oppression) on the extremes and in the other districts of the government, will incidentally, and necessarily require a permanent force, to be kept on foot—will not political security, and even the opinion of it, be extinguished? can mildness and moderation exist in a government, where the primary incident in its exercise must be force? will not violence destroy confidence, and can equality subsist, where the extent, policy, and practice of it, will naturally lead to make odious distinctions among citizens?

The people, who may compose this national legislature from the southern states, in which, from the mildness of the climate, the fertility of the soil, and the value of its productions, wealth is rapidly acquired,

* A reference to Shay's Rebellion in the fall and winter of 1786-87.
‡ Vermont was seeking its independence from New York and the State of Franklin (modern Tennessee) from North Carolina.
It is beyond a doubt that the new federal constitution, if adopted, will in a great measure destroy, if it do not totally annihilate, the separate governments of the several states. We shall, in effect, become one great Republic.—Every measure of any importance, will be Continental.—What will be the consequence of this? One thing is evident—that no Republic of so great a magnitude, ever did, or ever can exist. But a few years elapsed, from the time in which ancient Rome extended her dominions beyond the bounds of Italy, until the downfall of her Republic; and all political writers agree, that a Republican government can exist only in a narrow territory: but a confederacy of different Republics has, in many instances, existed and flourished for a long time together.—The celebrated Helvetic league, which exists at this moment in full vigor, and with unimpaired strength, whilst its origin may be traced to the confines of antiquity, is one, among many examples on this head; and at the same time furnishes an eminent proof of how much less importance it is, that the constituent parts of a confederacy of Republics may be rightly framed than it is, that the confederacy itself should be rightly organized—_for hardly any two of the Swiss cantons have the same form of government, and they are almost equally divided in their religious principles, which have so often rent asunder the fairest establishments. A confederacy of Republics must be the establishment in America, or we must cease altogether to retain the Republican form of government. From the moment we become one great Republic, either in form or substance, the period is very shortly removed, when we shall sink first into monarchy, and then into despotism.—If there were no other fault in the proposed constitution, it must sink by its own weight. The continent of North-America can no more be governed by one Republic, than the fabled Atlas could support the heavens. Is it not worthy a few months labour, to attempt the rescuing this country from the despotism, which at this moment holds the best and fairest regions of the earth in thraldom and wretchedness? To attempt the forming a plan of confederation, which may enable us at once to support our continental union with vigor and efficacy, and to maintain the rights of the separate

*This is the fourth of eight essays signed "An Old Whig" that appeared in the Philadelphia Independent Gazetteer between 12 October 1788 and 6 February 1789. The author is not known, but there was speculation that a group of Pennsylvania Antifederalists—George Bryan, John Smilie, James Hutchinson, and others—might have jointly written the series. Another contemporary guessed that it was Bryan alone. This essay was reprinted in the Philadelphia Freeman's Journal, 12 October; New York Morning Post, 3 November; Baltimore Maryland Gazette, 6 November; Massachusetts Gazette, 11 November; and New York Journal, 8 December. It was also printed as a broadside in Philadelphia.

*For the continuation, see the Bill of Rights section, below.

*The Substance of a Speech Delivered by James Wilson, Esq. Explanatory of the General Principles of the Proposed Federal Constitution ... (Philadelphia, 1787). James Wilson, a lawyer in Philadelphia, was an important member of the Constitutional Convention and represented Pennsylvania in the state ratifying Convention, which met from 10 November to 15 December 1787. Two summaries of this speech were reprinted in twenty-five newspapers. A pamphlet version was printed in Philadelphia on 28 November. (The text of the speech printed here is taken from this pamphlet.) Eleven newspapers from New Hampshire to New York reprinted this pamphlet version by January 1788. The speech was also included in Thomas Lloyd's one-volume edition of the Pennsylvania Convention debates printed in Philadelphia on 2 February 1788.

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James Wilson

Speech in Pennsylvania Convention, 24 November 1787

The extent of country for which the New Constitution was required, produced another difficulty in the business of the Federal Convention. It is the opinion of some celebrated writers that to a small territory, the
democratical, to a midling territory, (as Montesquieu has termed it) the monarchical, and, to an extensive territory, the despotic form of government, is best adapted. Regarding then, the wide and almost unbounded jurisdiction of the United States, at first view, the hand of despotism seemed necessary to control, connect, and protect it; and hence the chief embarrassment arose. For, we knew that, although our Constituents would cheerfully submit to the legislative restraints of a free government, they would spurn at every attempt to shake them with despotic power.

In this dilemma, a Federal Republic naturally presented itself to our observation, as a species of government which secured all the internal advantages of a republic, at the same time that it maintained the external dignity and force of a monarchy. The definition of this form of government may be found in Montesquieu, who says, I believe, that it consists in assembling distinct societies, which are consolidated into a new body, capable of being increased by the addition of other members—an expanding quality peculiarly fitted to the circumstances of America.

But, while a Federal Republic, removed one difficulty, it introduced another, since there existed not any precedent to assist our deliberations; for, though there are many single governments, both ancient and modern, the history and principles of which are faithfully preserved, and well understood, a perfect confederation of independent states is a system hitherto unknown. The Swiss Cantons, which have often been mentioned in that light, cannot properly be deemed a Federal Republic, but merely a system of United States. The United Netherlands are also an assemblage of states; yet, as their proceedings are not the result of their combined decisions, but of the decisions of each state individually, their association is evidently wanting in that quality which is essential to constitute a Federal Republic. With respect to the Germanic Body, its members are of so disproportionate a size, their separate governments and jurisdictions so different in nature and extent, the general purpose and operation of their union so indefinite and uncertain, and the exterior power of the House of Austria so prevalent, that little information could be obtained or expected from that quarter. Turning then to ancient history, we find the Achaen and Lycian leagues, and the Amphictyonic council bearing a superficial resemblance to a Federal Republic; but of all these, the accounts which have been transmitted to us, are too vague and imperfect to supply a tolerable theory, and they are so destitute of that minute detail from which practical knowledge may be derived, that they must now be considered rather as subjects of curiosity, than of use or information.

Republicanism

PUBLISHER, THE FEDERALIST 39 (JAMES MADISON)
New York Independent Journal, 16 January 1788*

To the People of the State of New-York.

The last paper having concluded the observations which were meant to introduce a candid survey of the plan of government reported by the convention, we now proceed to the execution of that part of our undertaking. The first question that offers itself is, whether the general form and aspect of the government be strictly republican? It is evident that no other form would be reconcilable with the genius of the people of America, with the fundamental principles of the revolution; or with that honorable determination, which animates every votary of freedom, to rest all our political experiments on the capacity of mankind for self-government. If the plan of the Convention therefore be found to depart from the republican character, its advocates must abandon it as no longer defensable.

What then are the distinctive characters of the republican form? Were an answer to this question to be sought, not by recurring to principles, but in the application of the term by political writers, to the constitutions of different States, no satisfactory one would ever be found. Holland, in which no particle of the supreme authority is derived from the people, has passed almost universally under the denomination of a republic. The same title has been bestowed on Venice, where absolute power over the great body of the people, is exercised in the most absolute manner, by a small body of hereditary nobles. Poland, which is a mixture of aristocracy and of monarchy in their worst forms, has been dignified with the same appellation. The government of England, which has one republican branch only, combined with a hereditary aristocracy and monarchy, has with equal impropriety been frequently placed on the list of republics. These examples, which are nearly as dissimilar to each other as to a genuine republic, shew the extreme inaccuracy with which the term has been used in political disquisitions.

If we resort for a criterion, to the different principles on which different forms of government are established, we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people; and is administered by persons holding their offices during pleasure, for a limited period, or during good behaviour. It is essential to such a government...

*This is one of eighty-five essays entitled The Federalist and signed by "Publius" that first appeared in newspapers in New York City and in a two-volume edition between 29 October 1787 and 18 May 1788. The authors were Alexander Hamilton, James Madison, and John Jay. This essay, by James Madison, was also printed in the New York Daily Advertiser on 16 January. It was reprinted in the New York Packet, 18 January, and the New York Journal, 20 January.
ernment, that it be derived from the great body of the society, not from an inconsiderable proportion, or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans, and claim for their government the honorable title of republic. It is sufficient for such a government, that the persons administering it be appointed, either directly or indirectly, by the people; and that they hold their appointments by either of the tenures just specified; otherwise every government in the United States, as well as every other popular government that has been or can be well organized or well executed, would be degraded from the republican character. According to the Constitution of every State in the Union, some or other of the officers of government are appointed indirectly only by the people. According to most of them the chief magistrate himself is so appointed. And according to one, this mode of appointment is extended to one of the co-ordinate branches of the legislature. According to all the Constitutions also, the tenure of the highest offices is extended to a definite period, and in many instances, both within the legislative and executive departments, to a period of years. According to the provisions of most of the constitutions, again, as well as according to the most respectable and received opinions on the subject, the members of the judiciary department are to retain their offices by the firm tenure of good behaviour.

On comparing the Constitution planned by the Convention, with the standard here fixed, we perceive at once that it is in the most rigid sense conformable to it. The House of Representatives, like that of one branch at least of all the State Legislatures, is elected immediately by the great body of the people. The Senate, like the present Congress, and the Senate of Maryland, derives its appointment indirectly from the people. The President is indirectly derived from the choice of the people, according to the example in most of the States. Even the judges, with all other officers of the Union, will, as in the several States, be the choice, though a remote choice, of the people themselves. The duration of the appointments is equally conformable to the republican standard, and to the model of the State Constitutions. The House of Representatives is periodically elective as in all the States; and for the period of two years as in the State of South-Carolina. The Senate is elective for the period of six years; which is but one year more than the period of the Senate of Maryland; and but two more than of the Senates of New-York and Virginia. The President is to continue in office for the period of four years;

*The executive was elected by the people in five states; the legislature elected the executive in eight states.

†In Maryland, senators were chosen by electors who were elected by the people.
therefore establishing the Constitution, will not be a national but a federal act.

That it will be a federal and not a national act, as these terms are understood by the objectors, the act of the people as forming so many independent States, not as forming one aggregate nation, is obvious from this single consideration that it is to result neither from the decision of a majority of the people of the Union, nor from that of a majority of the States. It must result from the unanimous assent of the several States that are parties to it, differing no other wise from their ordinary assent than in its being expressed, not by the legislative authority, but by that of the people themselves. Were the people regarded in this transaction as forming one nation, the will of the majority of the whole people of the United States, would bind the minority; in the same manner as the majority in each State must bind the minority; and the will of the majority must be determined either by a comparison of the individual votes; or by considering the will of a majority of the States, as evidence of the will of a majority of the people of the United States. Neither of these rules has been adopted. Each State in ratifying the Constitution, is considered as a sovereign body independent of all others, and only to be bound by its own voluntary act. In this relation then the new Constitution will, if established, be a federal and not a national Constitution.

The next relation is to the sources from which the ordinary powers of government are to be derived. The house of representatives will derive its powers from the people of America, and the people will be represented in the same proportion, and on the same principle, as they are in the Legislature of a particular State. So far the Government is national not federal. The Senate on the other hand will derive its powers from the States, as political and co-equal societies, and these will be represented on the principle of equality in the Senate, as they now are in the existing Congress. So far the government is federal, not national. The executive power will be derived from a very compound source. The immediate election of the President is to be made by the States in their political characters. The votes allotted to them, are in a compound ratio, which considers them partly as distinct and co-equal societies; partly as unequal members of the same society. The eventual election, again is to be made by that branch of the Legislature which consists of the national representatives; but in this particular act, they are to be thrown into the form of individual delegations from so many distinct and co-equal bodies politic. From this aspect of the Government, it appears to be of a mixed character presenting at least as many federal as national features.

The difference between a federal and national Government as it relates to the operation of the Government is (by the adversaries of the plan of the convention) supposed to consist in this, that in the former, the powers operate on the political bodies composing the confederacy, in their political capacities; in the latter, on the individual citizens, composing the nation, in their individual capacities. On trying the Constitution by this criterion, it falls under the national, not the federal character; though perhaps not so complely, as has been understood. In several cases and particularly in the trial of controversies to which States may be parties, they must be viewed and proceeded against in their collective and political capacities only. So far the national countenance of the Government on this side seems so to be disfigured by a few federal features. But this blemish is perhaps unavoidable in any plan; and the operation of the Government on the people in their individual capacities, in its ordinary and most essential proceedings, may on the whole designate it in this relation a national Government.

But if the Government be national with regard to the operation of its powers, it changes its aspect again when we contemplate it in relation to the extent of its powers. The idea of a national Government involves in it, not only an authority over the individual citizens, but an indefinite supremacy over all persons and things, so far as they are objects of lawful Government. Among a people consolidated into one nation, this supremacy is completely vested in the national Legislature. Among communities united for particular purposes, it is vested partly in the general, and partly in the municipal Legislatures. In the former case, all local authorities are subordinate to the supreme; and may be controlled, directed or abolished by it at pleasure. In the latter the local or municipal authorities form distinct and independent portions of the supremacy, no more subject within their respective spheres to the general authority, than the general authority is subject to them, within its own sphere. In this relation then the proposed Government cannot be deemed a national one; since its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects. It is true that in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide, is to be established under the general Government. But this does not change the principle of the case. The decision is to be impartially made, according to the rules of the Constitution, and all the usual and most effectual precautions are taken to secure this impartiality. Some such tribunal is clearly essential to prevent an appeal to the sword, and a dissolution of the compact; and that it ought

*The material in angle brackets was added in the book version.

In the book version, "may" was deleted and replaced by "will in the sense of its opponent."
to be established under the general, rather than under the local Governments; or to speak more properly, that it could be safely established under the first alone, is a position not likely to be combated.

If we try the Constitution by its last relation, to the authority by which amendments are to be made, we find it neither wholly national, nor wholly federal. Were it wholly national, the supreme and ultimate authority would reside in the majority of the people of the Union; and this authority would be competent at all times, like that of a majority of every national society, to alter or abolish its established Government. Were it wholly federal on the other head, the concurrence of each State in the Union would be essential to every alteration that would be binding on all. The mode provided by the plan of the Convention is not founded on either of these principles. In requiring more than a majority, and particularly, in computing the proportion by States, not by citizens, it departs from the national, and advances towards the federal character: In rendering the concurrence of less than the whole number of States sufficient, it loses again the federal, and partakes of the national character.

The proposed Constitution therefore (even when tested by the rules laid down by its antagonists) is in strictness neither a national nor a federal constitution; but a composition of both. In its foundation, it is federal, not national; in the sources from which the ordinary powers of the Government are drawn, it is partly federal, and partly national; in the operation of these powers, it is national, not federal. In the extent of them again, it is federal, not national. And finally, in the authoritative mode of introducing amendments, it is neither wholly federal, nor wholly national.

**PUBLIUS: THE FEDERALIST 10 (JAMES MADISON)**
**New York Daily Advertiser, 22 November 1787**

_to the People of the State of New-York._

Among the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular governments, never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice. He

"The material in angle brackets was added in the book version.

*This essay was the first in The Federalist series written by James Madison. He had expressed similar ideas in his notes, "Views of the Political System," written in early 1787, in speeches in the Constitutional Convention on 6 and 16 June, and in a letter to Thomas Jefferson, 24 October. The essay was reprinted in the New York Packet, 23 November; New York Independent Journal, 24 November; Pennsylvania Gazette, 3 January 1788; and the Hudson Weekly Gazette, 10 January.

_Republica Government_ will not fail therefore to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice and confusion introduced into the public councils, have in truth been the mortal diseases under which popular governments have everywhere perished; as they continue to be the favorite and fruitful topics from which the adversaries to liberty derive their most specious declamations. The valuable improvements made by the American Constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality, to contend that they have as effectually obviated the danger on this side as was wished and expected. Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty; that our governments are too unstable; that the public good is disregarded in the conflicts of rival parties; and that measures are too often decided, not according to the rules of justice, and the rights of the minority; but by the superior force of an interested and over-bearing majority. However anxiously we may wish that these complaints had no foundation, the evidence of known facts will not permit us to deny that they are in some degree true. It will be found indeed, on a candid review of our situation, that some of the distresses under which we labor, have been erroneously charged on the operation of our governments; but it will be found, at the same time, that other causes will not alone account for many of our heaviest misfortunes; and particularly, for that prevailing and increasing distrust of public engagements, and alarm for private rights, which are echoed from one end of the continent to the other. These must be chiefly, if not wholly, effects of the unsteadiness and injustice, with which a factious spirit has tainted our public administration.

By a faction I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of factions: the one by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said than of the first remedy, that it is worse than the disease. Liberty is to faction, what air is to fire, an aliment without which it instantly expires. But it could not be a less folly to abolish
liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

The second expedient is as impracticable, as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other, and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of Government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man; and we see them every where brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning Government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have in turn divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other, than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions, and excite their most violent conflicts. But the most common and durable source of factions, has been the various and unequal distribution of property. Those who hold, and those who are without property, have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern Legislation, and involves the spirit of party and faction in the necessary and ordinary operations of Government.

No man is allowed to be a judge in his own cause; because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men, are unfit to be both judges and parties, at the same time; yet, what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens; and what are the different classes of legislators, but advocates and parties to the causes which they determine? Is a law proposed concerning private debts? It is a question to which the creditors are parties on one side, and the debtors on the other. Justice ought to hold the balance between them. Yet the parties are and must be themselves the judges; and the most numerous party, or, in other words, the most powerful faction must be expected to prevail. Shall domestic manufactures be encouraged, and in what degree, by restrictions on foreign manufactures? are questions which would be differently decided by the landed and the manufacturing classes; and probably by neither, with a sole regard to justice and the public good. The apportionment of taxes on the various descriptions of property, is an act which seems to require the most exact impartiality; yet there is perhaps no legislative act in which greater opportunity and temptation are given to a predominant party, to trample on the rules of justice. Every shilling with which they over-burden the inferior number, is a shilling saved to their own pockets.

It is in vain to say, that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm: Nor, in many cases, can such an adjustment be made at all, without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another, or the good of the whole.

The inference to which we are brought, is, that the causes of faction cannot be removed; and that relief is only to be sought in the means of controlling its effects.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may corrupt the society; but it will be unable to execute and mask its violence under the forms of the constitution. When a majority is included in a faction, the form of popular government on the other hand enables it to sacrifice its ruling passion or interest, both the public good and the rights of other citizens. To secure the public good, and private rights, against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our enquiries are directed: Let me add that it is the great desideratum, by which alone this form of government can be rescued from the opprobrium under which it
has so long labored, and be recommended to the esteem and adoption of mankind.

By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority at
the same time, must be prevented; or the majority, having such co-existent
passion or interest, must be rendered, by their number and local situation,
unable to concert and carry into effect schemes of oppression. If the
impulse and the opportunity be suffered to coincide, we well know that
neither moral nor religious motives can be relied on as an adequate control.
They are not found to be such on the injustice and violence of individuals,
and lose their efficacy in proportion to the number combined together;
that is, in proportion as their efficacy becomes needful.

From this view of the subject, it may be concluded, that a pure
Democracy, by which I mean, a Society, consisting of a small number of
citizens, who assemble and administer the Government in person, can
admit of no cure for the mischief of faction. A common passion or interest
will, in almost every case, be felt by a majority of the whole; a communi-
cation and concert results from the form of Government itself; and
there is nothing to check the inducements to sacrifice the weaker party,
or an obnoxious individual. Hence it is, that such Democracies have ever
been spectacles of turbulence and contention; have ever been found in-
compatible with personal security, or the rights of property; and have in
general been as short in their lives, as they have been violent in their
deaths. Theoretic politicians, who have patronized this species of Gov-
ernment, have erroneously supposed, that by reducing mankind to a perfect
equality in their political rights, they would, at the same time, be perfectly
equalized and assimilated in their possessions, their opinions, and their
passions.

A Republic, by which I mean a Government in which the scheme
of representation takes place, opens a different prospect, and promises
the cure for which we are seeking. Let us examine the points in which
it varies from pure Democracy, and we shall comprehend both the nature
of the cure, and the efficacy which it must derive from the Union.
The two great points of difference between a Democracy and a
Republic are, first, the delegation of the Government, in the latter, to a
small number of citizens elected by the rest; secondly, the greater number
of citizens, and greater sphere of country, over which the latter may be
extended.

The effect of the first difference is, on the one hand to refine and
enlarge the public views, by passing them through the medium of a chosen
body of citizens, whose wisdom may best discern the true interest of their
country, and whose patriotism and love of justice, will be least likely to
sacrifice it to temporary or partial considerations. Under such a regulation,
it may well happen that the public voice pronounced by the representatives
of the people, will be more consonant to the public good, than if pro-
nounced by the people themselves convened for the purpose. On the other
hand, the effect may be inverted. Men of factious tempers, of local prej-
udices, or of sinister designs, may by intrigue, by corruption or by other
means, first obtain the suffrages, and then betray the interests of the people.
The question resulting is, whether small or extensive Republics are most
favorable to the election of proper guardians of the public weal; and it is
clearly decided in favor of the latter by two obvious considerations.

In the first place it is to be remarked that however small the Republic
may be, the Representatives must be raised to a certain number, in order
to guard against the cabals of a few; and that however large it may be,
they must be limited to a certain number, in order to guard against the
confusion of a multitude. Hence the number of Representatives in the
two cases, not being in proportion to that of the Constituents, and being
proportionally greatest in the small Republic, it follows, that if the pro-
portion of fit characters, be not less, in the large than in the small Republic,
the former will present a greater option, and consequently a greater prob-
ability of a fit choice.

In the next place, as each Representative will be chosen by a greater
number of citizens in the large than in the small Republic, it will be more
difficult for unworthy candidates to practise with success the vicious arts,
by which elections are too often carried; and the suffrages of the people
being more free, will be more likely to centre on men who possess the
most attractive merit, and the most diffusive and established characters.

It must be confessed, that in this, as in most other cases, there is a
mean, on both sides of which inconveniences will be found to lie. By
enlarging too much the number of electors, you render the representative
too little acquainted with all their local circumstances and lesser interests,
as by reducing it too much, you render him unduly attached to these, and
too little fit to comprehend and pursue great and national objects. The
Federal Constitution forms a happy combination in this respect; the great
and aggregate interests being referred to the national, the local and par-
ticular, to the state legislatures.

The other point of difference is, the greater number of citizens and
extent of territory which may be brought within the compass of Repub-
lican, than of Democratic Governments; and it is this circumstance prin-
cipally which renders factious combinations less to be dreaded in the
former, than in the latter. The smaller the society, the fewer probably
will be the distinct parties and interests composing it; the fewer the distinct
parties and interests, the more frequently will a majority be found of the
same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other. Besides other impediments, it may be remarked, that where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust, in proportion to the number whose concurrence is necessary.

Hence it clearly appears, that the same advantage, which a Republic has over a Democracy, in controlling the effects of faction, is enjoyed by a large over a small Republic—is enjoyed by the Union over the States composing it. Does this advantage consist in the substitution of Representatives, whose enlightened views and virtuous sentiments render them superior to local prejudices, and to schemes of injustice? It will not be denied, that the Representation of the Union will be most likely to possess these requisite endowments. Does it consist in the greater security afforded by a greater variety of parties, against the event of any one party being able to outnumber and oppress the rest? In an equal degree does the increased variety of parties, comprised within the Union, encrease this security. Does it, in fine, consist in the greater obstacles opposed to the concert and accomplishment of the secret wishes of an unjust and interested majority? Here, again, the extent of the Union gives it the most palpable advantage.

The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States: a religious sect, may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it, must secure the national Councils against any danger from that source: a rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union, than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State.

In the extent and proper structure of the Union, therefore, we behold a Republican remedy for the diseases most incident to Republican Government. And according to the degree of pleasure and pride, we feel in being Republicans, ought to be our zeal in cherishing the spirit, and supporting the character of Federalists.

EDMUND RANDOLPH
Speech in Virginia Ratifying Convention, 6 June 1788 (excerpt)*

I therefore conclude, that the Confederation is too defective to deserve correction. Let us take farewell of it, with reverential respect, as an old benefactor. It is gone, whether this House says so, or not. It is gone, Sir, by its own weakness. I am afraid I have tired the patience of this House; but I trust you will pardon me, as I was urged by the importance of the Gentleman [Patrick Henry], in calling for the reasons of laying the ground-work of this plan. It is objected by the Honorable Gentleman over the way (Mr. George Mason) that a republican Government is impracticable in an extensive territory, and the extent of the United States is urged as a reason for the rejection of this Constitution. Let us consider the definition of a republican Government, as laid down by a man who is highly esteemed, Montesquieu, so celebrated among politicians, says, "That a republican Government is that in which the body, or only a part of the people, is possessed of the supreme power; a monarchial, that in which a single person governs by fixed and established laws; a despotic Government, that in which a single person, without law, and without rule, directs every thing by his own will and caprice." This author has not distinguished a republican Government from a monarchy, by the extent of its boundaries, but by the nature of its principles. He, in another place, contradistinguishes it, as a government of laws, in opposition to others which he denominates a government of men. The empire or Government of laws, according to that phrase, is that in which the laws are made with the free will of the people; hence then, if laws be made by the assent of the people, the Government may be deemed free. When laws are made with integrity, and executed with wisdom, the question is, whether a great extent of country will tend to abridge the liberty of the people. If defensive force be necessary in proportion to the extent of country, I conceive that in a judiciously constructed Government, be the country so extensive, its inhabitants will be proportionately numerous and able to defend it. Extension of country, in my conception, ought to be no bar to the adoption of a good Government. No extent on earth seems to me too great, provided the laws be wisely made and executed. The prin-

*Debates and Other Proceedings of the Convention of Virginia ... (7 vols., Petersburg, Va., 1988-89), I, 91-94. Edmund Randolph, Governor of Virginia, had played an important role in the Constitutional Convention. He introduced the Virginia Plan on May and spoke in favor of a strong national government. But in the end, he insisted on giving the state ratifying conventions the power to propose amendments that would be considered by a second general convention. When the Constitutional Convention rejected this idea, Randolph refused to sign the Constitution. In the Virginia Convention, however, Randolph defended the Constitution and supported ratification without prior amendments.
ciples of representation and responsibility, may pervade a large as well as a small territory; and tyranny is as easily introduced into a small as into a great district. If it be asserted, that some of the most illustrious and distinguished authors, are of a contrary opinion, I reply, that authority has no weight with me till I am convinced—that not the dignity of names, but the force of reasoning gains my assent.

FRANCIS CORBIN
Speech in Virginia Ratifying Convention, 7 June 1788 (excerpt)*

A superintending coercive power is absolutely indispensable. This does not exist under the present articles of Confederation. To vest it with such a power, on its present construction, without any alteration, would be extremely dangerous, and might lead to civil war. Gentlemen must, before this, have been convinced of the necessity of an alteration. Our state-vessel has sprung a-leak—We must embark in a new bottom, or sink into perdition. The Honorable Gentleman [Patrick Henry] has objected to the Constitution, on the old worn out idea, that a republican Government is best calculated for a small territory. If a republic, Sir, cannot be accommodated to an extensive country, let me ask, how small must a country be to suit the genius of republicanism? In what particular extent of country can a republican Government exist? If contracted into as small a compass as you please, it must labour under many disadvantages. Too small an extent will render a republic weak, vulnerable, and contemptible.—Liberty, in such a petty State, must be on a precarious footing;—its existence must depend on the philanthropy and good nature of its neighbours. Too large an extent, it is said, will produce confusion and tyranny. What has been so often deprecated will be removed by this plan. The extent of the United States cannot render this Government oppressive. The powers of the General Government are only of a general nature; and their object is to protect, defend, and strengthen the United States. But the internal administration of Government is left to the State Legislatures, who exclusively retain such powers as will give the States the advantages of small republics, without the danger commonly attendant on the weakness of such Governments. There are controversies even about the name of this Government. It is denominated by some a Federal, by others, a

*Debates and Other Proceedings of the Convention of Virginia ... (1 vol., Petersburg, Va., 1788-89), I, 144-46. Francis Corbin was a member of the Virginia House of Delegates from 1784 to 1794. In October 1787, he introduced the resolutions in the House calling for the state Convention.
could exist in none of the States except those two. Such an argument goes to the dissolution of the Union, and its absurdity is demonstrated by our own experience.

EDMUND RANDOLPH
Speech in Virginia Ratifying Convention, 10 June 1788 (excerpt)*

After having acknowledged the evil tendency of separate confederacies, he [Patrick Henry] recurs to this, that this country is too extensive for this system. If there be an Executive dependent for its election on the people; a judiciary which will administer the laws with justice, no extent of country can be too great for a republic. Where is there a precedent to prove that this country is too extensive for a Government of this kind? America cannot find a precedent to prove this. Theoretic writers have adopted a position, that extensive territories will not admit of a Republican Government. These positions were laid down before the science of Government was as well understood as it is now. Where would America look for a precedent to warrant her adoption of that position. If you go to Europe before arts and sciences had arrived at their present perfection, no example worthy of imitation can be found. The history of England from the reign of George the 3d to that of Charles the 2d, and of France, since that of Francis the 1st, prove, that they have greatly improved in the science of politics since that time. Representation, the source of American liberty, and English liberty, was a thing not understood in its full extent till very lately. The position I have spoken of was founded upon an ignorance of the principles of representation. Its force must be now done away, as this principle is so well understood. If laws are to be made by the people themselves, in their individual capacities, it is evident, that they cannot conveniently assemble together for this purpose, but in a very limited sphere; but if the business of legislation be transacted by Representatives, chosen periodically by the people, it is obvious that it may be done in any extent of country. The experience of this Commonwealth, and of the United States, proves this assertion.


The House of Representatives

During the Revolution all of the American states established republican forms of government where the people chose representatives to attend state legislatures. The lower houses of the legislatures, generally the centers of power in the state governments, were often large and represented most segments of society.

Delegates to the Confederation Congress were usually elected by the state legislatures. In Connecticut and Rhode Island the people elected their congressional delegates directly. Each state could elect two to seven delegates, but generally states sent no more than three delegates to Congress at any one time. Thus Congress was usually composed of fewer than forty delegates—more commonly under thirty. The unicameral Confederation Congress voted by state—not by delegate—and each state had one vote. Delaware, the smallest state in the Union, therefore, had as much power in Confederation affairs as Virginia, the largest, wealthiest state. Delegates to the Constitutional Convention from the three large states—Virginia, Massachusetts, and Pennsylvania—opposed this method of representation and suffrage in Congress.

The Constitution called for a bicameral Congress composed of a House of Representatives and a Senate. Representation in the House was to be based on population, while the states were to continue to remain equal in the Senate. Representatives would be apportioned among the states based on a census taken every ten years with no more than one representative for every 30,000 people. No state, however small its population, was to be deprived of at least one repre-