

FEDERALIST 10

THE GLORIES OF AN EXTENDED
FEDERALIST REPUBLIC

THEMES

- JUSTICE
- MAJORITY RULE WITH MINORITY RIGHTS
- CONCERNS: CONTROL, FORCE, PROPERTY
- DEMOCRACY V REPUBLIC

FACTIONS

- A NEGATIVE TERM
- MADISON FELT PEOPLE WOULD BE FLEXIBLE AND VOTE ACCORDING TO THEIR INTERESTS
- FACTIONS WOULD BE MANY IN NUMBER, BUT THESE FACTIONS WOULD BE COMPRISED OF A SMALL NUMBER OF MEMBERS.
- DID NOT SEE POLITICAL PARTIES AS A NATURAL PROGRESSION OF THIS NEW GOVERNMENT

A SAFEGUARD AGAINST DOMESTIC FACTION AND INSURRECTION

- THIS NEW UNION WAS TO PROTECT THE PEOPLE BY “ITS TENDENCY TO BREAK AND CONTROL THE VIOLENCE OF FACTION”
- POPULAR GOVERNMENTS (DEMOCRACIES) FAIL DUE TO “INSTABILITY, INJUSTICE, AND CONFUSION”, AND “MEASURES ARE TOO OFTEN DECIDED, NOT ACCORDING TO THE RULES OF JUSTICE AND THE RIGHTS OF THE MINOR PARTY, BUT BY THE SUPERIOR FORCE OF AN INTERESTED AND OVERBEARING MAJORITY”.

WHAT?

- TO PUT INTO HISTORICAL PERSPECTIVE, THE FOUNDERS WERE EXTREMELY CONCERNED WITH THE POTENTIAL OF BORDER WARS AMONG THE STATES, SKIRMISHES THAT WERE HAPPENING BETWEEN THE STATES AND A LITTLE THING CALLED “SHAYS’ REBELLION”

WHY?

- STATE GOVERNMENTS AND THE ARTICLES OF CONFEDERATION WERE NOT PROTECTING THE INTERESTS OF THE NATION.
- THE ARTICLES OF CONFEDERATION WERE NOT ENFORCEABLE
- ECONOMIC HARDSHIPS MADE THE STATES AND PEOPLE REACT IN NEGATIVE WAYS.

FACTION DEFINED

- “BY A FACTION, I UNDERSTAND A NUMBER OF CITIZENS, WHETHER AMOUNTING TO A MAJORITY OR A 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”

TWO METHODS OF CURING FACTION

- 1. REMOVE ITS CAUSES
 - A. DESTROY LIBERTY
 - B. MAKE EVERYONE THINK AND ACT THE SAME.
 - “AS LONG AS THE REASON OF MAN CONTINUES FALLIBLE, AND HE IS AT LIBERTY TO EXERCISE IT, DIFFERENT OPINIONS WILL BE FORMED.”
 - “THE DIVERSITY IN THE FACULTIES OF MEN”.
 - “THE PROTECTION OF THESE FACULTIES IS THE FIRST OBJECT OF GOVERNMENT”.

CANNOT REMOVE CAUSES

- SO, WE MUST CONTROL ITS EFFECTS!
TWO WAYS, FIRST..
 - A. “IF A FACTION CONSISTS OF LESS THAN A MAJORITY...”
 - B. “IT MAY CLOG THE ADMINISTRATION, IT MAY CONVULSE THE SOCIETY; BUT IT WILL BE UNABLE TO EXECUTE AND MASK ITS VIOLENCE UNDER THE FORMS OF THE CONSTITUTION”
 - C. EXAMPLE, 1994 PRAYER IN SCHOOLS AMENDMENT PROPOSAL.

BUT WHAT ABOUT A MAJORITY FACTION?

- THIS IS THE BIGGEST CONCERN OF DEMOCRACIES - THE PASSIONS OF THE MAJORITY THAT ARE NOT CONTROLLABLE.
- DEMOCRACIES DO NOT WORK.
- A WELL CONSTRUCTED REPUBLIC CAN CONTROL MAJORITY FACTIONS.

A REPUBLIC

- “TO REFINE AND ENLARGE THE PUBLIC VIEWS BY PASSING THEM THROUGH THE MEDIUM OF A CHOSEN BODY OF CITIZENS”
- CANNOT NOT BE TOO SMALL A NUMBER NOR TOO LARGE A NUMBER, IT HAS TO BE JUST RIGHT.
- THIS IN EFFECT CONTROLS THE EXTREMES IN IDEOLOGY AND BAD MEN.

A REPUBLIC

- “THE GREATER THE NUMBER OF CITIZENS AND EXTENT OF TERRITORY WHICH MAY BE BROUGHT WITHIN THE COMPASS OF REPUBLICAN THAN OF DEMOCRATIC GOVERNMENT; AND IT IS THIS CIRCUMSTANCE PRINCIPALLY WHICH RENDERS FACTIOUS COMBINATIONS LESS TO BE DREADED IN THE FORMER THAN IN THE LATER”.

SAY WHAT?

- THE EXTREMES OF DIFFERENT FACTIONS WILL NOT BECOME A MAJORITY, BUT WILL BE MODERATED BY THE MIDDLE GROUND THROUGH CONSENSUS AND NEGOTIATION.
- THE STRUCTURE OF THE GOVERNMENT IS SUCH THAT MODERATES FACTIONS AS WELL.

MAJORITY RULE WITH MINORITY RIGHTS

- CONTROL BY A SERIES OF FILTERS – A SCIENTIFIC EQUATION.
- COMMUNICATIONS DECENCY ACT OF 1995
- RENO V ACLU, 1997
- A SERIES OF FILTERS TO CONTROL FACTION THROUGH REPRESENTATION AND RESPONSIBILITIES, TERM OF OFFICE, NUMBERS IN EACH BRANCH, WHO ELECTS/NOMINATES, ENFRANCHISEMENT

A BIT OF PROPAGANDA

- “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.”