

1 **FEDERALIST No. 13. Advantage of the**
2 **Union in Respect to Economy in Government**

3 **For the Independent Journal. Wednesday, November 28, 1787**

4 HAMILTON

5 To the People of the State of New York:

6 As CONNECTED with the subject of revenue, we may with propriety consider that of economy.
7 The money saved from one object may be usefully applied to another, and there will be so much the
8 less to be drawn from the pockets of the people. If the States are united under one government, there
9 will be but one national civil list to support; if they are divided into several confederacies, there will be
10 as many different national civil lists to be provided for—and each of them, as to the principal
11 departments, coextensive with that which would be necessary for a government of the whole. The
12 entire separation of the States into thirteen unconnected sovereignties is a project too extravagant and
13 too replete with danger to have many advocates. The ideas of men who speculate upon the
14 dismemberment of the empire seem generally turned toward three confederacies—one consisting of
15 the four Northern, another of the four Middle, and a third of the five Southern States. There is little
16 probability that there would be a greater number. According to this distribution, each confederacy
17 would comprise an extent of territory larger than that of the kingdom of Great Britain. No well-
18 informed man will suppose that the affairs of such a confederacy can be properly regulated by a
19 government less comprehensive in its organs or institutions than that which has been proposed by the
20 convention. When the dimensions of a State attain to a certain magnitude, it requires the same energy
21 of government and the same forms of administration which are requisite in one of much greater extent.
22 This idea admits not of precise demonstration, because there is no rule by which we can measure the
23 momentum of civil power necessary to the government of any given number of individuals; but when
24 we consider that the island of Britain, nearly commensurate with each of the supposed confederacies,
25 contains about eight millions of people, and when we reflect upon the degree of authority required to
26 direct the passions of so large a society to the public good, we shall see no reason to doubt that the like
27 portion of power would be sufficient to perform the same task in a society far more numerous. Civil
28 power, properly organized and exerted, is capable of diffusing its force to a very great extent; and can,

1 in a manner, reproduce itself in every part of a great empire by a judicious arrangement of subordinate
2 institutions.

3 The supposition that each confederacy into which the States would be likely to be divided would
4 require a government not less comprehensive than the one proposed, will be strengthened by another
5 supposition, more probable than that which presents us with three confederacies as the alternative to
6 a general Union. If we attend carefully to geographical and commercial considerations, in conjunction
7 with the habits and prejudices of the different States, we shall be led to conclude that in case of
8 disunion they will most naturally league themselves under two governments. The four Eastern States,
9 from all the causes that form the links of national sympathy and connection, may with certainty be
10 expected to unite. New York, situated as she is, would never be unwise enough to oppose a feeble and
11 unsupported flank to the weight of that confederacy. There are other obvious reasons that would
12 facilitate her accession to it. New Jersey is too small a State to think of being a frontier, in opposition
13 to this still more powerful combination; nor do there appear to be any obstacles to her admission into
14 it. Even Pennsylvania would have strong inducements to join the Northern league. An active foreign
15 commerce, on the basis of her own navigation, is her true policy, and coincides with the opinions and
16 dispositions of her citizens. The more Southern States, from various circumstances, may not think
17 themselves much interested in the encouragement of navigation. They may prefer a system which
18 would give unlimited scope to all nations to be the carriers as well as the purchasers of their
19 commodities. Pennsylvania may not choose to confound her interests in a connection so adverse to
20 her policy. As she must at all events be a frontier, she may deem it most consistent with her safety to
21 have her exposed side turned towards the weaker power of the Southern, rather than towards the
22 stronger power of the Northern, Confederacy. This would give her the fairest chance to avoid being
23 the Flanders of America. Whatever may be the determination of Pennsylvania, if the Northern
24 Confederacy includes New Jersey, there is no likelihood of more than one confederacy to the south of
25 that State.

26 Nothing can be more evident than that the thirteen States will be able to support a national
27 government better than one half, or one third, or any number less than the whole. This reflection must
28 have great weight in obviating that objection to the proposed plan, which is founded on the principle
29 of expense; an objection, however, which, when we come to take a nearer view of it, will appear in
30 every light to stand on mistaken ground.

1 If, in addition to the consideration of a plurality of civil lists, we take into view the number of
2 persons who must necessarily be employed to guard the inland communication between the different
3 confederacies against illicit trade, and who in time will infallibly spring up out of the necessities of
4 revenue; and if we also take into view the military establishments which it has been shown would
5 unavoidably result from the jealousies and conflicts of the several nations into which the States would
6 be divided, we shall clearly discover that a separation would be not less injurious to the economy, than
7 to the tranquillity, commerce, revenue, and liberty of every part.

8 PUBLIUS

1 **FEDERALIST No. 14. Objections to the**
2 **Proposed Constitution From Extent of**
3 **Territory Answered**

4 **From the New York Packet. Friday, November 30, 1787.**

5 MADISON

6 To the People of the State of New York:

7 WE HAVE seen the necessity of the Union, as our bulwark against foreign danger, as the
8 conservator of peace among ourselves, as the guardian of our commerce and other common interests,
9 as the only substitute for those military establishments which have subverted the liberties of the Old
10 World, and as the proper antidote for the diseases of faction, which have proved fatal to other popular
11 governments, and of which alarming symptoms have been betrayed by our own. All that remains,
12 within this branch of our inquiries, is to take notice of an objection that may be drawn from the great
13 extent of country which the Union embraces. A few observations on this subject will be the more
14 proper, as it is perceived that the adversaries of the new Constitution are availing themselves of the
15 prevailing prejudice with regard to the practicable sphere of republican administration, in order to
16 supply, by imaginary difficulties, the want of those solid objections which they endeavor in vain to
17 find.

18 The error which limits republican government to a narrow district has been unfolded and refuted
19 in preceding papers. I remark here only that it seems to owe its rise and prevalence chiefly to the
20 confounding of a republic with a democracy, applying to the former reasonings drawn from the nature
21 of the latter. The true distinction between these forms was also adverted to on a former occasion. It is,
22 that in a democracy, the people meet and exercise the government in person; in a republic, they
23 assemble and administer it by their representatives and agents. A democracy, consequently, will be
24 confined to a small spot. A republic may be extended over a large region.

25 To this accidental source of the error may be added the artifice of some celebrated authors, whose
26 writings have had a great share in forming the modern standard of political opinions. Being subjects
27 either of an absolute or limited monarchy, they have endeavored to heighten the advantages, or palliate

1 the evils of those forms, by placing in comparison the vices and defects of the republican, and by citing
2 as specimens of the latter the turbulent democracies of ancient Greece and modern Italy. Under the
3 confusion of names, it has been an easy task to transfer to a republic observations applicable to a
4 democracy only; and among others, the observation that it can never be established but among a small
5 number of people, living within a small compass of territory.

6 Such a fallacy may have been the less perceived, as most of the popular governments of antiquity
7 were of the democratic species; and even in modern Europe, to which we owe the great principle of
8 representation, no example is seen of a government wholly popular, and founded, at the same time,
9 wholly on that principle. If Europe has the merit of discovering this great mechanical power in
10 government, by the simple agency of which the will of the largest political body may be concentrated,
11 and its force directed to any object which the public good requires, America can claim the merit of
12 making the discovery the basis of unmixed and extensive republics. It is only to be lamented that any
13 of her citizens should wish to deprive her of the additional merit of displaying its full efficacy in the
14 establishment of the comprehensive system now under her consideration.

15 As the natural limit of a democracy is that distance from the central point which will just permit
16 the most remote citizens to assemble as often as their public functions demand, and will include no
17 greater number than can join in those functions; so the natural limit of a republic is that distance from
18 the centre which will barely allow the representatives to meet as often as may be necessary for the
19 administration of public affairs. Can it be said that the limits of the United States exceed this distance?
20 It will not be said by those who recollect that the Atlantic coast is the longest side of the Union, that
21 during the term of thirteen years, the representatives of the States have been almost continually
22 assembled, and that the members from the most distant States are not chargeable with greater
23 intermissions of attendance than those from the States in the neighborhood of Congress.

24 That we may form a juster estimate with regard to this interesting subject, let us resort to the actual
25 dimensions of the Union. The limits, as fixed by the treaty of peace, are: on the east the Atlantic, on
26 the south the latitude of thirty-one degrees, on the west the Mississippi, and on the north an irregular
27 line running in some instances beyond the forty-fifth degree, in others falling as low as the forty-
28 second. The southern shore of Lake Erie lies below that latitude. Computing the distance between the
29 thirty-first and forty-fifth degrees, it amounts to nine hundred and seventy-three common miles;

1 computing it from thirty-one to forty-two degrees, to seven hundred and sixty-four miles and a half.
2 Taking the mean for the distance, the amount will be eight hundred and sixty-eight miles and three-
3 fourths. The mean distance from the Atlantic to the Mississippi does not probably exceed seven
4 hundred and fifty miles. On a comparison of this extent with that of several countries in Europe, the
5 practicability of rendering our system commensurate to it appears to be demonstrable. It is not a great
6 deal larger than Germany, where a diet representing the whole empire is continually assembled; or
7 than Poland before the late dismemberment, where another national diet was the depository of the
8 supreme power. Passing by France and Spain, we find that in Great Britain, inferior as it may be in
9 size, the representatives of the northern extremity of the island have as far to travel to the national
10 council as will be required of those of the most remote parts of the Union.

11 Favorable as this view of the subject may be, some observations remain which will place it in a light
12 still more satisfactory.

13 In the first place it is to be remembered that the general government is not to be charged with the
14 whole power of making and administering laws. Its jurisdiction is limited to certain enumerated
15 objects, which concern all the members of the republic, but which are not to be attained by the separate
16 provisions of any. The subordinate governments, which can extend their care to all those other subjects
17 which can be separately provided for, will retain their due authority and activity. Were it proposed by
18 the plan of the convention to abolish the governments of the particular States, its adversaries would
19 have some ground for their objection; though it would not be difficult to show that if they were
20 abolished the general government would be compelled, by the principle of self-preservation, to
21 reinstate them in their proper jurisdiction.

22 A second observation to be made is that the immediate object of the federal Constitution is to secure
23 the union of the thirteen primitive States, which we know to be practicable; and to add to them such
24 other States as may arise in their own bosoms, or in their neighborhoods, which we cannot doubt to
25 be equally practicable. The arrangements that may be necessary for those angles and fractions of our
26 territory which lie on our northwestern frontier, must be left to those whom further discoveries and
27 experience will render more equal to the task.

28 Let it be remarked, in the third place, that the intercourse throughout the Union will be facilitated
29 by new improvements. Roads will everywhere be shortened, and kept in better order; accommodations

1 for travelers will be multiplied and meliorated; an interior navigation on our eastern side will be opened
2 throughout, or nearly throughout, the whole extent of the thirteen States. The communication
3 between the Western and Atlantic districts, and between different parts of each, will be rendered more
4 and more easy by those numerous canals with which the beneficence of nature has intersected our
5 country, and which art finds it so little difficult to connect and complete.

6 A fourth and still more important consideration is, that as almost every State will, on one side or
7 other, be a frontier, and will thus find, in regard to its safety, an inducement to make some sacrifices
8 for the sake of the general protection; so the States which lie at the greatest distance from the heart of
9 the Union, and which, of course, may partake least of the ordinary circulation of its benefits, will be
10 at the same time immediately contiguous to foreign nations, and will consequently stand, on particular
11 occasions, in greatest need of its strength and resources. It may be inconvenient for Georgia, or the
12 States forming our western or northeastern borders, to send their representatives to the seat of
13 government; but they would find it more so to struggle alone against an invading enemy, or even to
14 support alone the whole expense of those precautions which may be dictated by the neighborhood of
15 continual danger. If they should derive less benefit, therefore, from the Union in some respects than
16 the less distant States, they will derive greater benefit from it in other respects, and thus the proper
17 equilibrium will be maintained throughout.

18 I submit to you, my fellow-citizens, these considerations, in full confidence that the good sense
19 which has so often marked your decisions will allow them their due weight and effect; and that you
20 will never suffer difficulties, however formidable in appearance, or however fashionable the error on
21 which they may be founded, to drive you into the gloomy and perilous scene into which the advocates
22 for disunion would conduct you. Hearken not to the unnatural voice which tells you that the people
23 of America, knit together as they are by so many cords of affection, can no longer live together as
24 members of the same family; can no longer continue the mutual guardians of their mutual happiness;
25 can no longer be fellow citizens of one great, respectable, and flourishing empire. Hearken not to the
26 voice which petulantly tells you that the form of government recommended for your adoption is a
27 novelty in the political world; that it has never yet had a place in the theories of the wildest projectors;
28 that it rashly attempts what it is impossible to accomplish. No, my countrymen, shut your ears against
29 this unhallowed language. Shut your hearts against the poison which it conveys; the kindred blood
30 which flows in the veins of American citizens, the mingled blood which they have shed in defense of

1 their sacred rights, consecrate their Union, and excite horror at the idea of their becoming aliens, rivals,
2 enemies. And if novelties are to be shunned, believe me, the most alarming of all novelties, the most
3 wild of all projects, the most rash of all attempts, is that of rendering us in pieces, in order to preserve
4 our liberties and promote our happiness. But why is the experiment of an extended republic to be
5 rejected, merely because it may comprise what is new? Is it not the glory of the people of America,
6 that, whilst they have paid a decent regard to the opinions of former times and other nations, they
7 have not suffered a blind veneration for antiquity, for custom, or for names, to overrule the suggestions
8 of their own good sense, the knowledge of their own situation, and the lessons of their own experience?
9 To this manly spirit, posterity will be indebted for the possession, and the world for the example, of
10 the numerous innovations displayed on the American theatre, in favor of private rights and public
11 happiness. Had no important step been taken by the leaders of the Revolution for which a precedent
12 could not be discovered, no government established of which an exact model did not present itself,
13 the people of the United States might, at this moment have been numbered among the melancholy
14 victims of misguided councils, must at best have been laboring under the weight of some of those
15 forms which have crushed the liberties of the rest of mankind. Happily for America, happily, we trust,
16 for the whole human race, they pursued a new and more noble course. They accomplished a revolution
17 which has no parallel in the annals of human society. They reared the fabrics of governments which
18 have no model on the face of the globe. They formed the design of a great Confederacy, which it is
19 incumbent on their successors to improve and perpetuate. If their works betray imperfections, we
20 wonder at the fewness of them. If they erred most in the structure of the Union, this was the work
21 most difficult to be executed; this is the work which has been new modelled by the act of your
22 convention, and it is that act on which you are now to deliberate and to decide.

23 PUBLIUS

1 **FEDERALIST No. 15. The Insufficiency of**
2 **the Present Confederation to Preserve the**
3 **Union**

4 **For the Independent Journal. Saturday, December 1, 1787**

5 HAMILTON

6 To the People of the State of New York.

7 IN THE course of the preceding papers, I have endeavored, my fellow citizens, to place before you,
8 in a clear and convincing light, the importance of Union to your political safety and happiness. I have
9 unfolded to you a complication of dangers to which you would be exposed, should you permit that
10 sacred knot which binds the people of America together be severed or dissolved by ambition or by
11 avarice, by jealousy or by misrepresentation. In the sequel of the inquiry through which I propose to
12 accompany you, the truths intended to be inculcated will receive further confirmation from facts and
13 arguments hitherto unnoticed. If the road over which you will still have to pass should in some places
14 appear to you tedious or irksome, you will recollect that you are in quest of information on a subject
15 the most momentous which can engage the attention of a free people, that the field through which
16 you have to travel is in itself spacious, and that the difficulties of the journey have been unnecessarily
17 increased by the mazes with which sophistry has beset the way. It will be my aim to remove the
18 obstacles from your progress in as compendious a manner as it can be done, without sacrificing utility
19 to despatch.

20 In pursuance of the plan which I have laid down for the discussion of the subject, the point next in
21 order to be examined is the "insufficiency of the present Confederation to the preservation of the
22 Union." It may perhaps be asked what need there is of reasoning or proof to illustrate a position which
23 is not either controverted or doubted, to which the understandings and feelings of all classes of men
24 assent, and which in substance is admitted by the opponents as well as by the friends of the new
25 Constitution. It must in truth be acknowledged that, however these may differ in other respects, they
26 in general appear to harmonize in this sentiment, at least, that there are material imperfections in our
27 national system, and that something is necessary to be done to rescue us from impending anarchy.

1 The facts that support this opinion are no longer objects of speculation. They have forced themselves
2 upon the sensibility of the people at large, and have at length extorted from those, whose mistaken
3 policy has had the principal share in precipitating the extremity at which we are arrived, a reluctant
4 confession of the reality of those defects in the scheme of our federal government, which have been
5 long pointed out and regretted by the intelligent friends of the Union.

6 We may indeed with propriety be said to have reached almost the last stage of national humiliation.
7 There is scarcely anything that can wound the pride or degrade the character of an independent nation
8 which we do not experience. Are there engagements to the performance of which we are held by every
9 tie respectable among men? These are the subjects of constant and unblushing violation. Do we owe
10 debts to foreigners and to our own citizens contracted in a time of imminent peril for the preservation
11 of our political existence? These remain without any proper or satisfactory provision for their discharge.
12 Have we valuable territories and important posts in the possession of a foreign power which, by express
13 stipulations, ought long since to have been surrendered? These are still retained, to the prejudice of
14 our interests, not less than of our rights. Are we in a condition to resent or to repel the aggression? We
15 have neither troops, nor treasury, nor government.(1) Are we even in a condition to remonstrate with
16 dignity? The just imputations on our own faith, in respect to the same treaty, ought first to be removed.
17 Are we entitled by nature and compact to a free participation in the navigation of the Mississippi?
18 Spain excludes us from it. Is public credit an indispensable resource in time of public danger? We seem
19 to have abandoned its cause as desperate and irretrievable. Is commerce of importance to national
20 wealth? Ours is at the lowest point of declension. Is respectability in the eyes of foreign powers a
21 safeguard against foreign encroachments? The imbecility of our government even forbids them to treat
22 with us. Our ambassadors abroad are the mere pageants of mimic sovereignty. Is a violent and
23 unnatural decrease in the value of land a symptom of national distress? The price of improved land in
24 most parts of the country is much lower than can be accounted for by the quantity of waste land at
25 market, and can only be fully explained by that want of private and public confidence, which are so
26 alarmingly prevalent among all ranks, and which have a direct tendency to depreciate property of every
27 kind. Is private credit the friend and patron of industry? That most useful kind which relates to
28 borrowing and lending is reduced within the narrowest limits, and this still more from an opinion of
29 insecurity than from the scarcity of money. To shorten an enumeration of particulars which can afford
30 neither pleasure nor instruction, it may in general be demanded, what indication is there of national

1 disorder, poverty, and insignificance that could befall a community so peculiarly blessed with natural
2 advantages as we are, which does not form a part of the dark catalogue of our public misfortunes?

3 This is the melancholy situation to which we have been brought by those very maxims and councils
4 which would now deter us from adopting the proposed Constitution; and which, not content with
5 having conducted us to the brink of a precipice, seem resolved to plunge us into the abyss that awaits
6 us below. Here, my countrymen, impelled by every motive that ought to influence an enlightened
7 people, let us make a firm stand for our safety, our tranquillity, our dignity, our reputation. Let us at
8 last break the fatal charm which has too long seduced us from the paths of felicity and prosperity.

9 It is true, as has been before observed that facts, too stubborn to be resisted, have produced a species
10 of general assent to the abstract proposition that there exist material defects in our national system;
11 but the usefulness of the concession, on the part of the old adversaries of federal measures, is destroyed
12 by a strenuous opposition to a remedy, upon the only principles that can give it a chance of success.
13 While they admit that the government of the United States is destitute of energy, they contend against
14 conferring upon it those powers which are requisite to supply that energy. They seem still to aim at
15 things repugnant and irreconcilable; at an augmentation of federal authority, without a diminution of
16 State authority; at sovereignty in the Union, and complete independence in the members. They still,
17 in fine, seem to cherish with blind devotion the political monster of an imperium in imperio. This
18 renders a full display of the principal defects of the Confederation necessary, in order to show that the
19 evils we experience do not proceed from minute or partial imperfections, but from fundamental errors
20 in the structure of the building, which cannot be amended otherwise than by an alteration in the first
21 principles and main pillars of the fabric.

22 The great and radical vice in the construction of the existing Confederation is in the principle of
23 LEGISLATION for STATES or GOVERNMENTS, in their CORPORATE or COLLECTIVE
24 CAPACITIES, and as contradistinguished from the INDIVIDUALS of which they consist. Though
25 this principle does not run through all the powers delegated to the Union, yet it pervades and governs
26 those on which the efficacy of the rest depends. Except as to the rule of appointment, the United States
27 has an indefinite discretion to make requisitions for men and money; but they have no authority to
28 raise either, by regulations extending to the individual citizens of America. The consequence of this is,
29 that though in theory their resolutions concerning those objects are laws, constitutionally binding on

1 the members of the Union, yet in practice they are mere recommendations which the States observe
2 or disregard at their option.

3 It is a singular instance of the capriciousness of the human mind, that after all the admonitions we
4 have had from experience on this head, there should still be found men who object to the new
5 Constitution, for deviating from a principle which has been found the bane of the old, and which is
6 in itself evidently incompatible with the idea of GOVERNMENT; a principle, in short, which, if it is
7 to be executed at all, must substitute the violent and sanguinary agency of the sword to the mild
8 influence of the magistracy.

9 There is nothing absurd or impracticable in the idea of a league or alliance between independent
10 nations for certain defined purposes precisely stated in a treaty regulating all the details of time, place,
11 circumstance, and quantity; leaving nothing to future discretion; and depending for its execution on
12 the good faith of the parties. Compacts of this kind exist among all civilized nations, subject to the
13 usual vicissitudes of peace and war, of observance and non-observance, as the interests or passions of
14 the contracting powers dictate. In the early part of the present century there was an epidemical rage in
15 Europe for this species of compacts, from which the politicians of the times fondly hoped for benefits
16 which were never realized. With a view to establishing the equilibrium of power and the peace of that
17 part of the world, all the resources of negotiation were exhausted, and triple and quadruple alliances
18 were formed; but they were scarcely formed before they were broken, giving an instructive but
19 afflicting lesson to mankind, how little dependence is to be placed on treaties which have no other
20 sanction than the obligations of good faith, and which oppose general considerations of peace and
21 justice to the impulse of any immediate interest or passion.

22 If the particular States in this country are disposed to stand in a similar relation to each other, and
23 to drop the project of a general DISCRETIONARY SUPERINTENDENCE, the scheme would
24 indeed be pernicious, and would entail upon us all the mischiefs which have been enumerated under
25 the first head; but it would have the merit of being, at least, consistent and practicable Abandoning all
26 views towards a confederate government, this would bring us to a simple alliance offensive and
27 defensive; and would place us in a situation to be alternate friends and enemies of each other, as our
28 mutual jealousies and rivalships, nourished by the intrigues of foreign nations, should prescribe to us.

1 But if we are unwilling to be placed in this perilous situation; if we still will adhere to the design of
2 a national government, or, which is the same thing, of a superintending power, under the direction of
3 a common council, we must resolve to incorporate into our plan those ingredients which may be
4 considered as forming the characteristic difference between a league and a government; we must extend
5 the authority of the Union to the persons of the citizens,—the only proper objects of government.

6 Government implies the power of making laws. It is essential to the idea of a law, that it be attended
7 with a sanction; or, in other words, a penalty or punishment for disobedience. If there be no penalty
8 annexed to disobedience, the resolutions or commands which pretend to be laws will, in fact, amount
9 to nothing more than advice or recommendation. This penalty, whatever it may be, can only be
10 inflicted in two ways: by the agency of the courts and ministers of justice, or by military force; by the
11 COERCION of the magistracy, or by the COERCION of arms. The first kind can evidently apply
12 only to men; the last kind must of necessity, be employed against bodies politic, or communities, or
13 States. It is evident that there is no process of a court by which the observance of the laws can, in the
14 last resort, be enforced. Sentences may be denounced against them for violations of their duty; but
15 these sentences can only be carried into execution by the sword. In an association where the general
16 authority is confined to the collective bodies of the communities, that compose it, every breach of the
17 laws must involve a state of war; and military execution must become the only instrument of civil
18 obedience. Such a state of things can certainly not deserve the name of government, nor would any
19 prudent man choose to commit his happiness to it.

20 There was a time when we were told that breaches, by the States, of the regulations of the federal
21 authority were not to be expected; that a sense of common interest would preside over the conduct of
22 the respective members, and would beget a full compliance with all the constitutional requisitions of
23 the Union. This language, at the present day, would appear as wild as a great part of what we now
24 hear from the same quarter will be thought, when we shall have received further lessons from that best
25 oracle of wisdom, experience. It at all times betrayed an ignorance of the true springs by which human
26 conduct is actuated, and belied the original inducements to the establishment of civil power. Why has
27 government been instituted at all? Because the passions of men will not conform to the dictates of
28 reason and justice, without constraint. Has it been found that bodies of men act with more rectitude
29 or greater disinterestedness than individuals? The contrary of this has been inferred by all accurate
30 observers of the conduct of mankind; and the inference is founded upon obvious reasons. Regard to

1 reputation has a less active influence, when the infamy of a bad action is to be divided among a number
2 than when it is to fall singly upon one. A spirit of faction, which is apt to mingle its poison in the
3 deliberations of all bodies of men, will often hurry the persons of whom they are composed into
4 improprieties and excesses, for which they would blush in a private capacity.

5 In addition to all this, there is, in the nature of sovereign power, an impatience of control, that
6 disposes those who are invested with the exercise of it, to look with an evil eye upon all external
7 attempts to restrain or direct its operations. From this spirit it happens, that in every political
8 association which is formed upon the principle of uniting in a common interest a number of lesser
9 sovereignties, there will be found a kind of eccentric tendency in the subordinate or inferior orbs, by
10 the operation of which there will be a perpetual effort in each to fly off from the common centre. This
11 tendency is not difficult to be accounted for. It has its origin in the love of power. Power controlled
12 or abridged is almost always the rival and enemy of that power by which it is controlled or abridged.
13 This simple proposition will teach us how little reason there is to expect, that the persons intrusted
14 with the administration of the affairs of the particular members of a confederacy will at all times be
15 ready, with perfect good-humor, and an unbiased regard to the public weal, to execute the resolutions
16 or decrees of the general authority. The reverse of this results from the constitution of human nature.

17 If, therefore, the measures of the Confederacy cannot be executed without the intervention of the
18 particular administrations, there will be little prospect of their being executed at all. The rulers of the
19 respective members, whether they have a constitutional right to do it or not, will undertake to judge
20 of the propriety of the measures themselves. They will consider the conformity of the thing proposed
21 or required to their immediate interests or aims; the momentary conveniences or inconveniences that
22 would attend its adoption. All this will be done; and in a spirit of interested and suspicious scrutiny,
23 without that knowledge of national circumstances and reasons of state, which is essential to a right
24 judgment, and with that strong predilection in favor of local objects, which can hardly fail to mislead
25 the decision. The same process must be repeated in every member of which the body is constituted;
26 and the execution of the plans, framed by the councils of the whole, will always fluctuate on the
27 discretion of the ill-informed and prejudiced opinion of every part. Those who have been conversant
28 in the proceedings of popular assemblies; who have seen how difficult it often is, where there is no
29 exterior pressure of circumstances, to bring them to harmonious resolutions on important points, will
30 readily conceive how impossible it must be to induce a number of such assemblies, deliberating at a

1 distance from each other, at different times, and under different impressions, long to co-operate in the
2 same views and pursuits.

3 In our case, the concurrence of thirteen distinct sovereign wills is requisite, under the Confederation,
4 to the complete execution of every important measure that proceeds from the Union. It has happened
5 as was to have been foreseen. The measures of the Union have not been executed; the delinquencies
6 of the States have, step by step, matured themselves to an extreme, which has, at length, arrested all
7 the wheels of the national government, and brought them to an awful stand. Congress at this time
8 scarcely possess the means of keeping up the forms of administration, till the States can have time to
9 agree upon a more substantial substitute for the present shadow of a federal government. Things did
10 not come to this desperate extremity at once. The causes which have been specified produced at first
11 only unequal and disproportionate degrees of compliance with the requisitions of the Union. The
12 greater deficiencies of some States furnished the pretext of example and the temptation of interest to
13 the complying, or to the least delinquent States. Why should we do more in proportion than those
14 who are embarked with us in the same political voyage? Why should we consent to bear more than
15 our proper share of the common burden? These were suggestions which human selfishness could not
16 withstand, and which even speculative men, who looked forward to remote consequences, could not,
17 without hesitation, combat. Each State, yielding to the persuasive voice of immediate interest or
18 convenience, has successively withdrawn its support, till the frail and tottering edifice seems ready to
19 fall upon our heads, and to crush us beneath its ruins.

20 PUBLIUS

21 1. "I mean for the Union."

1 **FEDERALIST No. 16. The Same Subject**
2 **Continued (The Insufficiency of the Present**
3 **Confederation to Preserve the Union)**

4 **From the New York Packet. Tuesday, December 4, 1787.**

5 HAMILTON

6 To the People of the State of New York:

7 THE tendency of the principle of legislation for States, or communities, in their political capacities,
8 as it has been exemplified by the experiment we have made of it, is equally attested by the events which
9 have befallen all other governments of the confederate kind, of which we have any account, in exact
10 proportion to its prevalence in those systems. The confirmations of this fact will be worthy of a distinct
11 and particular examination. I shall content myself with barely observing here, that of all the
12 confederacies of antiquity, which history has handed down to us, the Lycian and Achaean leagues, as
13 far as there remain vestiges of them, appear to have been most free from the fetters of that mistaken
14 principle, and were accordingly those which have best deserved, and have most liberally received, the
15 applauding suffrages of political writers.

16 This exceptionable principle may, as truly as emphatically, be styled the parent of anarchy: It has
17 been seen that delinquencies in the members of the Union are its natural and necessary offspring; and
18 that whenever they happen, the only constitutional remedy is force, and the immediate effect of the
19 use of it, civil war.

20 It remains to inquire how far so odious an engine of government, in its application to us, would
21 even be capable of answering its end. If there should not be a large army constantly at the disposal of
22 the national government it would either not be able to employ force at all, or, when this could be
23 done, it would amount to a war between parts of the Confederacy concerning the infractions of a
24 league, in which the strongest combination would be most likely to prevail, whether it consisted of
25 those who supported or of those who resisted the general authority. It would rarely happen that the
26 delinquency to be redressed would be confined to a single member, and if there were more than one
27 who had neglected their duty, similarity of situation would induce them to unite for common defense.

1 Independent of this motive of sympathy, if a large and influential State should happen to be the
2 aggressing member, it would commonly have weight enough with its neighbors to win over some of
3 them as associates to its cause. Specious arguments of danger to the common liberty could easily be
4 contrived; plausible excuses for the deficiencies of the party could, without difficulty, be invented to
5 alarm the apprehensions, inflame the passions, and conciliate the good-will, even of those States which
6 were not chargeable with any violation or omission of duty. This would be the more likely to take
7 place, as the delinquencies of the larger members might be expected sometimes to proceed from an
8 ambitious premeditation in their rulers, with a view to getting rid of all external control upon their
9 designs of personal aggrandizement; the better to effect which it is presumable they would tamper
10 beforehand with leading individuals in the adjacent States. If associates could not be found at home,
11 recourse would be had to the aid of foreign powers, who would seldom be disinclined to encouraging
12 the dissensions of a Confederacy, from the firm union of which they had so much to fear. When the
13 sword is once drawn, the passions of men observe no bounds of moderation. The suggestions of
14 wounded pride, the instigations of irritated resentment, would be apt to carry the States against which
15 the arms of the Union were exerted, to any extremes necessary to avenge the affront or to avoid the
16 disgrace of submission. The first war of this kind would probably terminate in a dissolution of the
17 Union.

18 This may be considered as the violent death of the Confederacy. Its more natural death is what we
19 now seem to be on the point of experiencing, if the federal system be not speedily renovated in a more
20 substantial form. It is not probable, considering the genius of this country, that the complying States
21 would often be inclined to support the authority of the Union by engaging in a war against the non-
22 complying States. They would always be more ready to pursue the milder course of putting themselves
23 upon an equal footing with the delinquent members by an imitation of their example. And the guilt
24 of all would thus become the security of all. Our past experience has exhibited the operation of this
25 spirit in its full light. There would, in fact, be an insuperable difficulty in ascertaining when force
26 could with propriety be employed. In the article of pecuniary contribution, which would be the most
27 usual source of delinquency, it would often be impossible to decide whether it had proceeded from
28 disinclination or inability. The pretense of the latter would always be at hand. And the case must be
29 very flagrant in which its fallacy could be detected with sufficient certainty to justify the harsh
30 expedient of compulsion. It is easy to see that this problem alone, as often as it should occur, would

1 open a wide field for the exercise of factious views, of partiality, and of oppression, in the majority that
2 happened to prevail in the national council.

3 It seems to require no pains to prove that the States ought not to prefer a national Constitution
4 which could only be kept in motion by the instrumentality of a large army continually on foot to
5 execute the ordinary requisitions or decrees of the government. And yet this is the plain alternative
6 involved by those who wish to deny it the power of extending its operations to individuals. Such a
7 scheme, if practicable at all, would instantly degenerate into a military despotism; but it will be found
8 in every light impracticable. The resources of the Union would not be equal to the maintenance of an
9 army considerable enough to confine the larger States within the limits of their duty; nor would the
10 means ever be furnished of forming such an army in the first instance. Whoever considers the
11 populousness and strength of several of these States singly at the present juncture, and looks forward
12 to what they will become, even at the distance of half a century, will at once dismiss as idle and
13 visionary any scheme which aims at regulating their movements by laws to operate upon them in their
14 collective capacities, and to be executed by a coercion applicable to them in the same capacities. A
15 project of this kind is little less romantic than the monster-taming spirit which is attributed to the
16 fabulous heroes and demi-gods of antiquity.

17 Even in those confederacies which have been composed of members smaller than many of our
18 counties, the principle of legislation for sovereign States, supported by military coercion, has never
19 been found effectual. It has rarely been attempted to be employed, but against the weaker members;
20 and in most instances attempts to coerce the refractory and disobedient have been the signals of bloody
21 wars, in which one half of the confederacy has displayed its banners against the other half.

22 The result of these observations to an intelligent mind must be clearly this, that if it be possible at
23 any rate to construct a federal government capable of regulating the common concerns and preserving
24 the general tranquillity, it must be founded, as to the objects committed to its care, upon the reverse
25 of the principle contended for by the opponents of the proposed Constitution. It must carry its agency
26 to the persons of the citizens. It must stand in need of no intermediate legislations; but must itself be
27 empowered to employ the arm of the ordinary magistrate to execute its own resolutions. The majesty
28 of the national authority must be manifested through the medium of the courts of justice. The
29 government of the Union, like that of each State, must be able to address itself immediately to the

1 hopes and fears of individuals; and to attract to its support those passions which have the strongest
2 influence upon the human heart. It must, in short, possess all the means, and have a right to resort to
3 all the methods, of executing the powers with which it is intrusted, that are possessed and exercised by
4 the government of the particular States.

5 To this reasoning it may perhaps be objected, that if any State should be disaffected to the authority
6 of the Union, it could at any time obstruct the execution of its laws, and bring the matter to the same
7 issue of force, with the necessity of which the opposite scheme is reproached.

8 The plausibility of this objection will vanish the moment we advert to the essential difference
9 between a mere NON-COMPLIANCE and a DIRECT and ACTIVE RESISTANCE. If the
10 interposition of the State legislatures be necessary to give effect to a measure of the Union, they have
11 only NOT TO ACT, or TO ACT EVASIVELY, and the measure is defeated. This neglect of duty
12 may be disguised under affected but unsubstantial provisions, so as not to appear, and of course not
13 to excite any alarm in the people for the safety of the Constitution. The State leaders may even make
14 a merit of their surreptitious invasions of it on the ground of some temporary convenience, exemption,
15 or advantage.

16 But if the execution of the laws of the national government should not require the intervention of
17 the State legislatures, if they were to pass into immediate operation upon the citizens themselves, the
18 particular governments could not interrupt their progress without an open and violent exertion of an
19 unconstitutional power. No omissions nor evasions would answer the end. They would be obliged to
20 act, and in such a manner as would leave no doubt that they had encroached on the national rights.
21 An experiment of this nature would always be hazardous in the face of a constitution in any degree
22 competent to its own defense, and of a people enlightened enough to distinguish between a legal
23 exercise and an illegal usurpation of authority. The success of it would require not merely a factious
24 majority in the legislature, but the concurrence of the courts of justice and of the body of the people.
25 If the judges were not embarked in a conspiracy with the legislature, they would pronounce the
26 resolutions of such a majority to be contrary to the supreme law of the land, unconstitutional, and
27 void. If the people were not tainted with the spirit of their State representatives, they, as the natural
28 guardians of the Constitution, would throw their weight into the national scale and give it a decided
29 preponderancy in the contest. Attempts of this kind would not often be made with levity or rashness,

1 because they could seldom be made without danger to the authors, unless in cases of a tyrannical
2 exercise of the federal authority.

3 If opposition to the national government should arise from the disorderly conduct of refractory or
4 seditious individuals, it could be overcome by the same means which are daily employed against the
5 same evil under the State governments. The magistracy, being equally the ministers of the law of the
6 land, from whatever source it might emanate, would doubtless be as ready to guard the national as the
7 local regulations from the inroads of private licentiousness. As to those partial commotions and
8 insurrections, which sometimes disquiet society, from the intrigues of an inconsiderable faction, or
9 from sudden or occasional illhumors that do not infect the great body of the community the general
10 government could command more extensive resources for the suppression of disturbances of that kind
11 than would be in the power of any single member. And as to those mortal feuds which, in certain
12 conjunctures, spread a conflagration through a whole nation, or through a very large proportion of it,
13 proceeding either from weighty causes of discontent given by the government or from the contagion
14 of some violent popular paroxysm, they do not fall within any ordinary rules of calculation. When
15 they happen, they commonly amount to revolutions and dismemberments of empire. No form of
16 government can always either avoid or control them. It is in vain to hope to guard against events too
17 mighty for human foresight or precaution, and it would be idle to object to a government because it
18 could not perform impossibilities.

19 PUBLIUS