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## The Icelandic Federalist Papers

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No. 7: Homogeneity, Heterogeneity, and the Constitutional Project

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# The Icelandic Federalist Papers

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## No. 7: Homogeneity, Heterogeneity, and the Constitutional Project

### To the People of Iceland:

*The Federalist* is a set of 85 essays written in 1787–88 by three gifted writers and politicians (Alexander Hamilton, John Jay, and James Madison) writing under the name “Publius.” It is hard enough to persuade Americans that they may be relevant to understanding our political situation in 2017, though as I argue in my book *An Argument Open to All; Reading the Federalist in the 21st Century*, I think that is the case. It is not that the essays necessarily provide answers that can easily be adopted (or, for that matter, should necessarily have been adopted even at the time); rather, they raise fundamental issues that have scarcely diminished in importance over time. No one suggests that one’s political education stop with reading these essays, but they may be a surprisingly good place to start in terms of jogging the mind.

One of the most interesting of the entire collection occurs very near the beginning, *Federalist* #2. Publius (in this case John Jay) begins with what might strike us as close to a truism: “Nothing is more certain than the indispensable necessity of government.” The problem, as was argued in *Federalist* 1, was that the existing framework of government, established in the 1781 Articles of Confederation, was clearly not effective. Indeed, in *Federalist* 15, Publius would describe it as “imbecilic,” a word also used at the Philadelphia Convention that ruthlessly displaced the Articles in favor of a strikingly new and different form of government.

Even in 1787, one could discern obvious differences between the nascent United States and Iceland. The roughly four million people were distributed from what is now Maine in the north (which is roughly the size of Iceland) to the southern border of Georgia, about twelve hundred miles away. Although most of the population was within 50 miles of the Atlantic Ocean, westward settlement was already taking Americans to the eastern bank of the Mississippi River eight hundred miles away. One could easily imagine the United States in fact splitting apart, into two or even three separate countries, with baleful consequences. Presumably Icelanders have no such worries and need not be persuaded of the virtues of Union per se.

Publius went on to observe, with great “pleasure,” that “Providence has been pleased to give this one connected country to one united people—a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs . . . .” It is, I believe, easy to demonstrate that even in 1787 this was quite preposterous as a description of the United States, and it is even more so today, when “diversity” and “multiculturalism” typify the country far more than the homogeneity asserted by Publius. But that may be irrelevant, if one asks what the *Federalist* might have to teach contemporary Icelanders. For the central reality of *Federalist* 2 is that Publius deeply believed that the homogeneity he described, whether or not completely true, was a necessary condition to achieving a new, highly desirable, constitutional order.

Perhaps the greatest challenge facing not only the United States, but also the states of contemporary Europe (and many other countries as well) is integrating what are truly multicultural populations who are defined, in part, by what they do not share. Political scientists have been arguing for years about the comparative importance of political institutions and political cultures. To what extent can well-designed institutions overcome social and political fragmentation in the

larger society? Or is it the case that no institutions can really overcome the problems presented by radical fragmentation, whether the particular lines of separation be those of class, ethnicity, religion, language, or political ideology, to name only the most obvious candidates? The United States, after all, survived less than 75 years before descending into a bloody conflagration that killed a full two percent of the entire population. And recent developments in the U.S. have demonstrated that the fault lines that caused the Civil War, especially the desire to maintain a social order built on an ideology of racial supremacy and subordination, have scarcely disappeared.

So what does this have to do with Iceland, whose 2016 population of 334,000 is roughly 60 percent of America's smallest state, Wyoming, which in turn has an area more than twice as large as the island nation? One can readily agree that much of *The Federalist* is completely irrelevant, such as the discussions of federalism. But the argument set out at the beginning of *Federalist 2* is of vital importance even today, especially if one is sympathetic to Publius's implicit argument. I should note my deep ambivalence about it, given my own preference for a dynamically diverse society. That being said, one must also acknowledge that radical heterogeneity can produce deep conflict as well as new socio-cultural "mosaics."

He seems to be suggesting that what 18th century writers called "republican politics," based on deliberation among citizens who would choose representatives to make decisions ostensibly in the public interest, did depend on a requisite degree of homogeneity of the overall population. A common language meant they could talk to one another without going through interpreters; a common religion or common "manners" meant that basic values were likely to be shared, so that the inevitable need for negotiation and compromise in any political system would be attainable. The greater the degree of genuine heterogeneity, the higher the probability that one group or another would assert "nonnegotiable demands." Especially important in the contemporary United States, for example, is the claim by a number of religious persons that they need not be expected to obey otherwise general antidiscrimination laws involving same-sex couples if they demand action that conflicts with the persons' religious faith.

No doubt some readers would say that I overestimate the degree of homogeneity in contemporary Iceland. But, frankly, it is almost surely the case that the conditions are present in Iceland for a far more deliberative and respectful form of politics than is now the case in the United States. That is probably due to Iceland's small size. In a nation so small it ought to be possible to design political institutions that give everyone a sense of meaningful participation in the institutions of governance. But equally as important is the probability that the shared characteristics of Icelanders make it easier to confront even deep political differences in a manner designed to produce outcomes that everyone could live with.

Or, put it this way: If even Iceland, with its small population and size, and at least relative homogeneity, cannot achieve a solution to the perceived problems generated by the present Icelandic constitution, then what hope is there for the rest of us? Many academics eagerly followed the attempts to crowdsource deliberation over a new constitution and to take full advantage of new technological possibilities. One can wonder how easy it would be to apply any lessons learned in Iceland to much larger and more heterogeneous countries. But even if there are limits to the lessons that Iceland presents to truly large and multicultural countries, that does not mean that the Icelandic experience can be ignored. In the United States, for example, each of the 50 states has its own constitution, and constitutional amendment is far more frequent at the state than at the national level. These state constitutions are in fact very important given the role that state governments continue to play in the everyday lives of the citizenry.

*Icelandic Federalist No. 7*

American defenders of federalism are fond of referring to states as providing “little laboratories of experimentation” from which the country at large can learn. Similarly, it is Iceland’s opportunity to become just such a laboratory for the wider world.

—CIVIS