

Excerpts from Federalist #10: “The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection (continued)” - November 22, 1787 {James Madison}

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....

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....

The latent causes of faction are thus sown in the nature of man; and we see them everywhere 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... But the most common and durable source of factions has been the various and unequal distribution of property...

{T}he 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 convulse 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 to 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 inquiries are directed...

By what means is this object attainable? Evidently by one of two {ways}. Either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression...

{Note: Madison uses the term “democracy” to refer to a relatively small nation-state in which most or all citizens can participate more or less directly in making decisions for the nation-state—what we would call “direct democracy.” He uses the term “republic” to refer to a larger nation-state like the U.S. was becoming in which people appoint representatives to meet together and make major decisions on their behalf.}

{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 mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and

concert result 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...

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...

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....

{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... it follows that, if the proportion 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 probability 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 practice with success the vicious arts by which elections are too often carried;...

The other point of difference is, the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government...

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.

~~Publius

Federalist #51: "The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments"

Independent Journal (Wednesday, February 6, 1788) {Excerpts}

{Note: When Madison says "departments," he's referring to what we would call 'branches', as in "the three branches of government." When he says "consolidation," he's referring to the proposal being made by the new Constitution (which he was hoping would be ratified) that a new, stronger central government be created to reduce some of the chaos and dysfunction encountered under the Articles of Confederation.}

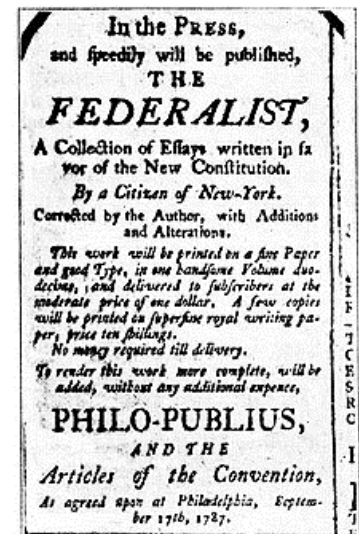
.... In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others....

{T}he great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place.

It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions. This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several Offices in such a manner as that each may be a check on the other that the private interest of every individual may be a sentinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the State. But it is not possible to give to each department an equal power of self-defense.

In republican government, the legislative authority necessarily predominates. The remedy for this inconvenience is to divide the legislature into {two houses}...



As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified. {A veto or} negative on the legislature {is how} the executive magistrate should be armed...

In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself...

It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure... {I}n the federal republic of the United States... {while} all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority. In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government...

Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit.

{Note: Madison then discusses how both liberty can be maintained and justice achieved through an extended republic.}

In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place... {T}he larger the society, provided it lie within a practical sphere, the more duly capable it will be of self- government. And happily for the republican cause, the practicable sphere may be carried to a very great extent, by a judicious modification and mixture of the federal principle.

Name: _____ Hour: _____

Instructions: Answer on your own paper. Staple this page to the top when finished and make sure your name and correct hour are filled in above before turning in.

Questions (Federalist #10)

1. What did Madison mean by a “faction”? According to him, what caused factions?
2. According to Madison, why are factions dangerous?
3. How does Madison refute the view that democracy was possible only in a small state?
4. How does Madison justify the new central government envisioned in the Constitution?
5. What were Madison’s views on minority rights? (How would “interests” or “factions” – especially those based on property and economic considerations – fit into the new form of government?)
6. On the basis of Federalist #10, would you describe Madison as a democrat? Why or why not?

Questions (Federalist #51):

7. In what way would government be “but the greatest of all reflections on human nature”? {Hint: think “of the - by the - for the”}
8. Perhaps the best-known phrase in all of the Federalist essays occurs in this excerpt: “If men were angels, no government would be necessary.” What does Madison mean by this?
9. What does the phrase “ambition must be made to counter ambition” mean? What does it suggest about Madison’s understanding of human nature?
10. Why does the author of Federalist #51 call the U.S. a “compound republic,” and why does he argue that this creates a “double security” for the “rights of the people”?
11. Briefly explain this segment: “It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure...” What current examples of this (the “rights of the minority” being made “insecure” by the majority) can you think of?
12. “Justice is the end of government.” In this context, “end” means “final purpose” rather than “something is finished or over.” Assuming the author is correct, how should we define “justice”?