

Throughout the summaries I take many quotes from Madison. See textbook page

**Federalist #10 (Please read the original also) The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection continued.**

Madison enters the constitutional debate with an analysis of the nature, causes, and effects of factions. The message that factions are the product and price of liberty, he looks for easy ways to control rather than to suppress factions, and finds the best system could be a system of federal representation. He believed that an extended territory would be necessary in this republican structure for better control of factions, new territory something Europe did not have. The proper “extent and proper structure of the Union” for a “republican remedy for diseases most incident to republican government.”

He mentions in the first column on page 783 that “minor parties” are usually left out by a “superior force of interested and overbearing majority.” For Madison this group condition is true in most cases. He states that the “factious spirit has tainted our public administration.” Madison wanted to stop negative effects of factions with his two techniques 1) “remove its causes” and 2) “controlling its affects.” But to take away liberty with the first technique is worse than the original problem of faction’s interest placed upon the public. Liberty and freedom are needed for politics. Man’s ability to make mistakes by reason will always create new opinions and create many new factions. Madison believes the greatest creator of factions is the inequality of wealth.

This seems to be referencing the many rebellions like Shays’ Rebellion, where American Revolutionaries were angry that they owed money on their farms after fighting for America’s liberty, and demanded that the debts be absolved by state legislatures. He says these conflicts can be avoided in the future with laws that must be made through the legislature. There are always going to be two sides of a conflict, so you *can’t get rid of the causes* of factions. So the legislative function of government will keep us away from these conflicts over capital between debtors and creditors. Madison mentions that the Legislators “will not be able to adjust these clashing interests, and render them all subservient to the public good.” This means CAUSES cannot be removed, but the EFFECTS of them can be curbed. Also a “pure democracy” is not the answer to the “mischief of faction.”

Madison looked at a republic and a democracy with distinct differences. In a republic we can have elected officials that are in “consonance” with the people and less likely to be manipulated. Further, the Representatives can be national and local; giving more representation that exists by dividing the responsibilities of governing the States. His hope was as the “extent of territory” is brought within a republic, we can embrace the new people. At many geographical and local levels any “plans of oppression” can be thwarted by individuals from a composition of the majority. Large groups made up of smaller groups from many other “areas, ideas and interests,” must avoid stepping on rights of other people within the union because there are many opinions. He asserts that the “Union” will help us maintain the ability to have little or no misuse of power over the people. The government’s structure will ensure a production of a republic, through a “Union of States,” even if the republic has “ills.” Our Federal system must be used to combat problems of faction for democracy to continue.

## **Discussion Questions**

1. How do the Federalists view human nature and shape the public's interests?
2. Why does Madison think individuals are "much more disposed to vex and oppress each other than to cooperate for their common good"?
3. Why does Madison feel that "pure democracy" leads to disaster?
4. Do you think ordinary citizens confronting each other in politics fosters individual growth of the public spirit, or does it produce ignorant decisions and unfairness to minorities?
5. What is the role of the elected?
6. Why does Madison want representatives to deliberate at a distance from the demands of their constituents?
7. Should the representatives do what is best for the country or abide by the wishes of the constituents?
8. How do we debate this "faction" and federal government idea today?

## **Federalist #51 (Please read the original also) The Meaning of the Maxim, Which Requires a Separation of the Departments of Power Examined and Ascertained.**

Madison is trying to produce a solution to the separation of power for appropriate “checks and balances between the different departments.” By having different departments then maybe each branch will be kept in “their proper place.” To have liberty secured a division of powers seems the best structure of government, and each part will have a specific job for the “preservation of liberty.” Madison believed that “each department should have a will of its own.” That power within the republic comes from the people as the “fountain of authority.” The more diversified the interests will help maintain a free society in a federal democracy.

The judiciary has “peculiar qualifications” so a choice must be made on those appointments by a “mode of choice” by the executive and conferred by the legislative branch. So these judicial appointments are “admitted” to be not very democratic, but that is the nature of picking justices who know the law, says Madison. Also the “permanent tenure” of judges seems to lessen the “authority” of the Executive and Legislative branches.

So each of the three branches are needed to be independent of each other. Where “ambition must be made to counteract ambition” means we need a system for checks and balances. Those that are elected are elected for the common good and “connected to the constitutional rights of the place.” So a government of “man over man” and that we are not “angels,” needs to ensure that there will be internal and external checks. Further, “the great difficulty lies” for we the people to devise a system that can “enable the government to control the governed,” and that the system we create can “control itself.” We are in a sense, in a republic, creating “policy” that represents public and private “rival interests,” and we hope with equal power. Each person that is a member of the departments and offices are to be “sentinel” or a guard against stepping on the public’s constitutional rights.

Each department does not have an equal “power of self-defense” and still should be able to check one another within the system “to resist encroachment.” In perpetuating this system “different modes of election” within the Legislative branch is needed. The executive might need majorities or not to render the legislative branch useful. Further states constitutions can also use this governing structure, if “just” and balanced, which Madison says it is.

The power of the people is given to an elected government. Divisions within the government, which Madison believes is a “double security”, which will avoid any “usurpations”. Madison says that the powers can become abused, but this “subdivided” security can “guard society against the oppression of its rulers. However, “this, at best, is but a precarious security; because a power independent of the society many as well espouse the unjust views of the major, as the rightful interests of the minor party, and may possibly turned against both parties.” With a “free government” both religious and civil rights must both be secure in our democratic society. As states join and are entered into the union, they must “comprehend under the same government” that the most important idea is “the rights of every class of citizens.” Madison says, “Justice is the end [goal] 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.”

Further the power will come from the American public alone, which is independent and factious, curbing powerful influence. The “number of interests” and the “multiplicity of sects” will help maintain the security of our structure. Hopefully, with three branches of the “Federal Principle”, a single all-powerful majority will not be able to overpower the “weaker individuals” that make up our democracy.

## **Discussion Questions #51**

1. Does the check and balances structure work?
2. Can one branch over another become more powerful?
3. When can a branch stop the abuse of another department? Does the structures allow this?
4. How important is an educated populace to make sure each branch does not over step its power entrusted to it by the people?
5. What happens today that Madison did not think about? Maybe Interest-group-liberalism that effects the federal system?
6. Can the people ensure that the three branches are doing their job and not following special interest? How?
7. Is the Federal system too large to work with the States and their agendas they have for governing? Should the Feds stay out or help states on local issues?
8. Can the system be Constitutionally changed for more efficiency?