

## Federalist Papers Guiding Questions (answer in margins of the docs)

### Federalist # 10: The Union As a Safeguard Against Faction

1. What does Madison mean when he refers to a faction? Why does he view factions as being so dangerous?
2. What are the two ways that one could attempt to remove the causes of a faction? Why are both of them bad?
3. He suggests that since the CAUSES of faction cannot realistically be removed, its EFFECTS can at least be controlled. How does he say this can be done?
4. Does Madison suggest that a small republic or a large republic is safer for democracy?

### Federalist #51: The Structure of the Government Must Furnish

5. Why would the new government's characteristic of being "divided into distinct and separate departments" keep the government from being usurped? (you may have to look up the definition of "usurp")
6. What trade-off did Madison offer in exchange for making the legislative branch the most powerful? How would he it would not become all-powerful?
7. What does Madison mean by his famous "if men were angels..."

### Federalist #84: Certain General and Miscellaneous Objections to the Constitution Considered and Answered

8. What reasons do Hamilton give against adding a bill of rights to the Constitution?
9. Why was Madison not impressed with the Magna Carta?
10. Explain Madison's argument regarding why we don't need "liberty of the press".
11. In the last paragraph, how does Madison argue for a stronger central government than the one the country had at the time?

## Federalist #10

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. There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects. There are again two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests. It could never be more truly said than of the first remedy, that it was worse than the disease. Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency. The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties . . . The inference to which we are brought is, that the CAUSES of faction cannot be removed, and that relief is only to be sought in the means of controlling its EFFECTS . . .

From this view of the subject it may be concluded that 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 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 . . . Hence, it clearly appears, that the same advantage which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic,—is enjoyed by the Union over the States composing it.

## **Federalist #51**

The purpose of No. 51 is, according to Madison, to inform the reader of the safeguards created by the convention to maintain the separate branches of government, and to protect the rights of the people and of the country.

Madison's key point is that the members of each department should have as little dependence as possible on the members of the other departments, and to stay independent, their own department must not encroach on the others. To secure these ends, Madison suggests that "the great security against a gradual concentration of the several powers in the same department" is to enable each department (or the leader of the department) to fend off attempts to encroach upon the government of each other's departments. He goes on to say: "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.

In a republican form of government, Madison asserts, the legislative branch is the strongest, and therefore must be divided into different branches, be as little connected with each other as possible, and render them by different modes of election. He deems the legislative branch to be the strongest since it is essentially the true voice of the people. (Before the Seventeenth Amendment, only the House of Representatives was chosen directly by the people, the Senate was by state legislatures.) He stresses the need for the checks and balances.

The government is guarded from usurpations because it is divided into distinct and separate departments.

In 1788, power over people was divided both through federalism (between the federal government and the state governments) and through branches (legislative, executive, and judicial) within the national (or federal) government. Because of the division of power, a "double security arises to the rights of the people. The governments will control each other, at the same time that each will be controlled by itself".

Madison discusses at great length at the end the issue of political factions. He recognizes that factions will always be present and that the only way to counteract the effects of factions is to have numerous factions. In other words, even if individuals mingle with other members of the same social groups, ideals, and goals, no particular group should be able to become so strong as to thwart the interest of all other groups. No faction can become large enough to overthrow all other factions in a well-run republic.

## **Federalist #84**

The most considerable of the remaining objections is that the plan of the convention contains no bill of rights . . . It has been several times truly remarked that bills of rights are, in their origin, stipulations between kings and their subjects, abridgements of prerogative in favor of privilege, reservations of rights not surrendered to the prince. Such was MAGNA CHARTA, obtained by the barons, sword in hand, from King John . . . It is evident, therefore, that, according to their primitive signification, they have no application to constitutions professedly founded upon the power of the people, and executed by their immediate representatives and servants. Here, in strictness, the people surrender nothing; and as they retain every thing they have no need of particular reservations. "WE, THE PEOPLE of the United States, to secure the blessings of liberty to ourselves and our posterity, do ORDAIN and ESTABLISH this Constitution for the United States of America." . . . I go further, and affirm that bills of rights, in the sense and to the extent in which they are contended for, are not only unnecessary in the proposed Constitution, but would even be dangerous. They would contain various exceptions to powers not granted; and, on this very account, would afford a colorable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed? . . .

There remains but one other view of this matter to conclude the point. The truth is, after all the declamations we have heard, that the Constitution is itself, in every rational sense, and to every useful purpose, A BILL OF RIGHTS . . . And the proposed Constitution, if adopted, will be the bill of rights of the Union. Is it one object of a bill of rights to declare and specify the political privileges of the citizens in the structure and administration of the government? This is done in the most ample and precise manner in the plan of the convention; comprehending various precautions for the public security, which are not to be found in any of the State constitutions . . . The great bulk of the citizens of America are with reason convinced, that Union is the basis of their political happiness. Men of sense of all parties now, with few exceptions, agree that it cannot be preserved under the present system, nor without radical alterations; that new and extensive powers ought to be granted to the national head, and that these require a different organization of the federal government a single body being an unsafe depository of such ample authorities.