

Analysis of Federalist Papers 10 and 51

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Super Summary: Federalist 10 is about factions and republican government. Federalist 51 is about checks and balances.

Summary and Analysis of Essay 10

Summary:

In large republics, factions will be numerous, but they will be weaker than in small, direct democracies where it is easier for factions to consolidate their strength. In this country, leaders of factions may be able to influence state governments to support unsound economic and political policies; the states, far from being abolished, retain much of their sovereignty.

The immediate object of the constitution is to bring the present thirteen states into a secure union. Almost every state, old and new, will have one boundary next to territory owned by a foreign nation. The states farthest from the center of the country will be most endangered by these foreign countries; they may find it inconvenient to send representatives long distances to the capitol, but in terms of safety and protection they stand to gain the most from a strong national government.

Summary and Analysis of Essay 51

Summary:

Each branch should be, for the most part, in Madison's opinion, independent. To assure such independence, no one branch should have too much power in selecting members of the other two branches. If this principle were strictly followed, it would mean that the citizens should select the president, the legislators, and the judges. But, the framers recognized certain practical difficulties in making every office elective. In particular, the judicial branch would suffer because the average person is not aware of the qualifications judges should possess. Judges should have great ability, but also be free of political pressures. Since federal judges are appointed for life, their thinking will not be influenced by the president who appoints them, or the senators whose consent the president will seek.

Analysis

In this essay, Madison's thoughts on factionalism are delineated clearly. As we observed earlier, he assumed that conflicts of interest are inherent in human nature, and he recognized that, as a consequence, people fall into various groups. He wanted to avoid a situation in which any one group controlled the decisions of a society. Free elections and the majority principle protected the country from dictatorship, that is, the tyranny of a minority. However, he was equally concerned about the danger that he thought was more likely in a democracy, that is, the tyranny of the majority. A central institutional issue for him was how to minimize this risk.

Madison's solution characteristically relied not only on formal institutions, which could be designed, but also on the particular sociological structure of American society, which he took as a fortunate starting point for the framers of the new

constitution. The institutional component in his solution was checks and balances, so that there were multiple entry points into the government and multiple ways to offset the power that any one branch of the government might otherwise acquire over another. In this system, "the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on each other."

Madison commenced the statement of his theory in Federalist 51 with an acknowledgement that the "have nots" in any society are extremely likely to attack the "haves," for like Hamilton the Virginian believed class struggle to be inseparable from politics. "It is of great importance in a republic not only to guard against the oppression of its rulers," Madison writes, "but to guard one part of the society against the injustice of the other. 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."

Madison, it is clear, had emancipated himself from the sterile dualistic view of society that was so common in the eighteenth century and that so obsessed Hamilton.

Madison was one of the pioneers of "pluralism" in political thought. Where Hamilton saw the corporate spirit of the several states as poisonous to the union, Madison was aware that the preservation of the state governments could serve the cause of both liberty and union. Finally, the vastness of the United States, a fact that Hamilton considered the prime excuse for autocracy was recognized by Madison as the surest preservative of liberty.

It is interesting to note that the Federalist papers are unique, as shown in this paper, because of the extreme amount of thought that was put into the design of the constitution, as shown in Madison's original thought process that were penned in 51. Many, if not most, changes in institutional design, they usually occur as the reactions of shortsighted people to what they perceive as more-or-less short-range needs. This is one reason the Constitutional Convention was a remarkable event. The Founding Fathers set out deliberately to design the form of government that would be most likely to bring about the long-range goals that they envisaged for the Republic.

Philosophical Foundations of the Constitution

Taken from <http://www.iep.utm.edu/l/locke.htm>, and <http://www.gardenoflearning.com/4philosophersarticle.pdf>

John Locke (1632-1704), wrote *Two Treatises of Government*

The state of nature knows no government; but in it, as in political society, men are subject to the moral law

Men are born free and equal in rights—natural rights were inalienable, impossible to give up.

Government is instituted by a "social contract"; its powers are **limited**, and they involve reciprocal obligations;

Representative government (of property-holders).

Thomas Hobbes (1588-1679), wrote *The Leviathan*

Defended the **absolute** power of monarchies. Leviathan was a monster metaphor for a powerful government that imposed order on the people.

In the state of nature, there is no government. Hence the need for a monarchy.

People could agree in a social contract to give up natural rights such as equality and freedom and give absolute power to a sovereign.

Warned against religion in government.

Charles Montesquieu, (1689-1755), wrote *The Spirit of the Laws*.

In the state of nature individuals were so fearful that they avoided violence and war.

Main purpose of government is to maintain law and order, political liberty, and the property of the individual.

Opposed the absolute monarchy and favored the English system.

Best form of government was one in which the legislative, executive, and judicial powers were separate and kept each other in check to prevent any branch from becoming too powerful

Jean-Jacques Rousseau (1712-1778), wrote *The Social Contract*.

Man was naturally good and was corrupted by society.

Savages in a state of nature were free, equal, peaceful, and happy.

"Man is born free, and everywhere he is in chains."

Social contract was not a willing agreement, but a fraud against the people by the rich.

Described a pluralistic society in which people might give up their rights to a community, not a sovereign.

Advocated for Direct Democracy.

No separation of powers, majority rule.