Federalist 10 and 51 Explained.

**Federalist Paper Ten** is the fifth in a series of five which focuses on the possible dangers of war between the States. The first four are written by Alexander Hamilton with the tenth and final one (of this series) written by James Madison.

While Hamilton had lectured in Federalist Paper six that “the weakness and wickedness of human nature” would lead to “frequent and violent contests. He then expands on this perspective in federalist Papers seven and eight. Then in the Ninth he makes the point that the size of the American Union would promote external security and internal liberty. To support this position he uses the writings of Montesquieu.

However, Madison summarizes this subject in Federalist Paper Ten and provides **an analysis of the nature, causes, and effects of factions** (that is, that *factions are primarily the root cause of dissention*) but makes the point that said factions are the product of, and the price of, liberty. His approach is to develop the best way to control these natural urges and functions. For this he proposes that the best way is a system of representation and extended territory. Here he and Hamilton agree that **the proper structure of Union is that of a republic**. In this manner they provide that it is the best way to “combat a tyranny of the majority?”
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It is also true that **Federalist Paper Fifty One** concludes a series of five Federalist Papers, which is Federalist Forty Seven through Fifty One. These are all written by James Madison and **they address the subject of the separation of the departments of power**. That is, Madison examines the separation of the legislative, executive, and judiciary departments. He reviews **the natural tendency of the legislature to usurp the powers of the other branches** and therefore the *requirement of the checks and balances*.

By the time Madison writes Federalist Paper Fifty One you can make the case that he is picking up where he left off in Federalist Paper Ten. In short, he finds “security for civil rights” not in charters or in appeals to humanity, but rather in “the multiplicity of interests” that characterizes a free society concluding with, “ . . . 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. . . . ”

Answer these questions:

1. In Fed. 10, Madison cautions against **factions- or groups of people with a cause-** as dangerous and the “root cause of dissention”- (rebellion, conflict, opposition against government), and that a republic is the best form to combat a tyranny of the majority.

Are groups like the “Tea Party” or ACLU or NAACP a faction? Write your opinion.

 If the faction is a “majority of the people”, is it still dangerous? What about the “minority’s rights”, how are they represented? Think of different groups like gay, immigrants, women (!), people of color, are they factions too? How do they get their rights protected?

1. In Fed. 51, Madison writes about the “natural tendency of the legislature to usurp (take) the powers of the other branches.” Because of that tendency, he argues that a system of “checks and balances” is necessary. But now that congress can’t seem to get anything done because of partisan (one-sided) politics, it seems to be broken and nothing is getting done. This to me, is the ultimate power grab, and justifies the very thing Fed 10 and Fed 51 warned us about…factions. How should we fix this mess? What about term limits? A required balanced budget requirement? Campaign spending limits? Forced negotiations and a demand by the people that congress work together and negotiated legislation with time limits and appointed arbitrators? How about no work, no pay for congress?