which they aim....Society is convulsed by great parties, by minor ones it is agitated; it is torn by the former, by the latter it is degraded; and if these sometimes save it by a salutary perturbation, those invariably disturb it to no good end.°

It is not easy to glorify such institutions. Moreover, those who would try to elevate the status of the paltry American parties ought to be reminded of Tocqueville's warning that certain disadvantages also inhere in the great parties. Specifically, such parties "cling to principles more than to their consequences," and:

In them private interest, which always plays the chief part in political passions, is more studiously veiled under the pretext of the public good; and it may even be sometimes concealed from the eyes of the very persons whom it excites and impels.°

As Professor Piereson observes, our parties, if useless, at least have not been very dangerous.

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52. Ibid., I, pp. 178-179.
53. Ibid., I, p. 178.

Is The Federalist Anti-Party?

In his well-known work Party Government, E. E. Schattschneider stated: "Nearly the whole of the constitutional theory on the subject of political parties can be studied in capsule form in Number 10 of the Federalist Papers, written by James Madison." But it was not Schattschneider's intention to lavish praise on Madison, for he insisted that "the authors of the Constitution did not understand parties and certainly did not admire them...." Schattschneider's own general conclusion—one in which he strikingly contrasted his own position with that of the founders—reads as follows:

In the opinion of Madison, parties were intrinsically bad, and the sole issue for
discussion was the means by which bad parties might be prevented from becom-
ing dangerous. What never seems to have occurred to the authors of the Con-
stitution, however, is that parties might be used as beneficent instruments of
popular government. It is at this point that the distinction between the modern
and the antique attitude is made.  

There is no question that Federalist Number 10 is correctly iden-
tified as a key to the "antique attitude" towards political parties. But
a full answer to the question of whether, or to what extent, The
Federalist is an anti-party tract would seem to require that Number
10 be examined in conjunction with other essays in that same work
that also speak to various aspects of the essential character of
political parties. Since Schattschneider himself did not undertake
such an investigation, his contention that Madison held political
parties, of whatever kind, to be "intrinsically bad" seems prob-
lematic. What follows is an attempt fully to explicate the treatment
of political parties found in The Federalist and, where appropriate,
briefly to relate the teaching of The Federalist to modern political
parties and, more generally, to modern political life.

Are Political Parties Intrinsically Bad?

Political parties are specifically referred to in twenty-six of the
eighty-five essays that make up The Federalist. There is no blinking
the fact that most (but not all) of these references are negative in
nature. For example, in the very first essay, Hamilton found occa-
sion to state that "nothing could be more ill-judged than that in-
tolerant spirit which has at all times characterized political
parties." 3 It is also the case that in most (but not all) instances party
is treated as being synonymous with "faction," and, as everyone
knows, faction is that which Madison identified as being one of the
"diseases most incident to republican government." It would
necessarily seem to follow that faction, and therefore party, is like a
cancer on the side of the body politic and that a true statesman
either must know how to remedy this disease or else must despair of
being a patron of republican government. Madison claimed to know
the remedy, but the fact remains that the initial impression that one

2. Ibid.
3. The Federalist 1, p. 34. All references are to the New American Library edition,
ed. Clinton Rossiter.
receives about the nature of party in *The Federalist* is that it is something "intrinsically bad."

At first blush, then, *The Federalist* does give the appearance of being anti-party. But for this to be simply true—in the sense that commentators such as Schattschneider hold it to be true—Madison must mean by the term "party" exactly the same thing that modern students of politics mean when employing that term. While it may seem odd to raise the question of a possible semantic problem, the need for doing so may be illustrated by reminding the reader that the late Professor Martin Diamond conclusively demonstrated that what Madison meant by the term "federal" was not at all what contemporary students of politics mean when they refer to a "federal" system of government. Indeed, since Madison used the term "federal" as being synonymous with "confederal," the failure to note and to understand Madison's usage would lead one to the patently absurd conclusion that *The Federalist* opposed a federal system of government.

What then did Madison mean by party? Not surprisingly, the best way to investigate this question is to determine precisely what Madison meant by "faction." In Number 10, a faction is defined as "a number of citizens, whether amounting to a majority or 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." Thus to qualify as a faction, a group must be united and put into action by a single passion or interest and that passion or interest must be politically dangerous to other citizens. It is vitally important to understand that everything that Madison (or for that matter Hamilton) wrote in *The Federalist* concerning factions stayed within the bounds established by his definition in Number 10. A group is a faction when it is moved by an interest or passion to act politically in a manner that is adverse to the rights of other citizens. Contrary to what is commonly believed, Madison does not say, and does not seem to mean, that every group is a faction—although he did seem to indicate that every group united by a single interest or passion was potentially a faction. For example, when Madison stated that "[a] religious sect may degenerate into a political

5. *Federalist* 10, p. 78.
It seems evident that he was saying: (1) a religious sect is not necessarily a faction; (2) a religious sect, in all likelihood, would become a faction should it convert its religious passion into political action. What is also implied, and will become important later, is that it is highly improbable that those citizens who comprise the total membership of the Christian religion in the United States would, or ever could, become a faction in the Madisonian sense of that term.

Madison's definition and characterization of faction may now be related to political parties as they have appeared in our nation's history. Simply put, what type of parties might qualify as factions? There seems to be little doubt that some or all of the following would be likely candidates: the Anti-Masons, the Prohibitionist, the Vegetarian, various Marxist parties, and perhaps various Progressive parties, and the American Independent Party. Some no doubt would question the list, and, of course, it might be argued that tyranny cannot be deflected simply by guaranteeing the right to consume the flesh of animals or to tipple spirited beverages. But it does seem to have been groups similar in character to those named that Madison, in part, had in mind when he described and defined factions. Each of the groups named falls within Madison's definition in that each is (or was) united by a single passion or interest adverse to at least what conventionally has been understood to be the legitimate rights of other citizens. And, further, each acts (or has acted) as a political force in attempting fully to realize its interest or passion. Additionally, excepting the prohibitionists between 1919 and 1933, each is (or was) populated by a distinct minority of the citizens of the United States. The minority status of such groups is worth noting because the remedy for the danger(s) posed by these factions has throughout our political history been that which Madison so accurately stated almost two hundred years ago:

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.

But what of "majority factions" and, concomitantly, what of the

6. Ibid., p. 84.
7. Ibid., p. 80.
Democratic and Republican parties? Would Madison have considered our major parties to be “factions?” For purposes of analysis, let us assume what partisans of each sometimes say of the other, namely, that the Democratic Party is totally dominated and controlled by organized labor, and the Republican Party is similarly controlled by big business. If this were the case, then indeed Madison would have denominated them to be factions for reasons readily apparent in the following passage from *The Federalist* Number 10:

No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time; yet what are many of the most important acts of legislation but so many judicial determinations, not indeed concerning the rights of single citizens, but concerning the rights of large bodies of citizens? And what are the different classes of legislators but advocates and parties to the causes which they determine? Is a law proposed concerning private debts? It is a question to which creditors are parties on the one side and the debtors on the other. Justice ought to hold the balance between them. Yet the parties are, and must be, themselves the judges; and the most numerous party, or in other words, the most powerful faction must be expected to prevail. Shall domestic manufacturers be encouraged, and in which degree, by restriction on foreign manufacturers? Are questions which would be differently decided by the landed and the manufacturing classes, and probably neither with a sole regard to justice and the public good.

There is no mistaking the thrust of Madison’s words and if each of our major parties were in fact wholly controlled by one interest (or passion), then it would necessarily follow that Madison would have to be classified as an intellectual opponent of the current party system in the United States. But there is a virtual consensus among scholars that neither of our major parties is in fact wholly dominated by one interest and, significantly, neither is so dominated for reasons first articulated by James Madison in *The Federalist*. It should immediately be acknowledged that Professor Schattschneider himself proclaimed this to be the case when he wrote:

With rare prescience he [Madison] saw the multiplicity of interests in a modern national state and demonstrated that, as a consequence of that multiplicity of interests, no one of them is likely to win a majority. The advantage of a large republic, a federal republic, is that the diversity of interests in a large commu-

8. Ibid., pp. 79-80.
ty is greater than it is in a small community and, consequently, the danger that a tyrannical majority, composed of a single interest, will be able to oppress the whole community is correspondingly diminished.'

Schattschneider's words represent a summary of Madison's famous remedy for "majority faction." Expand the "Republican orbit" and, in all probability, no single interest will ever be a majority. But what Schattschneider seems not to have understood is that if a major party must be composed of more than one interest, then, using Madison's definition, it is not a faction and therefore not "intrinsically bad."

It is a fact that our major parties are almost always described as being vast coalitions of diverse interests. And, strikingly, Madison's own most authoritative pronouncement on the character of coalition politics reads as follows: "In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of the majority of the whole society could seldom take place on any other principles than those of justice and the general good. . . . Since each of our major parties aspires to the position of being "a coalition of the majority of the whole society," the Republican and Democratic parties would appear, in Madisonian terms, not to be one of the "diseases most incident to republican government," but, on the contrary, would appear to be a remedy for that disease.

What is being suggested is that our two-party system is characterized by the type of politics that Madison advocated in The Federalist. But however warranted such a suggestion may be, what is one to make of Madison's contention that coalition politics would normally represent only "justice and the general good"? Many would scoff at such an estimate of our present political parties. And surely one might suspect that Madison either deliberately exaggerated or else grossly miscalculated the benefits to be derived from the operation of coalition politics. Yet, it is important to grasp what Madison seemed to have meant by the "justice" that he ascribed to rule by broad political coalitions. Some extrapolation will be necessary, but Madison himself provides the broad outlines of the

10. Federalist 51, p. 325.
11. Though Madison is noted for his emphasis on "process," he left no doubt as to the ultimate goal: "Justice is the end of government. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit." Ibid., p. 324.
One thing Madison seems clearly to have meant is that the internal dynamics of coalition politics would guarantee moderation in political life and that moderation is one of the indispensable elements of justice. Untempered interest and passion are unruly; they endanger liberty, stability, and security. Coalition politics checks and moderates interests and passions and provides for the possibility of a regime of "ordered liberty." While moderation is not justice fully achieved, it may well be the closest approximation to that goal that actual political societies are capable of realizing.

Additionally (and closely related to the above), Madison seems to indicate that the processes of negotiation and compromise that are the lifeblood of coalition politics dictate a movement from parochial and short-run interests to broader and more long-run interests. This may be so because each of the particular interests that unite to form a coalition is forced—probably against its will—to consider and to accommodate other competing interests. And it is likely that what may emerge from such a process is the representation of a more general and abiding interest. A political coalition therefore may not simply be the sum of its parts; rather, it may become a whole that stands above the parts and represents something qualitatively different and more general. In other words, particular interests may not merely be aggregated by the politics of coalition building; they may be transformed. And this transformation may well culminate in the coming into being of a general interest that is, politically speaking, equivalent to the "general good." The process bears some similarity to Adam Smith's famous notion of the "invisible hand." But in coalition politics, the hand is not invisible and the likely emergence of the general interest is neither accidental nor unconscious, for each of the various interests deals directly with the others and each consciously participates in the construction and the operation of the whole. In fact, if Madison is correct in his belief, not only may coalition politics frequently represent something like the general good, but, additionally, each interest within the coalition may be made more just by the fact that it is obliged to broaden its political awareness and aims and to consider the welfare of others.

Finally, Madison seems to teach that broadly based consent is an indispensable element of a just society and that such consent is promoted by the politics of majority coalition. What is important here is not the consent of those parties that form the majority coalition,
but the consent of those who are not part of the coalition to live peaceably under its political domination. Since unanimity is impracticable, the republican principle is majority rule. But why would those citizens who are frequently, perhaps even permanently, in the minority, agree to live under a system of majority rule? A partial answer, of course, is that a minority can always hope to become part of a new ruling majority. But Madison’s principal answer is that, whereas no person would freely consent to live under an oppressive government (including an oppressive form of republican government), all should be willing to consent to live under a government controlled by a majority coalition because such a majority would in all probability not represent a genuine threat to the rights and security of any individual or group. 12 Broadly based consent bestows legitimacy on a government, and a government widely perceived as being legitimate tends also to be perceived as being a just government.

As important as coalition politics may be to the pursuit of justice, Madison did not argue that coalition politics was the sufficient condition for achieving justice. For example, as everyone knows, he also advocated the necessity of such "auxiliary precautions" as the separation of powers. But what should be evident by now is that, given the particular type of two-party system that has actually evolved in our nation, it is misleading to label The Federalist as being simply anti-party. It is true that Madison’s characterization of faction is damning to those political parties that are wholly dominated by one interest or passion. It may also be true, though it is hard to be certain, that Madison neither looked upon broad political coalitions as being parties nor envisioned the rise of such "institutionalized coalitions" as the Democratic and Republican parties. But there is every reason to believe that he would be supportive of our current major political parties, for, in composition and in operation, they resemble nothing so much as Madison’s own positive conception of rule by "a coalition of a majority of the whole society."

Political Parties and Constitutional Conventions

What Schattschneider called "the constitutional theory on the subject of political parties" as found in The Federalist is by no means

12. Ibid., p. 325.
exhausted by an examination of the famous Numbers 10 and 51. Among the collateral topics addressed in essays 37, 49, and 50, one discovers the following: (1) the role of party(ies) at the Constitutional Convention; and (2) the likely role of party(ies) at conventions that might be called in the future for the purpose of amending the Constitution of 1787.

Initially, it may seem more accurate to say that the collateral topic in Number 37 was the complete absence of party at the Philadelphia Convention, for Madison starkly asserted that "the convention must have enjoyed in a very singular degree, an exemption from the pestilential influence of party animosities-the disease most incident to deliberative bodies and most apt to contaminate their proceedings." But this claim appeared in a rhetorical flourish at the end of the essay and, judged on Madison's own terms, it will not completely bear analysis.

As every schoolboy and schoolgirl know, the work at the Convention was significantly affected by the controversy between the "large states" and the "small states" over the question of how to apportion representatives under the new government. Other competing interests were also evident, including, of course, the divergent interests of "North" and "South." Madison himself acknowledged in Number 37 that prominent among the difficulties faced by the delegates was "the interfering pretensions of the larger and smaller States." And though he was very discreet in his references to North and South in the text of *The Federalist*, he had openly stated the following on the floor of the Convention:

The great danger to our general government is the great southern and northern interests of the continent, being opposed to each other. Look to the votes in Congress, and most of them stand divided by the geography of the country, not according to the size of the states.

As evidenced by the two-thirds compromise and the clause dealing with the slave trade, the "great northern and southern interests" were indeed active and influential at the Philadelphia Convention. Is there then a necessary contradiction between what is common knowledge and Madison's assertion that the convention enjoyed "an exemption from the pestilential influence of party animosities"? The

13. Federalist 37, p. 231.
best answer seems to be that contradiction is too strong a word, for what Madison was trying to show was that competing interests did not dominate the great work of the convention. There was controversy and there were some necessary compromises, but in Madison’s words: “The real wonder is that so many difficulties should have been surmounted, and surmounted with a unanimity almost as unprecedented as it must have been unexpected.” What Madison meant was that the general consensus among the delegates on such vital questions as the restructuring and strengthening of the national government far exceeded in importance the difference(s) that led to the so-called “Great Compromise.”

Yet, it must finally be said that there were some competing interests evident at the Constitutional Convention and, in a passage that must be quoted at length, Madison indicated that the presence of these interests was not, and could not be, beneficial to such a body:

Nor could it have been the large and small States only which would marshall themselves in opposition to each other on various points. Other combinations, resulting from a difference of local position and policy, must have created additional difficulties. As every State may be divided into different districts, and its citizens into different classes, which give birth to contending interests and local jealousies, so the different parts of the United States are distinguished from each other by a variety of circumstances, which produce a like effect on a larger scale. And although this variety of interests, for reasons sufficiently explained in a former paper, may have a salutary influence on the administration of the government when formed, yet every one must be sensible of the contrary influence which must have been experienced in the task of forming it. 

The "former paper" to which Madison referred was, of course, Number 10. But note well that he indicates that his famous remedy for faction does not work when it comes to fashioning a Constitution. More specifically, this means that whereas a coalition of a variety of interests may safely be in control of everyday public policy, such a coalition could never have a "salutary influence" on the drafting of the fundamental law for a nation. And, on the basis of our previous analysis, it would certainly seem to follow that Madison would look suspiciously upon participation by the current Democratic and Republican parties in attempts either fundamental-

16. Ibid.
ly to amend the Constitution or to author a new Constitution. In fact, in respect to either of these functions, he would probably look upon our current major parties as being "intrinsically evil."

But there remains the question of why. Why would the presence and influence of a variety of particular interests be bad at a constitutional convention? Madison says that "every one must be sensible" of why, but the reasons do not really seem to be self-evident. Madison's own answer must be sought.

When delivering his concluding remarks on the impact of the struggle between the large and the small States in Number 37, Madison indicates that "the convention must have been compelled to sacrifice theoretical propriety to the force of extraneous considerations." Anyone at all familiar with Max Farrand's *Records of the Federal Convention of 1787* knows that Madison had been a "bitter-ender" against the "Great Compromise." It was in his judgment needless, and he had vigorously opposed any deviation from population as the principle of representation for seats in both houses of Congress. For Madison, the issue did not turn on "interests," but on the question of the very nature of the regime to be formed. The regime must be "strictly republican" for "[i]t is evident no other form would be reconcilable with the genius of the people of America; with the fundamental principles of the Revolution; or with that honorable determination which animates every votary of freedom to rest all our political experiments on the capacity of mankind for self-government."

Variety of interests dictates compromise(s), but, since the task of founding a government fundamentally differs from that of administering it, the role of compromise is not the same in the actual performance of these separate tasks. Public policy is normally tempered by compromise—thereby moderating its effect on particular groups and individuals. But it is unlikely that compromise among interests will have a beneficial effect on deliberations designed to deal with the type of questions that surround the issue of how best to structure and to distribute the basic offices and powers of government. The underlying principles of a government must be reasonably consistent and congruent or the resulting regime will be seriously flawed and will not efficaciously inform the political life of the people. Put in more familiar, modern language, the establishment of the rules of the game is not a function that should be per-

formed by the various groups that will be playing the game. Properly watched over, the game is safe once its rules are consistent and fair, but it is very dangerous to allow the rules either to be established or to be amended by those who possess a predetermined interest in either establishing or amending them.

Madison's concern about the influence of interests and parties on constitutional conventions is further illustrated and enlarged upon in essays 49 and 50. These two essays are very complex, but one question treated in them is whether alleged breaches of a Constitution-and, more specifically, whether alleged breaches of a separation of powers system-could be dealt with either by the occasional or by the periodic convening of a constitutional convention. Though indicating that "a constitutional road to the decision of the people ought to be marked out and kept open, for certain great and extraordinary occasions," Madison urged that "there appear to be insuperable objections against the proposed recurrence to the people, as a provision in all cases for keeping the several departments of power within their constitutional limits." One of the "insuperable objections" was the baneful influence that pre-existing political parties would have on such proceedings. Alleged breaches of a constitution would be associated with the prior activities of political parties and the involved parties would not only "plead their case," but also "would probably be constituted themselves the judges." Partisanship, not statesmanship, would, in all probability, rule at the convention. Madison charged that this had already been shown to be the case in Pennsylvania where a "Council of Censors" had been convened to inquire, "whether the Constitution had been violated, and whether the legislative and executive departments had encroached on each other." Madison characterized the failure of this "important and novel experiment in politics" as follows:

Throughout the continuance of the council, it was split into two fixed and violent parties. The fact is acknowledged and lamented by themselves. Had this not been the case, the face of their proceedings exhibits a proof equally satisfactory. In all questions, however unimportant in themselves, or unconnected with each other, the same names stand invariably contrasted on the opposite columns. Every unbiased observer may infer, without danger of mistake, and at the same time without meaning to reflect on either party, or any individuals of

19. Ibid., p. 316.
either party, that, unfortunately, passion, not reason, must have presided over their decisions.

Since Madison is here using the term "party" in the narrow sense of "faction," his words may seem to bring to mind not the Democratic and Republican parties but rather such groups as the "taxpayers' rebellion" movement or perhaps pro- or anti-abortion enthusiasts. But his reasoning seems equally applicable to our current major political parties. Madison's concern seemed to be that pre-existing parties, of whatever kind, would use constitutional conventions to justify past action and/or to jockey for future advantage. To paraphrase a line from essay Number 10, "enlightened statesmen would not be permitted to be at the helm." Party interest and passion would infect even the "leading characters" at conventions, and being "governed by a common passion, their opinions, if they are so to be called, will be the same." In fine, party cannot have a "salutary influence" on the work associated with constitutional conventions.

The United States has not experienced a full-blown national constitutional convention since 1787, so Madison's thesis has not been fully tested. But given the agonized outcries coming from many contemporary political pundits a few years ago when thirty-three State Legislatures had petitioned Congress to convene a constitutional convention, it would seem appropriate briefly to pause and to consider why such a movement has created such concern. It is, of course, necessary to remark that many commentators were simply opposed to the policy goals that seemingly were being pursued by the proponents of a convention. Additionally, opponents charged that the nation could experience a "runaway" convention. But, in whatever form expressed, is it not apparent that anyone (i.e., any thinking person) who may be harboring serious reservations about convening a new constitutional convention does so either because he or she fears that the delegates to such a body might share a dangerous "common passion" or because he or she worries that there might be such a clamoring and clashing of interests and parties at a new convention that the end product might well be a constitution that was far less principled and serviceable than the Constitution of 1787?

22. Ibid.
One should not, however, leave the impression that Madison attempted to portray the delegates to the Philadelphia Convention as an assembly of demigods." In *The Federalist*, neither Madison nor Hamilton ever characterizes the Constitution as perfect; on the contrary, each characterizes it as the imperfect work of "fallible men." "Extraneous considerations" had affected the work and important differences had to be resolved even among the most dispassionate of the delegates. As Madison put it: "When men exercise their reason coolly and freely on a variety of distinct questions, they inevitably fall into different opinions on some of them." But Madison did undeniably claim a kind of uniqueness for the Philadelphia Convention. The specific character of this uniqueness and an accompanying admonition to future generations of Americans can be gleaned from the following passage in which Madison was referring to the various State constitutions that had preceded the Constitution of 1787:

> We are to recollect that all the existing constitutions were formed in the midst of a danger which repressed the passions most unfriendly to order and concord; of an enthusiastic confidence of the people in their patriotic leaders, which stifled the ordinary diversity of opinions on great national questions; of a universal ar-dor for new and opposite forms, produced by a universal resentment and indignation against the ancient government; and whilst no spirit of party connected with the changes to be made, or the abuses to be reformed, could mingle its leaven in the operation. The future situations in which we must expect to be usually placed do not present any equivalent security against the danger which is apprehended.

Madison genuinely believed that "a constitutional road to the decision of the people ought to be marked out and kept open, for certain great and extraordinary occasions." But he also believed that, among other things, political parties made a journey on such a road perilous, and, therefore, that the road should not frequently be travelled.

**Political Parties and the Separation of Powers and Checks and Balances System**

If *The Federalist* teaches that political parties tend to be safe in everyday politics but dangerous to constitutional conventions, there remains the question of what that work teaches about the relation-

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23. Ibid.
ship between political parties and the separation of powers and checks and balances system. Political scientists such as Schattschneider and James McGregor Burns have argued that Madison’s proposed solution to faction in *Federalist* 10 obviated the need for a separation of powers in the basic structure of the national government. In Schattschneider’s words: “If the multiplicity of interests in a large republic makes tyrannical majorities impossible, the principal theoretical prop of the separation of powers has been demolished.”

Schattschneider believed that the pluralistic character of American political life makes party government completely safe government and that, in advocating the necessity of additional safeguards against the possibility of majority tyranny, Madison was being unnecessarily cautious and ultimately inconsistent with his own argument in behalf of pluralism. The controversy turns on the question of whether pluralism always suffices to prevent majority tyranny. As the following paragraph from *Federalist* Number 63 shows, Madison answered the question in the negative:

> It may be suggested that a people spread over an extensive region cannot, like the crowded inhabitants of a small district, be subject to the infection of violent passions or to the danger of combining in pursuit of unjust measures. I am far from denying that this is a distinction of peculiar importance. I have, on the contrary, endeavored in a former paper to show that it is one of the principal recommendations of a confederated republic. At the same time, this advantage ought not to be considered as superseding the use of auxiliary precautions. It may even be remarked that the same extended situation which will exempt the people of America from some of the dangers incident to lesser republics will expose them to the inconvenience of remaining for a longer time under the influence of those misrepresentations which the combined industry of interested men may succeed in distributing among them.

Once again the former paper to which Madison was referring was Number 10, and a return to that paper is necessary in order fully to understand Madison’s call for “auxiliary precautions.” If, as Schattschneider seems to believe, Madison had singled out property as the cause of faction (and party), then it would seem to follow that the great variety of economic interests fostered in an extended republic would suffice to prevent majority tyranny; for no single economic interest would ever be in a position to control the politics of the

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whole society. But Schattschneider’s interpretation is misleading, because, though Madison named property as being “the most common and durable source of factions,” he did not hold property to be the only source of faction. Indeed, if there were no such thing as private property, there would still be faction, for the root cause of faction is none other than man’s nature. And the consequences for civil society are best gauged in Madison’s own words:

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 more disposed to vex and oppress each other than to cooperate for their common good. So strong is the propensity of mankind to fall into mutual animosities that where no substantial occasion presents itself the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts.  

Note that what is common to the previously quoted passage from Number 63 and the above quotation is a deep concern about the irreparable harm that may be inflicted on the body politic by the presence of a widely felt temporary passion and/or the machinations of clever but unworthy political leaders. The authors of The Federalist held as a basic tenet the notion that the people normally willed both good government and the realization of their own best interest(s), and that there was in fact no fundamental disproportion between the two. But these men were also convinced that, either because of the activities of demagogues or because of the eruption of some general and violent passion, the people may momentarily will public policy that was contrary to “the permanent and aggregate interests of the community.” It was a problem of the head rather than the heart. The people mean well but do not always succeed in controlling their passions. On those occasions when the people lost their heads, it was to the Presidency, or the Senate, or the Supreme Court, that Madison and his colleagues looked for restraint on the majority until passions would wane and the people had the opportunity for a “sober second thought.”

27. Federalist 10, p. 79.
Since the Founders of our nation are widely thought to have held a bleak view of human nature, it may come as a surprise to some to be informed that these men believed that given sufficient time for deliberation the people are capable of consenting to good government. But just such a view is testified to in *The Federalist*. Auxiliary precautions were necessary, but the end result was not to be stasis; on the contrary, the end result was to be wise and moderate policy. Two passages—one from Madison concerning the Senate and the other from Hamilton concerning the Presidency—bear eloquent witness to the process, to the need for it, and to the likelihood of a happy and just outcome:

To a people as little blinded by prejudice or corrupted by flattery as those whom I address, I shall not scruple to add that such an institution [the Senate] may be sometimes necessary as a defense to the people against their own temporary errors and delusions. As the cool and deliberate sense of the community ought, in all governments, and actually will in all free governments, ultimately prevail over the views of its rulers; so there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career and to suspend the blow mediated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind? 28

The republican principle demands that the deliberate sense of the community should govern the conduct of those to whom they intrust the management of their affairs; but it does not require an unqualified complaisance to every sudden breeze of passion, or to every transient impulse which the people may receive from the arts of men, who flatter their prejudices to betray their interest.... When occasions present themselves in which the interests of the people are at variance with their inclinations, it is the duty of the persons whom they have appointed to be the guardians of those interests to withstand the temporary delusion in order to give time and opportunity for more cool and sedate reflection. Instances might be cited in which a conduct of this kind has saved the people from very fatal consequences of their own mistakes, and has procured lasting monuments of their gratitude to the men who had courage and magnanimity enough to serve them at the peril of their own displeasure. 29

When one combines *Federalist 10* with later numbers in which the separation of powers and checks and balances system is ar-

ticulated and defended, the following line of argument seems to emerge. The pluralistic character of the extended American republic normally will constitute a sufficient remedy against the danger of a majority faction. This especially will hold true in regard to the competition among economic interests, for, since no single interest will constitute a majority of the whole society, various interests will be obliged to engage in the moderating process of coalition building. However, the pluralistic character of American politics will occasionally be swept aside by the "artful misrepresentations" of demagogues and/or by a temporary but violent passion(s). When this happens, the nation would fall under the political control of a majority faction/party. Such an occurrence would not only result in the oppression of minorities, but would also threaten the very nature and future of republican government. On these critical occasions when pluralism fails, one must look to the checks and balances that are part of the separation of powers system until, in Madison's words, "reason, justice, and truth regain their authority over the public mind." More specifically, since the House of Representatives was designed in such a way as to impose on its members an "habitual recollection of their dependence on the people," the authors of The Federalist urged that either singly or in combination the Presidency, the Supreme Court, and the Senate should, "in these critical moments," be in a position "to suspend the blow mediated by the people against themselves."

By now it should be apparent that there is indeed a serious difference between Madison and E. E. Schattschneider (among others) over the possible relationship between what is called "party government" and the separation of powers and checks and balances system. But, contrary to what Schattschneider indicated, the difference does not turn on some alleged inconsistency in Madison's analysis-Madison was not inconsistent. Rather, it seems that Schattschneider was convinced that the pluralistic character of American society was the sufficient condition for protecting the polity from the violence of majority faction; whereas, Madison was persuaded that pluralism would occasionally fail. For Schattschneider, party government was both safe and efficient government. It alone would guarantee a relatively smooth translation of majority will into public policy. Institutional checks and balances only served to frustrate the legitimate aspirations and needs of the people.

Madison, on the other hand, was convinced that if the nation is to be genuinely secure against the disease of majority faction then it must have a national government that is structured so as to guarantee that only "the cool and deliberate sense of the community" would prevail. Party government alone could never fully provide such a guarantee even if the parties were themselves broad coalitions of diverse interests.

Conclusion

Modern scholarship has tended to look upon *The Federalist* as a work wholly unsympathetic to political parties. Such an interpretation is partially inaccurate and totally obscures the fact that some of James Madison's most important lines of reasoning appear to be very supportive of the idea of having coalition-based parties play a major role in the control of public policy. At the very least, it is misleading to state or even to imply that Madison would have viewed the Democratic and Republican parties as factions. Rather, it seems apparent that he would have viewed these parties normally as being one of the remedies for faction.

It is, however, true that neither Madison nor Hamilton was willing to trust the complete control of public policy to political parties of any kind. On certain critical occasions, the nations would have need of auxiliary precautions against the error of a passion-inspired majority faction. Moreover, it is also true that Madison held to the belief that no type of political party could ever have a salutary influence on the work of a constitutional convention. While he insisted that a "constitutional road" should always be "kept open," he strongly warned against the dangers of party should the people ever choose to re-enact the drama of the Philadelphia Convention.

It seems more than possible that at a time when there is considerable concern about "single interest" groups, about a petitioning Congress to convene a convention to amend the Constitution, and about the possible "moribund" state of our major political parties—works such as *The Federalist* might well provide us with valuable thoughts upon which to reflect. But if we are to benefit from the political ideas of our founding statesmen, we must first take the trouble to understand them. *The Federalist* seems well worth the effort.

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