Federalist #51 Explanation

The main purpose for you to read this historical writing is for you to see how James Madison defended the Constitution. Keep in mind that the Federalist Papers were written to defend the new Constitution. They were designed to persuade people that this was a good draft, that there was nothing to fear from having a strong central government and a complex system of checks and balances and separated institutions sharing powers. The Anti-Federalists argued that the Constitution was so complex that few could understand it; they argued that simpler government was better. This is what Madison addresses in Federalist #51. It is one of the most famous papers written by Madison as it is a masterful defense of our system of checks and balances. Every American should at least have read #51 (even if his old style of writing makes no sense), so you are being asked to read this ☺ As you read it, the following points will help you make sense of his argument.

---------------------------------------------------------------------------------------------------------------------

This is a defense of having separation of powers and checks and balances.

He argues that no branch of government should be dependent on another—need to give each branch the means to prevent encroachments from the other branches. So, for example, Congress cannot take any responsibilities or powers away from the President and vice versa. This has happened historically in other countries. Each branch has its own powers and has tools to prevent abuses of power by the other branches.

Examples: If the President abuses his power as President, committing “high crimes and misdemeanors” then the House can impeach the President and the Senate holds a trial to determine whether to remove the President.

The U.S. Supreme Court holds the power of judicial review to determine whether laws passed by Congress are constitutional or not.

Presidential veto power

Federal judges and Supreme Court justices are appointed for life and cannot be removed except in cases of impeachment. This prevents Congress and the President from removing judges they do not like for political or judicial reasons.

“Ambition must be made to counteract ambition”: What does this mean? Think about how politicians are ambitious for power—if you counteract them against each other, they cancel each other out. If Congress tries to be more powerful, then the Presidency will counterbalance that power. If the President tries to become too powerful, then Congress will act to check Presidential power.

Note: This reflects James Madison’s view of human nature—he held a cynical view of human nature as being power-hungry, selfish and self-interested politicians thirsty for power. Some scholars believe he turned out to have a very realistic conception of human nature. Others think he was too cynical.

****“If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.”****

This is the most famous phrases in all of the Federalist Papers—what does it mean?

Obviously government is not run by angels, so Madison argues that the problem is twofold:

1. We must enable to government to control the governed (i.e. public safety issues—we need laws to prevent people from speeding, looting stores, etc.)
2. We must enable the government to control itself (prevent tyranny and abuse of power)

This is referred to as “Madison’s Dilemma”: how much authority to give to the government to allow it to do its job and yet not so much power as to risk it becoming too powerful.

Dependence on the people is the primary means, but “auxiliary precautions” are necessary. The solution is to divide the powers to be checks on each other. Government is divided between state and federal governments and within the federal government, among the three branches of government.

Madison argues that the legislative branch is the most powerful and most dangerous branch. The framers believed the judiciary would be the least dangerous branch.