

## Summary and Analysis of Essay #51

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James Madison begins his famous federalist paper by explaining that the purpose of this essay is to help the readers understand how the structure of the proposed government makes liberty possible. 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 possess. Judges should have great ability, but also 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.

Madison furthers, the members of each branch should not be too dependent on the members of the other two branches in determination of their salaries. The best security against a gradual concentration of powers in any one branch is to provide constitutional safeguard that would make such concentration difficult. The constitutional rights of all must check on man's personal interests and ambitions. We may not like to admit that men abuse power, but the very power need for government itself proves they do, "if men were angels, no government would be necessary." Unfortunately, all men are imperfect, the rulers and the ruled. Consequently, the great problem in framing a government is that the government must be able to control people, but equally important, must be forced to control itself. The dependence of the government on the will of people is undoubtedly the best control, but experience teaches that other controllers are necessary.

Dividing powers helps to check its growth in any one direction, but power cannot be divided absolutely equally. In the republican form of government, the legislative branch tends to be the most powerful. That is why the framers divided the congress into two branches, the House of Representatives and the Senate, provided for a different method of election in each branch. Further safeguards against legislative tyranny may be necessary.

In a representative democracy it is not only important to guard against the oppression of rulers, it is equally important to guard against the injustice which may be inflicted by certain citizens or groups. Majorities often threaten the right of minorities. There are only two methods of avoiding evil. The first is to construct a powerful government, a "community will." Such a "will" is larger than, and independent of, the simply majority. This "solution" it's dangerous because such a government might throw its powers behind a group in a society working against the public good. In our country, the authority to govern comes from the entire society the people. In addition, under the constitution society is divided into many groups of people who hold different views and different interests. This makes it very difficult for one group to dominate or threaten the minority groups.

Justice is the purpose of government and civil society. If government allows or encourages strong groups to combine together against the weak, liberty will be lost and anarchy will result. And the conditions of anarchy tempts even strong individuals and groups to submit to any form of government, no matter how bad, which they hope will protect them as well as the weak.

Madison concludes that self-government flourishes in a large country containing many different groups. Some countries are too large for self- government, but the proposed plan modifies the federal principle enough to make self-government both possible and practical in the United States.