

**40. James Madison, *The Federalist*,  
No. 51 (1787)**

*Source: E. H. Scott, ed., The Federalist and Other Constitutional Papers (2 vols.: Chicago, 1894), Vol. 1, pp. 285–90. Scott attributes this essay to Alexander Hamilton, but modern scholars have determined that James Madison was the author.*

The question of ratifying the new national Constitution produced a fierce public debate. Hundreds of pamphlets and newspaper articles discussed the pros and cons of the new frame of government. To generate support for the Constitution, Alexander Hamilton, James Madison, and John Jay composed a series of 85 essays that appeared in newspapers under the pen name Publius and were gathered as a book, *The Federalist*, in 1788.

Again and again, the authors of *The Federalist* repeated that rather than posing a danger to Americans' liberties, as critics charged, the Constitution in fact protected them. Madison's essays, including *Federalist* no. 51, excerpted below, insisted that the security for liberty lay in the way power balanced power in the structure of government, and in the nation's size and diversity. The division of political authority between the state and national governments, and within the latter between the president, Congress, and judiciary, prevented any one branch from accumulating excessive power. The large size of the republic, he continued, was a source of stability, not, as many feared, weakness. The larger the republic, the more distinct interests would exist, and no single one would ever be able to take over the government and oppress the rest. Madison cited the example of American religion, where the very "multiplicity of sects" gave security to all. In arguing that the size of the republic helped to secure Americans' rights, Madison reinforced the tradition that saw continuous westward expansion as essential to freedom.

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TO WHAT EXPEDIENT, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution? . . .

The members of each department should be as little dependent as possible on those of the others, for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other would be merely nominal. But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department

the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? 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. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. . . .

There are, moreover, two considerations particularly applicable to the federal system of America, which place that system in a very interesting point of view. First. In a single republic, all the power surrendered by the people is submitted to the administration of a single government; and the usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself. Second. It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. 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.

. . . Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority.

In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government. This view of the subject must particularly recommend a proper federal system to all the sincere and considerate friends of republican government, since it shows that in exact proportion as the territory of the Union may be formed into more circumscribed Confederacies, or States oppressive combinations of a majority will be facilitated: the best security, under the republican forms, for the rights of every class of citizens, will be diminished: and consequently the stability and independence of some member of the government, the only other security, must be proportionately increased. Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger; and as, in the latter state, even the stronger individuals are prompted, by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves; so, in the former state, will the more powerful factions or parties be gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful.