



## Federalist Papers No. 51\*

**Patrik Korda**

“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.”

The purpose of this essay is to elaborate upon the given citation. The text of which may be found in Federalist No. 51, entitled “*The Structure of Government Must Furnish the Proper Checks and Balances Between the Different Departments*”, written by James Madison. Although it is not fully certain whether Federalist No. 51 was written by James Madison or Alexander Hamilton, it is most likely that the above passage was written by James Madison. The reason for this is that Madison often embraced negative freedoms. Indeed, as the father of the constitution, it is obvious that he was for defending individual liberties from the leviathan. Hamilton, on the other hand, was a mercantilist. He sought high tariffs and a highly centralized government with a strong executive. Indeed, Hamilton established the first central bank in America, which Thomas Jefferson thankfully shut down. This being brought to light, the Federalist No. 51, first published on Friday, February 8<sup>th</sup>, 1788, was most likely written by James Madison.

The first part of the citation does make sense, although it is somewhat of a contradiction. While it is true that if men

were angels, there would be no need for a sheriff at all. This is because all persons and property would be constantly secure, as angels are not capable of theft and murder. Yet, there seems to be something flawed in the notion that a government can cure these ills. After all, government is but a consolidation, and hence amplification, of a few men (whom are certainly no angels) ruling over other men. In the words of Immanuel Kant, “*The state of peace among men living side by side is not the natural state; the natural state is one of war.*” Yet, this draconian reasoning simply cannot be true, and if it is, it simply proves that governments ought not to exist. If man was inherently inclined to his “natural state”, which is war, than a consolidation of these powers from society to a select-few is no logical solution whatsoever.

The second part of the citation is certainly more reasonable. Indeed, if angels were to govern men, no checks, limits, and controls would be necessary. But since rulers inherently have to be men, whom are often power mongers, unproductive, and corrupted by the power they have usurped, a tremendous amount of checks and balances are needed. While it is true that politicians and bureaucrats acquire their income via force, as opposed to voluntary exchange, there are more subtle

\* This is 2nd year essay of Bisla student for a course: History of Political Theory (F. Novosad, instructor)

issues at hand. Another fact is that whatever the rulers give to X, they must inevitably take from Y. This sort of redistribution not only assumes that government is better at allocating resources than the market, but that the men who are forcefully redistributing are not what they are; *men*. One thing that is important to mention, is that the founders sought to create a sort of internal competition, not merely because they realized that competition breeds better results. Another reason why they sought to implement separation of powers was because of its tendency to nullify. For it is much better to filter out few laws which might have been beneficial, if it means negating dozens if not hundreds of laws which would have oppressed the people. Another reason is that while this process of checks and balances certainly is slower, it is more prudent and conservative. It may be said that in recent years, these principles have been turned on its head, as there is bi-partisan support for anything pro-Wall Street, with no prudence or meaningful discussion taking place.

Another important citation in Federalist No. 51 is as follows, “*ambition must be made to counteract ambition.*” The whole point of the constitution, after all, was to limit the government, not the individual. The founders seemed to have been all too aware of potential would-be dictators, even those who might have the best interests of society in mind. As Lord Acton stated, “*Power tends to corrupt, and absolute power corrupts absolutely. Great men are almost always bad men.*” The internal competition, or institutionalized conflict, which the founders sought to establish is well expressed in the following statement,

also found in Federalist No. 51, “*This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public.*”

Yet another important aspect was James Madison’s skepticism towards democracy, which he thought was a form of government that is unstable and suicidal. Even in the Federalist No. 51, it is mentioned that, “*If a majority be united by a common interest, the rights of the minority will be insecure.*” It could be argued that the founders saw themselves as a minority, being by and large wealthy land owners. However, these principles apply to all minorities, rich and poor, because if one minority is eliminated, say a religious minority, yet another one arises within the majority. This inevitably leads to a domino effect, which may lead to people with different hair color etc. to be eliminated. “*In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches.*” This is perhaps the most important statement in Federalist No. 51, as it demonstrates the founders’ awareness of the dangers which may arise out of a strong executive branch. Presently, the executive has tremendous powers, such as issuing executive orders that override the congress or spying on citizens with no congressional oversight thanks to the Patriot Act. Furthermore, many of the congressional prerogatives have also been usurped, such as the issuance of money, which is now handled by the central bank, whose officials are appointed by the executive and whose stockholders are private individuals that receive annual dividends.