

The Federalist Papers Summary and Analysis

by [Alexander Hamilton](#) and [John Jay](#) and [James Madison](#)

Essay 51

The purpose of No. 51 is to "form a more correct judgment of the principles and structure of the government planned by the Constitutional Convention." In the paper, this is done by informing the reader of the safeguards created by the convention to maintain the separate branches of government, and to protect the rights of the people.

Appointment of members

"In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent, is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own: and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others.... Some difficulties, however, and some additional expense would attend the execution of it. Some deviations, therefore, from the principle must be admitted."

Madison stresses that while to maintain liberty, it is desirable for no governmental branch to be involved with the appointment of the others, if this principle were "rigorously adhered to," all branches of government would be directly elected by the people. Madison illustrates some of the potential problems: in the case of the judicial department, it is impractical to follow this method. Members of the judicial branch need to be insulated from political pressure, which is essential to their job. It would be harmful to subject the judicial branch to elections, which would potentially lead to improper political motivations by judges who are supposed to be impartial and/or nonpartisan.

Dependency and encroachment

Madison's key point is that the members of each department should be as little dependent as possible from the members of the other departments, and to stay independent, their own department must not encroach on the others. To secure these ends, Madison suggests that "the great security against a gradual concentration of the several powers in the same department" is to enable each department (or the leader of the department) to fend off attempts to encroach upon each other's departments' government.

Legislature

In a republican form of government, Madison asserts, the legislative branch is the strongest, and therefore must be divided into different branches, be as little connected with each other as possible, and render them by different modes of election. He deems the legislative branch to be the strongest since it is essentially the true voice of the people. (Before the Seventeenth Amendment, the House of Representatives were chosen directly by the people, the Senate was by state legislatures.) He stresses the need for the checks and balances.

Usurpations and security

The government is guarded from usurpations because it is divided into distinct and separate departments.

In 1788, power over people was divided both through federalism (between the federal government and the state governments) and through branches (legislative, executive, and judicial) within the national (or federal) government. Because of the division of power, a "double security arises to the rights of the people. The governments will control each other, at the same time that each will be controlled by itself".

Factions

Madison discusses at great length at the end the issue of political factions. He recognizes that factions will always be present and that the only way to counteract the effects of factions is to have numerous factions. In other words, even if individuals mingle with other members of the same social groups, ideals, and goals, no particular group should be able to become so strong as to thwart the interest of all other groups.

Factions had been further discussed in Federalist No. 10.