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# The Federalist No. 51 and its Significance in Political Thought

The roots of republican government and democratic ideals are firmly planted in James Madison's "The Federalist No. 51, The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments." Written on February 6, 1788, this essay is one of three documents that make up a group of political pieces known as The Federalist Papers. These documents were written by the three main proponents of the U.S. Constitution and the Federal Convention; Alexander Hamilton, John Jay, and James Madison (Mulford 999). The collection of essays was first published in the Independent Journal, a political magazine based in New York, in addition to several other magazines. Ironically, the governor of New York, George Clinton, was an Anti-Federalist, an antagonist of governmental liberties, republican ideals, and the subsequent ratification of the U.S. Constitution (Mulford 999). "The Federalist No. 51" was written a year after Hamilton concluded that the state of New York would not ratify the Constitution. Subsequently, The Federalist Papers were published and widely disseminated in New York, in addition to several other states, in order to persuade and convince the Anti-Federalists to support the foundations of democratic republicanism and federalism.

Historical Background: In a sweeping attempt to rejuvenate the national government and replace its nebulous Articles of Confederation with a more stable legal and governing document, the Federalists assembled in what came to be known as the Federal Convention. This covert meeting was held from the spring through the fall of 1787, and was the genesis of the United States Constitution (Mulford 998). Before its nationwide ratification, the Anti-Federalists, who claimed that the document did not represent the lower and middle classes in society, staunchly opposed the Federalist's version of the Constitution. They were later appeased by the proposal and subsequent implementation of the Bill of Rights in 1789 and 1790 when the First Congress of the United States presented the first twelve amendments to the state legislatures for ratification (NARA). The federal Constitution was finally ratified by all thirteen states in 1790 (Mulford 999). The Constitution is a living document that has the embedded capacity to be amended by the legislative branch of government by means of a three-fourths approval vote by the state legislatures. It has been amended twenty-seven times, with the final amendment disallowing U.S. Senators to set or increase their own salaries (U.S. Constitution). The Constitution remains to be one of the most unique governing documents in the world because of its assemblage of personal freedoms and checks and balances between the executive, legislative, and judiciary institutions of our government.

Document Summary: An advocate of individual liberties and democratic structures and

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processes in government, James Madison purports his ideas of a governmental system buttressed with a division of powers and independent institutions in "The Federalist No. 51." Madison asserts that the legislative branch is the most powerful branch of government and in the most need of checks and balances from the other branches, in order to ensure that no one branch becomes tyrannical. Furthermore, Madison claims the importance of guarding our country from not only the tyrannical rule of an executive leader, but also from the injustices that may ensue from groups of private citizens. Finally, Madison supports the idea that justice should be the overall purpose of representative government and a strong force among citizens in a civil society.

Analysis:

"The Federalist No. 51" is relevant to the canon of modern political thought because it encapsulates the founding principles of federalism, protection against tyranny, the inevitability of class conflict, and the principled solution of checks and balances. Madison, unlike Hamilton and other political activists of his time, supported the preservation of state governments, a pluralistic theory whose essence necessitates the existence of state government for the solidification of liberty and national cohesiveness among the states. Madison utilizes strong and persuasive rhetoric throughout his argument. He specifically states who his audience is in the salutation of his argument, "To the People of the State of New York" (Madison 1). Madison's purpose in "The Federalist No. 51" is twofold: First, to persuade the Anti-Federalist citizens and government of New York, a key state in the ratification of the Constitution, to support the Federalist's ideals; second, to inform the Federalist citizens of New York about the full message of the Federalist Party. Therefore, Madison can be credited with many of the founding principles that are necessary for our current Republic to exist.

One of the first channels that Madison uses to define our modern understanding of political thought is an emphasis on federalism. He claims that the only way freedom and liberty can be maintained is through the institution of federalism, "in order to lay a due foundation for that separate and distinct exercise of the different powers of government/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" (Madison 1). Madison supports the idea of separated governmental entities by acknowledging the existence of their individual wills. Without this acknowledgement, the institutions of government would not be powerful enough to function independently. Madison points out the danger of any one institution harboring too much power "It is important 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" (3). Madison further asserts that since the people of America transferred their sovereignty to the government, then in turn, "a double security arises to the rights of the people" (3). This claim is relevant to the foundation of modern political thought because it places a value on the citizens of the states and ensures them

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protection from a sovereign in exchange for their sovereignty.

Madison embraces one of the primary arguments of the Anti-Federalist movement, recognition of the lower and middle classes in society. Madison recognizes the existence of class distinction and the tyranny the majority often has over the minority. He further recognizes this distinction within the same department of government. Madison proposes a legal solution to this apparent problem, "giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others" (Madison 2). His 'eye for an eye' solution and discussion of human nature may stem from Thomas Hobbes's philosophical insights into the state of nature and civil society. In addition, Madison employs Biblical allusion throughout this discourse on political inequality, "if men were angels, no government would be necessary" (2). Here, Madison recognizes man's state of imperfection and need for government control. Furthermore, Madison claims that a power "independent of the people" would be a mandatory existence because of the inherent factionalism among the classes of citizens in America. Madison shows his unbiased nature by proposing that the Federalist concepts are a necessary existence because of human nature and class factionalism, a force that exists outside of Madison's own persuasive rhetoric.

Personal Reflection: I am a strong advocate of federalism and like Madison; I support an inherent system of checks and balances in order to prevent tyranny from either the majority or minority groups in a given society. I speculate, however, if Madison could have predicted the permanent ability of one branch to declare acts of another branch unconstitutional, i.e. *Marbury v. Madison* (1803) 5 U.S. 137. Madison firmly claims that the legislative branch of the federal system is the most powerful branch of government (Madison 1). A legislative veto overrides the effects of an executive veto, however, the judicial branch and should never be ignored. United States Supreme Court appointments are the longest lasting legacy of any U.S. President who has the opportunity to appoint a new justice to the bench. The Supreme Court does not make new law; however, it has and will continue to declare acts of the legislature unconstitutional. However, the legislative branch remains to be the most powerful branch because of its recourse over the executive branch. Madison was correct in recommending a system of checks and balances as a solution to tyranny and political hegemony. His solution is important to the overall canon of political thought because it holds political leaders and their individual institutions accountable to the populace. This separates the democratic system from monarchies or autocracies that cannot ensure the same fundamental freedoms and protections to its citizenry.

Conclusion: By closely examining the origins behind and meanings within Madison's work, readers can fully appreciate the overall impact it has on the canon of modern political theory. "The Federalist No. 51" can be credited with the foundations of republican government and the institutions of federalism, protection against tyranny, and fundamental solution of checks and balances. Madison's paper can be seen as the foundation of the U.S. Constitution and the

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premise of individual rights and freedoms. Madison's work differs from the other essays in The Federalist Papers because Madison, unlike Hamilton and Jay, recognized the importance of the existence and relationship between state governments and the national government. This is important today because of issues in state and individual sovereignty, as well as funding and resource preservation. "The Federalist No. 51" is the foundation of our forefathers' creation of a great republic, with embedded protections against an oppressor, and the capacity to protect and maintain individual freedoms.

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