

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 only answer that can be given is...by so contriving the interior structure of the Government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places....

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...

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. A dependence on the People is, no doubt, the primary control on the Government; but experience has taught mankind the necessity of auxiliary precautions.

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But it is not possible to give to each department an equal power of self-defense. In republican Government, the Legislative authority necessarily predominates. The remedy for this inconvenience is, to divide the Legislature into different branches; and to render them, by different modes of election, and different principles of action, as little connected with each

other, as the nature of their common functions, and their common dependence on the society, will admit...

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 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. ...

...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.

PUBLIUS.