

## 10

# Separation of Powers

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[Volume 1, Page 331]

**CHAPTER 10 | Document 17**

## **Alexander Hamilton, Federalist, no. 71, 483--84**

18 Mar. 1788

The same rule, which teaches the propriety of a partition between the various branches of power, teaches us likewise [Volume 1, Page 332] that this partition ought to be so contrived as to render the one independent of the other. To what purpose separate the executive, or the judiciary, from the legislative, if both the executive and the judiciary are so constituted as to be at the absolute devotion of the legislative? Such a separation must be merely nominal and incapable of producing the ends for which it was established. It is one thing to be subordinate to the laws, and another to be dependent on the legislative body. The first comports with, the last violates, the fundamental principles of good government; and whatever may be the forms of the Constitution, unites all power in the same hands. The tendency of the legislative authority to absorb every other, has been fully displayed and illustrated by examples, in some preceding numbers. In governments purely republican, this tendency is almost irresistible. The representatives of the people, in a popular assembly, seem sometimes to fancy that they are the people themselves; and betray strong symptoms of impatience and disgust at the least sign of opposition from any other quarter; as if the exercise of its rights by either the executive or judiciary, were a breach of their privilege and an outrage to their dignity. They often appear disposed to exert an imperious controul over the other departments; and as they commonly have the people on their side, they always act with such momentum as to make it very difficult for the other members of the government to maintain the balance of the Constitution.

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### **The Founders' Constitution**

Volume 1, Chapter 10, Document 17

<http://press-pubs.uchicago.edu/founders/documents/v1ch10s17.html>

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Hamilton, Alexander; Madison, James; and Jay, John. *The Federalist*. Edited by Jacob E. Cooke. Middletown, Conn.: Wesleyan University Press, 1961.