

The Keys to Creating the Perfect Government

By Amanda Kopp

Miramonte High School

2009 WINNER

1st Place: Thomas Jefferson Chapter SAR Competition

2nd Place: California Society SAR Competition

“Political liberty in a citizen is that tranquility of spirit which comes from the opinion each one has of his security, and in order for him to have this liberty the government must be such that one citizen cannot fear another,” (The Spirit of Laws 157). This statement made in French philosopher Baron de Montesquieu’s book, entitled The Spirit of Laws, explains the fundamentals of the democratic government of the United States of America. As a nation, every citizen needs to feel secure in the fact that each citizen is equal and that no citizen can rule over another. This shows the relationship between the citizens and political officials and amongst the political officials themselves. The two most important components of the United States Constitution, which is the basis of United States law, are based on what Montesquieu believed were essential to creating the perfect government. The idea of separation of powers and that democratic, or republic, governments were only possible in small states are the two most important contributions Montesquieu made to the United States Constitution.

The creators of the Constitution based the idea of separation of powers on Montesquieu’s ideas, who admired the British system of government. Many times in Montesquieu’s books he refers to the three branch system as one of the only ways for a government to work,” so that one cannot abuse power,” (The Spirit of Laws 155). Montesquieu believed that this was essential to creating a successful government, like the British parliamentary system. The British system consisted of a legislative, an executive, and a judicial branch but they function slightly different than the current American system. The King (executive branch) served as head of state while the Prime Minister (legislative branch) served as head of government. This created the sharing of power between the King and the Prime Minister. Instead of modeling their government exactly like England, their once superior, the creators of the Constitution decided to take Montesquieu’s ideas and create entirely separate legislative, executive, and judiciary branches. Articles I-III of the Constitution outline the duties, responsibilities and powers of all the branches of government. The creators of the Constitution dispersed responsibilities and power so much that there are nearly no overlaps in any of the powers of the branches. Whatever power one branch doesn’t have, another does. This relationship occurs mostly between the executive and legislative branches. For example the President of the United States is the Commander in Chief of the armed forces, yet he doesn’t

have the authority to declare war; this power is held within the legislative branch. This is a prime example of separation of power because a decision cannot be made without at least two branches of government involved in the decision. If both powers rested with the executive branch or the legislative branch, the decision could be made irrationally or based on the needs of only one person instead of the entire nation. Another example of the need for separation of power is when treaties are made with other countries. As stated by Article II Section 2 Clause 2, the President is the only one with the power to make treaties with other countries, but he can't do so unless the senate approves with a two-thirds majority. Almost all of the powers of the President are integrated with the powers of the legislators. The dispersal of power in the United States government doesn't just stop with the separation of powers inside Washington D.C; it trickles down to a separation of power between the individual states of America and the central government which Montesquieu and the creators of the Constitution believe is essential to a functioning, lasting governmental system.

Montesquieu's belief that republics were only possible in smaller states contributed to the creators' decision to give power to the individual states of the United States of America. Montesquieu's theory that a good government has, "all the internal advantages of republican government and the external force of monarchy," (The Spirit of Laws 131) was called a federal republic. This is an excellent representation of what the United States government is like. From the inside, the United State's government is thoroughly democratic. From the branches of government working together harmoniously to the harmonious relationship between the states and the central government, the United States is a united front. From the outside, you can't see all of the democratic ways behind the governmental system; all that is seen is a President with the support of the entire nation behind him. What is essential to this idea of a federal republic is power within the states. There is a separation of power between the federal government and the states but the states are not independent. A better definition is that the states have just enough power so they do not feel suppressed by the central government but not enough to be considered equal to the central government. As stated in Article I Section 9 of the Constitution, Congress is not allowed to levy taxes on goods exported from the states but the states are not allowed to levy taxes on goods either, without the consent of Congress. Article I Section 10

prohibits states from performing duties that are given to the central government like making treaties with foreign countries, coining money, building an army and so forth. Even though these clauses may seem overbearing, the constitution really only prohibits the states from doing the duties already assigned to one of the three branches of government. The central government gives the states power but also has authority over them so the states don't abuse their power.

Without Montesquieu, separation of powers theory and his belief that republic governments were only possible in smaller states, the United States would probably be a lot different today. Without separation of powers, too much authority could have been invested in one person and the United States could be a monarchy or even a dictatorship today. If the creators wouldn't have given powers to the states, the states may have overthrown the central government to reclaim the freedom they thought they had lost. This delicate balance of power dispersed throughout the central government and the states dictated by the Constitution is the reason that the government of the United States is the template for many governments around the world. The long lasting and strong government of the United States of America would not have been possible without Baron de Montesquieu and the creators of the U.S Constitution.

Bibliography

“Baron de Montesquieu: The Spirit of Laws (1748).” American History. 2008. ABC-CLIO. 22 Dec. 2008.

<http://americanhistory.abc-clio.com>

Baron de Montesquieu. The Spirit of Laws. England: Cambridge University, 2004

“Constitution (1787).” American History. 2008. ABC-CLIO. 27 Dec. 2008. [http://americanhistory.abc-](http://americanhistory.abc-clio.com)

[clio.com](http://americanhistory.abc-clio.com)

Monk, Linda R. The Words We Live By: Your Annotated Guide to the Constitution. New York, New York:

The Stonesong Press Inc., 2003

Ritchie, Donald A. Our Constitution. New York, New York: Oxford University Press, 2006

“Separation of Powers.” American History. 2008. ABC-CLIO. 27 Dec. 2008. [http://americanhistory.abc-](http://americanhistory.abc-clio.com)

[clio.com](http://americanhistory.abc-clio.com)