

## **Baron de Montesquieu's Excerpts**

### **Preview the Text**

- We will be “Text Coding” the reading for our first read.
  - ★ (Star): Key idea or main point
  - ? (Question Mark): Something you found confusing or want to discuss
  - → (Arrow): Connection to something you have learned before
  - ! (Exclamation Point): Surprising or interesting fact

### **Baron de Montesquieu (1689-1755)**

Charles de Montesquieu was an important French philosopher during the Enlightenment. The following is an excerpt from “The Spirit of Laws,” his best-known work. In it, he explains his theory of separation of powers and checks and balances.

### **Document 1** Source: Baron de Montesquieu, “The Spirit of Laws,” published in 1748

In every government, there are three kinds of power. These are the legislative (creates laws), executive (enforces the laws), and judicial powers (interprets the laws).

The power of the first (legislative) is to create laws and amend (change) laws. The power of the second (executive) is to make sure laws are followed and keep **public order**. The power of the third (judicial) handles punishments for crimes and resolves disputes between people.

If one person or one group controlled all three powers, there would be no freedom. They could make unfair laws, enforce them harshly, or use their power to harm people or take advantage of them. This is why many European kings and princes who wanted complete control tried to combine all branches of government into their own hands.

### **Published in 1748**

**Public Order:** Public order refers to the safety and well-being of a community and the rules that govern how people behave together.

**Document 2** Source: James Madison: “Federalist 51” published in 1788

The Federalist Papers were a series of essays written in 1787-1788 by Alexander Hamilton, James Madison, and John Jay to support the ratification of the U.S. Constitution and address concerns about the new government’s structure. James Madison wrote Federalist No. 51 to explain how the proposed Constitution would prevent any one branch of government from gaining too much power and to argue that the separation of powers and checks and balances would protect individual liberties.

To keep freedom safe, each part of the government should have its own separate powers and not overlap with the others. Each branch—executive, legislative, and judicial—should be chosen independently from one another and not influence each other.

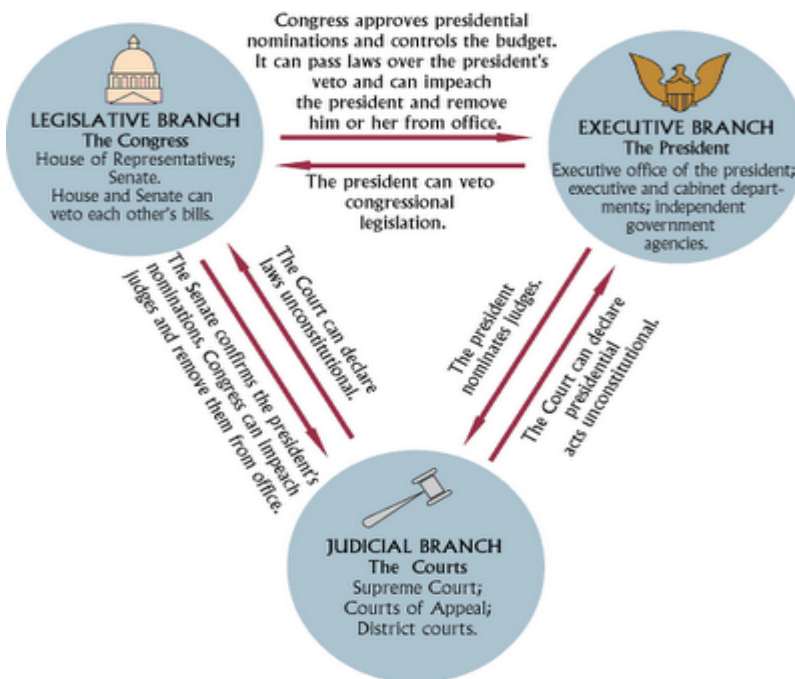
If each branch were not independent, it would be very easy for one branch to become too powerful and control the others. This is why each branch must work as a check on the others, making sure that no single branch or person can abuse their power. By balancing power this way, the government helps protect people’s rights and prevents any one branch from becoming too strong.

### **Published in 1788**

**Federalist:** A person who advocates or supports a system of government in which several states unite under a central authority.

**Constitution:** a body of fundamental principles or established precedents according to which a state or other organization is acknowledged to be governed.

### **U.S. Government Separation of Powers**



- The president can veto legislation created by Congress. He or she also nominates heads of federal agencies and high court appointees.
- Congress confirms or rejects the president's nominees. It can also remove the president from office in exceptional circumstances.
- The Justices of the Supreme Court, nominated by the president and confirmed by the Senate, can overturn unconstitutional laws.

**Document 3** Source: Franklin Delano Roosevelt and Presidential Power

Franklin Delano Roosevelt (FDR), president from 1933 to his death in 1945, is considered by most scholars one of the nation's greatest presidents. Throughout his presidency, he confronted challenges such as the **Great Depression and World War II** that arguably extended his presidential power beyond the Founding Father's original intent.

After the stock market crashed in 1929, the United States entered into a severe economic depression creating unemployment, poverty, and banking failures nationwide. In response, President FDR created numerous new federal agencies through his **New Deal** programs, such as the Tennessee Valley Authority (TVA), Social Security Administration (SSA), National Recovery Administration (NRA), and the Agricultural Adjustment Administration (AAA).

These agencies wielded significant regulatory power over various sectors of the economy, effectively concentrating power within the executive branch.

**Great Depression:** The Great Depression was one of America's longest and most devastating economic disasters to date. It began with the stock market crash on Wall Street in October 1929, which lost of billions of dollars and left many families both in the United States and worldwide bankrupt, homeless, hungry, and struggling.

**World War II:** World War II was the biggest and deadliest war in history, involving more than 30 countries. Sparked by the 1939 Nazi invasion of Poland, the war dragged on for six bloody years until the Allies defeated the Axis powers of Nazi Germany, Japan and Italy in 1945.

**New Deal:** This was a set of domestic policies created under President Franklin D. Roosevelt that dramatically expanded the federal government's role in the economy in response to the Great Depression.