

LIBERTY UNIVERSITY

HELMS SCHOOL OF GOVERNMENT

**The Influences of Montesquieu on American Ideals**

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By

Analeise E. Wasenius

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## Abstract

The ideologies of French philosopher, Charles de Secondat Baron de Montesquieu, played a prominent role in the founding of the American governmental system in the realm of Separation of Powers. Within his work, *Spirit of Laws*, he emphasizes the need for a government to separate executive, legislative, and judicial powers by the means of checks and balances. The Federalists support and uphold the idea of a “balanced democracy” within *Federalist No. 47*. In opposition, the Anti-Federalists describe in *Anti-Federalist No. 46-47* their concerns regarding the responsibilities ensured by the separation of powers; they believe that the legislative branch should assume the most power of the three branches in which the most responsibility would be applied. Thus, with responsibility in the American government, liberty could only then be prosperous. The exchanges of political thought between the Federalists and the Anti-Federalists promote the need for continued discussions in modern-day America, as well as the importance of defending one’s ideologies with substantial evidence to effectively support or refute a concept.

*Keywords:* Separation of Powers, Montesquieu, Federalists, Anti-Federalists

### The Influences of Montesquieu on American Ideals

The Founding Fathers relied heavily on written political works to create the American government portrayed in the United States Constitution. Whether the various philosophical references were used in support or in opposition of a new Constitution for the United States, all the Founding Fathers shared numerous debates, as seen in the Federalist and Anti-Federalist papers, that played a role in the shaping of the American government seen today. A French philosopher by the name of Charles de Secondat, Baron de Montesquieu authored *The Spirit of the Laws*, which is a cited work by both the Federalists and Anti-Federalists. Despite their opposing views on paralleling themes of liberalism and democracy, the Federalists and Anti-Federalists both adhere to Montesquieu to address their concerns and assertions amongst themselves and the public during the constructing of a new government.

### Charles de Secondat Baron de Montesquieu

To best understand the work *The Spirit of the Laws* that inspired discussions between the Founding Fathers, it is important to know some background information concerning the author, Charles de Secondat, Baron de Montesquieu. He was born to a wealthy family at the Chateau de La Brede on January 19<sup>th</sup>, 1689. After pursuing higher education (1708-1713), he returned from his legal studies in Paris and married Jeanne de Lartigue in 1715. The next year, Montesquieu “inherited from his uncle the title Baron de La Brede et de Montesquieu and the office of President a Mortier in the Parlement of Bordeaux.” For the next 11 years of his life, he became incredibly involved with French politics as “he presided over the Tournelle, the Parlement’s criminal division,” where he “heard legal proceedings, supervised prisons, and administered various punishments”<sup>1</sup>. From 1721 to 1725, he wrote many of his literary works observing and comparing other governmental structures to that of France’s. This was shortly followed by a travel abroad to Italy, Germany, and Austria among other countries. Montesquieu stayed in England for two years, where his work, *The Spirit of the Laws* as well as *Considerations on the Causes of the Greatness of the Romans and of their Decline*, was inspired; it is important to note that his work *Considerations* “was incorporated into *The Spirit of the Laws*, which he published

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<sup>1</sup> Bok, "Baron de Montesquieu, Charles-Louis de Secondat."

in 1748” upon his return to France <sup>2</sup>. By knowing and understanding the influences and experiences had by Montesquieu, one can appreciate his research more as well as the works of others built upon it.

### *The Spirit of the Laws*

Of all his written works, *The Spirit of the Laws* remains one of Montesquieu’s most influential and most significant as its creation was during a critical period for Europe. Within the 18<sup>th</sup> century, Europe endured numerous wars occurring in the many countries Montesquieu had travelled abroad to. These wars included but were not limited to, War of Quadruple Alliance (1718-1720), War of the Polish Succession (1733-1735), War of Austrian Succession (1740-1748), First Silesian War (1740-1742), and Second Silesian War (1744-1745)<sup>3</sup>. Travelling abroad proved beneficial to Montesquieu as it showed in his work; by observing and witnessing these events unfold before him, he was able to critically compare the varying governmental institutions and note what systems did or did not work. This was also productive for the Founding Fathers who would read Montesquieu’s work and continue to reference it even after his death in 1755.

### **Three Forms of Government**

*The Spirit of the Laws* as a work breaks down three political institutions that include republican, monarchial, and despotic forms of government. Montesquieu defines a republican government as a “body, or only a part of the people, [who] is possessed of the supreme power”, a monarchy as “a single person [who] governs by fixed and established laws”, and finally, a despotic government as “a single person [who] directs everything by his own will and caprice”<sup>4</sup>. He compares these three institutions, beginning with the Republican government.

### ***Republican Governmental Structure***

Within a Republic, one could expect to observe a democratic or aristocratic system. Montesquieu asserts a democracy occurs “when the body of the people is possessed of the supreme power”, however, when “the supreme power is lodged in the hands of a part of the people, it is then an aristocracy”<sup>5</sup>. He makes the claim that circumstances vary as to when the people are the sovereign versus when they are the subject: “The people, in whom the supreme power resides, ought to have the management of everything within their reach: that which exceeds their abilities must be conducted by their ministers”<sup>6</sup>. He expresses here that in a democracy there will be situations in which the authority of a higher institution will suppress the authority of the people. It is important to note that the people still hold authority through the people that they elect: “[the people] cannot properly be said to have their ministers, without the power of nominating them: it is therefore, a fundamental maxim in this government, that the people should choose their ministers – that is, their magistrates”<sup>7</sup>. Thus, it is imperative that

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<sup>2</sup> Ibid.

<sup>3</sup> Kent, “World History for the Relaxed Historian.”

<sup>4</sup> Montesquieu, *The Spirit of Laws*, 25.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid, 26.

<sup>7</sup> Ibid.

society elects individuals who represent their interests best to avoid the diminishing of their voices.

Instead of entrusting “supreme power” to the people by the institution of democracy, aristocracy allows such power to be placed in a specified group of officials. “These are invested both with the legislative and executive authority; and the rest of the people are, in respects to them, the same as the subjects of a monarchy in regard to the sovereign”<sup>8</sup>. Montesquieu introduces the concept of a senate in which it is necessary to have in the case of a numerous nobility, to “regulate the affairs which the body of the nobles are incapable of deciding, and to prepare others for their decision”<sup>9</sup>. He also establishes the importance of a senate to not have the right of appointing their own members as this could “perpetuate abuses” and lead to corruption.

### ***Monarchial Governmental Structure***

A monarchical institution of government according to Montesquieu consists of intermediate, subordinate, and dependent powers, in which the prince assumes all power, “political and civil”<sup>10</sup>. He establishes the most natural of these powers is that of nobility, and he expresses its significant importance as a monarch cannot exist without nobility and if there is no nobility, there is no monarch. Due to the absence of nobility, the prince may rule as a despotic ruler and thus may be corrupted by ambition and desires for selfish gain.

### ***Despotic Governmental Structure***

Montesquieu conveys the essence of corruption through the lenses of a despotic government. “From the nature of despotic power, it follows that the single person, invested with this power, commits the execution of it also to a single person”<sup>11</sup>. The authoritative figure in a despotic government assumes all power and depending on who obtains this role, the circumstances of citizens under poor leadership can be critically affected. “A man whom his sense continually informs that he himself is everything and that his subjects are nothing, is naturally lazy, voluptuous, and ignorant” and thus, “he neglects the management of public affairs”<sup>12</sup>. The initial concept of a government in which one individual assumes all power is ideal when that certain individual holds high moral sentiments and can decipher distinctly between what is right and wrong, serving as the ultimate judge. However, this falls short as man has fallen short before the standards of God; man is inherently self-seeking and corrupted and thus, institutions established by the intentions of man will surely crumble.

Additionally, the sole authority of one individual cannot adhere to various spheres that fall under the scope of their authority without improperly addressing the concerns of each individual sphere. “...the more nations such a sovereign has to rule, the less he attends to the cares of government: the more important his affairs, the less he makes the subject of his deliberations”<sup>13</sup>. Absence of a leader in times of need not only represents poor leadership, but also can be the cause of a nation’s downfall.

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<sup>8</sup> Ibid, 29.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid, 32.

<sup>11</sup> Ibid, 34.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

### ***Virtue, Honour, and Fear***

Within Book IV of *The Spirit of the Laws*, Montesquieu furthers his observations of the three governmental institutions: republicanism, monarchism, and despotism: by addressing their individual necessities required for their functioning.

Montesquieu asserts that in the functioning of democratic and aristocratic republican forms of government, virtue is essential. “When virtue is banished, ambition invades the minds of those who are disposed to receive it, and avarice possesses the whole community”<sup>14</sup>. Many political leaders fall to the desires and influences of personal ambition, and though it serves as a beneficial characteristic within a monarchical system of government, in the system of a Republic it does not. As citizens elect leaders to represent ideals on their behalf, such ambitions diminish the power of citizens through the power of appointment by voting, and thus, society runs according to personal motive rather than the motives of a group wishing to be heard and represented; personal ambition diminishes the voices of minorities.

Following virtue within a Republic form of government, Montesquieu conveys the characteristic of honour and its importance within a monarchical form of government. “Ambition is pernicious in a republic. But in a monarchy it has some advantageous effects; it gives life to the government, and it attended with this advantage, that it is in no way dangerous, because it may be continually checked”<sup>15</sup>. It is here that Montesquieu introduces the concept of Checks and Balances in which a political authoritative figure is held to account for his actions according to the law and various institutions implemented to ensure that honour is maintained.

Finally, Montesquieu identifies the key principle of a despotism to be fear, because within a despotic institution, “with regard to virtue, there is no occasion for it, and honour would be extremely dangerous”<sup>16</sup>, thus one must resort to fear. “Fear must therefore depress their spirits and extinguish even the least sense of ambition”<sup>17</sup>. When the ambitions of citizens of a nation are suppressed, a political leader can then embrace their own ambitions and pursue personal interests, regardless of the current interests within the nations.

### **The Birth of a Nation**

These three governmental structures of despotism, monarchism, and republicanism identified by Montesquieu inspired the Founding Fathers’ desires for their soon-to-be government, but it also distinguished the Federalists from the Anti-Federalists in their views of government. Historical context is essential for one to understand the reasons for such fears and confidences by the Founding Fathers as they argued for a government that could not fail as their previous tyrannical monarch nor their anarchic confederation had before. By addressing past failures, could the Federalists and Anti-Federalists begin a conversation that would change the America they thought they knew for the better.

### ***The British Rule: Monarchy in the Americas***

The American Revolution marked a symbolic shift in history that has been commemorated and acknowledged by peoples of different nations, as such nations have been

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<sup>14</sup> Ibid, 38.

<sup>15</sup> Ibid, 42.

<sup>16</sup> Ibid, 43.

<sup>17</sup> Ibid.

inspired by the American drive for liberty. Though direct influences of the American government upon nations will have not been shared until the Framers ratified the Constitution in 1787, they would still be inspired by the ideals of the American people – such ideals in which the colonists fought against the tyrannical British government for.

Key motives that pushed the colonists to revolt were a lack of representation, over taxation, and neglect of the Common Law. “From the colonies’ point of view, it was impossible to consider themselves represented in Parliament unless they actually elected members to the House of Commons”<sup>18</sup>. However, this concept contradicted “virtual representation” as “each member of Parliament represented the interests of the whole country... even though his electoral base consisted of only a tiny minority of property owners from a given district”<sup>19</sup>. This proved to be problematic as the concerns of the colonists were not properly addressed, but instead dismissed and overlooked. Therefore, Parliament lost control of the colonies quickly after the enactment of the Stamp Act. The lack of representation by Parliament gave way to the famous phrase, “taxation without representation is tyranny”, more popularly known as “no taxation without representation”, said by James Otis.

In response to the widely hated acts implemented by Parliament, colonists discarded British tea imports in protest of the overbearing acts but were met with further limitations. This insurrection led to further acts by Parliament which only invoked further frustrations amongst the colonists. “[The Intolerable Acts] were intended to suppress rebellion in Massachusetts and isolate it from the other colonies”<sup>20</sup>. Specifically, these acts were “designed to punish Boston” with limitations that “closed the Boston port, reduced Massachusetts’ powers of self-government, provided for quartering troops in the colonies, and permitted royal officers accused of crimes to be tried in England”<sup>21</sup>. It is here that the colonists witnessed for themselves firsthand a monarchical government corrupted by tyranny, a trait found within a despotic form of government according to the philosophies of Montesquieu. Thus, Boston was not isolated but rather “the other colonies came to Massachusetts’ defense and formed the First Continental Congress to discuss forming a united resistance against British rule in the colonies”<sup>22</sup>. These conditions concerning unfair taxation, a lack of representation, and double standards towards the colonists in regards to the English Common Law pushed the colonists to revolt against their mother country.

### *Independence*

A critical event leading to the commencement of the American Revolutionary War was the organization of the Continental Congress. The Congress came together in Philadelphia on September 5, 1774, and on October 20, “[it] adopted the Articles of Association, which stated that if the Intolerable Acts were not repealed by December 1, 1774, a boycott of British goods would begin in the colonies”<sup>23</sup>. The colonists unofficially declared their independence from Britain through a list of grievances in a document known as the *Declaration of Independence* drafted by the third U.S. President, Thomas Jefferson. In July 1776, “the 13 American colonies

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<sup>18</sup> “American History From Revolution To Reconstruction and beyond.”

<sup>19</sup> Ibid.

<sup>20</sup> Brooks, “Acts of the American Revolution.”

<sup>21</sup> Library of Congress, “Federalist Papers: Primary Documents in American History.”

<sup>22</sup> “American History From Revolution To Reconstruction and beyond.”

<sup>23</sup> Office of the Historian, “Articles of Confederation, 1777-1781.”

severed their political connections to Great Britain” and by doing this, “the American colonists were able to confirm an official alliance with the Government of France and obtain French assistance in the war against Britain”<sup>24</sup>. The United States became officially recognized as an independent nation through the signing of the Treaty of Paris in 1783, and this document officially ended the War of the American Revolution.

### ***The Articles of Confederation: Confederal Anarchy***

A few months after America became an independent nation, the Continental Congress implemented the first constitution of America, the Articles of Confederation on November 15, 1777 (“however, ratification of the Articles of the Confederation by all thirteen states did not occur until March 1, 1781”<sup>25</sup>). The Articles granted the power to the state governments and “created a loose confederation of sovereign states and a weak central government”<sup>26</sup>. The powers that this government had was “the power to declare war, appoint military officers, sign treaties, make alliances, appoint foreign ambassadors, and manage relations with Indians”<sup>27</sup>. However, the powers of “enforcing laws, regulating commerce, administering justice, and levying taxes” were reserved for the states<sup>28</sup>. Additionally, “the Articles required unanimous consent to any amendment, so all 13 states would need to agree on a change”<sup>29</sup>, and thus, this confederal anarchial system of government proved itself to be extremely inefficient – the Articles of Confederation had to be replaced.

The failures of the Articles of Confederation were extremely impactful on areas within the new nation concerning the economy, military, and moreover the people. “By the fall of 1786, the combination of a fiscal crisis suffered by the newly-created confederation government and disorder threatened by dissatisfied farmers in western Massachusetts, led a group of “nationalist” politicians, meeting in Annapolis on September 22, 1786, to propose that the Continental Congress in New York call a ‘general convention’ in Philadelphia”<sup>30</sup>; this is significant because gathering to eliminate the Articles would be treasonous. Thus, these “general conventions” were held privately and in secret.

### **The Federalists and the Anti-Federalists**

Two groups known as the Federalists and the Anti-Federalists emerged, and they drove the direction of the Continental Congress in the way of the Articles of Confederation’s revision or elimination. The Federalists were those “who supported the Constitution and a stronger national republic”<sup>31</sup>. With the desire to create public awareness to the disaster of the Articles of Confederation, Alexander Hamilton, James Madison, and John Jay (all anonymously) published the *Federalist Papers* “a series of 85 essays... between October 1787 and May 1788” and they serve to “explain particular provisions of the Constitution in detail”<sup>32</sup>.

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<sup>24</sup> Ibid.

<sup>25</sup> Library of Congress, “Policies and Problems of the Confederation Government.”

<sup>26</sup> Ibid.

<sup>27</sup> Digital History, “Articles of Confederation.”

<sup>28</sup> Ibid.

<sup>29</sup> NCC Staff, “On this day, the Articles of Confederation are approved.”

<sup>30</sup> Beeman, “The Constitutional Convention of 1787: A Revolution in Government.”

<sup>31</sup> Bill of Rights Institute, “Would you have been a Federalist or Anti-Federalist?”

<sup>32</sup> Library of Congress, “Federalist Papers: Primary Documents in American History.”

In opposition, the Anti-Federalists “argued against the expansion of national power” and “they favored small localized governments with limited national authority as was exercised under the Articles of Confederation”<sup>33</sup>. For every *Federalist paper*, there is an *Anti-Federalist paper*, which “historians have concluded that the major Anti-Federalist writers included Robert Yates (Brutus), most likely George Clinton (Cato), Samuel Bryan (Centinel), and either Melancton Smith or Richard Henry Lee (Federal Farmer)”<sup>34</sup>.

Despite their obvious differences that incited much debate, the Federalists and Anti-Federalists also shared a similar reference for their arguments, one figure prominently quoted by them both known as French Philosopher, Charles Louis de Secondat, Baron de La Brede et de Montesquieu. “As part of their argument that a consolidation of power in the general government was incompatible with republicanism, the Anti-Federalists frequently cited Montesquieu for the proposition that republics must be small, lest the public good be sacrificed”<sup>35</sup>. It is also worth noting that the Anti-Federalists and Federalists stood in agreement against Montesquieu’s belief of the necessity for virtue in a governmental institution but moreover the individual rights of the people weighed more importance: “[The Anti-Federalists] agreed with the Federalists, against Montesquieu, that the first principle of republican government was the regulation and protection of individual rights, not the promotion of civic virtue”<sup>36</sup>. It is here that the extent of the government’s regulation and protection of said rights is the distinguishing factor separating the ideologies and advocations of the Federalists and the Anti-Federalists.

### **Separation of Powers**

A prevalent ideology of French philosopher Montesquieu in his work *Spirit of Laws* is that of “trias politica” or Separation of Powers. Tied to the concept of Checks and Balances, Montesquieu’s theories pertaining to a tripartite system of government influences the discussions between the Federalists and the Anti-Federalists during the ratification of the United States Constitution.

The concept of Separation of Powers was first introduced by Montesquieu in the 18<sup>th</sup> century, and it goes to show its successes as implemented in modern-day America due to it having been a key political structure in which the functioning of the American government has depended on for so many years. “Separation of powers is a model that divides the government into separate branches, each of which has separate and independent powers”<sup>37</sup>. Federalist Paper No. 48 assumes the importance and necessity of a Separation of Powers, a concept that is heavily conveyed by Montesquieu within his work, *Spirit of Laws*. “It was shown in the last paper that the political apothegm there examined does not require that the legislative, executive, and judiciary departments should be wholly connected with each other”, and Madison assumes a certain degree of accountability is required in this<sup>38</sup>. “... in the next place, to show that unless these departments be so far connected and blended as to give to each a constitutional control over the others, the degree of separation which the maxim requires, as essential to a free government, can never in practice be duly maintained,” hence the system of checks and balances is imperative

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<sup>33</sup> Bill of Rights Institute, “Would you have been a Federalist or Anti-Federalist?.”

<sup>34</sup> Ramos, “Anti-Federalists.”

<sup>35</sup> Cengage, “Anti-Federalist Constitutional Thought.”

<sup>36</sup> Ibid.

<sup>37</sup> Cornell Law School, “Separation of Powers.”

<sup>38</sup> Library of Congress, “Federalist Papers: Primary Documents in American History.”



for the efficiency of the legislative, executive, and judiciary departments<sup>39</sup>. Following Federalist Paper No. 48, Federalist Paper No. 51, also written by James Madison, specifically addresses the structure of the government and its need to furnish the proper checks and balances between different departments. James Madison defines and provides an example of checks and balances within the American governmental system: "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" (Madison, 233). Within this provided analysis, it is important to note the Biblical basis for government that James Madison observes. He specifically notes that government would not be a required institution "if men were angels", and thus, this assumes that because government is a man-made institution, it is susceptible to corruption; however, instruments like checks and balances as well as separation of powers help prevent such tyrannies.

Madison's expressed ideology of Montesquieu's "trias politica" is supported within Book XI of Montesquieu's *The Spirit of Laws*, where he establishes the importance of a correct implementation of his theory concerning separation of powers by the means of checks and balances. "In order to have this liberty, it is requisite the government be so constituted as one man need not be afraid of another"<sup>40</sup>. It is important that the branches of government work together rather than fear the separate powers of each other.

Such a necessary collaboration requires a team of multiple members, not the oversight of a single individual. "When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner"<sup>41</sup>. The order of powers illustrated within the first three articles of the United States Constitution are as follows: Legislative, Executive, and Judicial. This arises the concept of Sphere Sovereignty where each sphere, in this case the individual spheres of the judicial, executive, and legislative branches of government, each have their own merited authorities, but solely within their unique spheres.

With more involvement within the public sphere, does the government increase its authority and cross their set spheres of authority, which the Anti-Federalists feared would be the result of the ratification of the United States Constitution. "An Old Whig" writes in Anti-Federalist No. 46 an expansion upon the Necessary and Proper clause proposed by the Federalists: "And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States; or in any departments or offices thereof"<sup>42</sup>; and he expresses that such powers are "undefined, unbounded and immense" (Antifederalist No. 46)<sup>43</sup>. He

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<sup>39</sup> Ibid.

<sup>40</sup> Montesquieu, *The Spirit of Laws*, 173.

<sup>41</sup> Ibid.

<sup>42</sup> The United States Constitution, Art11. S8. C18.

<sup>43</sup> *Anti-federalist Papers*, 46.

continues to question the arguments of the legitimacy and efficiency of a tripartite governmental structure. “What limits are there to [Congress’s] authority? I fear none at all”<sup>44</sup>.

Considering Madison’s assertion of the virtue of men, here the Federalists and the Anti-Federalists find themselves in agreement. Federalist paper No. 51 addresses that if men were angels government would simply not be necessary, and likewise, Antifederalist paper No. 46 questions “Is it not evident that we are left wholly dependent on the wisdom and virtue of then men who shall from time to time be the members of Congress? And who shall be able to say seven years hence, the members of Congress will be wise and good men, or of the contrary character?”<sup>45</sup>. Their shared desire for the implementation of government to preserve man’s ordered liberties differs in their ideas for how government is to be specifically implemented.

### **Separation of Powers in Today’s America**

Despite the many attempts of persuasion by the Anti-Federalist’s arguments regarding the ratification of the U.S. Constitution ultimately pertaining to the future of America, the Federalists successfully prevailed. The U.S. Constitution was ratified in 1788 and went into effect in 1789. Since then, it has remained as the second American constitution for over two centuries. “Federalists believed that the nation might not survive without the passage of the Constitution, and that a stronger national government was necessary after the failed Articles of Confederation”<sup>46</sup>. Thus, where the Articles lacked, the U.S. Constitution served as an opportunity to emphasize upon limited government, but more relatively speaking, the institution of separation of powers, which goes hand in hand with checks and balances.

The implementation and practice of such a structure as Separation of Powers has over time changed from the original intentions of the Federalists and now the governmental system of modern-day America has made the Anti-Federalists’ fears a reality. George Washington as the first president of the United States “demonstrated the ‘necessity of reciprocal checks in the exercise of political power’ to protect the public interest” and in short, this act of accountability exercised by Checks and Balances summarizes the desires of the Federalists for a government that differs from their previous failed governments<sup>47</sup>. “The untidy power-sharing is supposed to avoid what founding father James Madison called ‘the very definition of tyranny’ - all power in one set of hands”<sup>48</sup>, thus providing accountability between the three branches of government, however there is more to separation of powers than just the system of checks and balances.

For the government to work efficiently, it is necessary for there to be mutual respect and trust between all parties involved. “‘Workable’ government requires... some level of cooperation, deference, and mutual respect from the people within government”<sup>49</sup>. However, statistics have revealed a decline in trust over the span of 4 decades: “And the well-documented cratering of public trust in government – with only 18 percent of Americans in 2007 saying they regularly trust the ‘government in Washington’ to do what is right, compared with 77 percent in 1964 – shows that ‘We the People’ expect something more”<sup>50</sup>. A recent survey of 2,301 U.S. adults from

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<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

<sup>46</sup> Judicial Learning Center, “The Ratification Debate.”

<sup>47</sup> Peabody, “Separation of powers: An invitation to struggle.”

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

October 18-24, 2021, expresses that 53 percent of them believe the federal government has made a negative impact on the United States versus the 38 percent that believe a positive impact has been made<sup>51</sup>. Such approval and disapproval displayed by American citizens of today greatly parallels to the same concurrences of the Federalists and the Anti-Federalists of the 18<sup>th</sup> century.

Montesquieu's influence on American government continues to play a role in the interpretation and implementation of the powers of separation in the three branches of government. His work will forever be referenced (indirectly), especially as powers begin to shift when the differing branches assume more power than they were initially given. One cannot ignore the impact of Montesquieu and his ideals concerning a tripartite system of government that is held accountable through the system of checks and balances, and as the nation of America progresses forward, this said accountability will change according to the leniency of the government. Without proper responsibility to ensure each branch of government is within its own proper sphere utilizing their proper authorities, there is no freedom. For the Anti-Federalists warn: "In this formidable combination of power, there is no responsibility. And where there is power without responsibility, how can there be liberty?"<sup>52</sup>; and such a warning holds more legitimacy and relevancy than the Antifederalists or the Federalists could have ever foreseen in the America of the 21<sup>st</sup> century.

These ideologies expressed above convey extreme weight as they frame the American government seen today - changed or unchanged. The preservation of separation of powers specifically is critical to the preservation of American citizens' individual ordered liberties. The moment a single branch assumes all power will the nation turn to extremes of anarchy or authoritarianism; without harmony, there is chaos. That is not to say that the three branches of government: the Legislative, Executive, and Judicial: work together well, rather they work very inefficiently. These checks ensure that such inefficiencies permit liberty to thrive and allot the proper time for legislation to run its course in accordance with the wills of the People rather than the government in its entirety.

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<sup>51</sup> AXIOS, "First look: Most Americans don't trust the government."

<sup>52</sup> *Anti-federalist Papers*, 47

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