

SEPARATION OF POWERS

by Yuval Levin

In *The Separation of Powers* essay, Dr. Yuval Levin explores why the U.S. Constitution divides power among three branches of government and why that division is never perfectly clean. Drawing on the ideas of Madison, Montesquieu, and Aristotle, Levin shows how the constant tension between the legislative, executive, and judicial branches is not a flaw, but a strength. This reading guide will help you follow his argument, understand the history behind it, and think about how separation of powers protects liberty today.

Use the questions below to guide your reading.

Historical & Philosophical Foundations

1. What connections can you make between Madison's view of separation of powers and those of Aristotle and Montesquieu? And how do these thinkers' ideas help explain why "concentrated power is inherently unaccountable"?
2. Why is preventing the concentration of power so important for protecting liberty? Give examples from the text.

Distinct Roles of the Branches

1. Describe the differences between the legislative, executive, and judicial branches in function, form, and modes of operation. How does each branch represent a different kind of legitimacy?
2. How did critics of the Constitution view the separation of powers, and what was Madison's response to their concerns?

SEPARATION OF POWERS

by Yuval Levin

Checks and Balances

1. In what ways do the branches of government both work with each other and resist each other? How does this “push and pull” help preserve liberty?
2. Why does Madison say “ambition must counteract ambition”? How does Levin explain why some overlap between the branches is necessary?
3. Why does Levin believe that the “tense and endless combat between the branches” produces a positive outcome? Do you agree or disagree? Explain your reasoning.

Reflect

1. How does the complexity of the separation of powers help protect people’s freedoms today?
2. What kinds of problems could threaten the system of separation of powers?