



How much power should America's President have? Who checks that power?

How much power should America's legislators have? Who checks *their* power?

How much power should America's judiciary have? Who checks *that* power?

At the beginning of America's history, after the colonies won their war for independence, these questions were unclear. To help them think through the issues, America's Founding Fathers studied the writings of John Locke (among others).

Locke believed that the power of government had to be checked, otherwise government could (and likely would) run roughshod over the people. To help check the power of government, Locke believed that there should be different branches of government, each branch with different powers. This is called separation of powers.

America's Founders agreed with Locke's ideas. When they created the federal government, the Founders established three different branches (each with different levels of authority):

- Legislative Branch (people who make the laws);
- Executive Branch (people who carry-out, or enforce, the laws); and
- Judicial Branch (people who interpret the laws).

In America, the jobs for each of those branches of the federal government are filled by different people who have different responsibilities:

- Legislative Branch (Senators and members of the House of Representatives);
- Executive Branch (the President and the President's Administration); and
- Judicial Branch (the District Courts, the Circuit Courts of Appeal and the U.S. Supreme Court).

America's system of government, which incorporates Locke's political philosophy, thereby divides power between the three branches of government. Since governmental power is divided, no single branch of government has "all of the say."

To underscore how important this is, the U.S. Constitution *requires* that the federal government be divided into these three branches. The Constitution thus sets-up a system which balances power, between the branches, and provides a system to make sure that no one branch becomes too powerful over time.

Americans refer to that system as "checks and balances."

The "checks and balances," which curb the power of government (and government officials), are indispensably important to maintaining the freedoms which the U.S. Constitution and its Bill of Rights afford American citizens. Why is that? To answer the question, let's hear what John Locke had to say:

The end of law [in other words, the purpose of law] *is not to abolish or restrain, but to preserve and enlarge freedom.* (See Locke's *Second Treatise of Government*, at [page 88, subsection 57.](#))

Since government exists to "preserve and enlarge" the "freedom" of the country's citizens, governmental

officials must necessarily have their governmental powers curbed. That is why America has its three branches of government and its corresponding system of "checks and balances."

The book, at the top of this page, helps us to understand the issues, the struggles and the results as America's Founders thought through what kind of nation America should be. Thanks to the publisher, and Google Books, segments of this work are available for [online reading](#).

Credits:

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