

Q: What is Madison's Dilemma and how was it fixed in the new American Constitution?

The system of check and balance

United States of America got independence in 1767 and their war of independence ended in 1781. The need of constitution

was evident and they made their first constitution in 1781. However,

the flaws of the first constitution

'Articles of Confederation' leads towards

new constitution which was written

in 1787 and implemented in 1789.

The construction of new constitution and addition of 'check and Balance' was

Madison's Dilemma. It brings him

restless for week and finally he

made a constitution which united diff-

erent ethnicities, races and states by

only 7 articles.

Article of Confederation

There were certain flaws in

articles of confederation including

inept legislature no executive and

no judiciary. Americans formed con-

Confederation
an system where center is not strong but states are strong because they were stressed of central controlling power of king.

They believe, power corrupts and absolute power corrupts absolutely.

There were no system of taxation and trade as well. Washington noted, 'Articles of Confederation' is a rope of sand'.

Philadelphia convention

A convention was called for the amendments in articles of confederation. Their meetings lasted for months. All representatives of different states discussed constitution with their respective states and at end submitted their plans. The two evident plans were New Jersey Plan and Virginia Plan. Smaller states presented new Jersey plan and demanded equal representation, one unit system and confederation. Whereas, larger states presented Virginia plan^{to} by which

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demanded bicameral legislature, representation on basis of population and federation system. There was a compromise between two to satisfy all states, which is known as Connecticut compromise.

The burden of construction of new constitution was on shoulders of James Madison. He wanted a system which can truly unite the 13 states. He gave a new system to the world which is check and balance. Firstly there were no executive and judiciary but after their addition to stop them from over power he introduced this system. By introducing 'Check and Balance' USA moved even one step further from Lockean philosophy.

Check and Balance

James Madison's dilemma was to stop over powering of legislature, executive and judiciary. Therefore, he fixed his dilemma by his

newly introduced system of check and balance. In this system not even a single institution is having more power over the other.

Executive check on legislature

To pass a bill, legislature have to pass it by simple majority in case of civil bill. If legislature passed a bill by simple majority it will moved to executive.

Executive can veto that bill and by this it is keeping its check on legislature. Executive can veto any bill passed by legislature.

Legislature's check on executive

When executive vetoed the bill passed by legislature, the bill will come back to legislature.

Now if legislature passed the same bill by 2/3 majority there will be no need to send it to executive. It will become law when legislature passed it.

by $2/3$ majority. This is legislature's check on executive that it can over throw executive's veto.

Judiciary's check on legislature

Judiciary is ^{also} keeping its check on legislature that to pass any bill there is need of judicial agreement on it. Without judicial agreement a bill can not be passed.

Executive's check on Judiciary

Judiciary is powerful as any judge have no retirement age until a judge resign or dead.

Executive have the power to nominate the judges. This shows executive power over judiciary.

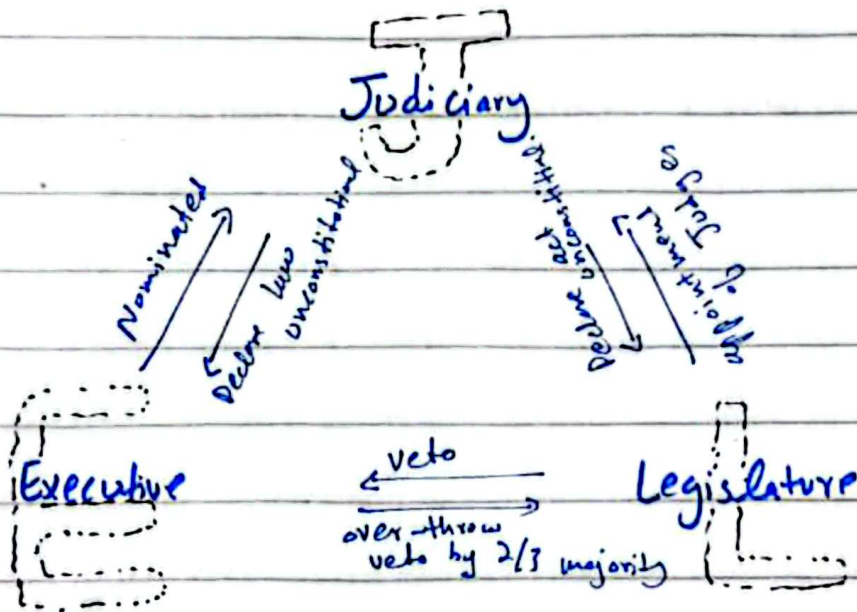
Legislature's check over Judiciary

The judges are nominated by executive ~~an~~ but they are appointed by legislature. Executive only nominates and legislature's decision is final for selection of judges. This is executive and

legislature's collective check on judiciary

Legislature's check on Judiciary and executive

They can make senatorial committee and can impeach the president or any person. legislature has power of impeachment to keep check on executive and judiciary



Denouement

The system of Check and Balance is so significant that it successful running a country of 50 states in present time.

The madison dilemma made it

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clear that countries can run peacefully by constitutions. If there is equal distribution of power among all departments. Madison's restlessness of equal distribution of power and he fixed it by 'check and balance'. This is the reason that from 1789 till present time there are only 27 amendments including first ten 'bill of rights'. Madison dilemma is the reason of unitedness of 50 different states now.