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Professor

Course

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Title: Federalist Papers Persuasive Essay

**Q1**

In The Federalist, Hamilton termed the judiciary to be the least dangerous branch. This view was based on the idea that the judicial branch lacked the legislature's political passions or the executive branch's power. Moreover, it does not have an army to enforce its opinions, nor the legislature's purse by means of which it can have a say on the government's spending or taxation policies, nor can it make other laws. Instead, it only serves to interpret the laws approved and enacted by the other branches. Hamilton suggested that the judicial branch only had judgment and integrity but neither will nor force to compel other branches.

**Q2**

The effects of being held or termed as the "least dangerous" branch in the Federalist papers was that the judiciary was not able to overpower any other branch of the government for any purpose. The military still remains in control of the president while the flow of money is still controlled by Congress. Moreover, its effect was to ensure that corruption does not cause other branches of the government to be a judge of their own action's constitutionality, thus serving as a check and balance against the relatively more powerful branches of the government, in order to ensure the general liberty of the people is not infringed.

**Q3**

Hamilton stressed that the independence of the judiciary from the government's other branches. This implied that other branches should not be able to wield any influence over the court's functioning or decisions out of partisan or private interests. Thus, the independence of the judiciary prevents encroachment upon individual rights by the legislative and executive branch and serves as a safeguard for the privileges, freedoms, and rights of the citizens granted by the constitution. The entire judicial system, its officers, and courts will be free of governmental intervention as a result of this independence which will ensure that the judiciary is able to provide equal protection for all.

**Q4**

The main purpose or role of the judicial branch, according to Hamilton, is to ensure that any law passed by the legislative branch stands consistent with the superior and fundamental law provided by the Constitution. For this purpose, there is sufficient authority granted to the courts, through the power of the judicial review, which they can exercise to render any law null and void if it is interpreted or determined to be unconstitutional, judging whether it violates a “manifest tenor of the Constitution”. Through this, it ensures that the legislative branch remains subservient to the Constitution and not its master.

**Q5**

According to Hamilton, one of the primary terms of office regarding the selection and appointment of judges is that they will not be changed based upon the legislative or executive branch’s whims or interests. If the Judges exhibit good behavior during their tenure, then this permanent tenure will help uphold the rule of law in a free society. Moreover, not all people have the integrity and ability to judge a law, and thus those people who are adequate for the position should not be replaced. Additionally, these terms promote judicial independence and enable them to guard the people's constitutional rights against any invasions or infringement by the legislature. Hamilton neither supports periodical appointments nor elections since this would harm their independence and make the process prone to manipulation

**Q6**

Some of the key characteristics that have to be possessed by judges are integrity, knowledge and good behavior during their tenure. They should abide by the established legal rules, instead of relying upon discretion, in order to protect people from the tyranny of other branches or the judicial branch itself. For this purpose, the selection of judges must not be subject to elections or periodic appointments since that would interfere with their ability to apply the law objectively. Any appointments must strictly be based on merit, appointing lower court judges or lawyers to higher positions on the basis of their integrity and performance without any political influence or connection.