

# Chapter 1

## Constitutional Democracy

### Key Chapter Questions

1. What are the defining features of democracy? Also, why is constitutional democracy not a “spectator sport”? Finally, why are politicians indispensable for making the American system of democracy work?
2. What conditions are conducive to constitutional democracy?
3. What are America's constitutional roots?
4. What were the main philosophical and political assumptions guiding the framers in creating the new Constitution? What compromises were reached at the Constitutional Convention?
5. What arguments for and against ratification of the Constitution were used by the Federalists and Antifederalists?

### Chapter Outline

- I. Introduction
  - A. Constitution/Bill of Rights have survived over time
    1. 2000 Election reminds us of system's strengths/weaknesses
    2. Trust in government has declined
    3. Government can be a force for good and evil
- II. Constitutional Democracy is not a Spectator Sport
  - A. Our democracy requires participation, balance between faith and skepticism
  - B. Government by the people requires faith concerning our common human enterprise
  - C. Constitutional democracy requires tolerance and protection of others' rights
  - D. Government by the people is necessarily government by politicians
  - E. A gap exists between expectations about the actual and the ideal politician
- III. Defining democracy
  - A. Meaning of democracy (government by the people)
    1. Constitutional democracy refers to a government that enforces limits on those who govern and allows people to be heard through free and fair elections
    2. Direct democracy practiced by Athens and other Greek cities
    3. Constitutionalism refers to how power is granted, dispersed, and limited
    4. Distinguishing feature of democracy is that government derives authority from its citizens
  - B. Historical events that created the constitutional democracy of the United States
    1. Formerly a term of derision (demagogues)
    2. Positive meaning only in last 100 years
    3. Democracy today means representative democracy
  - C. Democracy as a system of interacting values
    1. Popular consent

- a. Governmental power from people
- b. A willingness to lose if majority removes support
- 2. Respect for the individual
  - a. Every individual has rights; these rights are the source of all legitimate governmental authority and power
  - b. Opposite of statism (state supreme over individual)
- 3. Equality of opportunity
  - a. Jefferson's Declaration of Independence statement
  - b. What kind of equality? Equality of opportunity?
- 4. Personal liberty
  - a. All individuals must have the opportunity to realize individual goals
  - b. The essence of liberty is self-determination
  - c. The key to social progress
- 5. Democratic values in conflict
  - a. Individualism versus collective welfare
  - b. Liberation versus alienation
  - c. Self-determination versus equal opportunity
  - d. Liberty versus equality
  - e. American political system has moved toward greater freedom and more democracy
  - f. More people throughout the world are attracted to democracy than ever before
- D. Democracy as a system of interrelated political processes
  - 1. Free and fair elections
    - a. Held at frequent intervals; decided by majority rule
    - b. All citizens should have equal voting power
    - c. Existence of opposition political parties
  - 2. Majority rule
    - a. Those with the most votes assume power
    - b. Majority still respects minority views
    - c. Constitution reflects fear of tyranny by majority
  - 3. Freedom of expression
    - a. Free and fair elections depend on access to information about voting choices
  - 4. The right to assemble and protest
- E. Democracy as a system of interdependent political structures
  - 1. The Constitution and the Bill of Rights create a structure that both grants and checks government power
  - 2. Four elements of the constitutional system
    - a. Federalism
    - b. Separation of powers
    - c. Checks and balances
    - d. Bill of Rights

#### IV. Conditions conducive to Constitutional Democracy

##### A. Introduction

- 1. Difficulty in sustaining democracies

##### B. Conditions conducive to constitutional democracy

- 1. Educational conditions: most voters should be able to read and write but literacy is not a guarantee of democratic government
- 2. Economic conditions
  - a. A relatively prosperous nation, with an equitable distribution of wealth

- b. Private ownership of property and a relatively favorable role for the market economy
  - 3. Social conditions
    - a. Variety of associations and social institutions bind people together and lead debate and discussion--a nation's "social capital"
  - 4. Ideological conditions
    - a. The democratic consensus
  
- V. The constitutional roots of the American experiment
  - A. Religious freedom in colonial America was a "mixed picture" of tolerance and coercion
    - 1. Puritans' theocracy
    - 2. Nine of 13 colonies set up
    - 3. Liberties were eventually incorporated into colonial laws and constitutions
  - B. The rise of revolutionary fervor
    - 1. The Declaration of Independence proclamations following fighting in Lexington and Concord
    - 2. Revolutionary leaders were determined to guarantee liberty in the new state constitutions
    - 3. Framers guaranteed rights in written state constitutions
  - C. Toward unity and order
    - 1. Articles of Confederation were approved in 1781
      - a. Created "fragile league of friendship," not a nation
      - b. Limited and inadequate central government
    - 2. Annapolis Convention in 1786 called for a convention to amend the Articles of Confederation
    - 3. Shay's Rebellion acted as a catalyst to strengthen the Articles of Confederation
  
- VI. The Constitutional Convention, 1787
  - A. The delegates
    - 1. Only 40 of 55 delegates actively participated
      - a. Most influential men of nation in attendance
    - 2. Prime movers at the convention
      - a. Alexander Hamilton
      - b. George Washington
      - c. James Madison
    - 3. Secret proceedings to encourage intellectual flexibility and to weaken convention enemies
  - B. Consensus
    - 1. All delegates supported republican government
    - 2. Common philosophy was that of a balanced government favoring the protection of property
    - 3. States would determine voting qualifications
    - 4. Agreed on national government consisting of a supreme legislative, executive, and judiciary branch
    - 5. Agreed on the need for a strong executive and an independent judiciary
  - C. Conflict and compromise
    - 1. The Virginia Plan (favored by more populous states)
      - a. Called for a strong central government with a legislature composed of two chambers
    - 2. The New Jersey Plan (favored by small states)
      - a. Would give Congress the right to tax and regulate commerce and to coerce states
      - b. Would retain the single-house legislature in which each state would have the same vote
      - c. Plan contained the supremacy clause

3. The Connecticut Compromise
    - a. Called for one house in which each state would have an equal vote and a second house in which representation would be based on population and in which all bills for raising or appropriating money would originate
  4. North-South compromises
    - a. Southern delegates insisted on a two-thirds majority in the Senate before presidents could ratify treaties
    - b. Issue of representation in the House of Representatives was resolved by the three-fifths compromise
  5. Other issues
    - a. Congress may establish inferior courts
    - b. Electoral college system for selecting the president
- VII. To adopt or not to adopt?
- A. Introduction
  - B. Federalists versus Antifederalists
    1. *The Federalist* essays (Hamilton, Madison, Jay) helped the ratification process
    2. Antifederalists objected to lack of a bill of rights
  - C. The politics of ratification
    1. Federalists controlled newspapers, moved quickly, and won in small states without difficulty
    2. Narrow victory in Massachusetts after bill of rights "compromise"
    3. Virginia and New York were the last states to ratify the Constitution