



THE CONSTITUTION

DEFEND IT

don't amend it

CONSTITUTIONAL DEMOCRACY



OUTLINE

The oldest constitutional democracy in the world, the United States of

America, has survived for more than two centuries, yet it is still an experiment and a work in progress. We think of it as an enduring, strong government, but in a real sense, our constitutional political system is built on a fragile foundation. The U.S. Constitution and Bill of Rights survive not because the parchment they were written on is still with us but because each generation of Americans respects, renews, and works at understanding the principles and values found in these precious documents. Different generations have faced different challenges in preserving, protecting, and defending our way of government. Some have faced depressions, others world wars; most recently, Americans have confronted foreign attacks on domestic soil, terrorism around the world, and protracted war in Iraq and Afghanistan.

Terrorism on a global scale has become part of the daily news and a major concern of the American government. Before September 11, 2001, terrorist attacks seemed sporadic and far removed from the United States. The catastrophic attack on the World Trade Center in New York City and the Pentagon in Washington, D.C., made terrorism and security a preoccupation for many Americans. When asked to identify the most important problem facing our nation, terrorism and the economy are the most often mentioned problems. Voters are also concerned about moral values, as evidenced by the debate over same-sex marriage. But the war on terrorism and how best to wage it was the central theme of the 2004 election. The terrorist attacks of September 11, 2001, also changed our perceptions of domestic and international security. The government created the new Department of Homeland Security, increased spending on intelligence and security, and launched preemptive wars against terrorists and governments believed to pose a threat to the United States.

- **AMERICAN GOVERNMENT AND POLITICIANS IN CONTEXT**
- **DEFINING DEMOCRACY**
- **THE CONSTITUTIONAL ROOTS OF THE AMERICAN EXPERIMENT**
- **THE CONSTITUTIONAL CONVENTION OF 1787**
- **TO ADOPT OR NOT TO ADOPT?**

TIME LINE

CREATING THE REPUBLIC

1620	Mayflower Compact established the first basis in the new world for written laws
1775	Revolutionary War begins with battles at Lexington and Concord
1776	Declaration of Independence
1781	Articles of Confederation ratified—establishing the United States
1783	Revolutionary War ends with peace treaty with Great Britain
1786	Annapolis Convention calls for revision of the Articles of Confederation
1786–1787	Shays' Rebellion—poor farmers defy courts and state militia
1787	Constitutional Convention in Philadelphia
1787	Delaware becomes first state to ratify the Constitution
1788	Constitution ratified, replacing the Articles of Confederation
1789	Congress proposes the first amendments: the Bill of Rights



Let us define some of the basic terms we'll be using throughout this book. *Government* refers to the procedures and institutions (such as elections, courts, and legislatures) by which a people govern and rule themselves. *Politics* is the process by which people decide, at least in our system of government, who shall govern and what policies shall be adopted. Such processes invariably involve discussions, debates, and compromises over tactics and goals. *Politicians* are the people who fulfill the tasks of an operating government. Some politicians—legislators, mayors, and presidents—come to office through an election. Nonelected politicians may be political party officials or aides, advisers, or consultants to elected officials. *Political science* is the study of the principles, procedures, and structures of government and the analysis of political ideas, institutions, behavior, and practices.

In the aftermath of September 11, 2001, the United States took the offensive against Al-Qaeda by attacking its bases as well as removing the Taliban government in Afghanistan, which had supported Osama bin Laden. The war in Afghanistan successfully eradicated most terrorist camps and captured or killed many of the organization's leaders, but it failed to kill or capture bin Laden. The ability of bin Laden to evade U.S. forces and to periodically issue video or audio tapes calling for continuing hostilities highlights the problems of fighting individuals and groups like Al-Qaeda.

President Bush, who gained stature and public approval in the aftermath of the September 11 attacks on the United States, linked those attacks to the war in Afghanistan. Less than two months after the attacks on New York and Washington, D.C., President Bush said, "I have called our military into action to hunt down the members of the Al-Qaeda organization who murdered innocent Americans. I gave fair warning to the government that harbors them in Afghanistan. The Taliban made a choice to continue hiding terrorists, and now they are paying a price."¹ In a later speech he broadened the international dimension of the war on terrorism by referring to an "Axis of Evil" consisting of Iraq, Iran, and North Korea. All three of these totalitarian governments were thought to possess weapons of mass destruction and, in the cases of Iraq and Iran, were believed to be sponsoring terrorism. The U.N. weapons inspectors had been trying to determine whether Iraq possessed weapons of mass destruction. Frustrated with their inability to gain U.N. support, the United States and Britain went to war with Iraq largely on their own. Whether the United States should have waited until it had the endorsement and support of the United Nations or several more nations before going to war in Iraq will be debated for years to come.

Both the tone and style of President Bush's leadership alienated some European leaders, most notably in France and Germany. Great Britain, especially Prime Minister Tony Blair, was steadfast in support of the American approach of preemptive war in Iraq. More important to President Bush than his popularity abroad was securing his reelection in 2004, and a cornerstone of his reelection campaign was national security and his efforts to enhance it.

For the Democrats, the terrorist attacks of September 11 made criticizing President Bush much more difficult. A bipartisan coalition enacted legislation creating a homeland security department, authorizing the president to take action in Afghanistan and later Iraq, and appropriating the many billions of dollars to fund the military and nation-building expenses in Afghanistan and Iraq. Democratic presidential candidates were faced with the challenge of criticizing President Bush's policies without seeming to criticize our troops. One tack was to criticize the president's priorities in pursuing Saddam Hussein in Iraq rather than Osama bin Laden and Al-Qaeda. Some expressed support for the removal of Hussein; others opposed the war in Iraq. A common criticism among all the Democratic candidates was that President Bush and his administration had badly underestimated the challenges of establishing order and installing a new democratic government in Iraq. The steady stream of attacks on American and allied forces after President Bush had prematurely declared, "In the battle of Iraq, the United States and our allies have prevailed," underscored the Democrats' criticisms.

The Bush doctrine of using preemptive war against governments believed to pose a substantial risk to the United States and doing so even when others in the international community oppose the action will be much debated in the future. Also debated will be the extent of risk posed by Iraq, especially since the much feared weapons of mass destruction supposedly held by Iraq could not be found after the war; the impact on civil liberties of legislation like the U.S.A. Patriot Act, passed soon after September 11, 2001; who was responsible for the prison abuse in Iraq and Afghanistan; and questions about how to treat foreign nationals captured in the war on terrorism are also important topics.

One challenge for the United States in the post-Iraq war period is the way much of the rest of the world perceives us. In this book we will incorporate our analysis of innovative surveys of citizens from a large number of countries around the world on how

our government and country are perceived. Americans like to think of themselves as popular around the world, especially in places like Germany and France where our government played a substantial role in the liberation of France in 1945 and in the reconstruction of the economies of both countries following World War II. We now find, however, that the differences in foreign policy approach between the United States and what Defense Secretary Rumsfeld labeled “old Europe” are substantial and may be enduring. In the minds of citizens in large parts of the Middle East, we are closely linked to Israel and therefore seen as an enemy.

The role of the United States and other prosperous countries in the international economy has also engendered backlash and protest. Because the U.S. economy is the world’s largest, it has been the primary target of those concerned over the loss of local economic independence and the growing power of U.S. corporations and their products. Globalization concerns also include workers’ rights and compensation and lower environmental standards in the developing world. Globalization is linked in part to the thinking of Osama bin Laden, who sharply criticizes the growing Western/American influence in the Islamic world and the impact this influence has had on culture and beliefs.

The terrorist threat raises important questions for American government. Should the response to terrorism and the threat of terrorism involve the United Nations or at least several countries? Should there be a multilateral approach, or should the United States go it alone if other countries choose not to participate, i.e., a unilateral approach? The Bush administration took the unilateral approach until the going got tough in Iraq and then seemed to shift to a more multilateral approach. The problem with a multilateral approach is that the United States will not have as much control as it does when it acts unilaterally. The problem with a unilateral approach is that the United States is left with the entire burden and expense of the operation, and should it fail the United States will be blamed.

Another consequence of the wars in Iraq and Afghanistan is their cost. Deficit spending, which had become the norm in American politics, ended during the Clinton years, and in the 2000 presidential election the candidates debated how to spend the budget surplus. President Bush, who campaigned promising a tax cut if elected, delivered on that promise. The “Bush” tax cut lowered individual income taxes by 1.3 trillion dollars over ten years. The wisdom of cutting taxes at the same time the nation was fighting a costly global war on terrorism was much debated before the 2004 election. The growing budget deficit and whether to make the “Bush” tax cut permanent were also debated. President Bush campaigned on the idea of making his tax cuts permanent to keep the economy expanding, estimating that the deficit would be cut in half within five years. Democratic standard-bearer John Kerry promised tax relief for the middle class while rolling back the Bush tax cut for high-income individuals. He also promised to reduce the deficit by half in five years.

More generally, economic issues were central to the 2004 election. Here the Republicans and President Bush were put on the defensive about the loss of jobs and the overall state of the economy. Several of the most competitive states in 2004 had experienced severe job loss. Ohio, Pennsylvania, Wisconsin, and Iowa were competitive in part because of the job loss issue. On domestic issues, Democrats and Republicans see things quite differently and the country is evenly divided. Republicans took credit for their success in enacting in 2003 a prescription drug benefit for older Americans, a program many Democrats criticized for its limitations and costs to seniors. Both parties in recent years have pushed a social policy initiative, often one long claimed by the other party. Bill Clinton’s 1996 campaign touted his role in enacting welfare reform, and George W. Bush did the same with his “No Child Left Behind” education legislation and prescription drug benefits for seniors in 2002 and 2004.

Social issues, which were important to American politics in the 1970s and 1980s, were also important in 2004. Abortion and gay marriage were galvanizing issues on both the left and right. These issues also served to underscore the importance of the Supreme Court, which has ruled in recent years on these questions, often by narrow majorities. With several Supreme Court justices possibly considering retirement, the Court’s future composition was the subject of campaign communications by both conservative and liberal groups.

Events of the past few years have reinforced the importance of government in setting priorities and making policies. It is also clear that who holds power makes a substantial difference in what government does or does not do. At the same time, the country's sharp divisions in partisanship and ideology, and the presence of constitutional checks and balances, make abrupt changes in direction unlikely.

AMERICAN GOVERNMENT AND POLITICIANS IN CONTEXT

The American Republic, founded on enduring values, has shown resiliency and adaptability. We have held 109 presidential and midterm elections (including the 2004 election), and we have witnessed the peaceful transfer of power from one party to another on dozens of occasions. The United States has succeeded in large part because Americans love their country, revere the Constitution, and respect the free enterprise system. We also believe that our differences are best reconciled by debate, compromise, and free elections. From an early age, we practice democracy in elementary school classrooms, and even though we may be critical of elected leaders, we recognize the need for political leadership. We also know that there are deep divisions and unsolved problems in the United States. Many people are concerned about the persistence of racism, about religious bigotry, about the gap in economic opportunities between rich and poor, and about the gun violence that disproportionately afflicts children and minorities. And we want our government, in addition to providing a defense against terrorism and foreign enemies, to provide basic health care and education as well as to address other domestic problems.

But what is this government of which we expect so much? The reality is that “government” is merely a shorthand term to refer to tens of thousands of our fellow Americans: the people we elect and the people they appoint to promote the general welfare, provide for domestic tranquillity, and secure the blessings of liberty for us.

More than any other form of government, the kind of democracy that has emerged under the U.S. Constitution requires active participation and a balance between faith and skepticism. Government by the people, however, does not require that *everyone* be involved in politics and policy making. Many citizens will always be too busy doing other things, and some people will always be apathetic toward government and politics. Government by the people does require a substantial segment of the public to be attentive, interested, involved, informed, and willing, when necessary, to criticize and change the direction of government.

Thomas Jefferson, one of our best-known champions of constitutional democracy, believed in the common sense of the people and in the flowering possibilities of the human spirit. Jefferson warned that every government degenerates when it is left only in the hands of the rulers. The people themselves, Jefferson wrote, are the only safe repositories of government. His was a robust commitment to popular control, representative processes, and accountable leadership. But he was no believer in the simple participatory democracy of ancient Greece or revolutionary France. The power of the people, too, must be restrained from time to time.

Government by the people requires faith concerning our common human enterprise, a belief that if the people are informed and caring, they can be trusted with their own self-government and an optimism that when things begin to go wrong, the people can be relied on to set them right. But a healthy skepticism is needed as well. Democracy requires us to question our leaders and never trust a group or institution that holds too much power. And even though constitutional advocates prize majority rule, they must remain skeptical about whether the majority is always right.

Constitutional democracy requires constant attention to protecting the rights and opinions of others, to ensure that our democratic processes are effectively serving the principles of liberty, equality, and justice. Thus a peculiar blend of faith and skepticism is warranted when dealing with the will of the people.



Thomas Jefferson.

Constitutional democracy is necessarily government by representative politicians. A central feature of democracy is that those who hold power do so only by winning a free election. In our political system, the fragmentation of powers requires elected officials to mediate among factions, build coalitions, and work out compromises among and within the branches of our government to produce policy and action.

We expect a lot from our politicians. We expect them to operate within the rules of democracy and to be honest, humble, patriotic, compassionate, sensitive to the needs of others, well informed, competent, fair-minded, self-confident, and inspirational. They must be candidates of all the people, not just of the ones with money.

Why does such a gap persist between our image of the ideal politician and our views about actual politicians? The gap exists in part because we have unrealistic expectations. We want politicians to be perfect, to have all the answers, and to have all the “correct” values (as we perceive them). We want politicians to solve our problems, yet we also want them to serve as scapegoats for the things we dislike about government: taxes, regulations, hard times, limits on our freedom. It is impossible for anyone to live up to these ideals. Like all individuals, politicians live in a world in which perfection may be the goal but compromise, ambition, fund raising, and self-promotion are necessary.

Americans will never be satisfied with their political candidates and politicians. The ideal politician is probably a fictional entity, for the perfect official would be able to please everyone, make conflict disappear, and not ask us to make any sacrifices. Politicians become “ideal” only when they are dead.

But the love of liberty invites disagreements of ideology and values. Politicians and candidates, as well as the people they represent, have different ideas about what is best for the nation. That’s why we have politics, candidates, opposition parties, heated political debates, and elections.

DEFINING DEMOCRACY

The word “democracy” is nowhere to be found in the Declaration of Independence or in the U.S. Constitution, nor was it a term used by the founders of the Republic. It is both a very old term and a modern one. It was used at the time of the founding of this nation to refer to various undesirables: mobs, lack of standards, and a system that encourages leaders to gain power by appealing to the emotions and prejudices of the rabble.

The distinguishing feature of democracy is that government derives its authority from its citizens. In fact, the word comes from two Greek words: *demos* (the people) and *kratos* (authority or power). Thus **democracy** means *government by the people*, not government by one person (a monarch, dictator, or priest) or government by the few (an oligarchy or aristocracy).

Ancient Athens and a few other Greek city-states had a **direct democracy** in which citizens came together to discuss and pass laws and select their rulers. These Greek city-states did not last. Most degenerated into mob rule and then resorted to dictators. When the word “democracy” came into use in English in the seventeenth century, it denoted this kind of direct democracy. It was a term of derision, a negative word, a reference to power wielded by an unruly mob.

James Madison, writing in *The Federalist*, No. 10, reflected the view of many of the framers of the U.S. Constitution when he wrote, “Such democracies [as the Greek and Roman] . . . have ever been found incompatible with personal security, or the rights of property; and have in general been as short in their lives, as they have been violent in their deaths” (*The Federalist*, No. 10, is reprinted in the Appendix at the back of this book).

Over time our democracy has become more and more of a combination of representative and direct democracy. The most important examples of direct democracy were added roughly a century ago and include the direct primary, which selects who may run for office; the initiative and referendum, which allow citizens to put to a vote of the people laws or constitutional amendments; and the recall, which allow voters to remove



“The Athenians are here, Sire, with an offer to back us with ships, money, arms, and men—and, of course, their usual lectures about democracy.”

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democracy

Government by the people, either directly or indirectly, with free and frequent elections.

direct democracy

Government in which citizens vote on laws and select officials more directly.

elected officials from office between elections. There has been substantial growth in use of the initiative since the mid-1970s, and 2003 saw the first governor recalled in 82 years when California voters recalled Gray Davis and replaced him with Arnold Schwarzenegger.

Today it is no longer possible, even if desirable, to assemble the citizens of any but the smallest towns to make their laws or to select their officials directly from among the citizenry. Rather, we have invented a system of representation. Democracy today means **representative democracy**, or, to use Plato's term, a *republic*, in which those who have governmental authority get and retain authority directly or indirectly as a result of winning free elections in which all adult citizens are allowed to participate. The framers preferred to use the term "republic" to avoid any confusion between direct democracy, which they disliked, and representative democracy, which they liked and thought secured all the advantages of a direct democracy while curing its weaknesses. Today, as in this book, *democracy* and *republic* are used interchangeably.

In defining democracy, several other terms need to be clarified. **Constitutional democracy**, as used here, refers to a government in which the individuals who exercise substantial governmental powers do so as the result of winning free and relatively frequent elections. *It is a government in which there are recognized, enforced limits on the powers of all governmental officials.* It also generally involves a written set of governmental rules and procedures, a constitution.

Constitutionalism is a term we apply to arrangements—checks and balances, federalism, separation of powers, rule of law, due process, a bill of rights—that require our leaders to listen, think, bargain, and explain before they make laws. We then hold them politically and legally accountable for how they exercise their powers.

Like most political concepts, democracy encompasses many ideas and has many meanings. Democracy is a way of life, a form of government, a way of governing, a type of nation, a state of mind, and a variety of processes. We can divide these many meanings of democracy into three broad categories: a system of interacting values, a system of interrelated political processes, and a system of interdependent political structures.

Democracy as a System of Interacting Values

Belief in representative democracy may be as near a universal faith as the world has today. Respect for human dignity, freedom, liberty, individual rights, and other democratic values is widespread. The ideas of personal liberty, respect for the individual, equality of opportunity, and popular consent are at the core of democratic values. As the Taliban government in Afghanistan demonstrated, there are governments that not only suppress democratic values but find them threatening enough to terrorize governments that embrace them.

PERSONAL LIBERTY Liberty has been the single most important value in American history. It was for "life, liberty, and the pursuit of happiness" that independence was declared; it was to "secure the Blessings of Liberty" that the Constitution was drawn up and adopted. Even our patriotic songs extol the "sweet land of liberty." The essence of liberty is *self-determination*, meaning that all individuals must have the opportunity to realize their own goals. Liberty is not simply the absence of external restraint on a person (freedom *from*); it is the individual's freedom and capacity to act positively to reach his or her goals (freedom *to*). Moreover, both history and reason suggest that individual liberty is the key to social progress. The greater the people's freedom, the greater the chance of discovering better ways of life.

RESPECT FOR THE INDIVIDUAL Popular rule in a democracy flows from a belief that every individual has the potential for common sense, rationality, and fairness. Individuals have important rights; collectively, those rights are the source of all legitimate governmental authority and power. These concepts pervade all democratic thought. They are woven into the writings of Thomas Jefferson, especially in the Declaration of Independence: "All men . . . are endowed by their Creator with certain unalienable rights" (the Declaration of Independence is reprinted in the Appendix). Constitutional

representative democracy

Government that derives its powers indirectly from the people, who elect those who will govern; also called a *republic*.

constitutional democracy

A government that enforces recognized limits on those who govern and allows the voice of the people to be heard through free, fair, and relatively frequent elections.

constitutionalism

The set of arrangements, including checks and balances, federalism, separation of powers, rule of law, due process, and a bill of rights, that requires leaders to listen, think, bargain, and explain before they act or make laws. We then hold them politically and legally accountable for how they exercise their powers.

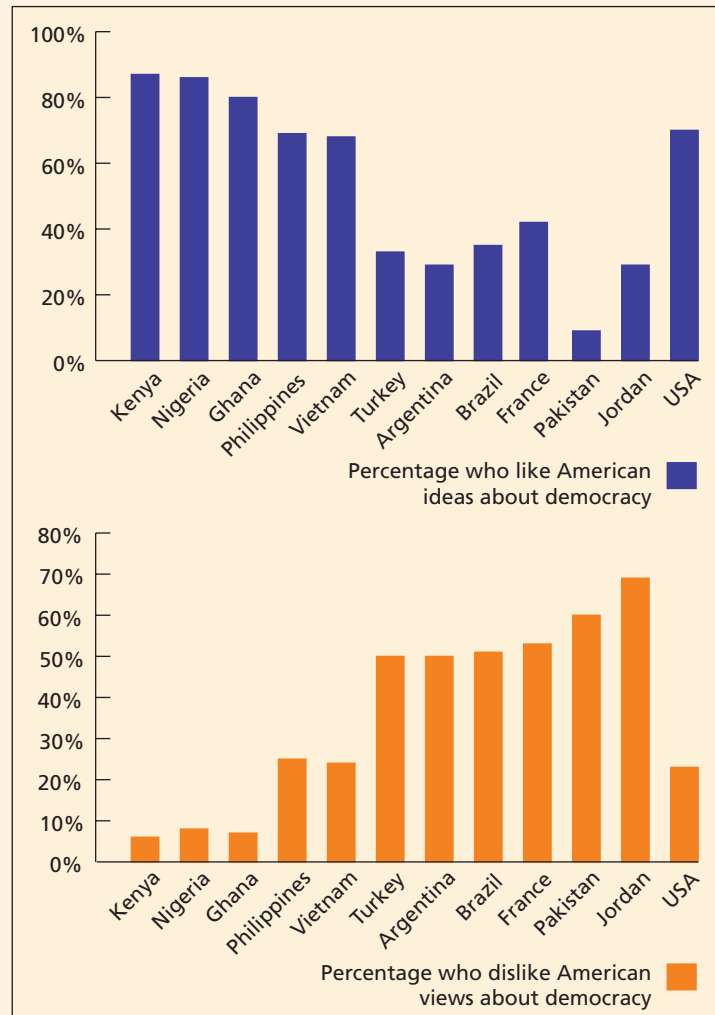


GLOBAL Perceptions

QUESTION: Which of these statements comes closer to your view: I like American ideas about democracy, OR I dislike American ideas about democracy?

Constitutional democracy as we practice it is not universally valued or appreciated around the world. In 2002, the Pew Charitable Trusts supported a worldwide public opinion survey of how people think about democracy, government, and public policy, generally. These studies help us appreciate how people in many nations view freedom, liberties, and democracy as well as other related topics. The Pew Global Survey asked representative samples of people in 44 countries whether they liked or disliked American-style democracy (see question at the beginning of this box).

China and Egypt were the only countries in which the researchers were not allowed to ask the question. American-style democracy was most liked in Africa, where the proportion saying they liked it exceeded the proportion saying they disliked it in all countries surveyed. In Kenya and Nigeria over 86 percent said they liked it. People in most Asian countries also tended to like it more than dislike it. However, in France 53 percent said they disliked it, and in Europe as a whole, the public was split fairly evenly. U.S. citizens tend to assume that our democracy is the envy of the world. In fact that is not the case. Countries in which 50 percent or more of the public disliked American ideas about democracy include: Jordan (69), Pakistan (60), Bolivia (60), France (53), Brazil (51), Turkey (50), and Argentina (50).



Source: Pew Research Center, *What the World Thinks in 2002*, p. T-55.

democracies make the *person*—rich or poor, black or white, male or female—the central measure of value.

Not all political systems put the individual first. Some promote **statism**, a form of government based on centralized authority and control, especially over the economy. Examples of countries with this approach include China and Cuba. In a modern democracy, the nation, or even the community, is less important than the individuals who compose it.

EQUALITY OF OPPORTUNITY The importance of the individual is enhanced by the democratic value of *equality*: “All men are created equal and from that equal creation they derive rights inherent and unalienable, among which are the preservation of liberty and the pursuit of happiness.” So reads Jefferson’s first draft of the Declaration of Independence, and the words indicate the primacy of the concept. Alexis de Tocqueville and other international visitors who have studied American democracy were all struck by the strength of egalitarian thought and practice in our political and social lives.

statism

The idea that the rights of the nation are supreme over the rights of the individuals residing in that nation.

But what does equality mean? Equality for whom? For blacks as well as whites? For women as well as men? For Native Americans, descendants of the Pilgrims, and recent immigrants? And what kind of equality? Economic, political, legal, social, or some other kind of equality? Equality of opportunity? Does equality of opportunity simply mean that everyone should have the same place at the starting line? Or does it mean an effort should be made to equalize the factors that determine how well a person fares economically or socially? These enduring issues arise often in our study of American politics.

POPULAR CONSENT The animating principle of the American Revolution, the Declaration of Independence, and the resulting new nation was **popular consent**, the idea that a just government must derive its powers from the *consent of the people it governs*. A commitment to democracy thus entails a community's willingness to participate and make decisions in government. These principles sound unobjectionable intellectually, but in practice they mean that certain individuals or groups may not get their way. A commitment to popular consent must involve a willingness to lose when most people vote the other way.

DEMOCRATIC VALUES IN CONFLICT The basic values of democracy do not always co-exist happily. Individualism may conflict with the collective welfare or the public good. Self-determination may conflict with equal opportunity. For example, the right of a homeowner to add another floor to her home may conflict with the right of her neighbor to have an unobstructed view. Or the right of a person to smoke an after-dinner cigar in a restaurant may conflict with the right of others not to have to breathe tobacco smoke.

Much of our political combat revolves around how to strike a balance among democratic values, how to protect the Declaration of Independence's unalienable rights of life, liberty, and the pursuit of happiness while trying to "form," as the Constitution announces, "a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity" (see the Preamble to the Constitution on page 46). Over the years, the American political system has moved, despite occasional setbacks, toward greater freedom and more democracy.

Expansion of democracy in the United States and elsewhere was in many ways a twentieth-century idea. Although on dozens of occasions in the past century, democracies collapsed and gave way to authoritarian regimes, even more democracies triumphed. Indeed, "the global range and influence of democratic ideas, institutions, and practices has made [the last century] far and away the most flourishing period for democracy."²

Democracy as a System of Interrelated Political Processes

Far more people dream about democracy than ever experience it, and many new democracies fail. To be successful, democratic government requires a well-defined political process as well as a stable governmental structure. To become reality, democratic values must be incorporated into a political process, most importantly in the form of free and fair elections, majority rule, freedom of expression, and the right to assemble and protest.

FREE AND FAIR ELECTIONS Democratic government is based on free and fair elections held at intervals frequent enough to make them relevant to policy choices. Elections are one of the most important devices for keeping officials and representatives accountable.

We previously described representative democracy as a government in which those who have the authority to make decisions with the force of law acquire and retain this authority either directly or indirectly as the result of winning free elections in which the great majority of adult citizens are allowed to participate. Crucial to modern-day definitions of democracy is the idea that opposition political parties can exist, can run candidates in elections, and can at least have a chance to replace those who are currently

popular consent

The idea that a just government must derive its powers from the consent of the people it governs.



Free and fair elections are an important characteristic of democracies; however, participation requires time and patience, as is evident by these citizens standing in line to vote.

holding public office. Thus *political competition and choice* are crucial to the existence of democracy.

Although all citizens should have equal voting power, free and fair elections do not imply that everyone must or will have equal political influence. Some people, because of wealth, talent, or position, have more influence than others. How much extra influence key figures should be allowed to exercise in a democracy is frequently debated. But in an election, each citizen—president or plumber, corporate CEO or ditch digger—casts only one vote.

MAJORITY (PLURALITY) RULE **Majority rule**—governance according to the expressed preferences of the majority—is a basic rule of democracy. The **majority** candidate or party is the one that receives *more than half* the votes and so wins the election and takes charge of the government until the next election. In practice, however, majority rule is often **plurality** rule, in which the candidate or party with the *most* votes wins the election, even though it may not constitute a true majority of more than half the votes. About a third of our presidents have won with pluralities in the popular vote rather than majorities.³ Once elected, officials do not have a right to curtail the attempts of political minorities to use all peaceful means to become the new majority. Even as the winners take power, the losers are at work to try to get it back at the next election.⁴

Should the side with the most votes prevail in all cases? Americans answer this question in a variety of ways. Some insist that majority views should be enacted into laws and regulations. However, an effective representative democracy involves far more than simply ascertaining and applying the statistical will of most of the people. In a constitutional democracy, the will of a majority of the people may not contradict the rights of individuals. For example, the Supreme Court struck down a 1964 California initiative which would have allowed discrimination against minorities.⁵ It is a more complicated and often untidy process in which the people and their agents debate, compromise, and arrive at a decision only after thoughtful deliberation.

The framers of the U.S. Constitution wanted to guard society against any one faction of the people acting unjustly toward any other faction of the people. The Constitution reflects their fear of tyranny by majorities, especially momentary majorities that spring from temporary passions. They insulated certain rights (such as freedom of speech) and institutions (such as the Supreme Court) from popular choice. Effective representation of the people, the framers insisted, should not be based solely on parochial interests or shifting breezes of opinion.

majority rule

Governance according to the expressed preferences of the majority.

majority

The candidate or party that wins more than half the votes cast in an election.

plurality

Candidate or party with the most votes cast in an election, not necessarily more than half.

FREEDOM OF EXPRESSION Free and fair elections depend on access to information relevant to voting choices. Voters must have access to facts, competing ideas, and the views of candidates. Free and fair elections require a climate in which competing, nongovernment-owned newspapers, radio stations, and television stations can flourish. If the government controls what is said and how it is said, there is no democracy. Without free speech, there are no free and fair elections.

THE RIGHT TO ASSEMBLE AND PROTEST Citizens must be free to organize for political purposes. Obviously, individuals can be more effective if they join with others in a party, a pressure group, a protest movement, or a demonstration. The right to oppose the government, to form opposition parties, and to have a chance of defeating incumbents is more than vital; it is a defining characteristic of a democracy.

Democracy as a System of Interdependent Political Structures

Democracy is, of course, more than values and processes. It also entails political structures that safeguard these values and processes. The Constitution and its first ten amendments (the Bill of Rights) set up an ingenious structure—one that both grants and checks government power. This constitutional structure is reinforced by a system of political parties, interest groups, media, and other institutions that intercede between the electorate and those who govern and thus help maintain democratic stability.

The U.S. constitutional system has five distinctive elements: *federalism*, the division of powers between the national and state governments; *separation of powers* among the

PEOPLE & POLITICS *Making a Difference* ★★

JOAN BLADES AND WES BOYD AND MOVEON

One of the surprises of the 2004 election cycle was a group founded by a husband–wife team from Berkeley, California. The couple, Joan Blades and Wes Boyd, was not always politically active. Before founding MoveOn in 1998 as an e-mail campaign opposing the impeachment of President Clinton, the couple had been more concerned with software for handicapped persons and developing popular screen savers. In the 2000 campaign, MoveOn raised more than \$2 million for Democratic candidates. But it was in the 2004 election cycle that MoveOn became more visible and important. As with the campaign of Howard Dean, Blades and Boyd tapped into a passionate public who were reachable through the Internet. Dean built his own Internet campaign on the MoveOn model.*

What Blades and Boyd demonstrated through MoveOn is that people could be organized for political purposes on a large scale through the medium of the In-

ternet. The membership of MoveOn more than doubled during the months prior to the war in Iraq, a war MoveOn opposed, and continued to grow thereafter. MoveOn does not require a membership fee but does have a subscriber list which permits it to communicate messages and show its attention-getting ads. One major donor to MoveOn was George Soros, who pledged to provide the group with \$2.5 million.[†] The group has fed off of controversy, including an ad criticizing President Bush that it tried unsuccessfully to run during the Super Bowl.[§]



Regardless of whether or not you agree with Boyd and Blades, their use of the Internet for organizing citizens, petitioning government, and raising political contributions has had an impact on American politics.

*Dan Gilgoff, "The Democrats' Internet Gain," *U.S. News and World Report*, October 6, 2003: p. 27.

[†]Editorial, "Mr. Soros' Millions," *The Washington Post*, November 23, 2003: p. B06.

[§]Jim Rutenberg, "Ad Rejections by CBS Raise Policy Questions," *The New York Times*, January 19, 2004: p. 7.

executive, judicial, and legislative branches; *bicameralism*, the division of legislative power between two institutions — the House of Representatives and the Senate; *checks and balances* in which each branch is given the constitutional means, the political independence, and the motives to check the powers of the other branches; and a judicially enforceable, written, explicit *Bill of Rights* that provides a guarantee of individual liberties and due process before the law.

Conditions Conducive to Constitutional Democracy

Although it is hard to specify the precise conditions that are essential for the establishment and maintenance of a democracy, here are a few things we have learned.

EDUCATIONAL CONDITIONS The exercise of voting privileges takes some level of education on the part of the citizenry. But a high level of education does not guarantee democratic government, as the example of Nazi Germany readily illustrates. And there are some democracies, such as India, where large numbers of people are illiterate. Still, voting makes little sense unless a considerable number of the voters can read and write and express their interests and opinions. The poorly educated and illiterate often get left out in a democracy. Direct democracy puts a further premium on education. Better educated persons are more able to understand and participate in policy making through initiatives and referendums.⁶

ECONOMIC CONDITIONS A relatively prosperous nation, with an equitable distribution of wealth, provides the best context for democracy. Starving people are more interested in food than in voting. Where economic power is concentrated, political power is likely to be concentrated. Well-to-do nations have a greater chance of sustaining democratic governments than those with widespread poverty do. The reality is that extremes of wealth and poverty undermine the possibilities for a healthy constitutional democracy. Thus the prospects for an enduring democracy are greater in Canada or France than in Rwanda, Zimbabwe, or Mongolia.

Some measure of private ownership of property and a relatively favorable role for the market economy are also related to the creation and maintenance of democratic institutions. Democracies can range from heavily regulated economies with public ownership of many enterprises, such as Sweden, to those in which there is little government regulation of the marketplace. But there are no democracies with a highly centralized government-run economy and little private ownership of property, although there are many nations with a market economy and no democracy. There are no truly democratic communist states, nor have there ever been any.

SOCIAL CONDITIONS Economic development generally makes democracy possible, yet proper social conditions are necessary to make it real.⁷ In a society fragmented into warring groups that differ fiercely on fundamental issues, government by discussion and compromise is difficult, as we have seen in the Balkans and more recently in Afghanistan and Iraq. When ideologically separated groups consider the issues at stake to be vital, they may prefer to fight rather than accept the verdict of the ballot box.

In a society that consists of many overlapping associations and groupings, however, individuals are not as likely to identify completely with a single group and give their allegiance to it. For example, Joe Smith is a Baptist, an African American, a southerner, a Democrat, an electrician, and a member of the National Rifle Association, and he makes \$50,000 a year. On some issues, Joe thinks as a Baptist, on others as a southerner, and on still others as an African American. Sue Jones is a Catholic, a white Republican, an auto dealer, and a member of the National Organization for Women (NOW); she comes from a Polish background, and she makes \$150,000 a year. Sometimes she acts as a Republican, sometimes as an American of Polish descent, and sometimes as a member of NOW. Jones and Smith differ on some issues and agree on others. In general, the differences between them are not likely to be greater than their common interest in maintaining a democracy.⁸

IDEOLOGICAL CONDITIONS **Ideology** refers to basic beliefs about power, government, and political practices—beliefs that arise out of the educational, economic, and social

ideology

A consistent pattern of beliefs about political values and the role of government.

★ ★ YOU DECIDE

In 2003 California voters decided to remove Governor Gray Davis from office. Davis had been elected in 2002, only eleven months before the recall. The process of recall is triggered by voters signing petitions, and if enough valid signatures are gathered to meet a specified threshold, a recall election is held. U.S. Representative Darrell Issa, a wealthy conservative from Southern California, spent \$2 million of his own money to hire signature collectors, which greatly helped the 2003 recall effort meet the signature threshold. Proponents of the recall contend that it provides a means for voters to maintain greater control over politicians while opponents of the recall contend that the normal election process provides ample opportunity to remove politicians from office. What do you think? Does the recall enhance or detract from constitutional democracy?

conditions individuals experience. Out of these conditions must also develop a general acceptance of the ideals of democracy and a willingness of a substantial part of the people to agree to proceed democratically. This acceptance is sometimes called the *democratic consensus*.

THE CONSTITUTIONAL ROOTS OF THE AMERICAN EXPERIMENT

Americans often take democracy for granted. Most of us probably consider it inevitable. We take pride in our ability to make it work, yet we have essentially inherited a functioning system. Its establishment was the work of others, nine or ten generations ago. The challenge for us is not just to keep it going but to improve it and make it adapt to the challenges of our times. To do so, however, we must first understand it, and this requires systematic consideration of our democratic and constitutional roots.

The Colonial Beginnings

There were many reasons one might have expected our democratic experiment to fail. The 13 original states (formerly colonies) were independent and could have gone their separate ways. Sectional differences based on social and economic conditions, especially the southern states' dependence on slavery, were an obvious problem. Religious, ethnic, and racial diversity, which challenges so many governments around the world today, existed to a substantial degree in the United States during its formative years.

Given these potential problems, how did democracy survive? How did this nation establish democratic principles for its government? How did it limit potential abuses? These questions are of importance not only to Americans but also to all others who value freedom and democracy. The United States has been a world leader in promoting the use of democratic institutions, in effect universalizing its successful experiment.



In 2003, Californians voted in a recall election to remove Democratic Governor Gray Davis from office and to replace him with Republican Arnold Schwarzenegger (left). U.S. Representative Darrell Issa (right) spent \$2 million of his own money to spearhead the recall effort.

The framers of the U.S. Constitution had experience to guide them. For almost two centuries, Europeans had been sailing to the New World in search of liberty—especially religious liberty—as well as land and work. While still aboard the *Mayflower*, the Pilgrims drew up a compact to protect their religious freedom and to make possible “just and equal laws.” In the American colonies, editors found they could speak freely in their newspapers, dissenters could distribute leaflets, and agitators could protest in taverns or in the streets.

But the picture of freedom in the colonies was mixed. The Puritans in Massachusetts soon established a **theocracy**, a system of government in which religious leaders claimed divine guidance and in which certain religious sects were denied religious liberty. Dissenters were occasionally chased out of town, and some printers were beaten and had their shops closed. In short, the colonists struggled with the balance between unity and diversity, stability and dissent, order and liberty. Puritans continued to worry “about what would maintain order in a society lacking an established church, an attachment to place, and the uncontested leadership of men of merit.”⁹ Nine of the 13 colonies eventually set up a state church. Throughout the 1700s, Puritans in Massachusetts barred certain men from voting on the basis of church membership. To the Anglican establishment in Virginia, campaigns for toleration were in themselves subversive. Women and slaves could not vote at all.

The Rise of Revolutionary Fervor

As resentment against British rule mounted during the 1770s and revolutionary fervor rose, Americans became determined to fight the British to win their rights and liberties. A year after the fighting broke out in Massachusetts, the Declaration of Independence proclaimed in ringing tones that all men are created equal, endowed by their Creator with certain unalienable rights; that among them are “life, liberty, and the pursuit of happiness”; that to secure those rights, governments are instituted among men; and that whenever a government becomes destructive of those ends, it is the right of the people to alter or abolish it. (Read the full text of the Declaration of Independence in the Appendix.)

We have all heard these great ideals so often that we take them for granted. Revolutionary leaders did not. They were deadly serious about these rights and willing to fight and pledge their lives, fortunes, and sacred honor for them. Indeed, by signing the Declaration of Independence they were effectively signing their own death warrants if the Revolution failed.¹⁰ Bills of rights in the new state constitutions guaranteed free speech, freedom of religion, and the natural rights to life, liberty, and property. All their constitutions spelled out the rights of persons accused of crime, such as knowing the nature of the accusation, being confronted by their accusers, and receiving a timely and public trial by jury.¹¹ Moreover, these guarantees were set out *in writing*, in sharp contrast to the unwritten British constitution.

Toward Unity and Order

As the war against the British widened, the need arose for a stronger central government that could pull the colonies together and conduct a revolutionary war. For a time, the Continental Congress, which had led the way toward revolution, tried to direct hostilities against the British, but it took a man of George Washington’s iron resolve to unify and direct the war effort. Sensing the need for more unity, Congress established a new national government under a written document called the **Articles of Confederation**. At first hardly worthy of the term “government,” the Articles were not approved by all the state legislatures until 1781, after Washington’s troops had been fighting for six years.

This new Confederation was a move toward a stronger central government, but a limited and inadequate one. Having fought a war against a strong central government in London, Americans were understandably reluctant to create another one, so the Articles established a fragile league of friendship rather than a national government. From

★ ★ THINKING IT THROUGH

The California recall effort and all the media attention to it highlighted the reality that large numbers of Californians, including many Democrats, were disappointed with Gray Davis and his lack of leadership. The high turnout demonstrated that voters will participate in a high profile recall election held at a time different from other elections. While it placed a new governor in office it did not allow voters to change other elected offices at the same time, and thus the new Governor must work with the previously elected legislature and other state officials.

One concern about the recall process is that it may make elected officials timid and indecisive because of the fear that if they act they might trigger a recall against them. Another concern is that interest groups on all sides that have resources can hire signature gatherers to force a recall election. But to be successful, a group must not only qualify a recall for the ballot, it must get a majority to vote to remove the incumbent.

Understanding the recall process and choosing from among so many possible candidates in an election like the 2003 California recall election is difficult and may have been confusing for some. The intense media coverage and the presence of a high-profile movie star candidate in 2003 mitigated these problems, but if recall elections become commonplace they could be a concern in the future.

theocracy

Government by religious leaders, who claim divine guidance.

Articles of Confederation

The first governing document of the confederated states, drafted in 1777, ratified in 1781, and replaced by the present Constitution in 1789.



WEAKNESSES OF THE ARTICLES OF CONFEDERATION

1. Congress had no direct authority over citizens but had to work through the states; it could not pass laws or levy taxes to carry out its responsibilities to defend the nation and promote its well-being.
2. Congress could not regulate trade between the states or with other nations. States taxed each other's goods and even negotiated their own trade agreements with other nations.
3. Congress could not forbid the states from issuing their own currencies, further complicating interstate trade and travel.
4. Congress had to handle all administrative duties because there was no executive branch.
5. The lack of a judicial system meant that the national government had to rely on state courts to enforce national laws and settle disputes between the states. In practice, state courts could overturn national laws.

Annapolis Convention

A convention held in September 1786 to consider problems of trade and navigation, attended by five states and important because it issued the call to Congress and the states for what became the Constitutional Convention.

Constitutional Convention

The convention in Philadelphia, May 25 to September 17, 1787, that framed the Constitution of the United States.

Shays' Rebellion

Rebellion by farmers in western Massachusetts in 1786–1787, protesting mortgage foreclosures; led by Daniel Shays and important because it highlighted the need for a strong national government just as the call for the Constitutional Convention went out.

1777 to 1788, Americans made progress under the Confederation, but with the end of the war in 1783, the sense of urgency that had produced unity began to fade. Conflicts between creditors and debtors in the various states grew intense. Foreign threats continued; territories ruled by England and Spain surrounded the new nation, which, internally divided and lacking a strong central government, made a tempting prize.

As pressures on the Confederation mounted, many leaders became convinced it would not be enough merely to revise the Articles of Confederation. To create a union strong enough to deal with internal diversity and factionalism as well as to resist external threats, a stronger central government was needed.

In September 1786, under the leadership of Alexander Hamilton, supporters of a truly national government took advantage of the **Annapolis Convention**—a meeting in Annapolis, Maryland, on problems of trade and navigation attended by delegates from five states—to issue a call for a convention that would have full authority to consider basic amendments to the Articles of Confederation. The delegates in Annapolis asked the legislatures of all the states to appoint commissioners to meet in Philadelphia on the second Monday of May 1787, “to devise such further provisions as shall appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union.” The convention they called for became the **Constitutional Convention**.

For a short time, all was quiet. Then, late in 1786, messengers rode into George Washington's plantation at Mount Vernon with the kind of news he and other leaders had dreaded. Farmers in western Massachusetts, crushed by debts and taxes, were rebelling against foreclosures, forcing judges out of their courtrooms, and freeing debtors from jails. Washington was appalled. “What, gracious God, is man?” he exclaimed. Ten years before, he had been leading Americans in a patriotic war against the British, and now Americans were fighting Americans!

Not all Americans reacted as Washington did to what became known as **Shays' Rebellion** after Daniel Shays, its leader. When Abigail Adams, the politically knowledgeable wife of John Adams, sent news of the rebellion to Thomas Jefferson, the Virginian replied. “I like a little rebellion now and then,” noting also that the “tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure.”¹²

Shays' Rebellion petered out after the farmers attacked an arsenal and were cut down by cannon fire. Yet this “little rebellion” sent a stab of fear into the established leadership. It also acted as a catalyst. The message was now plain: Action must be taken to strengthen the machinery of government. Seven states appointed commissioners to attend the Philadelphia convention to strengthen the Articles of Confederation. Congress finally issued a cautiously worded call to all the state legislatures to appoint delegates for the “sole and express purpose of revising the Articles of Confederation.” The suspicious congressional legislators specified that no recommendation would be effective unless approved by Congress and confirmed by all the state legislatures, as provided by the Articles.

THE CONSTITUTIONAL CONVENTION OF 1787

The delegates who assembled in Philadelphia that May had to establish a national government powerful enough to prevent the young nation from dissolving but not so powerful that it would crush individual liberty. What these men did continues to have a major impact on how we are governed. It also provides an outstanding lesson in political science for the world.

The Delegates

Seventy-four delegates were appointed by the various states, but only 55 arrived in Philadelphia. Of these, approximately 40 actually took part in the work of the convention. It was a distinguished gathering. Many of the most important men of the nation were there: successful merchants, planters, bankers, lawyers, and former and present

governors and congressional representatives (39 of the delegates had served in Congress). Most had read the classics of political thought. Most had participated vigorously in the practical task of constructing local and state governments. Many had also worked hard to create and direct the national Confederation of the states. And 8 of the 56 signers of the Declaration of Independence were present at the Constitutional Convention.

The convention was as representative as most political gatherings at the time: The participants were all white male landowners. These well-read, well-fed, well-bred, and often well-wed delegates were mainly state or national leaders, for in the 1780s, ordinary people were not likely to participate in politics. (Even today, farm laborers, factory workers, and truck drivers are seldom found in Congress, although a haberdasher, a peanut farmer, and a movie actor have made their way to the White House.)

Although active in the movement to revise the Articles of Confederation, George Washington had been reluctant to attend the convention. He accepted only when persuaded that his prestige was needed for its success. He was selected unanimously to preside over the meetings. According to the records, he spoke only twice during the

PEOPLE & POLITICS *Making a Difference* ★★

ALEXANDER HAMILTON AND JAMES MADISON

In the Constitution of the United States, the framers offered perhaps the most brilliant example of collective intellectual genius (combining theory and practice) in the history of the Western world. How could such a sparsely populated country by today's standards produce several dozen men of genius in Philadelphia and probably another hundred or so equally talented political thinkers who did not attend? The lives of two prominent delegates, Alexander Hamilton and James Madison, help explain the origins of this collective genius.

Alexander Hamilton had been the engineer of the Annapolis Convention, and as early as 1778, he had been urging that the national government be made stronger. Hamilton had come to the United States from the West Indies and while still a college student had won national attention for his brilliant pamphlets in defense of the Revolutionary cause. During the war, he served as General Washington's aide, and his experiences confirmed his distaste for a Congress so weak it could not even supply the Revolution's troops with enough food or arms.

James Madison was only 36 years old at the time of the convention, yet he was



Alexander Hamilton.



James Madison.

one of its most learned members. He had helped frame Virginia's first constitution and had served both in the Virginia Assembly and in the Continental Congress. Madison was also a leader of those who favored the establishment of a stronger national government.

Like most of the other framers, Hamilton and Madison were superbly educated. Both had extensive private tutoring—a one-to-one teacher–student ratio. Like scores of other thinkers of the day, both combined extensive practical experience with their schooling. Both

were active in their political and religious groups; both took part in political contests and electoral struggles; both helped build political coalitions.

Both men were “moral philosophers” as well as political thinkers. They had strong views on the supreme value of liberty as well as on current issues. Instead of simply sermonizing about liberty, they analyzed it; they debated what kind of liberty, how to protect it, and how to expand it.



Representing different constituencies and different ideologies, the Constitutional Convention devised a totally new form of government that provided for a central government strong enough to rule but still responsible to its citizens and to the member states.

deliberations, yet his influence was felt in the informal gatherings as well as during the sessions. Everyone understood that Washington favored a more powerful central government led by a president. The general expectation that Washington would likely be the first president played a crucial role in the creation of the presidency. “No one feared that he would misuse power. . . . His genuine hesitancy, his reluctance to assume the position, only served to reinforce the almost universal desire that he do so.”¹³

The proceedings of the convention were kept secret. To encourage everyone to speak freely, delegates were forbidden to discuss the debates with outsiders. It was feared that if a delegate publicly took a firm stand on an issue, it would be harder for him to change his mind after debate and discussion. The delegates also knew that if word of the inevitable disagreements got out, it would provide ammunition for the many enemies of the convention. There were critics of this secrecy rule, but without it, agreement might not have been possible.

Consensus

The Constitutional Convention is usually discussed in terms of its three famous compromises: the compromise between large and small states over representation in Congress, the compromise between North and South over the regulation and taxation of foreign commerce, and the compromise between North and South over the counting of slaves for the purpose of taxation and representation. There were many other important compromises; yet on many significant issues, most of the delegates were in agreement.

Although a few delegates might have privately favored a limited monarchy, all supported a republican form of government based on elected representatives of the people. This was the only form seriously considered and the only form acceptable to the nation. Equally important, all the delegates opposed arbitrary and unrestrained government.

The common philosophy accepted by most of the delegates was that of *balanced government*. They wanted to construct a national government in which no single interest would dominate. Because most of the delegates represented citizens who were alarmed by the tendencies of desperate farmers to interfere with the property rights of

others, they were primarily concerned with balancing the government in the direction of protection for property and business.

Benjamin Franklin, the 81-year-old delegate from Pennsylvania, favored extending the right to vote to all white males, but most of the delegates believed that owners of land were the best guardians of liberty. James Madison feared that those without property, if given the right to vote, might combine to deprive property owners of their rights. Delegates agreed in principle on limited voting rights but differed over the kind and amount of property one must own in order to vote. Because states were in the process of relaxing qualifications for the vote, the framers recognized that they would jeopardize approval of the constitution if they made the qualifications to vote in federal elections more restrictive than those of the states. As a result, each state was left to determine the qualifications for electing members of the House of Representatives, the only branch of the national government that was to be elected directly by the voters.

Within five days of its opening, the convention—with only the Connecticut delegates dissenting—voted that “a national government ought to be established consisting of a supreme legislative, executive, and judiciary.” This decision to establish a supreme national government profoundly altered the nature of the union from a loose confederation of states to a true nation.

Few dissented from proposals to give the new Congress all the powers of the old Congress plus all other powers necessary to ensure that the integrity of the United States would not be challenged by state legislation. The framers agreed that a strong executive, which had been lacking under the Articles of Confederation, was necessary to provide energy and direction. An independent judiciary was also accepted without much debate. Other issues, however, sparked considerable conflict.

Conflict and Compromise

There were serious differences among the various delegates, especially between those from the large and small states. The conflict between the large and small states ensued before the Constitutional Convention. With the success of the War of Independence, the United States gained the formerly British land west of the colonial borders. States with large western borders like Virginia claimed that their borders should simply be extended further west, as depicted in the accompanying map. Landlocked colonies like New Jersey and Connecticut took exception to the claims of colonies with western borders like Virginia, reinforcing the tension between the colonies. The matter was resolved in the Land Ordinance of 1785 and Northwest Ordinance of 1787 when all states agreed to cede the Western lands to the national government and permit the newly acquired land to become part of new states rather than expand the border of preexisting states. But the rivalries between the former colonies were very much a part of the politics at the Convention in Philadelphia in 1787. For example, the large states also favored a strong national government (which they expected they could dominate), while delegates from small states were anxious to avoid being dominated (see Figure 1–1).

This tension surfaced in the first discussions of representation in Congress. Franklin favored a single-house national legislature, but most states had had two-chamber legislatures since colonial times, and the delegates were used to the system. **Bicameralism**—the principle of the two-house legislature—reflected delegates’ belief in the need for balanced government. The Senate, the smaller chamber, would represent the states, and to some extent the aristocracy, and offset the larger, more democratic House of Representatives.

THE VIRGINIA PLAN The Virginia delegation took the initiative. Its members had met before the convention, and as soon as it was convened, they presented 15 resolutions. These resolutions, known as the **Virginia Plan**, called for a strong central government with a legislature composed of two chambers. The members of the more representative chamber were to be elected by the voters; those of the smaller and more aristocratic chamber were to be chosen by the larger chamber from nominees submitted by the state legislatures. Representation in both houses would be based on either wealth or



“Remember, gentlemen, we aren’t here just to draft a constitution. We’re here to draft the best damn constitution in the world.”

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bicameralism

The principle of a two-house legislature.

Virginia Plan

Initial proposal at the Constitutional Convention made by the Virginia delegation for a strong central government with a bicameral legislature, the lower house to be elected by the voters and the upper chosen by the lower.



FIGURE 1-1 Western Expansion, 1791.

numbers, which would give the wealthier and more populous states—Massachusetts, Pennsylvania, and Virginia—a majority in the national legislature.

The Congress thus created was to be given all the legislative power of its predecessor under the Articles of Confederation, as well as the right “to legislate in all cases in which the separate States are incompetent.” Further, it was to have the authority to veto state legislation that conflicted with the proposed constitution. The Virginia Plan also called for a national executive with extensive jurisdiction who would be chosen by the legislature. A national Supreme Court, along with the executive, was to have a qualified veto over acts of Congress.

THE NEW JERSEY PLAN The Virginia Plan dominated the discussion for the first few weeks. But by June 15, additional delegates from the small states arrived, and they began a counterattack. They rallied around William Paterson of New Jersey, who presented a series of resolutions known as the **New Jersey Plan**. Table 1-1 outlines the key features of both plans. Paterson did not question the need for a strengthened central government, but he was concerned about how this strength might be used. The New Jersey Plan would give Congress the right to tax and regulate commerce and to coerce states,

New Jersey Plan

Proposal at the Constitutional Convention made by William Paterson of New Jersey for a central government with a single-house legislature in which each state would be represented equally.

TABLE 1-1 THE VIRGINIA AND NEW JERSEY PLANS

<i>Virginia Plan</i>	<i>New Jersey Plan</i>
Legitimacy derived from citizens, based on popular representation	Derived from states, based on equal votes for each state
Bicameral legislature	Unicameral legislature
Executive size undetermined, elected and removable by Congress	More than one person, removable by state majority
Judicial life-tenure, able to veto state legislation	No power over states
Legislature can override state laws	Government can compel obedience to national laws
Ratification by citizens	Ratification by states

and it would retain the single-house unicameral legislature (as under the Articles of Confederation) in which each state, regardless of size, would have the same vote.

The New Jersey Plan contained the germ of what eventually came to be a key provision of our Constitution: the *supremacy clause*. The national Supreme Court was to hear appeals from state judges, and the supremacy clause would require all judges—state and national—to treat laws of the national government and the treaties of the United States as superior to the constitutions and laws of each of the states.

To adopt the Virginia Plan—which would create a powerful national government dominated by Massachusetts, Pennsylvania, and Virginia and eliminate the states as important units of government—would guarantee that many of the other states would reject the new constitution. Still, the large states resisted, and for a time the convention was deadlocked. The small states believed that all states should be represented equally in Congress, especially in the smaller “upper house” if there were to be two chambers. The large states insisted that representation in both houses be based on population or wealth and that national legislators be elected by voters rather than by state legislatures. Finally, the so-called Committee of Eleven was elected to devise a compromise. On July 5, it presented its proposals.

THE CONNECTICUT COMPROMISE Because of the prominent role of the Connecticut delegation in constructing this plan, it has since been known as the **Connecticut Compromise**. It 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. This proposal was a setback for the large states, which agreed to it only when the smaller states made it clear this was their price for union. After equality of state representation in the Senate was accepted, most objections to a strong national government dissolved.

NORTH-SOUTH COMPROMISES Other issues split the delegates from the North and South. Southerners were afraid a northern majority in Congress might discriminate against southern trade. They had some basis for this concern. John Jay, secretary of foreign affairs for the Confederation, had proposed a treaty with Great Britain that would have given advantages to northern merchants at the expense of southern exporters. To protect themselves, the southern delegates insisted that a two-thirds majority be required in the Senate before the president could ratify a treaty.

Differences between the North and South were also evident on the issue of representation in the House of Representatives. The question was whether to count slaves for the purpose of apportioning seats in the House. The South wanted to count slaves, thereby enlarging its number of representatives; the North resisted. After heated debate, the delegates agreed on the **three-fifths compromise**. Each slave would be counted

Connecticut Compromise
Compromise agreement by states at the Constitutional Convention for a bicameral legislature with a lower house in which representation would be based on population and an upper house in which each state would have two senators.

three-fifths compromise
Compromise agreement between northern and southern states at the Constitutional Convention that three-fifths of the slave population would be counted for determining direct taxation and representation in the House of Representatives.

as three-fifths of a free person for the purposes of apportionment in the House and of direct taxation; this fraction was chosen because it maintained a balance of power between North and South. The issue of balance would recur in the early history of our nation as territorial governments were established and territories applied for statehood.

OTHER ISSUES Delegates found other issues to argue about. Should the national government have lower courts, or would one federal Supreme Court be enough? This issue was resolved by postponing the decision. The Constitution states that there shall be one Supreme Court and that Congress may establish lower courts.

How should the president be selected? For a long time, the convention accepted the idea that the president should be chosen by Congress, but the delegates feared that Congress would dominate the president, or vice versa. Election by the state legislatures was rejected because the delegates distrusted the state legislatures. Finally, the electoral college system was devised. This was perhaps the most novel and most contrived contribution of the delegates and has long been one of the most criticized provisions in the Constitution.¹⁴ (See Article II, Section 1, of the Constitution, which is reprinted between Chapters 2 and 3.)

After three months, the delegates stopped debating. On September 17, 1787, they assembled for an impressive ceremony of signing the document they were recommending to the nation. All but three of those still present signed; others who opposed the general drift of the convention had already left. Their work well done, delegates adjourned to the nearby City Tavern to celebrate.

According to an old story, Benjamin Franklin was confronted by a woman as he left the last session of the convention.

“What kind of government have you given us, Dr. Franklin?” she asked. “A republic or a monarchy?”

“A republic, Madam,” he answered, “if you can keep it.”

IN COMPARATIVE PERSPECTIVE

THE NEW CONSTITUTION IN AFGHANISTAN: BALANCING ISLAM AND DEMOCRACY

In December 2001, following the collapse of the Taliban regime in Afghanistan, several Afghan groups met under United Nations guidance to begin planning for democracy in Afghanistan. Their agreement, called the Bonn Agreement, set in motion the election of a transitional government, a nine-member Constitutional Drafting Commission and a larger Constitutional Commission of thirty-five members which revised the draft constitution and conducted hearings in the provinces and among refugees.

The new constitution ratified by Loya Jirga in 2004 combines Islamic and democratic values, and guarantees basic liberties, with elections to follow. Examples of the Islamic nature of the new constitution are that it declares Afghanistan an Islamic Republic and makes Islam the official religion of the country. The constitution mandates that laws under the new constitution may not be contrary to Islam. An example of

the pervasiveness of Islam in the new constitution is the mandate that a school curriculum must be “based on the provisions of the sacred religion of Islam, national culture, and in accordance with academic principles.”*

At the same time, the new Afghan constitution guarantees fundamental rights and promises government “based on the people’s will and democracy.” It notes that Afghanistan is committed to the United Nations Charter and Universal Declaration of Human Rights. The new constitution ensures that women will make up at least 16.5 percent of the membership of the upper legislative house and otherwise guarantees women’s rights against discrimination. While Islam is the official state religion, the constitution allows non-Muslims to practice their religion.

This blending of Islam and democracy breaks new ground in the Middle East. Turkey, which has a largely Muslim population, has a largely secular government. The lessons learned in Afghanistan may one day be applied elsewhere in the region.

*AfghanGovernment, n.d., “Afghan Draft Constitution: 2004,” <http://www.afghangovernment.com/2004constitution.htm>. 30 December 2003.

TO ADOPT OR NOT TO ADOPT?

The delegates had gone far. Indeed, they had wholly disregarded Congress's instruction to do no more than revise the Articles. They had ignored Article XIII of the Articles of Confederation, which declared the Union to be perpetual and prohibited any alteration of the Articles unless agreed to by Congress and by *every one of the state legislatures*—a provision that had made it impossible to amend the Articles. The convention delegates, however, boldly declared that their newly proposed Constitution should go into effect when ratified by popularly elected conventions in nine states.

They turned to this method of ratification for practical considerations as well as for reasons of securing legitimacy for their newly proposed government. Not only were the delegates aware that there was little chance of winning approval of the new Constitution in all state legislatures; many also believed the Constitution should be ratified by an authority higher than a legislature. A constitution based on approval *by the people* would have higher legal and moral status. The Articles of Confederation had been a compact of state governments, but the Constitution was based on the people (recall its opening words: “We the People . . .”). Still, even this method of ratification would not be easy. The nation was not ready to adopt the Constitution without a thorough debate.

Federalists Versus Antifederalists

Supporters of the new government, by cleverly appropriating the name **Federalists**, took some of the sting out of charges they were trying to destroy the states and establish an all-powerful central government. By calling their opponents **Antifederalists**, they pointed up the negative character of the arguments of those who opposed ratification.

The split was in part geographic. Seaboard and city regions tended to be Federalist strongholds; backcountry regions from Maine (then a part of Massachusetts) through Georgia, inhabited by farmers and other relatively poor people, were generally Antifederalist. But as in most political contests, no single factor completely accounted for the division between Federalists and Antifederalists. Thus in Virginia, the leaders of both sides came from the same general social and economic class. New York City and Philadelphia strongly supported the Constitution, yet so did predominantly rural New Jersey.

The great debate was conducted through pamphlets, papers, letters to the editor, and speeches. The issues were important, but with few exceptions, the argument about the merits of the Constitution was carried on in a quiet and calm manner. Out of the debate came a series of essays known as *The Federalist*, written (using the pseudonym Publius) by Alexander Hamilton, James Madison, and John Jay to persuade the voters of New York to ratify the Constitution. *The Federalist* is still “widely regarded as the most profound single treatise on the Constitution ever written and as among the few masterly works in political science produced in all the centuries of history.”¹⁵ (Three of the most important *Federalist* essays, Nos. 10, 51, and 78, are reprinted in the Appendix of this book. We urge you to read them.) The great debate stands even today as an outstanding example of free people using public discussion to determine the nature of their fundamental laws.

The Antifederalists' most telling criticism of the proposed Constitution was its failure to include a bill of rights.¹⁶ The Federalists believed a bill of rights was unnecessary because the proposed national government had *only* the specific powers delegated to it by the states and the people. Thus there was no need to specify that Congress could not, for example, abridge freedom of the press because the states and the people had not given it power to regulate the press. Moreover, the Federalists argued, to guarantee some rights might be dangerous, because it would then be thought that rights not listed could be denied. The Constitution already protected some important rights—trial by jury in federal criminal cases, for example. Hamilton and others also insisted that paper guarantees were weak supports on which to depend for protection against governmental tyranny.

The Antifederalists were unconvinced. If some rights were protected, what could be the objection to providing constitutional protection for others? Without a bill of rights,

Federalists

Supporters of ratification of the Constitution whose position promoting a strong central government was later voiced in the Federalist party.

Antifederalists

Opponents of ratification of the Constitution and of a strong central government generally.

The Federalist

Series of essays promoting ratification of the Constitution, published anonymously by Alexander Hamilton, John Jay, and James Madison in 1787 and 1788.



CHALLENGES FOR OUR CONSTITUTIONAL DEMOCRACY

1. *"All men are created equal"*: What kinds of equality are—and should be—protected by the Constitution, and by what means?
2. *"Government by the people"*: Does the evolving constitutional system, including political parties and interest groups, strengthen fair and effective representation of the people?
3. *Federalism*: Does the Constitution provide an efficient and realistic balance between national and state power?
4. *Checks and balances*: Does the constitutional separation of powers between the president and Congress lead too often to gridlock and stalemate?
5. *Minority rights*: Does the Constitution adequately protect the rights of women, African Americans, Native Americans, Hispanic Americans, other ethnic groups, and recent immigrants?
6. *Suspects' rights*: Can representative government uphold the rights of the criminally accused and yet protect its citizens?
7. *Individual liberties*: Are individual liberties adequately protected in the Constitution? Do big government and big business diminish the freedom of the individual?
8. *The judicial branch*: Is it too powerful? Are the federal courts exceeding their proper powers as interpreters of the Constitution?
9. *War and peace*: What are the responsibilities of the United States as the only superpower?
10. *Constitutional responsibilities*: Are Americans participating adequately in our democratic system? Do citizens have the social capital and understanding of our governmental processes to be heard and to make a difference?

what was to prevent Congress from using one of its delegated powers to abridge free speech? If bills of rights were needed in state constitutions to limit state governments, why was a bill of rights not needed in the national constitution to limit the national government? This was a government farther from the people, they contended, with a greater tendency to subvert natural rights.

The Politics of Ratification

The absence of a bill of rights in the proposed constitution dominated the struggle over its adoption. In taverns and church gatherings and newspaper offices up and down the eastern seaboard, people were muttering, "No bill of rights—no constitution!" This feeling was so strong that some Antifederalists, who were far more concerned with states' rights than individual rights, joined forces with bill of rights advocates in an effort to defeat the proposed Constitution.

The Federalists were first to begin the debate over the Constitution that opened as soon as the delegates left Philadelphia in mid-September 1787. The Federalists' tactic was to secure ratification in as many states as possible before the opposition had time to organize. The Antifederalists were handicapped. Most newspapers were owned by supporters of ratification. Moreover, Antifederalist strength was concentrated in rural areas, which were underrepresented in some state legislatures and difficult to arouse to political action. The Antifederalists needed time to perfect their organization and collect their strength, while the Federalists, composed of a more closely knit group of leaders throughout the colonies, moved in a hurry.

In most of the small states, now satisfied by equal Senate representation, ratification was gained without difficulty. Delaware was the first state to ratify, and by early 1788, Pennsylvania, New Jersey, Georgia, and Connecticut had also ratified (see Table 1-2). Reports were coming in from Massachusetts, however, that opposition was broadening. The position of such key leaders as John Hancock and Samuel Adams was in doubt. The debate in the ratifying convention in Boston pitched some of the most polished Federalist speakers against an array of eloquent but plainspoken Antifederalists. The debate raged for most of January 1788 into February. At times it looked as though the Constitution would lose, as Antifederalists raised the cry of "Why no bill of rights?" and other objections. But in the end, the Constitution was narrowly ratified in Massachusetts, 187 to 168.

The struggle over ratification continued through the spring of 1788. By June 21, Maryland, South Carolina, and New Hampshire had ratified, putting the Constitution over the top in the number (nine) required for ratification. But two big hurdles remained:

TABLE 1-2 RATIFICATION OF THE U.S. CONSTITUTION

<i>State</i>	<i>Date</i>
Delaware	December 7, 1787
Pennsylvania	December 12, 1787
New Jersey	December 18, 1787
Georgia	January 2, 1788
Connecticut	January 9, 1788
Massachusetts	February 6, 1788
Maryland	April 28, 1788
South Carolina	May 23, 1788
New Hampshire	June 21, 1788
Virginia	June 25, 1788
New York	July 26, 1788
North Carolina	November 21, 1789
Rhode Island	May 29, 1790



Patrick Henry's famous cry of "Give Me Liberty or Give Me Death!" symbolizes the underlying spirit of optimism in the United States. This spirit has endured throughout this country's history, despite the many problems the country has experienced.

Virginia and New York. It would be impossible to begin the new government without the consent of these two major states. Virginia was crucial. As the most populous state, the home of Washington, Jefferson, and Madison, it was a link between North and South. The Virginia ratifying convention rivaled the Constitutional Convention in the caliber of its delegates. Madison, who had only recently switched to favoring a bill of rights after saying earlier it was unnecessary, captained the Federalist forces. The fiery Patrick Henry led the opposition. In an epic debate, Henry cried that liberty was the issue: "Liberty, the greatest of earthly possessions . . . that precious jewel!" But Madison quietly rebutted him and then played his trump card, a promise that a bill of rights embracing the freedoms of religion and speech and assembly would be added to the Constitution as the first order of business once the new government was established. At a critical moment, Washington himself tipped the balance with a letter urging ratification. News of the Virginia vote, 89 for the Constitution and 79 opposed, was rushed to New York.¹⁷

The great landowners along New York's Hudson River, unlike their southern planter friends, were opposed to the Constitution. They feared federal taxation of their holdings, and they did not want to abolish the profitable tax New York had been levying on trade and commerce with other states. When the convention assembled, the Federalists were greatly outnumbered, but they were aided by Alexander Hamilton's strategy and skill and by word of Virginia's ratification. New York approved by a margin of three votes. Although North Carolina and Rhode Island still remained outside the Union (the former ratified in November 1789, the latter six months later), the new nation was created. In New York, a few members of the old Congress assembled to issue the call for elections under the new Constitution. Then they adjourned without setting a date for reconvening.

S U M M A R Y

1. The response to the terrorist attacks of September 11, 2001, expanded to wars in Afghanistan and Iraq. The cost of these

wars and the domestic homeland security efforts is substantial and has helped, along with major tax cuts, to greatly ex-



The Map of Freedom

New democracies often fail. It is one thing to espouse democratic values and quite another to put them into practice. In this Make It Real feature, you are asked to categorize the nations of the world in terms of freedom (free, partly free, or not free), based on the extent to which they have such rights as universal suffrage, free and fair elections, and political participation by racial minorities. When you encounter a country that is more or less free than you thought, you might want to read more about that country and learn about its political history. Also, determine what factors seem to predict which countries will be free and which will be less free.

Go to Make It Real: "The Map of Freedom."

pand the budget deficit and national debt. President Bush made national security a major theme of his 2004 election,

while Democrats criticized the president on the lack of planning for the aftermath of the war in Iraq and the inability to eliminate Al-Qaeda as a threat. Other important issues in 2004 included the economy, jobs, and such social issues as gay marriage.

2. Americans have long been skeptical of politicians and politics. Yet politics is a necessary activity for a democracy. Indeed, politics and politicians are indispensable to making our system of separated institutions and checks and balances work.
3. "Democracy" is an often misused term, and it has many different meanings. We use it here to refer to a system of interacting values, interrelated political processes, and interdependent political structures. The vital principle of democracy is that a just government must derive its powers from the consent of the people and that this consent must be regularly renewed in free and fair elections.
4. The essential democratic values are a belief in personal liberty, respect for the individual, equality of opportunity, and

popular consent. Essential elements of the democratic process are free and fair elections, majority rule, freedom of expression, and the right to assemble and protest.

5. Stable constitutional democracy is encouraged by various conditions, such as an educated citizenry, a healthy economy, and overlapping associations and groupings within a society in which major institutions interact to achieve a certain degree of consensus.
6. There has recently been some concern about a decline in *social capital*—the experiences people gain in working together in community groups. Lessons about compromise, accommodation, and participation are important building blocks for democracy. Some observers say we have experienced a decline in civic engagement, while others see a healthy level of voluntary and charitable engagement that is making our communities and our nation better.
7. Constitutionalism is a general label we apply to arrangements such as checks and balances, federalism, separation of

powers, rule of law, due process, and the Bill of Rights that force our leaders and representatives to listen, think, bargain, and explain before they act and make laws. A constitutional government enforces recognized and regularly applied limits on the powers of those who govern.

8. Democracy developed gradually. A revolution had to be fought before a system of representative democracy in the United States could be tried and tested. It took several years before a national constitution could be written and almost another year for it to be ratified. It took another two years before the Bill of Rights could be adopted and ratified. It has taken more than 200 years for democratic institutions to be refined and for systems of competition and choice to be hammered out. Democratic institutions such as free and fair elections and equal protection of the laws in the United States are still in the process of being refined and improved.

KEY TERMS

democracy
direct democracy
representative democracy
constitutional democracy
constitutionalism
statism

popular consent
majority rule
majority
plurality
ideology
theocracy

Articles of Confederation
Annapolis Convention
Constitutional Convention
Shays' Rebellion
bicameralism
Virginia Plan

New Jersey Plan
Connecticut Compromise
three-fifths compromise
Federalists
Antifederalists
The Federalist

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