

UNIT 6: WHY THIS TYPE OF GOVERNMENT? HOW DID WE GET HERE

American Government

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ESSENTIAL QUESTION

- In what ways did English political documents influence the United States Constitution?

GPS STANDARD 1 A,B

- **SSCG1 The student will demonstrate knowledge of the political philosophies that shaped the development of United States constitutional government.**
- a. Analyze key ideas of limited government and the rule of law as seen in the Magna Carta, the Petition of Rights, and the English Bill of Rights.
- b. Analyze the writings of Hobbes (Leviathan), Locke (Second Treatise on Government), and Montesquieu (The Spirit of Laws) as they affect our concept of government.

BACKGROUND

- English immigrants who came to the American colonies brought with them their own ideas about government rooted in English history.
- The “Age of Enlightenment” began in Europe around 1650 and quickly spread to the American colonies.
- Philosophers such as John Locke, Jean Jacques-Rousseau, Montesquieu, and Thomas Hobbes profoundly influenced American thoughts on government.
- Following the French and Indian War (1754-1763), the English began taxing Americans to pay off debt from the war.
- Opposition to the various acts passed (Sugar Act, Stamp Act, Coercive Acts, Townsend Acts, etc.) led to calls for change and revolution.
- Following the Revolutionary War (1775-1783) and failure of the Articles of Confederation (1781-1789), the United States Constitution was ratified as the new national government in 1789.
- The Constitution was strongly influenced by Enlightenment philosophy and English political documents like the Magna Carta, Petition of Right, and the English Bill of Rights.

MAGNA CARTA (1215)

- The English limited their king (King John I) in that he could not tax the people without getting the approval from their representatives (the Lords).
- King John I was forced to comply because failed wars had left him in great debt. The Lords had all the money!
- 1. This event is the origin of “no taxation without representation” (a rally cry in the American colonies before the Revolution).
- The requirement to get the approval of the people’s representatives before taxing them would eventually lead to the creation of Parliament (England’s representative assembly).



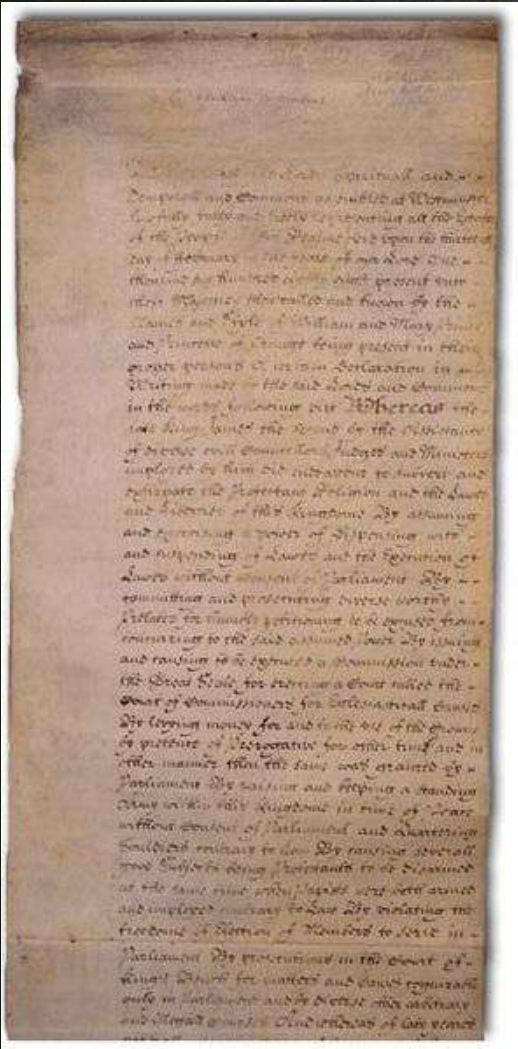
PETITION OF RIGHT (1628)

- From the Petition of Right, the English limited their king yet again (King Charles I) in that he could no longer use non-Parliamentary taxation.
- The Petition of Right limited the forced housing of soldiers.
- **2. It curtailed imprisonment without cause (established the concept of “habeas corpus”).**
- It restricted the use of martial or military law.



ENGLISH BILL OF RIGHTS (1689)

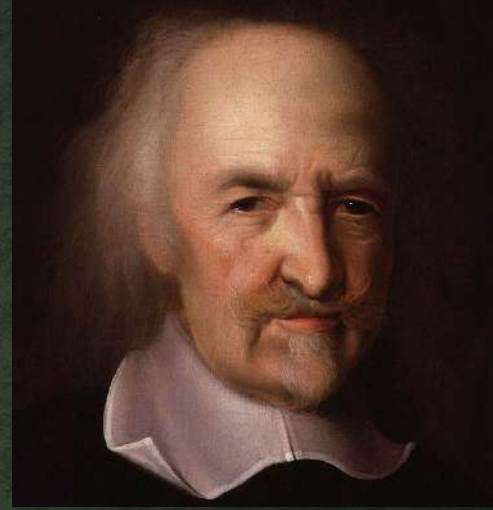
- From the English Bill of Rights (1689), the English further limited the power of monarchs (King William III and Queen Mary II having replaced James II in 1688).
- The English Bill of Rights set out the rights of Parliament and rules for **3. freedom of speech** in Parliament.
- It established the requirement for regular elections for Parliament and **3. the right to petition** the monarch without fear of retribution.
- It reestablished the liberty of Protestants to have **3.(the right to bear arms)** arms for their defense within the rule of law.



ESSENTIAL QUESTION

- In what ways did political philosophers influence the American “rule of law”?

THOMAS HOBBS (1588-1679)



- Nationality: English
- Most Famous Work: **Leviathan** (1651)
- Key Philosophical Beliefs:
 - **4. Social Contract Theory** - Governments were established to **maintain order** from people who would not or could not control themselves.
 - Everyone should be treated equally under the law.
 - **4. Governments should only do things to benefit the people.**
 - The “Leviathan” (sea monster) was used as a metaphor to describe the need for a large and powerful government to keep the people in line. This was written following the English Civil War (1642-1651). Hobbes was on the losing side that supported the King!

THOMAS HOBBS (1588-1679)



- Influence on American Government:
 - 5. The authors of the U.S. Constitution realized the need for a powerful national government following Shays' Rebellion in 1786. The Articles of Confederation proved itself too weak to control the people.



JOHN LOCKE (1632-1704)

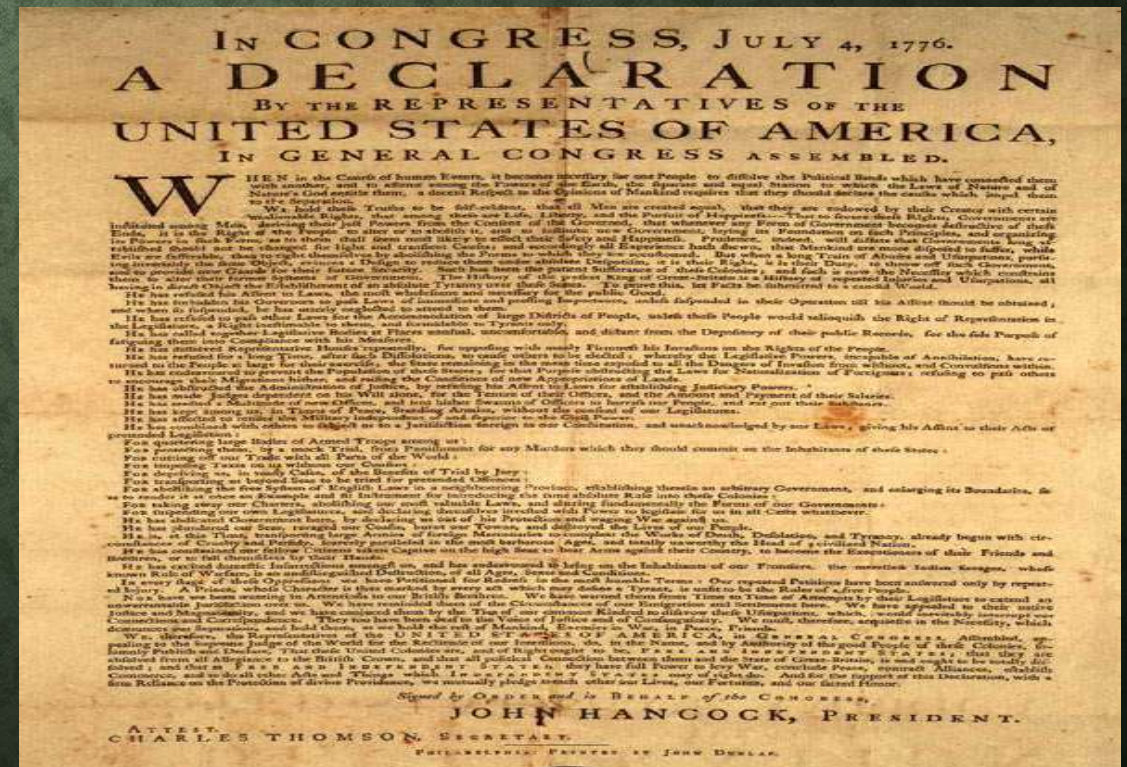


- Nationality: English
- Most Famous Work: ***Second Treatise on Government*** (1689)
- Key Philosophical Beliefs:
 - Expanded on “Social Contract Theory” – chaos reigns when governments are non-existent and people live in a natural state.
 - Agreed with Hobbes that government should only do things to benefit the people. If it doesn't, the people have the duty to replace the government!
 - People are entitled to 6. **“Natural Rights”** such as “**life, liberty, and property**” in exchange for giving up certain other freedoms.
 - Locke defended Parliament in replacing King James II with William and Mary in 1689 (aka “The Glorious Revolution”).

JOHN LOCKE (1632-1704)

- Influence on American Government:

- 7. Directly influenced the *Declaration of Independence* (1776) by Thomas Jefferson (life, liberty, and “pursuit of happiness”) instead of property. The second paragraph describes social contract theory.



MONTESQUIEU (1689-1755)

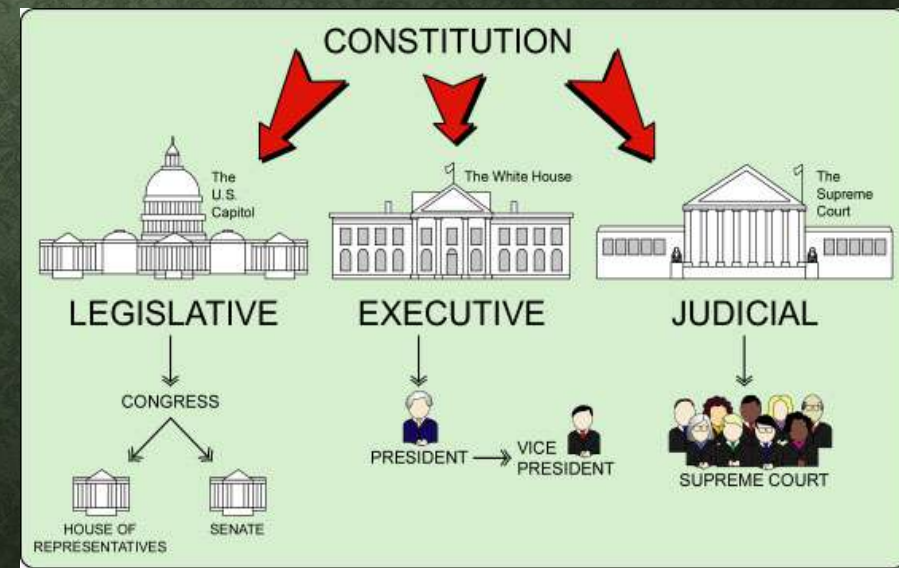


- Nationality: French
- Real Name: Charles-Louis de Secondat, Baron de La Brède et de Montesquieu
- Most Famous Work: ***The Spirit of Laws*** (1748)
- Key Philosophical Beliefs:
 - Governments work best with 8. **“Separation of Powers”**
 - Powers should be distributed among three branches: 8. **legislative, executive, and judicial.**
 - Each branch keeps the others from too much power through 8. **“Checks and Balances.”**

MONTESQUIEU (1689-1755)

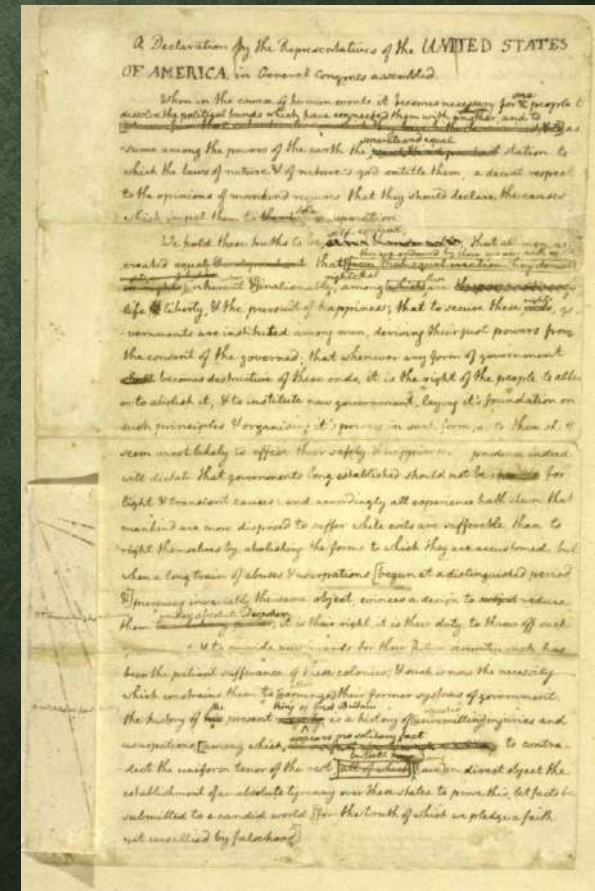


- Influence on American Government:
 - James Madison (aka “The Father of the 9. Constitution”) **directly used the ideas of a three branch government** (legislative, executive, and judicial) **with checks and balances and separation of powers.**
 - Montesquieu never thought this would work in a large country. He was **wrong!**



ESSENTIAL QUESTION

- How does the Declaration of Independence reflect the influence of “social contract theory”?



GPS STANDARD 2 A,B

- **SSCG2 The student will analyze the natural rights philosophy and the nature of government expressed in the Declaration of Independence.**
- a. Compare and contrast the Declaration of Independence and the Social Contract Theory.
- b. Evaluate the Declaration of Independence as a persuasive argument.

BACKGROUND

- The Continental Congress selected a “Committee of Five” to draft a declaration.
 - Benjamin Franklin, John Adams, Robert Livingston, Roger Sherman, and Thomas Jefferson.
 - Jefferson was picked to be the author because of his writing skills.
- The Declaration of Independence was officially approved on **10. July 4, 1776** (hence the holiday) after several corrections. It was read in public in Philadelphia on July 8.

Council of Five



BACKGROUND

- The DOI reflects the influence of John Locke and other sources like the “Virginia Declaration of Rights” by George Mason.
- John Locke believed that all people were born with “**natural rights**” of “life, liberty, and property.” 11. Jefferson changed natural to “**inalienable rights**” and property to “**happiness**.”
- The “**Social Contract Theory**” (described by Locke and many others) states that government came into exists because the people desired it to protect their rights. Government, therefore, exists by the consent of the governed. Once government begins to injure those rights, the people have the right (even duty) to dissolve that form of government and to create a new one. 12. **Government is created by the people to protect their rights, when those rights are no longer protected, it is the duty of the people to overthrow that government.**

BACKGROUND

- Thomas Jefferson summarizes social contract theory in the second paragraph of the Declaration of Independence.
- The DOI contains four parts or sections.
 1. **13. The Preamble** explains why the Continental Congress (we) made the Declaration, saying that when a country becomes independent, they should be able to their reasons why.
 2. **14. A Declaration of Rights** states the equality of men and describes John Locke's "Social Contract Theory" in the second paragraph.
 3. **15. List of Grievances** against King George III.
 4. **16. A Statement of Independence** declares "free and independent states" from Britain.
- 17. Remember we were declaring independence from Britain.

JEFFERSON ON THE DOI



- “I did not consider it a part of my charge to invent new ideas,” Thomas Jefferson later wrote about writing the Declaration, “but to place before mankind the common sense of the subject.”

ACTIVITY ON DECLARATION OF INDEPENDENCE

1. Watch video about the Declaration of Independence on 'The Revolution' Disc 3.

2. https://www.youtube.com/watch?v=eF5t_2ilsLE

3. Part I- 13:30-19:54

4. Part II-24:09-27:55

GPS STANDARDS 3 A,B,C

- **SSCG3 The student will demonstrate knowledge of the United States Constitution.**
- a. Explain the main ideas in debate over ratification; include those in The Federalist.
- b. Analyze the purpose of government stated in the Preamble of the United States Constitution.
- c. Explain the fundamental principles upon which the United States Constitution is based; include the rule of law, popular sovereignty, separation of powers, checks and balances, and federalism.

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SELLING THE CONSTITUTION

- **18. The Federalists wanted the constitution to be ratified (approved).**
- **Federalists and Antifederalists** debated the merits of the new Constitution, as evidenced by the writings contained in *The Federalist Papers*. **19. The Federalist Papers were written to convince the Anti-Federalists to ratify the constitution.** (85 essays published under the name “Publius”)
- **The Bill of Rights** emerged as a concession to gain the required number of votes needed for passage
 - **The first ten amendments to the federal constitution**
 - **20. Restrain the national government from tampering with fundamental rights and civil liberties**
 - **21. Emphasize the limited (power) character of the national government’s power**

The Federalist Papers



Alexander Hamilton (52)



James Madison (28)



John Jay (5)

THE FEDERALIST PAPERS

- Most of the more famous papers were written by James Madison.
- *22. Federalist Number 10* – Addressed how to guard against “factions” (today that would be like interest groups) and **the need for a large Republic with a three branch government**. This was the opposite of Montesquieu who favored a small Republic.
- “If men were angels, no government would be necessary.”
- *23. Federalist Number 51* – Addressed the use of checks and balances and separations of powers within the three branches of government: executive, legislative, and judicial.
- “Ambition must be made to counteract ambition.”



THE PREAMBLE

- The introduction to the U.S. Constitution outlines six purposes.
 1. 24. To form a more perfect union
 2. 25. To establish justice
 3. 26. To promote domestic tranquility
 4. 27. To provide for the common defense
 5. 28. To promote the general welfare
 6. 29. To secure blessings of liberty to ourselves (the Framers)
and our prosperity



PRINCIPLES OF THE CONSTITUTION

► **The basic principles establishing a revolutionary new political order were:**

- **30. Republicanism:** a form of government in which **power resides in the people and is exercised by their elected representatives**
- **31. Federalism:** a form of government **dividing power between a central government and regional units**
- **32. Separation of Powers:** **assignment of the lawmaking, law-enforcing, and law-interpreting functions of government to independent legislative, executive, and judicial branches**
- **33. Checks and Balances:** **a means of giving each branch of government some scrutiny of and control over the other branches**
- **34. Rule of Law:** **the influence and authority of law within society, especially as a constraint on behavior, including the behavior of government officials (also known as “Nomocracy”)**

GPS STANDARDS 4 A,B

- **SSCG4 The student will demonstrate knowledge of the organization and powers of the national government.**
- a. Describe the structure and powers of the legislative, executive, and judicial branches.
- b. Analyze the relationship between the three branches in a system of checks and balances and separation of powers.

Separation of Powers



35.

Article 1

Legislative Branch

Congress makes
the laws.

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Article 2

Executive Branch

President enforces
the laws.

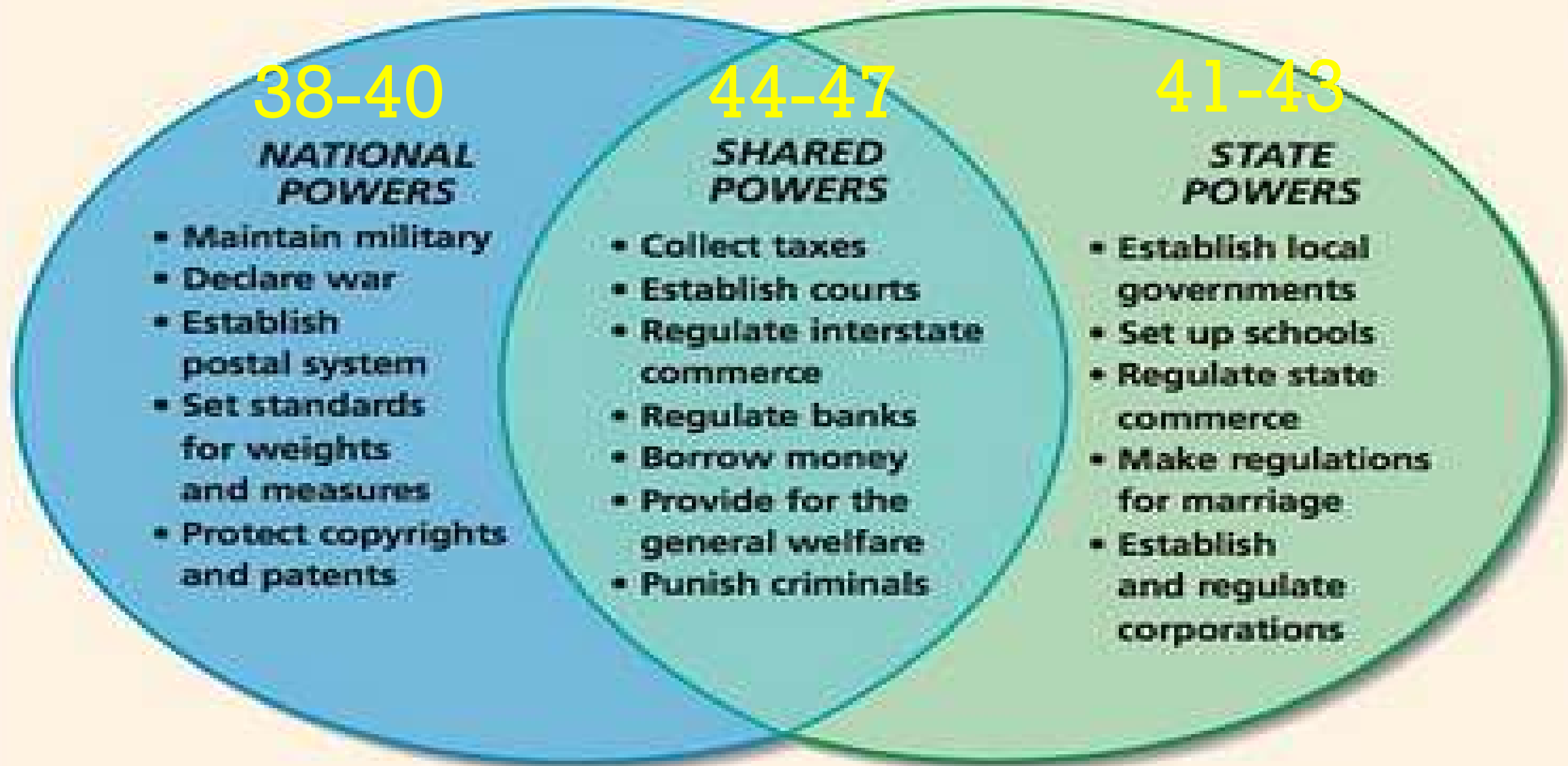
37.

Article 3

Judicial Branch

Supreme Court
interprets the law.

**Americans live under both
national and state governments.**



GPS STANDARD 16B

- **SSCG16 The student will demonstrate knowledge of organization and powers of the national government**
- b. Analyze how John Marshall established the Supreme Court as an independent, coequal branch of government through his opinions in *Marbury vs. Madison*

MARBURY VS. MADISON VIDEO- 48. MARBURY VS. MADISON ESTABLISHES JUDICIAL REVIEW

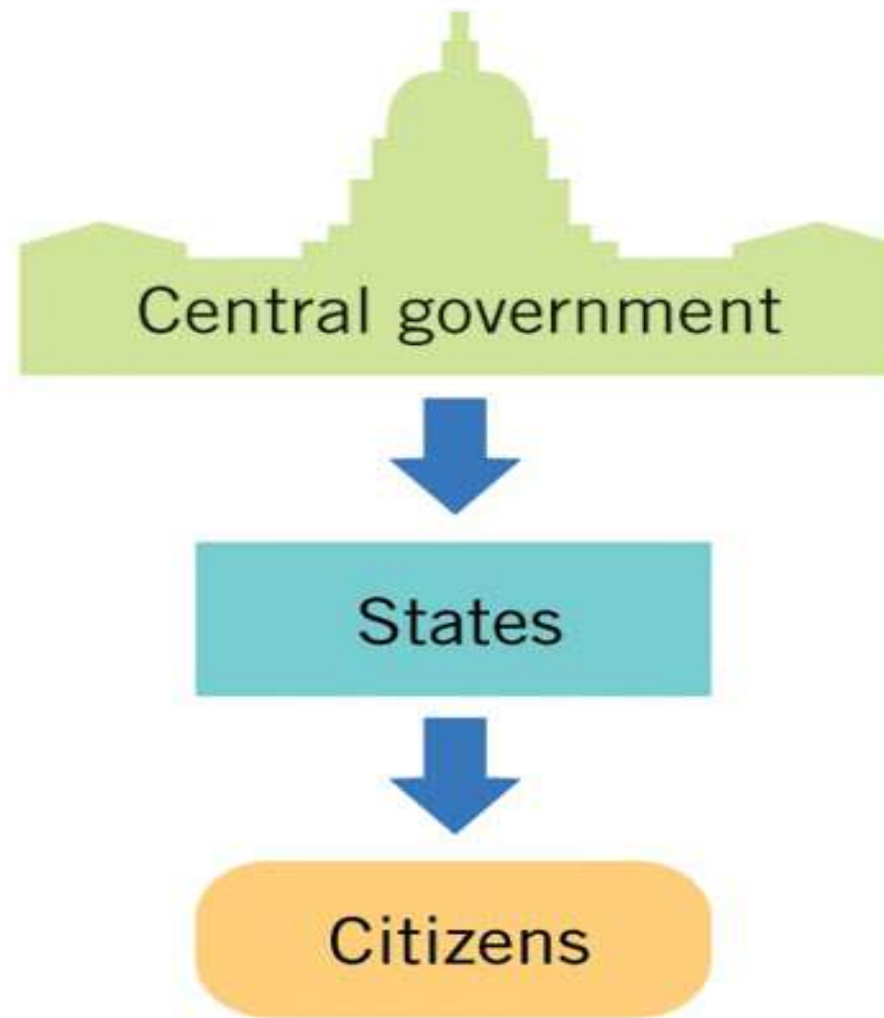
ESSENTIAL QUESTION (REVIEW)

- How does the United States federal government distribution of power compare with other countries around the world?

STANDARD 19

- The student will compare and contrast governments that are unitary, confederal, and federal;
- The student will compare and contrast governments that are oligarchic and democratic
- The student will compare and contrast governments that are presidential and parliamentary

UNITARY SYSTEM

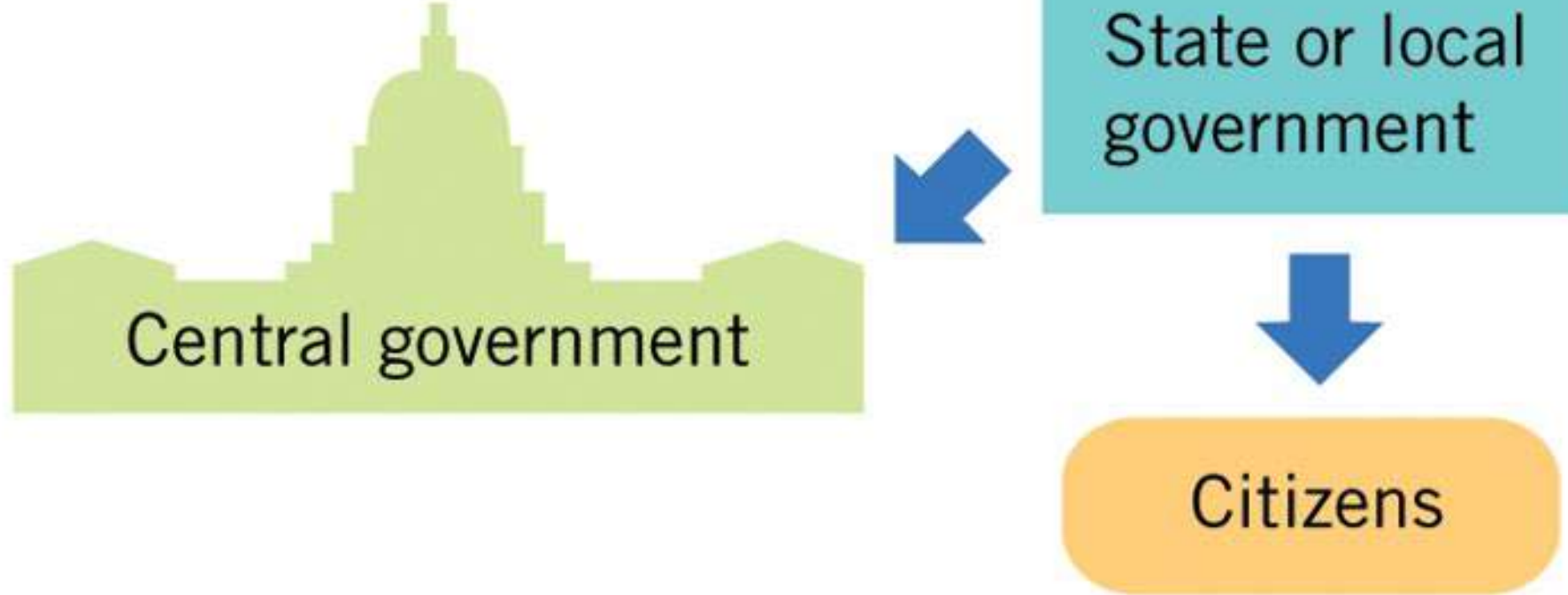


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Power centralized. State or regional governments get their authority from a central government

Examples: United Kingdom, France.

CONFEDERAL SYSTEM (or CONFEDERATION)

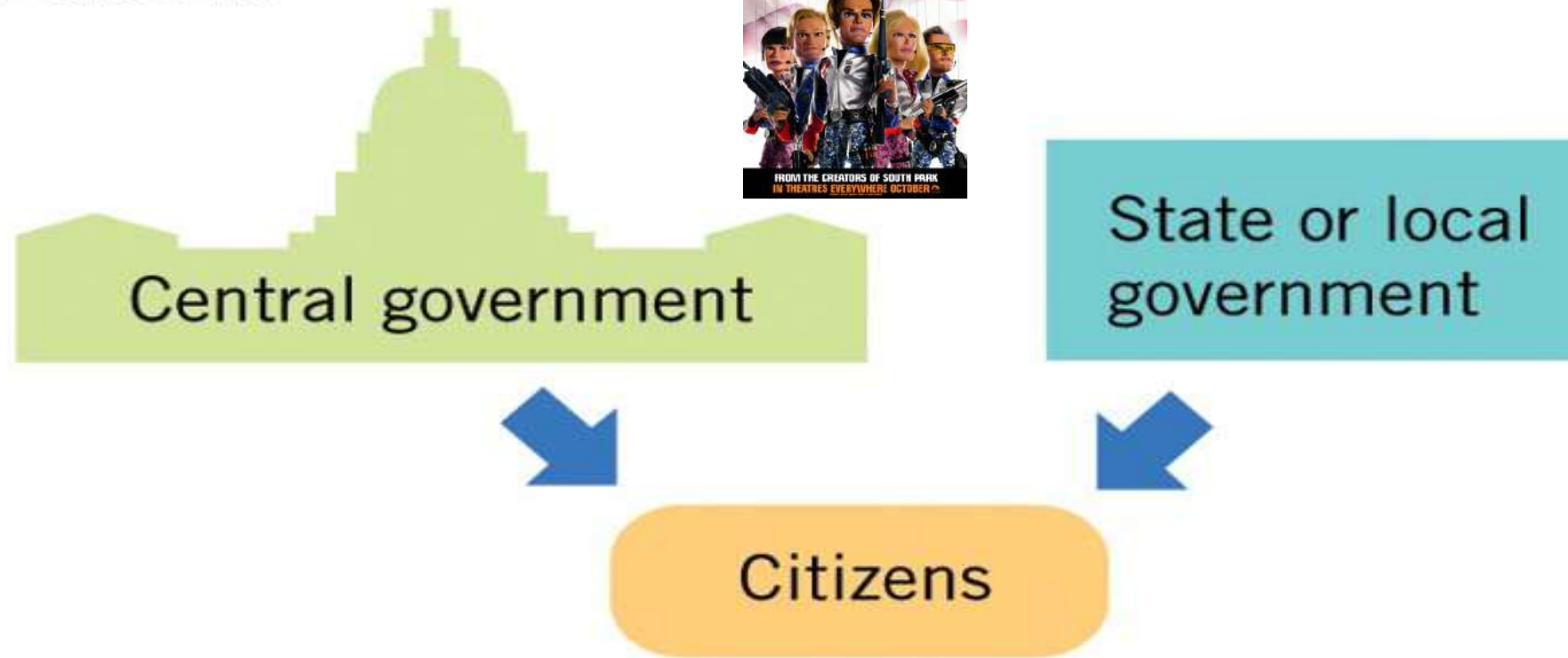


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Power held by independent states.
Central government is created by the independent states

Example: United States under the Articles of Confederation.

FEDERAL SYSTEM



51

Power divided between central and state or local governments. Both the government and constituent governments act directly upon the citizens.

Both must agree to constitutional change.

Examples: Canada, United States since adoption of Constitution.

DISTRIBUTION OF GOVERNMENT POWER

- **52. Oligarchic:** a system of government in which a small group holds power
- **53. Democratic:** a system of government in which the people rule

DISTRIBUTION OF GOVERNMENT POWER

- **54. Presidential:** a form of democratic government in which a president heads the executive branch
- **55. Parliamentary:** form of government in which executive and legislative functions both reside in an elected assembly or parliament