

## CHAPTER TWO

### EARLY GOVERNANCE AND THE CONSTITUTIONAL FRAMEWORK

#### CHAPTER OVERVIEW

Chapter 2 begins by introducing some of the most basic terms of political and economic systems: government and politics; democracy and dictatorship; authority and power; totalitarianism, authoritarianism, and constitutionalism; and capitalism, socialism, and communism.

The chapter then traces the growing pressure for democracy in the colonies, leading up to the Declaration of Independence and the Articles of Confederation. It explains the debates of the Constitutional Convention around representation and slavery, the importance of the Federalist Papers, and the struggle for ratification. Finally, the chapter examines the essential building blocks of American government institutions: separation of powers, checks and balances, and representative government.

#### LEARNING OUTCOMES

- 2.1 What is a democracy?
- 2.2 How does a democracy differ from other forms of government in both practical and theoretical terms?
- 2.3 What are the defining characteristics of a constitutional government?
- 2.4 How did the history of American politics before 1787 shape the nature of the Constitution?
- 2.5 What were the major areas of agreement and disagreement at the Constitutional Convention of 1787?
- 2.6 What were the most important compromises achieved by the delegates to the Constitutional Convention of 1787?
- 2.7 What are the basic principles of government established by the Constitution?
- 2.8 What are the three main branches of American government?
- 2.9 Why did the framers believe it was so important to create a “separation of powers”?
- 2.10 What is meant by the term “checks and balances”?
- 2.11 What is the nature and importance of “judicial review”?
- 2.12 Why does the meaning of the Constitution evolve over time?
- 2.13 What is the process through which formal changes to the Constitution are made?
- 2.14 What were the most important arguments for and against the ratification of the Constitution?
- 2.15 How has American federalism changed in the years since the ratification of the Constitution?

## Lecture Resources

### **Prologue: The Cry for Liberty, Equality ... and Slavery Too?**

**Lecture Notes:** The principle of liberty that informed the Declaration of Independence ran contrary to the continued existence of slavery. The Constitutional Convention, however, required political compromise that allowed institutionalized slavery to continue.

**Learning Outcome:** 2.4

**Print Resources:** The Declaration of Independence

Robert A. Dahl, *How Democratic Is the American Constitution?*, Yale University Press, 2003

### **Introduction**

**Lecture Notes:** The compromise on slavery at the Constitutional Convention resulted in an uneasy balance of idealism and practical politics that is still reflected in the American search to reach “perfect” justice and freedom.

**Learning Outcome:** 2.4

### **I. The Nature of Government and Politics**

**Lecture Notes:** This section distinguishes government, seen as “the rules of the game,” from politics, the process by which decisions are made. It also explains other basic concepts such as power and authority.

**Learning Outcomes:** 2.1, 2.2, and 2.3

**Illustration:** Figure 2.1 Government and Politics: What’s the Difference?

**Suggestions:** Discuss the theories of elitism and pluralism as explanations of how American government works.

	<p style="text-align: center;"><b>Discussion Topics, Activities, and Assignments</b></p>	<p style="text-align: center;"><b>Online Simulations and Internet Activities</b></p>
	<p><b>Class Discussion:</b> Consider how current debates over the emphasis on human rights vs. economic interest in American foreign policy reflect the same balance of idealism and pragmatism as the early debates over slavery.</p>	<p><b>Simulation:</b> Make It Real—ENGAGE Constitutional Democracy: Take a look at the <i>Federalist Papers</i> and the Articles of Confederation.</p>
		<p><b>Internet Activity:</b> Read the article “The Constitution and Slavery” at <a href="http://www.crf-usa.org/lessons/slavery_const.htm">http://www.crf-usa.org/lessons/slavery_const.htm</a> from the Constitutional Rights Foundation, and have students debate the “Points of Inquiry” at the end of the page.</p>
	<p><b>Essay Question:</b> What does each term mean: power, authority, and legitimacy? Explain these terms in the context of a specific government decision (real or hypothetical).</p>	

# Lecture Resources

## A. Types of Governments

**Lecture Notes:** This section defines and distinguishes various forms of government: democracy, dictatorship, oligarchy, and pluralism. It explains the difference between a direct democracy, where each citizen has an active part in all decision making, and a republic, where elected officials make decisions for the whole. It also distinguishes between totalitarian, authoritarian, and constitutional governments.

**Learning Outcomes:** 2.2 and 2.3

**Illustration:** Table 2.1 Types of Government and Economic Systems

**Suggestions:** Explain the difference between parliamentary and presidential democracies as a way to further classify governments.

**Print Resources:** Aristotle, *Politics*

Jeanne Kirkpatrick, *Dictatorships and Double Standards*, Simon and Schuster, 1982

## B. Economic Systems

**Lecture Notes:** Economic systems are classified by the degree of private ownership versus government ownership and control over the key elements of the economy.

## II. Early Governance in America

**Lecture Notes:** While they remained under British rule, the colonists used colonial assemblies to represent the interest of the citizens before the royal governors. The colonists became increasingly dissatisfied as Parliament imposed new taxes (the “Great Squeeze”) and showed favoritism to royal supporters.

The sidebar on the Sons of Liberty discusses the activities of those protesting British rule.

**Learning Outcome:** 2.4

### *Cultural Resources*

**In the News:** Check out the activities of groups protesting continued American involvement in Iraq.

	<p style="text-align: center;"><b>Discussion Topics, Activities, and Assignments</b></p>	<p style="text-align: center;"><b>Online Simulations and Internet Activities</b></p>
	<p><b>Discussion:</b> Present Aristotle’s classification of governments, a grid structured around two axes: “how many” people share power, and whether they act in their own interest or in the general interest. Ask students whether they believe leaders generally act in the public interest or out of self-interest.</p> <p><b>Essay Question:</b> What requirements must be met for a government to be called a democracy?</p>	<p><b>Internet Activity:</b> From Wikipedia’s list of national constitutions (<a href="http://en.wikipedia.org/wiki/List_of_national_constitutions">http://en.wikipedia.org/wiki/List_of_national_constitutions</a>), have small groups of students look at various national constitutions for specific features such as an independent judiciary, civil liberties, and features that might indicate a democratic government.</p>
	<p><b>Discussion:</b> Can socialism coexist with democracy? Is extensive economic freedom essential to democracy? Can the unequal economic outcomes of capitalism be considered “undemocratic”?</p>	<p><b>Internet Activity:</b> Compare countries with different economic systems on various measures of economic development and social equality. Look at sites that display measures such as infant mortality rates, and health and education expenditures, such as <a href="http://www.unfpa.org/swp/2006/english/notes/indicators/_indicator2.pdf">http://www.unfpa.org/swp/2006/english/notes/indicators/_indicator2.pdf</a>. Do you find any interesting differences?</p>
	<p><b>Discussion:</b> How do the Sons of Liberty compare to groups that protest government policies today?</p>	

## Lecture Resources

### III. The American Revolution

**Lecture Notes:** The causes of the American Revolution were both financial and ideological. The Great Squeeze and other “taxation without representation” made it difficult for the colonists to prosper. The financial problems combined with the growing idea of self-rule, resulting in greater animosity toward continued British rule.

**Learning Outcome:** 2.4

**Illustrations:** Table 2.2 The Intolerable Acts, 1774

Table 2.3 Foundational Philosophers of the Revolution

**Print Resource:** David McCullough, *John Adams*, Simon and Schuster, 2002

### A. The Declaration of Independence

**Lecture Notes:** Violence broke out between the colonists and the British at Lexington and Concord, signaling the beginning of war. To unite opinion on behalf of the revolution, Thomas Jefferson wrote the inspired words of the Declaration of Independence, reflecting the ideas of natural rights and social contract theory set forth by John Locke.

Momentum against the British also came from General Washington’s victories, the writings of Thomas Paine, and the French support for the revolution.

**Learning Outcome:** 2.4

**Web Resource:** Find primary documents on the founding and the Constitution at <http://americanpolitics.anarres.com/links.html#const>

**Cultural Resource**

**Movie:** 1776

### B. The Colonial Experience and the Pathways of Change

**Lecture Notes:** The authors argue that revolution was inevitable in a society with no legitimate pathways to bring about change.

The sidebar challenges Timothy McVeigh’s bombing of the federal building in Oklahoma City as a “revolution,” as he had nonviolent pathways open to pursue his goals.

**Learning Outcome:** 2.4

	<p style="text-align: center;"><b>Discussion Topics, Activities, and Assignments</b></p>	<p style="text-align: center;"><b>Online Simulations and Internet Activities</b></p>
	<p><b>Discussion:</b> The ideas Jefferson expressed so eloquently in the Declaration of Independence were not original. Can well-phrased words really inspire people to action?</p> <p><b>Essay Question:</b> What factors encourages the colonists to support the revolution?</p> <p><b>Simulation:</b> Have students play the roles of royalists and revolutionaries and debate whether to go to war against Great Britain. For information on the royalists (or “loyalists”), see <a href="http://en.wikipedia.org/wiki/Loyalist_%28American_Revolution%29#Background_and_motivation_of_Loyalists">http://en.wikipedia.org/wiki/Loyalist_%28American_Revolution%29#Background_and_motivation_of_Loyalists</a></p>	
	<p><b>Discussion:</b> When are citizens justified in using violence against their government? Was Jefferson right that “The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants”?</p>	<p><b>Internet Activity:</b> Read more about the motivation of McVeigh in “The Aftermath of Terror” at <a href="http://www.crf-usa.org/bria/bria11_4.html">http://www.crf-usa.org/bria/bria11_4.html</a> (from the Constitutional Rights Foundation). You may want students to engage in the debate activities at the end of the section.</p>

## Lecture Resources

### IV. The Articles of Confederation

**Lecture Notes:** The first “American” government was formed under the Articles of Confederation (1781). It had a weak central government, with most of the power retained by the states. This arrangement reflected the notion that small, local government is the best way to represent the interest of the citizens, and the reluctance of state governments to give up any power to a higher authority.

**Learning Outcome:** 2.4

**Illustration:** Table 2.4 Powers of Congress under the Articles of Confederation

### A. Limitations of the Articles of Confederation

**Lecture Notes:** The Articles of Confederation failed because the national government was too weak. It had no national president, and lacked sufficient power to tax, regulate commerce, or conduct foreign affairs. This weakness was best illustrated by the inability to respond to Shays’s Rebellion in Massachusetts.

**Learning Outcome:** 2.4

### B. Shays’s Rebellion: An Alternative Look

**Lecture Notes:** Did Shays’s Rebellion occur because there were no other pathways for change besides violence? The Massachusetts legislature did not respond to the needs of the poor farmers, while in other states, the interests of the wealthy were often endangered by government policies.

**Learning Outcome:** 2.4

**Print Resource:** Charles Beard, *An Economic Interpretation of the Constitution of The United States*, 1913



	<p style="text-align: center;"><b>Discussion Topics, Activities, and Assignments</b></p>	<p style="text-align: center;"><b>Online Simulations and Internet Activities</b></p>
	<p><b>Essay Question:</b> Outline the main provisions of the Articles of Confederation.</p>	
	<p><b>Essay Question:</b> What were the weaknesses of the Articles of Confederation that led to the need for a new government?</p>	
	<p><b>Discussion:</b> How should government balance the interests of competing interest groups? How will these decisions affect the economy of the country?</p>	<p><b>Internet Activity:</b> Have students read about Charles Beard’s analysis that claims the personal economic interests of the founders led them to establish a government that would serve those interests, along with criticisms of his analysis. Try this site to start:  <a href="http://www.common-place.org/vol-02/no-04/reviews/holton.shtml">http://www.common-place.org/vol-02/no-04/reviews/holton.shtml</a></p>

## Lecture Resources

### V. The Constitutional Convention

**Lecture Notes:** The convention to revise the Articles of Confederation became a movement to discard the old government and design a new constitution. The Virginia Plan and New Jersey Plan were offered as alternative designs for the new government. The Virginia Plan called for three branches of government, and a bicameral legislature with the number of representatives per state based on population.

**Learning Outcomes:** 2.5 and 2.6

**Illustration:** Table 2.5 The Virginia Plan

### A. The Great Compromise

**Lecture Notes:** The Great Compromise resolved the debate between the Virginia and New Jersey Plans by creating a bicameral Congress, with representation in the lower house based on population, and equal representation of each state in the upper house.

**Learning Outcomes:** 2.5 and 2.6

**Illustration:** Table 2.6 The New Jersey Plan

### B. The Three-Fifths Compromise

**Lecture Notes:** Southern states wanted to include slaves when counting population for representation and taxation, while northern delegates objected, as this would give the South more representation. The result was the Three-Fifths Compromise, in which three-fifths of all slaves would be included in the count.

**Learning Outcomes:** 2.5 and 2.6

**Illustration:** Table 2.7 Differences between the Virginia Plan, the New Jersey Plan, and the Great Compromise

	<p style="text-align: center;"><b>Discussion Topics, Activities, and Assignments</b></p>	<p style="text-align: center;"><b>Online Simulations and Internet Activities</b></p>
	<p><b>Essay Question:</b> Outline the main parts of the Virginia Plan and the New Jersey Plan.</p>	
	<p><b>Essay Question:</b> How did the Great Compromise uphold the interests of both large and small states?</p>	
	<p><b>Discussion:</b> As with the more general question of slavery, the Three-Fifths Compromise raises the dilemma of pragmatism vs. idealism. Slaves had no vote, of course, and were legally designated as property, but were to be counted as three-fifths of a person in determining population size.</p> <p><b>Essay Question:</b> Explain how the Three-Fifths Compromise resolved the issue of representation between northern and southern delegates.</p> <p><b>Simulation:</b> Assign students to be representatives to the Constitutional Convention from different states. Debate the plans for determining representation in Congress, and for including slaves as part of the population.</p>	

## Lecture Resources

### C. The Sectional Compromise

**Lecture Notes:** The Sectional Compromise refers to the trade-off that southern economic interests would be protected by guaranteeing that the Atlantic slave trade would be allowed to continue for at least twenty years, while northern commercial interests would be helped by agreeing that only a simple majority vote, not a supermajority, was needed to regulate commerce.

**Learning Outcomes:** 2.5 and 2.6

### VI. The U.S. Constitution

**Lecture Notes:** This section covers the major structural provisions of the Constitution. Separation of powers into three branches of government would prevent a concentration of power in one institution. A system of checks and balances allows each branch to limit the actions of other branches. Representative government protects against a “tyranny by the majority.” Federalism divides power between the state and national levels.

Besides these measures to prevent abuse of power by one group or institution, the Constitution allowed for change via the amendment process.

**Learning Outcomes:** 2.7, 2.8, 2.9, 2.10, 2.11, 2.12, and 2.13

**Illustrations:** Figure 2.2 Shared Powers, Checks and Balances

Table 2.8 The First Ten Amendments to the Constitution (The Bill of Rights)

Figure 2.3 How the Constitution Can Be Amended

### VII. The Struggle over Ratification

**Lecture Notes:** Ratification of the Constitution required approval by nine of thirteen states. The Federalists supported ratification, opposed by the anti-Federalists.

**Learning Outcome:** 2.14

**Illustration:** Table 2.9 Constitutional Amendments after the Bill of Rights

### A. The *Federalist Papers*

**Lecture Notes:** James Madison, Alexander Hamilton, and John Jay wrote a series of essays, the *Federalist Papers*, arguing in favor of ratification. These essays are compelling explanations of how the proposed government would protect against abuse of power.

**Learning Outcomes:** 2.9, 2.10, 2.11, and 2.14

	<p style="text-align: center;"><b>Discussion Topics, Activities, and Assignments</b></p>	<p style="text-align: center;"><b>Online Simulations and Internet Activities</b></p>
	<p><b>Essay Question:</b> Describe the elements of the Constitution that prevent the concentration of power in one group or institution.</p> <p><b>Essay Question:</b> How can the Constitution be changed? Why did the founders make the process so that it is very difficult to amend the Constitution?</p>	<p><b>Internet Activity:</b> Make It Real—ACT Constitutional Democracy</p>
	<p><b>Essay Question:</b> Why didn't the founders require unanimous agreement from the states for the Constitution to go into effect as the law of the land?</p>	
	<p><b>Class Activity:</b> Have the class read together Federalist #51. Discuss how Madison assumes that human nature is self-interested and uses that to determine the best structure for government: "Ambition must be made to counteract ambition." Is Madison's assumption correct?</p>	<p><b>Internet Activity:</b> Look at several popular political blogs. You might try these:  <a href="http://www.talkingpointsmemo.com/">http://www.talkingpointsmemo.com/</a>  <a href="http://www.wonkette.com/">http://www.wonkette.com/</a>  <a href="http://www.dailykos.com/">http://www.dailykos.com/</a>  <a href="http://alittlemoretotheright.com/blog/">http://alittlemoretotheright.com/blog/</a>            Do you think a set of essays like the <i>Federalist Papers</i> could be spread by blogs today to start a major political debate?</p>

## Lecture Resources

### B. The Anti-Federalists' Response

**Lecture Notes:** The anti-Federalists offered two main objections to the proposed Constitution: large governments could not properly represent local interests, and there was no Bill of Rights.

The Federalists agreed that if the Constitution was ratified, the first task of the new government would be to adopt a Bill of Rights. This agreement convinced enough people to support the Constitution to bring about ratification.

**Learning Outcome:** 2.14

**Illustration:** Figure 2.4 The Ratification of the Constitution, 1787–1790

### VIII. Other Challenges Faced by the New Nation

**Lecture Notes:** Events after the ratification of the Constitution continued to build the foundations of the American political system.

**Learning Outcome:** 2.15

### A. Second Revolution

**Lecture Notes:** The 1790s saw a debate over the role of average citizens in governance. The election of Jefferson and the Democratic-Republican Party reinforced the notion that the average citizen should have a role in government. This election also represented the first American peaceful change of parties in power.

**Learning Outcome:** 2.15

**Suggestion:** Explain the trustee model of representation put forth by Edmund Burke.

### B. Jacksonian Democracy

**Lecture Notes:** The election of Andrew Jackson in 1828 consolidated the movement toward increased participation of the average citizen and the birth of popular democracy. Voter turnout doubled from the previous election, pointing to the increased political participation of the average citizen.

**Learning Outcome:** 2.15

**Illustrations:** Figure 2.5 The Electoral College Vote Totals in 1800

Table 2.10 The Presidential Vote of 1824

	<p style="text-align: center;"><b>Discussion Topics, Activities, and Assignments</b></p>	<p style="text-align: center;"><b>Online Simulations and Internet Activities</b></p>
	<p><b>Discussion:</b> Theoretically, what's the best size for a district if the representative is to truly know and represent his or her constituents?</p> <p><b>Essay Question:</b> What were the anti-Federalists' main objections to ratifying the Constitution? How did the Federalists overcome these objections?</p> <p><b>Simulation:</b> Assign students to be Federalists and anti-Federalists and debate the need for a Bill of Rights.</p>	
	<p><b>Discussion:</b> How much of a role should the average citizen play? Is it enough to vote and then rely on your representative to use his or her own judgment?</p>	
		<p><b>Internet Activity:</b> Check out a site like United States Election Project (<a href="http://elections.gmu.edu/voter_turnout.htm">http://elections.gmu.edu/voter_turnout.htm</a>) to see voter turnout rates in the United States. What trends do you see in this most basic form of political participation?</p>

## Active Learning Strategies – Early Governance and the Constitutional Framework

**Simulate the Constitutional Convention.** Assign roles based on the discussion in the chapter to capture the spectrum of interests and important individuals involved in the Constitutional Convention. Each student will receive a profile of the role they have been assigned one class in advance. Then in class, play out the simulation over one or two class periods, finishing the simulation by regrouping and comparing outcomes achieved through group interaction with actual outcomes. This simulation could also be held at forums outside of the classroom, such as an after-school program or at a senior citizen center, with a discussion or question-and-answer session to follow.

**Create a library exhibit.** Have students design and assemble a display case at the local public library or university library, including elements that represent key events from the textbook and any additional primary source documents assigned. After the display has been assembled, students could write a short reflection piece about the challenges associated with representing the underlying concepts and historical events to the general public. What perspectives have been included and what has been left out? How might this affect public consumption?

**Make up a game.** Divide students into groups to create board games about the process of designing the American democracy for middle or high school social studies/civics classes. They should also write a short, accompanying instruction manual justifying the educational effectiveness of their game.

**Create an online resource.** Have students design and prepare a website about the origins of American government for nonnative English speakers. Prepare them for the task by showing them websites from other countries explaining their government's historical origins. What underlying assumptions exist? What could these sites do better? Having seen these sites, how might you adjust your intended design?