

About Purpose and Types of Government

COLONIAL GOVERNMENT AND SELF-RULE

In the years leading up to the American Revolution, the government of the thirteen British colonies in North America was a patchwork quilt of different systems. Historians distinguish three formal types of colonies—known as royal, proprietary, and charter colonies, respectively—based on the flow of authority from the Crown to and through other stakeholders. In all three of these systems, a governor served as the chief executive on the Crown's behalf and acted as an intermediary between royal and colonial interests. The legislatures, or assemblies, were known by various names: Virginia's House of Burgesses and Massachusetts's House of Deputies are two examples. These were elected by free adult males who met a property qualification. The exact details of suffrage varied from one colony to another. Not all those who qualified were landholders, and suffrage was generally more widespread in the North American colonies than in England.

Among this topic's primary sources is the passage from *The Spirit of Laws* in which Baron de Montesquieu, a French philosopher and lawyer who wrote during the first half of the eighteenth century, outlines the separation of powers. This concept of a government with three distinct branches is central to most modern constitutional republics, but colonial governments often blurred the lines in ways that favored royal over local power. Moreover, the nature and structure of political power in the colonies often shifted dramatically from the time of their founding to the immediate pre-Revolutionary period.

The Case of Virginia

Virginia, where Patrick Henry made his famous speech, illustrates the complexity of British colonial government in North America. It began as a charter colony (sometimes called a joint-stock colony): In 1606, King James I granted the Virginia Company a royal charter to establish a settlement (Jamestown) and colonize the surrounding territory. During this period, the company appointed governors and set policy from its headquarters in London. However, newfound wealth from tobacco led to conflicts between increasingly influential colonial planters and the company's London-based directors. (This rising planter class would establish itself as a mainstay of Virginia politics even beyond the American Revolution.) With the dissolution of the company in 1624, Virginia became a royal colony. The Crown—and during the English Civil Wars, the Lord Protector's government—assumed the task of appointing the governor.

While it is often commonplace for history books to treat the House of Burgesses as *the* legislature of colonial Virginia, this is a practical simplification. In modern terms, the legislature of Virginia was bicameral, with the House of Burgesses being the lower house. The upper house, the Governor's Council, was filled by royal appointment, and its members were wealthy and influential colonists. In contrast to the separation of powers enshrined in later state and federal law, the Governor's Council took on executive and judiciary roles as well, serving as the highest court of the colony.

Liberty (for Some) or Death

By the time of the American Revolution, a planter class of wealthy colonists had become the dominant force in colonial Virginia's politics and industry. Yet the House of Burgesses continued to represent a wider (if, by modern standards, not very inclusive) cross section of society, including smallholders and tenant farmers. A sizable minority of Virginia's inhabitants—white, enfranchised men—had thus come to expect representation in government and a meaningful say in Virginia's domestic affairs. This is partly why the Parson's Cause (1763)—in which the Crown sought to override Virginia legislation that had decreased the value of clerical salaries—was so galling to Patrick Henry and others. It was not merely a question of two pennies versus six but of who should have rule-making authority for Virginia's towns, counties, and parishes.

PHILOSOPHIES OF GOVERNMENT: PLATO AND WEBER

Plato

Plato (427–347 BCE) was an enormously influential Athenian philosopher who codified the ideas of his teacher Socrates (469–399 BCE) in a series of dialogues. These works, in which Socrates reveals the truth of a matter through pointed questioning, are the origin of the term *Socratic dialogue*. Although Plato was not the only one to write such dialogues or feature Socrates as a main character in his writing, his surviving body of work is more extensive and wide-ranging in topics than that of his contemporaries. Since Socrates did not leave behind any writings of his own, it is an open question of where Plato's reporting of Socratic ideas leaves off and where Platonic ideas take over.

Students may wonder why Plato's *Republic* is called a "republic" at all, given that the form of government he proposes is monarchical or at least aristocratic. This comes down to translation: the Greek name for the text is *Politeia* (Πολιτεία), a word with much wider meaning that has been translated as "form of government" and "regime." The word *politeia* does not entail a commitment to republicanism, monarchism, or indeed any specific answer to who should rule. The Latin name *De Re Publica* (literally *Of Public Matters*) was given to the dialogue by analogy with Cicero's *De Re Publica*, another work of political philosophy written around 54–51 BCE. This phrase, as broadly evocative as *Politeia*, was then anglicized as *The Republic*.

Weber

The German social theorist Max Weber (1864–1920) was one of the shaping forces behind twentieth-century philosophies of government. In the Student Volume, students encounter Weber as a talking point about the nature of government and its relationship to force or violence. The full version of Weber's phrase is that the state is "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory." It should be emphasized that the meaning and relevance of Weber's provocative quote have been debated by philosophers and sociologists over the past century. While it is presented as a starting point for discussion, it is not a self-evident statement about the way governments operate—or should operate.

Weber is more broadly known for his writings on the Protestant work ethic, which he saw as closely tied to the rise of capitalism, and for providing a detailed—if Eurocentric—explanation of the West's geopolitical dominance in his time.

ANCIENT GREECE AND ROME

The people of ancient Athens are widely considered to have developed the world's first democracy. In 594 BCE, Solon was appointed as the chief officer of the city-state. A wise and thoughtful leader, he made many reforms that not only eased problems in Athens but also began its evolution to democracy. Solon outlawed debt slavery and freed those who were already enslaved for debt. The status of citizen was granted to some foreign craftspeople. Rather than have birth be the criterion for political participation, Solon made wealth the deciding factor. He then divided the assembly into four levels based on four levels of wealth. The general assembly was given the right to approve government decisions.

After Solon, leaders with varying degrees of interest in maintaining and expanding the rights of Athenian citizens came to power. Some attempted to restrict those rights, and others, such as Cleisthenes, furthered democracy. Under Cleisthenes, the people of Athens were divided into ten tribes based on place of residence, replacing the four tribes based on aristocratic descent and controlled by traditional aristocrats. The Athenian assembly became the legislative, or lawmaking, branch of the government. All citizens, whether property

owners or not, were eligible to attend and debate. A council of five hundred proposed laws for the general assembly. Any citizen over thirty was eligible to serve on the council, whose members were drawn by lottery.

The council of five hundred proved to be too large and unwieldy to function effectively as an administrative branch, so it was divided into ten committees of fifty men each, which were further divided into smaller units. The Athenians referred to one of these smaller subdivisions as a *deme*, from the Greek word for people. This is the root of the English word *democracy*. The word *democracy* is a Greek word meaning rule by the *demos*, or people.

Unlike the representative democracy of the United States, in which citizens elect representatives to speak for them in government, Athenian democracy was direct democracy. Citizens discussed, debated, and voted on laws themselves. In order to decide on issues, at least six thousand citizens had to be present in the assembly, which met several times a month.

Although Athens pioneered democratic government, its institutions differed in some key ways from modern American democracy. Citizenship did not extend to women, slaves, or most non-native residents. This was true even during the greatest age of Athenian democracy, which occurred under the rule of Pericles, from 461 BCE to 429 BCE. Pericles extended the ability of poor men to serve in public office by paying a small salary to holders of public office. He also saw to it that jurors were paid for the time they spent in jury duty.

In 509 BCE, less than a century after Solon started his democratic reforms, the people of ancient Rome rose up against a particularly cruel king named Tarquin and drove him out. In that same year, the Romans set up a republican government, a government in which the people chose their own rulers to serve for fixed periods of time. At the time, this was a new type of government. It would later be imitated by many other countries, including the United States.

In these early years, Roman society was divided into two classes, patricians and plebeians. The former were rich property owners; the latter, who were the majority of Romans, were farmers, craftworkers, merchants, and traders. Slaves were outside the social structure—lower even than the plebeians.

Two officials, called consuls, headed the republic; one managed the civil administration, and the other managed the military. Both consuls could issue edicts, or commands, that had the force of law; however, one consul could override the other's edict by stating, "Veto," which is Latin for "I forbid." Thus the two consuls functioned as checks and balances on each other. The ideas of the veto and of checks and balances are two of the many Roman political ideas that are part of American government today.

The co-consuls were elected to one-year terms by the Senate, a body of three hundred male citizens who, like the consuls, were patricians. All lesser officials, including judges, were patricians. The plebeians had no say in the early republic.

Over time, however, the plebeians broke the patrician hold on power. In 450 BCE, the plebeians succeeded in getting the government to codify Roman law and inscribe it on twelve tablets in the Roman Forum. Plebeians were then able to know if patrician judges were administering the laws that affected them correctly and fairly. A little later, the government established the Comitia Tributa, or Tribal Assembly, from which ten tribunes were chosen to protect the rights of the plebeians. The tribunes were representatives and protectors of the plebeians. They could veto any law that they believed was not in the best interest of the plebeians. Eventually, plebeians also won the right to be consuls, to sit in the Senate next to patricians, and to be elected to all other offices. In this way, the plebeians gradually secured a role for themselves in the political affairs of the Roman Republic.

Students may have further questions about the political organization of ancient Greece (especially the Athenian city-state) and ancient Rome (especially the Roman Republic). Here are some brief answers to a few questions that follow naturally from the Student Volume's coverage of these ancient civilizations.

- **Why was ancient Greece dominated by small city-states?** The physical geography of Greece is conducive to many small *poleis* instead of one large, centralized kingdom or empire. The Greek mainland is a peninsula

divided by rugged mountain ranges and surrounded by more than a thousand islands (by some estimates, several thousand). Maritime trade and exploration also meant that Greek city-states could colonize (for example, in Asia Minor and North Africa) as an alternative to competing for territory closer to home.

- **Why was Rome a republic for so long during a period when monarchies were the norm?** Documentation for the late regal and early republican periods is scarce compared to that for later eras. However, Rome had a long anti-monarchical tradition based on the idea that the last king, who had been overthrown in 509 BCE, was a tyrant. The establishment of elected consuls as an alternative to monarchs reflected and reinforced this tradition. The term limits on consuls and on the emergency powers afforded to dictators in wartime further preserved the principle that no one person should hold power for too long.
- **Why did Rome return to a monarchy, as an empire?** Explanations for the fall of the Roman Republic vary, but there was no one simple cause. In part, Rome's territorial expansion throughout the Mediterranean region led to a much more complex and geographically far-flung government, whose regional leaders could not be closely policed by their nominal superiors in the capital. Wealth inequality made members of the poorer classes susceptible to bribes from politicians. Military careerism also became an issue, leading to generals often commanding greater loyalty than the consuls or the Senate. Political violence, shunned for centuries, broke out in the late 130s BCE and culminated in the civil wars of the 40s and 30s BCE. Amid this turmoil, the consolidation of power under one man may have seemed like a move toward stability.

"Real" Democracy

Over the centuries—and continuing in modern times—some have claimed that the United States is not a "real" or "true" democracy because it does not function like that of ancient Athens, the classical democracy *par excellence*. In this case, the "true" label implies that a direct democracy is inherently preferable to a representative democracy. Yet labeling Athens a direct democracy is itself a simplification, albeit a useful one. Compared to citizens of modern representative democracies, Athenian citizens did have more direct input into the city-state's decisions. However, it is not true that all decisions in ancient Athens were made by a direct vote at a public assembly; the Student Volume gives just a few examples of the various groups that interacted to carry out day-to-day governance. Although Athens was, by modern American standards, a small town, practical considerations meant that sometimes the people had to act through representatives.

Another point to keep in mind is that, like most present-day democracies, the United States affords political representation to a greater share of its population than did ancient Athens. The Athenian city-state did not recognize women as citizens for voting purposes, whereas universal suffrage is now a widely established norm. In terms of nationality, Athenian law did acknowledge the concept of a *metic*—roughly, a permanent resident—but the United States and other countries provide pathways to full citizenship for immigrants.

THE ENLIGHTENMENT INFLUENCE

From the 1600s onward, European philosophers vigorously debated the question of who should govern a nation. This was one of the central issues of the Enlightenment, a broader seventeenth- and eighteenth-century movement that permeated Western philosophy. Enlightenment thinkers' embrace of reason, freedom, and equality helped fuel the so-called Age of Revolution to which the American, French, and Haitian Revolutions all belong. Jean-Jacques Rousseau (1712–1778), whose writings on the social contract are excerpted in the Student Volume, was hailed as a muse of the French Revolution; in 1794, its leaders relocated his remains to a stately tomb in Paris's famed Panthéon. Today, the degree to which Rousseau's ideas directly inspired either the French or the American Revolution is a subject of academic debate.

As the absolute rule of monarchs weakened, seventeenth-century British political philosophers began to argue the merits of different forms of government. For them, it was no mere academic exercise: Thomas

Hobbes (1588–1679) wrote *Leviathan* (1651) during the English Civil War, while the question of who would rule was being actively contested on the battlefield. In *Leviathan*, Hobbes posits that human beings are naturally cruel, greedy, and selfish. What’s more, Hobbes contends, “the condition of man . . . is a condition of war of everyone against everyone”; humans only seek to feel pleasure and avoid pain and will achieve those ends through any means necessary. To curb the naturally selfish ways of humankind, Hobbes believed, humans must enter into a “social contract,” in which members of society forfeit some of their individual freedoms to a powerful government responsible for making choices that will ultimately benefit society and preserve order. He argued that humans are incapable of making such decisions for themselves. Though Hobbes eventually returned to England after the restoration of the English monarchy, his views would make him unpopular with many of his countrypeople.

John Locke (1632–1704) likewise published his *Two Treatises of Government* (1689) in the immediate aftermath of the Glorious Revolution, in which Parliament invited new rulers to replace the deposed James II. It aimed to celebrate the fact that England’s King James II had been deposed because he had violated the rights and liberties of the English people. England’s Houses of Lords and Commons had offered the crown instead to James’s daughter Mary and her Protestant husband, William III of Orange, but with the expectation that they would not violate the people’s rights as James II had. In *Two Treatises*, Locke espoused the doctrine of natural rights, which he identified as life, liberty, and property, and the concept of a social contract—that a ruler’s or government’s authority was limited and conditional on the ruler’s or government’s service of the public good. These ideas later helped shape the American Declaration of Independence.

The Enlightenment had a profound impact on the Age of Revolution, starting with the American Revolution. The inclusion of John Locke’s ideas of natural rights and the social contract—which built on Hobbes’s initial idea of a collective agreement between government and the people, refined by Rousseau as how “each person puts himself and all his power under the direction of the community, or general will”—influenced the American colonists’ decision to break away from Great Britain and factored prominently in the Declaration of Independence. It should be noted that the line “all men are created equal” originally applied to only white, landowning men. This notion would become more inclusive over time as the nation evolved. The U.S. Constitution was also the product of Enlightenment ideas, including popular sovereignty, the separation of powers, federalism, and individual rights as codified in a bill of rights.

TYPES OF GOVERNMENT

In the Student Volume, coverage of individual governments outside the United States is necessarily brief and focused on illustrating specific features (for example, bicameralism vs. unicameralism). An emphasis is placed on governments past and present that students may know from contemporary media (the United Kingdom, Japan) or previous U.S. and world history classes (Nazi Germany, the Soviet Union). The following two tables provide additional examples of both government and economic systems around the world.

Type of Government	Example(s)
Constitutional monarchy	United Kingdom, Jordan
Autocracy	Venezuela, Russia
Totalitarianism	North Korea, Soviet Union under Joseph Stalin
Fascism	Nazi Germany, Italy under Benito Mussolini
Theocracy	Iran, Saudi Arabia
Representative democracy	United States, Japan

Type of Economy	Examples
Capitalist	United States, Mexico
Communist	Soviet Union, Cuba
Socialist	Denmark, Finland

Note: The United States and Mexico are predominantly capitalist economies, but they are considered mixed economies because their governments have involvement in the economy. Denmark and Finland are considered socialist because they offer significant government-funded social services, but they also have many features of a capitalist economy.

The following are two examples of governments that are geographically closer to the United States but whose workings may be less familiar.

Constitutional Monarchy: Canada

Mass media portrayals of Canada tend to emphasize its societal similarities to the United States. Consequently, students may not realize that Canada is an example of a constitutional monarchy with a parliamentary system. Its lower house, the House of Commons, shares its name with the corresponding institution in the United Kingdom; its upper house is the Senate. The king or queen of the United Kingdom is also the king or queen of Canada and of thirteen other Commonwealth realms, including Australia and New Zealand; a governor general exercises royal powers on the Crown's behalf. The executive branch, as in the United Kingdom, is headed by a prime minister who is formally appointed by the governor general but in practice is chosen by the ruling party in Parliament.

Canada provides an excellent illustration of the challenges of federalism as well as of the factors that a country must consider in adopting it. Canadian federalism dates to the mid-nineteenth century and was formalized with the British North America Act of 1867. It emerged, like American federalism, as a compromise between those who favored more power for the provinces and those who wanted a more powerful centralized government. Potentially confusing in an American context is the fact that Canadians call the process of federal union "Confederation."

In some respects, Canada's system is closer to unitary (and is sometimes called "quasi-federal") because its framers wished to avoid a secession crisis like that they had witnessed in the United States in the years leading up to the American Civil War. The issue of separatism in Canada primarily concerns the province of Quebec, most of whose population identify as French Canadians and speak French as their first language. Quebec has been home to several nationalist and/or separatist movements over the past century and a half; their political goals have ranged from greater autonomy within the existing federal system to total, unilateral secession from "English Canada." In the early twenty-first century, an increasingly diverse population (including many residents of neither English nor French descent) and closer ties to the national and global economies have somewhat blunted the drive toward separatism.

Constitutional Republic: Mexico

Mexico, officially the United Mexican States, is a constitutional republic under a presidential system. Its legislature, the Union Congress, includes a 500-member Lower Chamber and a 128-member Upper Chamber whose members are known as representatives and senators, respectively. Mexico imposes a strict one-term limit on the president and on the governors of its thirty-two states. Its federal system of government, enshrined in the Constitution of 1917, is closely modeled on that set forth in the U.S. Constitution and follows a similar separation of powers among different branches and levels.

One important feature that distinguishes the Mexican political system from that of the United States is that it is a multiparty system. In fact, Mexico shows that it is possible for a country to transition, in a relatively short time, from a single-party state to one in which elections are competitive and coalition-building is a necessary part of governance. As late as 1980, the Institutional Revolutionary Party (PRI) obtained 95 percent of the votes for the presidency and held nearly 80 percent of the seats in the legislature, but a drive toward free and fair elections in the late 1990s opened the arena to opposition parties. Since 1997, no one party has held a majority in the Mexican Congress.

About Principles and Events That Influenced the Formation of the U.S. Government

ANTECEDENTS OF U.S. FOUNDING DOCUMENTS

The Declaration of Independence and the U.S. Constitution are based on principles that are considered foundational to American government. The roots of these principles can be found in earlier documents in English history.

The Magna Carta

The medieval English agreement known as the Magna Carta (Latin: The Great Charter) set a major precedent for the principles of due process and trial by jury, as well as limited government. The Magna Carta came about in 1215 CE, when English barons were in open rebellion against King John following his military losses abroad and heavy taxation at home. Before they would return to John's service, the barons forced him to sign a charter that recognized their rights, limited the monarch's power, and disclaimed the arbitrary use of force to settle future disputes.

Although most clauses of the Magna Carta are no longer a part of English law, several of its provisions are now widely recognized as basic principles of democratic government. The charter elevates the law above the whims of the king (the rule of law), creating what James Harrington and later John Adams referred to as "an empire of laws, and not of men." The Magna Carta also guarantees jury trials, forbids excessive fines and punishments, protects personal property, and prohibits taxation without representation. Its restrictions on royal power further paved the way for the rise of Parliament as a major decision-making body in English politics.

The Mayflower Compact

In 1620, a group of English Separatists, now commonly known as Pilgrims, sailed to North America aboard the *Mayflower* in hopes of founding a colony under the Virginia Company. However, rough weather blew their ship off course and forced a landing at Cape Cod in present-day Massachusetts, instead of Virginia as their colonial charter had dictated. (The celebrated landing at Plymouth Rock came later, after they had had time to scout for a suitable natural harbor.) Because the *Mayflower* colonists were outside the (then much larger) bounds of Virginia, their charter was no longer valid, and some threatened not to abide by its rules.

To ensure the colony would continue to function, the men aboard the *Mayflower* drafted and signed a compact—a formal agreement—that declared they would create their own local laws and elect their own leaders. This Mayflower Compact was unusual, though not unprecedented, in that it was a political agreement made between peers rather than between a king and his subjects. Plymouth Colony eventually became part of the Massachusetts Bay Colony under a new royal charter, but in the meantime, the Separatists set an important precedent of self-government, both through the Mayflower Compact itself and through their practice of holding town meetings. These became a fixture of New England colonial politics in which community members came together to discuss local issues and make decisions—a form of majority rule. In colonial elections and even most early U.S. state elections, only male property owners could vote, but all adult male taxpayers were eligible to participate in town meetings.

The English Bill of Rights

In the late 1600s, religious and political conflicts arose between the English people and King James II, a Catholic convert who had placed many of his co-religionists in high government positions. James's actions stoked fears among the largely Protestant population that he would reinstitute Catholicism as the state religion. The conflict came to a head in 1688, when a son was born to James and his wife Mary of Modena. Under the rules of male primogeniture, this child would displace his Protestant half sister (the future Mary II) as James's heir. Ultimately, James was forced to abdicate, and Parliament installed Mary II and her husband, William III, as monarchs in the Glorious Revolution. The fact that both Mary and William were members of the royal family legitimized their takeover; that they were both Protestants appeased those who had been distrustful of James.

William and Mary's coronation was conditional on their acceptance of the English Bill of Rights, passed by Parliament in 1689. This document was, and remains, foundational to English constitutional law, but it also greatly influenced the language and contents of the United States Constitution. Specific provisions repeated in the United States Bill of Rights (1789; ratified 1791) include the right to petition the government (First Amendment), the right to a jury trial (Sixth and Seventh Amendments), and a prohibition on "cruel and unusual punishment" (a phrase found verbatim in the Eighth Amendment). The English Bill of Rights also established the principle that the monarch ruled by consent of Parliament and hence had no right to interfere with parliamentary elections and debates.

The Great Awakening

The Great Awakening, a religious revival that spread through the colonies during the 1730s and 1740s, was in large part a reaction to the Enlightenment, whose influence was discussed in Topic 1. Religious leaders like George Whitfield traveled around the colonies, giving spirited sermons to colonists, enslaved persons, and Native Americans and urging them to find God. They explained that sin without salvation would send people to hell unless they confessed their sins to God and sought forgiveness. They also believed that all people could have a personal relationship with God, allowing for a more informal relationship than many of the colonists thought possible, especially in the New England colonies. In contrast, Jonathan Edwards, another influential figure who is known for his impassioned speech "Sinners in the Hands of an Angry God" (excerpted in the Foundations of Freedom DBQ workbook), called God an angry judge: Sinners needed to ask forgiveness if they wanted salvation.

This religious revival was a significant event in American history for a few reasons. First, it led to an increase in Baptist and Methodist church membership. Second, it united the colonies, giving them their first real taste of nationalism. This united front was important going into the American Revolution. Prior to this, the colonies were very disconnected, with little in common other than some regional similarities. Lastly, this event embedded Christianity into American culture, something that is still prevalent today.

THE DECLARATION OF INDEPENDENCE

On June 7, 1776, Richard Henry Lee of Virginia introduced in the Second Continental Congress a resolution calling for independence. The Congress appointed a committee of five—Benjamin Franklin, John Adams, Robert R. Livingston, Roger Sherman, and Thomas Jefferson—to draft a formal declaration. Much of the work of writing the declaration fell to Jefferson, and the document went through numerous drafts between June 11 and 28.

The Declaration of Independence can be understood as divided into sections. The preamble explains why the document was written. The next part explains the political ideas behind the call for independence, many of which were inspired by Enlightenment philosophers. The remainder of the document lists the charges against the king and the rights that the new states were claiming for themselves.

One draft of the Declaration of Independence addressed the matter of slavery as a grievance against King George III. The passage accused the British of forcing slavery upon the colonies and described the slave trade as a “cruel war against human nature.” The passage then went on to criticize Lord Dunmore’s proclamation promising freedom to enslaved people in exchange for service in the British Army—a measure that encouraged enslaved people to “rise in arms” against the colonists. The passage was ultimately struck from the final version of the Declaration of Independence, presumably due to the fact that many of the delegates to the Continental Congress, Jefferson included, were slaveholders or benefited in some way from the institution of slavery.

The Continental Congress adopted the Declaration of Independence on July 4 and officially declared the former British colonies a new nation, the United States of America.

FROM THE ARTICLES OF CONFEDERATION TO THE CONSTITUTION

The Articles of Confederation

The Articles of Confederation came into existence in the midst of the Revolutionary War (1775–1783). The Second Continental Congress (1775–1781), the same body of early American leaders who produced the Declaration of Independence, wrote and adopted the Articles of Confederation as the framework for the new nation.

After the war, the new United States continued to operate under the Articles of Confederation, but the document’s shortcomings quickly became apparent. For one thing, this early constitution established no executive department, in part because it was feared that a chief executive—even an elected one—would be prone to repeat the abuses of King George III. Lacking a president, Congress held both legislative and executive powers, yet it had no powers of taxation, nor did it have the authority to coordinate the actions of the states, resolve disputes between them, or make agreements on behalf of the nation as a whole.

The shortcomings of the Articles of Confederation were further made clear by a series of events in the early years of the new republic, including Shays’s Rebellion (1786–1787). Tensions had been high in Massachusetts even before Daniel Shays and his hundreds of fellow farmers prevented the state supreme court, located in Springfield, from meeting. Many farmers in rural western Massachusetts were in debt to banks—many of them located in the more cosmopolitan eastern half of the state—and a recent increase in state taxes had only made their economic situation more dire. Even before Shays and his fellow “Shaysites” stormed the Massachusetts Supreme Court in September 1786, other groups had forced the closure of other lower courts, with the intention of making it impossible for the state to take control of their farms as a matter of foreclosure. Shays’s ultimate plan was to take control of the federal armory in Springfield, arm his compatriots, and march to Boston to defy the state legislature in person. The scheme was fairly quickly thwarted by the state militia in January 1787, and while Shays and a large group of other rebels fled, many were caught and tried for treason. Shays and four other men were sentenced to death. Shortly before their hanging was scheduled to take place in June 1787, the Massachusetts governor pardoned all five.

For many of the Founders, the rebellion highlighted the need to revise, if not completely replace, the Articles of Confederation. This outcome contrasts sharply with that of the later Whiskey Rebellion (1794), occasioned by popular opposition in western Pennsylvania to a federal tax on whiskey. Empowered by the provisions of the new U.S. Constitution, President George Washington was able to suppress the uprising by gathering a federal militia. In fact, Washington merely had to muster his force and lead it toward Pittsburgh before most of the rebels fled. In just seven years, federal authority had grown in ways the Articles of Confederation had not allowed for.

James Madison

James Madison was thoroughly involved in the creation of the U.S. Constitution. Madison not only took part in the Constitutional Convention in Philadelphia but also recorded its proceedings in a series of extensive notes that now serve as a valuable primary source for students, teachers, and historians. His thinking is represented in several key ideas of the Constitution, such as the need for a strong central government, the basing of representation on population (as in the House of Representatives), and the federal system itself. As students will learn in this topic, each of these ideas was heavily debated during both the creation and the ratification of the Constitution.

Once the Constitution had gained the Constitutional Convention's approval, Madison cowrote *The Federalist Papers* with Alexander Hamilton and John Jay, arguing in favor of ratification of the Constitution. It should be noted, however, that Madison agreed to some extent with criticisms raised by the Anti-Federalists. In particular, he was instrumental in securing a constitutional guarantee of specific individual rights, whose absence from the original version of the Constitution was an Anti-Federalist point of contention. After the Constitution was ratified and the new government took office, Madison submitted a proposal for a Bill of Rights, which Congress debated, revised, and sent to the states for ratification.

Compromises at the Constitutional Convention

The U.S. Constitution is the result of heated debate among men with differing viewpoints who often represented competing interests. Part of that debate involved representation in the new government. The Virginia delegation proposed a bicameral legislature to be made up of a House of Representatives and a Senate. Under this Virginia Plan, promoted by Madison, representation in both houses would be based on population. However, the smaller states balked at such an arrangement, which they viewed as apt to trample on their interests. In response, the New Jersey delegate William Paterson proposed that each state be given one vote in each house. In the end, the delegates rejected both the Virginia and the New Jersey Plans in favor of a compromise authored by Connecticut delegates Roger Sherman and Oliver Ellsworth. The Connecticut Compromise (1787), sometimes also known as the Great Compromise, called for representation in the House of Representatives to be based on population, while in the Senate, each state would have two legislators, called senators, regardless of the state's population. Representation in Congress—as well as states' share of electors in the Electoral College—is still based on this plan today.

A second volatile debate was related to slavery: Should slavery, or at least the United States' participation in the Atlantic slave trade, be abolished? If slavery persisted, should enslaved people be included in the population of each state, thereby increasing the number of representatives for those states with larger proportions of enslaved people? Notably, even states that had legally abolished slavery still had some enslaved persons within their borders. The case of Pennsylvania is instructive; there, legal abolition took the form of a Gradual Abolition Act (1780), which phased out slavery rather than bringing an abrupt end to the practice. Thus, the issue for purposes of representation was the net effect on the population; slavery was not then totally absent even in "free" states.

Antislavery sentiment was stronger in Northern states and in some parts of Virginia and Maryland. However, the economies of many Southern states depended on enslaved labor, and the leaders of these states were not willing to abolish slavery. Southern states wanted enslaved people counted, whereas Northern states did not. Northern states finally agreed to a compromise that allowed Southern states to count every five enslaved persons as three free men. This is known as the Three-Fifths Compromise. The convention included ten other provisions regarding slavery, including a provision that Congress would not attempt to end the slave trade before 1808. These concessions effectively left the issue of slavery unresolved, as it remained until the Civil War (1861–1865).

PRINCIPLES OF THE CONSTITUTION

There are five basic principles on which the Constitution rests:

1. popular sovereignty
2. federalism
3. separation of powers
4. checks and balances
5. limited government

Popular sovereignty simply means that the Constitution derives its power from the people. This principle, enshrined in the preamble's famous phrase "We the People of the United States," is sketched out briefly in the previous topic and explored further in this topic. The primary sources throughout the unit show early American leaders and others grappling with what it means for "the people" to hold power—and how to avoid the potential excesses of mob rule and tyranny of the majority.

The issue of *federalism*, or the balance of power between the national (federal) and state governments, is foreshadowed in the previous topic as part of its survey of government types. It is built out somewhat further in this topic as the subject of debate at the Constitutional Convention, where delegates sought a balance between federal and state prerogatives. The Virginia Plan–New Jersey Plan debate is a focal point of this principle. Unit 3 is largely devoted to showing the federal government in action, which entails a discussion of how power is shared with the states and how the balance of that power has changed since the 1780s.

Separation of powers and the closely related principle of *checks and balances* are also explored in Topic 1 of this unit. They do not receive much explicit attention in Topic 2, but they do mark a key difference between the Articles of Confederation (with its fused legislative and executive branches) and the Constitution (with three clearly distinct branches). Much more on this subject is explained in Unit 2, Topic 2.

The principle of *limited government* was a guardrail for the framers of the Constitution. It was briefly discussed in the previous topic, which invited students to picture a tug-of-war between advocates of "small" and "big" government. In this topic, it arises again in the context of both the Virginia Plan–New Jersey Plan dispute and compromise and the Federalist–Anti-Federalist debate. The story does not end there, of course; the modern federal government is active in spheres of public life the Founders could scarcely have envisioned. How this came about is explained in Units 2 and 3.

RATIFICATION OF THE CONSTITUTION

As students will read in detail in Unit 2 of the Student Volume, the Constitution had to first be accepted by the states to become the law of the land. Unanimous ratification, however, was not required—once nine of the thirteen states ratified it, the Constitution would go into effect. Each state held its own meetings to discuss and debate the document and decide whether its vote should be in favor or against.

The votes for ratification took place over three years following the drafting of the Constitution, with all thirteen states ultimately voting in favor.

State	Date Ratified
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

*With this vote, the Constitution took effect.

THE TWELFTH AMENDMENT

Contentious party politics have been present in the United States since its earliest days. Although the framers of the Constitution hoped to avoid the “mischiefs of faction,” by 1800 it was impossible to ignore the influence of political parties in U.S. presidential elections. American politicians had coalesced into two factions: Federalists, exemplified by James Madison and Alexander Hamilton, and Democratic-Republicans, led by Thomas Jefferson. The latter championed personal liberties and states’ rights; the former promoted a strong central government. Newspapers on both sides regularly published scurrilous articles about not just the policies but also the personal lives of the two parties’ leaders.

When Thomas Jefferson and Aaron Burr won the 1800 election with an equal number of votes, it fell to the House to break the tie. The Democratic-Republicans’ plan had been for Jefferson to claim the presidency, but in a gesture of partisan defiance, Federalist representatives consistently voted for Burr for president. Ultimately, it took over thirty ballots to break the gridlock; Jefferson was inaugurated, but the need for electoral reform was evident.

To distinguish between votes for president and those for vice president, a Twelfth Amendment to the Constitution was proposed shortly after the election. Eager to avoid repeating the embarrassment of 1800, legislators in fact advanced several proposals, some of which—such as abolishing the vice presidency altogether—were quite radical compared to the one that succeeded. The amendment was ratified just in time for the election of 1804.

During his first term, Jefferson gained popularity due to a booming economy and the landmark Louisiana Purchase (1803); Federalists had little hope of unseating him. Still, the tone of public discourse was no less incendiary during the 1804 election. One newspaper advertisement from the period describes the Federalists as an “unprincipled banditti of British speculators” who will “enslave” America under the “iron grasp” of a new monarchy. In the event of a tie, it is entirely possible that Jefferson’s opponents would have contemplated the same obstructionist measures used in 1800—that is, if the Constitution had still allowed it.