What Teachers Need to Know

Background

This section examines some of the basic values and principles of American democracy, in both theory and practice, as defined in the Declaration of Independence and the U.S. Constitution, both in historical context and in terms of present-day practice. In examining the significance of the U.S. Constitution, introduce students to the unique nature of the American experiment, the difficult task of establishing a democratic government, and the compromises the framers of the Constitution were willing to make. In order to appreciate the boldness and fragility of the American attempt to establish a republican government based on a constitution, students should know that republican governments were rare at this time. Discuss with students basic questions and issues about government, such as:

• Why do societies need government?
• Why does a society need laws?
• Who makes the laws in the United States?
• What might happen in the absence of government and laws?
• Where do people in government get the authority to make, apply, and enforce rules and laws?

Students began their exploration of these questions in Kindergarten. Add to them the issue of power versus authority.

A. Main Ideas Behind the Declaration of Independence

Main Ideas

The Declaration of Independence has four parts. The Preamble states that the colonists believe it necessary to explain why they are declaring their independence from Great Britain, so they have written this document. The next part explains the political ideas behind their action. Thomas Jefferson borrowed many of these ideas from French and British thinkers of the era, a time in history known as the Enlightenment. The third, and longest, part lists all the charges against the king, and the fourth part lists all the rights that the new nation is claiming for itself.

Students should be familiar (at a minimum) with the beginning of the second part:

“We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain unalienable Rights; that among these are Life, Liberty, and the pursuit of Happiness.”

This second section continues with some words that may be less familiar to students but are no less important to the foundation of the nation:

That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that is,
II. Making a Constitutional Government

whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect [bring about] their safety and happiness.

In general, the signers of the Declaration and the framers of the later Constitution were educated men who drew on ancient Greek and Roman ideas about government. They also read the works of British Whigs Trenchard and Gordon and European philosophers and political theorists of the Enlightenment period, such as Locke, Montesquieu, and Voltaire. The underlying idea of the Enlightenment was that reason was the basis of all knowledge, and all received ideas could and should be tested by reason. Instead of just accepting preexisting political institutions, Enlightenment political thinkers urged that reason be used to evaluate political ideas and institutions.

It was the ideas of philosophers such as John Locke in England and Louis, Baron de Montesquieu in France to which Thomas Jefferson turned in writing the Declaration. Jefferson based the Declaration on the theory of natural rights, which argued that every human being has certain basic rights that belong to the person by virtue of his or her being human. From this assumption, Jefferson pursued a logical argument that people institute government to preserve these rights. When government no longer safeguards these rights, he asserted, people have a right to change the government.

“All Men Are Created Equal”

This is the basic assumption in the Declaration: every human is equal to every other by virtue of one’s humanity. However, this does not mean that every person should necessarily have the same amount of education, money, or possessions, in material terms. It is also important to note that in the 18th century, not all people were considered equal. For example, women and African Americans did not receive equal treatment.

Natural Rights

What rights does a person have by virtue of being human? The first sentence of the Declaration identifies these rights as “life, liberty, and the pursuit of happiness.” The Declaration states that these are unalienable (“inalienable” in some versions)—that is, they cannot be taken away by any person or government. It is important to note that the signers agreed that these rights were only examples of the rights people have.

Government’s Responsibility

The second sentence of the second section of the Declaration states, “That to secure these rights, governments are instituted among men . . . .” According to the Declaration, people establish governments in order to ensure that their rights are guaranteed and protected; that is the purpose of government.

“Right of the People . . . to Institute a New Government”

If a government does not protect the rights of its citizens, asserts the Declaration, then its citizens have the right “to alter or abolish it” and to establish a new government. Jefferson explains in the next few sentences that changing a government structure is not something to be done lightly. He then outlines a long
list of the king’s abuses, including the following:

• quartering large bodies of armed troops among the colonists
• cutting off colonists’ trade with all parts of the world
• imposing taxes on colonies without their consent
• depriving colonists, in many cases, of the benefits of trial by jury

B. Making a New Government: From the Declaration to the Constitution

Articles of Confederation

During the Revolutionary War, the Second Continental Congress wrote and adopted the Articles of Confederation as the framework for the new nation as it waged war against Great Britain. When peace was won, the new United States continued to operate under this document. However, it had a number of shortcomings. For one, there was no executive department to coordinate the actions of the states or to act for the nation as a whole, for example, in dealing with foreign nations. The Congress of the Confederation held both legislative and executive powers, yet the Congress had no powers of taxation, making it dependent on the states for all revenue. The shortcomings of the Articles of Confederation were made clear by a series of events in the early years of the new republic, including Shays’s Rebellion, an uprising which the federal government was too weak to handle without help from local government. Shays’s Rebellion is considered one of the main events that led to the ratification of the Constitution.

Framers: James Madison

When it became clear that the central government under the Articles was not working, a convention was called in Philadelphia in 1787 to revise the Articles. Instead of merely revising, however, the delegates wrote a new constitution, the one under which we live today.

The delegates to the Constitutional Convention voted to keep the proceedings secret, but James Madison, who represented his native Virginia, kept notes, which were not published until 1840. Because of his notes, we have a full record of the proposals and the debates over the wording of the Constitution.

Madison was a pivotal figure in those proceedings. Having served on the committee in Virginia that wrote the state constitution, he had considered the proper role of government for some years. He had read political philosophers like Locke and Montesquieu, and was also well versed in Greek and Roman political institutions.

His thinking is represented in several of the key ideas of the Constitution, such as the need for a strong central government, the basing of representation on population (the formula for the distribution of seats by state in the House of Representatives), and the federal system itself.

Once the Constitution was passed, Madison joined Alexander Hamilton and John Jay in writing the Federalist Papers, which set out arguments explaining why the states should ratify the Constitution. After the Constitution was ratified and the new government took office, Madison, as a member of the first Congress, submitted a proposal for a Bill of Rights, which Congress debated, revised, and sent to the states for ratification. See Section C, “The Constitution of the United States” on pp. 199–203, for a discussion of those rights.

Teaching Idea

Ask students to consider the difference between power and authority. Power is the ability to compel people to do something. Authority implies an agreement by which people acknowledge and accept the commands of someone else.

Help students see that the government’s authority comes from the Constitution and the consent of the people. The power of government, which is shared by dictatorships and democracies alike, is different from the authority that can come only from legal, legitimized sources.