

## Inherited Political Traditions

- Governing Principles:
  - Government arises from the **consent of the governed**.
  - Power should be **divided** among separate institutions.
  - Citizens' rights must be protected.

## Consent of the Governed

- Thomas Hobbes, *The Leviathan* (1651).
  - Without government, in the “state of nature,” life would be “solitary, poor, nasty, brutish, and short.”
  - Hence people formed a **social contract**.
- Hobbes was a monarchist, not a republican.

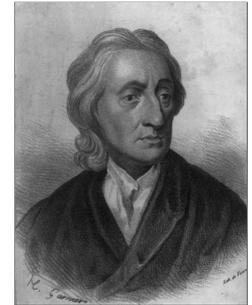


## Separation of Powers

- John Locke's *Second Treatise on Government* (1690)
  - Also based on consent of the governed, although people did not give up their natural rights
  - But no need to concentrate power in one ruler
    - Legislative power
    - Executive power
    - Baron de Montesquieu, in *The Spirit of the Laws* (1748), later added judicial power as well.

## Natural Rights

- Locke also argued government should protect individuals' natural rights to “life, liberty, and property.”
- Revolution might be justified if government failed to secure those rights.



## Taxation without Representation

- Colonists were asked to help with cost of keeping troops in colonies after the French and Indian War (also known as the *Seven Years' War* in Europe).
- 1765, imposition of the Stamp Tax on the colonies:
  - Already in use in Britain, where taxes were higher than in the colonies
  - Colonists had never paid a direct tax, had no voice.
  - Believed this violated the spirit of the *Magna Carta*: the principle that the people's representatives had to approve of taxes and spending.

## The Experience of Self-Government

- Colonial legislatures dated back to Virginia's House of Burgesses in 1619.
- Plymouth colonists agreed to the *Mayflower Compact* in 1620.
- Distance from imperial government meant colonists effectively ran their own affairs most of the time; governors often “went native” too.



## The War for Independence

- Colonists' resentment of British taxation culminated in open conflict at Lexington and Concord in 1775.
- *Second Continental Congress* met in Philadelphia; efforts to broker compromise unsuccessful.
- Thomas Jefferson built on Locke's ideas in drafting the *Declaration of Independence*, approved on July 4, 1776.
- War officially ended with the Treaty of Paris (1783).

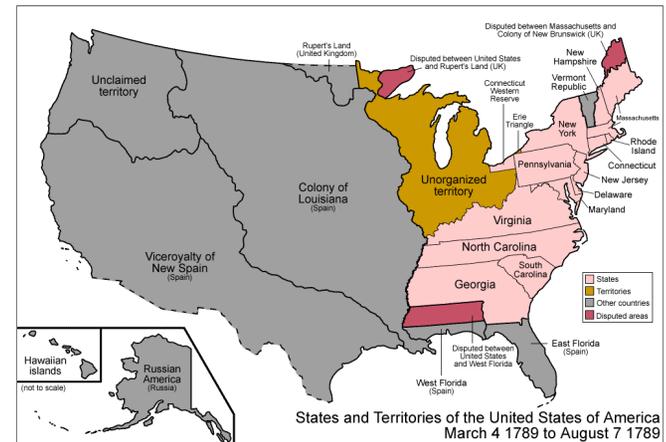
## The Articles of Confederation

- “Firm league of friendship”—each state saw itself as independent and *sovereign*.
- Continental Congress was granted limited powers:
  - Could not tax directly; requested contributions to national budget from the states instead.
  - Could declare war, but not raise an army directly.
  - Could coin money; but could not stop states from doing so as well.
  - States could tax imports and exports to other states.
  - Supermajority (2/3) required to take most actions; unanimity required to alter Articles.

## Threats to a New Nation

- U.S. had won the war with Britain, but British colonies remained nearby.
- Spain and France retained colonies to the west and south.
- British had previously managed relations with Native Americans.
- American shipping was no longer protected from piracy by Britain's navy.
- Internal dissatisfaction.

## Threats to a New Nation



## Toward the Constitution

- Preceded by the Annapolis Convention in 1786:
  - Only five states were represented.
  - Recognized need for reform; called on states to send delegates to a convention in 1787.
- **Shays' Rebellion** (1786–87) made additional states realize need to improve on the Articles.

## The Constitutional Convention (1787)

- In 1787, more delegates came to Philadelphia to consider reforms.
  - Initial purpose: revise the Articles.
  - Most states favored some revisions.
  - Rhode Island the exception.
  - Individuals in opposition stayed away: notably, Patrick Henry.
  - Ten delegates abandoned convention; another three refused to sign.

## The Constitutional Convention

- The Virginia Plan (proposed by Madison and Randolph) had support of more populous states.
  - System would be dominated by the national Congress.
  - Called for representation in Congress based on states' population or wealth.
  - Less populous states feared they would be dominated by Virginia and New York.

## The Constitutional Convention

- Delegates from smaller states favored the New Jersey Plan instead:
  - Three branches with different powers.
  - Kept one chamber of Congress with each state having one vote.
  - Did not grant Congress broad powers
    - Instead, Congress had a limited number of enumerated powers.

## The Connecticut Compromise

- A majority of states supported the Virginia Plan.
- Small states considered leaving and thus ending the convention.
- Committee appointed to resolve the issue.
- Solution: split the difference with a **bicameral legislature**.
  - Big states: House seats based on population.
  - Small states: equal seats per state in the Senate.

## Tariffs and Trade

- Northern states favored taxes on imports and exports to protect domestic industry, raise money; opposed the slave trade.
- Southern states opposed trade tariffs, particularly on exports; favored continuation of slave trade.
- Compromise: no export tariffs, but national government could tax imports; slave trade permitted until at least 1808.

## Representation and Taxation

- Direct taxes were to be *apportioned* based on population.
- Northern states favored counting everyone for taxation but only non-slaves for representation.
- Southern states favored the opposite.
- Solution: the **three-fifths compromise**.  
Equalized representation between the agrarian south and commercial north.

## Constitutional Compromises

- Using vague language
  - The “necessary and proper” or “elastic” clause.
  - **Judicial review.**
  - The **supremacy clause.**
- Leaving decisions to the states:
  - Voting qualifications.
  - The Electoral College.

## A Stronger, More Flexible Government

- Congress could now levy taxes.
- Congress regulates interstate, international trade.
- Only national government can mint coinage.
- Independent executive and judicial branches.
- Congress can act with simple majorities, subject to veto.

## Amending the Constitution

- Congress can propose amendments (by two-thirds majority in both chambers), or 2/3 of states can request a constitutional convention.
- Constitutional amendments require 3/4 of states to agree; can be ratified by either:
  - state legislatures.
  - special ratifying conventions.

## Ratifying the Constitution

- In 1787 and 1788, voters chose delegates to ratification conventions in each of the 13 states.
- *Federalist Papers* (Hamilton, Madison, Jay)
  - Campaigned for ratification of the Constitution.
- Anti-Federalists (including Patrick Henry)
  - Opposed the Constitution; thought it centralized power too much.

## The First National Elections

- Federalists won by persuading 11 of the 13 states to ratify the Constitution:
  - Several states only agreed after Federalists agreed to propose a **Bill of Rights**, against Hamilton and Madison's original wishes.
- March–April 1789: Washington takes office as president, new Congress begins operations.

## Criticisms of the Constitution

- Secretive, unseemly process.
- Did not work within existing legal framework to amend Articles of Confederation.
- Powers of the President and courts poorly defined.
- The Electoral College.
- Did not guarantee basic liberties in the states.
- Shortfalls related to the need for ratification:
  - Slavery and the right to vote.
  - Needed to win support of white, male, propertied population.

## Achievements of the Constitution

- Created unified nation capable of defending itself.
- Facilitated the country's economic development:
  - Outlawed separate state currencies.
  - Outlawed state tariffs.
- Created flexible, enduring institutions.