

Fundamental Principles of American Democracy

Standard: 12.1 Students explain the fundamental principles and moral values of American democracy as expressed in the U.S. Constitution and other essential documents of American democracy.

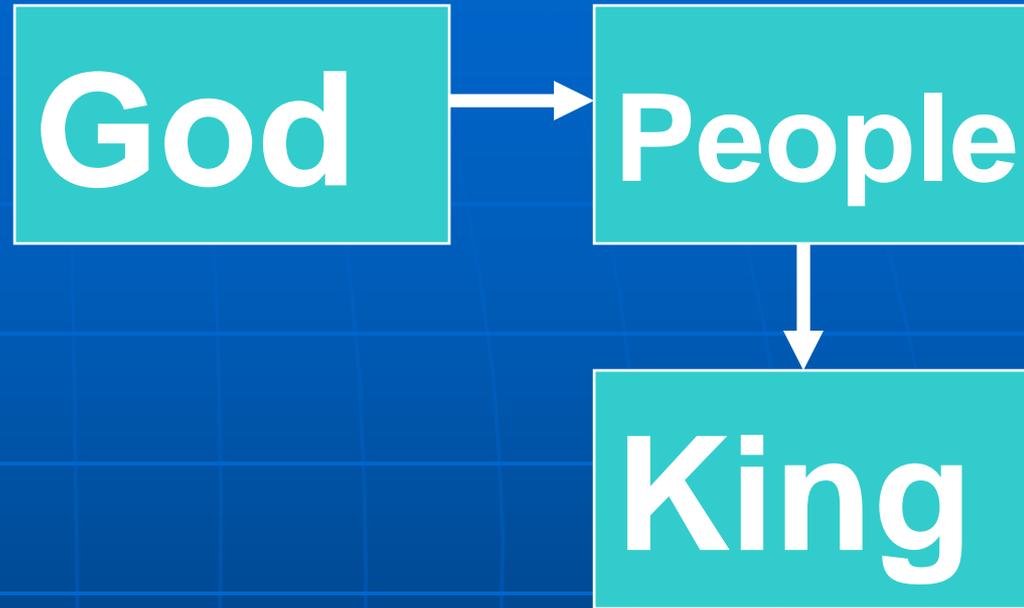
Natural Rights Philosophy

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- That to secure these Rights; Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government...

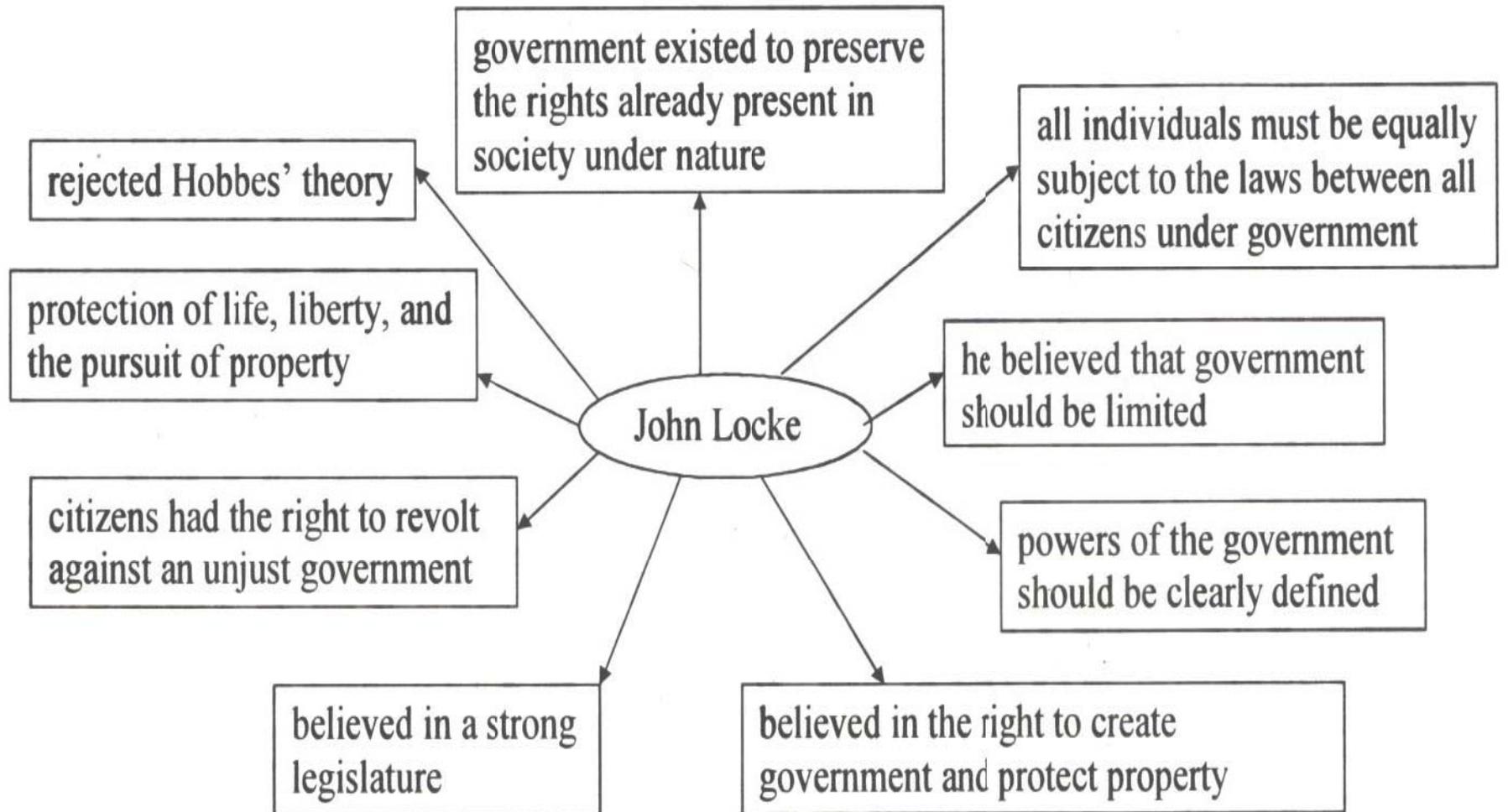
-Declaration of Independence, 1776

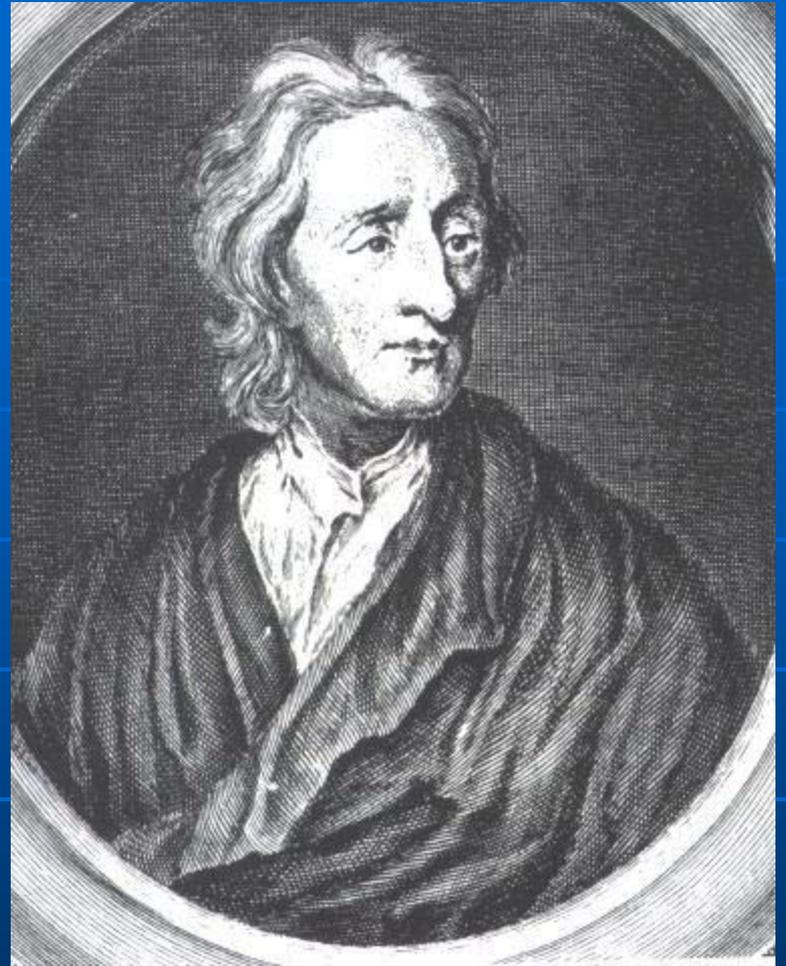
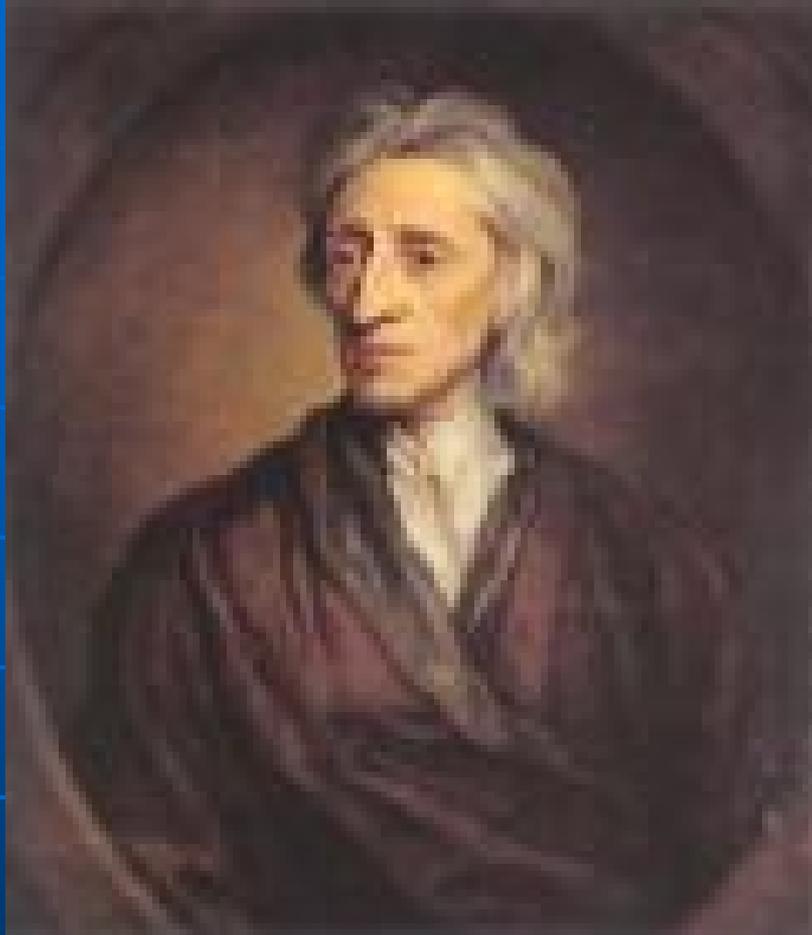
Divine Right of Kings

**Social Contract Theory/
Natural Rights Philosophy**



The shift from the idea of Divine Right of Kings to the Social Contract Theory was influenced by the Enlightened Philosophers.





Locke

Natural Rights Philosophy

John Locke (1632-1704)

- Was the most important influence on the thinking of the Founders at the time of the Revolution.
- His political philosophy is often called the natural rights philosophy
 - Based on imagining what life would be like if there were no government.
 - Known as the state of nature

Natural Rights Philosophy

• Imagine that all the students at Garden Grove were transported to a place with enough natural resources for you to live well, but where no one had lived before. When you arrive, you have no means of communicating with people in other parts of the world. With this imaginary situation in mind, answer the following questions.

1. Upon arrival would there be any government or laws to control how you lived, what rights or freedoms you exercised, or what property you had? Why?
2. Would anyone have the right to govern you? Would you have the right to govern anyone else? Why?
3. What might people who were stronger or smarter than other try to do? Why?
4. What might the weaker or less sophisticated people try to do? Why?
5. What might life be like for everyone?

Natural Rights Philosophy

- Questions that Natural Rights philosophers (Social Contract Theorists) looked at

1. What is human nature? What traits of personality and character, if any, do all humans beings have in common?

2. What should be the purpose of government?

3. How do the people running a government get the right to govern?

4. How should a government be organized?

5. What kinds of government should be respected and supported?

6. What kinds of government should be resisted and fought?

- The natural rights philosophers' answers to these questions provided the foundation for many arguments the Founders made to explain and justify their decision to separate from Britain, writing state constitutions after the Revolutionary War, and later in writing the Constitution of the United States and the Bill of Rights.

Natural Rights Philosophy

- What traits of personality and character, do all humans beings have in common?

Locke's answer identified the following rights:

- Life. People want to survive and they want their lives to be as free as possible from the threats to their security.
- Liberty. Peoples want to be as free as possible from the domination of others, to be able to make their own decisions, and to live as they please.
- Property. People want the freedom to work and gain economic goods such as land, houses, tools, and money, which are necessary to survival.
 - These rights were called natural rights (inalienable) and you would have the right to defend them if other people threatened to take them away.
 - Before Locke and other philosophers, the concept of rights had been applied in a very limited and selective way.
 - These philosophers regarded the individual, rather than the class or group, as the most important social unit.

Natural Rights (Cont'd)

- Social Contract
 - The great problem was to find a way to protect each person's natural rights so that all persons could enjoy them and live at peace with one another.
 - Locke said each individual must agree with others to create and live under a government and give it (the government) the power to make and enforce laws, called the social contract.
 - In the social contract everyone promises to give up the absolute right to do anything he wants in a state of nature. In return, he received security provided by government.
 - Government's purpose is to protect those natural rights that the individual cannot effectively secure in a state of nature

How does Government Secure Natural Rights?

- What should be the purpose of government?
 - Locke and other natural rights philosophers said that the purpose of government is to protect natural rights.
 - Thomas Jefferson agreed and stated that in the Declaration of Independence.
- How do the people running a government get the right to govern?
 - According to Locke, the only way anyone gets the right to govern anyone else is if that person gives his consent. (Consent of the governed).
 - Another of Locke's ideas that Jefferson stated in the Declaration of Independence.
 - If the people to be governed have not consented to the creation of a government, there is no legitimate government.
- What kinds of government should be respected and supported? Resisted and fought?
 - Locke believed that since the people give the power to the government, they have the right to take it away if the government is not serving the purposes for which it was established. They can then create a new 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 new Government..."

-Declaration of Independence (Thomas Jefferson)

What is constitutional government?

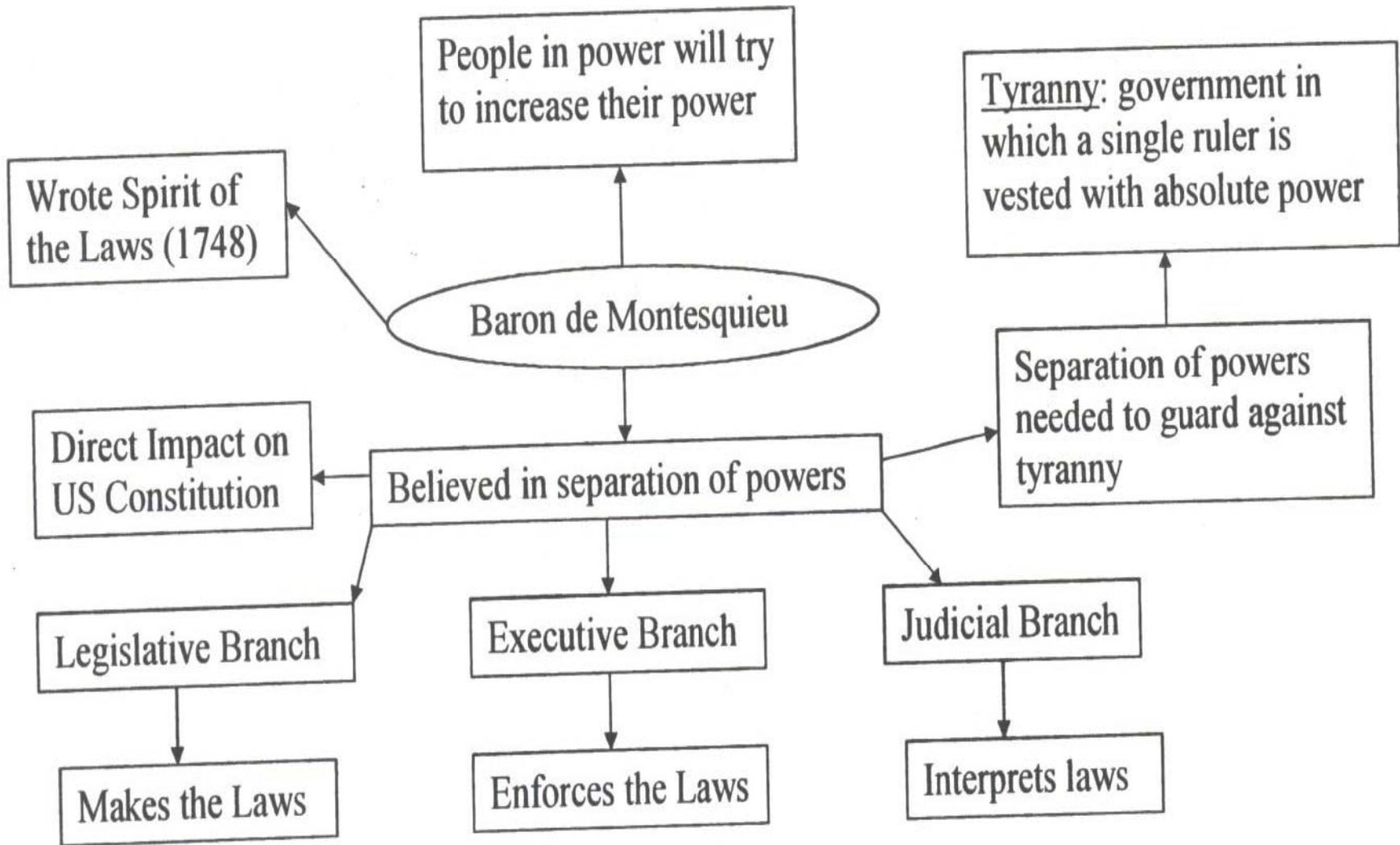
- In a constitutional government, the powers of the person or group controlling the government are limited by a set of laws and customs called a constitution
 - Most Constitutions are in writing
 - Questions answered by a Constitution
 - What are the purposes of government
 - How is the government organized
 - How is the government supposed to go about doing its business
 - Who is considered to be a citizen
 - Are the citizens supposed to have any power or control over their government? If so, how is it to be exercised?
 - What rights and responsibilities, if any, are the citizens supposed to have?

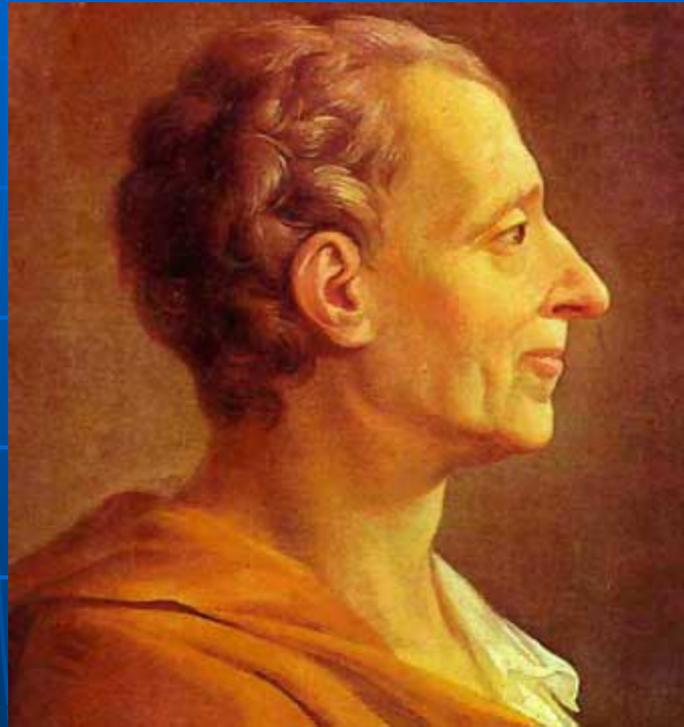
What is constitutional government?

- According to the Founders, a constitution or higher law should have the following characteristics
 - It sets forth the basic right of citizens to life, liberty, and property
 - It establishes the responsibility of the government to protect these rights
 - It establishes the principle of a private domain-which means that there are areas of citizens' lives that are no business of the government and in which the government cannot interfere
 - It establishes limitations on how those in government may use their powers with regard to
 - Citizens' rights and responsibilities
 - The distribution of resources
 - The control of conflict
 - It can only be changed with the widespread consent of the citizens, and according to established and well-known procedures. This distinguishes the higher law from the ordinary law that governments regularly create and enforce

How can constitutional governments be organized to prevent the abuse of power?

- In constitutional governments powers are usually distributed and shared among several branches of government (Separation of Powers)
 - This sharing of power makes it less likely that any one branch can abuse or misuse its powers
 - To prevent our government from abusing its powers, the Framers provided for the distribution and sharing of powers among three branches of the national government. (Checks and Balances)
- Each branch has primary responsibility for certain functions, but each branch also shares these functions and powers with the other branches
 - Congress may pass laws, but the president may veto them
 - The President nominates certain government officials, but the Senate must approve them
 - Congress may pass laws, but the Supreme Court may declare them unconstitutional





Montesquieu