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## Unit One
What Were the Founders’ Basic Ideas about Government?

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## Introduction

Most history books tell the story of people and events of the past. This book is a history of ideas. It explains the most important ideas of our Constitution and how they were developed. It also highlights the people and events that were important in the history of these ideas.

The Constitution of the United States was created as a plan for the new government of our country. It was written in Philadelphia in 1787, more than 215 years ago. We study the Constitution and its history to understand our government and how it is supposed to work. Knowing our past will help us understand the rights and responsibilities that we have today.

In this book, you will discover what the people who wrote our Constitution thought the purposes of government should be. They believed government should protect our lives, liberty, and property. They also believed government should promote the common good. You will also learn why they thought it was necessary to limit the powers of government.

You will learn about some of the things that have happened to the Constitution since it was written in 1787. You will study ways in which it has changed and how these changes came about. You will also learn about ways the Constitution has stayed the same.

This supplement will help you develop a good understanding of the Constitution and our system of government. It will also help you understand more about how our government affects your life and how you can influence your government.
In the spring and summer of 1787, fifty-five men met in Philadelphia. These men knew a great deal about government. They wrote our Constitution. They and many other Americans gained their knowledge by reading and discussing books about history and political philosophy. Political philosophy is the study of basic ideas of government.

Americans also knew about government from their own experience. Many of the men who met in Philadelphia had been leaders in the American colonies when they were ruled by Great Britain. Many were leaders in the new state governments formed after the American Revolution.

The men who wrote the Constitution used their knowledge and experience to create the best kind of government they could. An understanding of their knowledge and experience will give you some insight into why they created the kind of government we have today. It will also help you discover and appreciate the most important ideas in our Constitution.
What were the British colonies in America like in the 1770s?

People living in the American colonies in the 1770s were in many ways quite different from the people living in Europe. The colonists had brought British laws and customs to America. But they were developing their own way of life as well.

When you finish this lesson, you should be able to explain how the average person in the American colonies lived in the 1770s. You should also be able to explain how life in the colonies influenced people's ideas about good government.

Where did the British colonists settle?
The British colonies in America occupied a large area of land. The colonies stretched twelve hundred miles along the coast of the Atlantic Ocean and ran two hundred miles inland. Between the settled areas and the Mississippi River lay a vast, forested country. Few Europeans had explored beyond the area of settlement. The nations of Europe were small in area compared to America. Great Britain was only slightly larger than the colony of New York.

Although the land was expensive, there were few people living on it. In 1790, the population of the colonies was almost 4 million compared with more than 260 million people living in the United States today.

How did American Indians live before the Europeans came?
The Europeans were newcomers to North America. Hundreds of different groups of Native American people had inhabited the continent for thousands of years. Along the eastern seacoast, where the British colonists settled, the native Indian people lived in well-organized tribes. They are known as the Eastern Woodland tribes. They lived by fishing, hunting, gathering wild plants, and tending small crops of corn.

The eastern tribes maintained loose political ties among themselves. In some cases, entire tribes formed leagues so that they could come together to discuss common problems. The best known league was the Iroquois League. The Iroquois League was made up of five tribes that lived in what today is the state of New York.

What did it mean to the colonists to be a subject of King George III?
Learning about how the people lived in the British colonies can help us to understand why they developed their ideas about government. When we talk about government we mean the people and institutions with authority to make and enforce the laws, and manage disputes about laws. People living in the 1770s in the British colonies held certain beliefs about good government that still affect our lives today.

How did American Indians live before the Europeans came?
The colonists were also better educated than most Europeans. In the 1770s, 90% of the adult male population could read and write. In France, only 40% of the adult male population could read and write. One-fifth of the population was held in slavery. The colonists had diets rich in protein and tended to be healthier than people in Europe.

The people became self-sufficient. Self-sufficient means that people had to provide for their own needs. Not only did the colonists grow their own food, but they also wove cloth to make their own clothing. They made their own medicines, built their own homes and barns, and made their furniture and tools. Colonists took the surplus produce from their farms and traded it for goods they could not make.

Although families worked independently, they traded among their neighbors and helped each other. Neighbors got together to build houses and barns. People rarely traveled more than fifty miles from their homes.

A farm family frequently included a hired laborer or an indentured servant. Indentured servants were men and women who sold their labor in exchange for the cost of the trip from Europe to the colonies. Farm families often relied on the labor of slaves, especially in the South.

What evidence still exists of different people’s contributions to the United States?

IDEAS FOR DISCUSSION

How did this colonial farmer compare life in America?

In the 1700s a French colonist who settled in New York wrote a book that contained a series of letters from a fictional Pennsylvania farmer to his friend in Great Britain. J. Hector St. John was the pen name that Jean de Crèvecoeur used for his book. The letters describe Crèvecoeur’s views about life in America. Some sections of these letters follow. Read them and discuss the questions at the end.

[Bahold, Sir, a humble American Planter…addressing you from the farther side of the Atlantic…]

[The English traveler to America is arrived on a new continent; a modern society…different from what he had hitherto seen. It is not composed, as in Europe, of great lords who possess everything and of a herd of people who have nothing. Here are no aristocratical families, no courts, no kings…. The rich and the poor are not so far remoed from each other as they are in Europe. Some few towns excepted, we are all tillers of the colonies, North and South. Although the practice officially ended around 1789 in the Northern colonies, it actually continued until the end of the Civil War in 1865.]

How was life on a small farm different from life on a large plantation?

How were the people living in the colonies different from one another?

Most colonists were descended from British or Irish settlers. Therefore, most people in the colonies spoke English. Some colonists did not come from English-speaking countries, however. Settlers came from France, Germany, the Netherlands, Spain, Sweden and other countries. All brought with them their own customs and ideas about government and rights.

The colonists also held different religious beliefs. There were many different groups of Protestants; there also were Catholics and Jews. Compared to most European nations of the time, the population of the colonies was diverse.
earth.... [Here we are] united by the silken bands of mild government, all respecting the laws, without dreading their power; because they are equitable [fair].

[Here the traveler] views not the hostile castle, and the haughty mansion, contrasted with the clay-built hut and miserable cabin, where cattle and men help to keep each other warm, and dwell in meanness [humility], smoke, and indigence [poverty].... The meanest [most humble] of our log-houses is a dry and comfortable habitation.

Lawyer or merchant are the fairest titles our towns afford.... We have no princes, for whom we toil, starve, and bleed; we are the most perfect society now existing in the world. Here man is free; as he ought to be...

Can a wretch... call England or any other kingdom his country? A country that had no bread for him, whose fields procured him no harvest, who met with nothing but the frowns of the rich, the severity of the laws, with jails and punishments; who owned not a single foot of the extensive surface of the planet? No! urged by a variety of motives here they came. Everything has tended to regenerate them; new laws, a new mode of living, a new social system.... Formerly they were not numbered in any civil lists of their country, except in those of the poor; here they rank as citizens.

1. What was it that Crèvecoeur liked about life in the colonies?
2. What rights did he enjoy?
3. Given what you know of Crèvecoeur's experiences, explain why he would or would not favor laws that
   • guarantee each individual the right to own property
   • limit an individual's right to buy and sell goods to anyone or she chooses
   • give people certain rights because they are wealthy or from a certain family background or group

Why were class differences not important in the colonies?

The colonies were not divided into a few rich people and a large mass of poor people as in most of Europe. In the colonies, there was no royalty and no titled nobility. The difference between wealthy and poor people was less important in colonial society. A poor person could become wealthy by using knowledge, skills, and opportunities. In many cases, a man who was not part of the wealthy class could be elected to a government position.

Whose opportunities were limited?

Not all people shared the same opportunities to gain wealth or to become leaders. Usually, only adult white males who owned property could vote. In most colonies, a person had to own fifty acres of land to be qualified to vote. But land was easily available. Therefore, more people in the colonies had the right to vote than in any other country of that time.

Native Americans, blacks, white men without property, and women were typically not allowed to vote or hold office. Women usually were not allowed to own property. Under the law, married couples were considered one person and the husband controlled the property.

What rights did the colonists value?

Since most colonists were self-sufficient, they valued their freedom highly. The people in the colonies thought that their society was superior to the corrupt societies of Europe. Colonists considered themselves to be virtuous, hard-working, simple people.

As subjects of Great Britain, the colonists enjoyed the rights included in the British constitution. Many colonial governments also protected the rights of the colonists. For example, the Massachusetts Body of Liberties of 1641 included the right to trial by jury, free elections, and the right of free men to own property. The state of Pennsylvania guaranteed freedom of belief or conscience.

In the years before the American Revolution, the colonists were very sensitive to any attempts by the British government to limit their rights. After the Revolution, Americans were concerned with protecting the rights they had just fought for.

Who were the Founders?

Throughout this text, we refer to a group of people as the Founders. The Founders were the political leaders of the colonies. They had developed their own ideas about what might be the best kind of government. These ideas were formed from their own experiences and their studies of governments of the past. The Founders led the fight to free the American colonies from British rule. The Founders helped to create the state governments, and their ideas influenced the writing of the Constitution. Some of the Founders' names that you might recognize include John and Abigail Adams, Benjamin Franklin, Patrick Henry, Thomas Jefferson, Mercy Otis Warren, and George Washington.

What does this picture tell you about the right to vote in colonial America?

1. Go to your library or search the Internet. Find information about what life in the colonies was like for one of the following groups:
   • children and adolescents
   • indentured servants
   • Native Americans
   • people held in slavery
   • women

2. The British colonies in America are generally divided into three regions, the New England Colonies, the Middle Colonies, and the Southern Colonies. Learn more about what life was like in each region. Write a brief summary for your class.

3. On an outline map of the United States, mark the following states:
   • New England
   • Middle Colonies
   • Southern Colonies

4. In the late 1700's the colonists were self-sufficient, able to grow their own food, make clothes, build homes, and thus sustain themselves. They were also well educated. Look at the help wanted ads in the newspaper. What kind of work do people do today? What educational levels are required for various types of work? Are people as self-sufficient today as they were in colonial times? How does life differ?

5. Life in colonial America was very different than life in England at that time. Read newspaper stories about countries around the world. Based on those stories, how does our life in America now compare with life in other countries? How do the rights we enjoy in America compare with the rights in those countries?

6. In colonial America only white men were allowed to own land and vote. Find articles in today's newspaper about minorities and women. Is there evidence that they have equal rights and freedoms? Do you believe that minorities and women have attained equality in our modern society? Write an essay explaining why or why not. Use facts from the newspaper articles and other sources to support your claim.
Why do we need government?

Our form of government is based on a set of ideas. These ideas establish what the purpose of government should be and what kind of government is best. This lesson introduces you to some of the basic ideas that were of great importance to the Founders. In this lesson you will learn about the idea of natural rights.

When you finish this lesson, you should be able to explain what the Founders believed to be the natural rights of human beings. You should also be able to explain why the Founders believed that the people need a government and how people create governments.

John Locke arrived at his ideas by imagining what life might be like if people were living in a state of nature. By this, Locke did not mean necessarily that people lived in the wilderness. Locke simply saw a state of nature as a condition in which no governments or laws existed at all.

What did John Locke mean by a state of nature?

By imagining life in a state of nature, Locke was able to answer some important questions like these:

1. What is human nature? For example, are all people mainly interested in their own welfare or do they tend to care for the good of others?
2. What should be the main purpose of government?
3. How do people who run government get the right to govern?
4. What kinds of government should people support and obey?
5. What kinds of government should people resist?

The Founders discussed and debated John Locke’s answers to these questions. The ideas of Locke were used in the Declaration of Independence to explain why Americans were opposed to British rule in the colonies. After winning the Revolutionary War, the Founders used most of the same ideas to write their state constitutions. The ideas of the natural rights philosophy also are important to the kind of government that we have today.

What were Locke’s ideas about natural rights?

John Locke believed that through reasoning we can determine what rights people would have in a state of nature. Locke reasoned that in a state of nature all people seek to have the following rights:

- **Life.** People want to survive. People want to be as safe as possible from threats to their lives.
- **Liberty.** People want to be as free as possible. People want to be able to make their own decisions and to live as they please.
- **Property.** People want to own the things that are necessary to survive, such as food, houses, tools, or land. People want the freedom to work and to gain economic benefits.

Locke said that the rights to life, liberty, and property are natural rights. These rights are a part of the law of nature. This means that all people have the rights to life, liberty, and property just because they are human beings.

The Founders believed that such rights as those to life, liberty, and property are not manmade. Instead, our rights are based on the laws of nature, which were made by God. The Declaration of Independence, for example, speaks of “the Laws of Nature and of Nature’s God.” It says that people are “endowed by their Creator” with certain basic rights and that no one has the right to take away these rights.

What were some of John Locke’s ideas about natural rights?

What did John Locke say might happen in a state of nature?

1. Locke believed that most people are reasonable and good. Most people respect the rights of others because their conscience tells them that they have a duty to do so. But people are also driven by their self-interest. A few humans are not so reasonable and good. Sometimes people who are stronger or more skilled abuse those who are weaker or less skilled.

2. Locke believed that in a state of nature, people protect their natural rights by using their own strength and skill. People who are weaker or less skilled would find it very hard to protect their rights. Instead, weaker people would try to protect their rights by joining together against the strong.

3. Locke believed that in a state of nature, no one’s life, liberty, or property would be safe. People would feel insecure. In a state of nature, there are no governments or laws to protect life, liberty, or property. This is why people agreed to form governments. According to Locke, governments do not exist until people create them.

4. Locke believed that in a state of nature, no one would have the right to govern you, and you would not have the right to govern anyone else. According to Locke, there is only one way that people get the right to govern anyone else. The people to be governed have to give their consent. Consent means to approve of something or allow something to take place. If the people have not given their consent to create a government, there is no legitimate government. In other words, the power of legitimate government comes from the consent of the people.
What might life be like in a state of nature?

It is now your turn to be a philosopher like John Locke. First, imagine that you and all the students in your school are living in a state of nature. You have plenty of food and other resources to maintain life and to live well. But there is no government and there are no laws or rules that you have to follow. There is no one to tell you what to do and no one to protect you.

With your partner or group discuss the following questions about your rights in a state of nature. Be prepared to share your ideas with your class. Finally, compare your ideas with those of John Locke after you read the section “What were Locke’s ideas about natural rights?”

1. What might be some advantages and disadvantages of living in a state of nature?
2. What rights, if any, might you expect to have in a state of nature?
3. What might people who are stronger and smarter than others try to do? Why?
4. What might people who are weaker or less skilled than others try to do? Why?
5. What might life be like for everyone living in a state of nature?
6. Would anyone have the right to govern you? Would you have a right to govern anyone else? Why?
7. What are some things the people could do to protect their lives, liberty, or property?

LESSON REVIEW

1. What are natural rights? How do people get their natural rights?
2. What might life be like for people living in a state of nature? Explain.
3. Where does government get its right to govern, according to the natural rights philosophy?
4. What is a social contract?
5. What is the main purpose of government according John Locke?

ACTIVITIES

1. In this lesson you learned about the social contract. Most passengers aboard the Mayflower signed the Mayflower Compact in 1620, before the ship landed in Plymouth. Read the Mayflower Compact below. Write a brief essay explaining how the Mayflower Compact is an example of a social contract.

Having undertaken, for the glory of God, and advancement of the Christian Faith and Honour of our King and Country, a Voyage to plant the First Colony in the Northern Parts of Virginia, do by these presents solemnly and mutually in the presence of God and of one another, Covenant and Combine ourselves together into a Civil Body Politick, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof, to enact, constitute, and frame such just and equal Laws, Ordinances, Acts, Constitutions, and Offices, from time to time, as shall be thought most meet and convenient for the general good of the Colony, unto which we promise all due submission and obedience.

2. Study editorial cartoons in the newspaper. Then draw an editorial cartoon that illustrates what life might be like in a state of nature. Use your cartoon to illustrate why we need government.

3. Read Lord of the Flies by William Golding. It is a novel about what happened when a group of young boys found themselves in a situation where there were no laws and no government. Share the story with your class. Does this story support Locke’s ideas? If so, which ones.

4. Read editorials in the newspaper to see how they are written. Then write an editorial that tells how the rights to life, liberty, and property apply to you and your family. Share your editorial with the class.

5. Use the entire newspaper including news articles, advertisements, editorials, and even the comics, to search for examples of the “natural rights” to life, liberty, and property. Which are the most important rights to you? Create a chart and rank your most important rights from highest priority to lowest.
What is republican government?

This lesson introduces the ideas of republican government, the common good, and civic virtue. These were ideas the Founders learned from studying the government of the ancient Roman Republic. You will learn how these ideas shaped the Founders’ thinking about the kind of government they believed to be best.

When you finish this lesson you should be able to explain the ideas of republican government, the common good, and civic virtue.

The Founders read what historians and the Romans themselves wrote about the people and government of the Roman Republic. The Founders learned that during the Republic, the Roman people governed themselves without a king. In the Roman Republic, both the common people and the aristocrats, or wealthy upper class, shared the power to govern.

The Founders called the government of Rome a republican government. Republican government is a type of government in which the:

- citizens have the power to govern
- citizens delegate or entrust their power to leaders they elect to represent them and to serve their interests
- citizens and their representatives work cooperatively to promote the common good rather than their own interests. The term common good, or common welfare, means that which is good for the community as a whole.

- Representatives are elected to serve the common good. A representative is a person elected to act and speak for others. The main purpose of republican government is to serve the common good. Representatives should not make laws to serve the interests of one person or one group. The representatives make laws that serve the entire community.

- Having representatives makes the laws more efficient. To make good and fair laws, you have to understand every problem well. But most people do not have the time to learn about every problem. Representatives can make laws faster and better because it becomes their responsibility to do so.

- The people have a say in their government. By delegating power to their representatives, the people do not give up their voice in government. The people still have to decide who will represent them. The people have to communicate their ideas and the actions they want taken to their representatives.

- The representatives are responsible to the people. The people hold their representatives responsible for making laws and fair laws. If the representatives do not make good and fair laws, the people can vote them out of office and select new leaders to represent them.

What are the advantages of a republican government in a large and diverse society?

What were the disadvantages of republican government?

The Founders worried about whether republican government might work in the colonies. The Founders saw that republican government as practiced in the Roman Republic had a few disadvantages. These are some of the possible disadvantages:

- Republican government works best in small communities. In small communities, the people know and care for each other and the common good. The colonies, on the other hand, occupied a large territory.

- The people have a say in their government. By delegating power to their representatives, the people do not give up their voice in government. The people still have to decide who will represent them. The people have to communicate their ideas and the actions they want taken to their representatives.

- The representatives are responsible to the people. The people hold their representatives responsible for making good and fair laws. If the representatives do not make good and fair laws, the people can vote them out of office and select new leaders to represent them.

What were the disadvantages of republican government?

James Madison was one of the most important Founders. We often call him “the Father of the Constitution” because he played such an important role in creating our Constitution. Madison adapted the idea of republican government to the reality of American life.

Madison defined the difference between a direct democracy and republican government in the following ways:

- In a direct democracy, the people themselves control government. The people create the laws they need. Direct democracy works best in small communities.

- In a republican government, the people’s representatives make the laws and run government. This makes it possible for those in government to administer a much larger area.

Madison believed that America could and should have a republican form of government. Laws would be made and administered by representatives elected by the people. Madison said that members of government should be elected by a large number of the people rather than by a small number or a favored group. Such a government was a democracy in the sense that it received its right to govern from the people as a whole. This kind of government is now called a representative democracy. In a representative democracy the people choose leaders to make and administer laws for their country.

Madison also believed that you could organize government in a way that might help to avoid the abuse of power by any one person or faction. You will study these ideas in the next lesson.
**Why should citizens promote the common good?**

Examine the ideas of “common good” and “self-interest” in the story about Cincinnatus. Then respond to the questions that follow it.

You might want to work with a partner or in groups of three. A spokesperson for each group should explain its answers to the rest of the class.

**Cincinnatus: A Model of Civic Virtue**

In the year 460 BC, Rome was in great danger. An army from the east was burning and plundering the countryside. The enemy surrounded the defending Roman army on all sides. The leaders of the government of Rome decided to ask Cincinnatus, a skilled military leader, to help them during this crisis. The government leaders sent messengers asking Cincinnatus to serve as dictator of the country for as long as the crisis might last. Cincinnatus was a hard working farmer with only four acres of land. When the messengers found him, he was quietly plowing the fields. Because he loved his country, he left his plow to go to Rome to lead the army. In a battle that lasted two days, his army defeated the enemy and saved the country. In gratitude, the people of Rome honored and praised Cincinnatus. But when the crisis was over, Cincinnatus did not try to remain as dictator of his country. He did not want continued power. Instead, he returned to his home and his life as a farmer and a citizen. By returning to his home, Cincinnatus showed that he valued being a good citizen of Rome more than he valued fame and personal power. He respected the government of Rome. He did not want to use his popularity to take power away from the representatives elected by the citizens.

1. What is the common good as represented in this story? What are the self-interests represented in the story? Do you agree with the actions taken by Cincinnatus? Why or why not?
2. Describe a person you know or a leader in our nation who you think has civic virtue. Give reasons for your opinion based on the person’s life.
3. Explain some situations where you think you should put the common good above your own interests.
4. Explain some situations in which you might not want to put the common good above your own interests.
5. Explain some situations in which people might disagree about what is best for the common good. What should be done when there are such disagreements? Why?

**Why is civic virtue necessary for republican government to work well?**

The Founders thought that republican government was possible in Rome only because of the high degree of civic virtue of the Roman citizens. Civic virtue meant that both citizens and their leaders were willing to set aside their private interests and personal concerns for the common good.

The Founders thought that civic virtue was important to make a government work well. Citizens need to participate in their government to promote the common good.

Madison understood the importance of civic virtue to good government. In this way, he was like the other Founders. Madison also accepted Locke’s view of human nature. He believed that people are prompted to act by their self-interest. He thought that the pursuit of self-interest could in its own way further the common good. For example, a statesman’s desire for fame and admiration from others could lead him or her to practice civic virtue. The common good could be served by individuals pursuing their economic self-interest. Each would contribute to the general prosperity.

Madison also realized that as people pursue their own interests they sometimes act against the interests of the common good. He knew that civic virtue alone could not be relied upon. Madison wanted a government that would fit human nature as it is, not as one might wish it to be.

**Do you agree with the view that a statesman’s desire for fame and admiration can lead him or her to pursue the public good? Why or why not?**

**How did the colonists teach the values of republican government?**

People living in the American colonies were taught the value of civic virtue and other values of republican government in many ways. Parents taught these values to their children. Teachers taught them in school. Clergy taught them in sermons and writings.

Leading citizens of the country were expected to set good examples. The values of republican government were a part of the customs and traditions of the people.

The ideas and values of the Roman Republic were promoted throughout the American colonies in the stories that people read. Public buildings designed to resemble the buildings of ancient Rome also reminded people of the ideas and values of the Roman Republic.

The Founders thought it was important to teach and promote civic virtue among citizens. They believed that the Roman Republic had failed in the end because its citizens lost their civic virtue. They had promoted their own interests at the expense of the common good.

Before the time of the American Revolution, the Founders had come to believe strongly in the ideals of republican government. They thought that Great Britain was violating these ideals. They claimed the British government was guilty of serving selfish interests at the expense of the common good. It had violated those rights that good government was supposed to protect.

After the Revolution, the Founders were able to establish their own government. They tried to make sure this government would not violate their rights. An essential step, they thought, was to create a constitutional government. You will learn what a constitution and constitutional government are in the next lesson.

**Activities**

1. His fellow Americans often referred to George Washington as “our Cincinnatus.” Find stories and works of art that illustrate the life of George Washington as a model of civic virtue. Share what you learned with your class.

2. Many government buildings in Washington, D.C., and state capitals across the country look like Greek or Roman buildings. Find photographs of government buildings. Compare them with drawings or photographs of ancient Greek or Roman buildings. Explain how this architectural style in our country symbolizes the influence of ancient Greece and Rome on the Founders.

3. In this lesson you learned about the values taught in colonial communities. The excerpts below are from the BlueBack Speller, a popular school text of the late 1700s. What values do the lessons stress? Draw a poster or cartoon illustrating one of the lessons.

   **Lesson 6:**
   I will not walk with bad men; that I may not be cast off with them.
   I will love the law, and keep it.
   I will walk with the just, and do good.

   **Lesson 12:**
   Be a good child; mind your book; love your school and strive to learn.

   Tell no tales; call no ill names; you must not lie, nor swear, nor cheat, nor steal.
   Play not with bad boys; use no ill words at play, spend your time well, live in peace, and shun all strife.

   This is the way to make good men of you, and save your soul from pain and woe.

4. Look through different issues of your local newspaper. Find articles that concern the common good in your community. Share the articles with your class.

5. Find articles in the newspaper about elected officials enacting laws or acting on behalf of citizens. Are these elected officials local, state, or national representatives? Discuss the limits those elected officials may have based on what level of government they represent.
What is constitutional government?

This lesson introduces the ideas of a constitution and constitutional government. It also introduces the idea that a constitution is a higher law.

When you finish this lesson, you should be able to explain the ideas of a constitution, constitutional government, and higher law. You should also be able to explain some of the important differences between constitutional governments and autocratic or dictatorial governments.

What is a constitution?

A constitution is a legal framework for government. A constitution tells how a government is organized and run. Every nation has a constitution. Both good and bad governments have constitutions.

Most constitutions are in writing. The United States and Russia are two examples of countries with written constitutions. Some constitutions contain both written and unwritten parts. The British constitution is the best-known example of this kind of constitution because it is based on both written laws and unwritten customs. It also is possible to have a constitution that is not in writing at all. Many societies in history had constitutions based on unwritten customs and traditions.

You can learn about a government and its citizens by studying a nation’s constitution. Here are some of the questions a constitution usually answers:

**QUESTIONS ABOUT GOVERNMENT**
- What are the purposes of government?
- What is the organization of government? What parts does it have? What does each part do?
- How is government supposed to go about doing its business? For example, how does the government make its laws?
- How are people selected to serve in government?

What is a constitutional government?

Having a constitution does not mean that a nation has a constitutional government. A constitutional government means that there are limits on the powers of the person or group running government. The word “limits,” as used here, means things that government may not do or actions that it may not take.

Our Constitution limits the power of government. The limits are written into the Constitution. For example, the courts cannot force a person to be a witness against himself. The courts cannot deny the accused the right to an attorney.

In some nations, the power of government is not limited. It is possible for the constitution of a nation to provide for unlimited use of power. In other cases, the constitution of a nation might say that the power of government should be limited. But, it might neglect to say how those limits are to be enforced.

Suppose the constitution of a nation does not limit the powers of its government. On the other hand, suppose it limits the power, but those limits are not enforced. In either case, the government is not a constitutional government. We call government of unlimited power an autocratic or dictatorial government.

**QUESTIONS ABOUT CITIZENS**
- Who is a citizen?
- Are citizens supposed to have control over their government? If so, how is this control supposed to work?
- What rights and responsibilities, if any, are the citizens supposed to have?

What is the advantages of constitutional government?

What role does a Constitution play in a constitutional government?
PARTICIPATING IN A CLASS ACTIVITY

How would you solve this issue of power?

Read “The Tragedy of Antigone.” The story has been summarized and adapted from a Greek play written in 442 BC by Sophocles.

In the drama, Antigone disobeys her uncle, Creon, the ruler of Thebes. The government of Thebes was a monarchy. A monarchy is a form of government in which political power is held by a single ruler such as a king or queen. The king ruled the city; he made and enforced the laws and he decided on punishments for people who violated his laws. The story raises questions about limits on the power of government.

THE TRAGEDY OF ANTIGONE

Thebes was an important city in ancient Greece. Antigone lived there with her sister, Ismene, her two brothers, Polyniceus and Eteocles, and their uncle Creon.

The citizens of Thebes had chosen Eteocles, the younger brother, to be their king. Polyniceus believed that since he was older it was his right to rule the land. The two brothers quarreled and Eteocles banished Polyniceus from the city.

Polyniceus left Thebes and gathered a large army to fight his brother for the throne. It was a long and bitter civil war; many people died and much property was destroyed. Finally, Polyniceus and Eteocles killed each other.

The people of Thebes immediately elected Creon to be their next king. Creon decreed that Eteocles was to receive a hero’s funeral for defending the city. But Polyniceus was to rot on the battlefield. Any person who tried to bury Polyniceus would be put to death.

“These are my laws!” Creon declared. “Only by these laws can our city be safe and prosper. Only by obedience to these laws can we avoid civil war and ruin.”

The citizens of Thebes debated the wisdom of Creon’s law. On one side, many people were opposed to it. These people believed it was the duty of the living to bury the dead. According to this belief, unburied souls were doomed to wander alone throughout eternity. This group of people complained that Creon’s law violated their rights without a good reason for doing so.

Other citizens supported Creon. They believed that Creon’s law was justified because the city had suffered from rebels and lawbreakers. It was the king’s duty to decide what to do with people who violated the law. They felt that the fate of Polyniceus could serve as an example to those who did not respect the laws of the king.

Antigone believed that the laws of the gods were more important than the laws of any ruler. So to this belief, unburied souls were doomed to wander alone throughout eternity. This group of people complained that Creon’s law violated their rights without a good reason for doing so.

Antigone decided to bury the body of her brother. “I will never be false to my brother,” she said. Antigone attempted to convince Ismene to help her.

“Are you not going too far, exceeding the limits, when you do what the king has forbidden?” Ismene asked of Antigone. “I do not wish to dishonor our brother, but I have no strength to defy the king. If we defy Creon’s law, we will perish! Since we must obey Creon’s law, we can ask the gods for forgiveness,” Ismene said.

“Obey the law if you must, Ismene. I will not urge you further to join me,” Antigone replied.

Later that day, a guard suddenly burst into the garden where Creon was resting. The guard brought the news that Polyniceus had been buried. Creon angrily gave orders to find the guilty person. The guard returned with Antigone in custody.

“Tell me, did you not know that there is a law forbidding what you did? Why did you disobey it?” Creon asked. “You are my niece, how can this be?”

“I knew the law,” Antigone answered. “If I had allowed my brother to lie unburied, that would have disturbed me deeply. Your law is not part of eternal justice. I disobeyed your law. I am not sorry for what I did,” Antigone said to Creon.

“This brother of yours was attacking his own country,” Creon replied. “The gods require no such loyalty to evil doers. It is my duty to produce order and peace in this land. If I do not act, the citizens of Thebes will think me weak. The public order, the state itself will be in jeopardy. It is the laws of the state that hold this city together. If those who break the law go unpunished, we will be a lawless city. Even the innocent will suffer. You have thrown away your future happiness, Antigone,” Creon said. “You make it impossible for me to avoid putting you to death. Guards, take this woman and lock her away!”

As the guards escorted Antigone from the garden, she turned to Creon and said, “You further violate the rights of the people by passing sentence upon me without a fair and public hearing.”

PREPARING

As you were able to observe in the story, there were no laws that set reasonable limits on the power of the king. But, the king had a council of advisers, as in some other cities of ancient Greece. The role of the council was to investigate...
Antigone. Prepare arguments in favor of limiting the power of the king. Base your arguments on what you read about Antigone in the story. During your presentation, propose specific limits on the king's power that you would like the council to recommend to Creon.

Citizens Who Support Antigone. Prepare arguments that favor limiting the power of the king. Present specific reasons why you support Antigone's point of view.

Ismene. Prepare arguments that represent Ismene's point of view. Present specific reasons why you hold this opinion.

Council of Advisers. Reread the story and study the role of each group. Then prepare questions to ask each group during the hearing. Select a member of your group to be the president.

Presenting
The president of the Council of Advisers will call the session to order and explain the purpose of the meeting.

Each group has four minutes to make a formal presentation to explain its position to the council.

After each presentation, council members may ask questions of the group. Every member of the group should help answer the council's questions.

After the hearing, the Council of Advisers will meet to decide what recommendations, if any, to make to the king. The council will then share its decision with the class.

Evaluating
After the council has made its decision, the class as a whole should evaluate the decision. Each student should answer the evaluation questions below and share their conclusions with the class.

- What were the strongest arguments made against limiting the power of the king? Which arguments were the weakest?
- What were the strongest arguments made in favor of limiting the power of the king? Which arguments were the weakest?
- What did you learn about the importance of constitutional government as a result of this activity?

Activities
1. In the history of the world, there have been governments that ignored the limits on their power. Conduct research on one of these governments and write a short report on your findings. Then share it with your class.
2. In the newspaper find stories about countries that have a limited government and countries that have unlimited government. Paste the articles about either limited or unlimited government on a poster. On the poster list the rights and responsibilities of the citizens, or lack of them, you can infer from the articles selected.
3. Review editorial cartoons in the newspaper to see how they are done. Then draw your own editorial cartoon that illustrates the difference between a constitutional government and a dictatorial government.
4. In the newspaper find stories about countries that have a limited government and countries that have unlimited government. Paste the articles about either limited or unlimited government on a poster. On the poster list the rights and responsibilities of the citizens, or lack of them, you can infer from the articles selected.

Lesson Review
1. What is a constitution? What can you learn about a nation's government by studying its constitution?
2. Explain the differences between a constitutional government and an autocratic or dictatorial government.
3. What are the characteristics that define a constitution as a "higher law"?
4. Identify two areas of private life in which you think government should not interfere. Explain why you think government should not intrude in these areas.
How might people organize government to prevent the abuse of power?

Constitutional governments are designed to protect the people from abuses of government power. In this lesson you learn how people might organize government to make the abuse of power less likely.

When you finish this lesson, you should be able to explain the ideas of separation of powers and checks and balances; know the Founders’ reasons for creating a system that limits governmental power; and list some powers of the three branches of government.

Why did the Founders fear the abuse of power?

The Founders knew that throughout history many governments had used their power unfairly. This is why they created the system of limits on power described in this lesson. To understand their thinking, read the quotations below. Then, with a partner, discuss the questions that follow.

1. What does each quotation mean?
2. What view of human nature did Alexander Hamilton, Benjamin Franklin, and George Mason share?
3. Do you agree or disagree with these views of human nature? Why or why not?
4. If you do agree with these views of human nature, how would you organize our government to protect your rights?

Why did the Founders believe that all governments need limits on their power?

“Give all power to the many, they will oppress the few. Give all power to the few, they will oppress the many.”

—ALEXANDER HAMILTON

“There are two passions which have a Powerful influence on the affairs of men. These are ambition and avarice [greed]; the love of power and the love of money.”

—BENJAMIN FRANKLIN

“From the nature of man, we may be sure that those who have power in their hands...will always, when they can...increase it.”

—GEORGE MASON
How does separation of powers work?

A study of constitutional governments shows that they are often divided into three different groups or branches. The power of government is not given to any one branch. Instead, some of the power is given to each branch. This is called separation of powers. For example, we divide our government into the following three branches:

- the legislative branch has the power to make laws
- the executive branch has the power to carry out and enforce laws
- the judicial branch has the power to manage conflicts about the meaning, application, and enforcement of laws.

How does a system of checks and balances work?

The phrase checks and balances means that the powers of the different branches of government are balanced. No one branch has so much power that it can completely dominate the others. Although each branch of government has its own special powers, the powers are checked because some powers are shared with the other branches.

According to our Constitution, Congress is the legislative branch. It has the power to make laws. The power of Congress is divided between two houses, the House of Representatives and the Senate. Each house can check the power of the other by refusing to pass a law proposed by the other house.

In addition, our Constitution gives the executive and judicial branches ways to check and control the power of Congress to make laws. For example:

- A bill is a proposed law. When Congress passes a bill, the president must sign it before it can become law. The president has the right to refuse to sign a bill. If this happens, the bill cannot become a law unless Congress votes again and passes the bill by a two-thirds majority of both houses.
- The U.S. Supreme Court can check the power of Congress. The Court can declare a law to be in violation of the Constitution and, therefore, invalid.

There are similar ways to check the powers of the president and U.S. Supreme Court. You will learn more about the system of checks and balances in a later lesson in a future supplement.

This system of separation of powers and checks and balances helps ensure that government power is limited. Because constitutional governments are organized in complicated ways, getting things done may take time. Although it might seem strange, this is often considered an advantage. Many people think that these complications make it more likely that when government does finally make a decision, it will be a well thought out one.

Which branch of government has the final say about whether a law is constitutional?
1. How does a system of separation of powers work?

2. What are the three branches of our government and what power does each hold?

3. How does a system of checks and balances work? Give some examples.

4. The separation and sharing of powers means that government cannot reach decisions quickly. Why might this be an advantage? Why might it be a disadvantage?

1. Read Articles I, II, and III of the U.S. Constitution. Then, examine the constitution of your state.

Create two charts that illustrate the process of checks and balances, one for in your state government and one for the U.S. government. Share your charts with the class.

2. Find newspaper or news magazine articles that illustrate our system of separation of powers and checks and balances. Use the articles to create a bulletin board for your classroom.

3. Collect a series of articles from the newspaper in which the two houses of the U.S. Congress are exercising their powers. Select an issue in which there is disagreement between the Senate and the House of Representatives. Draw a Venn diagram that illustrates each house’s position on the issue. Show the places the two bodies differ within their own circle and show where they agree in the overlapping portion of the diagram.

4. Find newspaper stories where the executive or judicial branches of government are using their power to carry out, enforce, or deliberate a law enacted by Congress. Which cabinet office of the executive branch or what level of the judicial branch is taking the action? Write a summary of what occurred and how the branch was involved.

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