Unit One: What Are the Philosophical and Historical Foundations of the American Political System?

**Unit 1 Purpose**

The people who led the American Revolution, which separated the American colonies from Great Britain, and who created the Constitution, which established the government we have today, were making a fresh beginning. However, they also were heirs to philosophical and historical traditions as old as Western civilization.

The Founders were well read. "I cannot live without books," Thomas Jefferson once told John Adams. Jefferson's library of approximately 6,500 volumes formed the core of the Library of Congress. Adams reputedly read forty-three books during the year he turned eighty-one years old. These Americans were familiar with the history, philosophy, and literature of the ancient world as well as with the ideas of their own time. They also studied English history and law, from which their constitutional traditions derived. And religion was an important part of the Founders' education. They knew the Bible and its teachings.

Moreover, the knowledge that these people possessed was not limited to what they read in books. In creating the new nation, they drew on their experiences. Many of the Constitution's Framers had fought in the American Revolution and had served in colonial government before America won its independence. They also had experience governing the newly independent states. They used this knowledge and experience when they wrote the Constitution. An understanding of what they learned will help you understand why they wrote the Constitution as they did and why we have the kind of government we have today.

This unit provides an overview of some important philosophical ideas and historical events that influenced the writing of the Constitution and the Bill of Rights. It is particularly important to understand the content of this unit because it provides a frame of reference and a basis for understanding the other units in this text. You will appreciate why our history as a people has been a great adventure in ideas and in trying to make these ideas a reality.

**Unit 1 Terms**

***stare decisis***
**capitalism**
**charter**
**checks and balances**
**city-state**
**civic virtue**
**classical republicanism**
**common good**
**common law**
**compact**
**consent of the governed**
**constituent**
**constitution**
**constitutional government**
**covenant**
**democracy**
**divine right**
**feudalism**
**forms of government**
**inalienable rights**
**indentured servant**
**Judeo-Christian**
**law of nature**
**legislative supremacy**


**limited government**
**magistrate**
**Magna Carta**
**Mayflower Compact**
**nation-state**
**natural rights**
**Parliament**
**political legitimacy**
**popular sovereignty**
**precedent**
**private morality**
**public morality**
**pursuit of happiness**
**redress of grievances**
**republic**
**right to revolution**
**rights of Englishmen**
**rule of law**
**social contract theory**
**sovereignty**
**state of nature**
**suffrage**
**unwritten constitution**
**veto**
**writ of assistance**
**writ of habeas corpus**
**written constitution**

**Unit 1 Biographies**

**John Adams** (1735-1829)

**Aristotle** (384-322)

**Roger Bacon** (1214-1294)

**William Blackstone** (1723-1780)

**John Calvin** (1509-1564)

**Charles I** (1600-1649)

**Charles II** (1630-1685)

 **Cicero** (106-43)

**Nicolaus Copernicus** (1473-1543).

**William Dawes** (1745-1799)

**Rene Descartes** (1596-1650)

**Elizabeth I** (1533-1603)

**Benjamin Franklin** (1706-1790)

 **Galilei Galileo** (1564-1642)

**Alexander Hamilton** (1755-1804)

**Henry VIII** (1491-1547)

**Thomas Hobbes** (1588-1679)

**James I** (1566-1625)

**John Jay** (1745-1829)

**Thomas Jefferson** (1743-1826)

**King of England John** (1167-1216).

**Johannes Kepler** (1571-1630)

**John Locke** (1632-1704)

**Martin Luther** (1483-1546)

**Niccolo di Machiavelli** (1469-1527)

**James Madison** (1751-1836)

**George Mason** (1725-1792)

**George Mason** (1725-1792)

**Montesquieu** (1689-1755)

**Thomas More** (1478-1534)

**Isaac Newton** (1643-1727

**James Otis** (1725-1783)

**Thomas Paine** (1737-1809)

**Paul Revere** (1735-1818

**Adam Smith** (1723-1790)

**George Washington** (1732-1799)

**William The Conqueror** (1027-1087)

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| http://www.civiced.org/wtpcompanion/hs/image/qwdspacer.gif |
|  |
|  | **Unit 1 Court Cases** **[Baker v. Carr (1962)](http://tinyurl.com/yztrwpx%22%20%5Ct%20%22_blank)****[Buck v. Bell (1927)](http://tinyurl.com/yhsntke%22%20%5Ct%20%22_blank)****[Bush v. Gore (2000)](http://tinyurl.com/7zz7u%22%20%5Ct%20%22_blank)****[Clinton v. City of New York (1997)](http://tinyurl.com/mw32d%22%20%5Ct%20%22_blank)****[Clinton v. Jones (1997)](http://tinyurl.com/35y2dw%22%20%5Ct%20%22_blank)****[Ex Parte Milligan (1866)](http://tinyurl.com/yjd928g%22%20%5Ct%20%22_blank)****[Griswold v. Connecticut (1965)](http://tinyurl.com/c32fm%22%20%5Ct%20%22_blank)****[Hamdan v. Rumsfeld (2006)](http://tinyurl.com/yfdql2m%22%20%5Ct%20%22_blank)****[Harper v. Virginia (1966)](http://tinyurl.com/b2lzf%22%20%5Ct%20%22_blank)****[Hawaii Housing Authority v. Midkiff (1984)](http://tinyurl.com/yz59k96%22%20%5Ct%20%22_blank)****[INS v. Chadha (1983)](http://tinyurl.com/yz98phm%22%20%5Ct%20%22_blank)*****[Katz v. United States (1967)](http://tinyurl.com/ykmwc58%22%20%5Ct%20%22_blank)******[Kelo v. City of New London (2005)](http://tinyurl.com/aeq2w%22%20%5Ct%20%22_blank)******[Luther v. Borden (1849)](http://tinyurl.com/yh4k3j4%22%20%5Ct%20%22_blank)******[Mapp v. Ohio (1961)](http://tinyurl.com/c2x7ag%22%20%5Ct%20%22_blank)******[Marbury v. Madison (1803)](http://tinyurl.com/qf2vw%22%20%5Ct%20%22_blank)******Facts of the Case:****The case began on March 2, 1801, when an obscure Federalist, William Marbury, was designated as a justice of the peace in the District of Columbia. Marbury and several others were appointed to government posts created by Congress in the last days of John Adams's presidency, but these last-minute appointments were never fully finalized. The disgruntled appointees invoked an act of Congress and sued for their jobs in the Supreme Court.* ***Question:****Is Marbury entitled to his appointment? Is his lawsuit the correct way to get it? And, is the Supreme Court the place for Marbury to get the relief he requests?* ***Conclusion:****Yes. Yes. It depends. The justices held, through Marshall's forceful argument, that on the last issue the Constitution was "the fundamental and paramount law of the nation" and that "an act of the legislature repugnant to the constitution is void." In other words, when the Constitution--the nation's highest law--conflicts with an act of the legislature, that act is invalid. This case establishes the Supreme Court's power of judicial review.****Citation****The Oyez Project, Marbury v. Madison, 5 U.S. 137 (1803) available at: (http://oyez.org/cases/1792-1850/1803/1803\_0)****[Minersville v. Gobitis (1940)](http://tinyurl.com/5xy6n%22%20%5Ct%20%22_blank)******[National Labor Relations Board v. Jones and Laughlin Steel (1937)](http://tinyurl.com/yzqd3at%22%20%5Ct%20%22_blank)******[New Jersey v. TLO (1985)](http://tinyurl.com/yj7mvtn%22%20%5Ct%20%22_blank)******[Planned Parenthood v. Casey (1992)](http://tinyurl.com/ayxc4%22%20%5Ct%20%22_blank)******[Rumsfeld v. Padilla (2004)](http://tinyurl.com/yfeltso%22%20%5Ct%20%22_blank)******[Schechter Poultry Corporation v. United States (1935)](http://tinyurl.com/yzojh4h%22%20%5Ct%20%22_blank)******[Schenck v. United States (1919)](http://tinyurl.com/yzrtftd%22%20%5Ct%20%22_blank)******[Skinner v. Oklahoma ex rel. Williamson (1942)](http://tinyurl.com/ygc38ws%22%20%5Ct%20%22_blank)******[Terry v. Ohio (1968)](http://tinyurl.com/yf2jhc2%22%20%5Ct%20%22_blank)******[Texas v. Johnson (1989)](http://tinyurl.com/yhlbm3p%22%20%5Ct%20%22_blank)******[United States v. Butler (1936)](http://tinyurl.com/yhnr95z%22%20%5Ct%20%22_blank)******[United States v. Darby (1941)](http://tinyurl.com/yzywvsl%22%20%5Ct%20%22_blank)******[United States v. Lopez (1995)](http://tinyurl.com/m4o8en%22%20%5Ct%20%22_blank)******[United States v. Nixon (1974)](http://bit.ly/3PoVL%22%20%5Ct%20%22_blank)******[Wisconsin v. Yoder (1972)](http://tinyurl.com/yzprz65%22%20%5Ct%20%22_blank)******[Youngstown Sheet and Tube Co. v. Sawyer (1952)](http://tinyurl.com/yhqojdw%22%20%5Ct%20%22_blank)*** |

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**UNIT ONE websites to look at for current events:**

www.constitutioncenter.org/education click on “Constitution Newswire”

www.billofrightsinstitute.org click on “Bill of Rights News Headlines”
**Examples of Follow Up Questions:**

For every question: What are 2 or 3 additional examples you didn’t state in your 4-minute answers. For example, additional Enlightenment guys and their views.

What countries or places in the world today, if any, seem to not be operating under rule of law or limited government? (Hint- look at Pakistan, Russia, Venezuela)

What is civic virtue, and who is an American who demonstrates this? Explain.

( you may not use George Washington, Abraham Lincoln, Rosa Parks, or Martin Luther King)

Some people argue that voting should be mandatory. Does this reflect the influence of natural rights philosophy or classical republicanism? (The question isn’t asking you if voting itself is s good idea – it is implying that you should discuss whether mandatory voting is a good idea. Many democratically based nations do have mandatory voting, so it’s not a crazy idea.)

What are the dangers, if any, of a society influence strictly by classical republicanism?

What are the dangers, if any, of a society influenced strictly by natural rights philosophy?

What is a “social contract”? What is the relationship of a social contract to classical republicanism?

What are the difference between a constitutional government and an autocratic dictatorial government?

Is it possible for a democracy to function without a written constitution? Explain your position, including examples. (Hint: Great Britain doesn’t have a single written constitution. It has lots of historic documents and tradition that create its constitution. So you’d need to come up with some of those documents.)

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

How do you explain the difference between a limited gov’t and an unlimited gov’t?

Is the Magna Carta is considered to be the original source of constitutionalism. Why?

How does separation of powers and checks & balances in the U.S. Constitution promote limited government?

Some critics insist that the president ha too much power today compared with the pat. Do you agree or disagree? Does the current power of the president violate the rights first established in Magna Carta?

Does the “necessary and proper” clause in Article I of the constitution give too much power to the government? Why or why not?

What were the “rights of Englishmen” and where did they come from?

How did the Petition of Right, Habeas Corpus Act and English Bill of Rights contribute to the development of constitutional government in Great Britain?

How did the Declaration of Independence reflect the ideas of the Enlightenment?

In what ways was the English Bill of Rights different from the U.S. Bill of Rights?

Why did colonial governments become more representative than Britain’s?

How and why did the Massachusetts constitution differ from those of the other states?

What is the difference between a democracy and a republic? What aspects of the U.S. government are characteristic of a democracy, and what aspects are characteristic of a republic?

Why was the concept of natural rights a bold, new departure from previous uses of the term “rights” in Europe? Who had rights before this?

What countries of places in the world today, if any, are operating in a state of nature? Should the rest of the world be concerned about hem? Why or why not? (Hint: Somalia- pirates off the coast have been attacking ships.)

What constitutional principles are within the U.S. Constitution, and were in early state constitutions?

Who were the Enlightenment thinkers (other than Locke) who the Founders read? Look at their personal libraries- Jefferson, John Adams, etc.