

CHAPTER 3 THE CONSTITUTION

LEARNING OBJECTIVES

After reading this chapter, you should be able to:

- Define the key terms at the end of the chapter.
- Analyze the conflict between Britain and the colonies.
- Explain how the colonial and revolutionary experiences shaped America's first attempt at self-government under the Articles of Confederation.
- Account for the failure of the Articles of Confederation.
- Outline the main features of the Virginia and New Jersey Plans and describe the major compromises made by the delegates at the Constitutional Convention.
- Explain the four basic principles underlying the Constitution and show how they reflected the Americans' revolutionary values.
- Discuss the way the issue of slavery arose at the Constitutional Convention.
- Summarize the provisions of each article of the Constitution.
- Describe the formal and informal processes of constitutional change.
- Explain how the promise of a bill of rights was used to ensure ratification of the Constitution.

THE CONSTITUTION AND THE CHALLENGE OF DEMOCRACY

Contemporary efforts to craft a constitution for the European Union raise the types of questions and challenges that Americans had to confront in the 1780s. The U.S. Constitution was designed to reconcile order with freedom, a problem the text calls the original dilemma. The founders recognized the need for government to protect life, liberty, and property, but they had just won their freedom from Britain and they feared that a new, remote national government might threaten the very freedoms it was established to protect. In their first attempt to create a government under the Articles of Confederation, they gave too little power to the national government. As a result, that government was unable to maintain order in the society or economy. In drawing up the Constitution, the founders looked for ways to maintain order through the national government while still safeguarding freedom. To achieve this end, they designed four principal tools: the separation of powers, checks and balances, republicanism, and federalism.

Although the founders paid a great deal of attention to the conflict between order and freedom, they were not particularly concerned with the tension between freedom and equality; after all, as the authors of the text point out, that is a modern dilemma. The eighteenth-century document accepted slavery and left the qualifications for voting up to the states. As a result, African Americans, women, and poor people were all excluded from the political process. Only later did these matters of social and political equality become issues.

With respect to the text's second theme—the conflict between pluralist and majoritarian models—this chapter points out that the constitutional order was designed to be pluralist. The founders were afraid of majority rule and relied on factions counteracting one another—a mechanism characteristic of pluralism.

CHAPTER OVERVIEW

Creating a government and establishing the rule of law has challenged numerous philosophers and politicians. Securing liberty, establishing order, and creating equality all need to be balanced, and then future change has to be anticipated and a mechanism to deal with it created. Although the U.S.

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Table of Contents Pearson Constitution Test

1. Understanding the eBook Pearson Constitution Test
 - The Rise of Digital Reading Pearson Constitution Test
 - Advantages of eBooks Over Traditional Books
2. Identifying Pearson Constitution Test
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Pearson Constitution Test
 - User-Friendly Interface
4. Exploring eBook Recommendations from Pearson Constitution Test
 - Personalized Recommendations
 - Pearson Constitution Test User Reviews and Ratings
 - Pearson Constitution Test and Bestseller Lists
5. Accessing Pearson Constitution Test Free and Paid eBooks

- Pearson Constitution Test Public Domain eBooks
 - Pearson Constitution Test eBook Subscription Services
 - Pearson Constitution Test Budget-Friendly Options
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 - ePub, PDF, MOBI, and More
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 - Pearson Constitution Test Enhanced eBook Features
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 - Adjustable Fonts and Text Sizes of Pearson Constitution Test
 - Highlighting and Note-Taking Pearson Constitution Test
 - Interactive Elements Pearson Constitution Test
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 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Pearson Constitution Test
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 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
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 - Setting Reading Goals Pearson Constitution Test
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Pearson Constitution Test
 - Fact-Checking eBook Content of Pearson Constitution Test
 - Distinguishing Credible Sources
 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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