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MASTER THESIS

INVESTIGATING THE BASES ON WHICH THE FOUNDING FATHERS RELIED UPON IN DRAFTINGTHE UNITED STATES CONSTITUTION.

THE CASE STUDY: THE PHILADELPHIA CONVENTION 1787-1789

A Dissertation Submitted In Partial Fulfillment for the Requirement of a Master Degree in Literature and Civilization

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I humbly dedicate this work to whom may ever read this.

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Abstract

The United States Constitution has 4,400 words. It is the oldest and shortest written Constitution of any major government in the world. Its efficiency and unique character has always been a subject of fascination. This dissertation, therefore, aims to investigate the approaches that the founding fathers relied upon in drafting the Constitution during the Philadelphia Convention (1787-1789). Accordingly, to conduct this research, we utilized the methods of qualitative approach, precisely the use of descriptive, analytical, and interpretive methods. The first chapter provides a historical account of the proceedings, debates, and decisions that took place in the target case study: the Philadelphia Convention, 1787-1789, whereas, the second chapter is an extensive examination of the principal elements that comprise the framework and the form of the government established by the Constitution of 1787, which contributed to its success. In this case, the seven principles of Popular Sovereignty, Republicanism, Federalism, Separation of Powers, Checks and Balances, Limited Government, and Individual Rights. Finally, the third chapter shows the foundations that guided the framers in drafting the Constitution by providing the ideological origins of each principle. Findings of the research illustrate that the UnitedStates Constitution is the sum of compromises and adjustments, and it based on certain principles devised by the founding father intentionally, as a result, to their study of Classic Political History, and an observation of the social circumstances at the time of the Philadelphia Convention of 1787-1789.

Keywords: *The United States Constitution, the Philadelphia Convention, the seven principles, the Ideological Origins.*

Glossary of Concepts

Constitutional Convention: The Constitutional Convention took place from May 14 to September 17, 1787, in Philadelphia, Pennsylvania, to problems in governing the United States of America, which had been operating under the Articles of Confederation following independence from Great Britain.

Amendment: An addition and/or alteration to the Constitution.

Articles of Confederation: Before the Constitution was ratified, the thirteen states joined in a loose confederation from 1781 until 1789. The Articles of Confederation established a single legislative branch, without an executive or legislature. This national government depended on the states for funding and any changes in the Articles required the unanimous approval of the states.

Ratification: The Constitution established that it would be confirmed when ratified, or approved, by nine of the thirteen states, and that all amendments must be ratified by two-thirds of the Senate and House and three-quarters of the states. Amendments can be ratified by the state legislatures or by elected state conventions.

Electoral College: the name for the "indirect" process by which the people elect the president. The "electors" are determined by the number of representatives each state (including Washington, D.C.) has in the House of Representatives and Senate. In a presidential election year the "electors" meet in their respective state capitals on the first Monday after the second Wednesday to "vote" for the President.

Quorum: the smallest number of members who must be present to conduct official business.

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General Introduction

"The United States has the oldest written national framework of government in the world" (Digital History). There were approximately 159 other national constitutions in the world at the end of the twentieth century, with 101 having been adopted since 1970. For more than two decades, the United States has been governed by a single system of government (Mintz). In contrast, to the rest of the world.

Almost all national constitutions in use today bear the imprint of the 55 men who met in Philadelphia in the summer of 1787 to lay the groundwork for the United States government. They are written constitutions, similar to the US Constitution. They also outline human and civil rights that are similar to those outlined in the US document. A Bill of Rights is a very common type of document. Many nations adhereto the principles of American Constitutionalism, such as the Separation of Powers, theBill of Rights, a bicameral legislature, and a presidential form of (Digital History). Due to its abstract nature, the 1787 Constitutional Convention created a governmentalsystem that has not only lasted two centuries but has also served as a model for freedom-loving citizens all over the world.

In almost every way imaginable, the United States has been radically transformed over the past two centuries. Its foreign policy steadily changed and developed from isolationism to internationalism, its culture suffered many waves and trends such as multiculturalism, which rendered its society to be ethnically and racially more inclusive, yet the basic framework of government has remained unchanged.

Literature review

Mainly, all the inquiries conducted about how the United States Constitution survived the test of time, and its ability to adapt to every social trend that it faced from

its creation until our present day, circle around the internal aspects that the document holds. For example “If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates” (Washington), in his Farewell Address, George Washington points out the power of amendments and the flexibility that the document holds, but still remarking on the rigidness it is characterized by “But let there be no change by usurpation; for though this, in one instance, maybe the instrument of good, it is the customary weapon by which free governments are destroyed.” (Washington).

Another founding father, James Madison, in one of his essays, known as the Federalist papers, explains and defends the idea of a "Checks and Balances" system in the Constitution. Each branch of government is framed so that its power checks the power of the other two branches; additionally, each branch of government is dependent on the people, who are the source of legitimate authority (Federalist PapersNo. 51 (1788)), “It may be a reflection on human nature, that such devices [Checks and Balances] should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature?” (Madison).

According to John Patrick, "popular sovereignty was asserted as a founding principle of the United States of America" (Patrick). Asserted in the 1776 Declaration of Independence that legitimate governments are those that "deriving their just Powers from the Consent of the Governed." Later, in 1787, the framers of the U.S. Constitution established popular sovereignty in the document’s Preamble. Popular sovereignty had also been mentioned in Article VII of the Constitution, which required nine states to adopt the proposed system of governance before it could become the supreme law of the land (Patrick). The studies on the key features of the

United States Constitution, which is characterized by, lacked the analysis of the social circumstances (external factors) surrounding the framers at the time.

Statement of the problem

. This research aims to understand the approaches conducted by the framers in articulating the needs of the common individual American citizen in the embodiment of the constitution by understanding his socio-psychological state.

Research Problem

The proposed research investigates the basis on which the founding fathers relied upon in drafting the United States constitution. It examines the influences (philosophies, concepts, ideas, social and historical phenomena, and events) that, in turn, played a significant role in altering or shaping the decisions made by the framers during the Philadelphia Convention (1787-1789) and the years that followed to amend the Bill of Rights. This proposed research aims to answer questions related to the main issue.

Research questions

1. How did the United States Constitution evolve throughout history (1787-1789)?
2. What are the main seven principles of the United States Constitution?
3. How did those "seven principles of the United States Constitution" come to be?

Aims and Objectives

This proposed research aims to trace back the major elements that aided in the drafting of the United States constitution, as well as the prevailing philosophies, concepts, and ideas at the time, which influenced the views that shaped the decisions made by the founders in debating the constitution at the Philadelphia convention in 1787, in order to comprehend the methods and strategies used by the framers.

Also, this study aids to provide a new perspective on the major reasons that enabled the document to be adaptable to many social and historical changes, and at the same time, it didn't abandon its core principles, by highlighting the external factors rather than the internal ones that of the constitution. The major interesting insight that led to proposing such a topic is the efficiency of the United States constitution in relation to all constitutional documents ever created.

It is interesting in the sense that it intrigues me as a research project to study the key characteristics of the United States Constitution from a unique perspective that has not previously been addressed. A study of this sort can help to provide a clear explanation of why the U.S Constitution has proven to be so successful throughout history.

Methodology

The research is based on an eclectic approach in the sense that several approaches are used, including a historical approach to trace back the historical framework of the creation of the United States Constitution, as well as an analytical and investigative approach to describe the process of its development; additionally, a constructivist approach, quantitative methods, and qualitative methods are used.

. It relies on critical analysis of primary sources. Thus, what has been said or done before is analyzed in-depth to construct new ideas and perspectives. It also investigates relevant books, papers, and articles relevant to the research proposed. Thestudy is based on looking at the available studies made by historians and scholars on this subject in relation to the new perspective in which we will attempt to highlight.

Chapter One: the Historical Framework the Constitution.

"I do not conceive that we can exist long as a nation without ... a power which will pervade the whole union." (George Washington, 1786).

Introduction

Following the adoption of the Declaration of Independence on July 4, 1776, the new American nation was saddled by either the provisions that the articles of confederation did not provide or the limitations it did provide. Observing such issues, James Madison, Alexander Hamilton, and George Washington feared their young country was on the brink of collapse.

The Articles of Confederation granted the Confederation Congress the authority to handle foreign affairs, coin money, declare war, make peace, and sign treaties, but it could not compel states to obey the laws; hence, the states were able to conduct their foreign policies and had their money systems, leaving the central government unable to pay for the Revolutionary War-debts.

By 1787, it had become clear that the new nation needed a more powerful central government. Considering the recommendations of Alexander Hamilton, in February 1787, The Confederation Congress invited all 13 states to discuss the matter of revising the articles of confederation. The rendezvous has set in Philadelphia.

“In order to form a more Perfect Union” (“Constitution of the United States” The Preamble). On May 25, 1787, 55 delegates representing all 13 states except Rhode Island assembled in Philadelphia that summer. However, what was thought to be a typical meeting to revise the Articles of Confederation became the Constitutional Convention.

For four months of long, hot days, the 55 delegates then and the founding fathers now fought, argued, protested, and eventually compromised, again and again, until they had completed their document, the United States Constitution.

On September 17, 1787, the newly drafted document was signed and submitted to the state legislatures for ratification. The Constitution became effective on June 21, 1788, after New Hampshire ratified it after a long struggle for ratification; because the proposed constitution lacked a Bill of Rights. The controversy about whether if a Bill of Rights should be included in the Constitution or not continued until September 1789, when the First Federal Congress sent a draft of twelve amendments to the statesfor ratification. The first two items were not ratified, but the remaining ten were incorporated into the Bill of Rights.

In this chapter, we will follow how the United States Constitution evolved historically from 1787 to 1789.

1.1 Constitutional Convention convenes

May 14th, 1787 was the date chosen by the Annapolis convention and approved by the Continental Congress to begin the Grand Convention. However, “On that day a small number only assembled. Seven States were not convened till” May 25, when seven of the thirteen states (a majority) met their internal quorum requirement for the deliberations to begin (Farrand 21).

The deliberation process was divided into two parts, delegating and setting the rules for the Convention.

According to James Madison, as soon as the Constitutional Convention was called to order, the delegates, at present, unanimously elected George Washington as president of the convention (mainly "Mr. Robert Morris" and "Mr. J Rutledge"), and

William Jackson as the secretary to the convention, and lastly Alexander Hamilton, Charles Pinckney and George Wythe were chosen "to prepare standing rules and orders," for the convention (21).

Among the most important rules adopted at the Convention by the delegates is to keep their debates in secret. It was called "the secrecy rule"; However, the main "standing rules" of the convention were submitted on May 28th by Mr. Wythe from the Committee for preparing rules, were the following:

> A House, to do business, shall consist of the Deputies of not less than seven States; and all questions shall be decided by the greater number of these which shall be fully represented; but a less number than seven may adjourn from day today.
>
> Immediately after the President shall have taken the Chair and the members their seats, the minutes of the preceding day shall be read by the Secretary.
>
> Every member, rising to speak, shall address the President; and, whilst he shall be speaking, none shall pass between them, or hold discourse with another, or read a book, pamphlet, or paper, printed or manuscript — and of two members, rising at the same time, the President shall name him who shall be first heard.(Farrand 22).
>
> A member shall not speak oftner than twice, without special leave, upon the same question; and not the second time, before every other, who had been silent, shall have been heard, if he choose to speak, upon the subject.
>
> A motion made and seconded, shall be repeated and, if written, as it shall be when any member shall so require, read aloud, by the Secretary, before it shall be debated; and may be withdrawn at any time before the vote upon it shall have been declared.
>
> Orders of the day shall be read next after the minutes, and either discussed or postponed before any other business shall be introduced.
>
> When a debate shall arise upon a question, no motion, other than to amend the question, to commit it, or to postpone the debate shall be received.
>
> A question, which is complicated, shall, at the request of any member, be divided, and put separately upon the propositions, of which it is

> compounded. The determination of a question, although fully debated, shall be postponed, if the Deputies of any State desire it, until the next day.
>
> A Writing, which contains any matter brought on to be considered, shall be read once throughout, for information, then by paragraphs, to be debated, and again, with the amendments, if any, made on the second reading; and afterwards the question shall be put upon the whole, amended, or approved in it's original form, as the case shall be.
>
> That Committees shall be appointed by ballot; and that the members who have the greatest number of ballots, although not a majority of the votes present, be the Committee.
>
> When two or more Members have an equal number of votes, the Member standing first on the list in the order of taking down the ballots shall be preferred.
>
> A member may be called to order by any other Member, as well as by the President, and may be allowed to explain his conduct or expressions, supposed to be reprehensible — And all questions of order shall be decided by the President without appeal or debate.
>
> Upon a question to adjourn, for the day, which may be made at any time, if it be seconded, the question shall be put without a debate.
>
> When the House shall adjourn every Member shall stand in his place until the President pass him.
>
> Resolved that the said rules be observed as standing Orders of the House. (Farrand 23).

1.2 The Virginia Plan

On May 29, 1787, Edmund Randolph, a Virginia governor and delegate, suggested "The Virginia Plan," which was mainly written by fellow Virginian James Madison. The Plan was introduced as an answer to five specific defects of the Articles of Confederation that were listed at the beginning of the deliberations (Farrand 29).

The defects were that the Articles of Confederation provided "no security against foreign invasion;" nor domestic "quarrels between states" or "a rebellion"; did

not allow the Congress to fully leverage its commercial legislation; and the federal government was not regarded as "paramount" authority, or superior to the states' own constitutions (29 30).

After stating his disposition to the Articles of Confederation, he then proceeded to propose what he called "the remedy", which conformed to "the republican principle" (30).

The Virginia Plan adopted fifteen resolutions, the most important of which were:

Resolution 1: The Articles of Confederation should be corrected and enlarged. (30).

Resolution 2: In the national legislature, the right to vote should be proportional to the share of contributions or the number of free inhabitants (30).

Resolution 3: "the national legislature ought to consist of two branches." (Bicameral) (30).

Resolution 4: The First Branch of the National Legislature should be elected by the people of each state (30).

Resolution 5: The Second Branch of the National Legislature should be chosen by the first branch (31).

Resolution 6: The national legislature shall have the authority of "originating acts" ,"to legislate in all situations in which the separate States are incompetent" and to overturn any state laws that are in violation of the [Constitution] or may disrupt "the harmony of the united states"(31).

Resolution 7: The National Legislature shall elect a National Executive whowill be responsible for carrying out national laws and taxes.

Resolution 8: The Executive and representatives of the judiciary should form a Council of Revision with the authority to review and reject any act of the national legislature (31).

Resolution 9: that a National Judiciary with one or more supreme tribunals and inferior tribunals should be established by the National Legislature. Judges will be named for the rest of their lives (31).

Resolution 10: Provisions for state's admission into the union should be made (32).

Resolution 11: the territory of each state and a Republican government is guaranteed by The United States (32).

Resolution 12: Congress should be allowed to proceed until the new articles of union are ratified (32).

Resolution 13: Provisions for changes to the articles of union should be made (32).

Resolution 14: The Articles of Union should be sworn in by state legislatures, executive branches, and the judiciary (32).

Resolution 15: The new framework for government should be ratified (approved) by the people, by conventions of representatives chosen by the people (32).

To summarize, the Virginia plan consisted of fifteen resolutions explaining why the Articles of Confederation should be drastically changed, as well as a plan for a new, powerful central government capable of raising taxes and making and enforcing laws. The Virginia Plan proposed a three-branch division of powers: executive, legislative, and judicial. The legislative branch would be made up of two (bicameral) Houses, the House of Representatives and the Senate, each of which would be equally

represented by the population; the executive branch would carry out the rules; and the judicial branch would be made up of a legal system to interpret the laws, along with a system of Checks and Balances to avoid abuse of power.

1.3 The New Jersey Plan

The Virginia Plan was debated for more than two weeks, but smaller states, fearful of losing privileges as a result of a population-based legislature, devised their own plan.

On June 15, 1787, the New Jersey Plan, also known as the Small State Plan, was collectively proposed by delegates from the small states of New Jersey, Connecticut, New York, and Delaware, which was drafted by New Jersey delegate Mr. William Paterson. It consists of nine resolutions that were offered as an alternative option to the Virginia Plan (Farrand 196).

Resolutions of the New Jersey Plan:

Resolution 1: The Articles of the Confederation should be amended, revised, and enlarged to preserve the union (196).

Resolution 2: Congress should be given more authority to pass legislation imposing tariffs (taxes) on imported goods and to regulate interstate trade and commerce (196).

Resolution 3: Congress should have the authority to raise taxes from states based on the number of free people and 3/5ths of slaves in that state, but only with theapproval of a certain percentage of the states (term limits of representatives stated) (196 197).

Resolution 4: Congress should elect a federal executive (rules of election and recall also stated) (197).

Resolution 5: The federal judiciary would be appointed by the executive and would serve for life (197).

Resolution 6: Congress should have all the legislative powers (i.e., the capacity to make, modify, and abolish laws) (197).

Resolution 7: The creation of a certain protocol for the admission of new states (198).

Resolution 8: Naturalization (the process of acquiring citizenship and nationality by someone who is not a citizen of that country) should be characterizedby a process (198).

Resolution 9: A person who lives in one state but commits a crime in another can be prosecuted under the laws of the state where the crime took place (198).

1.4 The Great Compromise

Prior to July 16, 1787, the drafters had already made several notable decisions about the formation and the function of the house of senate. They rejected a proposal to have the House of Representatives elect delegates to the senate from lists submittedby the peers from the house and approved that those individual state legislatures should elect their own senators, set the minimum age for senators at 30 and six years term, as opposed to 25 years of age for House members, with two-year terms.

Commenting on the significance of this approach James Madison noted that these distinctions, based on "the nature of the senatorial trust, which requires greater extent of information and stability of character," would allow the Senate "to proceed with more coolness, with more system, and with more wisdom than the popular [ly elected] branch." (Farrand 385-455).

The debate about representation between large and small states, as well as between the North and South, however, threatened to undermine the convention.

Larger state delegates believed that each state's representation in the newly proposed Senate should be proportional to its population. On the other hand, smaller states with a lower population argued that such an arrangement would give the large states an unfair advantage in the new nation's government, and that each state should have equal representation, despite its population.

On July 16 1787 Connecticut delegates Oliver Ellsworth and Roger Sherman then proposed a compromise to resolve the subject of Representation in the Senateand the House of Representatives, which would subsequently be called the “Great Compromise” (15).

The Great Compromise combined the best elements of both plans the Virginia’s and New Jersey’s. The 'Great Compromise' basically consisted of two national legislatures in a bicameral Congress. Members of the House of Representatives would be allocated according to each state’s population and elected by the people (15). In the second body (the Senate)they proposed that each state, regardless of size, population, or wealth, should have two members The Senators would be chosen by the state legislatures. Each state would have two representatives regardless of the state’s size, and state legislatures would choose Senators (16). It was also agreed that the House of Representatives would be the only chamber of Congress with the authority to enacttax legislation (18).

1.5 U.S. Constitution Signed

The last meeting of 42 of the 55 delegates to the Constitutional Convention took place on September 17, 1787. On that particular day, there was only one thing on the agenda: signing the Constitution of the United States of America (Farrand 514).

According to James Madison's notes, the Constitution was first read to the group, then “Docr. FRANKLIN rose with a speech in his hand,” (514), to introduce

the motion for the convention's delegates to sign the Constitution. Due to his failing health, he asked Mr. Wilson to read what is known as his final great speech, "I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve," (514), arguing in favor of the constitution he then stated,

> I doubt too whether any other Convention we can obtain, may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? . (Farrand515).

Afterwards, Franklin concluded his speech with a plea for all of the delegates to sign the Constitution.

However, three delegates, Elbridge Gerry, George Mason, and Edmund Randolph, displayed their disapproval, and explained why they wouldn't sign the final document; most of their reasoning was due to different issues and interests in which each delegate had already, but none, specifically, on the content of the document (516 517)).

"On Docr. Franklin's motion," the states voted as follows:

"N. H. ay. Mas. ay. Ct. ay. N. J. ay. Pa. ay. Del. ay. Md. ay. Va. ay. N. C. ay. S. C. divd.13 Geo. ay.15

13 Genl. Pinkey & Mr. Butler disliked the equivocal form of the14 signing, and on that account voted in the negative.

15 In the transcript, the vote reads: New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia, aye-10; South Carolina,16 divided." (518).

Thus, out of the 41 men in the room, 38 signed the document, with George Read also signing for the absent John Dickinson. William Jackson, the group's secretary, signed to attest to the Constitution's authenticity.

Another motion was made on that day suggested by Mr. King to destroy all of the journals that documented the convention, or to put them in George Washington's possession. The delegates agreed that Washington should keep the journals until a new Congress was formed under the Constitution (518).

"The Constitution being signed by all the members except Mr. Randolph, Mr. Mason, and Mr. Gerry, who declined to give it the sanction of their names, the Convention dissolved itself by an Adjournment sine die," Madison concluded (519).

Following the conclusion of the meeting, James McHenry, a Maryland delegate who also kept brief notes on what happened on September 17, 1787, noted that "a lady asked Dr. Franklin, 'Well Doctor, what have we got a republic or a monarchy?'A republic, replied the Doctor, if you can keep it" (The Signing of the Constitution).

1.6 The Ratification Process

After the constitution was signed and approved by delegates at the constitutional convention of 1787, the next step was state's ratification. As determined by Article VII of the proposed constitution, "The Ratification of the Conventions of nine States,"of the thirteen states "shall be sufficient for the Establishment of this Constitution between the States „„"; subsequently, on September 28, the Confederation Congress sent the proposed Constitution to the state legislatures and requested that each state hold a special convention to decide whether they would approve (ratify) or reject the proposed Constitution, noting that if nine states voted to ratify the Constitution of 1787, it would become the supreme law of the United States.

The following is a chronological list of the ratification process:

On December 7, 1787, Delaware was the first state to ratify the US Constitution (Henderer), with 30 votes for and 0 against (Mount). The 30 people who were elected were all Federalists and all were in favour of adopting the Constitution (The Six Stages of Ratification).

On December 12, 1787, Pennsylvania, after three weeks of non-debate during which no one changed his mind, the Constitution passed by a vote of 46-23 (Mount). The minority's 23 objections were requested to be registered, but the pro-Constitution Federalists replied, "Absolutely not (The Six Stages of Ratification).

On December 18, 1787: In 1787, New Jersey's 13 counties voted unanimously for the constitution (Mount). The state had a large debt and was obliged to levy heavy taxes on land (The Six Stages of Ratification).

On January 2, 1788: In Georgia, there was virtually no opposition to the Constitution after 26 delegates from 10 counties voted to ratify it (The Six Stages of Ratification).

On January 9, 1788, Connecticut voted 128-40 (Mount). The state had previously voted against the call for a Grand Convention in Philadelphia in February 1787. Sherman, Ellsworth, and Johnson were at the Connecticut ratifying convention defending the Constitution. They wrote the Connecticut Compromise, which they considered a Connecticut Principle (The Six Stages of Ratification).

On February 6, 1788, the state of Massachusetts ratified the constitution by 187 for and 168 (Mount). The ratification message from Massachusetts was the first to provide a list of desired amendments to the constitution, some of which were to protect states and some of which were to protect the individuals (Massachusetts's Ratification).

On April 28, 1788, Maryland ratified the constitution with 63 for and 11 against (Mount); even though, Luther Martin and John Mercer (Anti-federalists) had been elected to the ratification convention (The Six Stages of Ratification).

On May 23, 1788, South Carolina‘s Thomas Pinckney, the President of the convention declared the Constitution ratified in South Carolina after the delegates had "maturely considered the Constitution”; voted 149 for, 73 against (Mount).

On June 21, 1788, the Constitution was officially ratified in New Hampshire by a vote of 57 to 47 (virtually even) (Mount); even though the Federalist leaders were significantly more active in their campaign (The Six Stages of Ratification).

On June 26, 1788, Virginia ratified the constitution in two stages. The first was the declaring of the ratification convention, and the second was a proposal that the constitution would be amended by including a Bill of Rights and other amendments also be added in accordance with article 5, by 89 votes for, and 27 against (Mount).

On July 26, 1788, The State of New York (the eleventh) ratified the Constitution by 30 for and 27 against .The assent of Virginia and New York was seen as critical to the Constitution's survival, and even though they were the tenth and eleventh states to ratify, it is widely accepted that the Constitution's success was in doubt until they both ratified. New York's ratification letter is by far the longest, including a statement of rights and several proposed amendments to the Constitution (*New York's Ratification*).

On November 21, 1789, The State of North Carolina (the twelfth) ratified the Constitution by 194 votes for and 77 against. In 1788, North Carolina held a ratification convention began on July the 21st and ended on August the 4th. The convention drafted a Declaration of Rights and a list of Amendments to the

Constitution, but ultimately decided to neither ratify nor reject the Constitution proposed by the government of the United States (*North Carolina's Ratification*).

On May 29, 1790, the State of Rhode Island (the thirteenth) ratified the Constitution. Rhode Island's ratification message was lengthy, with a list similar to that of New York's, listing a Bill of Rights and listing several proposed amendments. Most of the amendments were not original, having been suggested in prior ratification documents. Rhode Island was the last of the original thirteen states to ratify the Constitution (Mount).

1.7 The Federalists and the Anti-federalists

Simultaneously, while the debate for ratification was taking place in-doors; state conventions wise, another debate was taking place (publicly) all over America between supporters of the constitution (the Federalists) and its opponents (the Anti- federalists).

Federalists advocated a strong central government that restricted state rights, while Anti-federalists feared an overly dominant central government that would limit state and individual liberty (CREATION U.S. CONSTITUTION).

A letter was published in the New York Journal on September 27, just ten days after the Constitutional Convention ended, harshly criticizing the 1787 Constitution and urging the people to reject it. To conceal his identity, the author used the pen name "Cato." Many New Yorkers assumed that their governor, George Clinton, wrote or inspired the "Cato" message (Cato I).

In response, The New York Daily Advertiser published a reply to "Cato" on October 1st, signed "Caesar," a pseudonym chosen by Alexander Hamilton, who had represented New York at the Constitutional Convention. He was dissatisfied with the

Philadelphia Constitution, but he preferred it to the current alternative, the United States' poor government under the Articles of Confederation (Caesar, Letter I).

The conflict between the federalists (Alexander Hamilton, John Jay, and James Madison) and the Anti-federalists (Patrick Henry, George Mason and Edmund Randolph) circled around four major ideas that we will further elaborate upon:

1.7.1 Limited Government and the Rule of Law

Both Federalists and Anti-federalists supported Limited Government and the Rule of Law, which meant they required a written Constitution that limited government officials' and stated what they could, and could not do under the law of the land. They disagreed, however, on how far the government's powers should be restricted. Anti-federalists favored a weak government, such as the Articles of Confederation's Congress. They were concerned that a powerful central government would threaten people's rights and state governments. Federalists, on the other hand, supported a strong national government that could preserve order, provide protection, and guarantee liberty under the law (Patrick and Keller).

1.7.2 Republicanism and Federalism

Both the Federalists and the Anti-federalists desired a republic, a government governed by and for the people. The Anti-federalists, on the one hand, favored the Articles of Confederation's form of federal republic, in which the central government is merely a construct of the states, who maintain their autonomy and independence at the same time. The Federalists, on the other hand, advocated for a division and sharing of powers between state and federal governments, with the federal government ruling supreme within its own sphere of operation. This means that state governments cannot defy or oppose national government laws or acts that are permissible under the Constitution (Patrick and Keller).

1.7.3 Popular Sovereignty

Both the Federalists and the Federalists encouraged popular sovereignty, a government ruled by the consent of the governed. However, the Anti-federalists argued that giving most government powers to a legislature composed of representatives elected by the people was the best way to achieve a government by and for the people.; By contrast, The Federalists, argued that the authority in the national government should be divided among the legislative, executive, and judicial branches. They also believed that only members of the House of Representatives should be directly elected by the people (eligible voters), emphasizing the Anti- federalists' belief that the 1787 Constitution gave the executive branch too much power in comparison to the other branches (Patrick and Keller).

1.7.4 Bill of Rights

The Constitution was sharply criticized by Anti-federalists because it lacked a Bill of Rights to protect citizens' civil liberties (freedom of expression and assembly, for example) from government officials. Federalists argued that including a Bill of Rights in the Constitution was unnecessary since the national government was in control. Only the powers provided by the Constitution were available to it. As a result, the government will be unable to deprive individuals of their fundamental civil liberties (Patrick and Keller).

1.8 The Bill of Rights

In response to, some of the most formidable opponents of the Constitution, including prominent Founding Fathers, who argued that the Constitution should not be ratified; because it has failed to preserve the fundamental principles of human liberty. On June 8, 1789, James Madison addressed the House of Representatives and introduced a proposed Bill of Rights to the Constitution (NCC staf). More than three months later, exactly, on the 25th, September 1789, Congress would ultimately agree

on a final list of 12 proposed amendments to the Constitution to the State Legislatures. In which, the last ten were adopted by the states to respectively become the United States Bill of Rights, effectively on December 15, 1791. The U.S. Bill of Rights was influenced by George Mason's 1776 Virginia Declaration of Rights, and the 1689 English Bill of Rights, works of the Age of Enlightenment about natural rights, and English political documents like the Magna Carta (U.S. Bill of Rights).

1.8.1 The First Amendment

The first amendment in the Bill of Rights establishes that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances” (Bill of Rights (1791)). It basically guarantees the right to freedom of religion and expression from government intervention. It forbids laws that form a national religion,limit the freedom to exercise religion, obstruct freedom of expression, restrict freedom of the press, prevent the right to peaceful assembly, or prevent people from petitioning the government for redress of grievances. In 1791, it was incorporated intothe Bill of Rights. The Supreme Court determines the degree to which these rights are protected (Egemenoglu).

1.8.2 The Second Amendment

Arguably the most talked about amendments and overall policy legislation pierces of modern-day politics. The second amendment states that, "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed” (Bill of Rights (1791)). In short, the Second Amendment entails, that every citizen has the individual right to arm himself. The amendment also firmly establishes that the government can not infringe on that right (Nra-Ila and Association).

1.8.3 The Third Amendment

Influenced by the Delaware Declaration of Rights of 1776 (Wood), the third Amendment reads “No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law” (Bill of Rights (1791)). Despite the fact that the Third Amendment seems to have no clear constitutional significance at the moment, it is the least litigated amendment in the Bill of Rights, and the Supreme Court has never settled a case based on it. Nonetheless, the amendment nowadays is applied based on other modern interpretations. It means that citizens have a right to domestic privacy; they are shielded from government interference in their homes; and it is the only part of the Constitution that specifically addresses the relationship between human rights and military rights in both peace and war (Wood).

1.8.4 The Fourth Amendment

According to the Fourth Amendment, the people have the right “to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated,” (Bill of Rights (1791)). This right limits the power of the police or any official authority to "seize" and "search" individuals' properties and homes. It also provides that “no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized” (Bill of Rights (1791)). The idea is to prevent the drawbacks of general warrants, each search or seizure should be approved in advance by a judge, and the government must demonstrate "probable cause”; a probable evidence for an illegal activity to justify the search or seizure. If the police find evidence during an illegal search, for example, the evidence cannot be used in court; it's called the "exclusionary law". In most cases, evidence is thrown out despite the

fact that it proves the individual is guilty, and as a result of the police's actions, they can escape prosecution (Friedman and Kerr).

1.8.5 The Fifth Amendment

The Fifth Amendment of the U.S. Constitution states that, “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation” (Bill of Rights (1791)). When a person “takes the Fifth” he or she invokes the Fifth Amendment to the United States Constitution; which in part, guarantees that an individual cannot be compelled by the government to provide incriminating information about him/her self, the so-called “right to remain silent.” ("Take the Fifth"?).

1.8.6 The Sixth Amendment

The Sixth Amendment Provides a set of rights for people charged with a crime. These rights intend to ensure that a person receives a fair trial, including a speedy and public trial, an impartial jury, a notice of accusation, a confrontation of witnesses, and the right to counsel (US Government Sixth Amendment). It is transcribed in the constitution as follows “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to beconfronted with the witnesses against him; to have compulsory process for obtaining

witnesses in his favor, and to have the Assistance of Counsel for his defense" (Bill of Rights (1791)).

1.8.7 The Seventh Amendment

Film and TV shows show exciting scenes of juries deciding important non-criminal disputes involving individuals and government officials. However, the reality is quite different. Less than 1% of civil cases filed in court are decided by juries (Lerner and Thomas). The Seventh Amendment consists of two clauses. The first, known as the Preservation Clause, entails: "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved." (Bill of Rights (1791)); this clause defines the types of cases that juries must decide. The second clause, known as the Re-examination Clause, declares that, "no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law." (Bill of Rights (1791)), this clause forbids federal judges in certain aspects from repealing jury verdicts.

1.8.8 The Eighth Amendment

The Eighth Amendment to the United States Constitution states that, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." (Bill of Rights (1791)) ,this amendment prevents the federal government from enforcing excessively strict sentences on criminal offenders, either as a condition of pre-trial release or as a penalty for a crime committed following conviction (Stevenson and Stinneford).

1.8.9 The Ninth Amendment

Since its adoption, scholars and judges have argued about both the meaning and legal impact of the Ninth Amendment "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." (Bill of Rights (1791)); However, there is an agreement on what it should be.During the ratification period, opponents of the Constitution ("Anti-federalists")

complained about the lack of a bill of rights ;In response, proponents of the Constitution ("Federalists") such as James Wilson, argued that a bill of rights would be dangerous ,because it would be difficult to enumerate all of the people's rights, andthat a bill of rights could be used to justify the government's power to limit any liberties of the people using those rights that were not enumerated (Barnett and Seidman).

1.8.10 The Tenth Amendment

The Tenth Amendment: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people” (Bill of Rights (1791)); is merely an emphasis on the Ninth amendment in a broad sense, concerning that; the inclusion of a bill of rights does not change or alter the fundamentals of the national government. It is a government with limited and enumerated powers, and the first question raised by a federal authority exercise is whether it expands the national government's enumerated powers, rather than whether it violates someone's rights (Lawson and Schapiro).

Conclusion

"The Constitution is the guide which I will never abandon."

-George Washington

In conclusion, this chapter attempted to provide a historical account of the deliberations, debates, and resolutions that took place in the target case study: the Philadelphia Convention, 1787-1789. A systematic longitudinal approach was used in the collection and presentation of the historical events that occurred in the Constitutional Convention; starting from the beginning of the Grand Convention on May 25, 1787, all the way to the ratification of the Bill of Rights, effectively on December 15, 1791.

Using Max Farrand's *The Records of the Federal Convention of 1787*, as a primary source. According to Farrand, the secretary, William Jackson, delivered all the materials to the convention's president, George Washington, who turned them over to the Department of State in 1796. In 1818, Congress ordered that the records beprinted, which was done in 1819 under the supervision of Secretary of State John Q. Adams (Farrand). Farrand reconstructed the Constitutional Convention proceedings into four volumes, collecting all the relevant paperwork to study the workings of the Constitutional Convention, making it the single best source for discussions about the Constitutional Convention. However, we only referenced Farrand's records in terms of the historical events that took place between May 25, 1787, and September 17, 1787, for example, the Virginia Plan, the New Jersey Plan, the Great Compromise, and the Signing of the U.S. Constitution.

Additionally, concerning the Ratification Process, the Federalists and the Anti-federalists debates, and the inclusion of the Bill of Rights, we relied on a set of

relevant books, papers, articles, and the available studies made by historians and scholars on the subject.

It should be noted, the historical events, deliberations, debates, and resolutions that were included in this chapter were chosen specifically based on their relation to supporting the arguments provided in the next chapter.

Chapter Two: the Seven Principles of the Constitution

Introduction

The United States constitution is often called a "living document". It is the oldest and most durable national constitution in human history. Nearly all national constitutions in use now are, in some shape or form, modeled on the United States constitution (Mintz). In response to this critical point, an important question is raised: How did the United States Constitution survive the test of time? The principles behind it .To conceptualize the word "principles", we refer to the Cambridge Dictionary as it defines it to be (in singular form): a basic idea or rule that explains or controls how something happens or works (principle). Rather, it is the explanation of the fundamental reasons and rationales that drove and guided the framing of the United States government, as established by the United States constitution.

To understand the power and character of the United States constitution, we must refer to the seven Principles of the Constitution. The 55 men who attended the Constitutional Convention in Philadelphia in 1787 were all prominent, well-educated men of their time who were well versed in constitutional law, politics, and very wealthy men. However, historian Richard B. Morris in 1973 identified seven figures as key Founding Fathers: John Adams, Benjamin Franklin, Alexander Hamilton, JohnJay, Thomas Jefferson, James Madison, and George Washington, based on their contribution to framing and establishing the US Constitution (Richard B and Kettler).

On June 21, 1788, the official date of the adoption of the United States Constitution, the seven key Founding Fathers agreed upon and believed that the product of their labor at the Constitutional Convention (which convened between May25, 1787 and September 17, 1787) did reflect their political ideologies and their visionof a government that protects them against tyranny. Due to the incorporation of seven

basic principles: Popular Sovereignty, Republicanism, Federalism, Separation of Powers, Checks and Balances, Limited Government, and Individual Rights (Alchin).

In this chapter, a definition of the seven principles is provided, as well as, how they are reflected in the United States Constitution of 1787.

2.1 Popular sovereignty

"In free Governments the rulers are the servants, and the people their superiors & sovereigns."-Benjamin Franklin

Popular Sovereignty is the single most important animating principle in the United States Constitution that distinguishes America from any other nation preceding it in human history (Huhn 292). The Framers of the Constitution rejected the eighteenth-century English view of Sovereignty, in which Sovereignty resided in the "King-in-Parliament", a unified entity consisting of the King, Lords, and Commons; all three estates or social classes of the realm (Amar 1431). Instead, the Framers optedfor a different kind of Popular Sovereignty, an American one, where they "drove an analytic wedge between the government and [the] people, relocating sovereignty from the former to the latter," (Amar 1435 1436), rather a government that derives its authority from the "consent of the governed," or the sovereign people of that nation, if the government violates or ignores the will of the people, Americans would have the right to change that (Patrick).

With the concept of Sovereignty defined in this narrow sense, where does sovereignty reside or is reflected in the United States Constitution? The answer to this question is in the first three capitalized words of the preamble of the constitution, "WE THE PEOPLE of the United States. . . do ordain and establish this Constitution for the United States of America." this means that the Preamble to the United States Constitution states unequivocally that the producers of the fundamental law are the

people. Hence, the American political system is based on the principle of Popular Sovereignty (Kilberg 1061).

In terms of the articles of the constitution, the concept of Popular Sovereignty was included in Article V of the Constitution, which provides the mechanisms for amending the Constitution through the elected representatives of the people and can only be enacted by a majority vote (Patrick), also, in Article VII of the Constitution, Popular Sovereignty was exercised by requiring that nine states should ratify the proposed framework of government before it could become the supreme law of the United States, Representatives who were chosen to the ratification conventions, freely decided to ratify the Constitution in the name of those who elected them, The people (490). Finally, “popular sovereignty is reflected in Article I, which requires, that Representatives to Congress be elected by the people” (490).

In terms of the amendments, both the Ninth and Tenth amendments reflect the idea of popular sovereignty; however, on different levels. According to the Ninth Amendment, the Constitution and the Bill of Rights do not enumerate all of the rights that people do possess. Which asserts that a government exists solely to serve its people because they are the source of its power, as well as, it ensures that individuals' rights are protected ("The Bill of Rights And American Values."). The tenth amendment safeguards popular sovereignty and state sovereignty, by acting as a source of rigorous judicial scrutiny of federal and state legislation that violates Popular Sovereignty. It guarantees the people's right to choose their government. That “power” is the manifestation of Popular Sovereignty, Or in other words, “the power ofthe people [is] to choose their government” (Reese* et al.).

2.2 Republicanism

"Remember democracy never lasts long. It soon wastes, exhausts, and murders itself. There never was a democracy yet, that did not commit suicide."

-John Adams

At the conclusion of the Constitutional Convention in Philadelphia in 1787, a woman approached Benjamin Franklin as he was leaving the Pennsylvania State House and inquired about the form of government the Convention had produced. "Well, Doctor, what have we got—a Republic or a Monarchy?" to which Dr. Franklinreplied: "A Republic, if you can keep it." (Farrand 83). Thus, the founders sought a republican form of government. James Madison, George Washington, John Adams, and Alexander Hamilton all dread the mixture of democracy with a "factious spirit", that is, a faction where "a number of citizens……amounting to a majority or a minority of the whole", with each faction trying to control and abuse the other (Madison). Accordingly to preserve the union produced in the Constitutional Convention of 1787, and to guarantee the "unalienable Rights" "endowed [to men] by their Creator" (*Declaration of Independence: A Transcription*), the founding fathers believed that a "relief [to such 'mischiefs of faction'] is supplied by the republican principle" (Madison *Federalist Papers No. 10 (1787)*); however, like anything else in America, the sort of republicanism the framers endeavored for was a mixture of ideologies, which made it unique in itself. 'Republic' or *res publica* means simply, 'public thing' intentionally formulated vaguely to be well suited to define all kinds of governments as opposed to a monarchy (*Republicanism*). In federalist number 10, James Madison defined Republicanism as "government in which the scheme of representation takes place, opens a different prospect, and promises the cure for whichwe are seeking." (Madison *Federalist Papers No. 10 (1787)*).

Hence, The American founding fathers sought to implement the principle of Republicanism, through the Constitution of 1787. The most fundamental aspect which reflects the notion of Republicanism in the document is Article II, Section 1, Clause 2 of the U.S. Constitution which establishes the system of Electoral College, where Each state has a number of electoral votes equal to the combined total of its congressional delegation, and each state legislature is free to determine the method it will use to select its own electors. Hence the people directly or indirectly choose their representatives adhering to the principle of Republicanism (*Republican Government*). Additionally, Article IV, Section 4 also known as the Guarantee Clause asserts the form of government the founders intended for their newly formed nation providing that "The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature can-not be convened) against domestic Violence." emphasis on "a Republican Form of Government" (*Article IV Section 4*).

2.3 Federalism

E pluribus Unum "Out of Many, One"

In his comments about the system of government created by the constitution of 1787, James Madison explained in the "Federalist Papers: No. 39" that it is "neither wholly national nor wholly federal" (Madison). The American federalist concept was invented by the founding fathers in the Constitutional Convention of 1787 as a response to the drawbacks presented by both the Articles of Confederation and the English system (*Federalism*). The Articles of Confederation, on the one hand, provide"each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the

United States, in Congress assembled" (*Articles of Confederation*), which gives primacy to the states over the national government. The English system, on the other hand, has been and still is a Unitary System, wherein the central authority or government wields all the power. In England, under unitary systems, for instance, the government has always been centralized in London; laws created by the central government are binding on everyone (*Chapter Five: U.S. Federalism*). Hence, Federalism is a compromise of the best elements of both systems (*Federalism*). The main premise of American federalism is that both levels of government, national and state, simultaneously exercise certain powers on the people (directly and separately). This is referred to as dual sovereignty (Patrick).

In "Federalist Papers: No. 45", James Madison presented his vision of how Federalism would work in the United States of America:

> The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected..... The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State. (Madison).

Federalism isn't explicitly stated in the United States Constitution, but it is implied through its articles.

According to Article VI, Paragraph 2 of the U.S. Constitution, also known as the Supremacy Clause, reads "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land;and the Judges in every State shall be bound thereby, any Thing in the Constitution or

Laws of any State to the Contrary notwithstanding" (*Article VI Clause 2*), thus giving the federal constitution, as well as any federal law in general precedence over state laws, and even state constitutions ,which also means ,it prevents states from intervening with the federal government's exercise of constitutional powers or taking on any actions that are primarily the responsibility of the federal government. However, it does not provide the federal government the power to scrutinize or veto statutes before they go into effect (*Supremacy Clause*).

Furthermore, during the constitutional debates in Philadelphia in 1787, The nationalists made sure that the national government would have the right to tax "a key feature lacking in the Articles of Confederation" establish a military, and regulate interstate and foreign commerce, as well as making sure that "all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof" (Article 1,Section 8 , Clause 18),Which ultimately, renders the proposed Constitution to be able to embody the federalist perspectives for the government (Rozell and Wilcox).

2.4 Separation of Powers

"Ambition must be made to counteract ambition." James Madison the Federalist Papers (No. 51),

"The principle of the Constitution is that of a separation of Legislative, Executive and Judiciary functions, except in cases specified. If this principle be not expressed in direct terms, it is clearly the spirit of the Constitution …" ,Thomas Jefferson, letter to James Madison, 1797(Jefferson).The U.S. Constitution is the original functional model for the Separation of Powers among the legislative, executive, and judicial branches of government (Patrick). The Framers' experience

with the British monarchy reinforced their belief that tyranny results from the "concentration of all the powers of government in the same hands." (Madison). Thus, in order to preserve individual liberty, the Framers sought to ensure that any branch of the federal government that is separate and independent would exercise one of the government's three basic functions: legislative, executive, and judicial (Madison). Separation of Powers, therefore, is the constitutional doctrine which allocates federal government powers between all of three branches: legislative, entitled to enact laws; executive, responsible for upholding and enforcing the law; and judicial, whose mission is interpreting and adjudicating (hearing and deciding) legal disputes (*Separation of Powers*).

Although the Constitution does not explicitly express the "doctrine of separation of powers", the constitutional document does so by dividing political power into three departments.

Article I, Section 1 of the US Constitution provides: "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.", the Constitution first vests all federal legislative powers in a representative Congress. Enabling this lawmaking institution (congress) forms to be the foundation of the federal government by allowing the representatives of the people to act together for the common good, entailing at the same time that, neither the President nor the Supreme Court can intervene in the legislative authority, which marks the importance of implementing the principle of Separation of Powers between the departments of the federal government (Eskridge and Rao). Also, In Article II, Section 1 "The executive power shall be vested in a President of the United States." declares that the executive branch, headed by the President, has the power to execute and enforce the laws created by Congress (*The*

Executive Branch). Finally, Article III's opening sentence states: "The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." Thus, Article III of the Constitution establishes and empowers the national government's judicial branch. Furthermore, the Constitution establishes The Supreme Court and ensures it isseparate from both the legislature (Congress) and the executive (the President) (Garnett and Strauss).

2.5 Checks and Balances

"...I say, that Power must never be trusted without a check." ***— John Adams***

During the ratification period, in his defense of the constitution, James Madison, explained in The Federalist Papers: No. 47 the significance of incorporating the principle of Separation of Powers in the constitutional law of the proposed government, Madison stated that, "The accumulation of all powers, legislative, executive and judiciary, in the hands of one, a few, or many, and whether hereditary, self-appointed, or elected, may justly be pronounced the very definition of tyranny." (Madison Federalist No 47). However, In the next essay (Federalist Papers: No. 48), Madison cautioned that "the next and most difficult task [after establishing the principle of separation of powers] is to provide some practical security for each [legislative, executive, and judiciary], against the invasion of the others.", noting that "unless these departments [the separate branches of government] be so far connected and blended [balanced] as to give each a constitutional control [check] over the others. [the principle of separation of powers which is] essential to a free government can never in practice be duly maintained." (Madison Federalist No 48).

Though not explicitly covered in the text of the Constitution, the system of Checks and Balances operates throughout the U.S. government, with each branch

being checked by specific constitutional provisions assigned to the other two branches and vice versa. As an example,

2.5.1 The Executive checks on the Legislature and Judiciary:

2.5.1.1 Veto

The president has the power to reject a bill when the Congress passes it. The conventional approach to accomplishing this is to return the bill to Congress with a veto letter in ten days' time. The veto message explains why the president rejects the bill to Congress and to the country (Kisebe Jnr).

2.5.1.2 Impoundment

It is when the executive branch refuses to spend money that Congress has assigned to a certain department, institution or program, in particular to control government spending or funding any programs that do not follow the political agenda of the president (Kisebe Jnr).

2.5.1.3 Appointment Power

Under Article II, Article 2 of the Constitution, presidents are empowered to nominate judges to both the Supreme Court and the federal court system (Kisebe Jnr).

2.5.1.4 Pardon and Reprieves

Article II, Section 2, provides that the president has the prerogative to grant pardons and reprieves for offenses against the United States. A pardon prevents a criminal from being punished by the law. A reprieve suspends a sentence, or punishment, to give a criminal time to ask the court to change the sentence (Kisebe Jnr).

2.5.2 The Legislature checks on the Executive and Judiciary:

2.5.2.1 Impeachment

Article II, Section 4, states that "the President, Vice President, and all civil officers of the United States, shall be removed from office upon impeachment for, and conviction of, Treason, Bribery, or other high crimes and misdemeanors." (Article II

Section 4: Library of Congress) This is in addition to Article I, which entails that Congress is the only governmental entity authorized to carry out the procedure. With the House serving as the prosecution, and once impeached, the Senate serves as a jury (Longley).

2.5.2.2 Override Vetoes

Congress has the authority to override presidential vetoes and decisions. This can be done by a two-thirds vote (a majority) from both chambers (Longley).

2.5.2.3 Confirm Judicial Nominees

Congress can reject nominees for the federal courts and the Supreme Court, and impeach the judges of the lower federal courts (Longley).

2.5.2.4 Establishes Federal Courts

Congress has the power to create lower federal courts (Longley).

2.5.3 The Judiciary checks on the Executive and Legislature:

According to Article III of the Constitution, the Judicial Branch of Government, carried out by the courts and judges, has the power to:

2.5.3.1 Judicial interpretation

The process of determining what a legislative statute or presidential legislation entails (Alchin).

2.5.3.2 Judicial review

The Supreme Court has the authority to utilize judicial review to deem treaties and presidential actions as unconstitutional (Alchin).

2.6 Limited Government

"I hope we once again have reminded people that man is not free unless government is limited. There's a clear cause and effect here that is as neat and predictable as a law of physics: As government expands, liberty contracts."

— ***Ronald Reagan***

"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

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). On that foundation, the American Founders established a system of government based on delegated and enumerated powers. Thus, the American system was founded on the principle of Limited Government (Palmer).

> Limited government means that officials cannot act arbitrarily when they make and enforce laws and enact other public decisions. Government officials cannot simply do as they please. Rather, they are guided and limited by the constitution of their country and the laws made in conformity with it as they carry out the duties of their public offices. (Patrick).

The term 'Limited Government' is not mentioned in the constitution specifically, however, the principle of it is reflected throughout the articles of the constitution and the Bill of Rights.

In terms of the constitution, as explained by James Madison in the Federalist Papers, No. 45 "The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the state governments are numerous and indefinite."(Madison). where he asserted that the delegates of the Constitutional Convention established a doctrine of Limited Government through the incorporation and implementation of both systems of Separation of Powers (Article I, Article II, and Article III) and Checks and Balances (For example, the President of can veto laws passed by Congress, as well as Congress can override presidential vetoes with a two-thirds vote from both houses, and the Supreme Court also can nullify laws passed by Congress by ruling them unconstitutional) (Longley).

In terms of the Bill of Rights, the first eight amendments concerning Freedomof speech, the press, and religion, the right to bear arms, rights to a speedy trial by jury, protection against unreasonable searches and seizures, and against self-testimony

or excessive bail or fines for crimes, are all purely power-limiting clauses (Garry 128).

In addition, the Limited Government theme is exceptionally asserted in both the Ninth and Tenth Amendments, as explained by Kurt T. Lash "The Tenth limits the federal government to only enumerated powers. The Ninth limits the interpretation of enumerated powers. Both provisions are necessary if federal power is to be effectively constrained." (Lash 920).

2.7 Individual Rights

"Of the liberty of conscience in matters of religious faith, of speech and of the press; of the trial by jury of the vicinage in civil and criminal cases; of the benefit of the writ of habeas corpus; of the right to keep and bear arms...If these rights are well defined, and secured against encroachment, it is impossible that government should ever degenerate into tyranny." James Monroe

Other than the United States of America, no other nation in existence on the planet was established with the purpose of prioritizing the promotion and protection of Individual Rights over collective rights (*Individual Rights*). The Constitution's original text contained highly specific provisions and rights. For example:

1. The right to trial by jury in criminal cases is guaranteed. (Article 3, Section 2)
2. The citizens of each state are entitled to the privileges and immunities of the citizens of every other state. (Article 4, Section 2)
3. The requirement of a Writ of habeas corpus may not be suspended except during invasion or rebellion. (Article 1, Section 9)
4. Neither Congress nor the states can pass a bill of attainder. (Article 1, Section 9)
5. Neither Congress nor the states can pass ex-post facto laws. (Article 1, Section 9)

6. No law impairing the obligation of contracts may be passed by states. (Article 1, Section 10)
7. No religious test or qualification for holding federal office is allowed. (Article 6)
8. No titles of nobility would be allowed. (Article 1, Section 9). (Kelly).

However, it only stated what the government could do and left to mention what it could not. This is most likely due to two factors. For starters, several of the founders felt they had constructed a central government with restricted powers that would not be able to infringe on individual liberties. Others concerned that any list of enumerated rights would be inadequate, and that it might eventually be construed to deny rights that were not included (*Protection of Constitutional Rights*).

Accordingly, during the ratification process, the absence of a bill of rights raised concerns about the lack of protection for individual rights which nearly derailed its ratification. To conceptualize, Individual Rights are the freedoms that eachindividual requires to pursue their lives and goals without interference from other individuals or the government, Individual rights include the rights to life, liberty, and the pursuit of happiness, as expressed in the United States Declaration of Independence (Longley). A few delegate (George Mason, Charlens Pinckney, and Elbridge Gerry) protested the signing of the Constitutional Document because it did not protect Individual Liberties.

Both John Adams and Thomas Jefferson believed that it was immoral not to include the rights that would later be incorporated as the first ten amendments to the Constitution. As Jefferson wrote to James Madison "a bill of rights is what the people are entitled to against every government on earth, general or particular, and what no government should refuse, or rest on inference." In response, the first Congress enacted twelve constitutional amendments, ten of which were adopted, on December

15, 1791 by the states and became known collectively as the Bill of Rights (Ritchie and Kelly).

Although most of the provisions and rights included in the articles of the constitution can become effective in some situations, the Bill of Rights remains the primary source of individual rights. The Bill of Rights protects freedom of religion, free speech, free press, and free assembly, as well as the right to petition the government and keep and bear arms. It furthermore forbids arbitrary searches and seizures, unjust punishment, and compelled self-incrimination. Among the legal safeguards it provides are the right to a quick, public, and impartial trial with defense counsel, as well as the ability to cross-examine witnesses. The Bill of Rights forbids Congress from enacting any law pertaining to religious institutions, as well as the federal government from depriving any individual of life, liberty, or property without due process of law.

Conclusion

To conclude, in this chapter, an attempt was made to understand the nature of the United States Constitution as a constitutional document, concerning its efficiency and durability, by highlighting the seven principles of Popular Sovereignty, Republicanism, Federalism, Separation of Powers, Checks and Balances, Limited Government, and Individual Rights, which defines the framework of government.

while keeping in mind the context in which those principles were conceptualized and defined by the drafters at the Philadelphia Convention in 1787- 1789, by relying on primary sources that provide an illustration of the ideologies, as well as the political vision and aspirations of the framers in devising the new plan of the government, especially the father of the constitution, James Madison.

In addition, this chapter provides an explanation of how the United States Constitution, the document, reflects and exemplifies the seven principles throughout its articles and amendments as an essential part. By referencing the constitutional document while providing an analysis of its text by scholars and experts on this subject, we are able to comprehend how the mechanism provided by the US Constitution works.

Chapter Three: The Ideological Origins of the Seven Principles

Introduction

To understand the American Constitution, one must first recall when it was drafted. There were thirteen nearly sovereign states in 1787. They had declared their independence from British rule eleven years before. During the intervening period, the states were governed as a loose union for many years under the Articles of Confederation. However, by 1787, this was no longer the case. The confederacy has shown to be unsuccessful. The thirteen states were not at all alike. They disagreed on religious and political issues. Despite this, many people were aware of the need for closer union against external and internal threats, and in May 1787, a convention was convened.

However, as soon as the convention began, debates erupted over a variety of issues such as What is the foundation of legitimate political authority, How do you strike a balance between state and federal governments, How will the government respond to the will of the people, What factors influence state-to-state relations, What are the roles and responsibilities of this government, But, most importantly, "can America be happy under a government of her own"? (Thomas Paine, 1776). To answer these questions, the Framers turned to a set of political philosophies.

Following the establishment of the mechanism underlying the structure of the United States constitution, namely the seven principles, to understand the philosophies and ideologies that influenced and guided the founding fathers in laying the foundational basis of the government, it is critical to investigate The Ideological Origins of each principle.

3.1 The History of American Popular Sovereignty

The doctrine of Sovereignty became a part of the constitution at the time of its adoption in 1789, but its scope and meaning were not always clear and well-defined. The term "sovereign" is derived from the old French "sovrain" and the Latin "super", which means "superior." (Willis and Merriam).

It dates back to Roman law, people must give up all their rights, powers, privileges, and immunities, with the exception of an escheat in the event of a vacancy in office. During the reign of Henry III of France (1551- 1589), Bodin developed the theory that sovereignty was an absolute, limitless authority that established law but was unconstrained by it and, in an ideal system, was vested in the king and held by divine right. Hobbes, on the other hand, assumed two things: first, that there existed a pre-civic state of conflict, and second, that each person agreed with each other to irreversibly surrender his inherent right to self-government to one group of men (or a man). He contended that the law was the result of the establishment of the state. As a result, the ruler was not a party to the pact and could not break it (Willis and Merriam).

The pre-civic state, according to Locke, was equality and freedom rather than war; and that individuals were endowed with certain natural rights, and that, for the better preservation and enjoyment of these rights. Every individual entered into a compact with the rest of the group by which he surrendered the exercise of a part of his rights (Willis and Merriam).

Rousseau thought that each member of society, through a social contract, was associated with every other to form a body politic, giving up his inherent liberty in exchange for it being given to him as a member of the community. the state, imposing

a legal, rather than a moral, constraint on the exercise of government authority. Individuals will come together to form a group. The popular assembly and the general will alone represent the will of the sovereign. The government was only an executive agency (Willis and Merriam),

The hypothesis of the compact and natural rights, as well as the doctrine of popular Sovereignty, were adopted by Jefferson and Madison, as reflected in the Declaration of Independence, and many of the bills of rights of the various state constitutions, and the United States Constitution 1787 (Willis and Merriam).

3.2 The Roots of American Republicanism

Republicanism was a political philosophy that dated back to antiquity. The Americans derived their ideas about the needs and objectives of a republican government from their research into former great republics, as well as from Montesquieu and other English writers (Smith).

Reading the great literature on republicanism has taught Americans that a republican government is only attainable if citizens have civic or political virtue. They learnt this lesson from the Roman Republic's history, particularly the conquests and civil wars from the early first century B.C. all the way to the collapse of republican institutions at the end of the second century A.D. They read the histories of Plutarch, Sallust and Tacitus, historians whose writings during the decadence of the Republic, contrasted the present with a better past. The golden age of the republic had been full of virtue: simplicity, patriotism, integrity, a love of justice and liberty. They were drawn to the Roman Republic's example because they felt the Republic's greatest political achievement was the creation of previously unheard-of levels of civil liberty and stability, which was made possible by the citizens' political virtue. While the Framers did not deny civic virtue as a key component in the survival of republican

governments, even so, they still considered it to be a fragile foundation upon which to establish a free government. Other types of assistance were also required such as, the Federal System, Representative Government, Separation of Powers, and Checks and Balances (Smith).

As a result, the Framers' notion of republican government differed from classical Republicanism. Hence, the Madisonian definition of a republic, which is

> a government that derives all of its powers directly or indirectly from the large mass of the people and is managed by people who maintain their positions for pleasure for a limited time or for good behavior. It is important for such a government to be generated from the vast majority of society, rather than from a small fraction or a favored segment of it.(Madison).

3.3 The Genesis of American Federalism

Historians of the American Revolution and the early Republic are quick to praise the founders, such as James Madison and Alexander Hamilton, for their accomplishments in establishing a new political structure that allocated authority between two levels of government (federal and state). However, throughout American legal and political history, federalism has been found both everywhere and nowhere, and the historical circumstances surrounding the formation of federalism remain unknown (LaCroix).

Federal systems are, in part, influenced by history, geography, and political and social circumstances. A foundational aspect of the American federal structure is originated in the practices of the ancient British Empire, prior to 1764

> , the British empire would have been legally a federal empire. But though she did not, she made her contribution; her imperial history had selected and set apart the particular and the general, according to a scheme which was of lasting significance in the development of American imperial order. On that

> general scheme of distribution the Constitution of the United States was founded. (McLaughlin 219).

The federal structure of the United States is more decentralized than that of most other nations, opposing the central authority of Britain before fighting a war of independence. These colonies had their own charters, taxes, and coined money, as well as their own economic and criminal regulations, and also their own police, prisons, firefighters, and schools. States were sovereign and independent, and their citizens frequently referred to them as their own "nations". Hence, they were adamant about not losing their authority to the central government. In addition, the first European settlers in the Americas escaped monarchical regimes that restricted their freedoms and made some religious beliefs and practices illegal.

Moreover, there were tribal federations and confederations in the Middle East thousands of years earlier, and the Iroquois federation in North America dates to the mid-fifteenth century. But there were no detailed records of earlier federations, so the founders did not have any examples on which to model the US federal system. They had to rely on their experiences as subjects of the British crown and as citizens of colonies that had sovereign powers. Thus the evolution of the American federal system was largely determined by it circumstances (Rozell and Willcox).

3.4 The Separation of Powers and Checks and Balances

Historically, the notion of the Separation of Powers dates back to the ancient Greek civilization. Aristotle became the first to identify the three major branches of a government, based on his research into Athens and other Greek city-states. He asserts in his *politics*, that there are three major governmental agencies: the general assembly, which deliberates on public affairs; public officials; and the judiciary (Benjamin F and Fairlie).

In the thirteenth century, Thomas Aquinas, a scholastic theologian, advocated for a mixed government comprised of monarchy, aristocracy, and democracy; and distinguished executive and legislative authority, but not as totally separated from each other, with the monarchy predominating, also Marsiglio of Padua recognized the contrast between legislative and executive authority in his *Defensor Pacis* in the fourteenth century, with the former belonging to the people and the latter being subject to it (Benjamin F and Fairlie).

The work of the French philosopher Montesquieu in his *Esprit des Lois* (published in 1748) further developed the theory of the Separation of Powers along with the system of Checks and Balances (Benjamin F and Fairlie).

His classification of powers was clearly based on the study of the English government and of Locke. Whereas, John Locke, in his *Civil Government, second treatise*, 1690, separated the powers into an executive and a legislative. The French philosopher distinguished the judiciary more distinctly than did Locke. He named the three divisions legislative, executive in international affairs (federative), and executive in civil affairs, the last two more briefly as executive and judicial. He further held that the separation of various powers was indispensable to civil liberty:

> When the legislative and executive powers are united in the same person or body, there can be no liberty, because apprehensions might arise lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner. There is no liberty if the judicial power be not separate from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would then be the legislator. Were it joined to the executive power, the judge might behave with the violence of an oppressor. There would be an end of everything if one man or one body, whether of princes, nobles, or people, exercised these three powers; that of making the laws, of executing the public resolutions, and of judging the cases of individuals. (Montesquieu).

The principle of separation of powers, which is represented in state charters, was agreed upon and praised by the framers of the constitution. However, the notion of checks and balances was not well received. Due to its origins in Great Britain (*SEPARATION OF POWERS AND CHECKS AND BALANCES*).

This was the case until James Madison referenced "the celebrated Montesquieu" in The Federalist Papers: No. 47, where he explained Montesquieu's view that the doctrine of Separation of Powers did not demand absolute separation, "There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates", and in order for such a mechanism to work, we must empower "those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others." namely, a system of Checks and Balances (Madison).

3.5 The American Limited Government

As presented in the previous chapter, in order to establish a government based on the principle of Limited Government, we must also include the principles of Separation of Powers, Checks and Balances, Popular Sovereignty, Republicanism, Federalism, and Individual Rights, which, in part, all work as a means of government limitation.

In addition, noting that each principle is drawn from a different political philosophy, renders the American Limited Government as a doctrine, by necessity, a product of an eclectic range of ideologies and theories, such as the natural rights of John Locke, the Separation of Powers, and Checks and Balances of Montesquieu, the Social Contract of Thomas Hobbes, and so on and so forth.

However, scholars point to key historical events that had a great impact on how and why the framers made sure to incorporate such notion (Limited Government) in the constitution of the founding fathers.

> England already possessed a well-developed notion of guaranteed personal rights, or, to put it differently, of limited government. Henry I's Charter of Liberties , John I's Magna Carta (1215) [The document reduced the king's power by granting the nobility of England rights over the monarchy.], and Charles I's Petition of Right (1628) all asserted the principle that the government could not do certain things regardless of the circumstances. (Sheffer).

3.6 The Emergence of Individual Rights

The history of America is a story of individual liberties and rights (Bodenhamer). The rights to life, liberty, and the pursuit of happiness as stated in the United States Declaration of Independence are typical examples of individual rights (Longley)..

In his classical 1689 essay, the *Second Treatise of Government*, Locke argued that the most basic human law of nature is the preservation of mankind, and that the aim of any government is to preserve and ensure the “inalienable” rights of individuals, which constitute the basis of all rightful governments. Among these rights, according to Locke, were "life, liberty, and property." Locke reasoned that individuals should be free to choose how to live their life as long as their choices do not interfere with the liberty of others. Murderers, for example, give up their right to life because they violate Locke's concept of the law of reason (Tuckness).

The Declaration of Independence sparked the Revolution by announcing to the rest of the world that King George III had refused to acknowledge the natural rights of American colonists. Though Jefferson left no personal record of it, many scholars

believe he was motivated by the writings of the English philosopher John Locke , the declaration document was filled with natural law concepts such as "all men are created equal," "inalienable rights," and "life, liberty, and the pursuit of happiness." torecognize and assert men's natural rights, a declaration that, in their natural state and prior to the formation of political society, men were equal in their possession of certain inalienable rights. In other words, men were created equal in their possessionof those rights, regardless of their individual intellectual, physical, moral, or spiritual inequalities. Jefferson used "pursuit of happiness" for Locke's phrase "property," mostlikely to emphasize that the first goal of government was the happiness of men, not just the protection of property (Desmond).

Conclusion

In conclusion, the present chapter traces back the major philosophies, theories, and even historical events, that, in part, had a certain influence, in shaping or altering, the views and interests of the founding fathers while drafting the US constitution. By providing the ideological origins of each of the seven principles which provides the framework of the government, as well as, drawing a link between the origins and the principle, to illustrate the historical development of each principle, and how it is shaped by the American perspective, The conclusion, at least from the theoretical perspective that the bases on which the founding relied upon are an accumulation of history lessons about classic political philosophy

General Conclusion

To conclude, the present dissertation, aimed to investigate the bases on which the founding fathers relied upon in drafting the United States constitution during the Philadelphia Convention 1787-1789, Nonetheless, this study finds that the founding principles which outlined the foundations of the new America were mere reactions to experiences that the founders underwent directly and indirectly.

Directly, in the sense that, the men in Philadelphia, at an early point of their lives, were all English subjects, which means that they experienced at first hand the totalitarian rule of the British crown. As a result of such experience, we observe the incorporation of Popular Sovereignty and Limited Government, as a reaction and a symbol of protest against doctrine of the divine right of kings. Furthermore, after the Revolutionary war, America adopted the Articles of Confederation as its first constitution; however, it soon proved to be a failure. The Articles of Confederation established a loose confederation of sovereign states and a weak central government. Again, as a reaction to this experience, the founders sought to establish a more centralized government, hence the incorporation of Federalism as a main pillar in the new plan of government.

Indirectly, in the sense that, the American Founders were great students of history. Through the study of classic political history and from the past experiences ofother nations, the Founders learned from Aristotle the importance of civic virtue, a key component of any rightful Republic, Montesquieu contributed a fully-developed theory of Separation of Powers and Checks and Balances, the principle of Individual Rights is rooted in the Natural Rights tradition of John Locke.

It was an understanding of these fundamental principles that heavily influenced the design of the United States constitution.

This study establishes the relevancy and significance of the research by recounting the proceedings that occurred during the Grand convention, and demonstrates the power and the magnitude of the US constitution as a document by presenting the elements that define the framework of the US government as designed by the constitution; however, Certain limitations were found in making a logical link between the first principles and their ideological origins to accurately determine the bases on which the founders reaffirmed and strengthened.

Future studies could be conducted, to better understand the implications of these results the relationship between the classic political philosophies and the principles enacted in the convention, thus it's crucial that we learn what the Founders thought so we can understand how they came to the conclusions that they did, *The Mind of James Madison: The Legacy of Classical Republicanism* by **Colleen A. Sheehan** is a great starter for such inquisition.

ملخص

يحتوي دستور الولايات المتحدة على 4400 كلمة. إنه أقدم وأقصر دستور مكتوب ألي حكومة رئيسية في العالم. لطالما كانت كفاءته وطابعه الفريد موضوعا لنقاش. لذلك ، تهدف هذه الرسالة إلى التحقيق في المؤاربات التي اعتمد عليها الآباء المؤسسون في صياغة الدستور خالل مؤتمر فيالدلفيا)1789-1787(. وبنا ً على ذلك ، إلجراء هذا البحث ، تم استخدام أسالوب النهج النوعي ، وتحديدا ً استخدام االسالوب الوصفية والتحليلية والتفسيرية ، وقدم الفصل ألول سردا ً تاريخيا ً لإلجراءات والمناقشات والقرارات التي تمت في دراسة الحالة المستهدفة. : مؤتمر فيالدلفيا ، 1787-1789 ، في حين أن الفصل الثاني هو فحص شامل للعناصر الرئيسية التي تشكل إطار وشكل الحكومة التي أنشأها دستور 1787 ، والتي ساهمت في نجاحها. في هذه الحالة ، المبادئ السبع ، السيادة الشعبية ، والجمهورية ، والفيدرالية ، وفصل السلطات ، والضوابط والتوازنات ، والحكومة المحدودة ، والحقوق الفردية ، وأخيرا ً ، يوضح الفصل الثالث االسس التي وجهت واضعي الدستور في صياغة الدستور من خالل تطبيق المبادئ االيديولوجية. أصل كل مبدأ. توضح نتائج البحث أن دستور الولايات المتحدة هو مجموع التسويات والتعديالت ، وأنه قائم على مبادئ مقبولة ابتكرها االب المؤسس ع مًدا ، نتيجة لدراستهم للتاريخ السياسي الكالسيكي ، ومالحظة الظروف االجتماعية أثناء مؤتمر فيالدلفيا 1787-1789.

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