

# Fundamental Principles and Values of American Constitutional Democracy

## Fundamental principles of American constitutional democracy

- I. **Popular sovereignty.** The citizenry is collectively the sovereign of the state and holds ultimate authority over public officials and their policies. Within constitutional limits majorities should have the right to make political decisions.
- II. **Constitutional government.** In order to protect the basic rights of the people, government should be limited both in its scope and in its methods. By consenting to the Constitution, the sovereign people agrees to the limitations of its own powers as it agrees to limit the powers of government. The principle of constitutional government includes the following related principles:
  - A. **The rule of law.** Both government and the governed should be subject to the law. Government decisions and actions should be made according to established laws rather than by arbitrary actions and decrees.
  - B. **Separation of powers.** Legislative, executive, and judicial powers should be exercised by different institutions in order to maintain the limitations placed upon them.
  - C. **Checks and balances.** The powers given to the different branches of government should be balanced, that is roughly equal, so that no branch can completely dominate the others. Branches of government are also given powers to check the power of other branches.
  - D. **Minority rights.** Decisions made by majorities should not unreasonably and unfairly infringe upon the rights of minorities. Constitutionally-guaranteed rights should be placed out of the reach of legislative majorities.
  - E. **Civilian control of the military.** Civilian authority should control the military in order to preserve constitutional government.
  - F. **Separation of church and state.** Church and state should be separated in order to preserve liberty of conscience and belief.
  - G. **Power of the purse.** All federal laws for raising revenue must originate in the legislative house closest to the people (the House of Representatives) as well as be approved by the Congress as a whole.
  - H. **Federalism.** Power is shared between two sets of governmental institutions, those of the states and those of the central or federal authorities, as stipulated by the Constitution. Although federal law is the supreme law of the land, it does not cover certain subjects of governance, which are the province of state or local authority.

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## Fundamental values of American constitutional democracy

- I. **The public or common good.** The citizen should attempt to determine the public good and seek to promote it.
- II. **Individual rights.** Individual rights may be divided into the three forms stated in the Declaration of Independence.
  - A. **Life.** The individual's right to life should be considered inviolable except in certain highly restricted and extreme circumstances, such as the use of deadly force to protect one's own or others' lives.
  - B. **Liberty.** The right to liberty should be considered an unalterable aspect of the human condition. This right includes the following.
    1. **Personal freedom.** Individuals should be free from arbitrary arrest and detention and secure in their persons, homes, papers, and effects against unreasonable searches and seizures. There should be a private realm in which the individual is free to act and which government cannot legitimately invade. This realm includes, for example, the individual's rights to freedom of conscience and belief, to freedom of association and expression, and the right to be let alone.
    2. **Political freedom.** Citizens should have the right to participate freely in the political process, to choose and remove public officials, to be governed under a rule of law, and to participate in the creation of their laws. This process requires the free flow of information and ideas, open debate, and the right of assembly.
    3. **Economic freedom.** Citizens should have the right to acquire, use, transfer, and dispose of private property without unreasonable governmental interference. This right includes the right, for example, to seek employment wherever one pleases; to change employment at will; and to engage in any lawful economic activity either by oneself or in combination with others in units such as business partnerships and corporations or labor unions.
  - C. **The pursuit of happiness.** It is the right of citizens in the American constitutional democracy to attempt to attain—to “pursue”—happiness in their own way, so long as they do not infringe upon rights of others. The idea of the “pursuit of happiness” as a right denies the legitimacy of paternalism on the part of government, that is, it denies the legitimacy of the government to define what happiness one ought to seek.

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- III. **Justice.** People should be treated fairly in the distribution of the benefits and burdens of society, correction of wrongs and injuries, and gathering of information and making of decisions.
- IV. **Equality.** The idea of equality may be divided into various kinds of equality.
- A. **Political equality.** All citizens who attain the status of adulthood should have equal political rights. No one is to be denied these rights unless by due process of law.
  - B. **Legal equality.** All people should be treated as equals before the law, without favoritism toward any individual or group.
  - C. **Social equality.** There should be no class hierarchy sanctioned by law, e.g., no nobility in which individuals, by virtue of their membership, have certain privileges and duties that others do not have.
  - D. **Economic equality.** Economic equality tends to strengthen political and social equality; extreme economic inequality tends to undermine all other forms of equality and should therefore be avoided.
- V. **Diversity.** Variety in cultural and ethnic background, race, lifestyle, and belief is not only permissible but desirable and beneficial in a pluralist society.
- VI. **Truth.** Citizens can legitimately demand that truth-telling as refraining from lying and full disclosure by government be the rule, since trust in the veracity of government constitutes an essential element of the bond between governors and governed. Citizens should not always expect complete or immediate truth-telling by government, however, since legitimate interests of state may be fatally compromised by premature admission and disclosure.
- VII. **Patriotism.** Virtuous citizens display a devotion to their country, including devotion to the fundamental values and principles upon which it depends.

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