

Individual Rights v. The Common Good

The U.S. Constitution: Promoting the Public Good and Protecting Individual Rights

This essay explores the way in which the U.S. Constitution reflects a balance between the classical republican concern with promotion of the public good and the classical liberal concern with protecting individual rights. It also discusses how the basic premises of liberal constitutionalism and democracy are joined in the Declaration of Independence as “self-evident” truths.

Overview

The United States was founded on a set of ideas, first put forth in the Declaration of Independence and then given substance in the U.S. Constitution. The ideas in these two documents had developed over time in the American colonies. They had their roots in religious traditions, classical democracies of the past, the British constitutional system, the ideas of Enlightenment thinkers, and colonists’ own experience of self-rule.

Liberal Constitutionalism and the Declaration of Independence

Liberal constitutionalism is an approach to government that seeks to protect individual rights through a constitution and rule of law. Thomas Jefferson eloquently expressed the basic premises of liberal constitutionalism in the Declaration of Independence. Influenced by Enlightenment ideas about natural rights and the social contract, Jefferson boldly stated as “self-evident” truths that people have “inalienable rights” to “life, liberty and the pursuit of happiness.” He then declared that the purpose of government is to secure those rights and that the power of government derives from the “consent of the governed.”

These two ideas—that people have natural rights independent of governments and that government’s power comes from the people—comprised a vision of a new kind of nation. In joining these two ideas, the Declaration also joined the ideas of liberal constitutionalism and of democracy. Liberal constitutionalism requires that the scope and reach of government be limited to preserve individual freedom. Democracy ensures that the people have a choice about their government and can even choose to abolish it. The American colonists believed that representation would help the government determine the common good. Then, in turn, the government that protected the common good would win the consent of the people to be governed.

Classical Republicanism and Classical Liberalism

The Declaration daringly outlined new principles of government, principles on which there was a broad consensus among colonial leaders. But when it came down to deciding what forms of government would best embody these principles, the framers of the Constitution had to resolve several challenging issues. How would such a government be organized? How could it be strong enough to ensure the common good and protect its citizens from arbitrary power? At the same time, how would its powers be limited to protect against abuses by the government itself? These concerns addressed what is sometimes described as the balance between classical republicanism and classical liberalism.

Republicanism is a value system of government that emphasizes civic duty, political participation, the dangers of corruption, and the rule of law. **Classical republicanism** refers to the political ideas of republican Rome (509–280 B.C.E.) revived by the Italian city-states of the Middle Ages and Renaissance. Classical republicanism posits that government derives its power from the people. It stresses that people must be protected from arbitrary power by well-designed political institutions. It emphasizes political liberty and views laws as a means to enhancing freedom and the common good. As William Blackstone, a prominent English lawyer and judge whose writings influenced the founders, wrote, “Where there is no law, there is no freedom.”

Classical liberalism is, basically, a belief in liberty. It stresses individual freedom and limited government. Among these freedoms are individual property rights, civil liberties, and free markets; and a limited government may be one restricted by a constitution. Classical liberalism holds that rights exist independent of government. As Jefferson wrote, “Rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others. I do not add ‘within the limits of the law,’ because law is often but the tyrant’s will, and always so when it violates the right of an individual.” Like the ideas of classical republicanism, those of classical liberalism are rooted in the past—in this case ancient Greek and medieval thought.

The interests of limited government and the interests of individual freedom are not mutually exclusive. Both were expressive of the founders’ fear of arbitrary government. Both concern themselves with preserving liberty. Still, the question, *What form of government would best balance these interests?* drove the process of drafting the Constitution.

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Creating the Constitution: Striking a Balance

The founders creating the Constitution in revolutionary America focused on deciding which forms of government would best secure the principles that they, and most Americans, agreed on. Most delegates to the Constitutional Convention agreed that they did not want the “pure democracy” of the ancient Greek city-states, where citizens voted on everything. Having observed their state governments, they feared mob rule and worried about preserving minority rights. They favored a republic, where representatives of both the aristocracy and the people had a say in passing laws.

The Constitution that the framers finally settled on was the result of spirited debate and compromise on the nature of the new republic. Among the questions the framers faced were how to balance power among the branches of government and between the two houses of legislature, how to determine representation in government, and what electoral process to follow. The system of checks and balances between three branches of government and the system of representation in a bicameral legislature were the delegates’ solutions to balancing power and representation. By creating the Electoral College, the framers resolved the debate between those who wanted Congress to elect the president and those who favored popular election. And by providing a way of peaceful change through the amendment process, the framers offered the hope of an enduring framework.

The framers felt confident that they had created a government strong enough to govern, but not so strong that it endangered citizens’ freedoms. Yet many feared that the Constitution did not go far enough to secure individual liberties and freedoms. These liberalist fears became the main threat to ratification, and some states refused to ratify without the addition of a specific bill outlining personal rights. Federalists argued that a bill of rights was unnecessary because the Constitution created a government of limited powers. Yet eventually, in the interest of ratification, they promised that the first Congress would add a bill of rights. Ratified in 1791, the first ten amendments of the Constitution are collectively known as the Bill of Rights.

Historians disagree about the relative importance of republicanism and liberalism to the founders. Yet the Constitution reflects the struggle both to establish a strong and stable government and to ensure individual rights. Debate about these issues continues, but the U.S. Constitution has proven strong enough and flexible enough to become the most enduring framework of government in the world today.

Enrichment Activity

1. Discuss how the basic premises of liberal constitutionalism and democracy are joined in the Declaration of Independence.
2. List some ways in which the U.S. Constitution reflects a concern with promotion of the public good. Then list ways in which the Constitution reflects a concern with protecting individual rights.