

What Is Constitutional Democracy?



Signing of the U.S. Constitution at Independence Hall in Philadelphia on September 17, 1787. (Wikimedia Commons)

The United States of America is governed by its Constitution, a written document created in 1787 and ratified in 1789. In 1791, the Constitution was amended to include 10 new articles called the Bill of Rights. Among the world's first constitutions, the U.S. Constitution set up the structure of our government, divided powers between the national government and the states, and limited the government's power to infringe on the rights of individuals. Considered revolutionary in its time, our Constitution has lasted for 230 years and has served as a model for the constitutions of dozens of other countries.

Constitutions are designed to limit government, usually by dividing power between different branches of government: a legislative branch to make law, an executive branch to carry out the law, and a judicial branch to interpret the law. There are different types of constitutional government. In a *constitutional monarchy*, the monarch (king or queen) typically heads the executive branch of government and is not elected. Typically, too, there is a legislature, elected by the people. Often the monarch has only symbolic authority and does not actually govern. Japan, Morocco, Sweden, and the United Kingdom are examples of constitutional monarchies in today's world. In a *constitutional democracy*, the people elect legislators to represent them and generally also elect a president in charge of the executive branch. Most nations in the world today, including the United States, are one form or another of constitutional democracy.

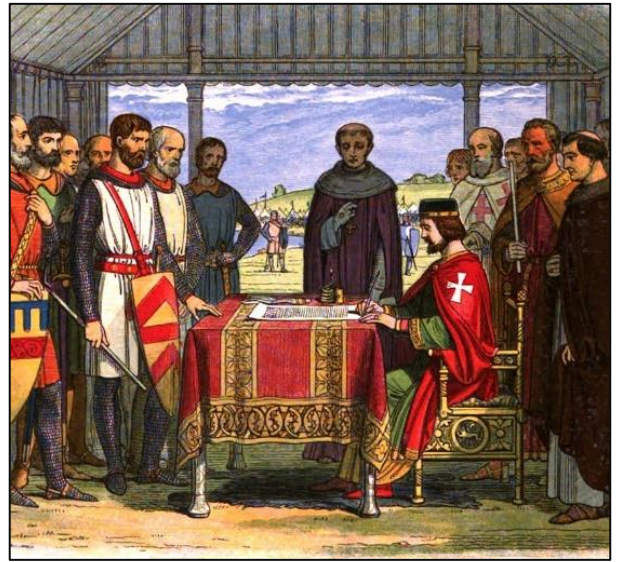
Many countries that have adopted constitutions, however, have failed to limit the power of government. For example, the constitution of the Russian Federation (aka Russia) calls for separate branches of government and guarantees its citizens various rights, including free speech and freedom of religion. In fact, however, Russia's government is dominated by allies of its president, Vladimir Putin, who are also members of only one political party. In accordance with Putin's worldview, the government controls the press, suppresses opposition leaders, makes laws that imprison members of minority religions as well as atheists, and deals harshly with protesters. Russia is therefore an authoritarian state.

An even more extreme example is the Democratic People's Republic of Korea (aka North Korea). North Korea has a constitution that includes a legislative branch, but in reality power rests almost exclusively in a single man, the supreme leader. He is treated almost like a god, and he severely punishes any political dissent. North Korea is therefore a dictatorship.

Principles of Constitutional Democracy

To work and survive, a constitutional democracy requires that the people and their political leaders accept and support certain principles.

A constitutional democracy requires a belief in the rule of law. This means that everyone is expected to follow the law and no one is above the law. Over the centuries, people have put forth many ideas about the source of law. Some have claimed that law was established by a Supreme Being. Others argued that it was the product of long held customs and traditions. In medieval Europe, it was believed that sovereign kings had the right to make law, and God gave them this right (a principle called “the divine right of kings”). Today, in democratic societies, the right to make laws belongs to a legislature elected by the people.



King John of England accepts the Magna Carta at Runnymede on June 15, 1215. (Wikimedia Commons)

Law serves many purposes. It regulates people's conduct and provides methods for resolving conflict. It creates order and stability in society and lets people know what is expected of them. It regulates business relationships and the economy. It grants authority to government and sets limits on that authority.

In a constitutional democracy, the constitution is the "supreme law of the land." It describes who will make national laws, who will enforce them, and who will interpret them. It describes the kinds of laws government has the power to make and places limits on the power of government to make certain kinds of law. In the United States, the Constitution reserves other lawmaking powers to the state governments. It also gives us the power to change the law by following an established process.

Elected and appointed officials, judges, lawyers, law-enforcement officers, and military personnel in the United States all take an oath to uphold and defend the Constitution. In doing so, they swear loyalty to the law itself, not the government or a particular leader or political party.

A constitutional democracy requires a commitment to the idea of popular sovereignty. This means that the will of people is the ultimate source of power. Only they can create the government and the law. As such, the people are expected to make wise decisions when choosing leaders by voting and participating in electoral politics. The people are expected to be watchdogs to assure that laws are followed by serving on juries. The people are expected to be educated about public issues and concerned about the civic life of the nation.

A constitutional democracy must also protect the rights of the minority. While many decisions in a constitutional democracy are made by the will of the majority, minorities and individuals cannot lose their rights simply because they can be outvoted in the polls. A constitutional government guarantees certain rights to everyone — rights that not even an overwhelming majority can take away.

Constitutional governments must assure order and stability in society but also have enough flexibility to adapt to the times and accommodate social change. During the civil rights era in our country, the courts used the equal protection clause of the 14th Amendment of the Constitution to expand voting rights and end law-mandated segregation.

The Origins of Constitutional Democracy

The principles, values, and conditions necessary for constitutional democracy developed over a long period of time. The roots of democracy can be traced to ancient Greece. The word “democracy” comes from the Greek word for “rule by the people.” The creation of our constitutional democracy, however, was largely influenced by events and ideas from England and Colonial America.

England developed the ideas of representative government and limits on the power of the monarch (a king or queen). In 1215, a group of barons forced King John to accept the Magna Carta, a set of rules governing the relationship between the king and his subjects. It established the principle that even a king is not above the law. In 1689, the English Parliament passed the Bill of Rights that ended the divine right of kings and granted specific rights to the people. The British Constitution remains largely unwritten. The power of the king became limited, while the power of the legislative branch, the Parliament, reigned supreme.

Throughout English history, the ideas and practices of common law aided the development of limited government. The common law system evolved over the centuries and used customs, traditions, and judges’ decisions to regulate people’s conduct and settle disputes. Whenever the actions of a king or government threatened their rights, the English people could appeal, though not always successfully, to principles of common law for protection.

With the Enlightenment came the development of the theory of natural rights. Articulated by the English philosopher John Locke, this theory holds that all people naturally possess certain rights, such as the rights to life, liberty, and the pursuit of happiness. The idea of natural rights heavily influenced the founders of our constitutional democracy.

The colonial experience and conditions in America also helped establish the principles of our constitutional democracy. Charters were the agreements establishing colonial governments. In their charters, colonists put into writing many of the ideas that had developed in England to limit government and assure certain rights. The long colonial experience, with England so far away, also gave Americans practice in applying these ideas to the conditions in the new land.

Writing & Discussion

1. What distinguishes constitutional democracy from other forms of government described in the article?
2. What were strong influences on the development of constitutional government in the United States of America?