

# The Political Imagination: Introduction to American Government, Second Edition

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## The Political Imagination

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# Politics and Power

# CHAPTER 1

## Chapter Outline

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Source: a katz/Shutterstock

Climate change activists participating in the People's Climate March in New York City.

*I am no longer accepting the things I cannot change . . .  
I am changing the things I cannot accept.*

—Angela Davis (1983), author, professor,  
and political activist

## Learning Objectives

1. Understand and explain the two main themes of the book.
2. Define and differentiate between *politics* and *government*.
3. Identify and interpret the three faces/expressions of power.
4. Explain and evaluate the two views of power.
5. Define *civil society*, and explain its relationship to politics and government.
6. Analyze and apply the three sources of political power.

## 1.1 Introduction: Rosalio Muñoz

Beginning in 1965, the United States was sending over 200,000 servicemen to Vietnam each year. By 1969, the number had grown to over 500,000. In 1969, Rosalio Muñoz, an 18-year-old Chicano American living in Los Angeles, received a draft notice in the mail. Muñoz noted the date, September 16, because it was Mexican Independence Day. Aware of the disproportionate number of Black and Hispanic Americans drafted and dying in the Vietnam War, Muñoz chose to declare himself a conscientious objector and refuse service. Realizing that other Chicano Americans were being drafted and, because of their minimal education and skill levels, were assigned to combat units with high casualty rates, Muñoz decided to organize a march against the war. Although the Department of Defense did not distinguish between White and Hispanic casualties, Muñoz knew the war was taking a disproportionate toll on Black and Hispanic servicemen, and 40 years later, he was proven correct (Moreno Jimenez 2015; Paredes 2018; “Vietnam War, 50 Years Later” 2015).

In 1970, just one year after receiving his draft letter, 20,000 people marched with Muñoz against the Vietnam War. In 1972, a federal judge acquitted Muñoz of avoiding the draft, adding that the US Selective Service System “committed a terrible injustice against Chicanos” (PBS SoCal 2011, para. 4). Since then, Muñoz has been a community organizer, working on a variety of campaigns, including voter registration and turnout in the American Southwest, expanding legal services for the poor, wage equity for janitors, and efforts to increase funding for inner-city schools. After nearly a half century of political activism, Muñoz refuses to separate Black, Brown, or White movements for equality, suggesting that these struggles are all “our history” and “part of the democratic traditions of this country” (Tobar 2010, para. 9–10). Rosalio Muñoz decided he did not want to be passive in the face of what he believed to be an unjust, undemocratic process for selecting soldiers for combat. Instead of seeing his own draft requirement as something he could not change, Muñoz creatively began the process of empowering himself and his community.

## 1.2 Themes of the Book: The Political Imagination and Democracy as a Way of Life

### LEARNING OBJECTIVE

Understand and explain the two main themes of the book.

In 1959, American sociologist C. Wright Mills published *The Sociological Imagination*. The book was a call for the social sciences, including political science, to help people understand the world around them and how their lives intersect with history. In *The Sociological Imagination*, Mills (2000) calls for a creative quality of mind able to connect personal troubles and public issues with historical and societal trends and find solutions to the challenges we face. The “sociological imagination” allows the individual to clarify, or see how, one’s own experiences in life—social, economic, personal, and political—intersect with history and the times in which we live. A simple example would be unemployment (as well as employment); an individual can obtain an education or skills and still find themselves unable to obtain gainful, satisfying employment. Although many would “blame” themselves, Mills would suggest that the individual should consider how society, technology, manufacturing, or service employment trends have changed and thereby better understand how the individual’s life and the struggles they face intersect with larger social and political forces. The sociological imagination allows us to make connections between our individual life experiences and the ways in which social and political movements create environments that we must all live in. As such, Mills’s treatment of sociology would certainly include our common understanding of politics. For Mills and many other social theorists, the distinction between sociology, or the study of society, and politics is less a distinction in kind but rather suggests a simple distinction in degree.

Modern democratic systems are based on the centuries-old concept of democratic theory, which presupposes an active role by the public in power, politics, and policy.

Yet public cynicism, limited public knowledge, and the role of money in politics can leave one feeling as if there is no point in learning about government in order to better address one's core concerns, whether they involve jobs, the economy, civil rights, environmental issues, international relations, or a host of other important matters. The voter turnout rate in the 2024 election among young people (18- to 29-year-olds) was only 42 percent, a considerable decrease from the 50 percent it was in the 2020 election (Center for Information & Research on Civic Learning and Engagement 2024). That cynical feeling about the value of participating in the democratic process, which can itself become a kind of trap, is one reason why we believe it is important to know how government functions and the role that individuals and social movements play in achieving inclusiveness, political empowerment, and public policy.

A political imagination can serve as a starting point for practicing democracy as a way of life. The historian Howard Zinn (2010) reminds us that progressive change occurs from the bottom up. Throughout American history, people who have felt trapped have spoken out against oppression and limited opportunity and demanded that a democratic form of government serve the needs of the people. From Thomas Paine, Daniel Shays, Harriet Tubman, Chief Joseph of the Nez Perce, and Ida B. Wells to Eugene Debs, Jane Addams, W. E. B. Dubois, Paul Robeson, Martin Luther King Jr., Angela Davis, Betty Friedan, Cesar Chavez, Rosalio Muñoz, and Muhammad Ali, individuals who felt like their lives were a series of traps took a stand and pushed back against oppression, demanding that government serve the people and their interests. Throughout history, the political imagination has compelled individuals to turn their own personal concerns into social issues.

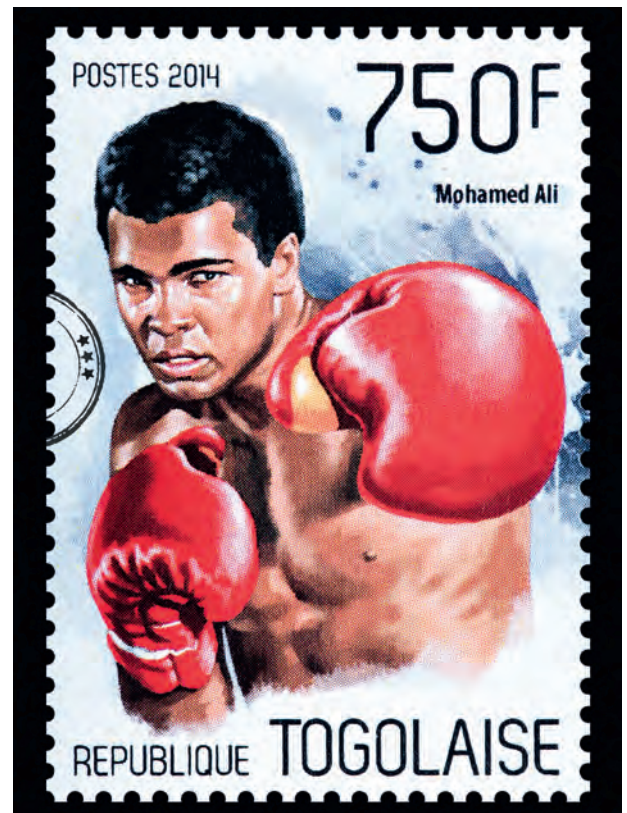
The goal of this text is to help educate you about American government, as well as provide a historical and a comparative context to evaluate both the United States and other democracies so that you can become self-educating because “only then would [you] be reasonable and free . . . to help build and strengthen self-cultivating publics. Only then might society be reasonable and free” (Mills 2000, 186). The political imagination is a framework that allows us to comprehend, make connections, and understand history and biography in a way that empowers us as both individuals and democratic actors in the political system. The ability to understand what is happening around us and the willingness to engage are the elements of reason and freedom that we believe are essential in a robust democracy.

There are two premises of this book: the political imagination and democracy as a way of life. The political imagination is drawn from Western political philosophy. Throughout this textbook, we draw on a rich history of political visionaries. Challenging existing political and social arrangements, political thinkers from Plato through Locke to Angela Davis to Greta Thunberg offered alternatives on how social and political life ought to be. Finding solutions to contemporary problems affecting the United States and countries throughout the globe, including climate change, economic inequality,



Source: Prachaya Roekdeethaweasab/Shutterstock

Chief Joseph, 1840–1904, leader of the Nez Perce Tribe. Chief Joseph made many trips to Washington, DC, to negotiate on behalf of his tribe.



Source: Stampastic/Shutterstock

Muhammad Ali, 1942–2016. Professional boxer and social activist. Ali refused to be drafted into the military in 1967.

**political imagination** A political reenvisioning involving finding solutions to contemporary political problems and issues.

concentration of wealth, migration, nuclear confrontation, nationalism, and threats to civil liberties by states and corporations alike, requires political reenvisioning, or a **political imagination**.

The founders of the American political project were political visionaries. At a time when monarchies and empires were dominant, the founders of the US Constitution established a political system based on the belief that the people could govern themselves. Over 100 years later, Elizabeth Cady Stanton and other suffragettes were also political visionaries. After decades of struggle, they convinced the American public that women were political equals of men who deserved the right to vote. Martin Luther King Jr. explicitly understood his political vision in imaginative terms, best expressed in a “dream” he had of civil rights, racial equality, and brotherhood both within the United States and across the globe.

Democracy as a way of life is the second premise of our book. Coined by American educator and political philosopher John Dewey, democracy as a way of life seeks to expand the method and values of democracy throughout aspects of everyday life (Dewey 1937). Democracy as a way of life encourages the reader to live politically, to understand that humans are political beings, or *politikon zoon* (Aristotle 1992). Having the freedom and the power to become involved in the community and social institutions where we live, study, and work has value and importance for the development of our rational, moral selves and the good life found in a confident and frequent engagement with the public issues that matter to us. Democracy as a way of life is a concept that does not confine democracy merely to a set of procedures (e.g., periodic voting in elections) or limit its practice to lawmaking and representation in government. Nor does it envision the unlimited expansion of government power to legislate every aspect of life.

**democracy as a way of life** The expansion of democracy in political, economic, and educational institutions and in our social relationships.

**Democracy as a way of life** seeks to expand democracy in political, economic, and educational institutions and in our social relationships. Dewey proposes “all those who are affected by social institutions must have a share in producing and managing them” (Dewey 1937, 461). Throughout modern history, popular revolutions, from the American and French Revolutions in the 18th century to the pacifists and labor organizers who opposed the US decision to enter into the First World War in 1917, have been led by great masses of people mobilized in the pursuit of political change. At the heart of this concept is the belief that each individual is both the subject and the object of social and political life. Democracy as a way of life means engaging in the structure of decision-making: playing a role in the direction and function of a policy, institution, or movement. Examples include canvassing on behalf of a political campaign, lobbying an elected official, creating worker-owned cooperative businesses (e.g., Cooperative Home Care Associates in New York City or work councils in Germany), joining farmer and housing cooperatives, running for student government organizations, and joining participant-oriented social movements.

We encourage students to link the political imagination with democracy as a way of life. The linkage of these two concepts can provide you with a distinct, normative orientation



Source: Per Grunditz/Shutterstock

Swedish climate activist Greta Thunberg demonstrating, holding a sign “School Strike for Climate.”



Source: Everett Collection/Shutterstock

Antiwar peace activists, 1917. Many opposed US intervention into the First World War.

about American politics. We emphasize that political engagement, at both an institutional and an interpersonal level, is essential in a democratic society. By understanding the importance of political engagement and how the American system of government works in theory and in practice, you, too, can consider ways in which your own political imagination might be realized. Issues ranging from immigration policy, economic planning, education, housing, and social services to matters concerning privacy in the age of social media all require political engagement. Learning about the American system of government can empower you to engage with public issues and effect social change wherever you live.

Members of a democratic society are both encouraged and expected to develop their own opinions about government. As students of government, you should make sure your opinions can be articulated based on facts, reasoned arguments, and having an open mind. The goal of this book is to help you understand the nature of political power and the theoretical approaches to analyzing power in American politics; the historical origins of the American system; the values and theories upon which the US system of government is based, the evolution of the US system of government over time, and the ways its institutions function; and what government does for people and what it can, or should, do for people.

### 1.3 What Is Politics?

In the last 30 years, politics has received a bad reputation. Trust in elected officials across the globe has declined. Many citizens of democratic societies, including Americans, believe that politics is ineffective and corrupt and that it favors the wealthy. Some of this criticism is contradictory: To some, the government is weak; to others, it is too powerful. To some, the government does too little for the people, and to others, it interferes with life at every turn. Public trust in the US government has been declining since the 1950s, when it was near 75 percent. In a 2024 poll, only 23 percent of the American public trusted the federal government (Partnership for Public Service 2024). It is obvious that public confidence in the government is weak. And that is problematic for democracy in America.

Polls indicating low levels of public trust and confidence are troubling, yet no matter how politically disengaged or cynical the American public may be, one must accept that politics has an important impact on our lives. When asked to rationally explain what the government does, most people can name a few programs or policies they believe in and would support. Consider the following: The government may enable you to afford to attend college by subsidizing the cost of the train or bus or by maintaining the roads you travel on to get to class. Similarly, your taxes might pay for someone else's unemployment or health insurance, their retirement, the maintenance of public parks, inspections of the building where you live or work, medical research, and technological innovation. Government regulations, such as the 1964 Civil Rights Act, prevent a business owner from denying a person service because of their race or ethnicity. Likewise, because of another regulation, the 1978 Pregnancy Discrimination Act, an employer cannot fire someone from their job because they became pregnant. Whether these programs and policies exist, are enforced, and the extent of their funding, if they receive any, is defined by politics.

What is politics? Political philosophers and students of politics have offered various definitions. German sociologist Max Weber states, "politics, just as economic pursuits, may be a . . . avocation or . . . vocation. One may engage in politics, and hence seek to influence the distribution of power within and between political structures" (Weber 1958, 83). Some have defined politics as "the human activity of making public authoritative decisions," which focuses the study of politics on political institutions, politicians, and official political actors (Caramani 2014, 2). According to American political scientist Harold Lasswell, politics is the struggle over "who gets what, when and how," which has evolved into the standard definition of politics (Lasswell 1936, 1). To the ancient Greek political philosophers Plato and Aristotle, politics and political inquiry were about uncovering and implementing the principles upon which a "good society" should be founded and organized. Each of these definitions has important features that describe what politics is actually about.

**politics** The process by which a group makes the decisions that govern society and determines the principles and values upon which society should be organized.

**Politics** is the process by which a group makes the decisions that govern society and determines the principles and values upon which society should be organized. Politics should not be seen exclusively as the activities of institutions, elected officials, interest groups, and voters. Voting is the most obvious form of being political, but that is only a fraction of what we believe an understanding of politics should be. Individuals or groups organizing outside of the institutions of government in an effort to establish priorities and create social change are also important political actors. Workers organizing for better wages, parents meeting to discuss school policies, community members petitioning for improved public transportation services, people canvassing for a ballot initiative to ban plastic straws, citizens attending a meeting at the local community or town board, or someone in your community organizing for a political campaign should also be understood as politics.

Breaking down our definition of politics as the process by which a group makes the decisions that govern society, as well as determining the principles and values upon which society should be organized, helps us understand more about what politics is. The following questions are central to our understanding of politics, and they have been the subject of recurring debate and conflict throughout American political history:

1. Who has the authority to make the rules that govern the community? How should political power be distributed in society? For example, should education policy be set by centralized administrators or parents and local school boards?
2. What values are shared by the community, and how are they embodied in government? How can a community define and promote justice, liberty, equality, and security? For instance, should adequate and affordable health care or universal, free education, including college, be a guaranteed right?



3. How are social and political rights defined and allocated? How are public goods (taxes, health care, education, public safety), as well as civil liberties and civil rights, prioritized and distributed? For example, how should society treat those who discriminate?

Whether we like it or not, we live in a political community. Aristotle, a fourth-century BC Athenian philosopher and the first political “scientist,” believed that humans are naturally “political animals.” Individuals live among other human beings, and human potential cannot be realized except in a community with others in the *polis* (“city”). Politics needs to be seen as a naturally occurring process and essential to human life. Politics is about who makes decisions, what kinds of decisions are made, and how well these decisions align with your values.

### 1.3a Defining Government

A **government** is a system of institutions and processes by which decisions and laws of a territory, such as a city, state, or nation, are made and enforced. Political communities, be they cities, states, or nations, are organized into governments. Government is made up of a set of actors that includes those who are elected or otherwise chosen by the people, such as an elected executive or legislature. Institutions of government also include courts and law enforcement agencies, the military, tax-collection agencies, and many other administrative agencies and departments of a modern government tasked with the administration of specific governmental functions.

A well-functioning modern government must not only have the authority and institutions to make laws, policies, and create programs, but it must also have the capacity to implement and enforce the laws these institutions agree upon, making them binding on all who reside in its territory (Mann 1984; Weber 1968). Thus, it is important for the government to have **infrastructural power**, or the ability to administer and enforce the laws and execute its core functions. These functions include collecting taxes, providing for domestic and external security, facilitating economic development, spending federal dollars to maintain our national park system, and providing for the basic welfare of its citizens (Mann 1984; Nawabi 2024). The institutions of government, the courts, regulatory agencies, legislative bodies, and federal and state administrative organizations play an important role in applying the laws and carrying out these functions.

### LEARNING OBJECTIVE

*Define and differentiate between politics and government.*

**government** A system of institutions and processes by which the decisions and laws of a territory, such as a city, state, or nation, are made and enforced.

**infrastructural power** The ability of the government to administer and enforce the laws and execute its core functions.



Source: Wick Smith/Shutterstock

Infrastructural power demonstrated by the capacity of the US National Park Service to protect and preserve the nation’s natural beauty, such as the Badlands National Park in South Dakota.

## 1.4 Political Power: Definitions, Expressions, and Sources

Even though the United States is a democratic form of government, central to an understanding of politics and government is the question: How should a political community be organized? In other words, who should have the power and authority to rule or make the decisions that govern society? Should decisions be made by hereditary nobility, as in a monarchy; religious figures, as in a theocracy; wealthy property owners, as in an oligarchy; military generals or authoritarian leaders, as in dictatorships; or by the will of the people, as in a democracy?

Politics is a social, relational phenomenon. For instance, in every political community, there are organized interests who influence or directly make decisions. Some members of the community have great influence, whereas other members have minimal or unrealized influence. Corporations and large political action committees (PACs) have significant influence. Undocumented immigrants and single mothers have much less. Inherent in politics are the concepts of power and the distribution of political power and influence. Who has influence over and within a community is a way to identify who has power. In the next section, we analyze power and how it has been defined by political and social theorists. In Chapter 3, we will outline several contemporary theoretical approaches to describing, analyzing, and explaining how political power is distributed and exerted in the American political system.

According to 16th-century English political philosopher Thomas Hobbes, “the power of a man is his present means to obtain some future good” (Hobbes 1996, 58). In Alexander Hamilton’s view, “power is the ability or faculty of doing a thing” (Rossiter 2003, 198). Although Hobbes and Hamilton conceived of power in a political context, these quotes illustrate power as an individual act as well, each suggesting that accomplishing something is akin to power. Max Weber defined power as “the chance of a man or a number of men to realize their own will in a communal action even against the resistance of others who are participating in the action” (Weber 1958, 180). Weber helps us understand that **political power** is the ability to influence the political behavior of others (Dahl 1957).

**political power** The ability to influence the political behavior of others.

### 1.4a Expressions of Power

#### LEARNING OBJECTIVE

*Identify and interpret the three faces/expressions of power.*

On its surface, political power seems simple, but in reality, it is a complex concept. British political and social theorist Steven Lukes (2005) posits three “faces,” or expressions, of power: decision-making power, non-decision-making power, and ideological power. Expressions of power clarify how power functions. The first face of power is expressed by A having power over B if A can get B to do something B would not have done otherwise. This is power as influence over decision-making. The person or group whose perspective prevails in the decision is the person or group with more power than others (Dahl 1961; Polsby 1963). Consider a bill before a legislative body that is up for possible vote, for example, whether the minimum wage should be increased or kept the same. Various groups, such as individual employees, labor unions, business coalitions, and small business owners, all argue in support of their interests. When the legislature makes its decision, the group that gets more of what it wants is typically understood as the group with more power. In this example, political power can be found by looking at the network of people, the group, or the institution that played the dominant role in the decision. According to this view, studying power is primarily about determining which group or interests and values prevailed.

The second face of power was advanced by Schattschneider (1960) and Bachrach and Baratz (1970), who argued that power may also be expressed by the ability to exclude certain issues and participants from decision-making. Schattschneider explained widespread political apathy, cynicism, and indifference, especially among poor and working-class people, not as a result of an inherent disinterestedness but as a result of “the suppression of the options and alternatives that reflect the needs of the nonparticipants. It is not necessarily true that people with the greatest needs participate in politics most actively—whoever decides what the game is about also decides who gets in that game”

(Schattschneider 1960, 105). Deciding “what the game is about” and “who gets in that game” are themselves expressions of power.

Bachrach and Baratz (1970) argue that the study of power and politics should focus “both on who gets what, when and how and who gets left out and how” (105). Having the ability to set the political agenda, or to decide what issues are “on the table to discuss” and what issues are left “off the table” and not discussed and decided upon, is itself an expression of power. For example, in contemporary opinion polls, most Americans support stronger gun laws, want the government to fight climate change, support an increase in the minimum wage, and prefer increased support for public education and universal health care, yet these issues infrequently become agenda items before the US Congress because of structural power and resources imbalances among competing groups in society. Instead, contrary to what a majority of Americans want, the agenda of Congress is often set by debates over how deep cuts to these programs can go. The framing or shaping of the political agenda, what is and is not debated by the government, is the second face of power.

The third face of power, as identified by Lukes (2005), suggests that power is expressed by having the ability to shape or determine the beliefs and desires of other groups. In this view, power is expressed through propaganda and political ideology. The third face of power argues that what is arbitrary and unequal appears to be natural or “just the way things are.” In this case, one can be both resigned to dominant values and believe in them. The third face of power describes how the powerful secure the compliance of those they dominate. For example, one of the ways that the powerful shape beliefs is by using certain values in a propagandist way to cut off thinking about alternatives to the status quo—for example, labeling criticism about unfair taxation, extraordinarily costly military budgets, and minimal social assistance safety nets as “un-American,” “Communist,” or otherwise somehow antithetical to the nation’s values.



Source: Omar ElDeraa/Shutterstock

Billionaire Elon Musk, owner of X (formerly Twitter), has considerable political influence through his ownership of and presence on the popular social media platform.

Propaganda, demagoguery, and political ideology are disseminated through control of communications and corporate dominance of information. Consider how crime stories often dominate the news even though crime is down and has been decreasing over the last decade. Prioritizing a narrative about how dangerous life is in America or exaggerating issues, including explicit lies, benefits many interests, including the prison industry, expanded police hiring, increased surveillance, gun access, fear of urban neighborhoods, and racial and class biases. In addition, corporate media outlets are often more preoccupied with making profits than informing the public with facts. Newsroom budgets

have declined, and news coverage has become more sensationalized. Scandals and public distractions have increasingly served as substitutes for serious public affairs coverage (Bagdikian 2000). Through social media, misinformation and conspiracy theories are amplified. As a result of turning politics into scandal, distraction, and lies, public knowledge becomes distorted.

But the third face of power includes much more than media influence in shaping the public narrative. As journalist and author Jane Mayer extensively documented in *Dark Money*, corporations and billionaires such as the Koch brothers have spent hundreds of millions of dollars in trying to shape the public consciousness and, ultimately, electoral and public policy by funding think tanks, media personalities, “research” institutes at universities, fake grassroots groups, and charitable private foundations, creating a whole integrated network intended to forward their pro-corporate, pro-wealthy, anti-tax, anti-state narrative and policy goals (Coy 2024; Mayer 2017).

In time, people’s beliefs about politics, government, and public discourse are altered in significant ways. An inability to engage in sophisticated arguments, a belief in the inherent dysfunctionality of government, conspiratorial thinking, and contempt for government encourage rampant individualism and a misunderstanding of the value of a democratic society. People’s desire and ability to engage with the political imagination with insight and motivation become devalued.

The third face of power, frightening as it may be, encourages something all too common—a sense of powerlessness in political action. Powerlessness is a very real and prevalent feeling. When “the people” become unmotivated and disconcerted, it is easier for powerful—often undemocratic—groups to dominate the political process. Here, Lukes’s (2005) treatment of power takes us back to Mills’s concerns about the importance of a sociological or political imagination. (See Table 1.1.) The feeling of powerlessness, or believing that there is “nothing you can do” or “it is what it is,” speaks to the third face of power. Fringe movements that are motivated by conspiracy and misinformation, often led by demagogic leaders who propagate aspects of our history that should be denounced—such as disenfranchisement, White nationalism, and nativism—and who are dismissive of democratic norms and procedures are antithetical to the democratic way of life and to political imagination.

Democracy as a way of life is a principle that believes in activist politics empowering individuals and moving society to embrace its tolerant, inclusive, deliberative, and reasoned foundations. Although methods and strategy can be debated, we emphasize that a movement’s stated goals—its political reenvisioning—are the central tenets by which it should be judged. These goals, we believe, must be consonant with core democratic

**TABLE 1.1** Lukes’s Faces or Expression of Power

	How Is Power Expressed?	Who Has Power?
First face of power	Decision-making	Which individual or group’s interests prevailed and whose interests did not
Second face of power	Agenda setting	Which individual or group’s issues, interests, and ideas were considered for discussion and whose issues, interests, and ideas were excluded from discussion
Third face of power	Shaping of political beliefs, values, and common sense	Who shapes what we think about political and social issues and values, what we believe to be “normal” and “acceptable,” and how we define our political interests and worldviews

principles such as reasoned, rational, fact-based deliberation; the expansion of due process and equal protection; and policies that promote the common good and opportunities for all individuals to lead an active, engaged, and fulfilling public life.

### 1.4b Power: Negative and Positive Views

The three faces of power just outlined imply that power is relational and that it can be expressed in different ways. Power has both negative and positive connotations. According to the 15th-century Italian political philosopher Niccolò Machiavelli, the purpose of power is to maintain and expand one's personal power. In this way, the purpose of politics is not a moral end to construct a "good society" based on justice, as Plato and Aristotle believed, but the pursuit of power for its own sake. In *The Prince*, Machiavelli states, "the ends justify the means" (Machiavelli 1940, 66). Power is an end in itself, and a successful leader uses whatever means necessary, including fairness, generosity, and empathy, as well as, if necessary, deception, extortion, or brutality, to preserve and expand their power. Machiavelli's description of power might fuel cynicism about why people go into politics. It is easy to read Machiavelli and assume that people engage in politics for selfish reasons, such as serving their interests rather than those of the public. Lord Acton, an English politician and historian, may have had Machiavelli in mind when he warned that "power tends to corrupt," implying that power is something negative, a dangerous habit to be avoided.

Thinking about power in this way can be disempowering. If politics is a struggle over the rules that we must all follow, the values of our society, and the distribution of public goods, then to believe there is no role for you, or that it's not worth your time, in order to keep yourself undamaged by power is to commit an act of political disempowerment. If we choose to ignore politics and disengage from the political process, we leave the task of rulemaking, values creation, and public-goods distribution to others rather than aligning the rules, values, and distribution of public goods in accordance with our sense of fairness, need, and justice. C. Wright Mills, in the *Sociological Imagination* (2000), makes clear that history, or the life we live, is being made by people. The question to consider is who is making the history of our lives? In the 2024 presidential election, only about 64 percent of the nation's 240 million eligible voters cast ballots. All too many eligible voters intentionally ignore the electoral process, proclaiming their votes do not matter. Voting, although not equivalent to our belief in the extraordinary power of civic engagement, is still a very important act. In a disempowered view of politics, we end up unwilling—or unable—to accept the responsibility of being active in the decisions that structure our lives, our communities, and the lives of people throughout the world. Instead, consider that there is a more productive and affirming way to think about power. To affect public policy; to remedy an injustice, be it racial, class, gender, or environmental; or to challenge or support a war requires a belief that one can empower themselves and "achieve purpose" in significant ways. To quote Martin Luther King Jr.:

The problem of transforming . . . is a problem of power—a confrontation between the forces of power demanding change and the forces of power dedicated to preserving the status quo. Power, properly understood, is the ability to achieve purpose. It is the strength to bring about social, political or economic changes. In this sense power is not only desirable but necessary in order to implement the demands of love and justice. (King 2010, 37–38)

One must do more than simply have opinions if they take the responsibility of civic life seriously. A constructive view of power is important for political engagement that accompanies the values of a democratic society.

### 1.4c Sources of Power: Government and Civil Society

Power is crucial in politics. Power is the ability to influence others. In the previous section, we outlined how power functions. Here, we discuss the sources of power. Why do some people have more power than others? And why do some people see themselves as disempowered?

#### LEARNING OBJECTIVE

Explain and evaluate the two views of power.

**civil society** Nongovernment, autonomous groups in society, including political parties, religious organizations, the media, businesses and corporations, labor unions, civil rights groups, women's groups, gun clubs, and sports and hobby organizations, among many others.

### LEARNING OBJECTIVE

*Define civil society, and explain its relationship to politics and government.*

### LEARNING OBJECTIVE

*Analyze and apply the three sources of political power.*

It is important to understand that political power is located both in government officials and in civil society. **Civil society** is made up of nongovernment, autonomous groups in society. Civil society consists of political parties, religious organizations, the media, businesses and corporations, labor unions, civil rights groups, women's groups, gun clubs, and sports and hobby organizations, among many others. Civil society groups do not have to be political in nature and orientation, nor must they seek to influence politics. However, many civil society groups and organizations do seek to wield political power and influence public policy and what government officials do.

What are the key sources of power? First, perhaps this might seem obvious, but governments—or more specifically, government officials—exercise political power. The political power of government officials comes from the authority of the office or position that they hold and what the voters have entrusted their elected representatives to do by law. The US Constitution and various laws give a government official the authority to do something. For example, the president has the authority, provided by the Constitution, to grant pardons and reprieves to people indicted for, convicted of, or sentenced for federal crimes. Likewise, as chief administrator, the president has the authority to issue executive orders directing the federal bureaucracy to do something. For instance, in 2024, President Biden announced that the federal government would end its purchase of single-use plastics. This is a significant step to reduce plastic pollution because the federal government is the world's biggest buyer of consumer goods (Tabuchi 2024). A federal judge has the authority to invalidate a discriminatory policy, such as New York City's "stop-and-frisk" policing measure, which was found to be in violation of the 4th and 14th Amendments. A judge also has the authority to impose a fine, prison time, or other punishments provided by the law for those who have been convicted of a crime. Congress has the power to enact gun control legislation, including banning the sale of automatic weapons. It has the authority to allocate funds to federal agencies, including allocating funding to the US Justice Department for enforcement of civil rights and antidiscrimination laws. A local legislative body, such as the city of Seattle, Washington, has the authority to enact an ordinance to ban retail stores from handing out single-use plastic bags. These are examples of power as legally determined authority.

The second source of political power is rooted in civil society. Particularly, it is rooted in wealth and economic control. A large political campaign contribution by a wealthy individual may buy access to elected officials, resulting in public policies preferred by the contributor(s) (Schwarz 2015). Interest groups, including corporations, engage in politically impactful wages. A corporation may buy ads in the media promoting their agenda. A large employer or even a popular sports franchise in a given city or state may



Source: Evan El-Amin/Shutterstock

President Donald Trump speaking on the White House lawn.

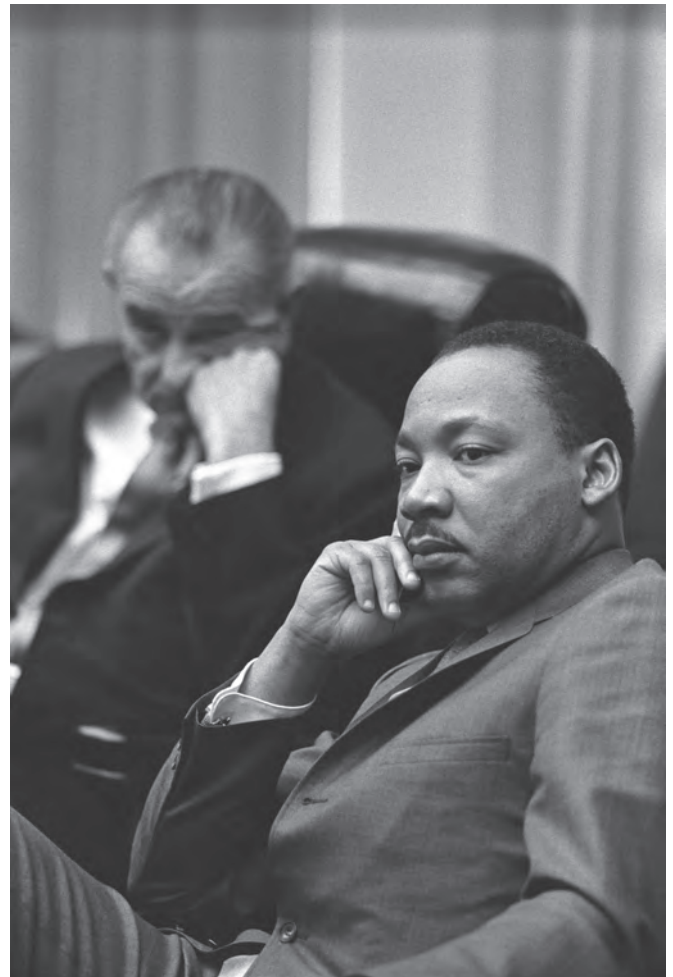
use its economic power to influence public policy on local issues, including taxes, zoning, and environmental regulations, as well as the laws that govern the relationship between employers and employees. A corporation can threaten to move its operations to another city or state if the local government does not provide the company with favorable tax, infrastructure, or regulatory policies. In the United States, the once-powerful American automobile industry used its wealth and economic power to dominate Michigan and Detroit public policy for over 50 years (Stern 2022). The major American automakers, GM, Ford, and Chrysler, had significant financial—and thereby political—power, endorsing candidates and elected officials who supported their interests in labor and tax laws, environmental regulations, trade, and public funding.

More recently, large companies such as Amazon and highly profitable sports teams demand public subsidies to locate in a given city or state (Gaines 2018). Private, for-profit sports franchises and commercial business interests lobby the government for extraordinary tax breaks (subsidies) in exchange for promises of job growth and increased tax revenue through expanded commercial activity. Often, the promises laid out by the business sector and echoed by their political allies do not come to fruition, and cities and states end up paying billions for promised but unmet tax revenue, contributing to public debt.

Corporations also apply significant political pressure on federal governments in order to further their agenda. When the federal government considers raising the minimum wage or passing a law to facilitate workers to organize labor unions, corporations use their economic power to resist. US corporations can wield considerable influence abroad as well. American fruit companies, including Chiquita and Dole, wield significant political influence in Central American countries, including Costa Rica, Honduras, Colombia, and Guatemala (Kozloff 2009; Valencia 2024).

Clearly, those in governmental positions of authority and those in civil society with wealth and economic influence have power. But ordinary people do, too. The third source of power is also in civil society. This source of power is not rooted in wealth or economic control but in political activism. Political activism comes in many forms, but its success is often based on its organizational strength. Many labor unions and grassroots movements have played significant, extraordinarily influential roles in public life. Forms of political activism may be expressed in political behavior—such as voting; attending and speaking out at public meetings; supporting political campaigns; and participating in economic boycotts, strikes, or other protests and politically impactful activities. The political potency and power of ordinary people are most effective when their political activism is mobilized collectively. There are many historical examples of collective political activism resulting in political change. In states and localities across the nation, citizens can place policy questions of importance to them, which they don't believe will be taken up by their elected officials on their own, in a ballot initiative.

In 1920, the 19th Amendment to the US Constitution, which granted women the right to vote, was achieved by the suffrage movement after decades of political activism (Fraser and Gerstle 2005). In the 1930s, the 40-hour workweek was won by the efforts of thousands of individuals organized and politically mobilized by their labor unions (Baker 2016). The 1965 Voting Rights Act, the law that effectively ended racial disenfranchisement, was enacted after determined pressure by the civil rights movement, which



Civil rights movement leader Martin Luther King Jr. meeting with President Lyndon B. Johnson at the White House, Washington, DC.

Source: LBJ Library photo by Yoichi Okamoto, public domain.

was organizationally rooted in the Black church and among student groups on college campuses and elsewhere. The establishment of the United Farm Workers, an agricultural workers' labor union, by Cesar Chavez and Dolores Huerta provided representation and led to legally binding rights for those who labor in agriculture. In the latter half of the 20th century, students at universities across the country, including Columbia, UC Berkeley, the University of Wisconsin, Spelman and Morehouse Colleges, and the City University of New York (CUNY), participated in broader social movements in support of civil rights and in opposition to the Vietnam War, lending critical support to the political influence of those movements. But the students' active engagement also changed the American university as well. Because of students' pressure, universities established curricula to include Black, Latino, Native American, and women's studies courses/programs; they expanded athletic programs for female athletes; and they institutionalized a greater voice of students in college policy decision-making. Political movements, when well organized and persistent in their goals, are powerful ways of influencing government and social institutions.

Political activism, when it comes from ordinary people who volunteer their time to an important cause, is a crucial activity that has the potential to balance out the power of wealth and elected office. Political engagement, as well as activism, is at the heart of democracy: a system of government in which the people rule. In a democracy, political activism is significant because its purpose is to hold elected officials accountable to the people and to function as an alternative to the power and influence of wealth over the political system. In a democracy, participation and its impact on the state grants the political system legitimacy. When the state changes its approach to an issue, such as increasing funding for public transportation or cleaning a polluted river, as a result of public pressure, this process provides justification for the political system's legitimacy, authority, and public trust.

Table 1.2 summarizes the sources of power and how power is used. In the next chapter, we turn to a discussion of the key features of the US political system as a capitalist liberal democracy.

**TABLE 1.2 Sources of Power**

	Who Has Power?	How Do They Use It?
Power that is based on authority of government office	The president, Congress, Supreme Court judges, other government officials and agents of government who are legally authorized to act	Constitutional authority of the president as commander in chief of the US military; authority of Congress to enact taxation and spending laws; authority of US Supreme Court to declare a law unconstitutional
Power that is based on wealth and economic control	Wealthy individuals, corporations, business groups, labor unions, and other groups that can spend considerable amounts of money on politics or control the key economic institutions	Campaign contributions; spending on lobbying government officials; control over economic investment
Power that is based on political participation	Regular people when organized and acting collectively	Voting in elections, canvassing, petitioning; lobbying elected officials; collective action, including protests, strikes, civil disobedience



## 1.5 Invitation to Practice: The Political Imagination and Democracy as a Way of Life

Inspired by the teachings and activism of individuals such as Angela Davis, J. S. Mill, John Dewey, John R. Lewis, Martin Luther King Jr., and many others, this text offers a critical engagement with American politics. The political imagination challenges us to think about how society *should* be organized, what public policies *should* prevail, what our shared social and political values *should* be, and how public goods *should* be distributed. We believe an understanding of how things should be matters, and we encourage you to consider how the structure of government *should* be as well.

Taking the first step, to think and act politically in order to align the political community where you live with your values and beliefs, takes courage. It takes imagination of what *should* be and an ability to practically do what is necessary to make your ideas into reality. Rosalio Muñoz saw an injustice in his community and took that first step, engaging his political imagination while finding ways to practice democracy as a way of life. We encourage the reader to think about the importance of a political imagination and how you, too, might practice democracy as a way of life.

The strength of a democratic society might be found in an understanding of it as an active, engaging process that depends on the political knowledge, involvement, and activism of the people. The expansion of political rights, such as the right to vote and the right to run for public office, has come about as the result of sustained political activism that teaches us an important lesson about how we can practice democracy as a way of life. Democracy, understood as a way of life, engages fundamental questions about who should govern; where the loci, or centers, of power should be in society; what values prevail in society; and how we can best distribute goods and resources in order to expand opportunity, liberty, and justice. These questions, and our commitment to thinking them through, require that we engage one another in a deliberative, interpretive, and activist manner—to live politically minded, or in Aristotle’s wording, *politikon zoon*.

Picking up from Aristotle, American philosopher and educator John Dewey stated that democracy is a way of life. It is

the best means so far found, for realizing ends that lie in the wide domain of human relationships and the development of human personality . . . The key-note of democracy as a way of life may be expressed as the necessity for the participation of every mature human being in formation of the values that regulate the living of men together which is necessary from the standpoint of both the general social welfare and the full development of human beings as individuals. (Dewey 1937, 459)

Democracy is a form of government that creates a public space where the people’s rational, ethical, and social faculties can be developed. Democracy is a system of values. Thomas Jefferson believed the nation, or as he called it, the republic, should be a school for the “improvement of the people” as a whole. Political activism, which goes well past the process of voting, encourages people to move beyond their own private lives and emboldens them to engage with others in a shared community. As the 19th-century British political philosopher J. S. Mill wrote, political engagement “lifts” the people’s “eyes and minds . . . from the dust of their own feet to those of social concerns” (Mill 1991, 58, 79–80). Thomas Jefferson, Alexis de Tocqueville, and others have argued that a democratic society has the potential to create the best in people’s naturally social, political abilities. Joining a civic association; volunteering in a political campaign; attending public meetings; participating in a public demonstration, march, or vigil; and organizing within your community are some of the most basic examples of our democratic potential. In *Habits of the Heart*, Robert Bellah and colleagues suggest we develop our “moral ecology,” meaning a social framework that encourages us to see the connections and obligations we have not simply for ourselves and our family but also for the well-being of others and the communities in which we live in order to “identify our shared moral understandings and commitments that tie people together in community” (Bellah et al. 1996, 335).

In January 2021, demonstrators, encouraged by unsubstantiated accusations about the integrity of the election by the candidate who lost the election, stormed the US Capitol, attempting to prevent the nation's peaceful transition of power. Dis- or misinformation about the election outcome being incorrect had no basis in reality. Fighting the police, the misinformed mob forced the US Congress to stop its constitutional deliberations and go into hiding. The attack on the US Capitol was akin to someone lighting a fire at the people's house of government while claiming their actions were for the greater good. Short-sighted, mob-oriented, lawbreaking, violence-inducing actions of a group of people motivated by lies and manipulated by politicians are an example of the worst aspects of our democratic tradition. Democracy as a way of life suggests we engage our communities as publicly mindful actors and remember our shared commitments and "moral ecology," striving to advance the values and norms of the nation at large through deliberative means. Disagreements in American political life are inevitable, but the ways in which they are dealt with matter and say a great deal about where we are as a nation.



Source: Thomas Hengge/Shutterstock

Demonstrators violently storming and occupying the US Capitol, temporarily halting the official certification of the 2020 presidential election.

Democracy is a participatory process that enhances personal growth and social development. There are valuable skills to be gained by practicing democracy "as a way of life." Identifying and analyzing issues, communicating effectively, advocating for the things you believe in, being tolerant of contrary opinions, and supporting rational debate are enhanced through the process of political engagement. Achieving, in spirit and substance, democracy as a way of life through active participation in politics, from the workplace to neighborhood activities that advance both your concerns and those in your community, offers the opportunity to realize the vision of democratic citizenship and develop and actualize your political imagination. The health of a democratic society is dependent on a degree of political literacy—that is, knowing how one's system of government works, how it differs from other political systems, the values it is based on, and the significance of the government doing one thing instead of another. An educated, engaged, and deliberative public is a democratic one.

- 1. Understand and explain the two main themes of the book.*

The two main themes of the book are the political imagination and democracy as a way of life. The political imagination encourages students to think about politics and government not only as a set of processes, procedures, and institutions but also as a forum to re-envision how society, politics, and the economy can be more egalitarian, inclusive, and equitable. Democracy as a way of life encourages students to be actively engaged in politics; to live by democratic principles of public engagement, reasoned argument, tolerance, and shared decision-making; and to extend these to other areas of social, political, and economic life.
- 2. Define and differentiate between politics and government.*

Politics is the process by which a group makes the decisions that govern society and determines the principles and values upon which a society should be organized. Politics is about the debate over who should rule and what values and principles society embodies and represents. Politics is also about how social and political rights and resources are distributed. Government is the system of institutions and processes by which decisions and laws are made and enforced in a territory. Government is a set of institutions. Politics is what determines what those institutions look like, whose interests they represent, and how they function.
- 3. Identify and interpret the three faces/expressions of power.*

Social and political theorist Steven Lukes states that power has three faces, or expressions. The first face of power is revealed in decision-making. Those who benefit from a specific decision are those who have power. Those who are excluded or injured by the decision do not have power. The second face of power is expressed in agenda setting. Those who are able to set the terms of the political agenda—what issues are included for debate and decision and what issues are not, who is invited to participate in decision-making processes and who is not—reveal who is powerful and who is not. The third face of power is ideological. It is expressed by the ability to shape the dominant narratives, values, and beliefs about social and political issues. Those who have the ability and resources to shape public thinking about politics have power.
- 4. Explain and evaluate the two views of power.*

There are two general views of power discussed in the chapter. A negative view is often associated with

Machiavelli, and a positive view is often associated with Martin Luther King Jr. In Machiavelli's view, power is an end in itself. A leader's purpose is to acquire and maintain power. For Machiavelli, the purpose of politics is the acquisition, maintenance, and expansion of power. For King, power is a means, or a tool, to achieve an end. Power is necessary in order to create social, political, and economic change. Social change occurs in confrontations of power between those who seek to maintain the status quo and those who seek to change it. In order to make the world more just, power is both "desirable and necessary."

- 5. Define civil society, and explain its relationship to politics and government.*

*Civil society* refers to nongovernment, autonomous groups in the society. Civil society is made up of a wide range of groups, from religious organizations to media organizations, educational institutions, business groups, labor unions, civil rights organizations, gun clubs, book clubs, and many other social organizations. These organizations and groups are important for understanding politics because they have various and different interests, different and unequal resources for political power, and different extents of influence on government. Election and public policy outcomes are influenced, if not wholly determined, by the relative power of the competing interest groups and social movements that make up civil society.
- 6. Analyze and apply the three sources of political power.*

There are three primary sources of political power. The first is power that comes from the authority of government office. For example, the US Constitution authorizes the president to deploy the US military for the purposes of national security and grants the US Senate the authority to confirm or reject the president's appointments to the US Supreme Court. The second source of power is rooted in wealth and economic control. Individuals and groups with a lot of financial resources spend considerable amounts of money to influence elections, lobby, and shape the media in order to influence elected officials, public policy, and public opinion. The third source of power comes from political participation and collective action. This is the source of power available to those who are not in government positions or do not have considerable wealth. Political participation—especially acting collectively with others in block voting, lobbying, protesting, or engaging in social movement activities—is the way in which regular people can exert power and political influence.

## Discussion Questions

1. Using the definition of *politics* from the chapter, provide an example from your own life of how politics is important. Be clear about how politics have affected your own life.
2. If political power is about exerting influence, provide a contemporary example of an individual or group that has power, and explain how they use it.
3. Many Americans do not engage in politics. In your opinion, why do you think this is so? Think about your friends and family. What do their comments tell you?
4. This chapter provides many forms of political participation. Select one and explain why you think it is important.
5. Imagine you are forced to engage in a protest movement. What would it be about, and why would you engage?
6. Select a contemporary political issue that you do not agree with. Briefly describe the most convincing argument that people on opposing sides of the issue have made.

## Key Terms

political imagination (p. 4)  
democracy as a way of life (p. 4)  
politics (p. 6)  
government (p. 7)

infrastructural power (p. 7)  
political power (p. 8)  
civil society (p. 12)

## Useful Links for Further Research

Pew Research Center, <https://www.pewresearch.org>  
Data and research on a variety of social, political, and economic issues.  
Public Citizen, <https://www.citizen.org>  
Research and advocacy on a variety of public policy issues.

US Census, <https://www.census.gov>  
Data on demographics of the United States, including population, income, employment, race, gender, poverty, and so forth.

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# Social Movements

# CHAPTER 4



US postage stamp commemorating Cesar Chavez, cofounder of the United Farm Workers.

*I would like to be remembered as a person who wanted to be free . . . so other people would be also free.<sup>1</sup>*

—Rosa Parks, civil rights activist

*If there is no struggle, there is no progress. Those who profess to favor freedom, and yet depreciate agitation, are men who want crops without plowing up the ground. They want rain without thunder and lightning. They want the ocean without the awful roar of its many waters. This struggle may be a moral one; or it may be a physical one; or it may be both moral and physical; but it must be a struggle. Power concedes nothing without a demand. It never did and it never will.<sup>2</sup>*

—Frederick Douglass, abolitionist and civil rights activist

## Chapter Outline

- 4.1 Introduction: Norman Seay
- 4.2 Social Movements and the Transformation of America
- 4.3 Labor Movement: Equality and Freedom
  - 4.3a Why Workers Need Unions: The Power Between Bosses and Workers
  - 4.3b Achievements of the Labor Movement
  - 4.3c Repression and Renewal: The Labor movement Today
- 4.4 The African American Civil Rights Movement: Equality and Freedom
  - 4.4a Defining Civil Rights
  - 4.4b Brief History of Black Civil Rights in America
  - 4.4c The Civil Rights Movement and the Meaning of Freedom: Economic Rights
- 4.5 Women's Rights Movement: Equality and Freedom
  - 4.5a Women's Struggle for Political Rights
  - 4.5b Women's Struggle to Control Her Own Body
  - 4.5c Women's Struggle for Access to and Equal Treatment in Employment
- 4.6 Social Movements and Democracy as a Way of Life

## Learning Objectives

1. Define *social movements*, describe what social movements seek to accomplish, and explain what strategies and tactics they use to achieve their aims.
2. Identify and describe the strategies and tactics employed by opponents of social movements.
3. Analyze the role and impact of labor unions in the workplace and in politics.
4. Identify and describe the major legislative achievements of the civil rights movement.
5. Differentiate between negative and positive freedom.
6. Identify and analyze the areas of social, political, and economic life where the women's rights movement has been impactful.

### 4.1 Introduction: Norman Seay

On August 28, 1963, at the March on Washington for Jobs and Freedom, Dr. Martin Luther King Jr. gave his historic “I Have a Dream” speech. Decrying poverty, segregation, and discrimination across American society, King implored the federal government to act by funding programs that made life for poor Americans better (King 1963b). In the early part of the 20th century, millions of African Americans migrated from the rural South to urban areas across America. Many African Americans relocated to St. Louis, Missouri, in search of greater opportunities in schooling, housing, and employment. By 1963, the city was highly segregated, particularly in employment. Out of 5,100 workers in the city's banks, just 277 were Black, with 99 percent working in custodial positions (Malone 2013).

Two days after King's speech, Norman Seay picketed outside the newly opened Jefferson Bank and Trust Company, the city's first new bank since 1928. When the bank opened, it had no Black tellers, managers, or white-collar employees. Local civil rights leaders tried for years to convince the bank to hire Black workers, with no result. Seay, inspired by King, organized residents, depositors, and employees to boycott the bank. Seay and over a dozen other protestors were arrested. Seay was sentenced to a county jail/workhouse for 90 days (Lockhart 2010). Still, the protests continued, demanding equal opportunity in employment at both the Jefferson Bank and throughout the city's workforce. Protestors were convinced that their demonstrations and boycotts were necessary to address social injustice and that employers needed to be forced into doing the right thing.

By 1964, the bank hired four African Americans for white-collar positions, and soon, over 1,300 positions across the city were filled by African American workers. Fifty years later, in August 2013, with the weather approaching 102 degrees, an 81-year-old Seay marched again outside the Jefferson Bank, this time alongside fast-food workers demanding an increase in the state minimum wage, as well as retired coal miners protesting cuts in their health care (Frankel 2013). Committed to the transformative power of activism, Seay continued his efforts for greater equality, turning his attention to youth unemployment, poor education, racism, and sexism, all of which prevent people from reaching their potential. In December 2013, President Obama, acknowledging Seay's commitment to social justice, invited Seay to the White House to meet him personally (Rivas 2013).

### 4.2 Social Movements and the Transformation of America

The structure, institutions, and processes of the US political system, including federalism, Congress, the presidency, the courts, and elections, are the most common examples of the ways by which the people influence government decisions and public policy. In addition, civil liberties such as freedom of speech, press, assembly, and petition are essential means by which people become knowledgeable about issues, vocalize their concerns, form organizations, pressure the government to act, and hold government officials accountable. Having the freedom to criticize the government, campaign for public office, and otherwise engage in electoral politics has been an important feature of American



liberal democracy. Institutional means, such as elections and lobbying, as well as civil liberty protections such as freedom of speech and assembly and core political freedoms that allow one to share opinions, organize, and protest, are basic to a democratic form of government. Yet since the country's founding, many people have been denied the right and opportunity to fully participate in the political system as equals. The inclusion of poor and working-class people, people of color, women, and other marginalized groups into the US political system as equal citizens has not been evident for much of the nation's history; instead, these gains have been the product of protest and political conflict. As the 19th-century abolitionist Frederick Douglass stated, "If there is no struggle, there is no progress . . . power concedes nothing without a demand. It never did and it never will" (Douglass 1857, para. 3). Today, people of different social classes, ethnicities, religions, genders, and sexual orientations may form organizations. They may criticize, petition, and lobby government officials and offer alternative policy ideas. They may form political parties and run candidates for political office. And they have the right to vote. Each of these rights is an essential democratic freedom that has allowed Americans from different walks of life to participate in institutional and electoral politics, and for much of America's political, legal, and cultural history, these freedoms have been denied.

Electoral and institutional politics alone do not explain political change. Throughout US history, government officials were pressured to expand and protect the people's rights and freedoms because of the power of protest exerted through social movements. Protest, or noninstitutional disruptive politics by social movements, is another way to do politics. Movement politics are a way for people who have been excluded or marginalized from regular political channels to have access to and influence on government and public policy. Social movements are a cornerstone of democracy, as well as the political imagination.

A **social movement** can be defined as a group of people, organized and acting collectively, employing at least some noninstitutional methods of political activity, including disruptive actions, such as marches, rallies, demonstrations, pickets, strikes, occupations, economic boycotts, and acts of civil disobedience, to make social change (Staggenborg 2016). Social movements are "collective and sustained efforts that challenge existing or potential laws, policies, norms, or authorities, making use of extra-institutional and institutional political tactics" (Meyer, 2015, 12). Social movements do not occur overnight, and they often fall short of their goals. They are built and developed through organizations that motivate people around an issue or grievance. Social movement organizations bring people together and mobilize them to act together. Social movements sustain protest activities over long periods of time. They are not one-time protests. Rarely can a one-time action, such as a demonstration or a rally, create long-term social change. Political change is not that easy. The occupants of positions of power, be they political, economic, or social, do not alter their views, change policy, or give up their privileges and control without resistance. Effective social movements must be willing to engage in a protracted, time-consuming process that uses strategies, mobilization of resources, outreach, and consensus building, all of which are democratic in themselves.

Social movements are key agents of social and political transformation in US political history (Goodwin and Jasper 2015). The last several years have witnessed a renewal of mass protest in the United States. In 2023, the United Auto Workers (UAW) launched a strike against the "Big Three" US automakers (Ford, General Motors, and Stellantis [formerly Chrysler]) that lasted nearly two months and won historic gains for the workers in the union (Nichols 2023). The strike came after victorious strikes by workers in hospitals, schools, and other workplaces over the preceding few years. In 2020, after the police killing of George Floyd in Minneapolis, Minnesota, Black Lives Matter (BLM) protests erupted all over the country and internationally; according to some estimates, over 20 million people participated (Buchanan et al. 2020). Protesters demanded that elected officials enact systemic changes to policing and racial inequality in recognition that "Black lives matter." As a result of the protests, some reforms were instituted across US cities and states, including bans on police use of choke holds, greater transparency regarding police misconduct, commitments to significantly reorganize police departments, and promises to shift funds from law enforcement to social programs in poor and Black communities. These are just a

**social movement** Collective and sustained efforts by people organized and acting collectively, employing at least some noninstitutional methods of political activity, including disruptive actions such as marches, rallies, demonstrations, pickets, strikes, occupations, economic boycotts, and acts of civil disobedience, to make social change.

### LEARNING OBJECTIVE

*Define social movements, describe what social movements seek to accomplish, and explain what strategies and tactics they use to achieve their aims.*

couple of contemporary examples of the persistence of social movement protest activism, which also includes Christian conservatism and Tea Party activists calling attention to and attempting to exert political pressure through movement politics.

Disruptive protest politics have a long history in the United States, beginning well before the country's founding (Meyer 2015). In the colonial era, poor American farmers rebelled against their landlords. Slaves rose up against their owners. Colonists petitioned, marched, boycotted, and eventually revolted against British rule in a social movement that culminated in American independence. Similarly, progress in women's rights, civil rights of racial and ethnic minorities, labor rights of workers, and the rights of LGBTQ people have resulted from the protest activities and disruptive politics of social movements. Women would not have the right to vote without the tireless efforts of the women who organized marches, pickets, hunger strikes, and civil disobedience actions in the late 1800s and early 1900s, which led to the passage of the 19th Amendment in 1920. Women might not have rights over their reproductive health or have access to careers in socially esteemed professions had it not been for the activism of feminists demanding that the government lift legal bans on access to contraceptives and abortion and enforce laws providing for gender equality in the workplace. Had it not been for the labor movement and labor unions, there would be no such thing as the 8-hour workday, the 40-hour workweek, overtime pay, minimum-wage laws, and a ban on child labor, as well as a host of other regulations that protect working people from exploitation by employers. The strikes, occupations, economic boycotts, pickets, lobbying, and electoral strength of each of these movements created the pressure that brought on these progressive changes. The Civil and Voting Rights Acts (1964 and 1965, respectively) and the historic presidential election of Barack Obama would not have happened without thousands of people engaged in political activism. In all of these areas, because of the political power exerted by social movements, governments at the local, state, and federal levels were forced to respond with public policies to meet at least some of the social movements' demands. Social movement activity is *potentially* a politically powerful form of political participation.

In acknowledging the potency of and progress made because of the protest activity of movement activists, we also have to acknowledge the shortcomings as well. Whether they fight for labor/workers' rights, racial equality, sex/gender equality, foreign policy, or another issue, social movements are not always able to exert enough pressure on government officials, and they are not always able to achieve their goals. Social movements face opposition from powerful political actors who benefit from the status quo and seek to ignore or repress the movement and its demands. Oftentimes, these opponents have more political, economic, coercive, and ideological power (control over the media) than social movement activists do (Dreier and Cohen 2011; Philips-Fein 2009). These opponents have a stake in the status quo and an interest in preventing social movements from realizing their political goals. Politicians have opposed and been hostile to labor, civil rights, and women's rights and have used law enforcement to violently repress these movements by jailing, beating, and sometimes even killing movement leaders and activists. Opponents may also use a variety of delaying tactics, tokenism, or cooptation through symbolic gestures or minor reforms, leaving the main issues and grievances raised by the social movements unaddressed.

Social movements exist in a structure of political power relations with other politically powerful actors. Thus, the distribution of political power in civil society is important in understanding whether or not, or to what extent, a social movement has been able to realize or has failed to realize its agenda. Pluralists might argue that these political outcomes demonstrate the openness of the political system because different constituencies were able to achieve at least something. Neopluralists argue that the specific achievements and shortcomings of Biden's legislative agenda demonstrate the privileged position of business in politics. Neo-Marxist theorists would add that absent a strong labor movement and a labor-based Socialist political party, the most that can be accomplished is incremental reforms that leave the economic and political power of capital intact. Acknowledging the political shortcomings of these social movements is not to diminish their importance or underestimate their impact on American society and politics. Instead, it is to acknowledge

### LEARNING OBJECTIVE

Identify and describe the strategies and tactics employed by opponents of social movements.



Source: Bledsoe, John T, photographer. Little Rock. Rally at state capitol. Arkansas Little Rock, 1959. Photograph. <https://www.loc.gov/item/2009632339>

Protesters against the racial integration of Central High School in Little Rock, Arkansas, in 1959.

that political struggles for equality and freedom continue in the present and that an analysis of political power, how it is distributed and how it operates, is essential to understanding American politics and political change.

Progress in all facets of American political, economic, social, and private life has not come without struggle. Change in America is the result of sustained legal, electoral, and protest activity and alliances with powerful actors in the political system in order to facilitate ways for regular people to press for freedom, equality, and justice. Planning, organizing, dedication, creativity, sacrifice, perseverance, coalition building, and capitalizing on unforeseen political opportunities make for successful social movements. Social movement activism embodies our understanding of democracy as a way of life, and these movements' vision to effect change exemplifies the political imagination. In the following sections, we examine the labor, civil rights, and women's rights movements and their impact on American politics and society in greater detail.

### 4.3 Labor Movement: Equality and Freedom

The labor movement has been among the most impactful social movements in America. Across a wide spectrum of American life, the labor movement has been largely, although not exclusively, composed of workers who have collectively pressured private businesses, employers, and government for fair pay, safe work environments, a 40-hour workweek, employment benefits (overtime pay, pension, health care, paid vacation and sick days), and freedom from discrimination in the workplace on the basis of race and gender. These protections include due-process rights that protect employees from harassment or from being passed over for promotion as a result of race or gender. Organizationally, the labor movement consists of a wide variety of groups and allies, including civil rights groups, women's rights groups, immigrant rights groups, and consumer advocacy groups. Labor unions and the labor movement more generally have employed a variety of tactics, strategies, and means of political participation to pressure employers and government on behalf of workers. Labor movement strategies such as legal action, petitioning and lobbying of elected officials, and electioneering have been used successfully. Similarly, protest actions such as boycotts, work slowdowns, strikes, mass demonstrations, sit-ins, and other acts of civil disobedience have also, at times, garnered positive results. At the heart of the labor

**labor union** An association of workers who join together to collectively bargain for improved wages, working conditions, and other terms of employment with their employers.

### LEARNING OBJECTIVE

*Analyze the role and impact of labor unions in the workplace and in politics.*

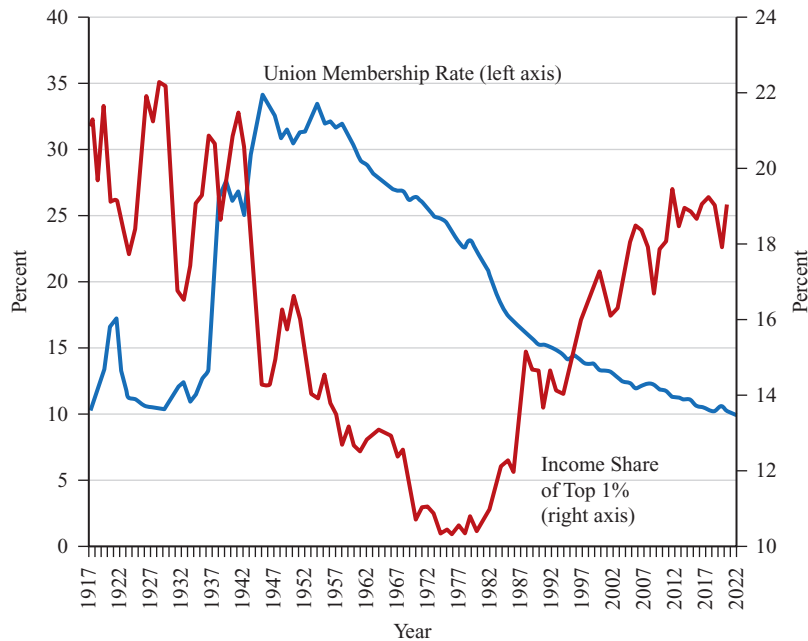
movement are organizations called *labor unions*. Trade unions have been present and active in America since as far back as 1794. A **labor union** is an association of workers who join together to collectively bargain for improved wages, working conditions, and other terms of employment with their employers. Labor unions seek to extend democracy to the workplace by organizing workers into a collective unit whereby they can participate and have a voice in the terms and conditions of their employment.

Labor unions serve a number of important functions in the political economy and in our political system. In a capitalist economy, the owners of businesses are structurally more powerful than any single worker, but there is also a structural bias in the political system whereby the government prioritizes the interests of businesses/corporations over the interests of other groups, such as workers, environmental groups, civil rights groups, consumer rights groups, and others. Yet the most effective counter to the structural economic and political power of business is an organized working class, achieved through labor unions. Strong labor unions help to equalize the balance of power between business owners and workers and diminish the power and influence of capital over government policy.

Labor unions have been important advocates for improving wages, working conditions, and the quality of life of all working people (Semuels 2016). When a city or state has high labor union density, meaning that many workers belong to a union, even non-union workers receive higher wages and benefits. In addition, studies have shown that higher union density is positively correlated with increased opportunities for upward social mobility (Scheiber 2015). This is just one way in which labor unions benefit all workers, including those who do not belong to unions. Similar to interest groups, labor unions are politically active organizations advocating for labor policies, such as the right for workers to form unions, an eight-hour workday, overtime pay, unemployment compensation, a minimum wage, gender pay equity, and workplace safety rules. In addition, labor unions have pressured the government to enact and expand social welfare programs, including Social Security, Medicare, and Medicaid; affordable housing; access to education; progressive taxation; and civil rights through their political action efforts in which they provide money and resources to elected officials (Goldfield 1989; Lichtenstein 2002). As a sign of the social and political impact of labor unions, countries with strong labor unions tend to have more robust consumer protections and more generous welfare states, and they are more likely to have strong regulations guaranteeing paid sick days, vacation days, and parental leave (Cigna 2023; Hopkin 2020). See Figure 4.1 for the link between the strength of labor unions and economic inequality in US history. As the figure shows, higher union membership rates are correlated with lower levels of economic inequality.

### 4.3a Why Workers Need Unions: The Power Between Bosses and Workers

In a capitalist economy, there is an unequal power relationship between those who own the means of production (capitalists/employers) and those who sell their labor power in order to earn a living. The employer determines whom to hire, fire, and promote and decides on wages, scheduling, pace of the work, extent and quality of benefits (if any), and workplace health and safety conditions. The employer also decides what is produced, how it is produced, and where it is produced, as well as many workplace regulations, such as bathroom and lunch breaks, dress codes, and a variety of employee-monitoring activities (Kantor and Steitfeld 2015; Kaplan 2015; Kuttner 2014).<sup>3</sup> The workers sell their labor power (the capability to work) to the employer/capitalist in exchange for wages. Certainly, there is an element of freedom in a capitalist economy (as opposed to slavery or feudalism), in the sense that the worker can choose whom to work for. In a capitalist economy, a worker is free to leave *a* workplace but is not free to leave *the* workplace because they need a job to pay for their basic living expenses, including clothes, food, shelter, transportation, communication (internet/phone), furniture, health care, and retirement savings, to name a few basic needs (Gourevitch and Robin 2020). As a result, there is a significant



**FIGURE 4.1** Union membership and inequality.

Source: Feiveson, Laura. 2023, August 28. “Labor Unions and the U.S. Economy.” U.S. Department of the Treasury. <https://home.treasury.gov/news/featured-stories/labor-unions-and-the-us-economy>

degree of unfreedom and subordination on the part of the employee stemming from the employer’s power to direct and control access to and everything about the employment relation and the worker’s need to have a job.

The capitalist employs the worker so long as the capitalist can make the desired profit off the worker’s labor power. It is important to note that the power of the capitalist grows as the workers produce increasing profits for the capitalist. The purpose of a capitalist enterprise is to maximize profits. Lowering the cost of labor is a major way to accumulate more profit. This is the reason why many of our clothes are made in Bangladesh, where workers making \$66 per month produce clothes for H&M, the Gap, Walmart, and Lord & Taylor, among others (Kernaghan 2015; Murray 2014; Safi 2016; Weil 2014). Similarly, in white-collar occupations such as nursing, teaching, and banking, employers extract additional profits from employees by shifting the cost of health insurance, retirement savings accounts, uniforms, and supplies to the workers or classifying them as independent contractors. Artificial intelligence (AI) technology has been adopted across many industries as a way to enhance owner profits, allowing them to lower labor costs by laying off employees and replacing them with AI. Additionally, employers in the “new” economy, including ridesharing companies such as Uber and Lyft and food-delivery companies such as DoorDash, resist unionization efforts and claim their workers are “independent contractors,” absolving the companies from the responsibility to provide benefits and off-loading the basic costs and risks of doing the work onto their workers (Bureau of Labor Statistics 2024).

Another factor that makes capitalists/employers more powerful than workers is that the average worker is relatively easy to replace because there are many other workers available who are unemployed or underemployed and eager to sell their labor. In many circumstances, even though workers may know that prevailing wages offered by employers are inadequate or the work conditions dangerous, they often have no other choice but to accept employment wherever they might find it or face the consequences of unemployment. The economist and philosopher Adam Smith understood that the level of wages, benefits, and workplace conditions are not the product of a pure “supply-and-demand” market mechanism but the result of the unequal power relationships between workers and employers. In *The Wealth of Nations*, Smith wrote:

What are the common wages of labor, depends everywhere upon the contract usually made between those two parties, whose interests are by no means the same. The workmen desire to get as much, the masters to give as little as possible. The former are disposed to combine in order to raise, the latter in order to lower the wages of labor. It is not, however, difficult to foresee which of the two parties must, upon all ordinary occasions, have the advantage in the dispute, and force the other into a compliance with their terms. . . . In all such disputes the masters can hold out much longer. A landlord, a farmer, a master manufacturer, or merchant, though they did not employ a single workman, could generally live a year or two upon the stocks which they have already acquired. Many workmen could not subsist a week, few could subsist a month, and scarce any a year without employment. In the long-run the workman may be as necessary to his master as his master is to him, but necessity is not so immediate. (Smith [1776] 2000, 75–76)

Examples of the types of imbalances outlined by Smith would also include the ways in which millions of individuals, including those working for Uber and Lyft, Amazon, DoorDash, and FreshDirect, as well as other gig workers, are categorized as independent contractors rather than full-time employees, thus making them ineligible for health care, pension opportunities, and a stable wage structure from their employers. Although Smith's summation of the unequal power relationship between workers and employers is directed toward unskilled work, there is ample evidence to support how the same dynamic applies to today's professional workers as well, including nurses, airline employees, doctors, lawyers, tech workers, screenwriters, and teachers.

Given this unequal economic power relationship, a significant power available to workers is their ability to coordinate their interests and act collectively as a labor union. When workers act collectively, they have more power vis-à-vis their employer than they would if they acted individually. A labor union is a countervailing force to the power of the employer to set the rules, conditions, and terms of employment. At their best, labor unions introduce a semblance of democracy into the otherwise authoritarian workplace by giving workers a voice and a legally defined role to play in the workplace. As a union, workers collectively negotiate with their employer about wages, benefits, workplace conditions, scheduling, and a host of other terms of employment in a process called **collective bargaining**. This process of negotiation between workers represented by a labor union and the bosses/owners of the company has proven to be beneficial to workers and the conditions of their workplace. The National Labor Relations Act of 1935, also known as the Wagner Act, is among the most important labor laws in the US. The **Wagner Act** established the right of private-sector workers (those not employed by the government) to form labor unions; to have the right to bargain collectively; and to take a number of collective actions, including the right to strike.

The right to strike, or to take away one's labor, is an important tactic workers have in their struggle for better pay and working conditions. It is the most powerful weapon that workers have to put pressure on employers and the government. When workers go on strike, the company does not make revenue and profits. If a company's profits decline, the government collects less tax revenue. If the workers' strike can outlast the business owners' need to resume production, then workers can achieve their demands, have their grievances addressed, and end the strike. Workers' strikes can also put pressure on the government to enact or change public policy. The Wagner Act was passed by Congress during the Great Depression, when rates of unemployment and poverty were high, wages were low, and employers threatened to lay off workers and reduce wages further. In this context, workers throughout the country organized and occasionally went on strike, demanding that employers recognize and bargain in good faith with unions and increase workers' wages. During this period, President Franklin Roosevelt and the Democrats in Congress needed the political support of the unions and workers. Roosevelt and the Democrats in Congress responded to the strikes and workers' militancy by enacting the Wagner Act (Piven and Cloward 1993). The Wagner Act was a direct government response to the pressure of social movement protest activity. The act created the legal structure to settle labor/management disputes and collective bargaining of labor contracts. This was a significant achievement for all workers, whether they belonged to unions or not. The

**collective bargaining** The process by which a labor union negotiates with an employer about wages, benefits, workplace conditions, scheduling, and other terms of employment.

**Wagner Act (1935)** The federal law that established the right of private-sector workers (those not employed by the government) to form labor unions; to have the right to bargain collectively; and to take a number of collective actions, including the right to strike.

collective-bargaining process and strike actions are ways labor unions fight for better wages, improved benefits, and working conditions and provide workers with greater democracy in the workplace.

### 4.3b Achievements of the Labor Movement

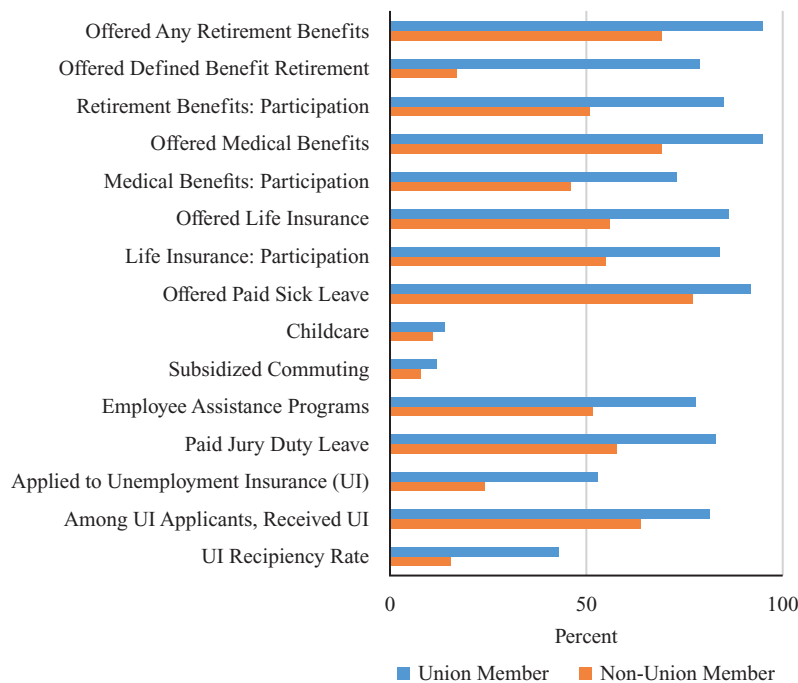
Over the course of US history, labor unions have won significant workplace and quality-of-life benefits for their members. Although membership in labor unions today is significantly lower than it was in the 1940s–1970s, public support remains high, and labor unions continue to provide positive benefits for workers (Sadd 2023). In comparisons between workers who belong to labor unions and workers who are not represented by labor unions (controlling for occupation, education levels, race, and gender), unionized workers earn \$200 more per week and are more likely to have employer-provided health care, a pension, paid sick leave, and vacation time (see Figure 4.2) (Anderson et al. 2015; Bivens et al. 2017; Yates 2009). Clearly, strong labor unions and robust labor/worker policies by government improve the lives of workers across the United States.

Labor unions and the labor movement have played an important role in American politics beyond the employee–employer relationship. The political activism of labor unions has been crucial in pressuring government to enact labor regulations, advance the welfare state, and enact civil rights legislation (Ahlquist 2017). The Fair Labor Standards Act of 1938, legislation that ended child labor, established the 8-hour workday (from 12 to 14 hours in some industries), and established overtime pay, was the result of political activism and



Source: Tinalmages/Shutterstock

US postage stamp commemorating American women who worked in factories during World War II.



**FIGURE 4.2** Union versus nonunion member fringe benefits and amenities.

Source: Feiveson, Laura. 2023, August 28. “Labor Unions and the U.S. Economy.” <https://home.treasury.gov/news/featured-stories/labor-unions-and-the-us-economy>

electoral politics by activists and organized labor. The labor movement was instrumental in pressuring government to enact laws such as unemployment compensation, the Social Security Act of 1935, and Medicare (enacted in 1965) (Foner 1998; Lichtenstein 2002). The Occupational Health and Safety Act of 1970, which established workplace health and safety regulations, was the product of labor activism. The Family Leave and Medical Act of 1993, a law requiring employers with more than 50 workers to provide their employees with 12 weeks of job-protected leave in case of illness or birth/adoption of a child, was the result of political pressure applied by labor and its allies in the civil rights and women's rights movements. Labor unions strongly supported the enactment of Obamacare in 2010, which expanded health insurance to millions of people previously without it.

In the areas of civil rights and women's rights, labor unions have been and continue to be important allies. In fact, important leaders such as Betty Friedan of the women's liberation movement in the 1960s/1970s were active in labor unions in the decades before. Civil rights leaders Cesar Chavez, Dolores Huerta, and A. Philip Randolph were labor leaders. African American railroad train porters, known as Pullmen, organized by Randolph, fought many battles with unions and the courts until the Pullman workers were admitted into the Brotherhood of Locomotive Freeman. During the civil rights era, the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) provided support to Martin Luther King Jr. and other civil rights movement organizers, specifically regarding the fair-employment provisions of the 1964 Civil Rights Act (Allen 1975; Garden and Leong 2013; Korstad and Lichtenstein 1998; King 2011; Schultz 2008). The historical track record of labor unions on racial and gender equality is mixed (Fletcher 2020). Some unions were openly segregationist and sexist. Until the 1940s, the American Federation of Labor (AFL) tolerated segregated unions and discrimination in the workplace, offered little support for its Black union affiliates, and offered little support for civil rights. Employers used racial division among workers to pit them against each other, often recruiting unemployed African Americans as strike breakers. Both the United Auto Workers (UAW) and the Congress of Industrial Organizations (CIO), an umbrella of unions with more progressive views on race and gender inclusion, were active in organizing integrated unions and were prominent supporters of the civil rights movement, offering legal support, providing financial assistance, organizing help, engaging in political lobbying, and mobilizing their members to join demonstrations (Allen 1975; Foner 2017). Studies have shown that membership in labor unions shifts the racial attitudes of Whites in a racially progressive direction (Dirnbach 2021).

From the beginning of the Industrial Revolution in the United States, women were active and militant members of the labor movement. As far back as the 1830s, female textile workers in Lowell, Massachusetts, went on strike against wage cuts. Throughout the 19th and 20th centuries, more women joined the labor force, but they had to fight hard—internally within the labor movement—for equal pay, nondiscrimination, maternity leave, and child care (Cobble 2004). Today, 45 percent of union members are women, and African Americans are the most highly unionized racial group in the nation (Bureau of Labor Statistics 2018; Milkman and Luce 2017). Similarly, according to a 2016 study titled “Black Workers, Unions, and Inequality,” unionized African American workers earn more money and are more likely to have employer-provided health insurance and a pension than their nonunion African American counterparts (Bucknor 2016). A 2015 study found that unionized Latinx workers earn over \$11,000 more annually than nonunion Latinx workers (Sanchez et al. 2015). Thus, strong labor unions and robust labor/worker policies by the government net positive results for workers across genders and races and have a disproportionately positive impact on women, Blacks, and Latinxs.

### 4.3c Repression and Renewal: The Labor Movement Today

Throughout US history, employers have tolerated but more often fought to weaken labor unions. The labor movement is a social movement that has been on the receiving end of many violent episodes at the hands of businesses and their allies in government.



Corporations have employed both legal and illegal means to prevent unionization and curtail the labor movement. Employers have fired worker activists who attempt to organize labor unions. Businesses have threatened to relocate factories if workers vote for a labor union. Employers, often with the aid of government, have repressed strikes and jailed and killed labor organizers and striking workers (Cayo Sexton 1991; Schultz and Schultz 1989; Smith 2006). Indeed, today, as a result of what labor scholar Patricia Cayo Sexton termed “the war on labor,” labor unions have suffered as a result of decades of government-supported employer repression, as well as changes in the structure of employment and the deindustrialization of the workforce. In the 1950s, 35 percent of private-sector workers belonged to labor unions. Today, only 10 percent do. A growing number of states have passed “right-to-work” laws, which are designed to create a workplace without union representation.

The repression of unions, especially since the 1980s, is a key factor causing increased economic inequality. Until the 1980s, as workers’ productivity increased, so did their overall wages and benefits. Because of strong labor unions, business owners shared more of their profits with their workers. By the 1980s, the gap between productivity growth and workers’ compensation began to widen as profits and productivity continued to increase, far outpacing workers’ compensation. Since the 1980s, wealth and income inequality have risen dramatically.

In a further blow to unions in *Janus v. AFSCME* (2018), the US Supreme Court decided that public-sector unions could no longer collect mandated agency fees from the workers they represent. Agency fees are the dues workers are mandated to pay for the benefits they receive from the collective-bargaining agreement negotiated by the union. As a result of the *Janus* decision, workers can opt out of paying union dues while the union continues to represent and negotiate on their behalf. And as the 2020 Global Index of workers’ rights reports, the US ranks poorly, falling into the category where “the government and/or companies are engaged in serious efforts to crush the collective voice of workers, putting fundamental rights under threat” (International Trade Union Confederation 2020, 53). Proposed laws to make it easier for workers to form and join labor unions, such as the Protecting the Right to Organize Act, have been advocated by unions and nonunion workers but have been fiercely resisted by business groups. Congress has yet to enact the Protecting the Right to Organize Act, which is a clear indicator of the political power of business groups. Many political and economic analysts attribute the decline in labor unions as a crucial factor in wage stagnation, increased economic inequality, and the decline of the middle class over the last 40 years in the United States (Farber et al. 2018; Greenhouse 2011; Kristof 2015; Semuels 2016).

Employer- and government-supported suppression of labor unions serves the economic interest of employers by controlling employees, lowering labor costs, and increasing corporate profits. Labor movements seek to push back against this employer dominance. Over the last several years, as strike activity and organizing efforts have intensified, workers have won important improvements (Sadd 2023). Although robust, highly organized, and media forward, the recent UAW efforts to unionize employer centers have had mixed results. A Tennessee Volkswagen plant waged a successful unionization effort, whereas in Alabama, the effort to unionize a Mercedes plant failed. Additionally, after years of mixed results by local grassroots affiliates to unionize Amazon facilities under the International Brotherhood of Teamsters, successful unionization efforts have been made at UPS and Amazon facilities. Although it is too early to tell, the recent strike wave might be the beginning of a revitalization of the labor movement in the United States as a broad-based social movement dedicated to eliminating poverty, reducing economic inequality, and fighting for working people across the country. As much comparative research shows, strong labor unions are an essential component of a political coalition that is powerful enough to pressure the government to enact policies to reduce economic inequality, enhance social mobility, and institute a robust welfare state that ensures a decent quality of life for all (Boeri et al. 2001; Cigna 2023).

## 4.4 The African American Civil Rights Movement: Equality and Freedom

### 4.4a Defining Civil Rights

Another transformative social movement in the United States is the civil rights movement. The civil rights movement is a classic example of the struggle for equality in the United States. The focus of the civil rights movement on racial equality and inclusion in America's social, political, and economic life has been central to the unfolding of the nation's history. Civil rights are premised on the notion of equality, a core concept at the heart of the "American project." Civil rights derive from the ideas found in the Declaration of Independence that "all men are created equal." Civil rights legislation is legally grounded in the US Constitution, specifically in the equal-protection clause of the 14th Amendment and in the voting rights amendments.

**civil rights** Equality in political rights, such as the right to vote, the right to run for public office, and the right to equal treatment under the law, especially the right not to be discriminated against because of membership in protected groups, such as race, sex/gender, color, religion, ethnicity, and nationality.

The concept of **civil rights** includes two key aspects of American political and social life. The first pertains to equality in political rights, such as the right to vote or the right to run for public office. The second aspect of civil rights is the right not to be discriminated against because of membership in protected groups, such as race, sex/gender, color, religion, ethnicity, and nationality. Thus, civil rights laws require that governments, businesses, landlords, unions, banks, law enforcement, and educational and other institutions not discriminate. Essentially, civil rights are about the right to be treated equally regardless of one's race, ethnicity, color, gender/sex, religion, nationality, or disability.

The legal source of civil rights is found in various amendments to the Constitution (see Table 4.1), especially the 14th Amendment equal-protection clause and section 5, which reads, "Congress shall have the power to enforce by appropriate legislation the provision of this article." To make equal protection practicable requires that the government take positive action through constitutional amendments, laws, policies and programs, executive orders, and court cases establishing and enforcing measures that eliminate discrimination and promote equality. Civil rights place a legal obligation on the government to make and administer laws that bar discrimination and enforce "the equal protection of the laws."

### 4.4b Brief History of Black Civil Rights in America

The civil rights protections that exist today are the product of social movement activism, legislative action, and the distribution of political power in American society. As is the case with the labor movement and labor activists, the civil rights movement and civil rights activists were confronted with great opposition. Civil rights activists, many of whom sacrificed themselves as they fought oppression, persevered in the face of many obstacles.

Civil rights are the product of the contestation of political power, in the past and in the present. There is nothing historically or politically inevitable about civil rights or equal treatment under the law. Civil rights can be expanded, or they can be narrowed. For instance, after the Civil War (1861–1865), the civil rights of African Americans were expanded with the passage of the 13th, 14th, and 15th Amendments. During the era known as Reconstruction (1865–1877), the federal government enforced these amendments, providing security in the southern states, which allowed African Americans a degree of freedom they had never had in the United States before. During Reconstruction, some African Americans were able to



Source: Leffler, Warren K., photographer. <https://www.loc.gov/pictures/item/2003654395/>

March on Washington, 1963.

**TABLE 4.1** Key Civil Rights Amendments in the US Constitution

13th Amendment (1865)	Abolished slavery
14th Amendment (1868)	Persons born or naturalized in the United States are citizens of the United States and are entitled to constitutional rights and equal protection of the laws
15th Amendment (1870)	Right to vote cannot be denied on the basis of race
19th Amendment (1920)	Right to vote cannot be denied on the basis of sex
24th Amendment (1964)	Abolished the poll tax (a fee paid in order to vote)
26th Amendment (1971)	18-year-old voting age established

acquire property. Many former slaves voted for the first time, and many ran for political office. During this time, Black people were elected to political office, and they, along with some White lawmakers, enacted progressive legislation in the South, including establishing public schools (many places in the South did not have public schools until the 1870s). However, when federal troops were pulled out of the South in 1877, the White business owners and wealthy landowners (many of whom were former slave owners) came back into political power. The movement to overturn the civil rights gains of the Reconstruction era intensified. Blacks and poor Whites were gradually disenfranchised, and laws were enacted to repress labor and discriminate against people of color. In many cases, agricultural and industrial elites pushed for and enacted these policies (Wilson 2011). In 1896, the US Supreme Court in *Plessy v. Ferguson* ruled that racial discrimination laws were legal when the court upheld the “separate-but-equal” doctrine. Following the *Plessy* decision, states and local governments throughout the United States enacted racially discriminatory laws perpetuating African Americans’ second-class citizenship in every facet of life. The *Plessy* decision gave constitutional sanction to **de jure segregation**, or segregation by law (Jim Crow laws). Such discriminatory laws also applied to Latinxs, Asians, and Native Americans. Various Supreme Court decisions, including *Smith v. Allwright*<sup>4</sup> (1944), *Sweatt v. Painter*<sup>5</sup> (1950), and *Brown v. Board of Education* (1954), and presidential executive orders, including Franklin Delano Roosevelt’s (FDR’s) order to integrate the war industries during World War II (1941) and Truman’s order to desegregate the US armed forces (1948), chipped away at racial segregation. However, it was not until the 1960s and early 1970s that de jure segregation was legally abolished. Effectively, racial apartheid was legal in the United States for well over a century after the abolition of slavery.

**de jure segregation** Segregation by law (Jim Crow laws).

African Americans did not just passively accept second-class citizenship and racial apartheid. They organized and fought for full inclusion in the country’s social, political, and economic institutions. Through the church, student organizations, labor unions, and civil rights organizations, African Americans brought legal cases and engaged in disruptive protest activities challenging segregation laws and practices. For example, it was labor union and civil rights activist A. Philip Randolph’s threat to organize a march on Washington in 1941 that pressured FDR to desegregate the war industries. The National Association for the Advancement of Colored People (NAACP) legal team, led by Thurgood Marshall, brought federal lawsuits against laws that enforced racial segregation in public schools and prevented Black Americans from voting. In *Brown v. Board of Education* (1954), the Supreme Court agreed with Marshall’s legal arguments and declared declaring segregation in public schools unconstitutional.

African Americans did not just file legal cases to challenge racial discrimination and segregation. They also engaged in disruptive protest activities to put pressure on White businesses and local and national political establishments to win their civil rights and equal treatment. For example, in December 1954, NAACP activist Rosa Parks sat in the White section of a segregated bus in Montgomery, Alabama, refusing to give up her seat to a White person and move to the back of the bus to the section for people of color. Parks was arrested. African Americans in the city organized themselves, inviting a 26-year-old

pastor from Atlanta to help lead the effort to integrate the public buses. Martin Luther King Jr. led what came to be known as the Montgomery bus boycott. For over a year, African Americans engaged in an economic boycott, refusing to ride the city's segregated buses. After a year of political and economic pressure, a federal court in Montgomery ruled that segregation on the city's buses violated the equal-protection clause of the 14th Amendment. Subsequently, the US Supreme Court upheld the federal court's decision, and in December 1956, the city proceeded to desegregate the buses, allowing anybody, of any race, to sit where they wanted on the bus.

Then, on February 1, 1960, a group of college students in Greensboro, North Carolina, began the sit-in movement (occupations) to desegregate lunch counters in the city. For several days, the protesters were met by often-violent forms of harassment by White customers and arrested by police. Unfazed, the sit-in activists continued their protest. They won. Inspired by the Greensboro activists, the sit-in movement spread throughout the South, winning desegregated lunch counters throughout the region. The activists in Greensboro and elsewhere created enough pressure on the government and business community that officials agreed to desegregate the lunch counters.

In 1963, King led a series of demonstrations in Birmingham, Alabama, in an effort to change the segregation laws there. There was major resistance from the business community (Whites in general) and local and state government officials. King and other supporters were jailed. In one instance, young people left their schools and peacefully protested to end racial segregation. The protesting students were met with police dogs and fire hoses. Images of excessive police actions were broadcast throughout the nation and the world. The violent repression of peaceful protesters shocked and outraged the nation and caused significant international embarrassment for the United States. The protests in Birmingham and the subsequent March on Washington for Jobs and Freedom had the effect of pressuring the federal government to respond.

After the march, President John F. Kennedy asked Congress to pass a civil rights act. After Kennedy's assassination, his vice president, Lyndon Baines Johnson, pushed the act through Congress. The **Civil Rights Act (1964)** was a landmark piece of legislation. It made discrimination on the basis of race, ethnicity, color, nationality, religion, and sex illegal in education, employment, and public places. The Civil Rights Act overturned Jim

**Civil Rights Act (1964)** Federal law that made discrimination on the basis of race, ethnicity, color, nationality, religion, and sex illegal in education, employment, and public places.

Source: LBJ Library photo by Yoichi Okamoto



President Lyndon B. Johnson meets with civil rights activists, including James Farmer and John Lewis, on August 6, 1965, the same day Johnson signed the landmark Voting Rights Act.

Crow laws throughout the country, thus eliminating racially segregated parks, water fountains, buses, movie theaters, public pools, and more. Significantly, the act also made racial discrimination by private actors, such as businesses and employers, illegal. As a result of this act and its enforcement, businesses and employers could no longer deny service on the basis of a person's race. Nor could employers refuse to hire or promote a person because of race. In 1964, Dr. Martin Luther King Jr. and other civil rights and union leaders were invited to the White House as President Johnson signed the landmark Civil Rights Act. King's presence at the signing ceremony was a testament to the political power of the civil rights movement and its activists to pressure Congress and the president to act.

Furthermore, in 1961, President Kennedy, through executive order, instituted an affirmative-action policy to address the effects of past discrimination against women and racial minorities by taking race and gender into account in hiring and government contracts. Affirmative-action policies, initially used by the US military, were adopted by governments, schools, and companies, which opened access to opportunities in education, employment, and government contracts for previously excluded groups. However, since the 1960s, strong affirmative-action policies have been eroded. In *Regents of the University of California v. Bakke* (1978), the Supreme Court struck down affirmative-action quotas in college admissions. Certain states have banned affirmative action altogether. And in *Students for Fair Admission Inc. v. President & Fellows of Harvard College* (2023), the Court struck down admissions policies that use race as a factor in admissions.

In addition to fighting for equal treatment in education, public places, and employment, civil rights activists expended great effort to gain political equality, risking their lives to gain something as basic to democracy as the right to vote (especially in southern US states). Their efforts were met with intense resistance from White vigilante groups, law enforcement, and government officials in the southern states. The White elites who controlled southern politics did not want Blacks to get the right to vote. In some instances, the White backlash included the murder of civil rights workers in an effort to prevent Blacks from registering. Despite the 15th Amendment, adopted in 1870, which made it illegal to deny a person the right to vote on the basis of their race, African Americans and Latinos in the South were denied the right to register to vote by local political elites through a variety of measures that also disenfranchised many poor Whites. Such measures included poll taxes, literacy tests, grandfather clauses, and the White primary. Other than the White primary, these measures were race neutral. But they were applied in racially discriminatory ways. The effect of these measures to prevent access to the polls was that in the state of Mississippi, only 7 percent of voter-eligible African Americans were registered. Effectively, African Americans were disenfranchised and had no voice in making the laws that they had to live under. In 1964, three young men working to register Blacks to vote were killed in Mississippi. In 1965, in Selma, Alabama, a march on behalf of voting rights was violently repressed by Alabama law enforcement. The extreme reaction once again shocked and outraged the nation. Unbowed, the civil rights activists regrouped and started their march again. A few days after the initial march, a second march took place. This time, the march was joined by labor unions, church groups, antiwar activists, and other civil rights groups, and as a result, it was much bigger than the first one. The march from Selma to Montgomery moved the conscience of the nation and convinced President Johnson to press Congress to enact a law to protect voting rights. The 1965 Voting Rights Act was another high point of the African American civil rights movement. The **Voting Rights Act (1965)** prohibited racial discrimination in voting. It led to strong and effective federal enforcement of voting laws that guaranteed no one would be denied their right to vote because of their race or ethnicity. Because of the Voting Rights Act, voting rates of African Americans and Latinos increased significantly throughout the South.

Although the *Brown v. Board of Education* decision, the Civil Rights Act of 1964, and the Voting Rights Act are milestones, we should not forget that these legal and legislative achievements were the result of decades-long struggles. Social movement activism, including lawsuits, boycotts, sit-ins, marches, and voter registration efforts, created the framework for challenging the law in the courts and pressured elected officials to enact

### LEARNING OBJECTIVE

Identify and describe the major legislative achievements of the civil rights movement.

**Voting Rights Act (1965)** Federal law that prohibited racial discrimination in voting, leading to strong and effective federal enforcement of voting laws that guaranteed no one would be denied their right to vote because of their race or ethnicity.

Source: Wolfson, Stanley, photographer. <https://www.loc.gov/pictures/item/2005677031/>



March from Selma to Montgomery, 1965.

legislation that would enforce equality under the law, as well as alter the perspective and opinions of millions of Americans. Thus, political and legal equality (the right to participate in politics and nondiscrimination) are the product of social movement activism, which illustrates the power of practicing democracy as a way of life.

In six decades since the enactment of the Civil and Voting Rights Acts, there have been significant advancements toward racial inclusiveness and equality. Blacks vote at rates comparable to those of Whites; thousands of Black elected officials have held office; and racial discrimination in employment, education, and public places is illegal. Where discrimination does occur, it is, for the most part, legally condemned and penalized. However, in 2024, the United States still fell far short of the promise of racial equality, even on basic civil rights measures such as equal right to life. For example, the COVID-19 pandemic affected people of all racial groups, but it disproportionately infected and killed Black and Latinx people because they are more likely to be essential workers, be low-wage workers without employer-provided health insurance, have preexisting conditions, and have poor access to affordable health coverage. Felony disenfranchisement laws prevent a large and disproportionately Black population from voting in many states. Furthermore, the recurring murders of African Americans, including Breonna Taylor, Ahmaud Arbery, and George Floyd, at the hands of local police are examples of how the devaluation of Black and Brown lives continues. Additionally, they remind us that as freedom and equality emerge, we must be vigilant in protecting these rights by cultivating our political imagination and remaining actively engaged in politics.

#### **4.4c The Civil Rights Movement and the Meaning of Freedom: Economic Rights**

Winning political rights and equal protection under the law were significant achievements of the civil rights movement. But these were not the only goals of movement activists and leaders. King, Bayard Rustin, A. Philip Randolph, Malcolm X, the Black

Panther Party, and other activists also demanded greater economic equality (Rustin and Randolph 1967). Through generations of slavery and Jim Crow discrimination (in employment, housing, education, and public life), Blacks' economic opportunities were limited to the lowest-paying and most insecure jobs. After the abolishment of slavery, African Americans were often the last ones to be hired and the first ones to be fired, and they were made to work for the lowest wages. As a result, African Americans experienced disproportionately high levels of poverty, income insecurity, and debt. Under these conditions, many Blacks were forced to live in substandard housing, attend impoverished schools, and reside in neighborhoods with inadequate public services (Coates 2014; Pager and Shepherd 2007; Wacquant 2002). With the enactment of the Fair Housing Act of 1968 and the Equal Credit Opportunity Act of 1974, discrimination on the basis of race, color, religion, national origin, and sex in housing, mortgage lending, and credit was made illegal. Yet many African Americans continued to be segregated as a result of their economic condition. **De facto segregation**, with *de facto* literally meaning "as a social fact," refers to segregation that is not the result of racially discriminatory laws or actions by government (*de jure*) but because of "choices" people make that result in racial segregation. In light of this continuing segregation, civil rights activists advocated for improvements in the socioeconomic conditions of African Americans that would make equality of opportunity and full inclusion in a democratic society possible.

Civil rights activists understood equality as more than just equality under the law. Equality and freedom have social and economic aspects as well. Typically, when people think of freedom, they often think of it in its negative sense, as in noninterference, or negative freedom (Berlin 1990). **Negative freedom** means that a person is free when they are not interfered with or denied something they want to do. For example, the Civil Rights Act of 1964 states that there should be no laws that interfere with or discriminate against someone based on their race, color, religion, sex, or national origin. Laws that protect people from discrimination so that they are free to choose to do something, such as going to school, obtaining a job, shopping at a particular store, or buying a home, are examples of legislation upholding negative freedom. Individuals are legally protected from discrimination when applying for a job, renting an apartment, taking out a bank loan, or applying to a college, and it is illegal for law enforcement to treat individuals differently based on race, color, religion, sex, or national origin. These are simple examples of negative freedom—the freedom not to be prevented from doing something.

However, what often prevents someone from doing something might not be a legal barrier. Instead, they may lack the "means" or resources to exercise the freedom to pursue a goal they deem to be worthwhile. They lack positive freedom. **Positive freedom** refers to having the means or resources to act on the opportunities presented by noninterference. Positive freedom "is a form of empowerment—the ability to set and to achieve one's goals" (Foner 2024, para. 4). For instance, there is no law that bars an African American person from a career in architecture or engineering. Yet in 2019, only 6 percent of American architects and engineers were Black. Why? One answer is that in order to become an architect or engineer, a person must have years of high-quality education to learn the required knowledge and skills and establish a network. Getting such an education often requires that a person must live in a good neighborhood with good schools, a safe environment, health-promoting factors (e.g., outdoor areas for leisure, access to nutritious food), and other favorable material conditions. Because a disproportionate percentage of the low-income population in the United States is African American, it is less likely that they live in a context with favorable material conditions (i.e., positive freedom) to become an architect or engineer. Equality of opportunity, or negative freedom, creates greater freedom, but people still need the material resources, or positive freedom, to act on and realize their individual potential.

Martin Luther King Jr. brilliantly described the importance of positive freedom, illustrating how the civil rights movement's goals went far beyond nondiscrimination:

**de facto segregation** Segregation that is not the result of racially discriminatory laws or actions by government (*de jure*) but because of "choices" people make that result in racial segregation.

**negative freedom** A person is free when they are not interfered with or denied something they want to do.

**positive freedom** A person is free when they have the means or resources to act on the opportunities presented by noninterference.

Now our struggle is for genuine equality, which means economic equality. For we know now that it isn't enough to integrate lunch counters. What does it profit a man to be able to eat at an integrated lunch counter if he doesn't earn enough money to buy a hamburger or a cup of coffee? What does it profit a man to be able to eat at the swankiest integrated restaurant when he doesn't earn enough money to take his wife out to dine? What does it profit one to have access to the hotels of our city and the motels of our highway when we don't earn enough money to take our family on a vacation? What does it profit one to be able to attend an integrated school when he doesn't earn enough money to buy his children school clothes? (Honey 2011, 175–176)

### LEARNING OBJECTIVE

*Differentiate between negative and positive freedom.*

Positive freedom often requires an active role for the government in providing people with social goods, such as quality schools, safe neighborhoods, accessible and affordable health care and nutrition programs, quality day care, pollution-free environments and workplaces, and employment with decent wages and benefits.

Without the resources for individuals to act on their freedom, what we call *positive freedom*, the elimination of racial segregation and discrimination did not make the opportunity to compete for jobs and places in educational institutions fair and equal. President Lyndon B. Johnson recognized that the half freedom African Americans had, even after the Civil Rights Act, was not enough and that the government had to do more in order to realize real racial equality and promote freedom for all. In a speech at Howard University in 1965, Johnson declared:

Freedom is not enough. You do not wipe away the scars of centuries by saying: Now you are free to go where you want, and do as you desire, and choose the leaders you please. You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, “you are free to compete with all the others,” and still justly believe that you have been completely fair. Thus, it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates. This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity. We seek not just legal equity but human ability, not just equality as a right and a theory but equality as a fact and equality as a result. (Johnson 1965, para. 11)

To give substance to the notion of equality, rather than it being an empty phrase, Johnson understood that African Americans would have to be provided positive freedom, the resources allowing them to act on their freedom. These resources included government investments in housing, education, employment, job retraining, and poverty-reduction programs, which would provide people with the positive ability to take advantage of the opportunities that freedom offers. Although President Johnson did enact many new programs and expanded others in what came to be known as the War on Poverty, his decision to escalate the war in Vietnam soon undermined his ambitious domestic agenda. Yet as a result of antipoverty programs enacted in the 1960s, poverty rates among all racial groups declined during his administration (Mintz 2007).

Pressuring government to provide substantial support in the form of jobs, income assistance, housing, and health care in order to guarantee opportunity in America became central tenets of the civil rights movement after the Civil and Voting Rights Acts (1964 and 1965, respectively). Martin Luther King Jr.'s campaigns in the last two years of his life, the Chicago Fair Housing Campaign and the Poor People's Campaign, were efforts to eradicate poverty in the United States (Freeman and Kolozi 2018). Furthermore, because King understood the relationship between negative and positive freedom, he became a tireless advocate on behalf of the poor and working people of all races. In fact, on April 4, 1968, the day King was assassinated, he was in Memphis, Tennessee, in support of striking sanitation workers (Honey 2011). King's decision to join the striking workers in Memphis was a result of his realization that in order to make freedom and equality a reality, the conditions of a free society needed to include decent housing, jobs at living wages, quality education, guaranteed employment or income, and comprehensive social welfare programs.

Thus, to make equality real, King and others saw that it would require an active role of the government through investments in schools, job creation, infrastructure, health care,



and housing. Without these investments by the federal government, the promise of equality and individual freedom was incomplete. “The practical cost of change for the nation up to this point has been cheap,” King wrote in 1967. He further noted:

The limited reforms have been obtained at bargain rates. There are no expenses, and no taxes are required, for Negroes to share lunch counters, libraries, parks, hotels and other facilities with whites. Even more significant changes involved in voter registration required neither large monetary nor psychological sacrifice. The real cost lies ahead. . . . The discount education given Negroes will in the future have to be purchased at full price if quality education is to be realized. Jobs are harder and costlier to create than voting rolls. The eradication of slums housing millions is complex far beyond integrating buses and lunch counters. (King 2010, 5–6)

For King, economic rights were essential for substantive equality and freedom. Other civil rights groups, labor groups, and women’s rights groups echoed and continue to struggle for King’s belief in positive freedom through governmental support for a reasonable standard of living. These demands may be found in the BLM platform, in Rev. William Barber’s revival of the Poor People’s Campaign in 2018, and in Bernie Sanders’s 2020 presidential campaign platform (Movement for Black Lives 2017; Poor People’s Campaign 2017).

Democracy, freedom, and equality require that the nation and its political discourse go beyond a narrow understanding of the goals of the civil rights movement as simply gaining the right to vote and nondiscrimination. Democracy and justice require a society organized around human rights, which include both negative and positive freedoms. Civil liberties, civil rights, and equal opportunity are significant negative freedoms. Economic rights, such as the right to a job, education, decent housing, and health care or greater equality of conditions, are significant positive freedoms. These civil and economic rights require a substantive role of government in economic life to support programs that address poverty, income insecurity, and economic inequality (Madrack 2014, 2015). From the perspective of these activists, civil rights and economic rights are linked. Civil rights leaders have come to understand that a society that is unwilling to address both racial and class oppression as obstacles to genuine freedom and equality of opportunity is a society that needs to reconsider what democracy for all means. Yet it is these economic issues, the positive-freedom aspects of the civil rights platform, that have met with the greatest resistance. These are the things that, as Martin Luther King Jr. said, would “cost” Americans, especially corporations and wealthy Americans.

To be sure, there have been gains since the 1960s that have come because of public policy, many of which are not race specific but beneficial across races. The expansion of Social Security in the 1960s to cover agricultural and domestic workers helped previously excluded workers (disproportionately female, Black, and Latinx) to earn a pension (Brown 1999; Rader 2024). The Pell Grant program and other higher education subsidies allow young people and their families to go to college (Leonhardt 2017). The Head Start Program provides early education opportunities for young children whose parents cannot afford it at their own expense. The creation of Medicaid (1965), which provides health insurance for low-income people, significantly improved health care access and outcomes. Obamacare expanded health insurance under the Medicaid program to many previously without it (disproportionately Blacks and Latinxs), which has resulted in improved health outcomes, including a significant decline in maternal deaths among Black women (Harker and Sharer 2024).

Unionization, especially in public employment, such as K–12 education, sanitation, health care, transportation, and other civil service employment, provides a measure of decent wages, pensions, and health insurance as more people of color enter these professions. Over the years, these and other policies have resulted in improvements in these measures (see Figure 4.3) (Institute for Policy Studies 2024b). Over a third of Black households earn more than \$75,000 per year, and a quarter of Blacks have a bachelor’s degree or higher (Lopez and Moslimani 2024). Fifty-five percent of Blacks live in middle- or upper-class households, as well as 57 percent of Latinxs (Kochhar 2024). The percentage

White Poverty Rates, Percentage				
	1970	1990	2010	2019
Not counting government assistance or taxes	20	19	24	22
Counting government assistance or taxes	17	13	10	10

Black Poverty Rates, Percentage				
	1970	1990	2010	2019
Not counting government assistance or taxes	51	45	43	37
Counting government assistance or taxes	49	37	23	21

Latinx Poverty Rates, Percentage				
	1970	1990	2010	2019
Not counting government assistance or taxes	44	44	41	37
Counting government assistance or taxes	44	40	25	21

**FIGURE 4.3 Economic Security Programs Reduce Poverty**

Poverty rates before and after government assistance and taxes, 1970-2019, by race and ethnicity.

*Note:* Government assistance and taxes include the value of noncash benefits, such as those provided by Social Security, the Supplemental Nutrition Assistance Program (SNAP), Medicare, Medicaid, public housing, employer-provided fringe benefits, tax credits, or stimulus payments.

*Sources:* Data for 1970–2010 from Trisi, Danilo, and Matt Saenz. 2021, July 1. “Economic Security Programs Reduce Overall Poverty, Racial and Ethnic Inequities.” Center for Budget and Policy Priorities. <https://www.cbpp.org/sites/default/files/atoms/files/1-28-21pov.pdf>.

of Latinas who have a bachelor’s degree or more increased from 13 percent in 2013 to 23 percent in 2023 (Moslimani and Mukherjee 2024).

Still, policy action that is bold enough to eliminate poverty and provide for genuine equality of opportunity has not occurred. Since the 1970s, taxes on the wealthy and corporations have plummeted. The social safety net leaves many behind and is more generous for the middle and upper classes than it is for low-income and working-class Americans (Desmond 2023). Poverty rates, although they fell significantly in the 1960s, have since then, for the most part, stagnated. In 2022, 17.7 million Whites were in poverty, as well as 7.7 million African Americans and 12.4 million Latinxs. And although there have been some improvements in wealth and income indicators among Blacks and Latinxs over the last 60 years, substantial racial gaps in wealth and income persist among Blacks, Latinxs, and Whites (Institute for Policy Studies 2024b; Lopez and Moslimani 2024; Mosloma and Mukherjee 2024).

Democracy might mean more than having the right to vote, freedom of movement, free and open elections, and the rule of law. If democracy means the people have power and that their voices have an impact on how government functions, it is important to consider whether poverty and economic inequality reduce the meaning of democracy—both as a measure of how much the people are represented and the substance of it, as in how democratic the nation may actually be (Stokes 2024). The civil rights movement, as well as many other social movements, including the labor and women’s rights movements, have asked that Americans rethink what constitutes a democratic society.

## 4.5 Women’s Rights Movement: Equality and Freedom

Both the labor and civil rights movements have transformed America. The women’s movement must be placed in the same category. Core features of American life that we take for granted today, including women’s right to vote and run for elective office; to serve on

juries; to be employed as police officers, construction workers, lawyers, scientists, and leaders in business and government; and to choose and have access to family-planning services, including birth control and abortion, are the products of nearly two centuries of social and political activism by women and their male allies. Historically, the struggle for women's political rights, social and personal freedoms, and access and rights in the workplace was met with opposition and resistance. Women's equality continues to be politically contested today, as the more recently enacted restrictions on abortion indicate. Like other movements for equality and freedom, although significant issues remain, the women's movement has achieved remarkable successes over the last 200 years.

Through membership in women's rights organizations, women challenged their social, cultural, political, and economic second-class citizenship. They challenged not only the economic and political discrimination they suffered but also Americans' sexist stereotypes that kept women from equality of opportunity. Among those stereotypes and social and legal practices were those following from the social expectations imposed on women by a culture of traditional gender roles. Feminists in the 1960s argued that feminism was "the radical notion that women are people." This meant that as people endowed with natural rights, women should be free to choose how they want to live their lives. It meant that a woman had the right to freely choose for herself whether she wanted to have children or not. It meant that a woman had the right to freely choose for herself whether to pursue a career and to pursue any career she wanted. Fundamentally, the women's rights movement was about equal treatment among genders (while acknowledging gender difference) and for women to have control over their lives and bodies. Over the course of nearly 200 years of activism for women's rights, the overarching goal was to free women from the social, cultural, political, and economic constraints on the full development of a woman's human potential.

#### 4.5a Women's Struggle for Political Rights

Both the Declaration of Independence and the US Constitution were silent on the rights of women. Women did not have the right to vote, were legally barred from many occupations, were restricted from owning property, and were legally subjected to the authority of male members of their households. Despite their second-class status, many women organized to win political, legal, and social equality for themselves as well as others. In 1848, women organized the Seneca Falls Convention and committed themselves to

#### LEARNING OBJECTIVE

*Identify and analyze the areas of social, political, and economic life where the women's rights movement has been impactful.*

Source: Leffler, Warren K., photographer. <https://www.loc.gov/pictures/resource/ppmsca.55921/>



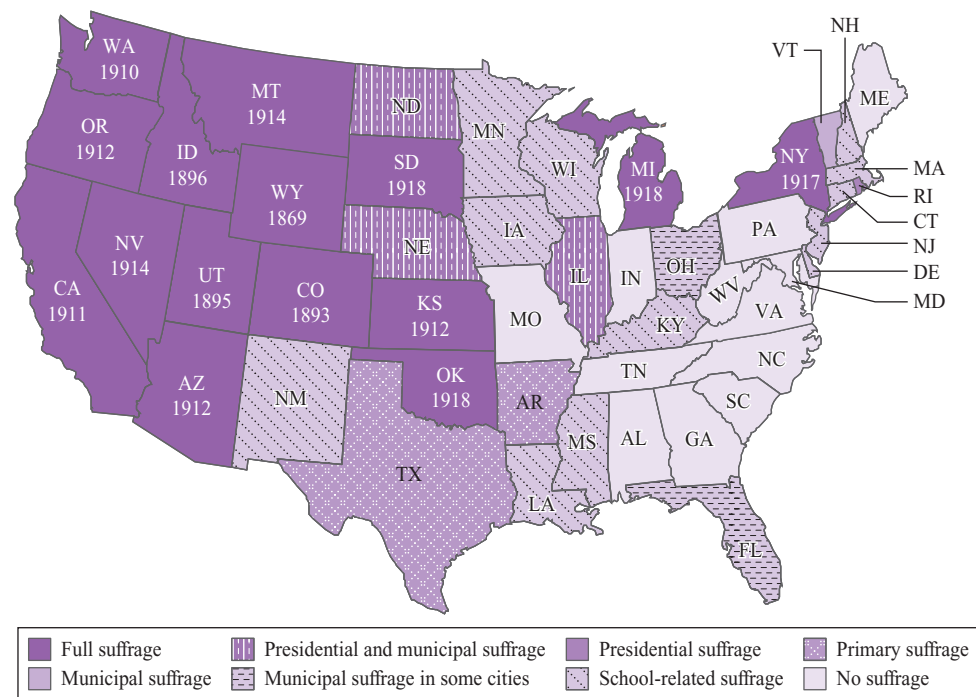
Shirley Chisolm.

**suffragettes** Activists advocating for women to have the right to vote.

ending discrimination against women, winning the right to vote, and abolishing slavery. A “Declaration of Sentiments and Grievances” was drafted borrowing the language of the Declaration of Independence, stating, “We hold these truths to be self-evident: that all men and women are created equal” (“Declaration of Sentiments” 1848, para. 2 under “Declaration of Sentiments”). The document continued by listing injustices inflicted upon women in the United States and calling upon women to organize, petition, and fight for their rights. After the Civil War and the passage of the 13th Amendment in 1865 (outlawing slavery) and the 15th Amendment in 1870 (outlawing disenfranchisement on the basis of race), women expected that their contributions to the abolitionist cause would be recognized, and they, too, would be granted the right to vote. Still, opposition to women’s right to vote persisted at the federal level for decades. Despite enormous resistance by men, including in government, in business, and in the family, as well as opposition among some women, **suffragettes**, or women advocating for the right to vote, persisted in their demands. Suffragettes petitioned, marched, engaged in civil disobedience, picketed, and went on hunger strikes. They engaged in large demonstrations across the country, including in Washington, DC, in 1913, which was the largest political demonstration in the city’s history up to that time. In 1917, 20,000 suffragettes marched down Fifth Avenue in New York City. They organized the first-ever picket of the White House, in which they stood in front of the president’s residence every day for over two years (January 1917 to June 1919), demanding their right to vote.

Their activism pressured government officials to change election laws, first at the state level and then at the federal level, enfranchising women. Their efforts gradually changed public opinion. In 1869, Wyoming became the first state to grant women the right to vote. Other western states, including Utah, Colorado, Washington, and California, soon followed (McCammom and Campbell 2001), then Illinois (1913), Montana (1914), New York (1917), and Michigan (1918) (see Figure 4.4).

The first woman to serve in the US House of Representatives was Jeannette Rankin of Montana, elected in 1916. By the time the 19th Amendment to the Constitution was passed in 1920, granting women the right to vote throughout the United States, women



**FIGURE 4.4** Women’s suffrage before the 19th Amendment.

Source: National Park Service. n.d. “State-by-State Race to Ratification of the 19th Amendment.” <https://www.nps.gov/subjects/womenshistory/womens-suffrage-timeline.htm>

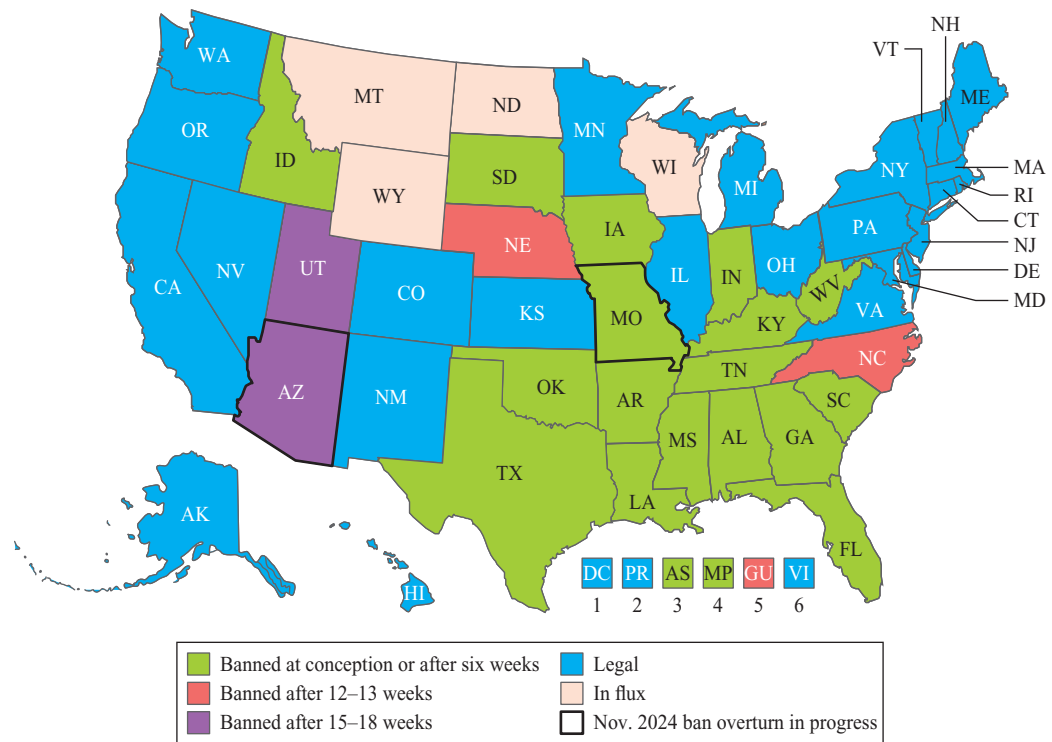
were already enfranchised in 19 states. In 2020, on the 100th anniversary of the 19th Amendment, Senator Kamala Harris (CA) was elected as the country's first female vice president of the United States. Women have served as governors of states; as representatives and senators in Congress; and in cabinet positions, including secretary of state and treasury secretary. Although elected officials at all levels of government are still disproportionately male, the number of women in public service has increased significantly. In 2024, 25 senators were female, 126 women served in the US House of Representatives, and 4 US Supreme Court judges were female, and under the Biden administration, 11 females were members of his cabinet or held cabinet-level positions (Center for American Women and Politics 2024).<sup>6</sup>

#### 4.5b Women's Struggle to Control Her Own Body

The right to vote and the right to serve in public office are important gains for women's rights and representation. Given women's increasing electoral gains, issues important to women, formerly ignored, are now more likely to be politically salient. But women's electoral achievements alone do not provide for freedom and equality between the sexes. For decades, activists campaigned and agitated for family planning and the legalization of birth control as fundamental to a woman's freedom. In the early 1900s, birth control of any kind was illegal in much of the United States. Because of these laws, women did not have a choice over their reproductive lives and effectively had to endure forced pregnancy. In 1916, Margaret Sanger, in an act of civil disobedience, defied New York State's contraception law and opened a women's health clinic providing women with health care and advising them about birth control. She was arrested, tried, convicted, and sentenced for the offense. She continued the struggle and appealed her case in the federal courts. Two years later, a federal court ruled in Sanger's favor, allowing New York doctors to advise married couples about birth control for health purposes. Sanger went on to found the Birth Control Council of America, which later became Planned Parenthood of America. Planned Parenthood is an important nonprofit organization that provides men and women with a wide range of health care and family-planning services. Sanger's act of civil disobedience and organizing resulted in an incremental but significant change in reproductive rights laws. Today, it is widely understood that women ought to be free to control their health, their sexuality and reproductive life, and their destiny.

In a series of cases in the 1960s and 1970s, a woman's right to decide over her reproductive health was further expanded. In 1965 in *Griswold v. Connecticut* and in 1972 in *Eisenstadt v. Baird*, the US Supreme Court overturned state laws barring married and unmarried persons from using contraceptives. Access to birth control is fundamentally about a woman's right to decide what she wants to do with her body and whether and when she wants to have children, as well as otherwise plan her family and professional life.

Access to safe and affordable reproductive health care is part of a woman's right to self-determination. Protecting the legal rights of women was and continues to be a major issue for Planned Parenthood of America and the largest women's organization in the United States, the National Organization of Women (NOW). Until 1973, abortion was illegal in 30 US states. In that year, the US Supreme Court ruled, in *Roe v. Wade*, to legalize abortion but allowed states to impose certain restrictions, in particular, in the second and third trimesters of a pregnancy. In 2022, after the appointment of three conservative judges to the US Supreme Court during the Trump presidency, by a 6–3 decision, the US Supreme Court overturned the *Roe* decision in *Dobbs v. Jackson Women's Health Organization*. As a result, a woman's right to control her own body is no longer a constitutionally protected right throughout the country. As a result of the decision, many states enacted laws making abortion illegal within their state, whereas other states reaffirmed the right for a woman to control her reproductive life and expanded access to abortion services within their state, including New York, New Jersey, Massachusetts, Colorado, Maryland, California, Oregon, Washington, New Mexico, and Illinois, among others (see Figure 4.5). Under the Biden administration, the US Food and Drug Administration (FDA) approved mail-order abortion pills, allowing women greater access to medication to safely terminate a pregnancy.



**FIGURE 4.5 US state abortion laws.**

Source: Duncan, Pamela, Will Craft, Oliver Milman, Lucy Swan, and Heidi Wilson. “What’s at Stake with a Second Trump Presidency—in Charts and Maps.” *The Guardian*. <https://www.theguardian.com/us-news/2024/dec/03/what-stake-second-trump-presidency-charts-maps>

### 4.5c Women’s Struggle for Access to and Equal Treatment in Employment

In addition to political rights and reproductive rights, another area of American life where women’s activism has transformed the laws and the culture is employment. Women have been active in unions and social movement organizations and used these civil society institutions to make significant improvements in their lives (Scott 2009). Women’s struggle for access and equality in employment centered on several broad issues, including nondiscrimination and equal opportunity in the workplace. To give these principles substance, women have advocated for reforms of labor laws to allow women to access professions formerly denied to them, outlaw discrimination in the workplace, and address issues pertaining to unequal pay on the basis of sex/gender. Additionally, women have pressed to expand the welfare state to accommodate the realities women face in balancing work life with family and child care. To this end, women have advocated for universal day care programs and regulations mandating paid maternity leave (Butler 2002; Deslippe 2000; Eisenstein 2009). Although the goals of universal day care and paid maternity or parental leave have yet to be enacted at the federal level, the Family and Medical Leave Act (1993) allows a worker to take up to 12 weeks of unpaid leave to bond with a newborn child.

Until the 1970s, the dominant cultural thinking about men’s and women’s employment prioritized the “male breadwinner model.” This was the belief that the male in the household earned a “living wage” that was enough to afford his family a decent existence. Under this model, women were expected to stay home and raise the children, or if they went to work, their income was meant to supplement the income of the male in the household. As such, this gender bias was used to justify excluding women from certain professions and allowing employers to pay women less than what a man earned for the same type of work. It was common for women to be segregated into low-wage jobs that were considered to be “women’s work.” Laws, company policies, and union practices banned women from doing work that men did, and vice versa. In job postings, employers could specify a gender

requirement for the prospective employee. These socially constructed designations of “men’s work” and “women’s work” were not historically justified. Whereas before the 1940s it was against company policy and culturally unconscionable for a woman to work on an assembly line making cars or airplanes, during World War II, millions of women entered factories to work heavy machinery to build and assemble the needed vehicles, planes, warships, and other weapons of war. When the war was over and the men who had been fighting overseas returned, women were fired from their jobs and told to return home. If they were not fired, working-class women were often demoted and shifted back to “women’s work,” where they were paid at lower rates for work similar to the work designated for men. However, the World War II experience of working in formerly “men’s jobs” motivated women to demand greater opportunity, equality, and advancement in employment and economic life.

Women’s rights activists fought for equal pay but also against sexist stereotyping in employment and in the culture. In some occupations filled by women, such as teaching, clerical work, and airline service, discrimination in the workplace was common. Women could be terminated from their jobs if they became pregnant or if they married. Women workers demanded that unions, employers, and government end gender-based pay inequity. Through advocacy and lobbying, women, through their labor unions, pressured Congress to enact the **Equal Pay Act (1963)**, which barred employers from setting different wage rates on the basis of gender for the same job (Hallock 1993; Kessler-Harris 2001). The Equal Pay Act was one of the first federal laws curtailing sex discrimination in employment, and it resulted in wage increases for millions of women and was a significant step toward reducing the gendered wage gap. Other public policies increasing women’s access and pay in the workplace included the 1964 Civil Rights Act; the enforcement of sex/gender discrimination legislation by the Equal Employment Opportunity Commission; and the enactment of the Pregnancy Discrimination Act (1978), which made it illegal for an employer to fire a woman for becoming pregnant. The enforcement of Title VII of the Civil Rights Act opened many new professional doors to women that had previously been denied them, including careers in law enforcement, firefighting, and other jobs that were “typically male.” And indeed, another study showed that women have made significant inroads into the highest-paying careers. For example, in 1980, only 13 percent of doctors were female. In 2021, 38 percent were. In 1980, 24 percent of pharmacists, 14 percent of lawyers, and 6 percent of physicists/astronomers were female. In 2021, 61 percent of pharmacists, 40 percent of lawyers, and 24 percent of physicists/astronomers were female (LeDuc 2024). In addition, from 1960 to 2020, women made significant wage gains. In 1960, women working full-time jobs earned 60 percent of what men did. In 2021, it was 83 percent (see Figure 4.6) (Institute for Policy Studies 2024a).

On top of efforts to end gender discrimination in the workplace, the women’s movement fought for many additional reforms beyond access to certain jobs and “equal pay for equal work” for doing them. Still, other forms of gender equality in the workplace remain

**Equal Pay Act (1963)** Federal law that made it illegal for employers to set different wage rates for the same job on the basis of gender.

Year	Percentage of Women’s Earnings Compared with Men’s Earnings of 100%
1970	59%
1980	60%
1990	71%
2000	75%
2010	77%
2020	81%

**FIGURE 4.6 US gender pay gap between men and women working full-time jobs, 1970–2020.**

Source: “Gender Economic Inequality.” n.d. Inequality.org. <https://inequality.org/facts/gender-inequality/>

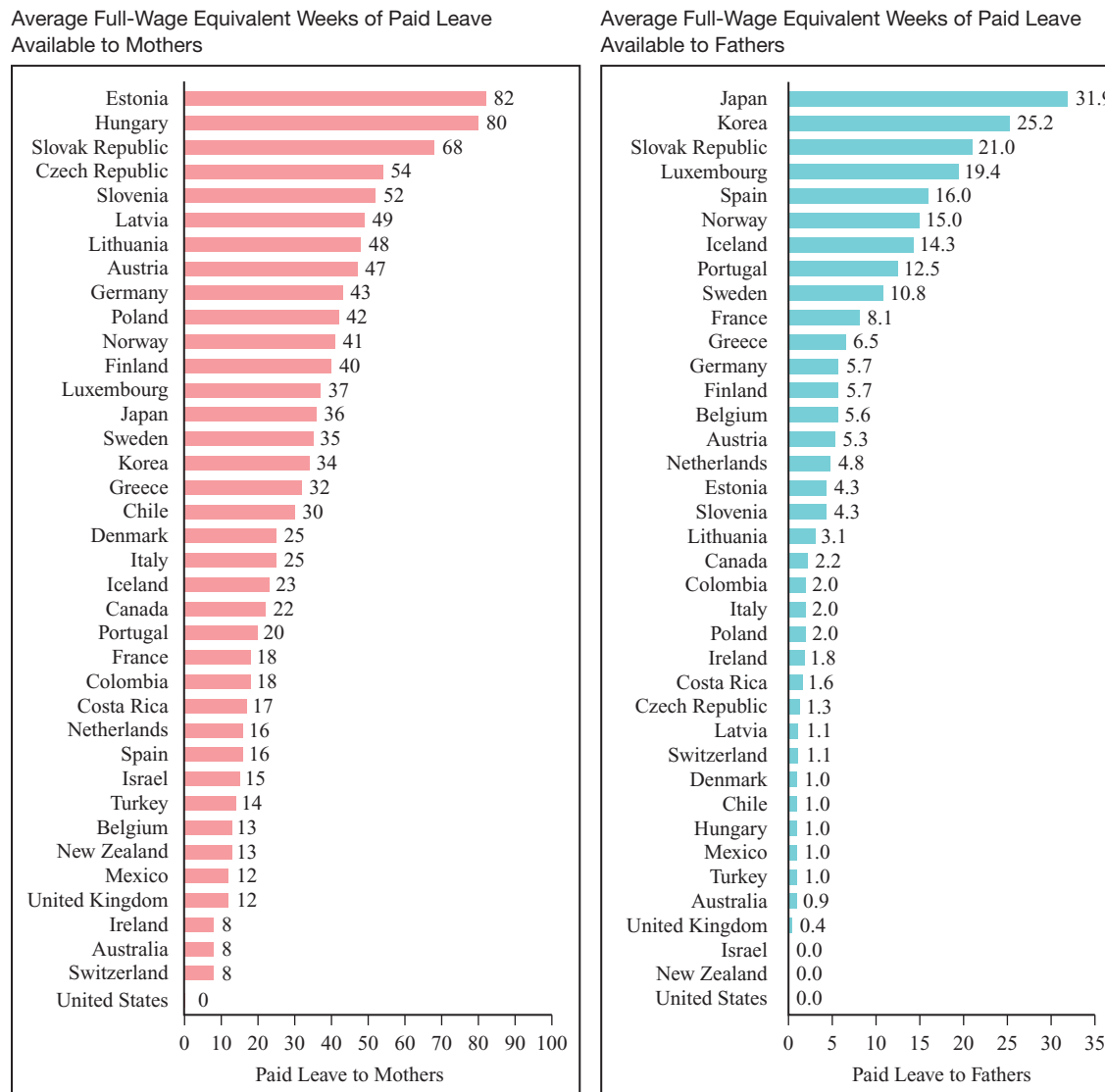
**comparable worth** The idea that women should be paid the same wage as men for comparable employment to address the wage disparities between jobs predominantly employing women versus jobs predominantly employing men.

unfulfilled. In particular, as labor historian Dorothy Sue Cobble writes, labor feminists advocated for “equal pay for comparable work, a family or a living wage for women and men, the revaluing of skills in ‘women’s jobs,’ economic security and shorter hours, paid maternity leave, social supports from the state and from employers for child-bearing and child-rearing” (Cobble 2004, 6). There remain different wage structures for different types of work that have been considered to be either “men’s work” or “women’s work.” Jobs and careers considered “men’s work” often pay much more than “women’s work.” Women are often paid significantly less than men for similar types of work based on skill, knowledge, and responsibility in the workplace. One example of a poorly paid occupation that primarily employs women is childcare workers. **Comparable worth**, the idea that women should be paid the same wage as men for comparable employment, continues to be a pressing issue for the women’s movement. Raising the pay for childcare workers or raising the minimum wage—because a disproportionate number of minimum-wage jobs are held by women—would help in narrowing the gender pay gap (Moe 2023). As a result of unequal pay and the gender pay gap, many households headed by single women with children face poverty rates that are more than double the poverty rates of households led by single men with children (Institute for Policy Studies 2024a). However, as a result of the political power of business groups, the federal minimum wage has not changed since 2009. It remains at a poverty level, \$7.25 per hour.

Despite the significant progress in gender relations that has been made over the last 100 years, significant obstacles remain to the equality of opportunity and freedom of women (and men) to reach their full potential. Although nondiscrimination laws have been enforced, providing greater access for women in the workplace and careers, many women and men continue to struggle to balance work and family life. A major reason is the minimal social welfare support offered by the government. In 1962, working-class women, supported by many unions, managed to pressure Congress to introduce the Day Care Assistance Act. The act promised to establish a universal day care system that would allow women with young children to work and be mothers. After much resistance by business and conservative groups, the bill’s initial universal benefit was eliminated. Funding was drastically reduced, and it became a means-tested program, permitting access only to low-income women (Cobble 2004, 131–139, 162). As a result, childcare services are one of the largest expenses for working women and families (Glynn and Wu 2013; Status of Women in the States 2018). Many women are forced to put their careers on hold and stay home with young children because of the expense of day care, reducing the family income and stifling career opportunities for advancement. Lack of accessible and affordable child care is the number-one reason why women leave or change jobs (First Five Years Fund 2023). During President Biden’s administration, he and most congressional Democrats sought to enact long-promised enhanced subsidies for day care and prekindergarten that would make them universally available to nearly all families. However, the measure was gutted from his legislative agenda because of resistance by congressional Republicans and a few Democrats (Bhatia et al. 2022).

Another welfare-state measure lacking in the United States that negatively affects women’s (and men’s) opportunities is paid family leave. Paid family leave does not exist as a federal right in the United States. Among 41 developed nations, the United States is the outlier when it comes to family leave, providing no weeks of paid family leave to care for a newborn or sick family member (Livingston 2016). Some businesses in the United States offer paid family leave to their employees without being required to do so. And several states, including California, New York, New Jersey, Colorado, Connecticut, Massachusetts, Oregon, Washington, Rhode Island, and Hawaii, as well as Washington, DC, have enacted such laws (National Partnership for Women and Families 2021). However, because many families throughout the United States are without the benefit, parents, most often women, must make the difficult choice to either stay home with a child and forgo needed income or find and pay for childcare for the newborn while they go to work to provide for their families. As other countries with paid family leave laws illustrate (see Figure 4.7), families with newborn babies need not make these difficult choices that many women (and families) are forced to make in the United States.





**FIGURE 4.7** Country comparison of paid maternity and paternity leave policies.

Source: Congressional Research Service. 2023, September 25. "Paid Family and Medical Leave in the United States." <https://crsreports.congress.gov/product/pdf/R/R44835/26>

Lack of paid family leave also contributes to the gender wage gap. Because of the lack of policies such as universal child care and paid parental leave, among others, women are forced to take on most of the care responsibilities in many families, such as caring for young children and/or sick or elderly relatives. The result is that many women cannot work full-time jobs, thus diminishing their overall income, wealth, and savings. Taking into account that many women cannot work full-time jobs because of their care responsibilities, the actual gender wage gap is much larger than previously thought. Working women actually make less than half of the income of men (Shure 2018). During the Biden administration, many Democrats in Congress, with the president’s support, attempted to enact a federal paid family leave law. But the effort was blocked by Republicans and a couple of Democrats in the Senate who resisted the reform. An issue to consider is whether the unequal distribution of wages and benefits by gender across the economy is simply a profitable way of doing business in America. As women’s productivity in the workplace parallels men’s, it begs the question of whether employers are just profiting more off the labor of underpaid female workers.

## 4.6 Social Movements and Democracy as a Way of Life

The transformation of American society, expanding equality, freedom, and liberty, attributable to the labor rights, civil rights, and women's rights movements is the outcome of struggle. Each of these movements has made significant social, political, and economic improvements in the lives of all Americans. But political and social change do not come quickly in American political life. Each of these movements faced powerful political actors in opposition to its efforts to expand equality and opportunity, both in government and in civil society. In public opinion surveys, the vast majority of Americans want to see increased funding for day care and early childhood education (First Five Years Fund 2023). Overwhelming majorities want the federal government to enact paid family leave legislation (Mueller and Olander 2023). A majority of Americans support labor unions (Saad 2023). Yet elected officials have failed to act on any of these measures. To understand why—and whose interests are served by inaction in these areas—requires an analysis of political power as offered by the various approaches to the study of power in American politics discussed in chapter 3.

Many of the social movements took decades to achieve national attention and create political change. To understand why they were able to sometimes win despite great opposition also requires an analysis of political power and its distribution in civil society. To understand when and why they won requires an understanding of the political and economic context and conditions at the time. It is important to understand the power relations, obstacles, and opportunities they faced and how they dealt with them (Piven and Cloward 1993). These movements adopted many different strategies and tactics, including working through the courts, the electoral arena, protest, disruption, and civil disobedience. As a way to build collective strength and solidarity with the plight of others, each of these movements forged alliances with other groups to further its cause. Each of these social movements consisted of individuals who refused to accept being told there was nothing to be done in the face of injustice. Courageous individuals were determined to make sure their voice was heard and that the government was responsive to their demands. Through considerable commitment, sacrifice, and political courage, they cultivated their political imagination, practiced democracy as a way of life, and changed the status quo.

In 1962, James Meredith, a political science major, was admitted to the University of Mississippi. Upon finding out that he was African American, the university revoked his acceptance. A federal court ordered the university to admit Meredith. As the semester began, crowds of White segregationists rioted and blocked his ability to attend the school. Clearly, he was not wanted because of his race. But Meredith was undeterred. He would not let racist obstruction keep him from the opportunity to get an education. Determined to attend the school and earn his degree, Meredith attended for the rest of the school year. He became the first Black student to graduate from the University of Mississippi in its history. Inspired by Meredith's political courage, Martin Luther King Jr. wrote, in "Letter from a Birmingham Jail":

One day the South will recognize its real heroes. They will be the James Merediths, with the noble sense of purpose that enables them to face jeering and hostile mobs, and with the agonizing loneliness that characterizes the life of the pioneer. They will be old, oppressed, battered Negro women, symbolized in a seventy-two year old woman in Montgomery, Alabama, who rose up with a sense of dignity and with her people decided not to ride segregated buses... They will be the young high school and college students, the young ministers of the gospel and a host of their elders, courageously and nonviolently sitting in at lunch counters and willingly going to jail for conscience' sake. One day the South will know that when these disinherited children of God sat down at lunch counters, they were in reality standing up for what is best in the American dream and for the most sacred values in our Judeo-Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence. (King 1963a, para. 46)

It is such political courage demonstrated by Meredith, Rosa Parks, and many other civil rights, women's rights, and labor rights activists that is the cornerstone of the relationship between the political imagination, democracy as a way of life, and the socially transformative potential of social movements.

## Chapter Review

1. *Define social movements, describe what social movements seek to accomplish, and explain what strategies and tactics they use to achieve their aims.*

Social movements can be defined as collective and sustained efforts by people organized and acting in unison, employing at least some noninstitutional methods of political activity, including disruptive actions such as marches, rallies, demonstrations, pickets, strikes, occupations, economic boycotts, and acts of civil disobedience, to create social change. Social movements seek to raise public consciousness about an issue or issues and exert material pressure on decision-makers. Social movements may seek to create social, cultural, political, or economic change. Social movements may be reformist, reactionary, or revolutionary.

2. *Identify and describe the strategies and tactics employed by opponents of social movements.*

Political, social, and economic change does not come easily. Social movements that seek to make change are confronted by social, political, and economic actors and interests that seek to preserve the status quo. Opponents of social movements employ a variety of strategies and tactics to preserve the status quo, including violent repression, intimidation, harassment, and other forms of political and economic coercion, as well as more subtle strategies, including delaying tactics, tokenism, or cooptation through symbolic gestures or minor reforms, leaving the main issues and grievances raised by the social movement unaddressed.

3. *Analyze the role and impact of labor unions in the workplace and in politics.*

Labor unions have been impactful in American economic and political life. Labor unions serve as an important counterweight to the power of employers in the workplace and business interests in the political system. Labor unions serve two primary functions. First, they represent and engage in collective bargaining and labor actions (strikes, for example) to improve wages, benefits, working conditions, and other terms of employment for their members. Second, many, but not all, labor unions also engage in political activities seeking to put political pressure on elected officials to enact and implement public policies favorable to working people and the general population. Labor unions have been active in the areas of labor, economic regulation and development, taxation, social welfare, and civil rights issues, among others.

4. *Identify and describe the major legislative achievements of the civil rights movement.*

The civil rights movement has made much progress in transforming American society and politics. Among the most important achievements of the civil rights

movement are the 1964 Civil Rights Act, the 1965 Voting Rights Act, the 1968 Fair Housing Act, and the 1970 Equal Credit Opportunity Act. Combined, these federal laws have helped to expand access to social, political, and economic opportunities previously denied on the basis of race and ethnicity. The civil rights movement has also been instrumental in raising consciousness about racism and inequality. The movement has not achieved all of its goals and continues to push for equality under the law.

5. *Differentiate between negative and positive freedom.*

There are two ways to think about the meaning of freedom: negative freedom and positive freedom. Negative freedom means that a person is free when they are not interfered with, or not prevented from pursuing opportunities they wish to pursue because of a discriminatory law or practice. For instance, prior to the 1964 Civil Rights Act, African Americans were denied opportunities for many jobs simply because of their race. The Civil Rights Act made those practices illegal. Thus, the Civil Rights Act embodies the concept of negative freedom. However, there is another meaning of freedom: positive freedom. To be free requires more than nondiscrimination. Freedom requires having the means or resources to pursue the opportunities that are available. For instance, if a person wants to become a doctor, it is not enough that there are no laws barring someone of a certain race or ethnicity from becoming a doctor. To become a doctor, the person also needs to have the means or resources to achieve their life goals. These means include a safe and healthy environment in which to grow up, adequate food and nutrition, good schools, and enough financial support to facilitate their education and career objectives. Positive freedom holds that in order to fully achieve a nondiscriminatory society, government must provide the resources so that an individual can genuinely experience equal opportunities.

6. *Identify and analyze the areas of social, political, and economic life where the women's rights movement has been impactful.*

Although inequalities among men and women in America remain today, the women's rights movement has made considerable advances in expanding women's freedom and opportunities in social, economic, and political life. Through sustained activism, women have won the right to vote and run for elected office. Over the last several decades, the number of women in elected office has increased considerably. In economic life, women have made gains by increasing access to employment formerly reserved for men and advocating for equal pay for equal work, resulting in

gradual improvement in the wage gap between men and women. The women's rights movement has also made gains in the areas of reproductive rights and women's health. Birth control is legal and widely available, and the right to abortion is protected in

many states (although it is no longer a nationally protected right since the *Dobbs* decision). Many issues remain for the women's rights movement, including policies covering universal childcare, family and elder care, and paid parental leave.

## Discussion Questions

1. Identify a contemporary social movement. What are its goals? How does the movement try to achieve its goals?
2. Identify and explain how the labor movement transformed US society. In what way has this "victory" affected your own life?
3. Discuss how the civil rights movement has been successful in creating public policy in the following areas: discrimination and voting/electoral rights. Additionally, consider what new areas are needed for additional social movement activity.
4. Review the following quote by Martin Luther King Jr.:

It isn't enough to integrate lunch counters. What does it profit a man to be able to eat at an integrated lunch counter if he doesn't earn enough money to buy a hamburger or a cup of coffee? What does it profit a man to be able to eat at the swankiest integrated restaurant when he doesn't earn enough money to take his wife out to dine? What does it profit one to have access to the hotels of our city and the motels of our highway when we don't earn enough money

to take our family on a vacation? What does it profit one to be able to attend an integrated school when he doesn't earn enough money to buy his children school clothes? (King 2011, 175–176)

Using this quote, in your own words, explain the link between positive freedom and equality.

5. Over the course of US political history, great strides have been made to narrow the inequalities between women and men. Identify and describe two public policies that have helped to narrow the gap between men and women.
6. Identify two inequalities between men and women that persist today. Describe two public policies that you think might address these inequalities and improve equity among men and women.
7. James Meredith is an example of blending political courage with the idea of embracing "democracy as a way of life." Research another example, nationally or internationally, of someone who struggled to expand freedom and equality. Be sure to explain why you chose this individual.

## Key Terms

social movement (p. 3)  
labor union (p. 6)  
collective bargaining (p. 8)  
Wagner Act (1935) (p. 8)  
civil rights (p. 12)  
de jure segregation (p. 13)  
Civil Rights Act (1964) (p. 14)

Voting Rights Act (1965) (p. 15)  
de facto segregation (p. 17)  
negative freedom (p. 17)  
positive freedom (p. 17)  
suffragettes (p. 22)  
Equal Pay Act (1963) (p. 25)  
comparable worth (p. 26)

## Notes

<sup>1</sup> Library of Congress (2024).

<sup>2</sup> Douglass (1857, para. 3).

<sup>3</sup> Alternatives to capitalist workplace organizations and relations are worker-owned cooperatives. The largest in the world is Mondragon in Spain, which employs over 80,000 workers (Alperovitz and Hanna 2013). The largest worker cooperative in the United States is

Cooperative Home Care Associates, which employs over 2,000 people in the Bronx, New York (Flanders 2014).

<sup>4</sup> *Smith v. Allwright* made the White primary illegal. Before the ruling, in Texas and other states, the Democratic Party required that only a White person could vote in the party's primary elections.

<sup>5</sup> *Sweatt v. Painter* integrated graduate schools and professional programs, such as law schools. The Court ruled that states with graduate and professional programs for Whites but not for Blacks had to integrate the formerly all-White institutions.

<sup>6</sup> In international comparisons, the United States remains a laggard with regard to women's representation in politics (Congressional Research Service 2023).

## Useful Links for Further Research

Bureau of Labor Statistics, <https://www.bls.gov>  
Research on employment, wages, unions, and so forth.  
Center for American Women in Politics, <https://cawp.rutgers.edu>  
Current and historical research and data on women in US politics.  
Oxfam America, <https://www.oxfam.org/en>  
Research and data on inequality and poverty.  
Inequality Media, <https://www.inequalitymedia.org>  
Research on inequality, poverty, wealth, income, and the environment.

Inequality.org, <https://inequality.org>  
Research on inequality, poverty, wealth, income, and the environment.  
Institute for Women's Policy Research, <https://iwpr.org>  
Research on women's issues and policies.  
Labor and Urban Studies, <https://slu.cuny.edu/public-engagement/research-publications/state-of-the-unions/>  
Research on labor unions in the United States.

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# The US Constitution: A Legal and Political Document

## CHAPTER 7

### Chapter Outline

- 7.1 Introduction: Robert M. LaFollette
- 7.2 The US Constitution: A Controversial Document
  - 7.2a In Defense of Liberty: The Federalists and Anti-Federalists Debate the US Constitution
- 7.3 The US Constitution and the Federalists' View of the People
  - 7.3a The Class Politics of the Federalists' Constitution
- 7.4 The US Constitution: The Government Controlling Itself
  - 7.4a Federalism
  - 7.4b Separation of Powers
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- 7.5 The US Constitution: The Government Controlling the Governed
  - 7.5a Elections and Representation
  - 7.5b Controlling the Governed: Congress
  - 7.5c Controlling the Governed: The Executive
  - 7.5d Controlling the Governed: The Judiciary
  - 7.5e Controlling the Governed: Slavery and the US Constitution
- 7.6 Amending the Constitution and Democracy as a Way of Life



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The Preamble of the US Constitution.

*In framing a government . . . you must first enable the government to control the governed; and in the next place oblige it to control itself.*

—James Madison, fourth US president

*The basic principle of this government is the will of the people.*

—Robert M. LaFollette, US senator

### Learning Objectives

1. Identify and explain the significance of the 17th Amendment to the US Constitution.
2. Analyze and summarize the arguments for and against ratification of the US Constitution.
3. Defend and criticize the Federalist view of the people.
4. Summarize and assess how the Constitution places limits on the power of government.
5. Summarize and explain how the Constitution places limits on the power of the people.
6. Explain the process for amending the Constitution.

## LEARNING OBJECTIVE

Identify and explain the significance of the 17th Amendment to the US Constitution.

## 7.1 Introduction: Robert M. Lafollette

Robert M. Lafollette was an early-20th-century Wisconsin politician. Lafollette was a member of the US House of Representatives, a governor, and a US senator. He was also a founding member of the Progressive Party. Progressives, or reformers, believed that both major political parties and the government was too reliant on, if not beholden to, special interests rather than the people. Progressives wrote laws that prevented powerful interests from corrupting the political process; increased funding for public education; reformed the tax system; instituted protections for workers' rights; placed limitations on lobbying of elected officials; required publication of elected officials' voting records and campaign expenditures; supported laws granting women the right to vote, and advocated for the 17th Amendment to the US Constitution, which provided for the direct election of US senators. In his 1924 presidential run as the Progressive Party candidate, Lafollette campaigned on populist economic policies, including public ownership of the railroads, the elimination of private utility companies, banning of child labor, and an end to US imperialism in Latin America (Nichols 2015). His third-party presidential run earned nearly 5 million votes, one-sixth of the overall vote total, demonstrating significant electoral support for economic populist ideas among the American electorate.

For Lafollette and the Progressives, the people were being ignored by the millionaires in the Senate and by a government that was guided too much by money and power. Lafollette believed in the will of the people and the importance of having a direct, powerful voice in government. In 1913, led by the efforts of Senator Robert Lafollette and others, the US Constitution was amended to allow for direct, popular election of US senators. The US Constitution was amended from senators being selected by state legislatures to direct election by the people. The 17th Amendment to the US Constitution reads, "The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote." Lafollette said, "Men must be aggressive for what is right if government is to be saved from men who are aggressive for what is wrong" (Lafollette 1924, quoted in Tomasik 2004, 14).

## 7.2 The US Constitution: A Controversial Document

In the wake of the tax and debt revolts that spread throughout the states in the 1780s, most notably Shays' Rebellion, a Constitutional Convention was called to revise the Articles of Confederation. In the summer of 1787, the delegates to the Constitutional Convention met in Philadelphia, Pennsylvania, and created a new governing document called the US Constitution. As most constitutions do, the US Constitution outlines the structure of, institutions of, powers of, and limits on government. The US Constitution was a radical departure from the Articles of Confederation. Specifically, the **US Constitution** created a federal structure of government; established three distinct and separate institutions of the federal government, instituted a system of checks and balances on the federal government, enumerated specific powers granted to the federal government, and listed a number of limits on the powers of government. As a legal document, the US Constitution serves as the supreme law of the land.

The US Constitution is also a political document. The words and ideas in the document are a combination of influences of liberal and republican political ideas. From Lockean liberal thought, the US Constitution set out to protect the people's liberty by placing limits on government power and enshrining individual rights. From republican thought, in particular that of French 18th-century political thinker Count Montesquieu, the framers drew on the notion that in a large, diverse republic, the most effective means to protect the people's liberties from government abuse and corruption was to structure government in a particular institutional manner. Most notably, by separating the legislative, executive, and judicial functions of government into distinct, separate-but-equal institutions. The US Constitution was the first practical institutionalization of the combination of the core ideas of liberalism and republicanism in the modern world. The authors of the US Constitution were innovative in building a powerful, effective, and energetic government based

**US Constitution** Created a federal structure of government, established three distinct and separate institutions of the federal government, instituted a system of checks and balances on the federal government, enumerated specific powers granted to the federal government, and listed a number of limits on the powers of government.

on republican principles of self-government and encompassing a large, diverse population covering a large geographic region. They constructed an institutional structure of government with the energy, strength, and capacity to accomplish the general goals of a national government: security, liberty, and the general welfare.

The proposed US Constitution, completed at the Constitutional Convention in Philadelphia in 1787, had to be ratified before becoming a legally binding document. Ratification, or approval, was required by 9 of the 13 states for the Constitution to go into effect for the new republic. The US Constitution was a very controversial proposition. Initially, the primary disagreement was about the distribution of power between the federal government and state governments proposed in the Constitution. In New Hampshire, Massachusetts, Rhode Island, North Carolina, and New York, there was significant popular opposition to the proposed new constitution (Kornblith and Murrin 2005; Main 1961). In several key states, the vote to ratify the Constitution was very close. The process of ratifying the Constitution was a genuine political debate concerning the principles, values, and institutions by which the people would be governed. The debate was about what kind of government was best for the young nation; what institutional form the government should take; how the people would be represented in government; and how the government could best “provide for the common defense, promote the general welfare, and secure the blessings of liberty” (US Constitution, Preamble).

Table 7.1 compares the Articles of Confederation and the US Constitution.

Finally, the act of writing a constitution and establishing the institutions and rules of a political system is an act of power in and of itself. Furthermore, there is a theory, or theories, of power, embedded in a constitution. In Federalist 10, Madison suggests that his vision of the distribution of political power in society is fairly disbursed, aligning with the view of classical pluralists. Yet in another section of Federalist 10 and in Federalist 51, Madison and Hamilton suggest that elected officials have more autonomy from the people and vested interests, owing in part to the complex procedural and institutional structure of lawmaking established by the US Constitution, as organizational realist theorists argue. Neo-Marxists argue that the US Constitution was a class-based project intended to preserve the economic and political dominance of economic elites in the United States at the time. The democratic concessions that were made for small farmers and urban artisans were the result of the political pressure, including Shays’ Rebellion, exerted by Americans of basic means. Writing a constitution, establishing the rules of the game, is a supremely political balancing act between competing interests. Like all political outcomes, a constitution embodies the inherent distribution of power in the society (Parisot 2023).

### LEARNING OBJECTIVE

Analyze and summarize the arguments for and against ratification of the US Constitution.

**TABLE 7.1** Comparing the Articles of Confederation with the US Constitution

	Articles of Confederation	US Constitution
<b>Legislature</b>	Unicameral legislature called the <i>Congress of the Confederation</i> , each state equally represented	Bicameral legislature called the <i>US Congress</i> ; states equally represented in Senate and proportionally represented in House of Representatives on basis of population
<b>Executive</b>	None on federal level	President
<b>Judiciary</b>	None on federal level	US Supreme Court
<b>Structure of Government</b>	Confederate structure, with most government power held by state governments	Federal structure with power shared between the federal (national) government and state governments
<b>Powers of Government</b>	National government is weak. It depends on states for tax revenue and military. States coin their own money.	National government has the power to tax, raise army, coin money, and regulate commerce.
<b>Constitutional Amendment</b>	All states must agree.	Three-fourths of states must agree.

## 7.2a In Defense of Liberty: The Federalists and Anti-Federalists Debate the US Constitution

**Federalists** Supported ratification of the Constitution, believing a strong central government was essential for the American experiment with democracy and representative government. The most prominent advocates of the Federalist position were the authors of the *Federalist Papers*, James Madison, Alexander Hamilton, and John Jay.

**Anti-Federalists** Opposed ratification of the Constitution. Anti-Federalists were fearful that the Constitution would destroy the revolutionary spirit of America and impose a structure of government that would become anti-republican, aristocratic, and oppressive over time. Well-known Anti-Federalists included George Mason, Robert Yates, and George Clinton.

**Federalist Papers** A series of essays written by the Federalists on behalf of ratification. The structure of the government proposed by the Constitution reflects the Federalists' views on power, representation, and good government.

There were two opposing groups in the ratification debate over the Constitution: the **Federalists**, who supported ratification of the Constitution, and the **Anti-Federalists**, who opposed the Constitution. The most prominent advocates of the Federalist position were the authors of the *Federalist Papers*, James Madison, Alexander Hamilton, and John Jay. The *Federalist Papers* were a series of essays (85 in total) written by these three men under the pseudonym “Publius” and published in New York newspapers in support of the Constitution (Rossiter 2003). The *Federalist Papers* outline the political philosophy and institutional structure that gives form to the theory and ideas at the basis of the Constitution, including federalism, separation of powers, checks and balances, and bicameralism. The structure of the government proposed by the Constitution reflects the Federalists' views on power, representation, and good government.

The Anti-Federalists authored a series of essays in opposition to the US Constitution. Well-known Anti-Federalists included George Mason, Robert Yates, and George Clinton (Ketcham 2003). The Anti-Federalists wrote under diverse pseudonyms, including “Brutus,” “Federal Farmer,” and “Cato.” They, too, grounded their criticisms in political philosophy, institutional structure, and history. The Anti-Federalists were fearful that the Constitution would destroy the revolutionary spirit of America and impose a structure of government that would become anti-republican, aristocratic, and oppressive over time (Main 1961, 130–134).

Table 7.2 summarizes the ratification debate between the Federalists and Anti-Federalists.

The Federalists and the Anti-Federalists agreed on several broad principles, including (a) that the purpose of government was to protect individual liberty; (b) that it was important that government has power, but the power of government should be limited; and (c) that a republican form of government consisting of elected representatives was the most effective way to protect the people's liberty. The Federalists and Anti-Federalists both agreed that the legitimate basis of government power was with the people, who governed through their elected representatives. But neither the Federalists nor the Anti-Federalists were democrats in the modern sense. The Federalists were, like many republicans before them, fearful of ordinary people having too much power, and so it is fair to suggest they were antidemocratic. They endorsed property and wealth qualifications for public office and the right to vote. The Anti-Federalists more often wrote approvingly of “democracy” and criticized the US Constitution as favoring the wealthier classes (Main 1961, 169–175). Generally, Anti-Federalists, especially those who spoke for the interests of small farmers, favored lower property, wealth, and tax criteria for the right to vote. Despite this difference, the Anti-Federalists did not endorse political participation by those without property, women, and people of color. Neither the Federalists nor the Anti-Federalists believed in political equality in the form of universal adult suffrage, a basic criterion of modern democracy.

Despite some significant overlap, the Federalists and Anti-Federalists had several important differences. According to the Federalists, the best way to protect liberty was through a strong central (or national) government based on a federal system rather than a confederate system where most government power was located in states. The Federalists believed in a strong but limited federal (national) government, with institutional checks such as separation of powers and checks and balances. They also believed the people's voice should be “filtered” through a bicameral legislature and six-year terms of office for US senators, who would be elected by state legislatures, not through a popular vote. Under the Constitution's proposed plan of representation, argued the Federalists, elected representatives would “refine and enlarge the public views,” making it more likely that representatives adhere to the “interest of the country” rather than



Source: KarSol/Shutterstock

Alexander Hamilton, one of the main authors of the *Federalist Papers*, the nation's first treasury secretary, and an advocate of federal government power.

**TABLE 7.2** Ratification Debate, Federalists Versus Anti-Federalists

Federalists	Anti-Federalists
A strong federal government is necessary to protect liberty.	Governmental power should be located in state governments.
The institutional structure of government will limit abuse of power and corruption.	Institutional structure is not enough to prevent corruption and abuse of power.
Representative system to create distance between federal government officials and the people	The distance between federal government officials and the people leads to government corruption.
No Bill of Rights in original Constitution	Demanded a Bill of Rights protecting individual rights

to the “temporary and partial considerations” of powerful interest groups (Rossiter 2003, 76–77, from Federalist 10). “Refining and enlarging” the public view through the scheme of representation established by the Constitution was Madison’s way of arguing that the passions, or interests, of popular movements could be “filtered” and their demands could be “checked” by elites in government before becoming law and public policy. Such representatives, who, in Madison’s view, possess the “wisdom, patriotism, and love of justice,” would “best discern the true interest of their country,” making the “public voice . . . more consonant to the public good that if pronounced by the people themselves” (Rossiter 2003, 77). Madison believed a republican form of government would encourage representatives to take into consideration a diversity of interests and perspectives, which would, in theory, “refine and enlarge” or improve government decisions.

The Anti-Federalists, on the other hand, believed that the Constitution’s proposed plan of representation in Congress made federal representatives too far removed from the people. They believed the Federalists’ plan would make it difficult for the people to hold their representatives accountable.<sup>1</sup> Rather than “refining” the public views, the Anti-Federalists believed the Federalists’ scheme of representation would either minimize or ignore the will of the people. The Anti-Federalists believed that close proximity to the people could best hold their representatives accountable and keep the revolutionary moment alive wherein ordinary people felt their government was close to them, in proximity and spirit. For the Anti-Federalists, the primary threat to liberty was not from the people holding their representatives accountable but from the ambition of elites. The Anti-Federalists argued that the people were the best defense against government corruption at the hands of an ambitious elite.

Both the Federalists and Anti-Federalists believed that the government needs power to make and enforce the laws, protect the people’s liberty, maintain security, and provide for the people’s welfare. Their main disagreement was over the locus of government power. The Anti-Federalists believed that government power should be located closer to the people. Locating power close to the people, at the state level, would provide the people more opportunities to participate in and influence government, thereby holding elected officials accountable and minimizing government corruption. As Herbert Storing (1981, 21) has written, “The small republic,” or state governments, were “seen as a school of citizenship as much as a scheme of government.” Influenced by classical republican thought, the Anti-Federalists believed that a government structure that encouraged civic participation also served to educate the people in politics and self-government. The Anti-Federalists believed the nation needed a culture of engaged citizenry. High levels of participation in public affairs, the Anti-Federalists believed, would be the best protection against corruption of government officials and threats to the people’s liberty.

In addition to their concerns over the scheme of representation, the locus of governmental power, and the people’s proximity to their government, the Anti-Federalists were concerned with “how government would control itself” under the proposed federal system. The Anti-Federalists were skeptical of the effectiveness of institutional limits, such

as the separation of powers and checks and balances, on potential abuses of government power. The Anti-Federalists were additionally concerned that the powers of the president, including the president's role in appointments, veto of legislation, enforcement of the law, and as commander in chief of the military, might tempt the president toward greater ambition, leading to absolute power and thereby destroying republican government and the people's liberty (Ketcham 2003).

### LEARNING OBJECTIVE

*Defend and criticize the Federalist view of the people.*

Despite their compelling criticisms of the Constitution, the Anti-Federalists were unable to defeat its ratification. For one, the Federalists were much better organized. Their social basis of support was in the cities and among the upper classes, who used their public prestige and control over the media (newspapers) to proclaim the Constitution's benefits while diminishing the Anti-Federalist criticisms (Holton 2007; Main 1961, 221). Second, many believed the Federalists exaggerated the crises facing the young nation in order to justify the "major political change" that the Constitution entailed. Some of the conditions were real enough, such as the struggling economy, perceived security threats posed by foreign powers, tax and debt rebellions by farmers, subjugation of Native peoples and seizing of their land, and potential slave revolts (Main 1961, 177–178). However, in the Anti-Federalists' view, these challenges required reform of the Articles of Confederation, not wholesale replacement by the US Constitution. And finally, although the Anti-Federalists admitted to some of the defects of the Articles of Confederation and were prepared to amend it, they lacked a unified, coherent alternative to the proposed Constitution (Main 1961, 168). By 1788, 11 of the 13 states voted to ratify the Constitution, thus making it the law of the land.

**Bill of Rights** The first 10 Amendments to the US Constitution; a list of freedoms that protect the individual from government power, including freedom of religion, speech, press, assembly, and petition; limits on warrantless searches and seizures; and "due process" and rights of the criminally accused.

Many of the Anti-Federalists' concerns over distant government, the power of the federal government over the states, and the expansion of presidential authority resurface time and again in American political history. However, perhaps the Anti-Federalists' greatest and most lasting contribution to the American political system was that they convinced the Federalists to include explicit protection of individual rights. The proposed Constitution, debated and ratified in 1787–1788, did not include a Bill of Rights. Soon after the Constitution was ratified, it was amended (changed) to include a Bill of Rights in 1791. The amendments to the Constitution were largely due to the Anti-Federalists' powerful critiques of federal power during the ratification debate. The **Bill of Rights**, or the first 10 amendments to the US Constitution, is a list of freedoms that protect the individual from government power. These individual freedoms include the freedom



Source: Michael F. Hiatt/Shutterstock

LGBTQ protesters exercising their right to freedom of speech, assembly, and petition outside the state capitol in Des Moines, Iowa, in 2023.



of religion, speech, press, assembly, and petition; limits on warrantless searches and seizures; and “due process” and rights of the criminally accused. These rights are crucial because they protect individuals against government abuse of power. Protections against government prohibitions on freedom of speech, press, and assembly are essential in a democracy where the people are expected to actively participate in self-government, including forms of dissent. The inclusion of the Bill of Rights in the Constitution was the product of political struggle. Although unsuccessful in their objective to defeat ratification of the US Constitution, the Anti-Federalists should be credited for their contribution to that portion of the nation’s governing document, the Bill of Rights (Table 7.3), that most people associate with individual rights and freedom.

**TABLE 7.3** Bill of Rights

<p><b>Amendment I</b> 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.</p> <p><b>Amendment II</b> 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.</p> <p><b>Amendment III</b> 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.</p> <p><b>Amendment IV</b> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and 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.</p> <p><b>Amendment V</b> 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 offence 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.</p> <p><b>Amendment VI</b> 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 be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.</p> <p><b>Amendment VII</b> In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and 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.</p> <p><b>Amendment VIII</b> Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.</p> <p><b>Amendment IX</b> The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.</p> <p><b>Amendment X</b> 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.</p>
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*Note:* The above table is a transcription of the first ten amendments to the Constitution in their original form. These amendments were ratified December 15, 1791, and form what is known as the “Bill of Rights.”

*Source:* National Archives. “The Bill of Rights: A Transcription.” <https://www.archives.gov/founding-docs/bill-of-rights-transcript>

## 7.3 The US Constitution and the Federalists' View of the People

### 7.3a The Class Politics of the Federalists' Constitution

The US Constitution departed significantly from the Articles of Confederation. The Constitution replaced the relatively weak confederate system with a centralized, powerful federal system; granted many new powers to the federal government (including those previously denied to it under the Articles of Confederation); made federal laws supreme over the states' constitutions and state laws; expanded the power of the federal legislature; and created two new national institutions, a federal executive and judiciary. The Federalists' intention was to create a “more perfect union” whereby energy and the consolidation of power reside in a national government rather than autonomous states. In addition, an energetic and powerful national government could place a check—or a brake—on popular passion. Energy in government, to the Federalists, meant a government with the resources and the legal authority to act swiftly to address national emergencies.

The Federalists, and in particular the principal authors of the *Federalist Papers*, Madison and Hamilton, believed that liberty was essential to a republic but that government needed to be insulated from popular passions such as Daniel Shays's rebellious farmers. In Federalist 10, Madison explains that human nature is self-interested and that people (and groups) often act in pursuit of their own interests. The back-and-forth of political sentiments, including organized interests, is an essential part of a representative government. The normal operation of government, the one that Madison believed was essential in a republican form of government, encouraged the expression of various sentiments. Madison's primary concern was the ability of any interest to have its way, unchecked and unbalanced. By a *faction*, Madison meant a group of people who are united and passionate about an idea, a leader, a political vision, or public policy; he believed that if factions were left completely unimpeded, they would act against the rights and liberties of others. Federalist Paper 10 makes clear that robust political engagement is essential but that no group should be able to move forward without channeling their desires through the mechanisms of government, where the liberty of all parties would be guaranteed.

On the abstract level, the problem the Federalists saw was this: How might government be organized so that human beings govern for the common good and do not abuse government power or deprive others of their life, liberty, and property? In Madison's view, this contrast between self-interested human nature and the collective goals of government could be resolved by the structural and institutional arrangements of the US Constitution. In Federalist 51, Madison stated what the Constitution intended to accomplish. Its purpose was to create a political system that protects the people's liberty while defending elite class interests. Madison wrote:

But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external or internal controls on government would be necessary. If framing a government which is to be administered by men over men, the great difficulty lies in this: you must first *enable the government to control the governed*; and in the next place *oblige it to control itself*. (Rossiter 2003, 319, from Federalist 51)

#### LEARNING OBJECTIVE

Summarize and assess how the Constitution places limits on the power of government.

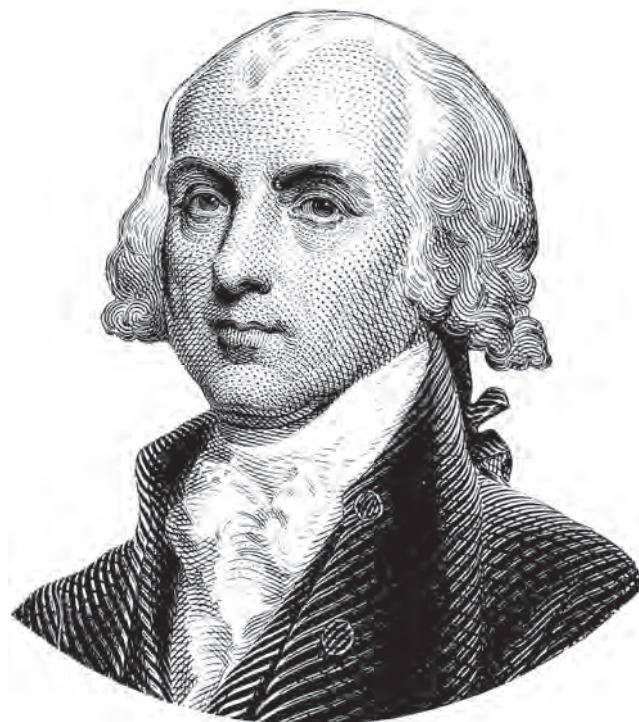
In the view of the Federalists, threats to life, liberty, and property came from multiple sources—foreign powers such as Britain, France, and Spain; Native peoples; slave rebellions; and the potential of poor, small farmers and workers uniting to form a “majority faction.” This last perceived threat is an important one because it illustrates the historical and class context of the writing of the Constitution. The founders' concern about a “majority faction” grew out of their interest in preserving the wealth and power of elites (Klarman 2016; Parisot 2023). The US Constitution, in part, was an expression of elite class interests and a direct response to threats to it by Shays' Rebellion and other revolts from below. The clearest expression of these elite class anxieties, and how the US Constitution offered a remedy for them, may be found in the *Federalist Papers* themselves. Madison's concerns

with the issue of an “interested and overbearing majority” demanding political change were addressed in perhaps the most important Federalist essay: Federalist 10. Madison believed that the Constitution would be able to “break and control the violence of faction” (Rossiter 2003, 71). Although he lists several bases upon which factions form, many of his examples pertain to class issues. “A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project” deeply concerned him (Rossiter 2003, 79). Indeed, Madison says that throughout history, “the most common and durable source of faction has been the various and unequal distribution of property” (Rossiter 2003, 74, from Federalist 10). Following in the path of influential political thinkers in the Western world, including Plato, Aristotle, Machiavelli, and Rousseau, among many others, Madison focused on property, wealth, and their unequal distribution as the source of political conflict and the central problem the Constitution sought to remedy. But Madison did not believe it was possible or desirable to redistribute property more equitably and “remove the causes” of faction and political conflict. Instead, he accepted the existence of both and sought to “control their effects” through the creation of a powerful federal government that could make laws, tax citizens, and maintain a standing military.

Reading the words of the Federalists, it is evident that in their view, a potential coalition of the poor, small farmers and workers—united as a majority—was dangerous and a “disease” common to popular governments for which a strong federal government must be able to control (Rossiter 2003, from Federalist 51). Madison admitted the class purpose of the Constitution was to “protect the minority of the opulent against the majority” (Fresia 1998, 55; Parisot 2023). Madison proposed a republic with an extended political and geographic sphere in order to minimize the probability of a majority faction challenging the power of the wealthy. Additional constitutional mechanisms such as the separation of powers, the staggering of elections for national office (House members every two years, senators every six, president every four), and most clearly, the indirect election of senators were instituted in order to limit the power of popular democracy (Rossiter 2003, from Federalist 10 and Federalist 62). To be sure, political authority would be based on the people, but the people’s political role was purely in electing their representatives and leaving them to govern. As Madison wrote in Federalist 63, a key positive, distinctive element of the Constitution “lies in the total exclusion of the people, in their collective capacity, from the administration” of the government (Rossiter 2003, 385, from Federalist 63). As Madison and the Federalists’ writings suggest, the US Constitution places some important institutional checks on majority rule in order to limit the influence of the common people on the federal government. Madison’s beliefs about human nature, power, and representation were influential, and they prevailed. The Constitution marked the end of the revolutionary experiment with popular democracy, creating in its place an elite form of government (Bouton 2007; Holton 2007; Klarman 2016).

Madison’s concerns with democratic engagement were similar. He believed that at times, popular democracy could allow for majorities to infringe on the rights of minorities. As British political scientist David Held has written, “Madison was in favor of popular government so long as there was no risk that the majority could turn the instruments of state policy against a minority’s privilege” (Held 2006, 74). Although clear in his priorities on the role of government, he also believed in the tendency of elites to advance their own interests when their power went unchecked—and therefore justified the need for internal controls on government itself.

It is also important to note that the US Constitution also has some more inclusive, nonelite, and—for the time period—“democratic” elements. First, the US Constitution, following the Articles of Confederation, establishes a



Source: Ntguity/Shutterstock

James Madison, one of the key authors of the *Federalist Papers* and fourth president of the United States.

republican form of government. At the time, in the 1780s, most if not all other governments in the world were ruled by aristocrats or monarchs. Second, the Constitution established a House of Representatives that would be elected directly by the people, or by eligible voters determined by states, rather than selected indirectly through some other mechanism (e.g., the US Senate). Third, the Constitution bars the granting of titles of nobility, which prevented the establishment of a titular aristocracy in the United States. Fourth, the US Constitution did not establish wealth or property eligibility requirements for the right to vote for federal officeholders. Fifth, the Constitution did not require the ownership of wealth/property for eligibility to serve in federal office. And sixth, the Constitution provides for compensation (salary) for serving in federal office. These last few provisions allowed, and theoretically made it practicable, for middle-income, working-class, and poor people to be eligible to serve in federal office rather than such service being the exclusive domain of the wealthy. These are no doubt important democratic concessions. They grew out of the tensions of the 1780s and from the fact that the proposed US Constitution had to be ratified by chosen representatives of the people within each state. In order for the Federalists to persuade enough people to ratify the Constitution, they had to make some concessions to the common people.

## 7.4 The US Constitution: The Government Controlling Itself

### 7.4a Federalism

How does the Constitution create a structure by which the government controls itself?

**Federalism** is a structure of government that divides and shares powers between the federal and state governments, or units of representation. The US Constitution also created new institutions within the federal government. The Constitution created three branches of the federal government: a bicameral legislature (Congress), an executive (president), and a judiciary (Supreme Court). The powers of the three institutions are outlined in Articles I, II, and III: Congress makes law, the executive enforces the law, and the judiciary interprets the law. The structure of the government created by the Constitution gave the federal government the ability, energy, and independence to address national problems. The powers of the federal government, and the three branches (when working in unison) were meant to enable the government to pass and enforce the laws and, if necessary, deploy the army to “control the governed.”

Under the system of federalism created by the Constitution, the federal government is powerful and extensive. The Constitution grants power to the federal government in the areas of commerce, coining money, taxation, establishing federal courts, maintaining a military, conducting foreign policy, contracting alliances with foreign governments, and war-making. Under federalism, specifically the 10th Amendment to the Constitution, other powers of government are left to the states, allowing each state autonomy over its own internal (or intrastate) affairs. Broadly, under the system of federalism, the Constitution grants the federal government powers, prohibits the federal government from exercising certain powers, leaves powers to the states, and prohibits states from exercising certain powers. The framers included the **supremacy clause**, which states that the US Constitution and federal laws are supreme over conflicting provisions in state constitutions and state laws. As Article VI of the Constitution states, “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 Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to Contrary notwithstanding.” In disputes with state laws where the Constitution empowers the federal government, the federal laws must be obeyed. The supremacy clause is a fundamental component of the relationship between the federal and state governments in the United States.

The powers granted to the federal government under the Constitution are broad and formidable. These include the ability to tax citizens directly, raise a military, issue

**federalism** A structure of government that divides and shares powers between the federal and state governments, or units of representation. Under the system of federalism, the Constitution grants the federal government powers, prohibits the federal government from exercising certain powers, leaves powers to the states, and prohibits states from exercising certain powers.

**supremacy clause** Found in Article VI of the Constitution, the clause states that the US Constitution and federal laws are supreme over conflicting provisions in state constitutions and state laws. The clause is a fundamental component of the relationship between the federal and state governments.

currency, regulate interstate commerce, and establish immigration/naturalization laws, among other delegated or listed powers. Another power granted to the federal government is referred to as the “elastic” or necessary and proper clause, which states that the federal government can enact “all laws which shall be necessary and proper” to carry out federal power granted by the Constitution. In 1791, federal power was tested after Congress, in an effort to pay down the war debt, passed a tax on whiskey and the grain necessary for its production. Under the US Constitution, the federal government was given broad tax-collection powers to generate revenue through customs taxes (tariffs or import taxes); federal land sales; and excise taxes on the sale of slaves, distilled spirits, and tobacco (Holmes Pearson 2017). The federal government’s power to tax citizens directly, rather than relying on the voluntary contributions of the states, became a crucial power that the federal government had over the states and its residents. All governments need legal power to raise the needed revenue to pay for expenses, including security, infrastructure, government services and salaries, or paying down the debt. In what became the Whiskey Rebellion (1791–1794), farmers and distillers refused to pay the new tax on their product. As a result, the federal government raised an army to force the reluctant farmers and distillers to pay the tax. Two important powers of the federal government were applied during the Whiskey Rebellion. First, the federal government’s constitutional power to “lay and collect” taxes and, second, its power to “raise an army” to enforce federal law. The federal government’s response to the Whiskey Rebellion made it clear that it would use the military to enforce the law.

### 7.4b Separation of Powers

The second mechanism created by the Constitution by which the government is meant to control itself is the separation of powers. Although the Constitution strengthened the capability of the federal government by granting it new powers, especially the power to tax and to enforce the laws, the framers were also concerned with the dangers of too much power being concentrated in one institution. To create energy in government, or the ability to get things done, the Constitution created two new branches of the federal government, the executive and judiciary, in addition to the legislative branch. This innovation granted the federal government more power and responsibility. To prevent the concentration of power, the framers divided the powers of the federal government by guaranteeing a co-equal role for each branch in the process of governing. The founders instituted

#### LEARNING OBJECTIVE

*Summarize and explain how the Constitution places limits on the power of the people.*



Source: Everett Collection/Shutterstock

President George Washington leading soldiers to put down the Whiskey Rebellion in 1794. Oil Painting by Fred Kemmelmeyer.

**TABLE 7.4 Separation of Powers**

Congress (Legislative Branch)	President (Executive Branch)	Supreme Court (Judicial Branch)
Enacts federal laws	Enforces laws	Decides the constitutionality of the laws
Regulates interstate commerce	Manages the federal bureaucracy	Adjudicates disputes between states
Enacts taxation law	Has power to veto bills	Adjudicates disputes between the federal government and state governments
Enacts spending/appropriation laws	Acts as commander in chief	Adjudicates disputes between Congress and the president
Approves presidential appointments (Senate)	Makes foreign treaties	
Approves treaties (Senate)	Nominates Supreme Court and federal court judges	
Declares war		

**separation of powers** Dividing the powers of the federal government among three institutions/branches (Congress, president, federal judiciary) and providing each of them with distinct and unique powers. Congress has the power to make the laws, the executive has the power to enforce the laws, and the judiciary has the power to adjudicate and interpret the law and the Constitution.

the **separation of powers**, dividing the powers of the federal government among three institutions or branches (Congress, the president, and the federal judiciary or courts) and providing each of them with distinct and unique powers (see Table 7.4). Congress has the power to make the laws, the executive has the power to enforce the laws, and the judiciary has the power to adjudicate and interpret the law and the Constitution. Each branch has distinct power to act, but none of the branches has all the power or constitutional tools to govern single-handedly.

Furthermore, each of the branches is independent of the others in retaining office. Whereas in a parliamentary system, the legislature chooses the executive (often called the *prime minister*), in the United States, under the principle of separation of powers, representatives in Congress as well as the president are chosen independently of each other in separate elections.

### 7.4c Checks and Balances

The third constitutional mechanism by which the government might control itself is through a system of checks and balances (which is different from separation of powers). The framers of the Constitution were concerned with power in excess—whether it be by popular, elite, or institutional abuse. Madison believed that it was not enough to simply separate power in government to protect liberty and preserve the status quo. The Constitution created a system of checks and balances that Madison advocated because it gave “to those who administer each department [branch of the federal government] the necessary constitutional means and personal motives to resist encroachments of the others” (Rossiter 2003, 319). “Ambition,” he wrote in Federalist 51, “must be made to counteract ambition” (Rossiter 2003, 319). **Checks and balances** provide each branch with some powers over the activities of other branches, which places important limits on what any single branch of the federal government can do by itself.

Checks and balances provide each branch with the constitutional tools to limit the abuses of other branches, but they also guarantee that the branches rely on one another in order to govern effectively (to either stop or facilitate government action). For instance, as an example of “checks,” Congress makes laws, but the president can veto (reject) a law that Congress proposes. In another example, the Constitution grants the president the power to nominate Supreme Court judges, but the Senate has the ability to confirm (approve) or reject the president’s nominee. Finally, although Congress has the constitutional power to enact laws and the president has the power to enforce them, the US Supreme Court may exercise judicial review and declare a congressional statute (law) or an order of the president unconstitutional and void.

Each branch, according to the Constitution, needs the others to execute its institutional authority. The need for energy in government, in order to get things done, reflects the “balance” in

**checks and balances** Provide each branch with powers over the activities of other branches and place important limits on what any single branch of the federal government can do by itself. The Constitution created a structure that provided for representative government while dividing, or checking, political power in several ways (e.g., federalism, separation of powers).

the political process. Congress legislates and sends bills to the executive to be signed into law. The president needs Congress to pass a budget. The judiciary needs Congress and the president to allocate funds to enforce the court's decisions. Therefore, in addition to creating an institutional structure that divided federal power among three branches of government (legislative, executive, judicial), the founders also created a mechanism by which each branch of the federal government has the tools to limit and cooperate with the other branches.

The Constitution created a structure that provided for representative government while dividing political power in several ways. Federalism is based on the divided and shared power among the federal government and the states; separation of powers, with power divided between the three branches/institutions of the federal government; and checks and balances, which grant each branch/institution of the federal government the means/capability to facilitate energy in government and limit abuses of the other branches. The Constitution is a document that accomplished two distinct power relations. It creates power and energy in government to enact and enforce laws while also placing limits on power in government through federalism, separation of powers, and checks and balances in order to control itself.

It is worth repeating that the authors of the US Constitution created a strong federal government. It is also important to note that they were aware that concentrated power could be dangerous to liberty. In a democracy, the people are the ultimate protectors of their liberty because they control their elected representatives through the electoral process. However, Madison knew a popular government could not rely on the people and their elected officials alone. In Federalist 51, he states, “experience has taught mankind the necessity of auxiliary precautions,” such as federalism, separation of powers, and checks and balances (Rossiter 2003, 319).

## 7.5 The US Constitution: The Government Controlling the Governed

Writing the US Constitution and devising a way for the republic to function was not an easy task. The framers created a complex political edifice, made up of a system of government that was powerful enough to govern effectively, along with constitutional safeguards against abuse of governmental power. Although a government that would regulate and control itself was essential for the founders, so was a government that was able to “control the governed” (Rossiter 2003, 319). As good republicans, the framers based government legitimacy on the people—consent of the governed—but they limited the political participation of the people and their impact on government.

The Constitution did not provide for an expansive democratic system in two clear ways (Dahl 2003; Levinson 2006; Klarman 2016). First, the framers did not believe that all people had the capacity to govern. This meant that the eligibility to vote and run for public office was significantly limited. Second, by election processes and schemes of representation, the framers established means by which the institutions of the federal government would dilute the voice and influence of the people in the processes of policymaking. This latter point, limiting the role of the people, was not an unforeseen consequence but a stated intent of the framers of the Constitution. In Federalist 10, Madison wrote that the scheme of representation established by the Constitution would “refine and enlarge” or filter the views of the public (Rossiter 2003, 76). In Federalist 63, Madison wrote that a desirable aspect of the Constitution was “in the total exclusion of the people in their collective capacity from the administration” of government (Rossiter 2003, 385). And again, in Federalist 10, Madison wrote that the Constitution created “the spirit and form of popular government” rather than one in substance (Rossiter 2003, 75). While creating a stable republic, the framers made sure that they did not create a robust democracy.

### 7.5a Elections and Representation

In framing a constitution, especially a republic where the government derives its authority and power from the people, two important questions must be resolved. First, who will have the authority to choose government officials, the people or elites? Second, who will

be eligible to vote and have a voice in government, the people or elites? Should the people “rule,” as in Aristotle’s definition of a democratic government, or should the power to vote and run for political office be limited to, in the words of the first chief justice of the US Supreme Court, John Jay, “the people who own the country” (Hofstadter 1989, 20; Ollman 1990, v). Property qualifications were common, and it took years to expand enfranchisement. Jay argued that the people who own the property, the wealthy, ought to govern and make the rules under which everyone must live. Like many of the other framers of the Constitution, Jay believed that those with property had a “stake” in society in more significant ways than those without property. This was the rationale for states limiting suffrage, or the right to vote and run for political office, by limiting enfranchisement to those with property. Property qualifications for the right to vote varied by state. In some states, the qualifications were high, which disenfranchised many. In other states, property/wealth qualifications were lower, allowing individuals with some property to participate in the political process. “By 1790,” writes historian Alexander Keyssar in *The Right to Vote: The Contested History of Democracy in the United States*, “according to most estimates, roughly 60 to 70 percent of adult white men (and very few others) could vote” (Keyssar 2000, 24). The Constitution did not establish eligibility criteria for the right to vote. Voting qualifications were the authority of the states. At the time, most of the world’s people were governed as monarchies and aristocracies; the United States was unique in having expansive suffrage laws. However expansive those laws may have been, they still excluded many adults, including women, people of color, and poor and working-class White men. The demands of these groups for political equality and a voice in government were resisted by the nation’s elite. Over the next two centuries, at different moments in American history, disenfranchised groups would struggle successfully to remedy this democratic deficit in the original Constitution and win their political rights.

In addition to states’ imposition of class, racial, and gender qualifications that reduced the number of eligible voters, the US Constitution further limited the power of voters by making the House of Representatives the only institution of the federal government in which representatives were chosen directly by the people. Senators were chosen by state legislatures, and the president was elected by an Electoral College representing the states. When the Constitution was originally adopted, there were few opportunities for direct election of representatives at the national level.

### 7.5b Controlling the Governed: Congress

Article I of the US Constitution established the US Congress as the lawmaking branch of the federal government. Extending Madison’s theory of separation of powers, Congress was also divided into two houses, or chambers. The US Congress is a **bicameral legislature** made up of the House of Representatives and the Senate. In the debate during the drafting of the Constitution at the Constitutional Convention, delegates from the populous states believed representation in Congress should be proportional—or in other words, reflect the population of each state. Heavily populated states would have more representatives than would less populated states. Delegates from the less populated states did not want a legislature that would be dominated by the interests associated with the heavily populated states. The less populated states argued for a system of representation in which each state, regardless of population, would have equal weight in Congress. Delegates representing the more populated states did not want equal representation with the less populated states. But there was more to the issue of representation than a debate between more populated versus less populated states. Underlying the debate over representation in Congress was the issue of slavery. As James Madison stated at the time, “It seemed now to be pretty well understood that the real difference of interests lay, not between the large and small but between the Northern and Southern states. The institution of slavery and its consequences formed the line of discrimination” (Farrand 1966, 601–602).

The creation of a bicameral legislature, Congress, was a compromise informed by an interest to preserve the institution of slavery between the delegates of northern states and southern states. The agreement, called the Connecticut Compromise, established

**bicameral legislature** The US Congress is made up of the House of Representatives and the Senate, thus two (*bi-*) chambers. In order to enact legislation, both houses of Congress must vote to send the legislation to the president for approval (or veto).



a bicameral legislature made up of the House of Representatives and the Senate. The House of Representatives and the Senate together make up the US Congress. The number of representatives each state has in the **House of Representatives** is based on each state's population. States with larger populations have more representatives than states with smaller populations. The states' distribution of seats in the House of Representatives is subject to reapportionment and may change every 10 years depending on population changes. In the **US Senate**, each state, regardless of population, is equally represented, with two senators from each state.<sup>2</sup>

The purpose of a bicameral legislature was not merely a solution to a contested political issue regarding representation. The bicameral legislature was intended to slow down the political process by requiring legislation to pass both houses of Congress before going to the executive branch. The Senate was meant to check the passions of popular government expressed in the House of Representatives. The framers believed in the maintenance of the status quo, that change should be gradual and not abrupt, that stability was primary, and that consensus and compromise were central to legislation. The Constitution created a framework for elite representation in all branches of government, including its most democratic one, the Congress. Madison and Hamilton feared that the people might “yield to the sudden and violent passions” of the times, be “seduced by factious leaders,” and elect a majority faction to the House of Representatives” (Rossiter 2003, 377). Although acknowledging the role of the people in representative government, Madison feared the popular will. The creation of the Senate, with senators selected by state legislators rather than directly by the people, with terms of six years, was seen as a brake on the direct popular influence of the people upon federal lawmakers. In the end, the US Constitution created a representative branch of government—Congress—and divided it in an effort to balance the will of the people with the will of the states, filtering both through the medium of representatives.

Congress is a bicameral legislature composed of two houses: the House of Representatives and the US Senate. With regard to the House of Representatives, the US Constitution states that members are to be chosen “every second year by the people of the several states.” However, the US Constitution does not state how House members are to be chosen. They may be chosen in at-large districts by proportional representation or in single-member districts (Toobin 2013). Members in the House of Representatives serve two-year terms and are elected directly by the people in congressional districts within the state where they reside. The number of representatives or congressional districts each state has depends on its population. Congressional districts are the smallest unit of representation in the federal government. House members are the closest to the people because of their short two-year term of office, the limited number of people in each district, and the relative geographic size of the congressional districts. In the House of Representatives, all of the members must stand for election every two years, making it possible that the party composition, and therefore the policies enacted by the House of Representatives, can change dramatically from one election cycle to the next.

In the Senate, the six-year term of office and the larger, diverse constituency within a state insulate the senators from popular pressure and grant states equal representation in Congress. When the Constitution was ratified, the Senate was divided into three groups with staggered elections for the first six years. The staggered election cycle in the Senate means that only one-third of the Senate runs for reelection every two years. This minimizes the likelihood that the composition of the entire Senate will change drastically during a two-year election cycle. Staggered elections in the US Senate are an additional check on the possibility of rapid change.

**House of Representatives** The House is made up of representatives from each state, apportioned by the population of the state. Members of the House of Representatives serve two-year terms and represent congressional districts within states.

**US Senate** The Senate is made up of two representatives from each state, regardless of the population. States are represented equally in the Senate. Senators serve six-year terms and represent the entire state from which they were elected. The Senate has certain constitutional powers that are not granted to the House, such as confirming appointments made by the president.



Nancy Pelosi, Speaker of the House of Representatives, answers questions from reporters during her weekly press conference.

Source: Asatur Yesayants/Shutterstock

The Federalists were intent on creating a powerful and stable form of government. Although they understood the need for change in leadership and direction in government, they believed it should take time. This is another example of their core concern with popular will and public passion. With elections taking place every two years, the people would not have an opportunity to either reelect or vote out all of their representatives at the federal level at one time. In a two-year cycle, every member of the House of Representatives runs for election, along with one-third of the Senate. The establishment of a bicameral legislature and the staggered election cycles are examples of the Constitution's framework in controlling the governed by instituting mechanisms to limit popular passion in the most democratic and representative branch of government.

### 7.5c Controlling the Governed: The Executive

Article II of the US Constitution established an executive, commonly known as the Office of the President. The composition, length of term, and powers of the executive were also heavily debated at the Constitutional Convention. The question of who would choose the president was another contested issue debated by the framers of the Constitution. Regular citizens, in Alexander Hamilton's view, did not possess the "information and discernment" to elect their president, and if granted the right to directly elect their president, there would be "tumult and disorder" (Rossiter 2003, 410). Some wanted the president to be similar to an elected monarch appointed for life. This proposal was also rejected (note that the Constitution prohibits titles of nobility). It was agreed that the president would be elected by the states and serve a four-year term of office (originally having no term limits, although this was changed by the 22nd Amendment in 1951). In the face of concerns with granting the people the power to directly elect their president, it was agreed that the executive would be chosen indirectly by the people. The people's vote for president would be filtered through a group of electors from each state, known as the Electoral College. This day, the people do not directly elect their president. They vote for their president in the states in which they reside through a system of electors. The decision to refrain from enacting term limits, creating an Electoral College rather than direct elections for president, and a four-year term of office established a presidency insulated from the direct influence of the people.

### 7.5d Controlling the Governed: The Judiciary

Article III of the US Constitution established a federal judiciary, "vested in one Supreme Court, and in such inferior courts as the Congress may . . . ordain and establish." The role of the courts is to provide an independent evaluation and settlement of political disagreements while upholding the rule of law. The judges on the US Supreme Court, the highest court in the nation, are not elected. The founders believed that the people did not have the wisdom to discern the qualifications for a judge (Rossiter 2003, Federalist 51 and Federalist 78). Therefore, the justices of the US Supreme Court and judges of other federal courts are nominated by the president and confirmed by the Senate. Their term of office is "during good behavior," which means federal judges serve a life term. The purpose of the life term in office is to provide the judges with autonomy from political pressure because they need not be accountable to the people, the president, or Congress. The belief was that an independent federal judiciary composed of nonelected judges serving life terms in office was an essential institutional component to check the potential abuses of power by the other branches of government. Furthermore, the decision not to allow for popular elections in the federal judiciary and the creation of lifetime terms in office were additional indications of the framers' concern with the role of the people in directly influencing the law.

### 7.5e Controlling the Governed: Slavery and the US Constitution

A key controversy at the Constitutional Convention was whether to allow the continued importation of slaves into the United States from Africa and the Caribbean. There were

several delegates who opposed slavery. Abolishing the institution of slavery was not seriously considered, but the place of slavery in the legal structure created by the Constitution was controversial. Of the 55 delegates to the Constitutional Convention, 25 were slave owners (Aptheker 1993; Lynd 1967; Mintz 2017). The words *slave* and *slavery* do not appear in the original Constitution; *slavery* only appears in the 13th Amendment, which abolished slavery in 1865. At no point does the Constitution refer to slaves as property. Instead, the Constitution refers to slaves as “those bound to service or labor” and as “such persons as any of the States now existing shall think proper” (Article I, Sections 2 and 9).<sup>3</sup> The delegates were well aware of the brutality and inhumanity of the capture, transportation, sale, and possession of human beings. Black people, many of whom had been living in the United States since the 1600s, were not considered citizens during the writing and ratification of the Constitution. Luther Martin, a Maryland delegate at the Constitutional Convention, argued that the constitutional protection of the slave trade was “inconsistent with the principles of the Revolution” and that it was “dishonorable to the American character to have such a feature in the constitution” (Mintz 2017, para. 5). Others pointed to the hypocrisy between America’s republican principles, including those in the Declaration of Independence, and the nation’s support for the international slave trade (Lynd 1967; Aptheker 1993). Delegates from slave states, including North Carolina, South Carolina, and Georgia, insisted that if the Constitution ended US participation in the international slave trade, they would not vote to ratify the Constitution (Foner 1998, 35). In the face of these threats to the constitutional project and the economic links between the mercantile interests of the shipbuilding industry, merchants, and exporters in the North and southern slaveholders, the framers agreed to a series of compromises that granted slavery protection, yet not to the extent that the slave owners sought (Klarman 2016; Lynd 1967; Oakes 2022; Wilentz 2018). The final text of the Constitution institutionalized slavery in the United States in three ways by enacting the following:

1. The legal importation of slaves into the United States until the year 1808 (Article I, Section 9)
2. The Three-Fifths Compromise (Article I, Section 2)
3. The fugitive slave clause (Article IV, Section 2)

Anti-slavery delegates sought to end the trans-Atlantic slave trade immediately. Pro-slavery delegates wanted to continue it indefinitely. A compromise produced the following: The Constitution allowed states to continue the importation of slaves for 20 years and prohibited the federal government from enacting a law or amending the Constitution to make the importation of slaves into the United States illegal before 1808. During this period, over 86,000 additional slaves were brought to the United States, nearly all to the southern states, to labor in the rice, tobacco, and cotton plantations that dominated the southern economy (Lovejoy 2007). The decision to revisit the importation of slaves in 20 years was seen by Madison as progress. Madison celebrated the compromise, ignoring the decades of human suffering to come (Foner 1998, 35). In Federalist 42, Madison states, “It ought to be considered as a great point gained in favor of humanity that a period of twenty years may terminate forever, within these States, a traffic which has so long and so loudly upbraided the barbarism of modern policy. . . . Happy would it be for the unfortunate Africans if an equal prospect lay before them of being redeemed from the oppressions of their European brethren!” (Rossiter 2003, 262–263). In 1808, the federal government abolished the importation of slaves but not the domestic trade in slaves or slavery itself. As some historians have suggested, the ban on the foreign slave trade was accepted because of the vibrant domestic trade in slaves that already existed in the 1780s. Virginia and Maryland had a surplus of slaves, and economies of “breeding” slaves for sale and export to other states were adequate to balance supply and demand (Baptist 2014, 10–11, 48; Johnson 1999).

The Three-Fifths Compromise also institutionalized slavery in the United States. It was another agreement between the position of pro-slavery delegates who wanted their slaves fully counted as part of the population and the position of anti-slavery advocates

who argued that slaves should not be counted at all for the purposes of representation. In the end, the compromise produced Article I, Section 2, in which slaves were counted as three-fifths of a person for the purpose of representation in the House of Representatives. Although counted for the purpose of representation, slaves were not granted any constitutional rights, privileges, freedoms, or protections. Southern states sought to increase their representation in the House of Representatives in order to protect the interests of slavery, the ownership of property in slaves, and the economic interests of the South from northern delegates who might seek to curtail the expansion of or abolish slavery. As Madison, a slave owner himself, wrote in Federalist 54, “Government is instituted no less for protection of property than of the person or individuals. The one as well as the other, therefore, may be considered as represented by those who are charged with the government” (Rossiter 2003, 336). As inconceivable as it might sound today, Madison believed that slaves were both property and persons for the purposes of ownership and representation for the slaveholder, but not the slave. Anti-Federalist Robert Yates opposed the counting of property as people for the purposes of representation and pointed out the inhumanity of the slave trade. In opposition to the Three-Fifths Clause in the Constitution, Brutus wrote, “Why then should they [slaves] be represented? What adds to the evil is, that these states [slave states] are to be permitted to continue the inhuman traffic of importing slaves . . . (and) they are to be rewarded by having an increase of members in the general assembly” (Storing 1981, 124). Counting slaves as three-fifths of a person for the purposes of representation enlarged the political power of slave owners and slave states in Congress, making it nearly impossible to eliminate slavery peacefully through the legislative process. To illustrate the point, after the 1790 census, New Hampshire, with 140,000 free citizens, received four seats in the House of Representatives, whereas South Carolina, with its 140,000 free citizens plus 100,000 slaves, received six seats. And although Massachusetts had a larger free population than Virginia, the latter got five more seats owing to its 300,000 slaves (Amar 2006, 91). By “counting” slaves as three-fifths of a person for the purposes of representation in the House of Representatives, southern slave states held a disproportionate balance of legislative power at the national level.

The third compromise between pro- and anti-slavery delegates was struck regarding the regulation of slavery and the issue of fugitive slaves. To the credit of anti-slavery delegates, the Constitution gave Congress the power to regulate and prohibit slavery in federal territories that were not formally states of the United States (Oakes 2022). Second, anti-slavery delegates resisted constitutionally defining slaves as property, which would have given slave owners constitutional protection of slavery throughout the United States. Instead, slavery came to be regulated by state governments, not the federal government. Yet the Constitution did sanction slavery through the fugitive slave clause. Article 4, Section 2, the fugitive slave clause, reads, “No person held to service of labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.” This constitutional provision meant that an escaped slave (property) was not legally free or discharged from their owner but remained the property of the owner and therefore had to be returned. Using the fugitive slave clause as justification, the federal government enacted Fugitive Slave Acts in 1793 and 1850 and empowered federal government officials to pursue, capture, and return escaped slaves to their slave owners. The acts also made it a federal offense for anyone to provide assistance to an escaped slave. The Underground Railroad, the work of Harriet Tubman and many abolitionists who helped slaves escape to freedom, was thus in violation of the law.

Much of the US Constitution was a series of compromises between delegates who held different ideas about the structure and institutions of government, the powers and limits on government power, representation, and slavery. Although not a total capitulation to the demands of slave owners’ interests, in various ways, the US Constitution protected slave owners, slave states, and economies that benefited from slave labor. The political power of slaveholding states was so significant that of the first 10 presidents of the United States, a majority came from slave states and owned slaves in their lifetime, including while



Source: James Kirkikis/Shutterstock

Statue commemorating the 54th Regiment, the first African American regiment in the Civil War, in Boston, Massachusetts.

...serving as president (Finkelman 2002). The institutionalization of slavery, the disenfranchisement of hundreds of thousands of potential citizens, and the enforcement of federal law preventing slaves from seeking freedom were indications of some of the framers' concerns with maintaining the institution of slavery and the political power of southern states. Along with the defense of slavery and of racism during the founding period, there also emerged its opposite, a movement in opposition. Anti-slavery and antiracist voices also emerged, calling for abolition of slavery and for the realization of the egalitarianism of the Declaration of Independence and the promise of liberty and self-government offered by the Constitution (Apatheker 1993). Despite the constitutional compromises over slavery, the institution proved enduringly contested and controversial. In the decades to come, there were major controversies over slavery's expansion to western territories. Furthermore, some states in which slavery was legal at the founding would abolish it later. And some northern states and cities aided escaped slaves by forcefully resisting their capture in their jurisdictions. It would take 70 years, an influential abolitionist movement, the Civil War, and the 13th Amendment to the Constitution to rid the nation of chattel slavery and its protection under the law.

## 7.6 Amending the Constitution and Democracy as a Way of Life

The Constitution is a living and dynamic document. It can be altered and has been changed or amended 17 times. There are 27 amendments to the Constitution; however, the first 10 amendments, known as the Bill of Rights, were passed at the same time. The process of amending the Constitution is difficult, and therefore amendments have been infrequent.

The Constitution outlines the distribution of power between the federal government and the state governments, establishes the three branches of the federal government, divides power between the three branches, and enumerates the rights of individuals. As society evolves and values change over time, it is important and democratic that the Constitution can be amended to reflect the changing political landscape. The United States is a different country today than it was in 1787, in terms of its size (in geography and population), diversity, economy, culture, and values. Despite these dramatic changes to the nation, its people, and its value system, the core principles of the Constitution have continued to govern the nation. The amendments to the Constitution, the product of intense struggle, both

### LEARNING OBJECTIVE

*Explain the process for amending the Constitution.*



Rosa Parks, in her act of civil disobedience to desegregate buses in Montgomery, Alabama, personified the people Marshall referred to as “those who refused to acquiesce in outdated notions of ‘liberty,’ ‘justice,’ and ‘equality,’ and who strived to better them” (Ollman 1990, 304).

violent (the Civil War Amendments—13, 14, 15) and nonviolent (the Bill of Rights, the 17th Amendment enacting direct election of senators, the 19th Amendment granting women the right to vote, the 22nd Amendment creating presidential term limits, the 24th Amendment abolishing the poll tax to vote, and the 26th Amendment granting citizens 18 years old and older the right to vote), have given substance to the principles and values stated in the Declaration of Independence and the Preamble to the Constitution. These amendments, and the laws that derive from them, have made the United States a more inclusive and democratic nation than it had been when the Constitution was written. The founders certainly deserve credit for their foresight in establishing a constitution that was not timeless, perfect, and unchangeable. However, the credit does not belong to them alone. Credit is due to those who exercised their political imagination and exerted power by organizing and actively engaging in the struggle and sacrifice to make our political system more democratic. Thurgood Marshall, the lead lawyer for the National Association for the Advancement of Colored People (NAACP) in the *Brown v. Board of Education* case (1954) and later the first African American on the US Supreme Court, summarized the perspective in an essay he wrote ahead of the nation’s bicentennial in 1976:

Credit . . . belongs to those who refused to acquiesce in outdated notions of “liberty,” “justice,” and “equality,” and who strived to better them. And so we must be careful, when focusing on the events which took place in Philadelphia two centuries ago, that we not overlook the momentous events which followed, and thereby lose our proper sense of perspective. . . . If we seek, instead, a sensitive understanding of the Constitution’s inherent defects, and its promising evolution through 200 years of history,

the celebration of the “Miracle at Philadelphia” will, in my view, be a far more meaningful and humbling experience. We will see that the true miracle was not the birth of the Constitution, but its life, a life nurtured through two turbulent centuries of our own making, and a life embodying much good fortune that was not . . . I plan to celebrate the bicentennial of the Constitution as a living document, including the Bill of Rights and the other amendments protecting individual freedoms and human rights. (Ollman 1990, 304)

The Constitution, together with its amendments, serves as the fundamental law of the land. However, it is not a document that should be understood apart from theories of power, political realities, and ongoing struggles. Justice Thurgood Marshall stated that the Constitution is a “living document.” The way the Constitution is interpreted, along with what laws are enacted and what government may or may not rightfully do, is driven by politics and the groups that exert power in society and in the political system. Recall that the Constitution once protected the rights of slaveholders to own and exploit slaves. It allowed states to impose wealth qualifications on the right to vote, thereby defining and limiting who had a voice in government by socioeconomic class. It allowed racial segregation. It allowed the disenfranchisement of women and gender discrimination. On the other hand, the Constitution allowed for civil rights legislation that ended the most brutal aspects of the Jim Crow system. It allowed for the enactment of social welfare legislation, such as Social Security, minimum wage, disability, and unemployment compensation laws that rescued millions of people from poverty. It established a right to privacy, ranging from personal choice in marriage, lifestyle, and health to protection in criminal justice procedures. It also protects religious minorities, allowing them to practice their religion. As these examples indicate, the Constitution is not, in and of itself, the guarantor of freedom and democracy.

Despite its various amendments over the last two centuries that make it more inclusive, the US Constitution we presently have retains some important undemocratic features, such as the Electoral College and the malapportionment in the US Senate (Amar 2006; Dahl 1956; Levinson 2006; Toobin 2013). Benjamin Franklin, when asked what type of system of government the young United States created, replied: “What have we got, a republic or a monarchy? A republic if you can keep it” (Gilbertson 2017, para. 12). The greatest and most effective guarantor of freedom and democracy is a politically knowledgeable, engaged, and active public (Simic 2016). The Constitution should be understood as a reflection of the nation as it evolved in political struggle rather than an artifact that defined the nation as it was in 1787. As Herbert Storing (1981, 6) stated, “The nation was born in consensus but it lives in controversy, and the main lines of that controversy are well-worn paths leading back to the founders’ debate.” Consensus created and ratified the Constitution in 1787, but conflict is what keeps it alive and active and is the substance of politics.

## Chapter Review

1. *Identify and explain the significance of the 17th Amendment to the US Constitution.*

Robert M. LaFollette was a progressive. LaFollette was committed to a government that addressed the needs of the people, not the interests of the well-to-do or big business. One of LaFollette’s signature accomplishments (and there were many) was to amend the US Constitution and establish direct, popular elections for US senators. LaFollette believed that a representative government needed to be based on the consent of the governed through both direct elections and a populist approach to empowerment.

2. *Analyze and summarize the arguments for and against ratification of the US Constitution.*

Ratification of the proposed Constitution was an extraordinary period in American political history. The newly created “united” states were divided on the issue of ratification. Although there was a measure of common ground—that power would be divided between the states and the federal government, that a republican form of government was essential, that the nation would need to be able to defend itself against foreign threats, and that the power of government would be limited—there was a good deal of substantive disagreement as well. How power would be distributed, what specific kinds of powers the government would have, and how powerful the people should be over their government marked some of the larger issues that divided the nation over ratification.

3. *Defend and criticize the Federalist view of the people.*

The Federalists held a fairly pessimistic view of the popular government. They believed that passionate, politicized majorities would be a dangerous, debilitating factor, undermining rather than facilitating republicanism. The Federalist position was that the national government should have power, energy, and authority, with few checks by the people. They believed that the

will of the people would be clearer, more thoughtful, and balanced with an elite form of political representation. For many, the Federalist view of the people implied that a popular form of government was an inconvenience to be managed.

4. *Summarize and assess how the Constitution places limits on the power of government.*

The Constitution outlines the powers of government. Importantly, the document makes clear that the power of government must come from and be limited by the Constitution. The system of checks and balances is an essential framework for limiting the power of government. Presidents can veto legislation, but Congress can override the president’s veto. The courts can interpret and strike down acts of government if they are unconstitutional, and the states (along with Congress) can amend the Constitution. The 10th Amendment gives the states broad powers as well. The Constitution created a very powerful central government, with constitutional limits and certain powers reserved for the states.

5. *Summarize and explain how the Constitution places limits on the power of the people.*

The framers of the US Constitution prioritized stability over popular sovereignty. At the nation’s founding, the only offices elected by the people were in the House of Representatives. Senators and presidents were elected through mechanisms that diminished the power—and the will—of the people. The House, in order to pass legislation, must work together with the Senate. A president can veto popular legislation. Overriding vetoes requires extraordinary political maneuvering. The filibuster limits the will of the majority in the passing of legislation. Elections are staggered so that the will of the people cannot radically alter the direction of government. Of course, slavery and the absence of political rights for women also severely limited the power of the people.

6. *Explain the process for amending the Constitution.* Amendments to the Constitution have been few and infrequent. The key amendments (Bill of Rights and amendments 13, 14, 15, 17, and 19) were the product of exceptional periods of engagement over the core principles of a nation founded on the proposal that “all men are created equal.” The process

of amending the Constitution is arduous, but it is possible if the political will is there. As we look back at these amendments and review them one by one, it becomes clear that expanding democracy, making it more accessible and inclusive—as a way of life—has prevailed.

## Discussion Questions

1. Identify and explain the reasons the Federalists supported the ratification of the Constitution and the reasons why the Anti-Federalists did not. Which group, the Federalists or Anti-Federalists, do you agree with, and why?
2. Madison believed that elected representatives were meant to “filter” the people’s views. Explain the role of the people in selecting federal government officials in the legislative and executive branches and how this process filters the will of the people. Do you believe Madison’s desire to filter the public’s view makes sense, and why or why not?
3. The founders prioritized stability in government. Checks and balances, as an aspect of separation of powers, are proof of this. Consider a time in American history when the separation of powers, checks and balances, and stability proved to be in the nation’s best interest.
4. Are there any negative consequences of the structure of government created by the US Constitution (federalism, separation of powers, Electoral College, among others)? Can you think of times in US political history when these mechanisms inhibited what could be considered necessary social, political, or economic changes? Provide an example and explain your answer.
5. Evaluate Thurgood Marshall’s quote presented in the chapter with regard to the Constitution. What is his view of the Constitution and its political history? Do you agree or disagree with his viewpoint? Explain your answer.
6. Herbert Storing said, “The nation was born in consensus but lives in controversy” (Storing 1981, 6). Analyze this quote as an illustration of the evolution of American politics as a result of the political imagination and “democracy as a way of life.”

## Key Terms

US Constitution (p. 2)  
Federalists (p. 4)  
Anti-Federalists (p. 4)  
*Federalist Papers* (p. 4)  
Bill of Rights (p. 6)  
Federalism (p. 10)

supremacy clause (p. 10)  
separation of powers (p. 12)  
checks and balances (p. 12)  
bicameral legislature (p. 14)  
House of Representatives (p. 15)  
US Senate (p. 15)

## Notes

<sup>1</sup> Among the first amendments to be introduced once the Constitution had been ratified was to make representatives adhere to, rather than filter, their constituents’ binding instructions. Another amendment would place a maximum cap of 50,000 people per representative in the House of Representatives. Both of these proposed amendments did not pass. Although the number of House of Representatives members has changed over time, since 1929, the number has been fixed at 435 (Desilver 2018). As of 2024, each member of the House of Representative represents roughly 765,000 people.

<sup>2</sup> Until the 14th Amendment (1868), slaves were counted as three-fifths of a free person for the purposes of the census. Until the 17th Amendment (1913), senators were not chosen by direct election of the voters but indirectly by state legislatures.

<sup>3</sup> The phrase “those bound to service or labor” meant slaves and indentured servants. After independence, the United States continued to import indentured servants, but their numbers were declining. By this time, the trade in slaves was much greater than that of indentured servants (Galenson 1984).



## Useful Links for Further Research

Avalon Project, <https://avalon.law.yale.edu>

Resource for primary source documents in US political history.

Library of Congress, <https://www.loc.gov>

Resource for primary source documents in US political, economic, social, and cultural history.

National Archives, <https://www.archives.gov>

Resource for primary source documents in US political, economic, social, and cultural history.

US National Parks Service, <https://www.nps.gov/index.htm>

Resource for primary source documents in US social and cultural history.

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