

## Democracy and Vesting Sovereignty in the People

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By Arnold August, March 2012

Nowhere in the U.S. Constitution is the word “democracy” mentioned. Consideration of the pre-Constitution deliberations and debate carried out by the Founding Fathers on the issue of democracy, resulting from their common fear of the majority, leads to an important conclusion. By not mentioning the term “democracy” in the Constitution while, on the other hand, highly valuing property rights, the Constitution in fact enshrines the property rights of the minority in political terms over all other considerations. In reviewing the latest work of Wallerstein, Amin agrees with him on a fundamental result. The real nature of the liberal centre represents the “historical compromise between capital and labor ... as the form of managing modern society at the end of the nineteenth century.”<sup>1</sup> The liberal centre has faced many challenges in the nineteenth and twentieth centuries, as well as in the first decades of this century. However, the basic precept of the “historical compromise between capital and labor” still holds sway in different forms.

The Constitution does not mention at all that sovereignty be vested in the hands of the people. The word “sovereignty” is altogether absent from the document, despite the fact that this was a goal of the Enlightenment. Even Locke, one of the main sources of inspiration for Madison, had indeed fostered this need for sovereignty in his opposition to the arbitrary rule of the monarchy. In Locke’s Second Treatise, he writes “the ability to create a government and define its power is the hallmark of sovereignty.... Sovereignty — the supreme political authority — continues to be vested in the people of that society.”<sup>2</sup> Even this limited vision of “vesting sovereignty” was rejected by the U.S. Constitution. The term “vested” is only applied to the powers granted to Congress (Article I, Section 1) and to those conferred on the president of the U.S. (Article II, Section 1) and on the judiciary (Article III, Section 1).

The Constitution is also silent on the issue of property qualifications for voters. There is no mention of any economic groups in society, or of political parties, even though very limited suffrage was on the books in the legislatures. The Constitution was worked out on the basis of a growing capitalist society in which political parties were already in operation as a budding force to dominate political life. The term “elections” is relegated to technical specifications, for example, mainly on how Congress and the president are elected (Article I, Sections 2 and 3), without any

enunciated principle. The Constitution is biased toward the comparative significance assigned to the division of powers between the executive, legislature and judiciary. This is derived from Charles Montesquieu's theory of checks and balances.

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<sup>1</sup> Amin, Samir. 2012. "The Center Will Not Hold: The Rise and Decline of Liberalism." *Monthly Review* (January), 63:8.

<sup>2</sup> McFerran, Warren L. 2005. *An Inquiry Into the Principles of Constitutional Government in the United States of America. Political Sovereignty: The Supreme Authority of the United States*. Sanford, Florida: Southern Liberty Press, p. 33.