Separation of Powers

Lesson Support for Material available on The Quill Project





Essential Question

How did the delegates in Convention separate the powers in the Constitution to prevent tyranny?







Vocabulary

Tyranny—arbitrary or unrestrained exercise of power at the expense of the rights of the people.

Separation of powers—the constitutional principle of dividing governmental power among the legislative, executive, and judicial branches, each with specific duties to prevent any one branch from becoming too powerful.

Checks and balances—the constitutional principle in which each branch of government shares some of the powers of the other branches to limit their actions.

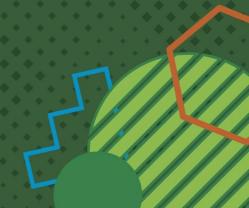


English Legacy of Separation of Powers



Glorious Revolution 1688

The result of the Glorious Revolution was the end of absolute monarchy in England. It established that the monarch could not govern without the consent of Parliament. It also laid the groundwork for later separating the legislative and executive functions.



William of Orange, and Mary, his English wife are presented with the English crown by the Marquis of Halifax. Line engraving by J. Parker after J. Northcote. 1790. Wellcome Collection.

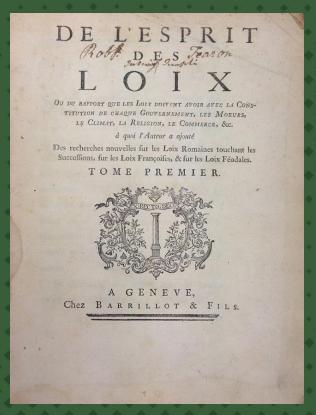


What were Revolutionary Americans reading about separation of powers?

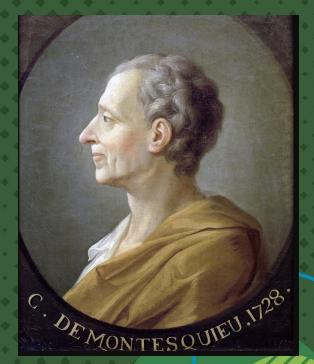
The Spirit of Laws (1748), by Montesquieu

- Separation of Powers
- Political Liberty and Law
- Checks and Balances









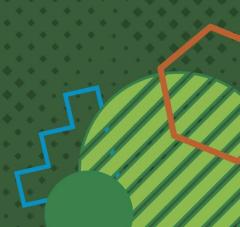


American Revolutionary Era State Constitutions (1776-1780) Build on English Legacy of Separation of Powers

Once Americans declared independence, they began writing state constitutions to create new governments. These constitutions innovated on the separation of powers already in operation in Britain. These state constitutions:

- Diminish the power of state governors
- Increase the power of the state legislatures
 - Create independent judiciaries



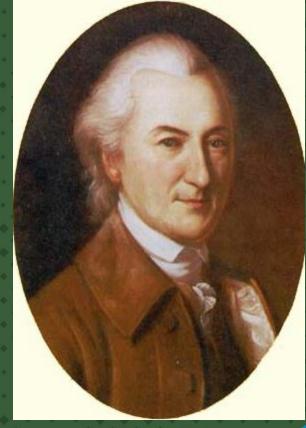




Debate in the Constitutional Convention Concerning Separation of Powers

1. How would you summarize the excerpt of Mr. Dickinson's remarks on June 2, 1787 about separation of powers?

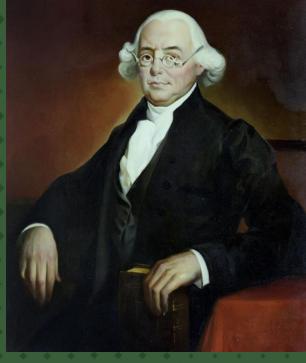
2. How do his remarks reflect the influence of the Glorious Revolution and Montesquieu's ideas in *The Spirit of Laws*?



At the Constitutional Convention, Dickinson represented Delaware, advocating for a stronger national government while respecting states' rights. Influenced by his Quaker wife's belief in gender equality, he supported using the term 'person' rather than 'man' in the Constitution.



Debate in the Constitutional Convention Concerning Separation of Powers



At the Constitutional Convention, Wilson represented Pennsylvania respecting states' rights. Influenced by his Quaker wife's belief in gender equality, he supported using the term 'person' rather than 'man' in the Constitution.

There were several days of debate when the delegates discussed combining some powers of the judiciary and the executive. This included debating at length giving the judiciary the power to revise laws made by the legislature. The delegates voted against this proposal. Then, on June 6, Mr. Wilson moved to reconsider allowing the judiciary to revise laws and to involve the executive in the revising process.



Debate in the Constitutional Convention Concerning Separation of Powers

After reading the debate excerpts from the worksheet, in your opinion, which are the three best arguments for separating the powers of the government? Support your answer.

What were some points that stood out to you from the debate?



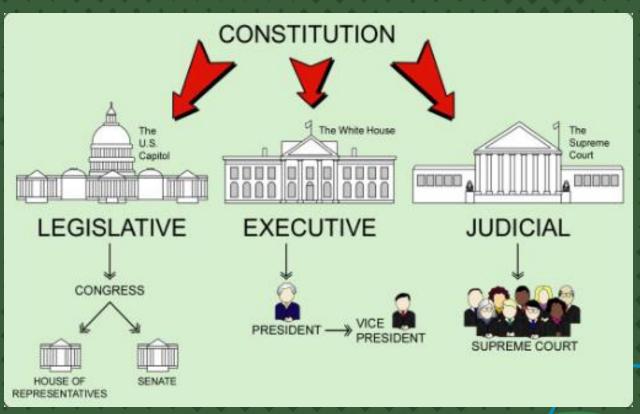




Outcome of the Debates in the Constitutional Convention on the Separation of Powers

- Legislative Branch —Makes Laws
- Executive Branch—Enforces Laws
- Judicial Branch—Interprets Laws





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Class Discussion

- How did the delegates in Convention separate the powers in the Constitution to prevent tyranny?
- In your opinion, is the design the delegates in the Constitutional Convention created the best design for separating power? What would you do differently? Support your answer.
- The Constitution's success was not guaranteed, it depended on the delegates' decisions at the Convention and ultimately on the people's ratification. What does this reveal about how history is shaped by human choices and uncertainty?

