

## DECLARATION OF RIGHTS

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further statistical information it might be possible to argue at length that the Maryland constitution is a practical example of the compact theory, but such numerical evidence would be of little value if one considers the political upheaval surrounding ratification of that document. It is advantageous to think of the Maryland and federal constitutions as compacts maintained by the consent of the governed. That political obligation originates in popular consent is a principle held dearly by Americans. That rights can be bestowed and duties imposed upon a willing people by their appointed government is the same basic principle, cherished today, the origin of which can be found in the compact theory. If one continues to seek that original unanimity, one may never find it; but the theory's continuing validity

is supported by its basic relevance to an understanding of *right* and *duty* in society.

### SUMMARY

Despite criticism from empiricists, individualists, and psychologists, the compact theory remains as an explanation of man's binding obligations to his civil society.

A state's police power is derived from popular consent, largely formed of tacit consent. Although this police power may be exercised by majority rule, man retains his civil right to alter government constitutionally and his natural right to alter or abolish government unconstitutionally. A constitutional recognition of this latter natural right would impair those ends which the constitution is instituted to attain.