

Constitution

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General Welfare General Welfare The phrase “ general welfare” has consistently made appearance in most books of the law and constitutions of most nations. McGee (2014) notes that not only does its appearance make a general representation of the law, but it also brings about a grey area which most people are yet to comprehend. General welfare has also made its appearance in parts of the constitution of United States such as in the description of the role of the congress on article 1 section 8 of the constitution. In as far as, it is an implied term; it is very notable how its meaning can be extrapolated to issues such as health all of which are issues of concern to both the government and the public.

The English dictionary sees the meaning of the phrase to fall within the periphery of all those statutory protocol and social efforts that have concern to the matters of public. As such, health is just one of the aspects that fall within the phrase. Individuals such as James Madison also note that the limits of the phrase also seems infinite, considering the congress has the same authority but in a different capacity which is taxation by the federal government and the spending of the same. In the case *Ferrocarril Central Argentino c/Provincia de Santa Fe*, 569 held in Argentina, the court noted that the existence of the term in the US constitution is an affirmation of the authority that accrues to the federal government through its taxation and spending. In the case of a state such as Alaska, the existence of the phrase not only does imply public health, but it goes further to note that the phrase implies promoting and protecting public health.

References

McGee, R. W. (2014). *A Law and Economics Analysis of the General Welfare Clause*. New York: Wiley.

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