

Politics, Power, and Purpose: An Orientation to  
Political Science



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Science

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# Introduction

This textbook is intended to orient students to the study of politics and the discipline of political science. By the end of this course, students will gain comprehensive understanding of political behavior, political institutions, and normative ideas of political theory. This textbook is composed of two parts with five chapters in each of these parts. In Part I, we will analyze, conceptualize, and describe what politics is by defining key political terms such as justice, freedom, equality, and democracy. As we shall see, each of these concepts has different and sometimes competing conceptions that often inform one's foundational political beliefs. For example, when we talk about equality it is important to make distinctions between comprehensive equality (such as the principle that all humans are created equal), equality of outcomes (that individuals ought to be afforded an equal distribution of material goods), and equal opportunity (that government ought to ensure equal protection under the law and basic fairness in a free economic marketplace). One's level of commitment to these different conceptions of equality goes a long way toward shaping political belief.

In Part II, we will survey the discipline of political science and its major subfields. Why is political science a part of the social sciences? What do political scientists do? How can we think like social scientists? What is the difference between qualitative and quantitative data? These are some important questions we will consider in Part II. Key to this second part of the textbook is orienting students into a political science major or minor degree, giving comprehensive understanding to the state of the discipline and its value to the world outside academia.

In studying politics, it is important to make a distinction between a descriptive understanding of what politics is and a normative understanding of what politics ought to be. Niccolò Machiavelli is

often considered the first political scientist. This Italian diplomat and theorist writing on the cusp of modernity wrote a classic text on the practical ways in which a ruler gets and keeps power—*The Prince*. Machiavelli claimed this work was intended as a practical guide for monarchical rulers, and because of this, he “thought it proper to represent things as they are in a real truth, rather than as they are imagined.” Here, Machiavelli makes an important distinction between an objective understanding of what politics is versus a normative idea of what politics should be. “Many have dreamed up republics and principalities which have never in truth been known to exist,” wrote Machiavelli. “The gulf between how one should live and how one does live is so wide that a man who neglects what is actually done for what should be done moves towards self-destruction rather than self-preservation.” Should the study of politics be left right here on this realist ground? What more is left to the study of politics than simply describing what it is?

As Socrates reminds us at the end of Book I in Plato’s *Republic*, humans don’t want merely to live a life predicated on the necessities of survival, we want to live *well*. What does it mean to live life well? This we may say is the art of politics—law, leadership, and rule that seeks the betterment of society and individuals. In other words, politics is necessary because we want to live well, not merely survive. What this suggests is that normative theories of what politics should be are informed by and deeply intertwined with our perceptions of reality. Or in other words, if  $x$  is how real power operates, then we should do  $y$  in order to best advance the interests of society. Reflect on your own perceptions of politics. How do you understand the relationship between what you think politics is versus what it should be? For example, you may see politics as a ruthless zero-sum game of endless conflict but nonetheless think politics should be more deliberative and cooperative. You therefore may seek certain policies or rules that mitigate conflict-based politics and ensure greater compromise and cooperation. As this example suggests, what politics is and what it ought to be are not the same thing, but they are importantly interconnected.





PART I

# PART I: WHAT IS POLITICS?



# Chapter 1: Conceptualizing Politics

Imagine you are Tom Hanks in *Cast Away* (dir. Robert Zemeckis, 2000), stranded on a far-off, deserted island. There are no other people, no society or government to speak of. Is politics at all present in this environment?

Since Aristotle, Western political philosophy has been predicated on the idea that there is something necessarily social about politics. Politics doesn't exist with only one person on a deserted island. This necessarily social aspect suggests that that politics governs our social relations and our relationship to goods and resources in order to effect improvements on society. Recall from the introduction the Socratic idea that humans do not merely want to survive, but to live well. This perspective conceptualizes politics as a tool of social betterment. For the ancient Greeks, particularly Aristotle, politics cuts even deeper—it is central to the very purpose of what it means to be a human being. For Aristotle, the highest virtue was living a life of politics. “For as a human being is the best of animals when perfected,” observes Aristotle, “so when separated from law and justice he is worst of all.”<sup>1</sup> Because we cannot understand human beings outside our relations with each other, the activity that governs these relations is the most virtuous of activities.

We are far removed from these ancient thoughts on politics.

1. Aristotle, *Politics*, trans. C. D. C. Reeve. Indianapolis: Hackett Publishing, 1998, pg. 5.

Much of the American public today, for example, would hardly see living a political life as virtuous in and of itself. Indeed, the word politics itself is often used derisively: “That’s just politics,” by which we often mean crude strategies of power, conniving, dirty dealing, and even outright corruption. At the same time, it can be easy to have a cynical view of those who live a life of politics. Many of us tend to think that politicians choose a life of politics for the influence, power, and money that serving in government undoubtedly brings. The older ideal of the reluctant leader seems a quaint notion of a distant past. There nevertheless remains a reality that politicians are ideally champions of the people and not of themselves, that self-interest should be set aside to govern in the common interest. How do you perceive politics and politicians? Rate your perception of both on a scale of 1-10, where 1 is the lowest regard for both. If you tend to regard politicians as self-serving and corrupt, though there may be exceptions, you might rate them at 3 or 4. Now reflect on the level of political news you tend to consume on a daily basis.

### *Chapter 1.1 Exercises*

1. Do you listen to talk radio or watch cable news?
2. How much political news do you seek out on the internet?

Compare and reflect on your views of politics and politicians and your level of political news consumption.

## **Conflict versus Cooperation: Two Views of**

# Politics

Let's consider an important tension in understanding what politics is: on the one hand, politics can be seen as conflict, as a battlefield in which power and policies are won, and as a struggle in which some are winners and others are losers. On the other hand, politics can be seen as a more deliberative process of compromise, cooperation, and the perhaps messy work of giving various stakeholders some piece of the policy pie.

The conflict-based view of politics suggests a **Zero-Sum Game**, in which one person's gain is another person's exact loss. This view may be more prominent with the realities of very polarized political environment. Polarization or **hyper-partisanship** in American politics is currently the norm—political party elites and politicians have little incentive to reach across the aisle and collaborate with other political actors outside their parties. This polarized environment has arguably strengthened over the Obama and Trump administrations. Not a single Republican member of the House or Senate voted for the Affordable Healthcare Act (otherwise known as Obamacare), despite the fact that the law is modeled after a Massachusetts state law that had significant Republican support. **Bipartisanship** in the Trump administration continues to be rare.

Historically, hyper-partisanship has not always been the case. Cross-party voting was more common throughout the New Deal era and into the 1990s.<sup>2</sup> The policy environment in Congress generally

## 2. Richard Fleischer and John Bond. "The Shrinking Middle

followed what Shanto Iyengar has called the “**Bargaining Model**,” in which a small number of political elites fashion policy out of horse trading and compromise across the party aisle.<sup>3</sup> Iyengar refers to this as the “pre-media” era of American politics, and suggests that changes in the media environment have contributed to a more polarized political dynamic and a “**Going Public**” model to governing.<sup>4</sup> In the Going Public model, the media largely replaces political parties as the conduit through which politicians get what they want. These politicians bypass other members of Congress and the president to speak directly to their constituents and the public. The strategy is predicated on maximizing your approval rating and using this as leverage in Washington to push policy and legislation you endorse. The Going Public model suggests that a conflict-based view of politics is stronger than ever. For more on media’s influence in American politics, see Chapter 9.

in the US Congress,” *British Journal of Political Science*, vol. 34, no. 3 (July 2004): pp. 429–51.

3. Shanto Iyengar, *Media Politics*, 2nd Edition. New York: W. W. Norton and Company, pp. 195–99.

4. *Ibid.*

Compromise and cooperation are nonetheless present, if rare, even in the most hyper-polarized environment. For example, the passage of the First Step Act of 2018, legislation on criminal justice reform, received broad bipartisan support and was passed into law by President Trump, despite ongoing investigations into Trump's campaign and administration and an overall toxic partisan environment that has riddled Washington. Cooperation and compromise in politics may be



*The American president is often at the center of the tension between conflict and cooperation.*

harder to see in a for-profit media landscape, in which political conflict can garner greater attention and thus greater economic incentives for private cooperations that produce political news. Cooperation in politics does not always have to be civil and friendly, and may involve bitter compromises. Cooperation in politics can also be understood in **deliberative theories of democracy**, such that we value democracy because it creates conditions in which we reach consensus through communication and understanding (for more on this, see Chapter 5). Politics is most often the complex interplay of cooperation and conflict, existing simultaneously across multiple issues and within a single issue.

As the only politician with a truly national constituency in American politics, the president is often at the very heart of the push and pull of conflict vs cooperation. Sidney Milkis refers to this dynamic as the New American Party system, in which presidents are increasingly caught between the demands of their party and the demands of the nation. With intense partisanship generally the norm in today's politics, the demands of a political party often veer

toward conflict, whereas the demands of the nation may require compromise, cooperation, and a sense of national unity.<sup>5</sup> In Chapter 5, we will analyze party systems in democracies more closely, in particular the argument that **majoritarian systems of government** veer politics toward more conflict, whereas **proportional systems of government** are better able to build consensus and compromise.

*Under what conditions do state actors who are adversaries cooperate with one another?*

We see a similar dynamic between cooperation and conflict play out in International Relations. State actors often negotiate this dynamic with foreign adversaries. The issue of Iranian nuclear capability is a prime example. Whereas sanctions directed at the Iranian regime represent a clear strategy of seeking leverage through adverse pressure, a multilateral nuclear arms deal between Iran and the West represents the strategy of compromise and cooperative solutions to the issue. Under what conditions do state actors who are adversaries cooperate with one another? This is a key question in International Relations and **game theory** provides a number of insights and potential solutions.

## Games on Cooperation and Conflict

5. Sidney Milkis, Jesse Rhodes, and Emily Charnock. "What Happened to Postpartisanship? Barack Obama and the New American Party System," *Perspectives on Politics*, vol. 10, no. 1 (March 2012): pp. 57–76.

Game theory seeks to model ways in which rational actors strategically interact with one another. When is it best to cooperate with another person? When is it best to “defect” and not cooperate?

A classic game in economics and International Relations is the **Prisoner's Dilemma**, a collective action game in which two criminal accomplices are captured by the police and held in separate interrogation rooms. In the interrogation, these accomplices are faced with a choice: you either rat out your partner and accuse them of the crime or you stick to the previously agreed-upon story, cooperating with your accomplice and stonewalling the cops. If you “defect” (rat out your partner) and your partner “cooperates” by not ratting you out, then you get no prison time whereas your partner receives a 10-year sentence, and vice versa if your partner defects and you cooperate. If you both defect, you both receive a 5-year sentence. If you both cooperate, you both receive a 3 year sentence.

The prisoner's dilemma yields a number of insights into the relationship between individual rationality and group rationality. When do we cooperate with others, even when it goes against our own self-interest? The dilemma in the prisoner's dilemma is this: in isolation, a person is better off defecting, but when both defect the outcome is worse for each. In other words, pursuing **rational self-interest** may lead to worse outcomes than if, as a group, people act contrary to rational self-interest. Relatedly, the prisoner's dilemma also suggests that it is hard to get selfish individuals to act for the common good. The prisoner's dilemma has been influential in understanding economic, political, and moral human action.

One way of playing the prisoner's dilemma is called indefinite iterations, in which you play against the same person numerous times. You will now play prisoner's dilemma 5 times in a row against 5 separate opponents. Your opponents are Fez, Tex, Sherlock, Plum

Hat, and Pink Hat. You will find the game here: <http://ncase.me/trust/> Play the game all the way through before reading further.

So how did you do? Which opponent were you most successful against? Which were you least successful against? The basic strategies were laid on in this game in which Fez (Copycat), Tex (Grudger), Sherlock (Detective), Plum Hat (Always Cheat), Pink Hat (Always Cooperate) are each designed with a certain objective in mind. Write a short reflection paper (3-page minimum) detailing your results and the strategies your opponents used against you.

In the 1980s and 90s, Dr. Robert Axelrod conducted two large tournaments in which game theorists submitted codes that could be played indefinitely against one another. Dr. Axelrod included a clone of each code (so it could play against itself) and an additional code that randomly cooperated and defected. After thousands of games played, one strategy emerged as the clear winner: the Tit-for-Tat strategy, or our very own Mr. Yellow. Tit-for-Tat is a very simple code: it cooperates on its first move and for every subsequent move it simply replicates the move its opponent made in the last round. If you cooperate with Tit-for-Tat, it will do the same. If you defect, it will defect. You also played against Mr. Red, who defects every time, and Mr. Green, who cooperates every time. What Dr. Axelrod found is that cooperative strategies are generally more successful than strategies that more often defect.<sup>6</sup>

Tit-for-Tat has four basic properties that may suggest why it is successful. First, it is kind: it always cooperates on the first move. Second, it is retaliatory: it always retaliates upon defections. Another way of saying this is that it does not let uncooperative behavior go unpunished. Third, it is forgiving: you might defect against Tit-for-Tat 100 times in a row, but the moment you begin

6. Robert Axelrod and Douglas Dion. "The Further Evolution of Cooperation," *Science* 242 (Dec. 9, 1988): pp. 1385–90

cooperating, it does so as well. Another way of saying this is that Tit-for-Tat has a very short memory with regards to uncooperative behavior and never leaves payoffs on the table. Fourth, it is clear: opponents can rely on its behavior in a way that facilitates mutually beneficial outcomes.<sup>7</sup>

We can apply this strategy to political behavior for both individuals and state actors. In International Relations, for example, Tit-for-Tat suggests that the most successful strategy for diplomacy is to be kind, retaliatory, forgiving, and clear. Begin negotiations with the carrot first, use the stick for uncooperative behavior in order to avoid being taken advantage of, forgive at first signs of cooperation, and be predictable in your behavior. We can also apply these strategies to negotiations among lawmakers in a legislative branch, or between legislators and a prime minister or president.

### *Chapter 1.3 Exercises*

Reflect on your own observations of political behavior. Do you find this type of strategy to be successful? Why or why not?

7. Stanford Encyclopedia of Philosophy. "Prisoner's Dilemma," <https://plato.stanford.edu/entries/prisoner-dilemma/#IndeIter> (accessed on May 26, 2019)

## Politics as a Field of Power

In understanding what politics is, it is worthwhile to consider power more directly, as opposed to the behavior of individuals, groups, or states.

In political and social science, power is often understood to be the capacity an individual has to influence the behavior of others. This can take the form of soft power such as influence and positive incentives or hard power such as coercion or intimidation. We can also view power through the lens of legitimacy: legitimate power can be seen as authority—the ability to exercise lawful or agreed-upon instruments of power to influence people or processes in deliberate ways. Illegitimate power can be understood as brute force, unsanctioned and unlawful coercion. Consider two examples: a pilot of an aircraft and a hijacker of an aircraft. Both have a degree of power over a plane and the passengers within it. The pilot uses authority to influence passengers to abide by rules and regulations, such as fastening their seat belts and being attentive to emergency exits. The hijacker uses brute force to intimidate and coerce passengers in order to achieve their objectives.

Looking more closely at authority and power, there are important distinctions that can be made. Where power can be regarded as the tools and instruments at one's disposal, authority can be regarded as the way in which we wield those tools and instruments. Consider the power of the American presidency in this distinction. The office of the presidency comes with inherent powers, some codified in the US Constitution and others attained through the actions of previous presidents, Congress, and the federal courts. If a president has little understanding of those powers, they may use those powers poorly or not at all, and hence their authority may suffer. The inherent

powers remain the same, but how they are used can differ greatly from one president to another.

So we arrive at another definition of politics: politics is a field on which power is contested, shared, lost, won, rendered legitimate, or rendered illegitimate. In this definition, we conceive law as structures built on this field that legitimize and direct power in certain ways. Actors contest and cooperate on this field to achieve certain desirable outcomes, either individual or collective. The degree to which this field is transparent (actions of contestation or cooperation can be seen by everyone) and inclusive (the ease with which individuals may enter the field and contest or cooperate) goes a long way toward understanding power in a democracy (for a closer look at democracy, see

*Politics is a field on which power is contested, shared, lost, won, rendered legitimate, or rendered illegitimate.*

Chapter 5). A field of power suggests a force that circulates between and among individuals, and it suggests a perspective of politics that lends itself to something akin to the laws of physics. For every action there are opposite reactions, the push and pull of political power.

#### *Chapter 1.4 Example*

Person A has power over Person B to the extent that they can determine B's conduct, but power in our modern world is often hard to see directly, since it commonly takes the form of the absence of brute force.

Social and legal norms often determine our conduct in such a way that we ourselves affirm those norms and therefore do not consider them power over us. Conditioned power is internal, implying control over someone without the use of force. The 20th-century French philosopher Michel Foucault regarded conditioned power as the dominant form of power in our modern world. The notion of “corrections” in the modern penal system indicates internal discipline over inmates. This conditioned form of power is not confined to modern prisons for Foucault. Schools, hospitals, corporate offices, public life—in all these areas there exists a interrelated structure of conditioning power that controls without appearing intrusive. With the technological development of greater forms of surveillance at a government’s disposal, this view of power is perhaps more relevant than ever.

Lastly, the characteristics that make up our identity (such as race/ethnicity, gender, sexual orientation, etc.) have historically been the basis for political control over individuals. Of course, this type of control still exists in our world today, but over the past century we have seen powerful reactions to it in the form of racial justice, feminism, and the LGBTQ+ movements. This is the rise of what has been called **identity politics**: the characteristics of one’s identity are the basis of political action and are central to the struggle between justice and injustice. Identity politics is often defined as political mobilization based on exclusive alliances of shared identity characteristics at the expense of traditional, broad-based political parties. What is overlooked in this definition, however, is that control and domination over individuals is the central struggle of identity politics. If the characteristics of one’s identity form the basis of political action, and we regard action as including forms of control and domination, then slavery, patriarchy, and the criminalization of homosexuality are all forms of identity politics as well.

## So What About Political Science?

Politics, of course, is not Political Science. We can develop theories about what politics is, but Political Science needs no theory—it is an institutionalized discipline for the study of political thought, systems, behavior, and institutions. Political Science is also the study of the methods we use to understand political thought, systems, behavior, and institutions, and to this degree Political Science has theories of its own disciplinary activities (this is the subfield of Methods, and for more on this, see Chapter 10). Political Science is part of the broader meta-discipline of the social sciences, which includes, among other disciplines, Economics, Sociology, Anthropology, and Psychology. What brings these disciplines together is a focus on explaining phenomena in various aspects of the social realm. In other words, providing explanations for observable facts or events that take place in our social experience. It may be useful to think of this as detective work—there are numerous mysteries to be solved. Take the example of the core focus of this chapter: what are the optimal conditions under which individuals cooperate with one another contrary to their own self-interest? In other words, what are the causes of cooperative behavior?

Here we need to consider causation more deeply. In philosophy, causality is the study of the nature of cause and effect. The 18th-century Scottish philosopher David Hume posited that causation is best understood as counterfactual relation—why  $x$  and not  $y$ ? This makes clear the relationship between cause and effect. As Hume writes, we can determine a cause where “if the first object had not been, the second never had existed.” This understanding is arguably the very foundation of social science inquiry—to locate causal explanations for the observable facts and events in our

*Politics, of course, is not Political Science.*

shared human experience. In the social sciences, we use the term **Independent Variable** to describe the cause and **Dependent Variable** to describe the effect or outcome. Typically, the social scientist requires more than one independent variable in order to test various explanations against one another. In the hard sciences, such as biology or physics, predictions about the causal relationship between these independent and dependent variables are often referred to as hypotheses. In order to test these explanations against one another accurately, the social scientist must be attentive to the ways in which our proposed explanations may be tangled up in one another. The dependent variable is the observable fact or event that we seek explanations for, and because of this, social science inquiry requires only one dependent variable.

Chapter 1.5  
Example

In American electoral politics, numerous studies suggest that conservative Republican

Let's look at one specific example to help clarify the basic elements of social science inquiry. In American electoral politics, numerous studies suggest that conservative Republican voters are more mobilized and have higher voter turnout in elections than liberal Democrats. What explains this variation or difference? Our dependent variable is greater mobilization and voter turnout for conservative Republicans and lesser mobilization and voter turnout for liberal Democrats. Our independent variables are the causal explanations for this observable fact, and may include demographics (conservative Republican voters tend to be more similar to each other—older, whiter, wealthier—than liberal Democrats, who are a more diverse coalition of interests), party organization and action (the Republican Party and party elites are better at mobilizing and maximizing turnout than the Democratic Party and their party elites), issues

(the issues themselves, or perhaps the way issues are framed, creates an environment that better mobilizes conservative Republicans), or ideology (the ideological foundation of left politics tends toward critique and critical inquiry, whereas the ideological foundation of right politics tends toward authority and order).

These independent variables are *possible* explanations, not certain ones. A good social scientist should always maintain an open and curious degree of skepticism for all explanations. For the philosopher of science Karl Popper, all theories must be potentially false if they are to be scientific, or what Popper calls **falsifiability**. With the above example, we can see how independent variables might get tangled up in one another. Consider the explanations of demographics and party organization—it may be the case that party elites more successfully mobilize conservative Republicans because demographically similar voters are easier to mobilize. The task of the social scientist in this instance is to control and isolate independent variables to minimize the influence other explanations may have on that variable. This can be complex detective work. The basics of social science inquiry seek explanations for observable facts or events in our social world.

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At its core, this inquiry is about asking questions, seeking strong possible answers to those questions, and designing a research project that can accurately test those explanations to arrive at the best answer.

## Conclusion

*Politics is a  
necessarily  
social  
activity.*

As we focus on the question of “what is politics” we see different theories and perspectives taking shape that lie at the heart of the discipline of political science. Politics is a necessarily social activity. It is an endeavor that seeks to define our social relations to one another and our relationship to goods and resources. Because of this, the question of cooperation and collective action is crucial. Under what conditions do individuals cooperate to achieve certain outcomes? We can develop theories to answer that question and then make observations of political behavior and institutions to test those theories. Games can be quite useful in observing how humans cooperate or conflict with one another, particularly the prisoner’s dilemma. Evidence suggests that when two people play multiple games of prisoner’s dilemma with one another (and thus remember previous moves) the most successful strategies are initially kind, retaliatory, forgiving, and clear.

Politics is also about power—how power is used and the conditions under which power is or is not present. In this conception, it is helpful to think of politics as a field on which power is contested. Law acts as a structure that determines the form and flows of power. In a democracy, the transparency and inclusivity of this field are important values. Power is also a set of relations that can be exercised over individuals without their knowing it. This form of conditioned power operates within but can also be found in the basic structures of society, such as norms, institutions, or the law. Lastly, a struggle for power can be located in the characteristics of an individual’s identity, such as race, gender, or sexual orientation. These power struggles are often described as identity politics, such as the feminist fight against patriarchal

domination or a civil rights response to racial discrimination. Understanding various forms of power and how they are manifested requires research and observation into our social and political world.

Political Science is the discipline in which this work is done. Political Science has its home in the social sciences, a meta-discipline that seeks to understand social phenomena. Causation is at the heart of social science inquiry—social scientists seek to explain various social phenomena we observe in our world. We do this through research design that isolates a number of independent variables—the casual agents or explanations themselves—to identify which is the most likely factor in determining the dependent variable in question.

We now have a basic understanding of what politics is and the foundational work of political science as a discipline. In the next four chapters, we will look at some key political concepts such as freedom, equality, and democracy in order to deepen our understanding of the rich and dynamic study of politics.

## Media Attributions

- Donald\_J.\_Trump\_at\_2019\_State\_of\_the\_Union\_(46092930285)\_(cropped)

# Chapter 2: Ideologies of the Individual

## *Learning Objectives*

This chapter will give you a better understanding of ideology in political thought. In order to do so, we will consider classical and modern variants of liberalism, conservatism, and socialism by analyzing the ways in which these ideologies value equality and freedom. We will also attempt to define a conception of justice that aligns with each of these ideologies. At the end of this chapter, you will take an ideologies quiz that will give you some determination of your own ideological beliefs.

## What is Justice?

This is one of the oldest questions in Western political philosophy and the central inquiry of Plato's *Republic*. Pause here for a moment and consider this age-old question: What does justice mean to you? When are our actions just? This question is answered in numerous ways as Western philosophic tradition develops historically, from the ancient Greeks to 20th century liberal philosophers. Underpinning this question is a basic **normative** commitment to Political Theory, which seeks an understanding of what politics

ought to be, as opposed to what it is. What should be the most important political values that individuals, society, and the state adhere to? Ideologies are the beliefs and values that answer this question. Ideologies are not fact-based or objective statements but normative beliefs informed by basic assumptions about reality. To what degree are humans born with reason, born equal, and born free? Is private property necessary for individual freedom? When should the rights of the community override the right of an individual? These are examples of questions that are intended to guide you to first-order principles of your political beliefs, thus shaping your ideological commitments.

Briefly, we must bring some clarity to these concepts of equality and freedom, for there is no single definition that can encompass either. First, let's consider three variations on the concept of equality: comprehensive equality, equal opportunity, and equality of outcomes. Comprehensive equality is a deeper philosophical concept that all human beings are, in the words of the Declaration of Independence, "created equal." In other words, comprehensive equality suggests that humans are all equal in worth and dignity, that we have an innate and existential equality of being endowed with human life. Equal opportunity suggests that, despite differences in human achievement, a just world should provide a roughly equal starting point for all individuals regardless of who they are or where they come from. This concept can be applied to the law, and is codified in the 14th Amendment of the U.S. Constitution, which guarantees that all persons are afforded equal protection under the laws. Importantly, the Constitution does not guarantee that everyone

Let's consider three variations on the concept of equality: comprehensive equality, equal opportunity, and equality of outcomes.

be treated equally. In fact, government can and does legally discriminate all the time—age, for example, can be the basis of discrimination (those under 16 cannot legally drive a car; those under a certain age are not eligible for Social Security, etc). But the government cannot legally discriminate against similarly situated persons and must afford everyone equal protection under the laws. Equality of outcomes suggests that there is a shared benefit when individual wealth and material possessions are roughly equal to one another. All of these variations on equality also suggest a distinction between *equality* and **equity**: where equality indicates qualities such as status, rights, and opportunities are the same for everyone, equity indicates fairness and impartiality.

As with equality, the concept of freedom has some important variations. What does it mean for an individual to be free? In “Two Conceptions of Liberty,” the philosopher Isaiah Berlin offers two different ways of conceiving liberty: negative freedom and positive freedom. Negative freedom, simply put, is freedom from any external constraint, the freedom of an individual to do what they will without obstacles, limitations, or a narrowing of their choices regarding that freedom. This is sometimes, derisively, referred to as license or licentiousness—pursuing our immediate desires and appetites, perhaps contrary to reason. Positive freedom is a bit trickier, but essentially means the freedom of self-mastery, self-determination, and control over the direction of one’s life. Positive freedom presupposes a divide between our rational nature and our desires and appetites, and suggests that we must not let our “lower” passional nature dictate our life’s direction contrary to reason.<sup>1</sup> The distinction between negative and positive freedom may best be seen by looking at the two constraints that are the opposites of these

1. Isaiah Berlin, "Two Conceptions of Liberty," in *Four Essays on Liberty*. Oxford University Press, 1969, pp. 122–35.

freedoms. The antithesis of negative freedom is imprisonment in solitary confinement: all of your movements, your decisions, and the resources you need to survive are heavily controlled by external forces. The antithesis of positive freedom is slavery—imagine, for example, the most benign and generous slavery possible. Your master allows you total freedom of movement, you can indulge any desire or appetite; further, your master professes his or her love and care for you. But isn't something missing here? You have no ownership over yourself. Indeed, another human has real and tangible ownership of you as a person. What is missing here is positive freedom—the freedom of self-direction, self-mastery, and autonomy of the self.

There are three broad ideological systems of thought that have emerged and developed over the last several centuries of Western political thought—liberalism, conservatism, and socialism.

Each of these have classical and modern distinctions that in some cases radically alter their normative commitments, as we shall see. Before we launch into these three broader ideological systems of thought, it is worth mentioning that there are other political ideologies quite different from these three. Liberalism, conservatism, and socialism are, however, all comprehensive enough to draw connections to a wide range of other ideological commitments. One such connection can be drawn to various forms of **feminism**. Feminism is itself extremely comprehensive, ranging from social and political movements to various ideologies, many of which are critically situated against other feminist ideologies. Underlying almost all feminist theory is a commitment to women's equality and gendered justice, as well as a critique of **patriarchy** and other systems that interact with patriarchy so as to strengthen various forms of male domination. In examining some forms of

feminism, we will provide an example of the comprehensive nature of liberal, social, and conservative political thought.

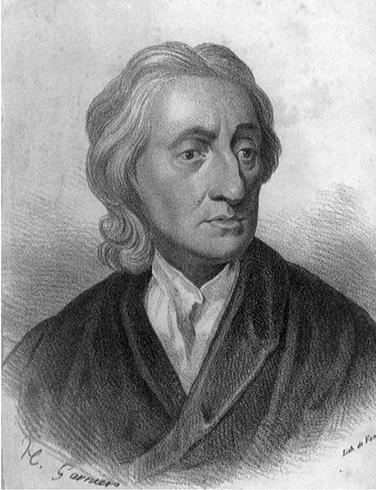
Below we will consider the following ideologies: classical liberalism, modern liberalism, liberal feminism, socialism, democratic socialism, socialist feminism, classical conservatism, modern conservatism, and conservative feminism.

## Classical Liberalism

What makes liberal theory distinctive from other political theories that came before it is a focus on the individual. This is often described as an *atomistic* view of the human experience—in evaluating our basic political commitments and sense of justice, the liberal would emphasize an individualist view of reality. Liberal freedom, for example, is about individual freedom, not a collective or communal freedom. Liberal equality is concerned with the degree of equality that exists between individuals, not the degree of equality that exists between groups per se (liberals might be concerned with inequalities between certain groups, but their answer to this inequality is generally to ensure individual equality for every person). Liberal theory, therefore, is concerned with the varying degrees with which we ought to judge the value of individual freedom and individual equality. Liberals, on the whole, generally seek to maximize individual freedom and individual equality and to balance out the tensions that may exist between these values.

Historically, the emergence of liberalism is part of the Age of Enlightenment and the Scientific Revolution that began over 300 years ago, a social, economic, and political revolution committed to science, rationality, and the ability of individuals to determine truth by using reason and science. Human reason, in this Enlightenment view, is the source of knowledge. Certain ideas such as toleration, liberty, equality, progress, and constitutional government flourished in this revolutionary age. This may not seem very revolutionary to

you in the 21st century because we live in a world largely created by this enlightenment revolution. But the conventional thought in Western societies coming out of the Late Middle Ages was that truth was heavenly and fixed. Monarchies and the Catholic Church determined truth and knowledge. Individual liberty was often, like democracy, regarded as dangerous—a runaway licentiousness that led to disorder and chaos.



Portrait of John Locke

The ideas of John Locke are widely regarded as the philosophical starting point of classical liberalism. Locke was a strong advocate of individual liberty, industry, and reason. He asserted that it was God's will for humans to be productive and industrious, cultivating the earth and, in doing so, realizing freedom. To this end, Locke was deeply critical of the aristocratic classes of Europe, whom he regarded as lazy and unproductive, enjoying the wealth and honor of their

landed estates while doing little work. Conversely, Locke championed the newly emerging bourgeois capitalist class of merchants and industrialists. Crucially, Locke's conception of freedom is propertied—each individual is born with a property right in their own bodies. We can externalize this property right through labor, taking from commonly held resources on earth and deriving an exclusive right over those resources. These are natural rights, for Locke, governed by what he called natural law. The first principle of Locke's natural law was self-preservation (we have the right to preserve the self). Reason, productivity, industriousness, and private property are other principles of Lockean natural law that governments are constrained from violating. There are two

limitations to this right of private property: we cannot let resources spoil and thus be wasteful, and we cannot monopolize scarce resources such that there is none left for others.<sup>2</sup>

One may interpret two justifications to private property in Locke's *Second Treatise of Government*. On the one hand, private property is justified by Lockean fairness: the fruits of one's labor are rightfully their own, and when someone else demands a portion of the fruits of your labor, this is a violation of your right and unfair. As we shall see, this principled justification is foundational to the modern conservative view. "That's not fair!" is the rallying cry of many modern conservatives who see their wealth unfairly redistributed to others. The second justification for private property is more broadly philosophical: the self-ownership thesis. This is the idea that private property is justified because we have a natural, propertied right that comes from our own human bodies, the capacity to labor, and our capacity to reason. This implies not merely a right to material resources and land, but an intellectual property right in ideas and a right to the choices and decisions that determine the course of one's life.<sup>3</sup> This justification overlaps modern conservatism and modern liberalism, and can be the basis for ideological commitments such as labor rights or feminism.

Before moving on to modern liberalism, we must examine the relationship between classical liberalism and libertarianism, for though they bear similarities there are nonetheless important distinctions. Libertarianism is a political theory that holds liberty as the core principle of justice, and in so doing, seeks to maximize

2. John Locke, *Second Treatise of Government*. Hackett Publishing: 1980. See in particular Chapter V, Of Property.
3. Steven M. DeLue and Timothy Dale, *Political Thinking, Political Theory, and Civil Society*, 3rd edition. Pearson Education: 2009, pp. 149..

individual autonomy and choice, political freedom, the freedom of voluntary association, and the value of individual judgement. There is a deep skepticism of the state and political authority in libertarian thought, though there is considerable disagreement within libertarianism on what opposition, if any, there should be to existing economic and political systems (such as capitalism or powers of government). Generally speaking, libertarianism opposes **coercive social institutions** that seek to constrain individual actions and behaviors.

It may surprise you to know that libertarianism was traditionally a **left-wing ideology** and saw equally repressive forces in capitalism and the state. 19th-century capitalism saw the full force of the industrial revolution and emerging political ideologies that were a reaction to this revolution. As industries began consolidating and growing larger, many saw the individual increasingly dominated by corporate power. Early libertarianism emerges in this political and economic context and takes forms such as anarcho-communism, which seeks the abolishment of capitalism and private property and the alternative development of cooperative and communal forms of ownership and management. Obviously, this is not Locke. By the mid-20th century, libertarianism gradually becomes incorporated into some aspects of **right-wing ideology**, and becomes associated with the maximization of private property rights and private initiative with a state limited (to varying degrees) in its action, typically only allowing government authority to uphold contracts and property rights. The more limited the state in right-wing libertarianism, the more accurately this belief can be considered anarcho-capitalism—the replacement of all public services and ownership with private services and ownership.

Right-wing libertarianism's similarity to Locke is weak here too, though not as weak as the similarity between Locke and left-wing libertarianism. Locke does not call for a weak or certainly an abolished government, but rather for a “constrained majority,” in which majority rule is constrained by a natural right to life, liberty, and property. Nowhere does Locke claim that a smaller government

is better than a larger one. His concern was with a separation of powers in government (Legislative, Executive, and Federative), not the government's overall size. Moreover, Locke was critical of landed wealth that was not put to productive use, a form of wealth certainly protected in libertarian thought. Lastly, Locke's limitations on wealth accumulation (spoilage and monopolization of resources) are not logically connected to most forms of right-wing libertarian thought.

## Modern Liberalism

Modern Liberalism places more emphasis on individual equality than does classical liberalism, and therefore it seeks a greater balance between individual liberty and social equality. This tendency places modern liberalism on the left side of the traditional left-right spectrum of political ideology, as it seeks to level out varying disadvantages individuals may face in society. Historically, the modern liberal turn in American politics was a complex cultural, political, and legal development, and scholars are in considerable disagreement on its origins. The Progressive Era, from around 1900 to 1918, was an early starting point in which Progressives, generally urban reformers, sought to re-imagine government as an instrument for the bettering of society and reinvigorate government through greater democratization. Workplace regulation, health, education, and the morals of society were all key concerns to the Progressives, who above all focused on what they saw as debilitating spillover effects from high levels of immigration, industrialization, and urbanization. These Progressives sought to energize and embolden government to take on the large corporate monopolies and social ills of society. Some of these reform efforts may look very conservatives to us, such as the Prohibition movement that sought to end legal alcohol. Progressivism also cut across the traditional two-party divide, attracting both Democrats and Republicans.

Reform and moral betterment are the central forces that held these Progressives together.<sup>4</sup>

Reflect for a moment on what makes this aspect of the Progressive Era similar to modern liberalism. Modern liberals tend to see the government as a tool for social betterment—strong anti-poverty programs, higher education spending, greater access to healthcare, and expansion of government-provided or -subsidized healthcare. All these positions



*Anti-trust cartoon from Arena Magazine, 1906.*

require a strong and active government directly involved in the improvement of society. The conflict between “big” and “small” government was not yet visible in the Progressive Era, but those individuals against the Progressive agenda often spoke of the need to preserve the more limited government that so defined Washington in the 19th Century. The Progressive Era was an era in which the Constitution was amended for the direct election of Senators (the 17th Amendment) and the largest democratizing moment in American history: women’s suffrage (the 19th Amendment). Greater democratization is not necessarily a core modern liberal idea, but the democratization of the Progressive Era mobilized new groups and citizens into the political process, particularly people from marginalized or lower socio-economic conditions who had never previously been part of politics. Many of

4. James P. Young, *Reconsidering American Liberalism: The Troubled Odyssey of the Liberal Idea*. Westview Press: 1996, pp. 149–68.

these newly enfranchised citizens formed the foundation of the New Deal Era that began in the 1930s.

The onset of the Great Depression in 1929 was a watershed moment in party politics. The Republican Party had largely dominated politics over the past 70 years from that time, stretching all the way back to the Civil War. Indeed, Grover Cleveland and Woodrow Wilson were the only Democrats who won presidential elections during this time. The Depression was widely blamed on Republican Party politics in the 1920s, and this sent the Democrats into power by the early 1930s. A coalition of urban party machines in the north and the stronghold of the south, the Democratic Party was generally bound together by economic policies that benefited the poor and working class, from factory workers in big northern cities to sharecropping farmers in the south. This coalition was successfully led by one of the most gifted politicians in modern politics—Franklin Delano Roosevelt. Roosevelt came from wealth and privilege (his fifth cousin was the former Progressive President Theodore Roosevelt) but had a tremendous knack for speaking to common working men and women and using new technologies such as radio to bring his voice directly into the homes of millions of Americans (for more on party development in American politics, see Chapter 9).



This New Deal Era of American politics forms the “Old Left” of modern liberalism, and is characterized by a complicated patchwork of policies in which many stakeholders—such as big labor, big business, and small business—are brought together to forge economic policies that ideally give some benefit to each of these interests. In this era, policies such as minimum wage laws, FDIC insurance, and public works programs were generally popular and benefitted the Democratic Party coalition. With postwar America enjoying unprecedented levels of economic growth and prosperity 1950s and 60s, New Deal policies remained popular, but many modern liberals wanted more than economic policies—they sought to forge a party platform that could more directly combat enduring forms of discrimination in American life, particularly racial

discrimination. Thus, the civil rights movement of the 20th century, which sought to end racial segregation and bring greater racial equality to Americans, begins to form the bulwark of modern liberalism by the 1960s. President Lyndon Johnson significantly expanded the foundations of modern liberalism with policies such as the Voting Rights Act, the Civil Rights Act of 1964, Medicare for the elderly, Medicaid health insurance for the poor, and the Civil Rights Act of 1968, the last of which outlawed racial discrimination in housing.

The vast majority of these domestic policies that formed President Johnson's "Great Society" became law, and on this measure Johnson's expansion of modern liberal policies was a tremendous success. One consequence, however, was that the traditional New Deal Democrats in the South began to leave the party in massive numbers. Reacting in particular to the racial justice platform of the "Great Society," many southern "Dixiecrats" turned into Republicans seemingly overnight. By 1968, the Republican Party's "capture" of the South was already well under way. To this day, the American South is generally dominated by the Republican Party under the mantle of modern conservatism. Johnson and the Democrats were also hampered by the Vietnam War, an increasingly brutal military conflict in Southeast Asia that was a key theater of the long Cold War that pitted Western capitalist democracies against communist countries aligned with the Soviet Union and China. As the anti-war sentiment grew along with movements against various forms of discrimination (feminism, gay rights, Native American activism, and black activism, to name a few), modern liberalism morphed into the "New Left"—a broader political ideology with a mixture of economic justice and social justice based on identity. Generally speaking, modern liberals to this day see an active government as a necessary instrument to achieve these forms of justice.

## Liberal Feminism

Liberal feminists view equality between the sexes as the central fight for gendered justice. In this view, justice for women requires a level playing field in a **liberal civil society**, in the workplace, and in the political sphere. Simply put, liberal feminism is committed to the individualism of classical liberalism and the emphasis on equality in modern liberalism. In this liberal view, justice for women is seen as women being equal to men in all respects. Liberal feminism is not particularly critical of private property or capitalism as socialist feminism is and does not see qualities that make a woman as unique and distinct from qualities that make a man, as conservative feminism tends to. Philosophically, one of liberal feminism's earliest articulators was John Stuart Mill, a 19th-century English philosopher who in *The Subjection of Women* (first published in 1869) became arguably the first male philosopher to argue for perfect equality between the sexes. Mill regarded the patriarchal subjection of women as an uncivilized relic of the past and one of the main impediments to human betterment. Modern liberal feminists maintain these basic commitments, although with some important critiques. Susan Moller Okin, for example, has questioned Mill's view that women can choose the domestic sphere and household labor if they so desire. Okin argued that Mill overlooks the pressures and limitations inherent in such a choice that women often experience, and she points out that Mill makes no mention of an equality between men and women in the domestic sphere, such as the need for men to share in household labor and raising children.<sup>5</sup>

5. DeLue and Dale, *Political Thinking*, pp. 316–18.



Boy on scooter at a Women's March, New York City, January 2017.

Historically, liberal feminism overlaps both first-wave and second-wave feminism. In first-wave feminism, the suffrage movement that sought equal political rights for women, crucially the right to vote, is quintessentially liberal in its call for individual political equality between the sexes. As noted above, the passage of the 19th Amendment to the Constitution was the largest democratizing moment in American history, enfranchising roughly half the citizen population. The second wave of feminism emerges in

the 1960s, and Betty Friedan's book *The Feminine Mystique* is widely considered its intellectual foundation. This second wave was also quintessentially liberal as it sought equality not just in political life but in private and social life as well—equality between the sexes within the household, in the public, and in the workplace. Today, liberal feminism continues to be a significant and mainstream form of feminist ideology. Since the third-wave movement beginning in the 1990s, however, feminism is now much more integrated within racial justice and LGBTQ+ movements, in which concepts such as intersectionality (the idea that overlapping experiences of discrimination, for example those faced by black women, form intersecting forms of oppression distinct from both white women and black men) and the social construction of gender (in which gender is not a biological construct but a social and legal construct) have significantly broadened feminist ideologies.

## Socialism

Socialism is a broad and contested ideology, but central to the many varied beliefs of socialism is some form of collective, cooperative, or social system of ownership. What does social ownership mean? This can take on many forms: public ownership, employee-owned businesses, and citizen ownership of equity, among others. With this definition, it is important to note that social forms of ownership exist even in the most capitalist societies. In the United States, for example, there are employee-owned businesses (Publix Super Markets being the largest with over 190,000 employees).<sup>6</sup> There are also public forms of ownership in the US—public parks, public utilities, Medicaid/Medicare, etc. More generally speaking, socialism is committed to a more equitable distribution of wealth or what we might call a rough equality of outcomes. In this sense, socialism is more greatly tilted toward the principle of equality than liberty. Where modern liberalism seeks a balance between equality and liberty, socialism places greater emphasis on equality as justice.

One can draw an economic distinction between modern liberalism and socialism as well. Socialism is more centrally a socio-economic ideology, in that its core principle concerns the concept of ownership. Modern liberalism, as we see above, includes non-economic aspects to its belief system—its commitment to combating forms of discrimination based on race or gender, for example. To be sure, socialists are very often concerned with discrimination, but socialist solutions to this problem are generally economic and may include reverting private forms of ownership to collective forms of ownership. More radical forms of socialist ideology, for example Marxism or communism, very often identify

6. National Center for Employee Ownership, <https://www.nceo.org/articles/employee-ownership-100> (accessed on June 6, 2019).

capitalism and private ownership as the very basis of discrimination and injustice. The only way such discrimination is eliminated is through a more complete collective ownership over the means of production and the dismantling of the capitalist system, which according to Marxist belief would afford greater opportunity for individuals to thrive despite their race, gender, or social position.

Socialism and communism are not the same ideology, although there are similarities.

Socialism and communism are not the same ideology, although there are similarities. It is fair to say that communism and Marxist ideology are more radical forms of socialist theory. Karl Marx was a German-born political economist and social theorist who argued that human societies develop through struggle between economic classes. The early writing of Marx reflected a broader critique of the individualist view of liberalism. This critique is predicated on the notion that individualism and a liberal civil society fragment and fracture the social community—self-interest tends to drive humans apart from one another, according to Marx.<sup>7</sup> Later in life, Marx became much more focused on the economic aspects of liberalism, and in

particular, capitalism. In a capitalist system, the surplus value created from economic productivity belongs to the owners of the means of production, most often private entities who have a legal property right in the goods being produced and resources used to produce goods. According to Marx, the private right over such surplus value undermines the labor of workers who produce those

7. Karl Marx, "On the Jewish Question," in Robert Tucker, ed. *The Marx-Engels Reader*. W. W. Norton: 1978, pp. 126–46.

goods.<sup>8</sup> Communism can be understood as a political system and ideology developed from Marxist thought—as a political system, it builds political institutions and structures that reflect Marxian views of society and economy. In practice, what this means is complete government ownership over goods and resources and total state control over the economy.

Today, there are only two formally communist countries left in the world—North Korea and Cuba. Most previously communist countries have reformed their economic systems to be more or less integrated into the global capitalist system, even when they have not reformed authoritarian political structures to be more democratic. China’s “Third Way” is a good example of this. In 1978, China’s more reform-minded leaders were able to push through key economic reforms, namely de-collectivization of agriculture, opening the country to direct foreign investment and allowing entrepreneurs to start businesses. Further reform took place in the 1990s, when many state-owned companies were privatized, price controls were lifted, and the country moved away from protectionist policies to free trade. China, however, made no attempt to reform the political system to become more democratic. Over the past 20 years, China’s economy has been one of the fastest growing in the world, and by some economic predictions, is on a path to becoming the world’s largest economy within a generation.<sup>9</sup>

The traditional understanding of economic and political development was that capitalist reform went hand in hand with democratic reform. Following the collapse of the Soviet Union, Russia aggressively reformed both its economic structure (Perestroika) and its political structure (Glasnost) with the intention

8. Ibid., "Capital, Volume One," pp. 294–438.

9. World Bank, China Economic Report, April 8, 2019: <https://www.worldbank.org/en/country/china/overview> (accessed on August 1, 2019).

of rapidly transforming into a capitalist and democratic country, respectively. The results were mixed at best—what followed was a significant level of economic, social, and political upheaval. By the late 1990s, Russia’s currency collapsed and the economy was in turmoil. Since 2000, the rise of Vladimir Putin in Russia is seen by many to be a return to political authoritarianism and the further development of state capitalism, in which the state remains a dominant economic player, similar to Chinese capitalism. We will discuss this in further detail in the next chapter, on ideologies of the state.<sup>10</sup>

## Democratic Socialism

Strong socialist economic policies are not always forced upon an unwilling citizenry by the state, and the so-called “Nordic Model” is an example. Countries such as Sweden, Norway, Denmark, and Finland have to varying degrees robust and well-funded social welfare programs and high levels of redistributing wealth. College education is largely free, taxpayer-funded and state-directed healthcare is guaranteed for all, and family-planning programs give significant financial government support to households with children. A majority of employees in the Nordic countries are members of a labor union, and in Finland union membership is at 74%.<sup>11</sup> Labor is so strong that in Sweden, for example, there are no

10. Chris Miller, *The Struggle to Save the Soviet Economy: Mikhail Gorbachev and the Collapse of the USSR*. University of North Carolina Press: 2016.
11. European Trade Union Institute, <https://www.worker-participation.eu/National-Industrial-Relations/Across-Europe/Trade-Unions2> (accessed on June 5, 2019).

minimum wage laws because unions have more bargaining leverage without them in arbitrating with employers. These countries still have market-based economies, and feature a number of globally-known corporations. Nordic countries are consistently ranked high on the list of the freest societies in the world. Moreover, these strong socialist policies garner high levels of public support. A majority of citizens in these Nordic countries show support for a variety of socialist policies through democratic elections.

As noted above, there is a degree of socialist policies that exists in every capitalist country. The question is not, therefore, a zero-sum game of picking some pure form of capitalism or socialism, but rather what policies are best delivered through state-directed social ownership and what policies are best left to market forces. Healthcare policy is an example you can use to understand this question. Clearly a contentious political issue in the United States, American healthcare is currently a mix between socialist forms and market forms of healthcare insurance and delivery. Among advanced Western democracies, the United States is unusual in this respect—nearly all countries considered advanced democracies have some form of state-directed universal healthcare coverage and delivery. Moreover, healthcare policy does not appear to be nearly as politically contentious of an issue in these countries as it is in the United States. Healthcare policy in the United States is an excellent example when thinking about public and private ownership, for it suggests that the line between these forms of ownership is not so clear and may require a more calibrated approach that combines private incentive and public interest.<sup>12</sup>

12. Elisabeth Askin, Nathan Moore, and Vikram Shankar, *The Health Care Handbook: A Clear and Concise Guide to the American Healthcare System*. University of Washington at St. Louis Press: 2014.

Democratic socialism is not always as successful as the “Nordic Model” suggests. In Venezuela, for example, Hugo Chavez won the presidency of that country four times (1998, 2000, 2006, and 2012) with relatively high levels of popularity and sought to institute an aggressive socialist and anti-imperialist agenda. Venezuela is the most urban country in Latin America and was one of the richest in the early 2000s, in large part due to significant oil revenues. While



*Hugo Chavez, 2012*

there were some improvements in poverty, education, and healthcare in the mid-2000s, by 2012 Venezuela’s economy suffered, the middle class became increasingly alienated from the Chavez regime, and key indicators such as health, education and GDP per capita began to decline. By 2016, Venezuela was in the throes of an economic and social crisis. Venezuela went from one of the richest and most prosperous Latin American countries to one of the poorest. Today, food scarcity and poverty are pervasive. Whether this was due to socialist policies, a slide back into authoritarianism, or international intervention is an open question. But there is little doubt that the socialist policies alienated many business owners and middle-class professionals in Venezuela.<sup>13</sup>

13. Javier Corrales and Michael Penfold, *Dragon in the Tropics: Venezuela and the Legacy of Hugo Chavez*. Brooking Institution Press: 2015.

## Socialist Feminism

Socialist and Marxist feminism differ from liberal feminism in that the former see capitalism and private property as a structural basis of patriarchy and gender inequality. Indeed, for more radical Marxist feminists, capitalism is what created patriarchy, and so the dismantling of capitalism is the only way to achieve women's rights and gender equality. For socialist feminists, there is a broader and intersectional oppression of women in both capitalism and culture. As you can see, there is an important difference between Marxist feminism and socialist feminism—where Marxist feminists locate patriarchy and gender inequality in capitalism itself, socialist feminists emphasize the intersectional relationship between economic and cultural forces, or in other words, they are not necessarily committed to the idea that capitalism created patriarchy. An implication of this is that capitalism doesn't necessarily have to be completely destroyed in order to achieve justice for women. Rather, socialist feminists argue that women must gain some financial independence from men in order to realize greater equality and justice. Robust social policies that close the gap for women in social, economic, and political spheres are, for socialist feminists, the way to achieve this equality.

As the above indicates, socialist feminists do not see patriarchy as the sole form of oppression of women. Instead, oppression emerges from an economic system (capitalism) and a cultural belief system (patriarchy) that when combined manifest gender inequality and injustice for women. Socialist feminists seek to align the fight for women's rights with broader social, economic, and political oppression. For liberal feminists, equality often means that women should be equal to men in social, economic, and political spheres. In this view, women do not need radical structural reform (for example, of capitalism itself) but rather the same opportunities afforded to men. For example, the liberal feminist may argue that women have a right to enjoy the same prosperity capitalism affords

to men, not that capitalism inherently creates inequalities between men and women.<sup>14</sup>

## Classical Conservatism

Classical (or traditional) conservatism emphasizes traditions of the past, a natural law of principled moral order, and the social bonds that hold society together. Custom and convention—the way things have been done in the past—are often regarded as valued ends in themselves for the classical conservative, or traditionalist. In this respect, classical conservatism is deeply wary of an individualistic view of society. The concept of individual rights, above and beyond the valued traditions and customs of a community, can be regarded as the basis of communal and moral decay. We can see how classical conservatism is importantly different from classical liberalism in this regard. Classical liberalism has an individualist view of society. Recall that Locke, the father of classical liberalism, held great disdain for the aristocratic classes of privilege and wealth. Classical conservatives see the authority, leadership, and hierarchy of an aristocracy as a valuable “social glue” that keeps society well ordered. Locke was deeply critical of hierarchical bonds—he sought to attack the ideology of patriarchy (the idea that society is well ordered by the “fathers” who lead with authority from up the social hierarchy, culminating in the ultimate father, God).

Historically, traditional conservatism can be understood as broadly aligned with the monarchical and religious authorities of Europe that developed over the centuries. Kings and queens had a divine and absolute right to rule—individual subjects had no basis to

14. Rosemarie Putnam Tong, *Feminist Thought*, 2nd edition. Westview Press: 1998. See chapter on Marxist and Socialist Feminism, pp. 94–129.

question this authority. Hierarchy, authority, and royal custom provided a firm basis of both social and moral order. In this respect, the birth of classical liberalism in the writings of Locke and others represented a radical and progressive attack on these presumptions of authority and hierarchy. Indeed, the idea of progressivism is usefully contrasted with conservatism, and this is best seen when we look at these concepts temporally, that is, in time. Conservatives often see solutions to present political problems located in the past, and seek to resuscitate or preserve past customs and ways of doing things to bring about a solution to this problem. “How we did it in the past worked quite well, and so we should not abandon time-tested beliefs or practices in solving the problems of the day,” the conservative might say. For progressives, those same present political problems can only be solved by looking toward a hopeful if uncertain future, thinking of new ideas or practices beyond the horizon of what humans have already done. The past, for the progressive, is often populated with prejudices and injustices that cannot be the basis of practical political solutions in the present.



*Edmund Burke portrait by James Northcote, 1831.*

This distinction is clearly apparent when we look at the ideas of Edmund Burke, considered the father of classical conservatism, and his scathing critique of the French Revolution that emerged late in his life. The French Revolution, inspired by the American Revolution that had just ended, was a large-scale social and political upheaval that sought to destroy monarchical and church authority in France during the last years of the 18th century. The Revolution was

widely considered to have descended into a kind of populist tyranny—public executions, political repression, and a “reign of terror” riddled France. Burke offered a philosophical rebuke of the radical French Revolution, decrying the destruction of order and authority the revolution brought about. In this attack, Burke provides a theoretical definition of conservatism: an ideological disposition to conserve order, conserve authority, and conserve the traditions that bind a social order together. The words conservation and conservative are etymologically related, and it should be easy to see why. Environmental conservation is committed to the preservation of our natural world; conservatism is committed to the preservation of traditions and customs in our human world.

Burke’s political theory was complex, however: he did not advocate for a return to absolute monarchy and considered himself a Whig in his time (a supporter of parliament over the absolute authority of the king). But he nonetheless believed firmly in the values of tradition, custom, and moral order.<sup>15</sup> While there are differences between classical conservatism and modern conservatism, as we shall see, there certainly are similarities (seemingly much more similarity than that between classical liberalism and modern liberalism). A traditionalist view of politics remains to this day. Social conservatives, for example, are seen as more traditionalist, or classically conservative, as opposed to economic conservatives, who are more aligned with classically liberal beliefs of individual self-interest and a non-interventionist approach to market activity. More specifically, a social conservative opposed to gay marriage may argue that “traditional marriage” should be preserved because this is a *community*-embraced custom that served as some basis for good moral and social order. An economic conservative, on the other hand, may not hold much of a position on gay marriage at all, may even be supportive of it, and

15. Edmund Burke, *Reflections on the Revolution in France*. Penguin Classics: 1986.

would instead argue that deregulation of the economy and tax cuts would provide the economic freedom for *individuals* to prosper.

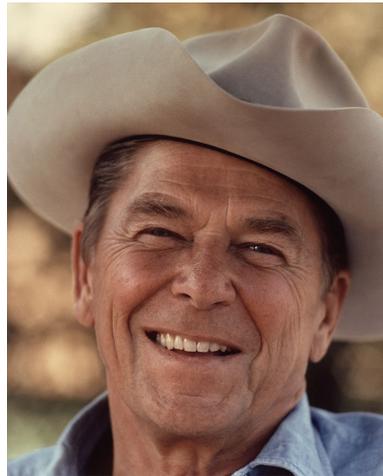
## Modern Conservatism

At its core, modern conservatism is a coalition of social and economic conservatives. As indicated above, social conservatives seek to preserve the social traditions, or past ways of life, that provided and should continue to provide the basis of what is regarded as good social and moral order. Indeed, social conservatives often view politics through a moral lens—our notions of right and wrong should guide political belief and action. In this sense, religion plays a key role in our lives and communities. Justice, for the social conservative, often means upholding tradition and morality, even at the expense of individual freedom. The freedom for a woman to terminate her pregnancy or for a man to marry another man should be restricted by moral principle and tradition, for example. Looking at social conservatism through the lens of freedom and equality gives us more questions than answers. While social conservatives very often value certain forms of freedom and equality (freedom of religious worship, for example, or the need for some equality in a traditional community), these concepts are generally less important to the social conservative than moral tradition.

For economic conservatives, the relationship between freedom and equality is much clearer—economic conservatives tend to value freedom, and in particular economic liberty, as much more important than equality.

In this respect, as indicated above, there are some similarities between classical liberalism and modern conservatism. One may go so far as to say that economic modern conservatism is a classically liberal response to the growth of the modern liberal state—a neo-Lockean response to the New Deal. Indeed, modern conservatism in American politics is widely considered to emerge after World War II as an ideological coalition that developed in the Republican Party. In American political parties, the idea that all conservatives are Republicans and all modern liberals are Democrats is actually quite a new phenomenon. As recently as the 1980s and 90s, there were liberal members of the Republican Party and conservative members of the Democratic Party. But the two major political parties in the U.S. are now much more ideologically aligned. These party developments have to a large degree shaped the visible contours of modern liberalism and modern conservatism.

In understanding the differences between modern liberalism and modern conservatism, the role of regulation and government intervention may provide some clarity. Both modern liberals and modern conservatives support certain kinds of government intervention and regulation. It is often said that modern liberals want to regulate the boardroom, whereas modern conservatives want to regulate the



*Ronald Reagan*

bedroom—that is, modern liberals seek greater government intervention in the economy so as to level out socio-economic disparities and inequalities, whereas modern conservatives seek greater government intervention in restraining personal choices that they see undermining social and moral order, such as drug use,

abortion, or gay marriage. But, as seen above, modern conservatism is a bit more complicated than this—economic conservatives are quite often less committed to the traditions and morals of social order than to the value of a free marketplace.

For economic conservatism, however, this does not necessarily imply the complete absence of government intervention. Government intervenes in the economy all the time; in many ways it can't help but do so. Military spending, for example, has a noticeable effect on the economic marketplace (defense contractors provide the bulk of the American military's equipment, and those contractors are by and large private, for-profit corporations). Farm subsidies, bank bailouts, and more generally speaking, monetary policy are also government interventions that have a substantial effect on the economy. The American government has a constitutionally recognized monopoly on the printing and coining of money, as well as the authority to set interest rates for loans that banks take out from other banks. Indeed, monetary policy is the main form of economic intervention by the American government. The question, therefore, is not whether the government should intervene in the economy or not, but rather what form this intervention should take.

## Conservative Feminism

Conservative feminism is a contested term, and for many feminists, a contradiction in terms. But if we look to the realm of ethics, we might develop some concepts that may be regarded as both conservative (in a social sense) and feminist. Ethics regards the moral principles that suggest the right way for humans to live and behave. This returns us to the concept of justice—an ethical view of justice seeks to define those moral principles as justice in itself. For ethical feminists, being a woman is not some abstract concept, but a lived experience. The feminist philosopher Jean Bethke Elstain is

one of the more prominent voices in ethical feminism. For Elstain, being a woman is an ethical stance based on the unique characteristics that define womanhood. In this view, the moral lives of women embody the characteristics of concern for others, compassion, care, and the responsibility of another's well being.

Women, ethical feminists argue, are uniquely different from men.

Women, ethical feminists argue, are uniquely different from men. This is distinct from liberal feminism that advocates for women to join a “man’s world” of abstract theory, rights, competition for equality (for everyone to be treated the same), etc. Women should instead advocate for a politics of compassion that is derived from their lived moral experience of being women, and men can and should learn from women in this respect. Elstain argues that men typically strive for some sense of equality, an intellectual detachment that perceives every individual to be the same on one level or another.

For women, it is emotional attachment of care and compassion, not intellectual detachment, that best characterizes their moral compass, according to ethical feminists. This emotional attachment may not be “intellectual” but can embody the wisdom of lived experience and ethical living every bit as much, and perhaps more, than abstract intellectual theorizing.<sup>16</sup>

As with all these ideologies, it is important for students to be critically engaged with these ideas. One might counter ethical feminism, for example, by pointing out that not all men strive for some sense of equality—indeed many men have advocated implicitly and explicitly for inequality between the sexes. Perhaps it is the ideology of liberalism itself, not men, that strives for such individual “sameness.” Additionally, one may also counter that being a woman

16. DeLue and Dale, *Political Thinking*, pp. 325–327.

means more that compassion, care, and all its implications of family life and child rearing. This too may be considered a liberal view, in the sense that individuals should have the right to choose their own ends and conceptions of a meaningful life. Indeed, ethical feminism can be sharply contrasted to liberal feminism.

For Elstain and other ethical feminists, women and men speak different languages, the former of care and compassion, the latter of rights and abstract rules. Our political community would be more just if it listened to this unique perspective of women more. For example, Elstain questions the idea that family is a strictly private institution. The well-being of family and the lived experience of family life should in fact be the central topic of politics. What sort of policies benefit the care and compassion necessary for the well being of family life? The concept of individual rights may still be important, but not necessarily abstract or theoretical, as for example the right to share one's experiences of life in an environment that is receptive to those views. In the final analysis, Elstain suggests that we listen more and develop the compassion necessary to accommodate different experiences. Public life, so often dominated by men, can learn this from women.<sup>17</sup>

Should women be regarded as just the same as men or are women different in ways that are valuable, ethical, and the basis of a feminist political project?

17. Ibid.

## Conclusion

In surveying some broad political ideologies, we first considered the question of justice. For most of the ideologies above, the question of justice is answered, to varying degrees, with the values of freedom or equality. Classical liberalism is an ideology more committed to the freedom of individuals, although the concept of equality is important. Where modern liberalism places greater emphasis on equality while still valuing freedom, socialism and democratic socialism move much further toward an equality of outcomes. Traditional (or classical) conservatism regards justice differently—a just society is one that preserves the social bonds of traditions, customs, and moral principles that animate the community. Modern conservatism is best understood as a coalition of social conservatives and economic conservatives. Social conservatives are more traditionalists, closer to the values of classical conservatism, whereas economic conservatives emphasize freedom for individuals in a marketplace and thus are more closely aligned with classical liberalism. We also looked at three variants of another ideology—feminism—that can give us an example of the broad nature of these political ideas and how we can draw connections to other political ideas.

Political ideologies are too numerous to catalog here, but in surveying liberalism, socialism, and conservatism, as well as their feminist variants, this chapter provides three broad ideological systems that often serve as foundations for other ideological beliefs. Lastly, let's look at the variations of equality (comprehensive equality, equal opportunity, and equality of outcomes; negative and positive freedom) and how they might be applied to these broad ideologies of liberalism, socialism, and conservatism. All three may very well adhere to the concepts of comprehensive equality and equal opportunity. With regards to equality of outcomes, both liberalism and conservatism seem to suggest this is not ideal (although some semblance of equality in outcomes may well be

a desirable consequence of redistributive justice in modern liberalism). Many variations of socialism, however, find an equality of outcomes to be a necessary and ideal value in society. For socialists, that we all have some rough equality of goods and resources that is in itself fair, or equitable, and suggests that communities in which we are closer together in terms of wealth and status provide a better sense of justice for individuals. In the next chapter, we will focus on political institutions and the kind of ideological foundations that inform different institutional arrangements.

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# I. Chapter 3: An Institutional View of Politics

## *Learning Objectives*

In this chapter we will look more closely at a view of politics through institutions. In doing so, we will clarify a key divide in the discipline of political science.

The traditional approach to the study of political science was both normative and institutionally focused. This approach would, for example, consider the best arrangements for legislative, executive, and judicial powers of government. This view of politics is very old in Western political theory, at least as far back as the Ancient Greeks. Plato and Aristotle were both normative philosophers in the sense that they were concerned with what forms of government best achieved justice. This normative and institutional view generally dominated politics for centuries. What are the advantages of a republican form of divided government? What best brings security to a political community: democracy or more authoritarian rule? What sorts of disadvantages come from a judiciary with the power to strike down legislative law? These are all questions that come from a traditional view of politics that is institutional and normative.

Beginning in the 1930s, however, the discipline experiences a behavioralist revolution that emerged in American academia in particular. This revolution sought to explain politics in a very

different way—by using objective quantitative data to explain political behavior. One of the goals of this change was to make the study of politics more *scientific*. Or, in other words, behavioralists sought to rigorously update the discipline using scientific methods to understand why individuals behave certain ways when it comes to political belief and action. In the sense that a scientific approach seeks objectivity—what is as opposed to what ought to be—it is clear that this is a major turn from the more normative understanding of politics in the past. Likewise, this new turn in the study of politics focuses on the behavior of individuals or groups, not on the structure of institutions or forms of government.

### Exercise 3.1

Reflect for a moment on what kind of political science work you are most interested in—normative or objective? Political behavior or political institutions?

Let's take an example: how do democracies emerge out of non-democratic political communities? Answering such a question may take a behavioralist approach, focusing on *actors*, such as democratic activists or social movements, politicians or bureaucrats. Or it may take an institutional focus, such as looking at the structures of government or economic systems conducive to democratic development. There is clearly an objective approach to answering this question—simply explaining when democracies arise out of non-democracies—but it may also have a normative component to it: how *should* democracy develop out of non-democratic political communities?

Since the behavioralist turn in the 20th century, there have been a

few more significant turns in the discipline of political science. One, emerging in the 1970s and 80s, is new institutionalism, which uses a variety of methodological approaches to understanding how norms, rules, cultures, and structures constrain and influence individuals within a political institution. The new institutionalist approach brings together the traditionally institutional view of politics and the behaviorist view of politics: how do institutions effect individual behavior?<sup>1</sup> Before we go any further, we should think about what we mean by an “institution.” An institution is a set of rules and practices that are relatively durable—individuals may come and go, but the rules and practices themselves endure over longer periods of time. These rules and practices are often coherently tied together as a system of meaning—the institution generally has a purpose out of which rules and practices are established to logically realize that purpose. In this view, institutions are fundamentally about constraining individual behavior—institutions, in other words, should not simply be some aggregation of individual behaviors. Institutions should instead be resilient in the face of idiosyncratic preferences of individuals or changing circumstances external to that institution.

## Three Forms of New Institutionalism

New institutionalism seeks to understand how two or more institutions interact with one another or how individuals interact with and within institutions. There are three broad forms of new

1. David Brian Robertson, "The Return of History and the New Institutionalism in American Political Science." *Social Science History*, vol. 17, no. 1 (Spring 1993): pp. 1–36

institutionalism we will consider here: rational choice institutionalism, sociological institutionalism, and historical institutionalism.

Rational choice institutionalism is the most mathematically rigorous form of new institutionalism, and seeks to explain how a system of rules and incentives in an institution are contested and used by individuals within that institution. Borrowing from economics and organizational theory, rational choice institutionalism uses modeling and game theory to test assumptions about how individuals will interact with rules and incentives. Let's clarify what we mean by rational choice. Rational choice theory has several core assumptions: actors are rational; actors know their preferences and can define them; actors are aware of available information, probabilities of events, and potential costs and benefits associated with their preferences; actors thus take those preferences and make the best possible choice they can given the constraints they face; and, lastly, actors will act consistently in making the best possible choice at a given time. Rational choice theory is not just about isolated individual behavior, however. A basic assumption of rational choice theory is that aggregate social systems, rules, procedures, and behaviors are derived from the behavior of individual actors. In other words, rational choice institutionalism can explain certain phenomena or characteristics of an institution, but that explanation comes from examining individual behavior within that institution.

Generally speaking, rational choice institutionalism focuses on one institution (as opposed to multiple institutions) and at one point in time (as opposed to how an institution develops over time). In the preceding chapters, we have touched upon this rational choice view in a number of ways: in Chapter One, we considered the Prisoner's Dilemma, a game in which individuals are pitted against one another in order to maximize their potential advantages. The rules of this game (a pre-determined number of years in prison among four potential avenues of cooperation or defection) can be regarded as an institution that constrain individuals and compel them to make

decisions. Also in Chapter One, we considered the perspective of politics as a field in which power is contested among individuals. In this view, the field itself, with its inherent rules and constraints on where power flows, can be regarded as an institution in which individuals contest for that power. Before moving on to the other two forms of new institutionalism, reflect for a moment on the advantages and disadvantages of this approach to the study of politics. One advantage may be that this approach can more precisely predict political outcomes, since it very often confines the analytic focus to a single institution at a single moment in time. With this argument, however, a potential disadvantage becomes clear: rational choice institutionalism may miss external factors outside the institution in focus that are influencing a given outcome. Moreover, rational choice institutionalism's more ahistorical approach may miss crucial developmental factors, emerging over time, that influence a given outcome.

Sociological institutionalism generally rejects the assumption that an institution's rules, constraints and procedures are inherently rational or tied to efficiency, and instead emphasize the ways in which institutions develop through culture—perhaps through tradition, myth, or ritual—and are thus culturally constructed. Symbolic, ceremonial, or moral characteristics often determine the structure of institutions in this view, not rational choices of maximizing incentives, benefits, or efficiency. If we define culture to broadly encompass collective human expression and shared ways of life from a particular nation, people, or social group, rules and constraints of political institutions are in fact a part of culture. Consider for example the prohibition of alcohol in early 20th century America. This was much of a cultural as it was a political movement—moral outrage over the evils of liquor and the saloon were widely expressed in popular culture at the time, in movies, literature, vaudeville. This moral and cultural movement changed America's political institutions directly with varying prohibition laws at the state and local level and eventually culminating in a change to the US Constitution. Constitutional prohibition was widely seen as a

social policy failure—indeed, the 18th Amendment remains the only constitutional change overturned by a subsequent amendment (the 21st).

Historical institutionalism, as the name suggests, emphasizes institutional change over time, focusing on the ways in which the development of institutional rules and constraints influence individuals. For an example, let's consider the Due Process clause of the 14th Amendment, which protects individuals from government depriving them of “life, liberty, or property, without due process of law.” This Amendment, drafted after Union victory over the Confederate States of America, sought to guarantee basic civil liberties for all people. Over time, certain economic interests sought to use this law in order to protect themselves against government regulation of businesses practices. The so-called *Lochner* Era—so named after a case in which the Supreme Court struck down a New York state law that limited working hours for bakers—was characterized by courts evoking the 14th Amendment to strike down economic regulation passed by state and federal legislatures. This was a pre-New Deal Era of American law and politics (roughly 1897 to 1937), in which courts frequently stopped progressive economic legislation. The *Lochner* Era's use of the 14th Amendment is often regarded as an interpretation far afield from the original intentions of its drafters, the 39th Congress in 1866, who clearly intended the amendment to be a response to the end of slavery and provide government protections for newly freed slaves. We can understand this *Lochner* Era through the lens of historical institutionalism—the meaning of the 14th Amendment changed over time and provided new ways for certain interests, namely economic, to influence government and achieve their political aims.

The focus of this chapter so far has been to provide an overview of how the discipline of political science has

developed certain methodological perspectives on how to understand political behavior and political institutions.

Traditionally, political science as a discipline was more normative and institution-focused. The behavioral revolution in the 20th century sought to make political science more scientific. With the use of quantitative analysis, political behavior could be studied more objectively. Institutions were not ignored entirely but very often seen as the sum of aggregate political behavior. The return of institutionalism—new institutionalism—created a more hybrid disciplinary focus on the relationship between individuals and institutions and between institutions themselves. For the rest of this chapter, we will take a broad look at a number of institutional systems of government, beginning with the distinction between unitary states and federated state and then overview the legislative, executive, and judicial foundations of modern government.

## Unitary vs Federal States

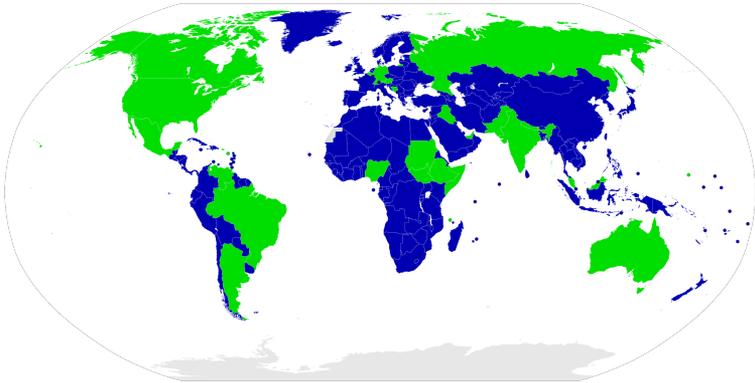
A unitary state is one in which a central government has the ultimate authority to govern. There may be local or regional sub-units of government in a unitary system, but their powers are delegated by the central government that can also create or abolish these sub-units. In comparing unitary states to other unitary states, there is exists a significant amount of variation. Some countries have a decentralized unitary state in which a fairly large degree of power is delegated to local sub-units that do much of the governing. This is often referred to as a devolution of powers to local government and takes place by **statute** (written law passed by a

legislature). This is still a unitary state because the central government has the absolute authority to abrogate, limit, or expand those powers. An example is the United Kingdom, in which Scotland, Wales, and Northern Ireland have some autonomous, devolved power, but this power is delegated by the British Parliament. England has no devolved power—it is governed directly by the British Parliament. In other words, the country of England, which is part of the United Kingdom, has no government of its own, unlike Scotland, Wales, and Northern Ireland. Many unitary states are centralized and either have no administrative sub-units or, if they do, those sub-units do not have the authority to make their own laws. Ireland, Portugal, and Romania are examples of centralized unitary states.

The vast majority of the world's states have a unitary system of government. Of the 193 member states of the United Nations, 165 of them have unitary systems of government. Why is a unitary system such a common system of government? What are its advantages? First of all, countries that are small and have relatively homogenous populations—and are therefore, on the whole, easier to administrate and govern—almost always have unitary states. One advantage of a unitary state is that it may make governing and administration more efficient. Centralization of power often leads to fewer overlapping lines of authority, fewer institutions of governance, and stakeholders who share a common mission and authority. This is true in theory but in practice, of course, things can get complicated. For instance, if a unitary state is a system of government for a country with large minority populations spread over a sizable geographic area, centralized political control could weaken the legitimation of that political authority, and could in turn make it harder for the government to deliver goods and services, maintain stability, or effectively govern.

Federalism is a system of government in which sub-units (states, provinces, etc) are partially self-governing and are bound together by a constitution and a central federal government. The self-governing status of the sub-units, and the arrangement of power

shared between these sub-units and the federal government, cannot typically be unilaterally changed. These power arrangements can instead only be altered with the consent of both the federal government and the sub-units. Constitutions in a federal state serve to formalize the arrangement of power between the federal government and sub-units. In a sense, these sub-units enjoy a degree of sovereignty, although without international recognition and often without any powers to conduct foreign policy. The sub-units are typically equal in their powers, although in asymmetric federalism, some sub-units have more power than others, as is the case with Malaysia.



*Map of federal (in green) and unitary (in blue) states of the world.*

Most federal states are large countries with multiethnic populations. Seven out of the eight largest countries in the world are federations—India, United States, Brazil, Russia, Pakistan, Mexico, and Germany. Of the 27 federal states in the world, only the Comoros, Saint Kitts and Nevis, and Micronesia may be said to be smaller, relatively homogenous countries. Comoros is an African nation of three islands in the Indian Ocean. A federal presidential republic, the three islands of Comoros have a high degree of autonomy from one another, with their own constitutions,

presidents, and parliaments, but are bound together by a federal constitution and a power sharing agreement in which the federal president rotates among the three islands. Similar to Comoros, Saint Kitts and Nevis is a federation of the two islands and Micronesia is a federation of several distantly scattered islands. The central European country of Austria is also a relatively small and homogenous federation. Austria became a federation in 1918 followed the collapse of the Austro-Hungarian Empire in WWI and the subsequent adoption of a constitution.

As with unitary systems of government, there is a lot of variation within federal systems. The key to evaluating federal systems is determining the degree of political centralization and whether or not political authority in sub-units can be limited, determined, or abolished by the centralized federal government. For example, in the United States of America the relationship between the states and the federal government is codified in the U.S. Constitution. State and local governments in the U.S. have wide authority to pass laws and regulations they deem necessary, while the federal government has more expressed limitations. While the Constitution states that the federal government guarantees a republican form of government in the states, it cannot abolish states or determine the makeup of their political institutions. The U.S. Supreme Court, however, can strike down any state law, an important federal power over the states. There is a significant amount of variation that exists between states in America—capital punishment, gun regulation, taxation, education spending, and healthcare are among the issues that can have very different policy approaches at the state level.

One advantage of a federal system is that it can better represent regional interests and minority groups within a country since political authority is shared among a central government and regional governments, but this is not always the case. Take, for example, the Civil Rights era in 20th century America. Southern states generally fought to preserve segregation and racial inequality and pointed to their state political authority granted by federalism as justification. Through federal courts, executive action, and

ultimately congressional legislation, the federal government stepped in to pressure the South to abandon segregation. Following the *Brown v Board of Education* Supreme Court decision, which found racial segregation unconstitutional, schools across America began a slow process of integration. In September 1957, the Arkansas Governor Orval Faubus resisted the integration citing imminent violence and riots (without any evidence) and instructed the Arkansas National Guard to turn away black students trying to attend their first day of school in Little Rock's Central High. President Dwight D. Eisenhower responded by federalizing the Arkansas National Guard and ordering them to do the exact opposite—ensure the safety of the students and their admittance into the school.

On the surface, the distinction between federal and unitary systems of government seems clear enough, but this belies a great deal of complexity. While unitary systems tend to emphasize efficiency of government over representation and federal systems emphasize representation over efficiency, there are a number of other variables that can make unitary systems inefficient and federal systems unrepresentative. For the remainder of this chapter, let's consider legislative, executive, and judicial power and how these powers are manifested in political institutions.

## The Law Makers

Legislative power is the power to make law. This power is vested in a legislature, which may also be called a congress, assembly, council, or parliament, and is composed of legislators whose main tasks are to draft and vote on legislation with the aim of turning it into law. Legislators may also have other important duties, such as determining and authorizing a government's budget, providing oversight on other branches or institutions of government, and confirming governmental appointments. In representative

democracies, legislators are usually voted into office, either through popular or indirect elections, although in some cases they may be appointed by another branch or institution of government (this was the case in the United States Senate, whose members were appointed by state legislatures until the passage of the 17th Amendment in 1913). In popular elections, representatives are voted into office directly by the people. In indirect elections, voters typically vote for people who will then choose the representatives (the process for selecting the US president, the Electoral College, is an example of an indirect election).

A unicameral legislature means there is only one unit—or institution—for law making. A bicameral legislature is composed of two institutions. Take, for example, the two main legislative bodies of Germany—the Bundestag and Bundesrat. The Bundestag is the larger, popularly elected chamber of the German legislature. Members of Bundesrat, the smaller chamber that represents the sixteen federated states of Germany, are delegated seats by the German state governments. In effect, the Bundesrat is a legislative chamber that gives direct state representation in national government. This is similar to the United States Senate before the passage of the 17th Amendment, in which each state legislature appointed both senators from that state. What are the advantages of a bicameral legislature? Stability is often considered a key advantage. For the framers of the US Constitution, for example, one of the aims of the United States Senate was to provide some stability to law making in government—senators serve 6 year terms (as opposed to 2 year terms in the House of Representatives) and elections for senate seats are staggered over time so that only one third of senate seats are up for election every two years.



*The German Bundestag, the lower house of the German legislature.*

Another advantage of a bicameral legislature is that it can provide higher quality legislation. The theory here is that by having to pass through two legislative bodies, legislation can be refined and improved upon. In the United States Congress, bills that pass the House of Representatives are sent to the Senate for

review. The Senate may change, amend, or otherwise refine this bill and send it back to the House for another vote. In this way, legislation has the opportunity to be improved upon and debated. It also gives the opportunity for the public to debate and voice their opinion on legislation as it is shaped within and between both chambers of Congress. A third advantage may be more varied representation. In Germany, the Bundestag represents the German people directly, whereas the Bundesrat better represents the interests of the German state governments. In the United States, members of the House of Representatives are elected by districts, geographical areas within states, roughly equal in population, the boundaries of which are drawn by state legislatures. The US Senate is determined by statewide elections, with 2 seats per state regardless of the state's population. The interests of people in a district may be very different than the interests of the state as a whole. Take California as an example: in statewide elections, it consistently votes for liberal Democrats, but there are a number of very conservative areas in the state, and district-based elections in the House give those conservative voters better representation.

The size of a legislature varies from one government to another, and in considering the size (or number of legislators) there is an important tradeoff between efficiency and representation. Large legislatures reflect greater representation of the people in government, since there are more representatives per population.

On the other hand, a smaller ratio of representatives per person may help make the passage of law more efficient and easier. Let's use a hypothetical example. The country of Sneetchland has 10 million people. Roughly 70% of the population, or 7 million people, are members of the ethnic majority, the Star-Bellied Sneetches, who are concentrated in geographically smaller urban areas in the south of the country. The remaining population belong to the ethnic minority, Sneetches Without Stars, who are more sparsely populated over a large mountainous region in the north of the country. What do you think is the ideal legislature for Sneetchland? Determine whether Sneetchland will have a unicameral or bicameral legislature, whether representatives are chosen by direct elections, indirect elections, or appointment by some other political institution, and how many representatives their should be (determine the number in both chambers if bicameral).

### Exercise 3.2

Reflect on your choices and consider what outcomes you may get from how you structure a legislature. We will discuss your decisions and consequences in class.

## The Law Givers

Executive power is the power to implement, execute, and enforce law. In a separation of powers model, this power is distinct from making law (legislative power) or interpreting law (judicial power). Those who hold executive power are the givers of law—they make

law real, bringing it out of the halls of government and into the everyday society. Executive law is bureaucratic, it is police power, it is regulatory power, it is military power. In American politics, the law givers are the mayors of our towns and cities, the governors of our states, and the president of the United States. Reflect for a moment on what it means to implement law. What does this look like? How does one implement law? As we shall see in the section on bureaucracy below, much of government is dedicated to this function.

An initial distinction should be made between a head of state and a head of government. A head of state is a representative of national unity—a monarch, supreme leader, or president who is the chief leader of a nation. This role is largely ceremonial with little specific duties or powers within the government. In some countries the head of state oversees formal ceremonies, transfers of power, or recognition of laws passed by a legislature. If we consider a nation to be, in the words of Benedict Anderson, “imagined communities,” the head of state is a symbolic representative of a shared national identity. A head of government is the chief executive responsible for the governance of the state holding executive power to oversee the implementation and enforcement of law. The head of state and head of government indicate the difference between a state and a government. A state, or country, is a political community bound together by a single system or type of government. A government, on the other hand, is a group of individuals who are authorized (such as through elections) to govern a state or country for a period of time. In other words, a state is much more permanent than a government. Governments come and go; a state is a durable system that includes numerous governments over time.

In a presidential system, a president holds both the roles of head of state and head of government. The American president, for example, must be both a unifier of the nation and carry the chief executive functions of government. As head of state, the U.S. president receives foreign dignitaries, addresses the nation regarding major events or crises, and travels abroad as the chief

representative of the United States. As head of government, the U.S. president is responsible for directing his or her cabinet in the implementation, execution, and enforcement of law, and is head of the vast bureaucracy of various departments and agencies that see to the day-to-day work of executing laws passed by Congress. In this sense, the American president is both the leader of the nation and the leader of executive government.

In a parliamentary system, the roles of head of state and head of government are generally distinct from one another. The system of government in the United Kingdom, for example, is known as the Westminster political system, in which the head of government is the prime minister who is also a member of parliament. In this sense, the separation of powers is blurred—ministers of the executive have important roles in both the making and execution of law. The head of state in a parliamentary system is typically a monarch or president, fulfilling the functions of representing national unity and identity. The Central European country of Hungary, for example, is a unitary parliamentary republic with a unicameral legislature (the National Assembly), a Prime Minister who is elected by the legislature and serves as the head of government, exercising executive powers. The President of Hungary is also elected by the National Assembly, but serves as the head of state, performing the ceremonial functions and also serving as Commander-in-chief of the armed forces.

## The Law Adjudicators

Courts around the world have developed over centuries as a legal decision making authority. The mediation of conflicts and disputes, the final word on the law, a political authority that gives individuals remedy and relief, the decision on what law applies to a particular matter (the application of law), all these actions involve legal decision making. The legal process involves the rules, functions,

institutions, and actors in this realm of judging the law. Courts are the main institution in which this process takes place. There are generally lower, intermediate, and higher courts in a judicial system. Courts operate through the power of **jurisdiction**—the practical authority to speak on the law. There are several types of jurisdictions: personal, subject-matter, and territorial jurisdiction, and original vs appellate jurisdiction. Personal jurisdiction grants a court an authority over the parties involved in a dispute. Under personal jurisdiction, a court has authority to hear matters of law and facts of the case and can enforce a decision on the parties involved in a suit. Subject-matter jurisdiction pertains to a type or subject of law: probate courts decide questions pertaining to wills or the administration of estates, family courts deal with divorce and child custody matters, etc. Territorial jurisdiction grants a court the authority to render judgement in a particular geographic area. For a court to render a judgement, it must have a combination of subject and either personal or territorial jurisdiction.

A distinction can also be made between original and appellate jurisdiction. Original jurisdiction grants a court the authority to hear a case for the first time—no other court or legal authority has rendered judgement of the case. An appellate jurisdiction is the legal authority to hear an appeal of a prior decision. Appellate courts are appeals courts—they are generally regarded as higher authorities on the questions of law and are presided over by more prestigious judges who review the findings of law in lower courts. Here it is useful to think about the difference between questions of fact and questions of law. Questions of fact (or point of fact) are answered with evidence from particular circumstances or factual situations, such as was the gun in the right hand or the left hand when the crime was committed, was the defendant driving at 70 miles per hour or 50 miles per hour, etc. Questions of law are answered by applying legal principles to the details of a case: did the presence of a gun in the dispute reach the legal definition of menacing? Does the speed of 70 miles an hour in this incident constitute reckless behavior? This distinction between questions of fact and questions

of law help us understand the distinction between original and appellate jurisdiction: in original jurisdiction, questions of fact must be scrutinized and settled in order to answer the questions of law; in appellate jurisdiction, those questions of fact have been settled and an appellate judge need only consider the questions of law and how they were answered by the lower court or courts.

Let's take the example of the Kansas judicial system in the U.S. state of Kansas, which is governed and determined by the Kansas State Constitution. At the lowest level, Kansas has municipal or city courts that have original jurisdiction over alleged violations of that city's ordinances, such as a traffic violation. There are no juries, only judges, and there are no appellate courts at this level. The jurisdiction is territorial (within the city limits) and subject specific (violations of city ordinances). The Kansas district courts have general original jurisdiction over all civil and criminal matters, everything from small claims to murder. Civil and criminal jury trials that are held at this level. There are 31 judicial districts across Kansas, most of which cover more than one county (although all 105 counties in Kansas have an actual district court to conduct proceedings). The Kansas district courts also have an appellate jurisdiction—they hear all appeals from the municipal courts below. The Kansas Court of Appeals is the intermediate appellate court that has personal jurisdiction to hear all appeals from the lower district courts and also appeals from the Kansas State Corporation Commission, a 3-member board appointed by the governor whose mission is to protect environmental resources and rights to shared resources such as water, transportation, or energy. Although its administrative functions are located in the capital Topeka, the Court of Appeals can sit anywhere in the state. Lastly, the Kansas Supreme Court is the court of last resort in the state judicial system. It can hear appeals directly from district courts in serious criminal matters, reviews cases in the Court of Appeals, and may transfer particular cases from the Court of Appeals to its jurisdiction. The Kansas Supreme Court also hears all cases in which a statute has been held unconstitutional and has original jurisdiction in some

types of cases. In Chapter 4, we will look in more detail at public law, the law that governs relationships between individuals and the government.

## Conclusion

In this chapter, we got a better sense of the discipline of political science and how it provides behavioral and institutional explanations to political phenomena we observe in the world. We then looked at a number of political systems and institutions, broadly conceived. The difference between federal and unity systems of government suggests a trade off between efficiency and representation—in theory, unitary systems of government may be more efficient, whereas federal systems may better represent regional interests and minority groups. In practice, this is of course not always the case, and so a deeper analysis of the characteristics of federal and unitary systems is necessary in order to evaluate systems of government in terms of efficiency and representation.

In looking at legislative powers, there may also be a trade off between efficiency and representation when determining the number of representatives in a legislature—a large number of representatives per population may give greater representation but at the expense of efficiency, whereas a smaller number of representatives per population may enhance efficiency at the expense of representation.

Executive power is the power to implement and enforce law. Institutionally, this executive power is operated through a bureaucracy that administers the state, implements law, and wields regulatory power. The head of this institutional administration and execution of law is either a president or prime minister, who oversees executive action and often serves as head of the military forces. In a presidential system, the president is typically both head of government and head of state.

Judicial power is generally institutionalized in a system of courts that make decisions on legal matters. In a federal system, there typically state and federal courts that remain distinct from one another in important ways. Courts operate with the authority of jurisdiction and there are five important types of jurisdictions: personal, subject-matter, territorial, original, and appellate, that often overlap and are simultaneously in effect.

We may think of the process of law making, law giving, and law judging as a temporal process that is chronological—law is initially made, it is then implemented, and finally it is adjudicated. This may be helpful, but a chronological view of law making, law giving, and law adjudicating belies the complexity and dynamic that exists between these powers and the institutions that wield them. Executive power can influence the making of law in a number of ways (like the pocket veto or agenda setting power of an American president, for example), and judicial power and its decision making authority can often compel legislatures to make new laws as a response to legal decision making.

In the next chapter, we will take a closer look at public law and the ways in which law structures and shapes politics.

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## 2. Chapter 4: How Public Law Structures Politics

Public law is the law that governs relationships between the government and private persons or private institutions (such as businesses or non-governmental organizations), whereas private law governs the relationships between private entities.

To continue a long-running theme of this book, the definition of public law is murky, however. In numerous indirect ways the broader concept of the law (a system of rules adopted by a country) always touches upon government and individuals—it is, of course, the government itself that makes law, judicial institutions and actors adjudicate law, and individuals are invariably effected. For example, a tort case in which a private person brings an injury claim to court against another private person will always have some effect upon society. Suppose this hypothetical tort case involves a bicyclist who was hit by a motorist. Local government may seek to mitigate against future accidents by constructing a bicycle lane or a four-way stop or a traffic light on the road in which the accident took place, mandate bicycle helmets for riders, or lower the speed limit in certain areas. In short, private law has a public effect. But what makes public law unique is that the government is not merely an arbitrator but a key subject in the proceedings that are adjudicated. The relationship between government and individuals is not an equal one: private persons are subordinate to the state. Public law is the legal mediation of this unequal relationship between government and private persons. There are distinct areas of public

law: constitutional law, criminal law, administrative law, tax law, and procedural law. In this chapter we will focus on constitutional law and provide a brief overview of criminal law.

## Common Law vs Civil Law

To begin, it is important that we draw a distinction between the common law tradition and the civil law tradition. It may be helpful to think of common law and civil law as broad legal systems that determine how public law operates in a particular country. Common law refers to law that is made from the precedent of judicial decisions. In a common law country, judges—particularly those in the highest courts—can make law by deciding cases between private persons or between government and private entities.

### Example 4.1

The U.S. Supreme Court decision *Roe v Wade* (1973), which found a constitutional right for women to have access to an abortion, is an example of law made through a common law tradition. Key to the concept of common law is the legal principle *stare decisis* (Latin for “let the decision stand”), a principle in which judges are bound to precedent (past cases).

In a common law country, no judicial decision stands in isolation—every case and decision are connected to a body of law relevant and binding to future cases, a veritable library of judicial decisions in the past that directly determine cases in the present.

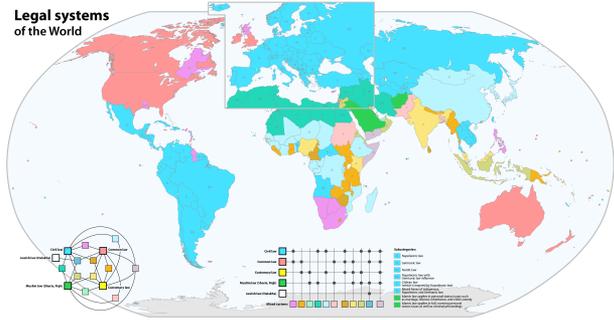
When we say that past decisions are binding, this does not mean that precedent is a concrete, immovable force and that all present cases are completely determined by past decisions. Precedent can be and has been overturned. Generally speaking, the older the precedent and the more cases that have relied on that precedent, the stronger it is, and thus the harder it is to overturn. Unanimous decisions, in which all judges or justices agree, also make for stronger precedent. There are exceptions to this in extraordinary circumstances.

#### Example 4.2

Take for example the issue of slavery and civil rights for black Americans. In *Plessy v. Ferguson* (1896), the U.S. Supreme Court ruled that separate but equal segregation of persons by race was constitutional. There was only one dissenting opinion to the decision, was upheld it subsequent decisions (notably *Lum v. Rice*, 1927) and remained precedent for nearly sixty years. Nevertheless, the Supreme Court's unanimous decision in *Brown v. Board of Education* (1954), which ruled that the separate but equal doctrine was unconstitutional in public education, effectively overturned the *Plessy* ruling.

The common law is an English tradition that developed after the Norman Conquest of 1066. The name is derived from the fact that it was a commonly shared law across all the king's courts of England. The British Empire subsequently spread the common law tradition to its colonies. Over the centuries, England has produced a rich and deep corpus of law through court decisions. This is the English

constitution—all the court decisions of its common law tradition, in addition to all acts of Parliament, conventions, and the Magna Carta. Compare this to the US Constitution, with its 7 Articles and 27 Amendments that can be read in its entirety in an afternoon. By the 1760s, Sir William Blackstone sought to organize this massive (and massively haphazard) body of judicial decisions in England, and to this day his commentaries and categorization are consulted by everyone from students to justices on the Supreme Court. As a system of law, the common law exists today as the main body of law in the United Kingdom, Ireland, Australia, New Zealand, Canada, and the United States. There are exceptions within these countries: Scotland (in the UK), Quebec (in Canada), and Louisiana (in the US) all have a mixture of common and civil law. In the case of Quebec and Louisiana, this is due to the influence of the French civil law system. There are several other countries in the world in which common law is combined with civil law, customary law, Islamic law, or Judaic law.



*Map of legal systems in the world.*

Civil law is a legal system in which codified law is organized into a referable system to be used in the adjudication of law. Codified law refers to law that is written down and organized into a code of law. Proclamations, decrees, charters, executive orders, and law passed by a legislature are examples of codified law that can be compiled for purposes of deciding legal cases. In a civil law system, statutory

law (law passed by a legislature) is generally superior to case law. Civil law in the American legal tradition is characterized by the United States Code, which is the codification of all federal statutory law. This US Code can of course be used by judges (and justices of the Supreme Court) but precedent from past cases generally carry more weight in judicial decisions in the United States than statutory law. In “Common Law Courts in a Civil Law System,” Antonin Scalia argues that a civil law system is more democratic because judicial decisions are based on statutes that were passed by an elected legislature. For Scalia, the common law allows for judges to pick and choose past cases that line up with their political beliefs, thus legislate from the bench, and because judges and justices are appointed, not elected, the common law is undemocratic.

In both common law and civil law systems, judges and justices are tasked with statutory interpretation—discerning the meaning of a particular law. How do we interpret law? Interpretation requires a method to discern meaning. One method is to determine the intent of the legislature that drafted the law. What did the writers of the law intend by writing it? In determining intent, a judge may use legislative history—proceedings of floor debates, records, committee hearings, anything written or spoken about the law within the legislature. Another method for interpreting law is textualism, the favored method of Scalia. Textualism calls for judges and justices to interpret based off a close reading of the text of the law. As Scalia has argued, textualism is not a strict, literal interpretation—a limited context is necessary to arrive at the spirit of what a law means. The text of the law should be understood “reasonably, to contain all that it fully means.”

#### Exercise 4.1

Reflect for a moment on what method you may prefer in determine what a law means. What if you were a judge—would you prefer a common law system, in which the precedent of case law carries more weight in your decision than statutory law, or would you prefer a civil law system, in which case law is subordinate to using a code of statutory laws to make a decision? Is the intent of the law maker important to you in determining what a law means? Or is it the text of the law, not intent, that is the best method for discerning meaning?

## Understanding the US Constitution

First of all, what is a constitution? Its oldest meaning comes from Aristotle, who considered a constitution to be the foundation of government—the literal bedrock upon which political institutions are built and political ideas and values are affirmed. In this Aristotelian conception, monarchies, aristocracies, and democracies are constitutions. We no longer call these forms of government constitutions, but this older meaning as a foundation of government remains. Consider the US Constitution. Among the ways of understanding this document is that it is a blueprint, a foundational document, of a particular kind of government: a constitutional republic with a federalist system of shared powers between a national government and state governments. As mentioned in the previous chapter, the English constitution, on the other hand, fits the old definition of constitution quite well. The constitution in England is the entire body of law, developed over time, upon which its political institutions rest.

## *Learning Objectives*

For the rest of this chapter, however, we will focus on American constitutional law, and to that end, it is essential that students get a solid understanding of what the US Constitution is and its effect on American politics.

The US Constitution is widely revered as one of the finest foundational documents of government, but in the late summer of 1787, when the members of the Constitutional Convention closed their proceedings, it was nobody's favorite document. Everyone, including James Madison, arguably the main architect of the Constitution, was unhappy with certain aspects of what was a messy compromise (for Madison, he came away particularly distraught over equal representation in the Senate, which he felt was a severe disadvantage to more populous states). But over time the Constitution—now the oldest written constitution in the world—has gained strength, influence, and 27 Amendments. The Constitution continues to be contested and referred to in the day-to-day politics of America.

The Constitution's main compromise resides in two plans for government presented at the Constitutional Convention of 1787: the New Jersey Plan and the Virginia Plan. The New Jersey Plan, favored by smaller states, envisioned a powerful unicameral legislature with equal representation for each state regardless of population. This legislature could overturn state law and had the ability to remove the executive leadership, which was envisioned as a plural executive (more than one chief executive officer). This legislature had the same powers as under the previous form of government, the Articles of Confederation, the most important being veto power

for every state. This meant that the federal government needed unanimous approval from all the states to undertake any action. The Virginia Plan, favored by more populous states, envisioned a bicameral legislature with representation in both chambers based on population. The lower house in the Virginia Plan elected the upper house, the president, and the federal courts, including the Supreme Court.

#### Exercise 4.2

Reflect on this plan—the legislature wields tremendous power, in effect appointing the rest of the federal government. How democratic is this plan? Compare to America’s federal government today. Which is more democratic?

The New Jersey and Virginia Plans were cobbled together to form the great compromise of the Constitutional Convention—a bicameral legislature with the lower house based on population (and divided by districts within states), an upper house with equal representation (2 representatives per state) and appointed by state legislatures, an executive indirectly election by the people through the Electoral College, and a Supreme Court and lower federal courts appointed by the president with the upper chamber’s approval. This is the basic architecture of the federal government, but the Constitution does much more than erecting this architecture, and to understand some of its important features it is necessary to look in more depth at each of the 7 Articles. To begin, let’s use an acronym: L-E-J-S-A-S-R. Each letter corresponds to the first letter of the subject for each of the seven articles. L stands for Legislative

powers; E stands for Executive powers; J stands for Judicial Powers; the first S stands for State powers; A stands for Amendment process; the second S stands for Supremacy clause; and R stands for Ratification process. You can remember LEJSASR with one of two handy mnemonic devices: Let's Envision a Just, Sustainable, And Secure Republic; or, Let's Eat Just Soup And Sandwiches, Randy. Pick one of these (or devise your own, so that you can remember LEJSASR.

# **L**egislative **E**xecutive **J**udicial **S**tates **A**mendments **S**upremacy **R**atification

## **LEJ**

The first three letters of this acronym correspond to the three branches of federal government: Legislature, Executive, and Judiciary. Article I pertains to the legislative powers and begins identify where these powers lie:

“All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”

The next several sections deal with the qualifications, elections, and procedures of these two chambers of Congress. Section 2 pertains to House qualifications and role in impeachment of a president, Section 3 Senate qualifications and role in impeachment, and Section 4 pertains to elections for both chambers (determined by state legislatures) and a requirement that both chambers must meet at least once a year. Section 5 essentially states that both chambers judge their own elections, determine their own rules, keep a journal of their proceedings, and determine for themselves how to punish members or expel them (the only requirement for expelling a member is two thirds consent of that chamber). Section 6 pertains to compensation for members, certain immunities from law, and a prohibition against holding any other government office simultaneously. Section 7 details the process by which a bill becomes law, including presenting this bill to the president to be signed into law and the process of a presidential veto and veto override.

Article I, Section 8 of the Constitution is one of the most important and contested sections of the document. In sum, it outlines what Congress can do, detailing its expressed (or specific) powers, with a clause at the end that indicate implied (not expressly detailed) powers. It begins with “Congress shall have the power To ...” Every clause in this section begins with the word “To.” This phrase, “Congress shall have the power to” subsequently shows up in 5 of the 27 Amendments to direct Congress to specific powers. Even just a brief perusal of the expressed powers in Article I, Section 8 indicate a focus on the economy and national security—the first eight clauses are focused on money, commerce, and regulation, and

the following nine clauses are basically focused on military matters and national security. Briefly, let's identify a few essential clauses among these expressed powers:

- Article 1, Section 8, clause 1:

“The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.”

This clause gives crucial taxation power to Congress. Taxation, of course, was a highly controversial issue in Colonial America, often seen as an oppressive weapon of the British Crown. Following the Revolutionary War, some newly independent American citizens argued that taxes were unnecessary in a truly free nation. The states, however, had a variety of poll and property taxes. For the first 100 years of independence, the federal government's revenues came almost entirely from taxes on imports (tariffs) and excise taxes (from these instruments, the federal government derived significant revenue from the slave trade and the institution of slavery). It was not until the passage of the 16th Amendment in 1913 that the federal government could constitutionally levy income taxes on individuals and businesses. Lastly, this clause states that Congress has the power to “provide for the common Defence and general Welfare of the United States.” What does it mean for a legislature to provide for the general welfare? This is open to interpretation but over time this has been understood to give Congress sweeping powers to pass any law that provides for the general welfare—social security, minimum wage laws, federal

insured banking (FDIC), and other social services provided by the federal government are all constitutionally protected under this phrase and the expressed power it provides Congress.

- Article 1, Section 8, clause 3:

“To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.”

This is known as the commerce clause and is a much contested element in the Constitution. How the government and the public interprets this clause goes a long way toward determining the extent to which the government can regulate the economy. What constitutes interstate commerce? A wide interpretation assumes wide powers to regulate markets and commerce; a narrow interpretation assumes limited powers to regulate markets and commerce. In the widest interpretation, even wheat grow and consumed exclusively on your farm effects market prices and is thus subject to government regulation (see the Supreme Court case *Wickard v. Filburn* from 1942). In the narrowest interpretation, only the distribution sector of the economy, in which goods physically travel across state lines, are open to federal government regulation.

- Article I, Section 8, clause 18:

“To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

This is the Necessary and Proper Clause, also known as the Implied Powers Clause, and it is one of the most contested an important clauses in the Constitution. Alexander Hamilton pointed to this clause to justify economic programs led by a very active government. Thomas Jefferson, despite his adherence to a limited government, was the first president to use this clause to justify government action (in his case the Louisiana Purchase). Over time, this clause has been used to justify a wide variety of congressional legislation. Broken down, this implied power is tied to the expressed powers above (“for carrying into Execution the foregoing Powers”). A broad interpretation of this clause gives sweeping powers to Congress to pass all laws which shall be necessary and proper to provide for the general welfare. A narrower reading of this clause may emphasize the word “necessary.” Indeed, Hamilton squabbled with Congress over the words necessary and proper in the 1790s. The emerging Democrat-Republican Jeffersonians argued that laws passed by Congress should be absolutely necessary and anything short of that was unconstitutional.

Article I is by far the longest article in the Constitution, and is rounded out with Sections 9 and 10. Section 9 pertains to what Congress cannot do and Section 10 lists what the states cannot do vis a vis Congress. This last section basically limits the states from levying their own import and export taxes, prohibits them from making war independently (except when in imminent danger, and, crucially, prohibits states from printing and coining their own money. This last prohibition was intended to curb the economic problems stemming from numerous state currencies that circulated in the years after independence.

Article II pertains to executive power, which is vested in a presidency and vice presidency. It details the Electoral College for selecting the president and vice president (details later refined in the 12th Amendment, which replaced the previous system in which the top two recipients of elector’s votes would be president and vice

president respectively with a system in which a ticket of president and vice president ran together). Article II also details the presidential oath, gives power to the president to make foreign treaties and fill vacancies in the federal judiciary (both subject to Senate approval), and to be Commander in Chief of the military with the authority to execute war (but not declare war, which is a congressional power). Article II also compels the president to submit a State of the Union address to Congress (the word “may” was replaced with “shall” in this clause during the Constitutional Convention as the framers realized such an address should be a responsibility of the president, not a voluntary choice).

Article III pertains to judicial power, which is vested in a Supreme Court and inferior courts as established by Congress. This article details the jurisdictional power of the federal judiciary. Crucially, however, Article III says nothing about the Supreme Court’s most important power today, to review the constitutionality of law (known as Judicial Review). That power was acquired by Chief Justice John Marshall in his masterful majority opinion in *Marbury v. Madison* (1803). Judicial Review in a common law system gives the Supreme Court tremendous power to shape law in the United States. Strong free speech, privacy, and gun rights, along with the right to abortion and gay marriage, are all direct consequences of the Supreme Court’s power of Judicial Review.

In overviewing Articles I, II, and III, it should be apparent just how long and detailed congressional power is relative to the executive and courts. This difference may have effected the historical development of these institutions in such a way as to gradual limit congressional power at the expense of growing executive and judicial power. Congress was by most accounts much more powerful than the president or federal judiciary in the early American republic. Over time, however, executive power expanded, particularly beginning in the 20th century. An example here are war powers—the United States have not fought a war that went through the traditional constitutional process of initial congressional war declaration since arguably the Korean War. Likewise, the federal

judiciary, once regarded as the “weakest branch” of the federal government tree, now reigns supreme—the public today has a much higher approval rating of the Supreme Court than Congress or the president, and its ability to make law the moment a decision in a case is made far surpasses the slow, complicated process of law making in Congress. Reflect theoretically on this comparison between Article I, on the one hand, and Articles II and III on the other. The broader theoretical lesson may be that powers well defined are more easily circumscribed, whereas powers vaguely defined lack certain boundaries to that power. The vagueness, in other words, of Articles II and III may well explain why these branches of government have grown so substantially.

## SASR

The last four articles pertain to state powers, amendment process, supremacy clause, and ratification of the Constitution itself. Article IV on the states defines much of the relationship between states and the federal government. It requires that states give “full faith and credit” to public acts, records, and judicial proceedings of the other states, and protects the fundamental rights of citizens across states (a state cannot violate the fundamental rights of out-of-state citizens). Section 3 of Article IV gives the power to form new states to Congress and details the process by which a new state may be formed from two existing states. Lastly, Article IV guarantees every state a republican form of government. This clause has been contested a few times in history (is this a right to or a requirement for a republican form of government? If a state does not have a republican form of government, is that unconstitutional?). This is the only instance in which the Constitution refers directly to a republican form of government and is one example in which the Constitution affirms some form of democratic principles (see Democracies vs. Republics from Chapter 3). The phrase “We the

People” from the preamble and a “Republican Form of Government” in Article IV, Section 4 are the most prominent examples in which the Constitution indicates eludes to a democracy.

Article V details the process for amending the Constitution, and indicates there are two routes to do so: the state convention route, in which states hold Constitutional Conventions (with a three-fourths majority of states needed), or the congressional route, in which two-thirds of both houses pass the proposed amendment (three-fourths of state legislatures must also pass the amendment in this route). There is no provision in the Constitution that cannot be amended. Indeed, if one were to draft a 28th Amendment that read in part: “The current Constitution and its amendments are hereby null and void. The new Constitution will read as follows: Article I...” The ability to amend the Constitution is arguably one of its most important and far-reaching features, allowing a process for the Constitution to respond to historic changes and developments in the country. Slavery was abolished, women received the right to vote, all citizens enjoy equal protect under the laws and due process rights (against both federal and state governments), members of the Senate are elected directly in statewide elections—these are a few of the historic political changes brought about the Constitutional amendments. There is, however, one provision in the Constitution that is nearly impossible to amend. Article V states that “no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.” This effectively means that an amendment to change equal representation in the Senate (2 senators per state) must be unanimously affirmed by state legislatures, a highly likely event given that states with smaller populations would lose substantial amount of power in Washington.

Article VI has three main components, though arguably the most important is the Supremacy Clause—where federal and state laws conflict, federal law “shall be the supreme law of the land.” Take the issue of recreational marijuana, for example. Several states has legalized recreational marijuana (Washington, Colorado, Oregon, California, among others) but that federal government still classifies

marijuana as an illegal, Schedule 1 (the highest level of narcotic illegality) drug. If the federal government were to press the matter in courts, the Constitution indicates they could force states to rescind the legalization of marijuana. The last article of the Constitution, Article VII, details the process for ratifying this Constitution in effect. This article was historically relevant during the contentious process in which states ratified the document in the 1790s, but is of course a lot less relevant today, although secessionist movements (movements advocating that a particular state succeed from the Union) from time to time evoke Article VII in claiming that a state could rescind its ratification.

## The Bill of Rights and Subsequent Amendments

As previously mentioned, the Constitution was a controversial document at the conclusion of the Constitutional Convention in 1787. A protracted and vociferous political battle broke out among the Federalists (who supported the document) and Anti-Federalists (who felt the document gave too much centralized power to a federal government at the expense of states). Some Anti-Federalists called for a Bill of Rights to be immediately amended to the seven articles, rights that protected states and citizens from federal government action. England had a Bill of Rights at this time, as did most state constitutions. Madison, one of the main authors of the Constitution, was initially wary and lodged two complaints:

(a) that a bill of rights would circumscribe and put boundaries on the rights citizens hold, thus limiting rights to only what is enumerated; and (b) that a bill of rights would be “mere parchment barriers,” paper

protections that government can easily violate.

But the political winds were shifting in favor of amendments that affirmed key fundamental rights, and Madison quickly signed on, becoming one of the principal forces shaping the first ten amendments to the Constitution.

If you are a citizen of the United States, one of the most important things to know about American politics is the Bill of Rights. Even for non-citizens residing (or simply visiting) the United States, the Bill of Rights enumerates crucial protections against government action. Whether you are a German tourist in America or an undocumented person from Cuba residing in America, equal protection and due process rights are afforded to you no less equally than to citizens. When the Constitution uses the words “citizen,” “persons,” or “people,” it does so for specific reasons. “Citizen” limits the scope to those formally part of the national community, “persons” refers to all individuals regardless of political status, and “people” generally refers to the public and collective political community essential to a republican form of government. Equal protection and due process rights are therefore afforded to all persons within US legal jurisdiction because the 5th and 14th Amendments explicitly state so.

We can organize the first ten amendments in a way that makes it easier understand and remember them. The first 8 amendments correspond to which branch of government is principally restrained by those rights. Look at the language of the First Amendment: “Congress shall make no law...” This is an explicit recognition that the government action most likely to violate your free speech, religious establishment, or assembly rights would be Congress passing a law to that effect. This does not mean, obviously, that a president or federal court is unable to unconstitutionally violate those rights (they can), or that, if they did, it would be constitutional.

This is an example of how a strict, literal reading of the Constitution does not carry much weight. Nonetheless, the First and Second Amendments are principally directed at protecting rights against congressional law making. The Third and Fourth Amendments—protection against quartering soldiers in the Third and a warrant requirement and protection against unreasonable searches and seizures in the Fourth—are principally focused on executive action, specifically military and police actions that may violate individual rights. Amendments 5, 6, 7, and 8 all pertain to judicial or court actions—right to a speedy and public trial by your peers, right against self-incrimination, prohibition on being tried for the same crime twice (double jeopardy clause), equal protection under the laws and due process right (that an individual’s life, liberty, or property cannot be taken without due process of law), right to compensation for seizures of private property, and prohibition against cruel and unusual punishment are among the crucial rights afforded someone accused or convicted of a crime, or engaged in a civil suit.

The Ninth and Tenth Amendments are a little different than the above, focusing less on limitations of federal government. The Ninth Amendment states that the enumeration of rights in the Constitution should not be taken to “deny or disparage others retained by the people. This sweeping, almost philosophical amendment is a clear assertion that the government does not know all the rights individuals have—we have broad, fundamental individual rights (“penumbras and emanations,” in the words of Supreme Court Justice William O. Douglas) that are not given to us by government, but are endowed to us by simply being human. This amendment has a sort of meta-quality to it: it is text that cautions us to not take text as definitive and exhausting. These rights are referred to as non-enumerated rights—individual rights that are not written down. A right to marry and to have children, a right to the expectation of privacy, a right to be treated by government with dignity and respect, these are all non-enumerated rights the courts have long considered constitutionally protected. Privacy, for

example, has long been considered by the courts to be constitutionally protected, a right that fundamentally underpins other, enumerated rights, such as assembly in the First Amendment (what good is your right to assemble for political purposes if government can spy on your proceedings and discussions?) or the Fourth Amendment (unreasonable search and seizure protection implies that you have a privacy right over your person, house, papers, and effects). Lastly, the Tenth Amendment states that powers not granted to the federal government in the Constitution are reserved “to the States, respectively, or to the People.” This amendment indicates general powers of government reside with the states and that federal government powers are more limited by the Constitution. Modern conservatives wary of the sweeping, broad interpretations of the Necessary and Proper Clause of Article I, Section 8 make take some measure of comfort in the Tenth Amendment, which can be interpreted in such a way as to narrow centralized federal power and strengthen state power.

There are 17 subsequent amendments to the Constitution. One can organize these 17 amendments in historical clusters: 11 and 12th are early procedural amendments focused on correcting some early perceived flaws in the Constitution (suits between a state and a person from another state and the Electoral College). 13, 14 and 15 are Civil War Amendments intended to end slavery forever, give civil rights to all Americans, and give political rights to African American men, respectively. 16, 17, 18, and 19 are influenced by the Progressive Era legacy that sought to democratize and energize government to be more responsive to the people (the 16th authorizes an income tax, the 17th calls for direct elections for senators, the 18th prohibits alcohol, and the 19th realizes women’s suffrage). The 20th Amendment sought to clarify the terms of president, vice president, and Congress so as to make for a smoother transition of power. The 21st is the only amendment that repealed a prior one—it repealed the 18th Amendment’s prohibition of alcohol, bringing legal liquor back into American life (you can remember this one by recalling that an individual must be 21 years of age to legally drink in the US).

The 22nd Amendment limits presidential terms to two (8 years total) in response to Franklin Delano Roosevelt's 12-year long hold on the presidency. The 23rd gives presidential electors to the District of Columbia, a response to the growing importance of the city in American society. The 24th Amendment repeals all forms of poll taxes (a tax on voting) for federal elections and was, in part, a response to the demands of a growing Civil Rights movement that sought justice and equality for non-white Americans. The 25th Amendment was in direct response to the assassination of John F. Kennedy on November 22nd, 1963, and clarified the lines of succession for a presidential vacancy and the process government could take in lieu of presidential disability or inability. The 26th Amendment was a direct response to the Vietnam War, in which tens of thousands of American men below the age of 21 were drafted in the war but could not vote; by this amendment the voting age was set to 18 years of age at the time of the election.

The 27th Amendment, adopted in 1992, has the most curious and unusual history of all the amendments. First proposed in 1789 along with 11 other amendments (the ten adopted would of course become the Bill of Rights) the amendment states that pay raises Congress authorizes for its members cannot go into effect until after their next election. This amendment was not ratified by the requisite number of states at the time and was subsequently relegated to the dust bin of history. Then, in 1982, a sophomore student at the University of Texas-Austin named Gregory Watson wrote a paper for a political science course in which he argued that the amendment should be ratified. He received a C grade for the paper and, perhaps in response to a disappointing grade, would not let the matter rest. Watson began writing letters to state legislatures and petitioning for the amendment. What began as a snowball accelerated into an avalanche and within ten years the 27th Amendment was adopted. In 2017, 35 years after getting a C, Watson's grade was changed to an A.

Every American, "We, the People," are all party to the Constitution. The Constitution speaks to us all. Moreover, every

citizen has a valid claim to interpreting the foundational text upon which government is erected. The story of the 27th Amendment indicates that every citizen—even a C student in a political science class!—has the ability to change the oldest surviving constitution in the world. Now that we have done a brief overview of constitutional law and the Constitution, let's take a look at another body of public law: criminal law.

## Criminal Law

Why  
do we  
need  
criminal  
law?

The first task of substantive criminal law is to determine what wrongful acts are criminal in nature. Not all wrongful acts are crimes. What distinguishes criminal offenses from other wrongful acts? As a hypothetical example, imagine you are at a softball game and someone is doing practice swings with a bat. Another person is behind them, does not notice the bat, and his accidentally hit on the head. Now imagine another scenario at the softball game in which, during an argument, someone swings a bat and hits the other person in the head. The first scenario is not a criminal act—the person who was struck accidentally may bring a civil personal injury suit and seek monetary compensation for medical bills or lost time at work, etc. In the second scenario, the person who swung the bat did so with intent and is therefore culpable of a criminal act. There are two components to a crime: *actus reus*, the criminal act itself; and *mens rea*, a state of mind in which intent to commit a criminal act is present. In other words, a criminal act must always have a corresponding state of mind that is voluntary and intentional to be considered a criminal act.

The basic differences between criminal and civil law are: (1) criminal law pertains to an injury to the public, whereas civil law

pertains to a private injury or wrongdoing; (2) criminal law is prosecuted by the government, whereas civil law requires a private party (plaintiff) bringing a suit against another private party (defendant); (3) in criminal law, an attorney is provided to the defendant if they cannot afford one, whereas in civil law both plaintiff and defendant must provide their own attorneys; (4) in a criminal trial the burden of proof is beyond a reasonable doubt (near certainty the defendant committed the crime), whereas in a civil trial the burden of proof is a preponderance of evidence (more likely than not); (5) lastly, the penalties in criminal law may include loss of liberty or, where the criminal jurisdiction includes capital punishment, loss of life, whereas in civil law penalties are typically monetary.<sup>1</sup>

At its most basic level, criminal law requires punishment of those who committed an intentional and voluntary wrongful act, not just remedy, restitution, or relief to an injured or wronged party. Why do we need punishment? There are two main justifications for why we should punish intentional and voluntary wrongful doing: utilitarian and retributivist. Utilitarianism is the theory that society should be organized so as to bring the great good to the greatest amount of people. In the utilitarian view of criminal law, punishment promotes the greatest good because it acts as a deterrence in a number of ways: it deters criminals from future acts (individual deterrence), and it deters individuals in society from committing such acts (general deterrence) since the punishment is public (society is warned that if individuals commit similar acts in the future, they too will be punished). Criminals may also be forced to rehabilitate and essentially reform their ways to be law-abiding and productive citizens, and this too is useful to society. Lastly, punishment also

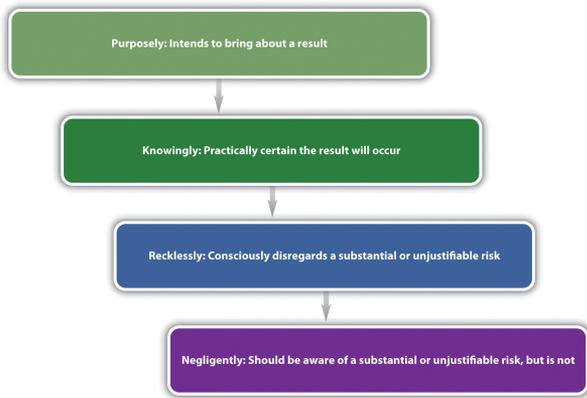
1. Criminal Law, University of Minnesota, OER Textbook, 2015: <https://open.lib.umn.edu/criminallaw/> (accessed on August 9, 2019)

acts as a public denunciation of crime, and this public statement of wrongdoing sends a message that we live in a fair and just society.

The retributivist view suggests that we need punishment because criminal acts are morally wrong and justice is demanded for crimes that are committed. In short, the retributivist view justifies criminal punishment because punishment serves justice. It is not particularly important in the retributivist view that punishment is useful—criminals deserve to be punished on the basis of the crimes committed, whether it is useful or not to society. The public demands retribution. In a sense, it is not deterrence the retributivist justification seeks, but justice. The retributivist view may help deterrence, however, since a strong sense of justice in criminal law may encourage individuals to view their society as just and may therefore be more inclined to obey the law. On the other hand, the retributivist view can keep deterrence in check by keeping deterrence in line with justice. We might punish petty theft by cutting off the hands of the offender, for example. This brutal and harsh punishment might serve as a very strong deterrent (only the extremely desperate would risk committing the crime), but the retributivist view of criminal law would regard such harsh punishment as unjust in itself.

As mentioned above, for a wrongful act to be considered criminal there must be culpability—an individual must have some mental state of intent and voluntariness to commit a crime. There are four main levels of intent in the US Criminal Code: negligence (the lowest level of intent), recklessness, knowing, and purposeful (the highest level of intent). Someone is negligent when they should have been aware of a substantial or unjustifiable risk, but was not. Someone is reckless when they are aware of a substantial and unjustifiable risk but did it anyway. Someone is knowingly culpable when they are practically certain a criminal result will occur. Someone is purposefully committing a crime when they consciously intend to bring about the criminal result. Punishment is typically most severe for purposeful intent, punishment for knowing intent less severe for

purposeful, reckless intent less than knowing, and negligent intent less than reckless.



*Levels of intent in criminal law.*

### *Example 4.3*

Lets use an example of one criminal act in which the results are the same but the level of intent is not: a father leaves his baby in a hot car during a summer day, resulting in the death of the child.

The father is negligent if he were simply unaware of the risk but should've been—perhaps the father did not usually bring the baby to childcare on his way to work, but in this instance was supposed to, and simply forgot the child was in the car, never went to the daycare, and did not look in the backseat of the car when he arrived at work. The public punishment for this crime will typically be less severe since the trauma and turmoil of the loss of life serves its own

punishment upon the father. But let's say the father drank alcohol to the point of being slightly drunk and forgetful before getting in his car. This is reckless intent—he was no doubt aware he was taking a substantial and unjustifiable risk, but did so anyway, drove past the daycare, and went to work forgetting about the baby in the backseat. The punishment for this crime will typically be more severe than if he had negligent intent. Let's say the father knowingly left the baby in the car—perhaps he stopped at a gas station to buy some snacks on his way to work and left the baby in the car. He knows what he is doing but he may have justified it in a number of ways, thinking he would simply dash in and out and the baby would be fine. Maybe he cracked a window thinking that would suffice. Nonetheless, the father in this instance knowingly committed a crime, and thus the punishment will typically be more severe than if he were negligent or reckless.

Lastly, consider the case of a father from the state of Georgia named Justin Ross Harris. Harris went to work one morning with his 2-year old son in the backseat. Forgetting to bring the child to daycare and failing to check the back seat, Harris arrived at his place of employment and worked all day. After the work day was completed, Harris returned to his car to find his son dead in the back seat. He showed remorse for the incident and maintained it was an accident. But when police detectives investigate the incident and circumstances surrounding it, they discover that Harris had been having affairs with other women and expressed a desire to get out of his marriage and family. Further, detectives discovered that Harris had made Google searches about children dying in hot cars and several days before the incident had watched a video online about pets dying in hot cars. Harris did not forget to bring his child to daycare—he purposefully left the child in the car with conscious intent to bring about the result of death. Harris was charged and convicted of first-degree murder with malice aforethought and was sentenced to life in prison. This example illustrates the levels of intent in criminal law.

The relationship between the US Constitution and criminal law

is an important one because half of the rights enumerated in the Bill of Rights pertain to criminal process. Individual rights involving criminal conduct directly shape the contours of criminal law. The state can deprive criminals of life, liberty, or property, but must do so following due process procedures in arresting, charged, convicting, and sentencing the criminal. The criminal process, however, remains largely the purview of state and local laws—how police officers interact with the public, the process for handling domestic disputes, interrogations, prosecutorial practices for dealing with minor offenses, bail, plea bargaining, etc.—all these matters are generally shaped by local law enforcement, local attorneys, and local courts.

## Conclusion

This chapter provides an overview of public law, the body of law that governs the relationship between government and private entities. We began with the distinction between common law legal systems and civil law legal systems. In a common law system, both statutory and judge-made law are in effect and legal decisions rely on the precedent of past cases. In a civil law system, on the other hand, legal decisions are rendered by interpreting codified statutory law—past cases may be helpful but are not binding. The common law is an anglo tradition typically found in legal systems historically influenced by the English legal tradition.

Constitutional law is a significant area of public law that governs the foundations of government, powers of government, and the rights of individuals in relation to government power. American constitutional law is an important area of study for political science and understanding the basic features of the US Constitution is essential for all political science majors in American higher education. To this end, this chapter provides some useful tools

gaining knowledge of the 7 articles and 27 amendments of the US Constitution.

Lastly, this chapter briefly covers some essential details of another important facet of public law: criminal law. Criminal law is unique in that it requires a corresponding frame of mind (*mens rea*) to the wrongful act (*actus reus*) and thus requires punishment for the wrong doer, not just remedy for those who are wronged. There are two broad justifications for why we need criminal law: utilitarian (criminal law is useful to society because it deters) and retributivist (criminal law is justified because punishing criminal acts serves justice). Lastly, we covered four broad levels of intent in committing a crime: negligence, recklessness, knowingness, and purposefulness.

In the next chapter, we consider the theories and values of democracy, how democratization develops, and justifications for democratic governance.

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# 3. Chapter 5: Theories of Democracy

What is a democracy? Why should we choose democracy?

In this chapter we will develop theories of and theoretical justifications for democratic governance and a democratic political society. We will also consider some of the similarities and differences between a republic and a democracy. Lastly, this chapter will consider causes and conditions of democratization and the influence the development of democracy has on economic reform. At the end of this chapter, students will write a reflection paper on the ways in which democratic society influences their lives.

## What is Democracy?

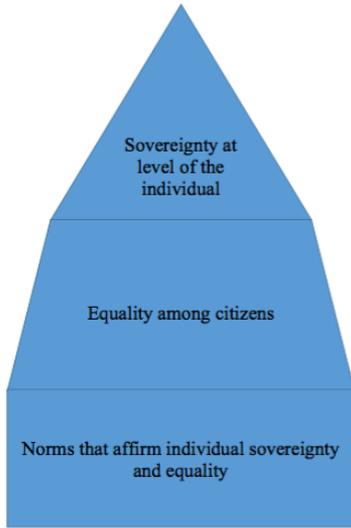
Let's consider three core elements of what constitutes a democracy—individual sovereignty, equality amongst citizens, and democratic norms and values. Democracy is essentially the idea that political sovereignty resides at the level of the individual. In this sense, a political community derives its supreme power and authority from the consent of the people within that community. Individuals may hold the sovereign right of political rule in a democratic country, but it is a public and shared right—no one individual can claim absolute sovereign power and authority. Some

individuals may have greater political power, however. In a representative democracy, for example, representatives typically wield political power on behalf of citizens and some representatives may have greater or lesser political power relative to other representatives. But if we define sovereignty as the absolute authority and supreme power of political rule, democratic sovereignty is not reserved for particular groups or individuals, nor is it derived from a divine or hereditary right, but rather a general right dispersed at the level of individuals within a political community.

The second element of democracy is that there should ideally be political equality among citizens. Citizenship is a legal status that confers onto an individual the formal recognition that they are a member of a sovereign state. Non-democratic societies still have citizens, of course, but those citizens do not enjoy political rights associated with determining who should exercise political power. Citizens in non-democratic societies may still have rights, particularly compared to non-citizens in those societies, but political rights are generally very limited or absent. Equality amongst citizens is a democratic ideal, but in reality this equality may be limited, incomplete, or inadequate, even in what is generally considered to be a democratic political community. In the United States, for example, equal representation in the Senate (2 senators per state) means that the votes of some citizens hold greater weight than others. According to Robert Dahl, a U.S citizen in Alaska has a vote 54 times greater than the vote of a Californian.<sup>1</sup> Likewise, in the selection of the U.S. President through the Electoral College, the absence of a direct popular vote means that votes in some states are more important than votes in other states. Being a liberal

1. Robert Dahl, *How Democratic is the American Constitution?* 2nd edition, Yale University Press: 2003, pp. 47.

Democratic Party voter in Kansas or a conservative Republican Party voter in California can be a frustrating experience—very often such citizens feel as though their vote doesn't matter, and this sense of a "wasted vote" can have an overall negative effect on voter turnout.



*Characteristics of a democracy.*

The third element of democracy constitutes ideas that strengthen and reinforce the elements above: norms, values, and rules that affirm and solidify individual sovereignty and political equality amongst citizens. This last element suggests that abstract concepts such as sovereignty and equality are not enough—democracy requires a set of norms and values that affirm its place in society. Imagine a democratic political community that simply went through the motions of a

democratic process but did not necessarily value democracy nor develop any positive norms regarding the rule of the people. What's missing here? In this Zombie Democracy, citizens become mere automatons, acting out the motions of the democratic process with no articulation or understanding of its value. In this respect, democracy requires public acknowledgement, understanding, and deliberation on why we choose democracy and what specific forms a democracy should take. Civic engagement and civic participation is not just about voting or formal democratic processes, but rather include a wide range of political and non-political activities in which individuals or groups come together to solve problems and better their community. Volunteering, participating in local government, and attending community events all help bring about a vibrant

public sphere. Placing value on these activities is a vital foundation of democracy.

Lastly, a useful distinction can be drawn between a democratic society and a democratic form of government. High levels of civic engagement—individuals engaged in collective action for the public betterment—point to a strong democratic society. A democratic form government, on the other hand, implies a set of rules and processes for democratic elections and democratic governing. These concepts, of course, go hand in hand and are mutually reinforcing: rules and processes that limit democratic forms of government can have a deleterious effect on civic engagement. Conversely, strong institutions of democratic government can facilitate and encourage active community participation in the public's well being. There can, however, be a gap between the relative strength of a democratic society in relation to a democratic form of government. We can imagine a scenario in which rules and processes of democratic elections and governance are transparent and fair, yet voter turnout is abysmally low; letters can be written to representatives, government meetings can be free for anyone to attend, yet most of the public do not contact representatives nor attend any meetings, preferring instead to go about their private lives. Conversely, we can also imagine a scenario in which there is robust political activism, civic engagement, and collective action to solve public concerns, and yet the institutions of government contain powerful obstacles to democratic governing. Although the United States of America is considered as having a democratic form of government and a democratic society, there is sometimes a gap between these two forms of democratic activities. Think of some specific examples in American politics that highlight the difference between a democratic society and a democratic form of government.

## Democracies and Republics

It is often said that the United States of America is not a democracy but a constitutional republic. What exactly is the difference between a republic and a democracy? A republic is a form of government in which the country itself is a public concern, not a private entity owned by a particular ruling group, such as a monarchy. Public ownership over the country does not, however, necessarily imply a democracy. The vast majority of sovereign states today use the word republic in their official names but many of these are not democratic. A republic is a form of government defining the ownership of a country as a public matter, whereas a democracy is a system of government in which citizens themselves engage either directly or indirectly in government.

What exactly is the difference between a republic and a democracy?

But when we look at different conceptions of a republic in history, the matter gets very complicated. The term republic derives from the Latin *Res Publica* which literally means “public thing” and was used to identify the Roman Republic (509 B.C. to 27 B.C.). This classical era of Roman civilization, which predates the Roman Empire, was characterized by mix rule, in which numerous popular assemblies were offset by a wealthy aristocracy who wielded significant power through the Senate. While not exactly democratic, citizens were nonetheless able to participate in government through these popular assemblies. Much of the evolution of the term republic is a variation on mixed government and civic participation in governance. During the Italian Renaissance, several city-states experienced a form of rule that was termed republican by political thinkers of the time, particularly, Leonardo Bruni and Niccolo Machiavelli. These republican governments were mainly

contrasted with monarchies, were not particularly democratic, and often emphasized citizen participation and mobilization in defense of the city-state.

In this concept of mixed government, a republic (as a form of government) is related to classical republicanism, a political theory that first emerges in the writings of Aristotle. Classical republicanism can useful be distinguished from classical liberalism—where classical liberalism emphasizes the rights of the individual, classical republicanism emphasizes the rights of the community. Politics is a shared, social, and communal activity—in fact, for Aristotle, living a life of politics was the greatest virtue and highest honor of our human experience. Aristotle and Machiavelli—both classical republican political thinkers—advocated for a form of mixed government among the one, few, and many. The one would be a kingship or monarchical ruler of some kind, the few would be a wealthy aristocracy, and the many would be the populace at large (Aristotle saw this as a polity of middle class rule; Machiavelli saw this as a democracy). The French political philosopher Montesquieu took this idea of mixed government and emptied it of economic classes, instead theorizing on an institutional separation of powers among legislative, executive, and judicial lines. Montesquieu thus directly influences arguably the most important development in the history of republicanism—the framing of the American Constitution.

Perhaps the most important historical development in republican rule is the adopted of the US Constitution and creation of the American republican experiment, which today remains the oldest continuously running constitution in the world. The framers of the U.S. Constitution sought to blend Lockean liberal ideals of rights and property with republicanism’s commitment to enlightened rule and mixed government. In this context, the American republican form of government is characterized by a separation and balance of powers in legislative, executive, and judicial institutions of government. As discussed in Chapter 3, America’s republican form of government also includes federalism—a system of local, state,

and federal governments that are distinct, if interrelated and overlapping at times (this is discussed in Chapter 3).

## Democratization: Conditions and Causes

Democratization is the transition from a non-democratic or more authoritarian form of government to a more democratic one, and is a key concept in the study of political science.

1. How do democratic forms of government emerge, take root, and develop?
2. What are key factors that bring about democratic political societies?
3. Should foreign governments act to influence other countries to be more democratic?  
If so, what sort of diplomatic, economic, or military actions should be taken to achieve this?

These questions are not just academic—they are crucial political questions central to many events in global affairs, such as the Cold War, the breakup of Yugoslavia in the 1990s, the lead up to the American invasion of Iraq in 2003, and the Arab Spring Revolt of 2010 and subsequent political violence in Libya, Egypt, and Syria.

Democratization, of course, should not be viewed as a simple black and white transition from a non-democracy to a democracy. There are gradations and nuances to the development of democracy—authoritarian governments may make semi-democratic reforms but slide back into authoritarianism (which roughly mirrors what happened in Egypt after the Arab Spring). Semi-authoritarian regimes may transition into full and robust democracies (as was the case in South Korea in that last quarter of the 20th century).

In short, democratization is messy and includes different reforms in different institutions, as well as the complex development of a democratic society (for, as noted above, there is a distinction between a democratic form of government and a democratic society).



*Pro-democracy protest in Hong Kong during the Umbrella Revolution, September 30, 2014.*

Democratization is a key concept in political science because, in providing an explanation for when it does and does not happen, we must look at the conditions and causes that bring forth democratic reform. Using our basic social science method of causal inquiry, democratization would be the dependent variable, whereas we can list and analyze several independent variables such as wealth, culture, urbanization, education, and social equality. Let's consider several of these variables together, namely wealth, culture, and urbanization. It may be that when a country modernizes such that wealth increases, education improves, and society becomes more urbanized, that country is likely to democratize. Indeed, the relationship between modernization and democratization is one of the most studied in comparative politics. The theory that as a country modernizes it will become more democratic remains controversial. South Korea, Taiwan, and South Africa are often held up as examples that support this theory. Germany—which

modernized in the 19th century, long before democratic reforms in 1918—is held up as a counter example.

What about the economic system of capitalism—what relationship does it have to democracy? Some studies suggest that economic reform to make a country more capitalist does little to spur on democratic reforms, but the reverse may be true: democratization very often leads to liberal market reform. The case of China is an interesting example. China has made huge strides in modernization in the last 40 years, improving education, becoming more urbanized, and increasing wealth. It has also largely embraced capitalism and has become a leader in the global economic marketplace. Democracy, however, remains very minimal—China is officially a one-party state and there is little political opposition to the Communist Party of China.

## Why Should We Choose Democracy?

Let's explore three justifications as to why democracy is a worthy political goal—aggregative, deliberative, and radical. First, we may choose democracy because it is an effective system for aggregating political preferences. In short, democracy allows us to vote and state our preferences in such a way that we can tally up choices—a numerical aggregation of votes—to determine the best course of action on policies. “Well let's put it to a vote,” is an ideal solution for those who value democracy because it clearly demonstrates the aggregate preference of a political community. An advantage to this aggregative view of democracy is that it can give a clear indication of majority preference and thus a clear determination of the best course of action. In short, aggregative democracy gives clear determined outcomes: in theory, majority decisions provide definite answers to political problems.

A disadvantage to the aggregative view of democracy is that such a view does not necessary bring about consensus, compromise,

or understanding—it simply tallies individuals preferences and determines what the numerical majority is. This view might be criticized for turning democracy into a cold and calculating machine, devoid of deliberation or ethical regard. Take for example the famous debates on slavery between Abraham Lincoln and Stephen Douglas in 1858. Douglas argued, in effect, that the question of slavery has a fairly simple answer—just put it to a vote. If a state decides for slavery through democratic means, then so be it. Lincoln, by contrast, argued that the question of slavery was a moral one. While denying that he was an abolitionist, Lincoln asserted that the expansion of slavery in the territories and new states was a direct threat to the union. For Lincoln, something more than a mere tally of votes was necessary to resolve the question of slavery.

A second justification for democracy is deliberative. Deliberative democracy suggests that we value self-rule because it provides an area for discussion, compromise, and consensus. The ideal of deliberative democracy is not that a majority number of votes will clearly determine an answer, but that through transparent and fair deliberation, we should arrive at something close to unanimous consensus, even if that consensus is a compromise in which no one individual gets everything they want. A deliberative democracy is one in which citizens and representatives justify their decisions in an open and transparent arena, using reason to arrive at a best possible conclusion while leaving open the possibility that the conclusion could be revised or changed in the future. Process is key to deliberation—it is a back and forth dialog among individuals engaged in the task of finding solutions to political problems of a community. Where aggregative democracy is centered on the end result, or aggregative, of preferences, deliberative democracy values the process of deliberating as much if not more than the conclusion itself.

In Sydney Lumet's 1957 film *12 Angry Men*, jurors retire to a deliberation room to determine whether or not a young boy murdered his father. All but one of the jurors (played by Henry Fonda) are fairly certain the boy is guilty. But as the discussion

unfolds, little by little doubt over the boy's guilt begins to grow. Deliberation, communication, and reason guide the jurors away from prejudice (the boy is Puerto Rican, and as the last hold-out admits toward the end of the film, "you now how those people are ... not a one of them is any good!") and toward a reasonable consensus on the verdict. By the end of the film, all 12 jurors realize that the guilt of the boy is far from beyond a reasonable doubt. The film takes place entirely in one room, and is confined to dialog that is centered on the best course of action, specifically a verdict in the case. The table in the room is a symbol of deliberation. Indeed, as the climax of the film nears and the last hold-out begins openly spewing prejudice directed at Puerto Ricans, the others jurors began to physically leave the table, standing up and turning toward the windows. These movements are a symbolic rejection of prejudice and a lack of deliberative reason. As Henry Fonda begins to respond to the prejudiced man, speaking about the need for reason to guide a deliberative process, members of the juror slowly begin returning to the table.



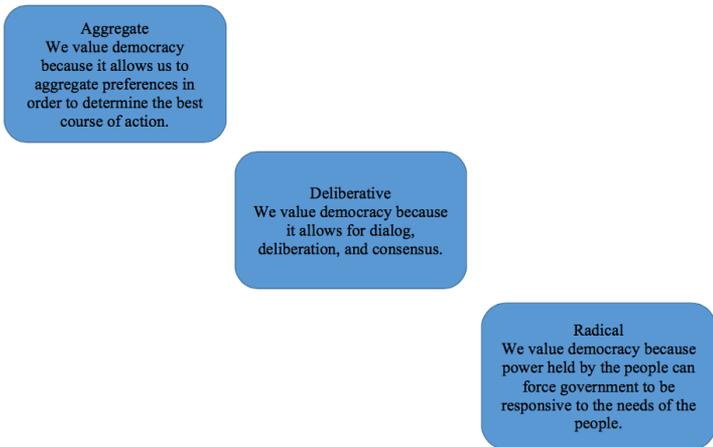
*A YouTube element has been excluded from this version of the text. You can view it online here: <https://fhsu.pressbooks.pub/orientationpolisci/?p=27>*

This film reveals the value of deliberation. Had the jurors simply voted their preferences after hearing all the evidence and testimony, they likely would not have arrived at the best possible conclusion. In short, we value democracy because it provides a venue for a deliberative process of fair, transparent, and rational dialog necessary to discern justice. But what are some disadvantages of deliberative democracy? Just as aggregative democracy gives us a clear cut majority preference, deliberation may not always provide such a clear conclusion. Indeed, one person's values and political preferences can be simply incommensurable with another person's values and preferences. Take, for example, the highly charged debate over abortion. This is an issue in which there seems for many little compromise or middle ground. It would perhaps be impossible to bring together strong pro-life and pro-choice individuals into a deliberative environment and have them come out with some consensus on the issue, regardless of how long they deliberated.

The third justification for democracy is radical. In this view, we value democracy not because we arrive at clear solutions (aggregative), nor because it provides some reasoned consensus through dialog (deliberative) but because democracy gives individuals power to that makes government responsible and accountable to their needs. In the radical view of democracy, power is won on the streets, through direct action of citizens who demand action or recognition from government. In the extreme sense, we may imagine riots, street violence, burning cars, and broken windows, but a radical conception of democracy does not necessarily mean violence or intimidation at all. Rather, a radical

view of democracy suggests that dissent and resistance can form the bulwark of democratic power.

Returning to the issue of slavery in the 1850s, if Douglas advocated for a form of aggregative democracy to the question of slavery, and Lincoln a incremental form of reasoned deliberation on the moral question of slavery, Henry David Thoreau provided a clear radical argument of resistance and civil disobedience. For Thoreau, the act of voting strips individuals of political conscience, rendering the fate of gross injustices such as slavery to a mathematical game of who has the most votes. Likewise, in his seminal speech “What to a Slave is the Fourth of July?” Frederick Douglass forcefully rejects the notion that abolitionists should engage in rational debate over whether slaves were humans deserving of freedom. “The time for argument has passed,” thundered Douglass, “[a]t a time like this, scorching irony is needed, not argument... For it is not light that is needed, but fire.”<sup>2</sup>



Reflect on these three justifications for democracy: aggregative,

## 2. Frederick Douglass, "What to a Slave is the Fourth of July?"

deliberative, and radical. Which do you prefer? If we had to come to a conclusion on which of these three conceptions of democracy we should value most in this classroom, right now, how should we collectively arrive at an answer? This is a tricky question, for one student may say, “let’s vote on which justification of democracy is best for us,” they would clearly be valuing an aggregative conception more than others. Likewise, if another student countered that it would be best to reach consensus after a reasonable debate on the matter, they would clearly be favoring a deliberative conception. If a third student were then to counter that they should resist the question (and all assignments in the class) and engage in academic disobedience to pressure the professor into responding to the student’s needs, they would clearly be favoring a radical conception of democratic power (full disclosure: the professor does not advocate for this third option).

## **It’s A Wonderful (Democratic?) Life**

George Bailey is trapped in the small town of Bedford Falls, unsatisfied with his seemingly dead end existence in the classic Hollywood film *It’s a Wonderful Life* (1946, dir. Frank Capra). Driving out to a bridge on Christmas Eve with the intent of taking his own life, George is instead met by his own guardian angel, who proceeds to show George what life would really be like had he never been born. No one would have been alive to save his brother from a fall in the ice or to save the Bailey Building and Loan from Mr. Potter, the rich and conniving banker of Bedford Falls. Indeed, the entire town is renamed Pottersville and driven to poverty and vice had George Bailey not been born. As George ponders what his world would have been without him, his guardian angel says it best: “You see, George, you really have lived a wonderful life.”



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Imagine if George was not a human but democracy itself. Let's take democracy out of your life entirely. Let's go further and assume that, unlike George Bailey and Bedford Falls, your life is exactly the same. Your past is the same, your present is the same, and your future is the same. You have the same family, same jobs, same schools, same car. The only difference is that you do not live in a democracy. Does this matter? Why or why not? Write a minimum 3-page paper reflecting on the absence of a democracy in your life. Use at least two of aggregative, deliberative, and radical conceptions as examples of the kinds of experiences that may be missing in a life without democracy. For students who do not live in a democracy, reverse the assignment—imagine that your life is the same but you do live in a democracy. Does this matter? Why or why not?

## Conclusion

In this chapter we defined democracy as sovereignty residing at the level of individual citizens who are equal to one another and who live in a society that affirms the norms and values of individual sovereignty and citizen equality. We made some distinction between democracies and republics, while identifying some important connections between the two. We reviewed the concept of democratization—the transition from a non-democratic to a democratic regime—and identified some approaches to studying this important phenomenon. Lastly, we considered justifications for democracy—in asking why should we choose democracy, we arrive at three possible answers: aggregative, deliberative, and radical. Which do you think is more important and why? How exactly does democratic society and democratic governance effect your life?

The first section of this book has introduced students to key concepts in political science and understanding politics. In seeking to define politics, review ideologies, analyze the distinction between behavioralist approaches and institutional approaches, identifying the ways in which public law structures politics, and, lastly, considered theories of democracy and why democratic values are important, we have along the way covered key political concepts that are essential for understanding the complexity and important of politics in our world today. In the second section of this book, we will take an in-depth look at the major sub-disciplines in political science, with the aim of both introducing students to the discipline and learning more about how to analyze and understand political behavior, thought, and institution

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PART II

PART II: UNDERSTANDING  
THE DISCIPLINE OF  
POLITICAL SCIENCE



## 4. Chapter 6: Political Theory

In one sense, political theory is a subfield of the discipline of political science, existing alongside other branches of political inquiry such as comparative politics, international relations, and American politics. But in another sense, political theory seems quite unique from the other subfields in that it can be regarded as the oldest and most fundamental form of political inquiry. It is a philosophical inquiry into political meaning that lays bare the most fundamental questions of the human experience.

What does it mean for an individual to be free? Is reason necessary to freedom? What form of equality should society strive for? How does one wield power for the sake of justice?

Political theory, then, does not just stand beside other branches, but can be considered foundational to the discipline of political science—the fountainhead of all other forms of political inquiry. Indeed, what appears to lie beneath the practice of inquiry in the other subfields of political science are fundamental questions and insights that strike to the heart of what we call political theory.

In yet another sense, political theory in an undergraduate education entails reading the great historical works of political philosophy and reflecting on the questions and insights to be found in them. Plato, Aristotle, Machiavelli, Hobbes, Locke, Rousseau, Mill, Marx, Nietzsche, Arendt, and Rawls—these canonical thinkers are the pillars of Western political philosophy and some exposure to their insights is essential for every political science major. This makes political theory unique among the broader meta-discipline of the social sciences—it would be rare indeed for psychology classes

to assign readings from Freud or economics classes to assign readings from Adam Smith or Karl Marx. Why does political theory reach back to often dusty works of history centuries removed from our own time? The answer is that many of the questions in these historical works are still very much with us. The political issues of the present constantly call us back to fundamental questions. Recall the question that began this book—what is justice? This timeless question emerges in our political life everyday, forcing us to ask, reflect, and refine our conception of what is just and how it can be achieved.

Here is a suggestion: it is the question asked, not the answer, that makes political theory relevant to our world today, even if that question was asked centuries ago. Answers provide insight, but so do questions, and we often overlook the intellectual value of the question itself in our day-to-day world. Questions launch us into the unknown and uncharted waters of inquiry. As for answers, the philosophical and normative nature of political theory means that even the best answers are contested and open to critique and doubt. There exists profound disagreement among the great thinkers over even the most fundamental questions. This is not to say that the answers great thinkers settle on have no value, but rather that the questions can often be more helpful to our own process of inquiry. Questions provide starting points for your intellectual journey of inquiring into meaning. The rest of this chapter will be dedicated to an overview of the questions and insights from key thinkers in Western political theory, from the Ancient Greeks to John Rawls. But before we do, some thoughts on the nature of normative inquiry are in order.

## **Normative Inquiry as the Basis of Political Theory**

In philosophy, norms are statements that seek the practical effect

of acting, believing, or feeling a certain way. Norm statements are prescriptions of what the world ought to be, not descriptions of what the world is. Orders, commands, permissions, and prohibitions are examples of norm sentences—they are not descriptively true or false since they are not designed to describe what is but rather what ought to be. Imperative sentences, such as a command, are quite obviously normative in nature, but declarative sentences can also be normative, depending on what the sentence intends to assert. Take, for example, the question “what is justice?” This appears to be a question that seeks an objective, empirical definition of justice, but as a question of philosophical inquiry (and perhaps the oldest question in political theory) asking what is justice requires normative orientation and reflection. It is perhaps more accurate for the purposes of political theory to ask “what should justice be?” rather than “what is justice?” Reflect on the relationship between freedom, equality, and justice. Can justice include both freedom and equality, or is there a necessary conflict between freedom and equality?

Political theory is normative inquiry at its foundation, and is thus the least “scientific” of the political science subfields, more akin to philosophy in the arts.

Science requires empirical and objective observations of the world that can be rigorously tested. Normative thinking has little use in scientific inquiry, but when we seek to understand political concepts such as freedom, power, and justice, it should be fairly obvious that we cannot make objective and empirical observations of such concepts that can be tested again and again. These concepts are human ideas on how to govern society, they are not naturally occurring phenomena. Political theory should thus do more than simply describe occurrences of political phenomena. The political

theorist should rather develop a field of inquiry in which prescriptions of political values, concepts, and beliefs emerge from philosophical thought. Empiricism—the idea that knowledge is derived mainly from sensory experience of humans—is often used in political theory as a method for normative conclusions. John Locke, the political theorist who was one of the principal articulators of classical liberalism, was also a leading theorist of empiricism. Locke argued that humans are born with a mind that was a *tabula rasa* (a blank slate), and that all knowledge comes from the mind experiencing the world. From this he posited that humans develop simple and complex ideas that are derived from both the senses and reflection.

Locke developed a number of experiential reflections out of human existence to make important normative claims about freedom, equality, reason, and rights. For Locke, humans may not have innate knowledge prior to being born, but humans are innately endowed with reason and toleration. From this it follows that humans are born free and equal. These natural characteristics are the basis of natural rights individuals hold. Humans are, by virtue of being born, endowed with rights, reason, and liberty that governments cannot arbitrarily undermine or destroy. Indeed, governments should be constrained by these natural rights and the basis of individual reason and liberty is a justification for a majoritarian, democratic form of government. From this brief discussion of Locke we see that empirical thought (knowledge gained from sensory and reflective experience of the world) can be the basis of normative political insight. For more on Locke, refer to classical liberalism in Chapter 2, and the contract thinkers in this chapter below.

## The Ancients in the West: Plato and Aristotle

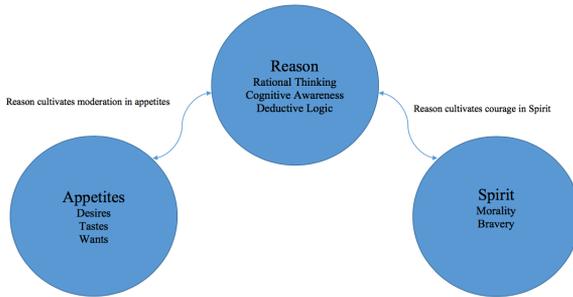
Let's begin with an observation many, if not most of us, would

agree with: the best society is a just, fair, and happy society. Simple enough on the surface of things, but this begs a series of questions into the nature of these characteristics. What is justice? This is the central question in Plato's foundational work of political philosophy, *The Republic*, a series of dialogs in which Socrates, the mentor of Plato, leads an extended discussion on the vision of the Just City. For Plato (speaking through Socrates), justice is internal as well as external—each individual has a path of justice within their soul. That path is using reason to cultivate courage in the spirit and moderation in the appetites of our soul. This is the same path for the city-state, according to Plato, and so one conception of justice exists for every individual and state. Justice is an ideal, universal, and unchanging concept. Book One of the *Republic* also includes a number of other conceptions of justice and it is worth considering two of them here. First, Cephalus, a wealthy money maker, argues that justice is telling the truth and honoring contracts. Thousands of years after Plato, Thomas Hobbes returns to this conception of justice in *Leviathan* (see Hobbes in the contract thinkers below).

A second conception of justice in Plato's *Republic* is held by Thrasymachus, who we may describe as a cynical realist. Justice for Thrasymachus is simply what the powerful say is just. In this conception, justice is raw power, pure and simple. In fact, when pressed by Socrates on whether rulers ever error, and whether such errors are just, Thrasymachus goes further: injustice is more profitable than justice and there's no shame in that—indeed, injustice is a virtue and justice is mere noble naiveté. Today, we often describe this conception of power as Machiavellian, but, as we shall see below in the section on Machiavelli, there are strong reasons to doubt that Machiavelli is simply the return of Thrasymachus from Ancient Greece. There seems three broad conceptions of justice here: honesty (offered by Cephalus), power (offered by Thrasymachus), and wisdom emerging from reason's cultivation of moderation and courage (offered by Socrates). Is justice principally about honesty and keeping promises? Or is it a

brute reality that justice is solely determined by the powerful? Is reason necessary to justice?

In one sense, freedom is an undervalued concept in Platonic political theory. Indeed, in discussing forms of government, Socrates characterizes democracy as a political system that maximizes individual liberties, growing stronger over time. In late stage democracy, the fulfillment of every appetite and desire leads to total licentiousness and social chaos. Amidst this social and political fragmentation, a tyrant emerges who promises the people stability and order. Tyrannies, in other words, emerge out of the runaway freedoms of fully developed democracies. This conception of freedom can be regarded as negative liberty—the liberty to do what you will without any external constraints on your actions. We can interpret a more just conception of freedom in Plato, however, and that is positive freedom—the mastery of one's only will by allowing reason to guide our life. There may indeed be no better example of positive liberty in the self than Plato's tripartite conception of internal justice: reason is the master of appetites and spirit. The cultivation of good qualities (in appetites: temperance and moderation; in spirit: courage and care) manifests wisdom. Wisdom is power, and wisdom should reign over the Just City in the form of the Philosopher King.



*Plato's conception of justice, in which Reason cultivates moderation in the Appetites and courage in the Spirit. This is wisdom and justice, and can be mapped onto the soul of an individual and onto a political community.*

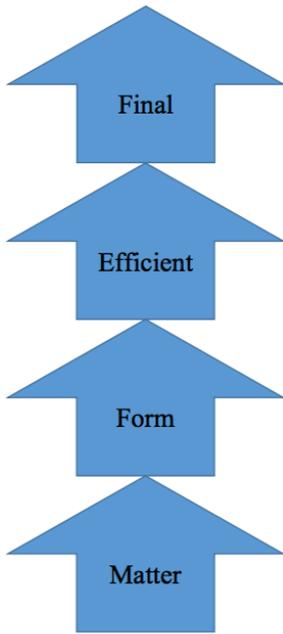
As mentioned, Platonic justice is universal, unchanging, and idealistic. The idealism of Plato is so strong, in fact, it cuts directly to the nature of reality itself, as is revealed in Plato's Allegory of the Cave. In this allegory, humans are confined to chairs in a cave, with their heads unable to move away from a wall on which shadows are cast (these shadows are cast by puppet masters hidden behind the chained humans, using a fire to illuminate various shadowed shapes and movements on the wall). The philosopher is a human once chained but is able to wriggle free from the chair, escape out to the light outside the cave. The natural light of the sun is so bright to this philosopher—who had spent their entire life in the darkness of the cave—that it takes a moment for their eyes to adjust. Once they see the natural world of trees and clouds and rivers, they are forever changed. Returning to the cave to tell others of a world beyond the single wall of a cave, the other chained humans mock the philosopher as a crank and crazy person. Further, they ridicule the philosopher for being unable to sharply perceive the shadows

and shadow movements, since their eyes have adjusted to natural light.



*Visualization of Plato's Allegory of the Cave*

This is an allegory of human reality—the physical, natural world is in fact the shadows on the cave wall; the realm of ideas is in fact the world outside the cave (this is perhaps the greatest irony in philosophy: the “natural” world in the allegory is a stand-in for the realm of human consciousness, ideas, and forms; the artificially-constructed shadows are a stand-in for our perceptions of the natural and physical world). Plato’s point is that reality is not to be found in the physical universe that we perceive with our senses—experiences in the physical world are mere shadows on a cave wall. Reality is instead to be found in the ideal form of things. The idea of a chair (or more accurately its ideal form) is more real than any physical manifestation of a chair. This is why Philosopher-Kings must rule the Just City, for they are best able to perceive the ideal forms that constitute “real” reality. That which is real is unseen in the physical world, argues Socrates, the real is an ideational phenomenon.



*Visualization of Aristotle's conception of telos.*

And what of happiness? How should we conceive of happiness as a political virtue? The more one considers this question the more elusive it becomes, for it is often observed that what constitutes happiness changes over time such that its complete fulfillment often appears like the mirage of an oasis in the desert. For Aristotle, the question of happiness is a crucial one, for it lies at the heart of a purpose-driven life. An essential Aristotelian insight is that the definition of a thing and its purpose are one and the same. If you were to ask Aristotle “what is an oak tree?” he would likely respond with:

“the best one.” The fulfillment of purpose, in other words, is for Aristotle the very measure of what is. For Plato, he would likely respond to the question “what is an oak tree?” by answering that it is the ideal one. Reflect on the difference between the best and the ideal oak tree. We might at first regard these conceptions of best and ideal as one and the same, but for Aristotle, the best manifestation of something occurs in the experiences of life lived—it is the fulfillment of a telos or purpose that takes elements of the material world, applies a form or blueprint to it, and engages in the realm of efficiency through action to achieve this final purpose in the lived experience. The difference between Plato and Aristotle here is subtle but important: the Platonic conception of reality has no origin in the lived experience—it is the universal and unchanging

dictates of the realm of forms. For Aristotle, the purpose of the lived experience is a crucial marker of reality itself.

For Aristotle, human purpose is grounded in our social relations with others. Observing relations between individuals is necessary to understand what human beings are and thus what constitutes their purpose. The activity that governs these social relations is politics—thus, living a political life, for Aristotle, is the highest virtue in the human experience, something we strive for and cherish. Indeed, the political life is an end in itself, not just an instrument or means for betterment. Contrary to Plato, Aristotle believed that truth could be attained in the lived experience of human beings, not exclusively in some abstract realm of forms. The distinction between scientific intelligence and practical intelligence rests along these lines—where Plato asserts that justice is an unchanging abstract ideal, which requires a universal, unvarying, and precise account, Aristotle seeks to understand actions in the realm of experience that are good. For Aristotle, understanding human society requires us to look at patterns and trends and adjust our conceptions of justice and truth to the context of lived experience. Thus, there is more than one virtuous form of government (or constitution—a foundation of government) depending on who rules: a kingship is a virtuous rule of one, an aristocracy a virtuous rule of the few, and a polity the virtuous middle-class rule of the many.

Much of the subsequent development of Western philosophy owes a tremendous debt to the insights of Plato and Aristotle, who broadly define two main trajectories of political thought—that politics ought to be understood in the ideational realm, on the one hand, and that politics ought to be understood in the realm of lived experience orientated toward the common good. Both thinkers are dedicated to virtue and the common good, but where Plato seeks an unvarying account of justice that exists in the idealism of universal forms, Aristotle asserts that justice and virtue can be determined from human experience that is good.

### **Machiavelli and the Dawn of Modernity**



Portrait of Machiavelli by Santi di Tito.

Niccolò Machiavelli lived on the cusp of a transforming world—the Renaissance was the birth of humanism, the idea that human matters and human experience should take precedent over divine or supernatural matters. In focusing on what politics is, not what it should be, Machiavelli brings a human and realistic focus into political thought. In *The Prince*, Machiavelli writes on how leaders of a

monarchy should get and keep power. His realism is predicated on the idea that one can rule well by abiding practical and real world conditions. “[M]y hope is to write a book that will be useful,” observed Machiavelli, “and so I thought it sensible to go straight to a discussion of how things are in real life and not waste time with a discussion of an imaginary world. For many authors have constructed imaginary republics and principalities that have never existed in practice and never could; for the gap between how people actually behave and how they ought to behave is so great that anyone who ignores everyday reality in order to live up to an ideal will soon discover he has been taught how to destroy himself, not how to preserve himself.” To rule well, Machiavelli asserts that a ruler must pay attention to appearances—it is often better to appear to be pious, honest, and gracious, than actually hold these qualities. The reason for this is that Machiavelli sees human nature as fickle: humans are not trustworthy; a ruler may shower gifts and riches upon a people, but the moment the gifts stop and the largesse dries up, people tend to look around and ask, “what have you done for me lately?”

We may call this the Machiavellian politics of entropy—political support tends to erode or decay over time. Conversely, political

opposition, the enemies to your rule, tend to grow stronger over time. A ruler with *virtu* requires attention to this balancing act, mitigating against the erosion of power by ruling with boldness, strength, and sagaciousness (keen and determined judgement), and tempering political opposition by anticipating their machinations and countering with actions that may be ruthless, if necessary to maintaining your rule. For Machiavelli, being loved is all well and good, but it is better to be feared than loved, given a choice between the two. We may anticipate future moves on the political chessboard (indeed, Machiavelli often characterizes politics as a contest, battlefield, or chess board in which opponents are bested and the goal is to win), but we can never fully predict the future. *Fortuna*, the wheel of future events, is unpredictable, capricious, and often overwhelming. *Virtu*—virtue in Italian—is the strength, boldness, and sagaciousness to master the contingency of unknown future events as best we can, even if we cannot master them wholly. Let's return to Plato's discussion of justice. Recall Thasymachus, who maintained that justice is only what the powerful determine is just. Does this conception of justice as brute power align with Machiavelli's insights? To critically engage this question, it is necessary to consider Machiavelli's other major work, *The Discourses on Livy*.

Where *The Prince* considers how power is wielded in a monarchy, the *Discourses* examines power in a republican form of government. In this respect, the people are important elements of rule, not mere subjects of an absolutist monarch. Here, Machiavelli argues that civic virtue is necessary for a healthy society and adherence to the rule of law. We should be sensitive to selfishness and how it may destroy a community, and foster the bonds necessary for the cultivation of the common good. Throughout his writings, Machiavelli emphasizes the importance of the rule of law (you might call him the “law and order” candidate among the Western philosophic canon). In these respects, Machiavelli does not seem to articulate a brute realism of power of the strongest over the weakest, but more accurately a politics in which rulers ought to

pursue realist means toward virtuous ends. For the sake of stability, civic virtue, and the common good, it may be necessary to do ruthless things—to prevaricate, engage in conspiracy, or direct strategically chosen acts of violence—but these ruthless actions should never be ends in themselves.

In his attempts to write down what politics is in day-to-day reality, rather than imaginary worlds and ideas about politics, Machiavelli is often regarded as the first political scientist. In this respect, because of its commitment to normative inquiry, Machiavelli stands somewhat removed from political theory. His richest contribution may be in providing insights into the practical day-to-day strategic use of political power. Machiavelli's theory of power in relation to the American presidency, for example, opens a number of important lines of inquiry. The presidency of the most powerful nation on earth must deal with the fate of contingency on a daily, indeed hourly, basis. Where Congress can sit back in committees investigating or moving through the sometimes glacial process of passing legislation, the president must be able to respond immediately to the unfolding of the present out of an unforeseen future. A common theme in the worst presidencies in American history is a man overwhelmed by the duties of the job, swept up by the enormity of it all. In anticipating contingent events, the erosion of political support, and the gathering strength of your opposition, a president can successfully wield executive power despite inevitable failures along the way.

## The Contract Thinkers

Thomas Hobbes, John Locke, and Jean-Jacques Rousseau are often referred to as the contract thinkers because all three are focused on what kind of social contract should exist between a state and the citizens of that state. Additionally, in seeking to determine this relationship, these contract thinkers develop fundamental

principles of human experience, the human drives and qualities that existed before organized society. This world before social bonds and institutions, before norms traditions, and political bodies, is called a state of nature. It may be best to think of a state of nature as an intellectual exercise that seeks to reconstruct the motivations and passions of individual human beings prior to any organized social experience (including language). Are humans driven by primal impulses toward self-interest? Or is there a degree of altruism innate to the sentient animal we call human? Hobbes, Locke, and Rousseau have very different answers to these questions.

Hobbes argues that every individual has a “natural right to everything and every body” prior to the development of society, a kind of absolute freedom that is chaotically dangerous, leading to a “nasty, brutish, and short” existence. This experience is also one of a deep equality that exists between individuals. In asserting substantive equality among individuals, Hobbes overturned centuries of Western philosophic assumptions that individuals are clearly unequal since some are faster, stronger, smarter, etc. For Hobbes, though physical inequalities may be more apparent to us, even the physically weakest may kill the strongest among us, “either by secret machination, or by confederacy with others, that are in the same danger with himself.” Hobbes observes that even less equality exists in “the faculties of the mind,” and each of us are generally governed by a vain conceit that we are, on the whole, just as smart and capable as anyone else, if only given the opportunity. Hobbes points out that this vain conceit is itself a prime example of our deep substantive equality.



The famous frontispiece of *Leviathan, or the Matter, Forme, & Power of a Common-wealth, ecclesiasticall and civill* by Thomas Hobbes, 1651.

Hobbes' view of human beings is atomistic—we are all isolated atoms moving through space and time on certain trajectories, somewhat chaotically bouncing into one another. Such an atomistic view may reflect Hobbes' fascination with astronomy and physics. He followed closely the discoveries Galileo was making from his new invention, the telescope. Hobbes believed that humans could only discern reality through empirical observations made by the senses and was a kind of radical materialist—no god above, no hell below, no spiritualism of any kind; just the physical universe with humans

a part of it, bouncing around atomistically like everything else. The human experience in the Hobbesian state of nature has no rational order to it, and certainly no stability of peace. It is because of this that individuals choose to constrain their absolute liberty through contracts. Justice, then, for Hobbes is the adherence to contracts or “covenants” made by men (recall Cephalus from Plato's *Republic* here). Individuals will collectively agree to lay down their absolute right to everything and every one in order to leave this state of nature. The community, however, requires more than this collective agreement to dispense with absolute liberty—they require a common power over all that can enforce this and other agreements. Hobbes thus asserts that an absolute authority, a leviathan, is required to enforce contracts and keep the community from sliding back into a state of nature.

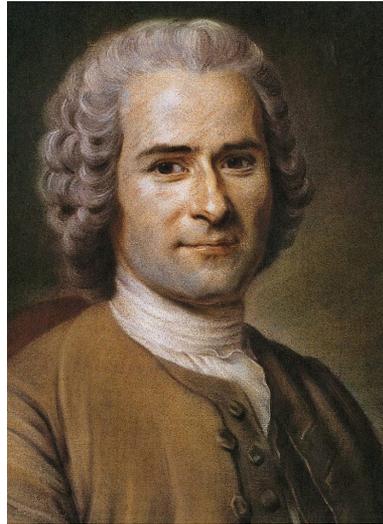
Locke's *Second Treatise of Government* has been considered

elsewhere in this book (Chapter One and above), so for the purposes of this section, we will focus on Locke's state of nature. Perhaps it is more accurate to say that Locke has two states of nature, for the state of nature he envisions early on in the *Treatise* changes in important ways by the time we get to paragraph 123 (all of the paragraphs of the *Treatise* are numbered for ease of reference). In Locke's first state of nature, humans are endowed with perfect freedom and perfect equality. Locke doesn't exactly provide detailed descriptions of what perfect freedom and equality mean, but the basis of this freedom and equality may be the fact that, for Locke, humans are born with reason, toleration, and property rights over the self (each of us owns our body and mind, and can externalize this property right into the commonly held nature to derive a right to private property). Reason and toleration keep the Lockean state of nature from descending into a Hobbesian nightmare of all against all—each individual recognizes that to rob and pillage others places them in a precarious position, opening up a state of war, and so reason keeps relations between people relatively secure.

Paragraph 123 paints a very different picture of Locke's state of nature. As Locke puts the question, “[i]f man in the state of nature be so free ... why will he part with his freedom?” If we are all perfectly free and equal, endowed with reason and toleration, why should we leave such a state of nature? The obvious answer, concludes Locke, is that the enjoyment of freedom “is very uncertain, and constantly exposed to the invasion of others: for all being kings such as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very insecure.” This second state of nature looks much more like the Hobbesian state of nature, uncertain and insecure, always exposed to the whim, will, and power of others. Locke concludes that the chief end of leaving such a state of nature is the preservation of property, which requires settled law, a “known and indifferent” judge (an impartial umpire in the adjudication of law), and the power to execute and enforce law. Why this change from the first to second state of

nature? Locke does not explain the difference although many Lockean theorists have attempted to do so. One possible answer is that Locke is more of a lawyer in a courtroom—lining up facts to fit his ultimate end, which is to defend the rights of capitalism and the newly emerging **bourgeoisie**—and less of a philosopher in the cave asking fundamental questions and pursuing answers to wherever they may lead. This answer, which was predominantly developed by the political theorist C. B. Macpherson, asserts that Locke’s second state of nature emerges after Locke introduces market activity and money, suggesting that Locke was mainly interested in defending a capitalist system in which a few dominate over the many.

Jean-Jacques Rousseau is the last of our contract thinkers, and envisions a state of nature very different from Hobbes and Locke. For Rousseau, human experience before the development of society is characterized by self-preservation (both Hobbes and Locke assert this as well) but also a deep empathy for all creatures (including non-human animals) and a repulsion toward any form of suffering creatures may experience. Rousseau’s state of nature is one in which primitive people



*Portrait of Jean-Jacques Rousseau by Maurice Quentin de La Tour, 1753.*

are not motivated by fear or an urge for power, as in Hobbes, nor are they rational, subject to rules determined by reason, as in Locke. Rather, Rousseau’s primitives (for Rousseau simple, primitive life is virtuous, and he referred to virtue itself as the “sublime science of simple souls.”) live in the present and possess no rational plan for the future. Without social bonds or dependencies, they allow their natural instincts to dictate their needs. This state of nature is one in

which humans are not driven by reason in the mind (Rousseau was a trenchant critic of the Enlightenment and its celebration of human reason) but by simple self-preservation and an abhorrence toward cruelty, pain, death, and suffering. In this state, individuals pursue their basic needs “with as little harm as possible to others.”

A modern person could hardly live this way, argues Rousseau, which is probably why so many are skeptical that this primitive state is an accurate reflection of the human experience prior to the development of society. When a modern individual satiates some desire, nothing is truly satisfied—they desire more and more, an unending stream of urges with no end in sight. On the contrary, when a primitive satisfies an urge, “all desire [for it] is snuffed out.” For Rousseau, modern life is a curse, a tragic and unsatisfying experience in which self-interest, money, and power keep us in chains. Virtue, courage, military glory, religious devotion, and love for community all wither in Enlightenment modernity with its love of reason and science. How did this happen? Where did political inequality—an inequality in power, honor, privilege, and wealth—emerge from? Rousseau traces the development of societies out of a state of nature. When humans realize they can better provide for basic needs by working together, transient and fleeting relationships are replaced with more permanent ones. Technology is introduced. Language develops. Families form and private property emerges. But these early stirrings of modern society are not the sources of moral and political inequality, for Rousseau. Political inequality emerges later, with the development of agriculture and metallurgy, what Rousseau refers to as the “two arts.” These fields—intensive agriculture and metal working—rapidly develop specialization in society that begins to fracture the community, consolidate wealth and power in the hands of the few, and set us on a path in which money and property become the chief ends in life while virtue withers.

From these states of nature, Hobbes, Locke, and Rousseau all develop prescriptions for a just political community that can combat the problems and reflect the good they envision. For

Hobbes, an absolute political authority is necessary to bind society together through contracts. The value of security is far more important than absolute liberty, and since a society held together by a Leviathan leaves individuals safer, they are in fact more substantively free to pursue whatever is not prohibited by the absolute political authority that is a common power over civil society. For Locke, rational, free, and equal individuals require a government that reflects their preferences (majoritarian) but is also constrained by natural law of self-preservation, right to property, industry, productivity, and cultivation. This constrained majority government has three branches—legislative, executive, and federative—but rather than a separation of co-equal branches, these units of government are rather nested into another, with the federative (essentially foreign policy and war making) nested in the executive (enforce and implement law), which itself is nested in the legislative, which is the supreme power of the government. For Rousseau, the return to the simplicity of a more virtuous life requires a simple, direct democracy in which ordinary citizens, not experts, make decisions based on their love of community and the common good. Smaller, closely knit communities are better than large ones. Freedom is not found in individual pursuits but in alienating all rights to the community. For Rousseau, there does not exist much of a tension between freedom and equality—both are possible within the community. Citizens are roughly equal in material wealth and absolutely equal in political power. Representation is a danger, according to Rousseau, since it necessarily creates political inequality. Instead citizens rule directly, and guided by the common good, make decisions that form an unassailable General Will.

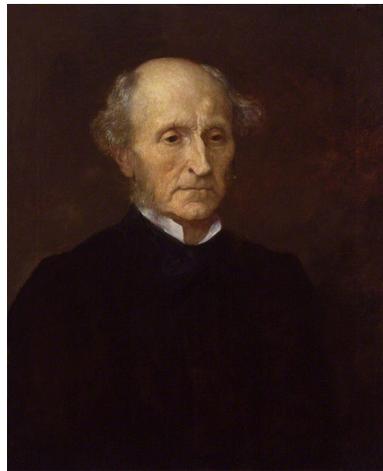
It is not just their ideas that make these contract thinkers important in understanding key concepts such as freedom, equality, and justice, it is also the historical moment in which they arrive. From 1588 (the birth of Hobbes) to 1778 (the death of Rousseau) the Western world went through massive transformations in society, politics, economics, and culture. Liberalism—a commitment to

individual rights, liberty, and equality—was born. So too was capitalism. The Age of Enlightenment led to revolutions in the sciences and arts. Each of these thinkers articulate certain elements of these important transformations.

## Marx v. Mill

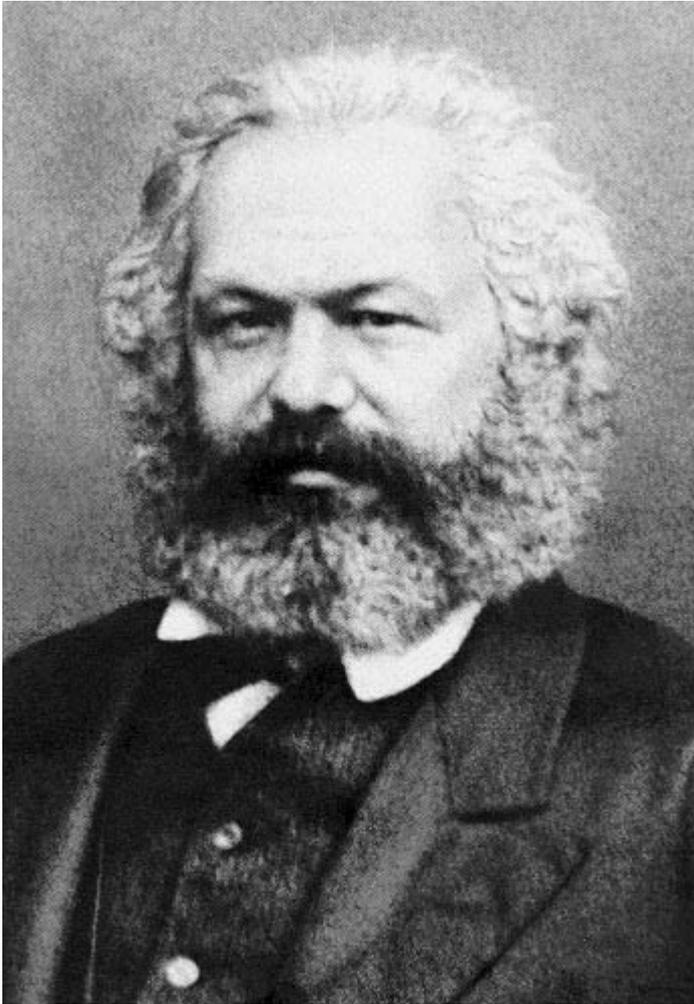
A comparative analysis of Karl Marx and John Stuart Mill can clarify the distinctive line that exists between socialism and liberalism (for more on these ideologies, see Chapter Two). Marx and Mill have similar starting points: both assert that real freedom can only emerge when we achieve the fullest development of our capacities as individuals and as a society. In short, both Marx and Mill are focused on social betterment. How should society develop, improve, better itself? What sort of progress should we identify as our chief political aim in society?

For Mill, a wide degree of individual liberty and expression is essentially for social betterment—individuals should be free to do, say, and think anything so long as they are not harming anyone else. This “harm principle” draws a fairly sharp line where the rights of an individual end and the right of the community to limit that individual’s liberty begins. Obviously, the principle of total freedom so long as you do not harm another affords individuals a broad right of expression and action and narrows a community’s right to



*Portrait of John Stuart Mill by George Frederic Watts*

determine or control individual liberty. Mill's harm principle is a means to an end, and that end is social betterment—when we live in a free society that maximizes individual liberty, good speech and good actions will rise with social approval, truth will emerge, progress will happen; and on the flip side, bad speech and actions will fall in social condemnation, falsities will be exposed to scrutiny, and the traditions and norms that are stultifying and holding society back will be subject to critique and reform.



Marx also seeks social betterment but regards a wide degree of individual liberty as the basis of a fragmented community in which self-interest brings about “the separation of man from man.” Social betterment is obviously desired by the community, but the material conditions of our world often thwart these aims, in particular an economic system in trade and industry are controlled by private persons who accumulate wealth at the expense of commonly held resources. This Marxist critique is directed not only at capitalism but also the rights-based liberalism that fuels and justifies the capitalist economic system. For Marx, a rights-based liberalism blinds people from the exploitation and alienation capitalism produces. We may think society is becoming progressively freer with the expansion of individual rights, argues Marx, but this expansion tends to obscure us from the fragmentation self-interest inflicts on communities. Capitalism is a problem for Marx, but the deeper problem is an ideology of liberalism that suggests privately owned industry and markets are part and parcel of individual liberty. “It is the right of separation” that lies at the heart of an alienated and exploited society, argues Marx, the right of the “circumscribed individual, withdrawn into himself.” To correct this problem, Marx argues that individuals should abandon their call for the rights of private persons and affirm the rights of citizens in a political community. Democracy can and should be the tool through which the community asserts its rights over the self-interests of individuals. “Only democracy,” writes Marx, “is the true unity of the general and particular.”

Although Mill also supports democracy, he does so with important reservations. The danger of democracy lies in a majority restricting the rights of minorities—a so-called tyranny of the majority. Mill suggests that a rights-based conception to society is more just than valuing democracy as an end in itself. Reflect on some similarities between Locke and Mill, on the one hand, and Rousseau and Marx on the other. Both Locke and Mill affirm majority-based or democratic systems, but place higher value on the rights of individuals (for Locke, a majority government is “constrained” by

natural rights, whereas for Mill democratic action should be limited by the harm principle). Both Rousseau and Marx value freedom from the community as opposed to individual freedom, and suggest that democracy should be valued as an end in itself. Recall from Chapter 5 of this textbook our hypothetical situation in which your life is exactly the same but you do not live in a democracy. For those who don't see any particular problem in this ("if my life were exactly the same, the absence of democracy is not particularly concerning"), it indicates that they value democracy as a means toward a particular end, such as freedom. For those who do see a problem with this, even though their life may be exactly the same, it indicates that they see democracy as an end in itself—something that we should value not just for its consequences. Rousseau and Marx generally align with the idea that democracy is a valued end in itself. Locke and Mill are generally aligned with the idea that democracy serves a useful purpose for a valued end, which is liberty. Reflect on the relationship between liberalism and democracy: how conflicting are these values? Is there such a thing as an illiberal democracy? If so, what does it look like? Can a liberal society be undemocratic? If so, what does this look like?

## Rawls and the Original Position

John Rawls' 1971 publication of "A Theory of Justice" is a useful bookend to this chapter for it returns us to the age-old question of "what is justice?" By taking us to a psychological state of nature, Rawls suggests he has an answer to what justice is, an answer that we will universally arrive at and unanimously affirm. Before delving into the details, it is worth noting at the outset that this theory can be regarded as highly idealistic—it suggests a single conception of justice that, through the force of its idea, garners universal consensus. Rawls' theory of justice is also very abstract—it operates almost exclusively through a series of intellectual and

psychological exercises seemingly far removed from the practical, day-to-day reality of human experience. In these respects, Rawlsian theory may be regarded as a return to Platonic philosophy with the addition of a state of nature.

Rawls invites you into the Original Position: you are in some kind of deliberative space with others, but prior to society or the political community that orders our social relations. In this space, you have the capacity to reason and hold a set of preferences; you are aware of basic economic and political theories and other general facts regarding human life; and you are cognizant and capable of a sense of justice. Crucially, however, you know nothing about your individual identity—stripped from your consciousness are all the details of your race or ethnicity, sex or gender, whether you are rich or poor or middle class, and even such things as your work ethic, your conception of the “good,” and any personal preference or natural attribute such as strength, intelligence, charisma, etc. You are, in the words of Rawls, “behind a veil of ignorance” with regards to your particular identity. This may be initially difficult to imagine—who are you aside from your personal characteristics? It may be helpful to think about your position behind such a veil of ignorance as a reasoning orb capable of rational thought and floating in space-time prior to the society you will eventually join.

Your task in the Original Position is to deliberate with others on what kind of society should be constructed for all of you to live in. How should goods and resources be distributed? What sort of rights and freedoms should individuals enjoy? Rawls argues that from the Original Position we will all arrive at and affirm two basic principles: the fair equality of opportunity principle and the difference principle. The first principle is this: “Each citizen is guaranteed a fully adequate scheme of basic liberties, which is compatible with the same scheme of liberties for all others.” The second principle is that social and economic inequalities must satisfy two conditions: 1) that such inequalities are to the greatest benefit of the least advantaged; and 2) that inequalities must be attached to positions and offices open to all. The first principle affirms a basic set of

liberties enjoyed by all (though the details on what those liberties are should be open to deliberation). The second principle acknowledges that inequality is a logical outcome of freedom, but asserts that such inequalities should benefit the least among us, the left behind and looked over, the most disadvantaged in society, while keeping all positions and offices open to everyone.

The short answer is that because you are stripped of your particular identity and place in society, you would essentially hedge your bet in favor of the least advantaged to soften the blow if you find yourself among them. If you leave the Original Position and find yourself among the richest, most privileged, and most powerful, all is well and good. But if you find yourself at the bottom of society, that is a major problem. With the possibility of being among the least advantaged, we would all rationally choose a political and economic system with a strong safety net at the bottom. The difference principle emerges from a simple fact about the human experience: it is safe to say that individuals have no choice over where and in what context they are born into the world. Our entrance into human existence appears, at least, to be quite random—you may be born to a single mother, homeless and destitute, on the streets of Karachi, Pakistan, or you may be born into British royalty with all its wealth and prestige. It is also clear, however, that your chances of being born in a disadvantaged position in society is far greater than being born at the top—roughly half the population of the world today experiences some form of food, water, shelter, or economic insecurity. The economic and social status you are born into is a bit like rolling the dice, but the odds are long indeed that your roll puts you at the top of the system.

Why would you agree to inequalities provided that they benefit the least advantaged in society?

Let's review four basic income distribution schemes as a way of thinking about Rawls' theory of justice:

Distribution Scheme	Bottom 25% Avg. Income	Next 25% Avg. Income	Next 25% Avg. Income	Top 25% Avg. Income
Scheme A	\$40K/year	\$40K/year	\$40K/year	\$40K/year
Scheme B	\$15K/year	\$50K/year	\$150K/year	\$750K/year
Scheme C	\$45K/year	\$50K/year	\$70K/year	\$80K/year
Scheme D	\$35K/year	\$55K/year	\$85K/year	\$100K/year

In this table, the average income of each quartile bracket represents a yearly income for an individual. In reality, of course, there is significant complexity to income and wealth and how we measure them, but this simplified chart helps us strip away some complexity and reveal some indication of our basic first order principles regarding the distribution of goods and resources. Assume that for the society this table represents, a yearly income of \$35,000 is right at the line of basic subsistence. You can survive and cover the absolute necessities making \$35,000 a year, but just barely, and with no room for non-essential purchases or savings to cover unexpected events (such as illness or a water heater breaking down). Further, let's assume that at \$50,000/year, one can live relatively comfortably, provide for necessities, save for unexpected contingencies, and occasionally purchase non-essential comforts.

### Exercise 6.1

Place yourself back into the Original Position—you know nothing of your particular identity or status in society. Which one of the schemes do you choose? Which one

would Rawls argue that we would all choose? Reflect on your choice and Rawls' main argument—is it reasonable to assume that we would all arrive at a scheme in which inequalities benefit the least advantaged? Why or why not?

<https://h5p.org/h5p/embed/574543>

## Conclusion

This chapter gives us a basic overview of the sub-discipline of political theory by situating it within normative inquiry. This makes political theory unique among the sub-disciplines which have a greater emphasis on “scientific” social and political inquiry. We also covered some prominent insights and questions from a few of the preeminent thinkers in political philosophy—Plato, Aristotle, Machiavelli, Hobbes, Locke, Rousseau, Marx, Mill, and Rawls. This overview is not meant to be exhaustive, of course. Indeed, confining the list to these thinkers says as much about what is left out as what is included. The voices of women or non-white political theorists are absent here. So too is an discussion of non-Western political theory. Bringing these marginalized voices into political theory courses is essential to a comprehensive education in the discipline. In choosing your future courses, use the syllabus as an indicator of how well a course is inclusive of a number of differing perspectives. Does a political theory course cover various perspectives in feminist political philosophy? Does a theory course include Confucian, Islamic, or other non-Western philosophies? How attentive are the course offerings to the intersections of race, racial justice, and political theory? The inclusion of such voices helps students

develop a balanced and comprehensive education in political theory.

In the next chapter, we will provide an overview of international relations, a sub-discipline that shares a theory-heavy focus but with an emphasis the intersections and conflicts in politics, law, and economics on a global level.

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# 5. Chapter 7: International Relations

International relations is the study of the relations between political entities and the connections between economics, law, and politics in the global environment.

It is a large and comprehensive area of study that in some academic contexts is a separate discipline from political science. As a separate discipline, international relations (or what is sometimes called international studies, international affairs, area studies, global affairs, or global studies) is a rich interdisciplinary field of study that draws direct connections to other disciplines such as geography, psychology, demography, history, economics, and feminism, among others. In academia outside the UK and the US, the study of political science is often exclusively the study of international relations. In American academia especially, international relations is typically considered a sub-discipline of the broader field of political science, and for our purposes here, we will view international relations in this context. The academic study of international relations has been traditionally dominated by positivist inquiry—it seeks a descriptive and objective understanding of our global world and the forces and relations that shape the international context. Positive statements, in this sense, are contrasted with normative statements: the former are statements that describe what is, whereas the latter are statements that directions for what ought to be (see the normative basis of political theory in Chapter Six for more discussion on this matter).

But from a public policy perspective, international relations is

normative in its inquiry, directing policy shapers toward actions that can better the world. Broadly speaking, public policy are a set of directions for how executive bureaucracy acts in the execution of law, and so defines what “should be” in terms of state action, not what is. Take, for example, the issue of nuclear weapons. An academic and positivist approach may objectively determine the number of nuclear weapons in the world and which countries possess them. From a policy perspective, however, international relations provides a field from which a number of policy proposals are presented—how nuclear weapons proliferation should be curtailed, how to keep certain rogue actors from obtaining nuclear weapons, or how to limit the threat of nuclear weapons in the international environment. International relations theory (theories that govern relations in an international environment) have traditionally been positive (realist, liberal, and regime theory all have positivist foundations), but post-positivist theories (such as constructivist, Marxist, feminist IR theories) have emerged as a significant field of inquiry in the sub-discipline. Below, we will discuss four prominent international relations theories, three positivist (realism, liberalism, and institutionalism) and one post-positivist (feminist IR theory). But before we do, a discussion of foreign policy and its tools and objectives is warranted.

## Foreign Policy

Foreign policy can be defined as a country’s national interest pursued abroad. Central to the definition, of course, is the concept of national interest—foreign policy is not merely a set of unbiased relations between countries, it is directed policy that seeks to benefit the nation through economic, political, and military means. The distinction between tools and objectives is essential toward understanding how foreign policy works—tools are the strategies, policies, and actions that are used to help realize specific objectives,

goals, or outcomes. There are both economic, political, and military tools and economic, political, and military objectives, and these types of tools and objectives can interact in a number of complex ways. Military tools can help achieve certain economic objectives, economic tools can achieve political objectives, and so on. Some tools may further certain objectives but make other objectives more difficult to achieve. For example, a nation may use a strong military presence in a region to force foreign nations into opening up trade, but this may come at the cost of political objectives in the long run, such as peace diplomacy. In other words, economic, political, and military tools and objectives are intimately bound up in one another—we cannot isolate these factors and expect to have a deep understanding of foreign policy. Instead, we must understand the relationship between these types of tools and objectives. When we observe foreign policy tools used by state actors, we should always ask, “what’s the objective?”

Let’s look at different objectives first, since these are the goals state actors intend to achieve in an international environment. Only then can we have a better understanding of what sort of tools are available for achieving those objectives. Political objectives often rest on influence—the ability to further national interests by influencing foreign actors. To this end, political objectives are often policies that benefit specific ideologies or systems of government and harm others. Liberal democracies, for example, may have the political objective of strengthening liberal democracy around the world. Illiberal governments, on the other hand, may make it a political objective in foreign policy to strengthen and aid various illiberal elements in foreign countries.



*Vladimir Putin in April, 2019. At the June, 2019 G20 summit in Osaka, Japan, Mr. Putin stated that liberalism has “outlived its purpose,” and “has come into conflict with the interests of the overwhelming majority of the population.”*

President Vladimir Putin of Russia, for example, stated in 2019 that liberalism, the dominant ideology of the 20th and 21st centuries, has become obsolete. Liberalism in this context is an ideological commitment to democratically free governments that enshrine rights and liberties for their citizens, along with a broader commitment to free markets and the value of multiculturalism and toleration.

The idea that liberalism is now obsolete is not just an observation by Putin—a core political objective in Russian foreign policy is the strengthening such challenges

to liberal democracy. Moscow has provided diplomatic and economic support to political parties across Europe that advocate for anti-immigration and isolationist policies and warn of the dangers of multiculturalism.

Military objectives principally rest on self-preservation—to protect national sovereignty, a system of government, and physical security through military power. Without sovereignty, a chosen system of government, and physical security, the state is existentially threatened. As we shall see below, the imperative of self-preservation is a key concept in the IR theory of realism. Militaries are the chief means through which national defense and the physical security of the state and people are secured, but the notion of a standing army—a relatively permanent, professional fighting force—is not without its detractors, both historically and presently. Countries such as Iceland, Costa Rica, and Panama have

no standing armies, but most of these include some form of voluntary defense organization. Some of the American founders believed that standing armies were antithetical to a free and republican form of government, namely Thomas Jefferson. Nevertheless, professional militaries are a fixture of our political world and wield tremendous influence over political and economic systems. By military objective, we are not referring to the strategic decisions that take place within a military chain of command (defending a position in a battlefield or engaging and destroying the enemy, etc), rather we refer to the political and national value a military provides. Advancing military objectives is not just about armed conflict—deterrence is a key military objective that can also further both political and economic objectives in foreign policy. The presence of a military base in a hostile or unstable region can deter rogue actors, political violence, and acts of aggression, while facilitating economic activity and political cooperation. The global devastation that nuclear weapons are capable of also acts as a deterrent—the United States and Russia both have an enormous nuclear warfare capacity, enough to ensure mutually-assured destruction and a strong deterrence to using those weapons.

Economic objectives in foreign policy include protectionism—economic policies that designed to insulate a national market from the effects of international trade and global economic activity—and liberal corporate capitalism, which is predicated on private firms openly open trading in the international marketplace and global finance and investment.

Broadly speaking, we may also include economic growth as a foreign policy objective, for both protectionism and liberal capitalism are intended to induce some form of economic growth. The growth

model in economics suggests that the main goal of economic activity is to spur a growing economy, generally defined as increasing a country's GDP or GDP per capita. There are challenges to the growth model—some economists argue that well developed democratic capitalist societies should instead focus on sustainability, not growth, as the measure of a successful economic policy. Indeed, most of the countries with high economic growth are developing countries undergoing rapid industrialization. Well developed economies tend to flatten out in terms of growth year-to-year. Lastly, when thinking about wealth as an economic objective, it's important to ask who benefits from increases in wealth. Some governments are quite wealthy despite the fact that a large percentage of the population lives in poverty. The Russian government, for example, runs a strong surplus across all sectors of government and carries little public debt. Among the Russian people, however, there remains a double-digit poverty rate and chronic underemployment, and the Russian government spends comparatively little on education, healthcare, and infrastructure.<sup>1</sup> Some analysts have suggested that the personal wealth of President Vladimir Putin makes him one of the richest individuals in the world.<sup>2</sup> Conversely, some governments in the world carry large amounts of national debt and consistently run deficits, yet the GDP

1. The World Bank, "Russia Economic Growth," no. 41, June 2019: <https://www.worldbank.org/en/country/russia/publication/rer> (accessed on July 22, 2019).
2. Cristina Maza, "How Rich is Vladimir Putin? US Senate Wants to Know Russia President's Net Worth." *Newsweek Magazine*, Feb. 14, 2019: <https://www.newsweek.com/how-rich-vladimir-putin-us-senate-wants-know-russia-president-net-worth-1331458> (accessed on July 22, 2019).

per capita is high and there is robust human resource spending on things like education, healthcare, and infrastructure.

## Political, Military, and Economic Tools in Foreign Policy

Having covered objectives, let's turn to the tools and instruments at a government's disposal to realize those foreign policy objectives. The key political tool for any government is diplomacy—the day-to-day communication between governments in the world. Influence is often achieved through diplomatic channels in which governments express preferences and seek benefits through cooperation. Institutions of diplomacy are usually separate from military institutions in government and a key distinction between diplomatic and military power is crucial for understanding foreign policy objectives. Diplomacy is often called “soft power,” as it is the power to persuade and influence through cooperation and compromise.

Military power is often referred to as “hard power,” as it is the power to achieve foreign policy objectives through deterrence, threat, and force. The US State Department is the main channel of diplomacy in US foreign policy. The State Department is responsible for facilitating communication with foreign governments, establishing and maintaining embassies abroad, establishing or terminating treaties with foreign governments, and overseeing the process by which American citizens travel abroad and foreign nationals travel to the US.

Another set of important political tools in foreign policy are treaties. There are two main

Diplomacy is often called “soft power,” as it is the power to persuade

and  
influence  
through  
cooperation  
and  
compromise.

forms of treaties—bilateral treaties between two countries and multilateral treaties between more than two countries. Bilateral treaties are easier and a common way for two countries to come together on specific military, economic, or political issues. Bilateral nuclear weapons treaties between the United States and the Soviet Union, for example, were crucial foreign policy tools that were instrumental in decreasing the heightened state of conflict in the Cold War. Multilateral treaties tend to be harder (since there are more stakeholders and thus more interests) but provide a more comprehensive agreements that often have political, economic, and military objectives. The North Atlantic Treaty Organization (NATO) between the United States and European countries is a prime example—NATO is a military alliance and so achieves defense and deterrence, but it also facilitates economic activity and diplomacy among the member nations, bringing them closer together on a number of issues.



*Kabul, Afghanistan, 2006. Master Cpl. Page Les, loadmaster, after installing a ramp guard on his CC-130 Hercules cargo aircraft, watches personnel of a Danish fighter squadron have their photograph taken. This Canadian Royal Air Force (RCAF) aircrew is mix of personnel from 435 and 436 Squadrons, Winnipeg and Trenton, Canada. They and the aircraft (from Canadian Forces Base Trenton are currently deployed to a Tactical Airlift Unit, Southwest Asia in support of RCAF – Operation Archer. They are supporting security operations by participating in various ways, with the International Security Assistance Force (ISAF). ISAF's primary role is to support the Government of Afghanistan in providing and maintaining a secure environment in order to facilitate the re-building of Afghanistan. ISAF integrates its efforts with the highest levels of authority at the Government of Afghanistan, with the United Nations Assistance Mission to Afghanistan (UNAMA), with the Combined Forces Command-Afghanistan, the US-led Coalition, and with other actors of the international community.*

An obvious military tool in foreign policy is the capacity to use force and the prospect of warfare, either targeted, general, symmetrical, or asymmetrical warfare. The capacity for force, as previously mentioned, is a key tool for the objective of deterrence—the presence and capacity of a military can deter without actually using force or engaging in warfare. There are a number of other military tools at a government's disposal prior to the option of direct combat. Non-combat operations are a common foreign policy tool, achieving the political objectives of nation and state building. Building roads and bridges, repairing electric or water services, facilitating peace in local neighborhoods by mediating communication between powerful stakeholders, protecting valuable national resources, all these non-combat operations are common military tools that

achieve both political and economic objectives. Another military tool that stops short of direct combat is surrogate warfare, in which a government uses guerrilla forces, mercenaries, rebels, or other so-called surrogates to engage the enemy. Surrogate warfare may allow a government to use the leverage of violence and force while

also keeping diplomatic channels open with the hostile powers in question. Afghanistan, Angola, Korea, Mozambique, and Vietnam were all Cold War proxy wars in which the American and Soviet superpowers used surrogates as military tools. Throughout these engagements diplomatic channels between Washington and Moscow remained open. It's hard to imagine those diplomatic channels would have remained open had the American and Russian militaries met on an open battlefield.

Lastly, governments may engage in direct military warfare as a tool to realize certain foreign policy objectives. Military conflict in the past has often been characterized as traditional, symmetrical warfare, in which two conventional militaries of



*Syrian women snipers Jobar, near Damascus, 2015.*

somewhat equal capacity and strength meet on a battlefield—uniformed combat troops against uniformed combat troops, tanks against tanks, fighter planes against fighter planes, and naval forces against naval forces. Although conflicts in the 21st century often use traditional weapons and tactics, military combat is increasingly characterized by asymmetric warfare such as cyber warfare, surrogate operations, terrorism (violent acts or the threat of violence against non-combatants in order to instill fear and advance specific objectives), and targeted military strikes. Throughout the Cold War, local civil wars were often used as proxy conflicts between larger powers, and this continues today. The civil wars in Syria and Yemen are largely proxy conflicts between two key powers in the Middle East—Saudi Arabia and Iran, which could be regarded as a proxy conflict in itself between the United States (in support of Saudi Arabia) and Russia (in support of Iran). The civil war in the Ukraine can also be regarded as a proxy war between the West and Russia.

Economic tools fall along the lines of protectionist or liberal

capitalist objectives. Key protectionist economic tools are embargoes (the refusal to trade with a country or bloc of countries), tariffs (taxing certain imports), and quotas (limited the number of certain imports or from certain countries). Throughout the Cold War and into the 21st century, for example, the United States put in place a trade embargo on the country of Cuba, one of the last remaining communist countries in the world. Conversely, the main tool to realize liberal capitalist objectives is the concept of free trade, in which free market countries seek to break down protectionist barriers abroad in order to tap resources, markets, and labor in those foreign countries. Free trade is often a tool to achieve political objectives under the theory that free markets facilitate a more free and democratic society. As we discussed in the section on the conditions and causes of democratization in Chapter Five, however, there is little evidence to suggest that freeing up markets leads to a more free and democratic society.

Lastly, the work of foreign policy requires a set of theories that give us assumptions and insights into what drives cooperation or conflict among states in an international environment. Theories of IR provide those assumptions, and suggest that state actors are likely to behave in certain ways under certain conditions. Let's overview four prominent theories in international relations by identifying the differences and similarities that exist between them.

## Theories of IR: Realism

Realist theory in international relations is predicated on the absence of authority that governs the international system. In short, the international environment is one in which anarchy is the norm—states are sovereign in themselves and seek either coercion or consent to realize their interests in the international system. There is no governing international authority to determine state

behavior in a global context, nor can there be any true governing international authority so long as states maintain sovereignty and autonomy from one another. The overriding principle in a realist environment is state survival and preservation, and because of this, power is the only means through which preservation is maintained in an anarchic environment. Indeed, realist theory posits that international organizations—such as the United Nations—are merely an institutionalized means through which states project power and bring about coercion over other states. Conflict is the norm in realist theory, not cooperation. For the realist, cooperation itself is also just a means to project power. Power can be projected in a number of ways—military, economic, or diplomatic power—but always with an intention to bring about a coercive effect that compels compliance from foreign actors.

There are four assumptions that underpin realist theory. First, the main objective of realist theory is preservation and survival. In an anarchic system, there is always the threat of foreign invasion and occupation. The main goal of the state is to mitigate against the threat by projecting power such that other states know not to mess with you. Second, states are rational actors in this anarchic environment—they are aware that there are no governing norms in the international system and that survival is the key, so they will always act in such a way as to mitigate against any threats to survival. State actors know their preferences, are able to order those preferences, are aware of all available information, and act in such a way to further their preferences. Third, states must assume that no state really knows for certain what other states will do (only that they will act rationally) and they must assume that foreign states have a degree of power—military, economic, or diplomatic—that they are prepared to project in an international system. Fourth, following from the assumptions above, it is reasonable for state actors to assume that the more power you have the more you will likely determine international arrangements and the overall direction of the international environment. In other words, Great Power politics is the norm in an international environment—actions of great

powers prove to be the decisive and dominant actions in the global sphere.

There is some disagreement among IR realists and this disagreement broadly falls into two approaches—the hegemonic approach and the balance of powers approach. The hegemonic approach takes all the above assumptions and argues that state actors should pursue domination of the international environment and seek to be the overriding hegemonic force that determines most of the direction and characteristics of the global system. Someone is bound to consolidate power and dominate the global system, argue hegemonic realists, and so it might as well be you. The balance of powers approach, on the other hand, argues that pursuing a position of hegemony can undercut the interests of the state by creating more animosity and conflict than otherwise, and that states can best bring about the realist goal of survival by seeking a balance of competing powers that will discourage state actors from attacking one another. Anarchy may be the norm of the international system, argue balance-of-power realists, but states should nonetheless seek stability through the mutual assurance of balanced power in the world.

## Theories of IR: Liberalism

Where the international arena is characterized by conflict and anarchy in the realist perspective, the liberal perspective is characterized by cooperation and the motivation of peace. Liberalism also emphasizes that, while states are sovereign and often act in their own self-interest, individuals, private parties, international organizations, and multinational corporations are important mediating entities in the international arena too often overlooked by realists. The United Nations is not simply a crude reflection of self-interested states, but an international ideology predicated on cooperation and peace.



*Headquarters of the International Criminal Court in the Hague, Netherlands.*

A prime example of liberal IR theory in practice is the International Criminal Court (ICC), an international body with authority to supersede national sovereignty and and bring war criminals and perpetrators of crimes against humanity to justice. In addition, unlike realist theory, liberal IR theory stresses the interdependence among states—states rely on other states much more than realism suggests. In addition, liberalism critiques the realist view that states are unified actors. There

are, rather, often competing interests within a state trying to steer foreign policy in different directions.

Consider the economic relationship between the United States and China, for example. Although far from political allies, these two dominant global powers have a deeply interconnected economic relationship such that any major depression in one country will likely effect the other to a very large extent. In sum, liberal IR theory suggests the following: states have a rational interest in cooperation because they recognize such cooperation can bring about positive sum games that benefit both parties; individuals, international organizations, and multinational corporations play a crucial role in shaping the global environment, not just states; and, lastly, states are not just autonomous, unified, and self-interested actors operating within an environment of anarchy, but rather states have competing interests within them and are interconnected to each other in such a way that reliance is more the norm than autonomy.

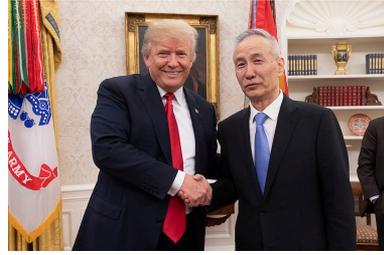
There are some similarities between realism and liberalism: both affirm the rationality of actors in the global arena, and both theories have underlying assumptions that inform the broader theoretical approach. In liberal IR theory, there are roughly four underlying assumptions. First, state action in the global arena is a product of unique national characteristics of those states, and very often do not project a unified set of interests. Second, because of the first assumption, it stands to reason that not all states are going to act the same in an international environment. Third, non-state actors, such as individuals or private groups, are more fundamental to global politics than states. We can also see how this follows from the first assumption, and suggests that states themselves are merely a composite of dominant individuals and groups that form the state. Fourth, and perhaps more foundational than the other assumptions, individuals essentially perceive themselves as good and basically behave as such, thus would rather seek cooperation rather than conflict.

Consider this last assumption in your own perception of human behavior—do you think humans essentially see themselves as good? On the one hand, it may be impossible to find a human being who does not, deep down, fundamentally view themselves as a good person. On the other hand, humans clearly are capable of destructive, horrible behavior. This may be a matter of fear and existential threat: when humans commit terrible acts it is likely driven by impulses of fear and a (perhaps only perceived) threat to their own survival. Thus, in the final analysis, the efficacy of realist and liberal theories may both be sound and simply a matter of perception. State actors may see a world filled with threat and act in such a way that is a direct response to this perception of the global environment. On the other hand, states may see a global environment in which cooperation is possible and mutually beneficial agreements are laid out on the negotiating table. Successful partnership may strengthen this perception of cooperation, facilitating positive reinforcement of cooperation among state actors.

## Theories of IR: Institutionalism

Institutionalism in IR is a bit of a mixture of realism and liberalism. It shares much of the basic assumptions of realism—states are rational and self-interested, the environment is anarchic and no state knows what the others will ultimately do—but in using game theory to show how mutually beneficial interactions come about, institutionalism posits that cooperation in the international environment is possible. In essence, cooperation is a rational and self-interested outcome. As the name suggests, institutionalists argue that the norms, rules, and procedures of institutions can overcome the anarchic tendency toward conflict. This is a different account from liberalism in two ways: one, the underlying assumptions are different (where liberalism sees an inherent tendency toward cooperation, institutionalism essentially agrees with the realist account of the global environment), and, two, institutionalism provides an account that is not about individuals but about the rules and norms of institutions. Recall our discussion of game theory from Chapter One, in which indefinite iterations of Prisoner’s Dilemma suggests a specific winning strategy—Tit-for-Tat—is successful because it is kind, retaliatory, forgiving, and clear. This is foundational to the institutionalist view, which asserts that, while anarchy is a basic norm, when we stretch out of the timeline of interactions in the global community, we essentially come to an environment in which cooperation has clear advantages.

Institutions have a number of advantages that incentivize cooperation. First, institutions allow us to retain information about state behavior so that we learn from past interactions. In short, institutions retain knowledge that is useful in facilitating cooperation. Second, it is efficient, since it is more costly to have one-off



*President Trump Talks Trade with the Vice Premier of the People's Republic of China, Liu He, 2018.*

transactions. Institutions effectively create known pathways through their norms and rules that smoothes out the process and facilitates cooperation. Third, because negotiations happen over a set period of time, institutions make it harder for a state actor to take advantage of others in negotiations. If a state actor takes certain benefits but reneges on their commitments, others will be less forgiving of that state actor in the next round of negotiations. In sum, institutionalism in IR sees the same basic set up as realism, but agrees with liberalism that cooperation is possible. This cooperation is possible not because people are basically good and tend toward cooperation, but rather that institutions provide norms, rules, and procedures that make it easier for state actors to identify and seek the benefits of cooperating.

### *Exercise 7.1*

Take one of three political issues in international relations today: the US–China trade talks, the civil war in Syria, or US–Iranian relations, particularly in regard to

nuclear weapons. Which of the three IR theories best explain the dynamic that is taking place in one of these three issues? Normatively, which of these theoretical approaches should state actors pursue to deal with the problem?

## Theories of IR: Feminism

Feminist theory in international relations calls attention to the role gender plays in the political dynamic of global interactions. It is meaningful, IR feminists argue, that men disproportionately dominate the international political system. One outcome of this male domination is the fact that, when discussing war and political violence, men consistently overlook the fact that women and children are the main victims of such violence. Women and families tend to shoulder much of the suffering and pain political violence causes, and the men who dominate global relations in turn do not regard political violence as serious of a threat as it is. Take, for example, the terrible devastation wrought by the Syrian civil war—women and families were the hardest hit by this political violence and constituted the majority of those migrants fleeing Syria. Refugee camps are filled with women tended sick, malnourished, and dying children. IR feminists argue that the concept of security must be expanded beyond merely state security to encompass human security. When states accommodate for a greater role for women in political life, the international environment would take greater account of political violence and its effect on societies.



*Lala Ali, 20, at the Jamam refugee camp in South Sudan, April 2012. “We walked for eight days to the border, carrying water with us, but we did not have enough food,” she said. “We left because of the war, we heard that the fighting was getting nearer to us and we decided to leave.”*

When we think of civil wars in Syria or Yemen today, we tend to think of battlefields, missiles and drones, men with guns. The suffering that is often ignored is a mother struggling to feed children, a woman dying of cholera, and families fleeing bombs. It is not just political violence that ignored the role of women and gender—a masculinized political society tends to divorce all political relations from human emotion and suffering. Thus economic transactions, political negotiations, and military strategy seek “preferred outcomes” without taking into account how it effects human society. A crucial assumption lies behind this theoretical framework: states are not simply institutions, certain sets of preferences, or abstract individuals that we can isolate and understanding through positivist and empirical analysis. States are rather constructions of values and ideologies that reflect normative positions on the human experience and its relation to power. Because of this, we must be attentive to cultural values and how the state is constructed to reflect those values. International relations, in this sense, should not merely emphasize cooperation or some fixed set of behavioral strategies, but rather should seek to reshape and remake the world in the image of a just society humans ultimately strive for.

## Conclusion

This chapter considers the sub-discipline of international relations

first by making a distinction between positivist and normative political inquiry. Though as a discipline international relations tends to emphasize the positivist approach, there are important post-positivist theories, such as IR feminism, that challenges this approach and provides an alternative account. IR as a public policy matter, moreover, must ultimately provide a set of prescriptions for how to improve global interactions among state actors. In studying international relations, it is essential to have a solid grasp on foreign policy and the tools and objectives that shape how foreign policy works (or doesn't work!) on a day-to-day basis. Lastly, we outline four important theories of international relations—ideas that govern how interactions in the global environment can and should take place. Three of those theories—realism, liberalism, and institutionalism—are positivist in approach and provide basic assumptions for what governs the international environment. Feminist IR theory, on the other hand, takes a post-positivist approach and argues that positivist theories overlook the importance of how states are constructed from particular value systems.

In the next chapter, let's look at comparative politics, a sub-discipline that, like IR, often situates its political inquiry in a global environment but uniquely provides a method for how to develop this inquiry.

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# 6. Chapter 8: Comparative Politics

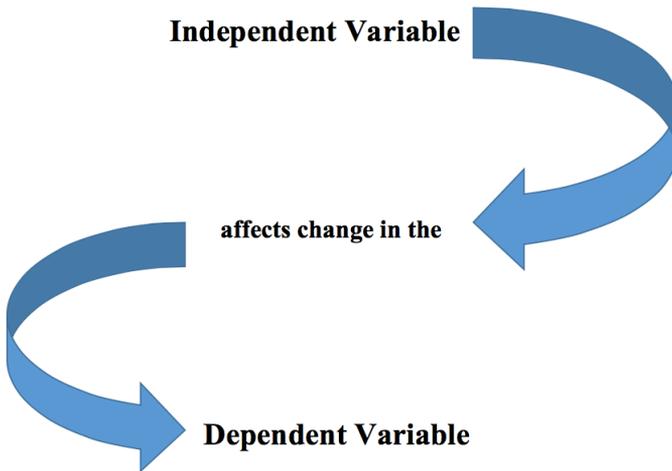
Comparative politics centers its inquiry into politics around a method, not a particular object of study. This makes it unique since all the other subfields are orientated around a subject or focus of study. The comparative method is one of four main methodological approaches in the sciences (the others being statistical method, experimental method, and case study method). The method involves analyzing the relationship between variables that are different or similar to one another. Comparative politics commonly uses this comparative method on two or more countries and evaluating a specific variable across these countries, such as a political structure, institution, behavior, or policy. For example, you may be interested in what form of representative democracy best brings about consensus in government. You may compare majoritarian and proportional representation systems, such as the United States and Sweden, and evaluate the degree to which consensus develops in these governments. Conversely, you may take two proportional systems, such as Sweden and the United Kingdom, and evaluate whether there is any difference in consensus-building among similar forms of representative government. Although comparative politics often makes comparisons across countries, it can also conduct comparative analysis within one country, looking at different governments or political phenomena through time.

Why is the comparative method so useful in the study of political science?

The comparative method is important to political science because

the other main scientific methodologies are more difficult to employ. Experiments are very difficult to conduct in political science—there simply is not the level of recurrence and exactitude in politics as there is in the natural world. The statistical method is used more often in political science but requires mathematical manipulation of quantitative data over a large number of cases. The higher the number of cases (the letter N is used to denote number of cases), the stronger your inferences from the data. For a smaller number of cases, like countries, of which there is a limited number, the comparative method may be superior to statistical methodology. In short, the comparative method is useful to the study of politics in smaller cases that require comparative analysis between variables.

Let's return to the basic elements of social science inquiry that we covered in Chapter One. Research in political science is typically focused on causation—what x causes y—and thus involves independent and dependent variables. An independent variable (IV) is a causal agent that provokes some change and brings about a particular outcome. The outcome, or consequence, of the causal mechanism is the dependent variable (DV).



It is best to start research in political science with a question. Why

do we see x and not y? Why do we have two very similar political systems producing different outcomes? Or why do two very different political systems produce the same outcome? Designing a research question is not as easy as it may initially appear. It requires the careful *construction* of a question—really good research questions do not typically appear to us like manna from the heavens. When we observe some kind of political phenomena, we might ask, “what caused this phenomena to occur?” This is a good starting point, and is akin to the process of detective work. Indeed, social scientists are a bit like detectives trying to solve a crime—they seek to explain various political, economic, and social “mysteries” in our world. Explaining the mystery in this sense is identifying the causes of a particular phenomena we observe. The dependent variable is the object or focus of your study—this is the outcome you seek to explain. Typically social science inquiry requires multiple independent variables—potential causes of the change you observe—in order to analyze and compare each of these IVs to find the best possible answer or causal agent. Now let’s review two common strategies in the comparative method—most similar systems design (MSSD) and most different systems design (MDSD).

## **Most Similar Systems Design (MSSD)**

This strategy is predicated on comparing very similar cases which differ in their dependent variable. In other words, two systems or processes are producing very different outcomes—why? The assumption here is that comparing similar cases that bring about different outcomes will make it easier for the researcher to control factors that are not the causal agent and isolate the independent variable that explains the presence or absence of the dependent variable. A benefit of this strategy is that it keeps confusing or irrelevant variables out of the mix by identifying two similar cases at the outset. Two similar cases implied a number of control

variables—elements that make the cases similar—and very few elements that are dissimilar. Among those dissimilar elements is likely your independent variable that produced the presence/absence of your dependent variable. A downside to this approach is that when comparing across countries, it can be difficult to find similar cases due to a limited number of them. There can be a more strict or loose application of the MSSD model—similarities may be fairly exact or roughly the same, depending on the characteristic involved, and will influence your research project accordingly.

### *Example 8.1*

Suppose you want to study how well forms of representative government develop consensus and agreement over policy matters. You may observe that nearly identical representative systems of government exist in County A and Country B, but are producing very different results.

- Country A has a proportional representation system and has a long and successful track record of producing consensus among lawmakers over a number of policy issues.
- Country B, however, is riddled with partisan disagreement and a lack of consensus over a similar kind and number of policy issues.

In this instance, you may also observe a number of similarities that act as control variables in your research—both countries have a bicameral legislature, a similar number of representatives per capita. This is a research project well suited to the MSSD approach,

as it allows multiple control points (proportional representation, bicameral legislature, number of representatives, etc.) and allows for the researcher to focus on fine grain points of difference among the cases. You may observe in this example one intriguing difference in demographics—County A's population is smaller and largely homogenous, whereas Country B's population is larger and more diverse. It may be that in Country B this diverse population is well represented in the legislature but leads to more policy disputes and a relative lack of consensus when compared to Country A.

## **Most Different Systems Design (MDSD)**

This strategy is predicated on comparing very different cases that all have the same dependent variable. This strategy allows the research to identify a point of similarity between otherwise different cases and thus identify the independent variable that is causing the outcome. In other words, the cases we observe may have very different variables between them yet we can identify the same outcome happening—why do we have different systems producing the same outcome? The task is to then sift through the variables existing between the cases and isolate those that are in fact similar, since a similar variable between the cases may in fact be the causal agent that is producing the same outcome. An advantage to the MDSD approach is that it doesn't have as many variables that need to be analyzed as the MSSD approach does—a researcher only needs to identify the same variable that exists across all different cases. The MSSD approach, on the other hand, tends to have a lot more variables that have to be considered although it may provide a more precise link between the independent and dependent variables.

### Example 8.2

Let's use an example that will help illustrate the MDSD approach. Suppose you observe two very different forms of representative government producing the same outcome: Country A has a majoritarian, winner-take-all representational system and Country B has a proportional representation system, yet in both countries there is a high degree of efficiency and consensus in the legislative process.

***Why do two systems have the same outcome?***

You may list a number of variables and compare them across the two cases, sifting through to locate similar variables. Unlike the MSSD approach, which seeks to locate different variables across similar cases, the MDSD approach is the opposite—the task is to locate similar variables across different cases. You may observe that despite the fact that these two countries have very different systems of representation, both have unicameral legislatures and a low number of representatives per capita. These factors may produce higher levels of efficiency and consensus in the legislative process, thus explaining the same dependent variable despite different cases.

## The Nation-State

Much of comparative politics focuses on comparisons across

countries, so it is necessary to examine the basic unit of comparative politics research—the nation-state.

What is a nation-state? How do nation-states form and develop over time? How do we explain similarities and differences that exist across nation-states?

A nation is a group of people bound together by a similar culture, language, and common descent, whereas a state is a political sovereign entity with geographic boundaries and a system of government. A nation-state, in an ideal sense, is when the boundaries of a national community are the same as the boundaries of a political entity. In this sense, we may say that a nation-state is a country in which the majority of its citizens share the same culture and reflect this shared identity in a sovereign political entity located somewhere in the world. Nation-states are therefore countries with a predominant ethnic group that articulates a culturally and politically shared identity. As should be apparent, this definition has some gray areas—culture is fluid and changes over time; migration patterns can change the make up of a nation-state and thus influence cultural and political changes; minority populations may substantially contribute to the characteristics that make up a shared national identity, and so on.



Map of Kurdistan.

Nations may include a diaspora or population of people that live outside the nation-state. Some nations do not have states. The Kurdish nation is an example of a distinct ethnic group that lacks a state—the Kurds live in a region that straddles the borders of Turkey, Iraq, Syria,

and Iran. Some other examples of nations without states include the numerous indigenous nations of the Americas, the Catalan and Basque nations in Spain, the Palestinian people in the Middle East, the Tibetan and Uyghur people in China, the Yoruba people of West Africa, and the Assamese people in India. Some previously stateless nations have since attained statehood—the former Yugoslav republics, East Timor, and South Sudan are somewhat recent examples. Not all stateless nations seek their own state, but many if not most have some kind of movement for greater autonomy if not independence. Some autonomous or breakaway regions are nations that have by force exercised autonomy from another country that claims that region. There are many such regions in the former Soviet Union: Abkhazia and South Ossetia (breakaway regions from Georgia), Transdniestria (breakaway region from Moldova), Nagorno-Karabagh (breakaway region from Azerbaijan), and the recent self-declared autonomous provinces of Luhansk and Donetsk in the Ukraine. Most of these movements for autonomy are actively supported by Russia in an effort to control their sphere of influence. Abkhazians, South Ossetians, Transdniestrians, and residents of Luhansk and Donetsk can apply for Russian passports.



Map of Russia periphery with separatist regions in red.

Lastly, some countries are not nation-states either because they do not possess a predominate ethnic majority or have structured a political system of more devolved power for semi-autonomous or autonomous regions. Belgium, for example, is a federal constitutional monarchy with a parliamentary system with three highly autonomous regions: Flanders, Wallonia, and the Brussels capital region. The European Union is an interesting case of a supra-national political union of 28 states with a standardized system of laws and an internal single economic market. An outgrowth of economic agreements among Western European countries in the 1950s, the EU is today one of the largest single markets in the world and accounts for roughly a quarter of the global economic output.

In addition to a parliament, the EU government, located in Brussels, Belgium, has a commission to execute laws, a courts system, and two councils, one for national ministers of the member states and the other for heads of state or government of the member states. The EU's complicated political system allows for varying and overlapping levels of legal and political authority. Some member states have anti-EU movements in their countries that broadly share a concern over a loss of political and cultural autonomy in their country. The United Kingdom's decision to leave the EU, known as "Brexit," has been a complex and controversial process.

As this brief overview suggests, the concept of a nation-state is central to global politics. Crucial questions on what constitutes a nation-state underpin many of the most significant political conflicts in the world. Autonomous movements that seek greater sovereignty for a particular nation are found in every region of the world. At the heart of the relationship between nations and states is the idea of self-determination—that distinct cultural groups should be able to define their own political and economic destiny. Self-determination as a conception of justice suggests that freedom is not just individual but also communal—the freedom of defined groups to autonomy and self-direction.

The push and pull of power that brings nations together or tears them apart is everywhere in global politics. Moreover, states may appear stronger than they actually are, as the unexpected fall of the Soviet Union suggests. The legitimacy of the state and the cohesiveness of a nation go a long way toward understanding stability in the global world.

Self-determination as a conception of justice suggests that

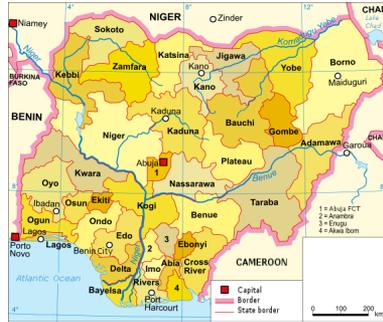
## Comparing Constitutional Structures and Institutions

freedom is not just individual but also communal—the freedom of defined groups to autonomy and self-direction.

In Chapter Four we provided an overview of constitutions as a blueprints for political systems and in Chapter Three's focus on political institutions we discussed legislative, executive, and judicial units and powers such as unicameral or bicameral legislatures, presidential systems, judicial review, and so on. The relationship between similar and different institutional forms make up the nuts and bolts of comparative political inquiry. In comparing constitutions across countries, each constitution speaks to the unique characteristics of a political community but there are also similarities. Constitutions typically outline the nature of political leadership, structure a form of political representation, provide for some form of executive authority, define a legal system for adjudicating law, and authorize and limit the

reach of government power. On the other hand, there are several unique factors that determine a constitution an government. Geography, for example, often has a profound impact on the constitutional structure and form of government.

Large countries with scattered populations, for example, must be more sensitive to the legitimacy of the state in regions far removed from the center of government power. Some governments have moved their seat of power to more centralized and less populous cities in response to this concern—Abuja, Nigeria, Canberra, Australia, Dodoma, Tanzania, Yamoussoukro, Côte d’Ivoire, Brasilia, Brazil and Washington DC in the United States are examples of capital cities founded as a more central location in order to better balance power among competing regions.

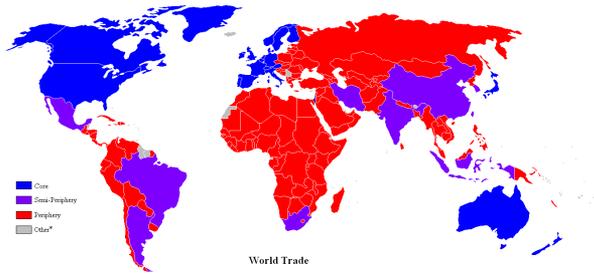


*Map of Nigeria with states and largest cities. The capital of Nigeria, previously the largest city, Lagos, was moved to Abuja in 1991 to better balance socio-political concerns and mitigate against corruption. Abuja is a planned city built almost entirely in the 1980s.*

Another factor is social stratification—differentiation in society based on wealth and status. What is typically regarded as lower, middle, and upper classes in most developed societies, social stratification can be complex, overlapping, and influenced by a variety of group characteristics such as race or ethnicity and gender. Social stratification can lead to political stratification—differing levels of access, representation, influence, and control of political power in government. This derived power can in turn reinforce social stratification in various ways. For example, the wealthy and privileged of a country may have derived political power from their wealth and in turn shape and influence government in such a way as to protect and increase their wealth, influence, and privilege. With the comparative method of political inquiry, political scientists can study the degrees to which social stratification effects political processes across countries. This kind of comparative inquiry can yield important insights such as whether wealth derived from group characteristics leads to greater political

stratification than wealth derived across more diverse groups, or whether reforms directed at lessening political stratification have any effect on social stratification.

Lastly, global stratification suggests when looking at the global system, there is an unequal distribution of capital and resources such that countries with less powerful economies are dependent on countries with more powerful economies. Three broad classes define this global stratification: core countries, semi-peripheral countries, and peripheral countries. Core countries are highly industrialized and both control and benefit from the global economic market. Their relationship to peripheral countries is typically predicated on resource extraction—core countries may trade or may seek to outright control natural resources in the peripheral countries. Take as an example two open pit uranium mines located near Arlit in the African country of Niger. Niger, one of the poorest countries in the world, was a former colony of France. These mines were developed by French corporations, with substantial backing from the French government, in the early 1970s. French corporations continue to own, process, and transport uranium from the Arlit mines. The vast majority of the uranium needed for French nuclear power reactors and the French nuclear weapons program comes from Arlit. The mines have completely transformed Niger in a number of ways. 90% of the value of Niger's exports come from uranium extraction and processing, leading to what some economists call a “resource curse”—a situation in which an economy is dominated by a single natural resource, hampering the diversification of the economy, industrialization, and the development of a highly skilled workforce.



World map of core, semi-peripheral, and peripheral countries in global trade.

Semi-periphery countries have intermediate levels of industrialization and development with a particular focus on manufacturing and service industries. Core countries rely on semi-peripheral countries to provide low cost services, making the economies of core and semi-peripheral countries well integrated with one another, but also creating an economic situation in which semi-peripheral countries become increasingly dependent on consumption in core countries and the global economy generally, sometimes at the expense of more economic self-sufficient and sustainable development. As an example, let's consider Malaysia, a newly industrialized Asian country of over 40 million people. Malaysia has had a GDP growth rate of over 5% for 50 years. Previously a resource extraction economy, Malaysia went through rapid industrialization and is currently a major manufacturing economy, and is one of the world's largest exporters of semi-conductors, IT and communication equipment, and electrical devices. It is also the home country of the Karex corporation, the world's biggest producer of condoms.

Included among core countries are the United States and Canada, Western Europe and the Nordic countries, Australia, Japan, and South Korea. Semi-peripheral countries include China, India, Russia, Iran, Malaysia, Indonesia, Mexico, Brazil, Argentina, and South Africa. Periphery countries include most of Africa, the Middle East, Central America, Eastern Europe, and several Asian countries. Reflect on the relationship between core, semi-peripheral, and

peripheral countries. Do you think this relationship is predicated more on exploitation and control or mutually beneficial economic partnerships in a global environment? Choose three countries—one core, one semi-peripheral, and one peripheral—that have political and economic ties to one another. Evaluate and analyze relations between these countries. What are the prominent economic interactions? What best characterizes the diplomacy and political relations between these countries? Are the forms of government similar or different?

## The Value of Languages and Comprehensive Knowledge

Comparative politics arguably requires more comprehensive knowledge of countries, political systems, cultures, and languages than the other sub-disciplines in political science. Language skill, in particular, is often essential for the comparativist to conduct good research. Having some facility with languages spoken in the countries or regions central to the research project gives researcher access to information and opens up avenues of communication and knowledge that is needed for in-depth understanding.

### Top 10 Most Spoken Languages in the World<sup>1</sup>

1. Sawe, Benjamin Elisha. "What is the Most Spoken Language in the World?" WorldAtlas, Jun. 7, 2019, [worldatlas.com/articles/most-popular-languages-in-the-world.html](http://worldatlas.com/articles/most-popular-languages-in-the-world.html) (accessed on August 7, 2019)..

1. English (1.39b)
2. Mandarin Chinese (1.15b)
3. Spanish (661m)
4. Hindustani (544m)
5. Arabic (422m)
6. Malay (281m)
7. Russian (267m)
8. Bengali (261m)
9. Portugese (229m)
10. French (229m)

In conducting field research, knowledge of local languages is critically important. Conducting interviews and doing observations in the field require familiarity with common languages spoken in the area. Grants are available from the US State Department and academic institutions for graduate students (and in some cases promising undergraduates) for language programs. The best environment for learning a foreign language is immersive—ideally, students should spend time in areas they have research interests in to gain familiarity with the language(s) and cultural practices. For example, if one wanted to conduct a comparative research project on political development in Kosovo and Abkhazia—two breakaway autonomous republics of similar size and population that are key sites of the geopolitical struggle between the West and Russia—it would be necessary to have some familiarity with Albanian (the dominant language of Kosovo) and Abkhaz, but it may also be helpful to have some exposure to Serbian, Russian, and Georgian as well.

Comparativists should ideally have broad but deep knowledge of the world—understanding regional issues, environmental resources, demographics, and relations between countries provides a pool of general knowledge that can help comparativists avoid obstacles while conducting their research. For example, if one were

conducting a study on the relationship between women's access to contraceptives and the percent of women in the workforce with a data set of some 150 countries, it is useful to know that in the non-Magreb countries of Africa women make up a disproportionately large percentage of agricultural labor. Despite low access to contraceptives, sub-Saharan African countries have relatively high percentages of women in the work force due to the cross-cultural norm of women farmers.

## Field Research in Comparative Politics

A crucial component of doing comparative politics is field research—the collection of data or information in the relevant areas of your research focus. Where political theory is akin to the discipline of philosophy, comparative politics is akin to anthropology in this field research component. Comparativists are encouraged to “leave the office” and bring their research out into the relevant areas in the world. Being on the ground affords the researcher a firsthand perspective and access to the sources that underpin good comparative analysis. Conducting surveys with local respondents, doing interviews with key actors in and out of government, and making participant observations are some common methods of gathering evidence for the field researcher. To continue with the above example of Kosovo and Abkhazia, suppose a researcher was interested in comparing constitutional development and reform in the two republics. Interviews with key actors in developing those respective constitutions would provide a firsthand account of the process, while surveys conducted with local responses could measure the degree of support for key reforms. A researcher could also conduct participant observations of the legislative process, media events, or council meetings.

Being in the field always comes with surprises that may alter the research project in numerous ways. Poor infrastructure may

hamper travel. Corruption may create obstacles in survey work or interviews. Locals may be unwilling to work with a foreign researcher whose intentions are in doubt. It is always important to balance your ideal research project with the practical realities you find on the ground. Deciding whether to take a short or long trip abroad is also an important consideration—shorter trips may bring more focus and efficiency to your work and also afford more opportunity to identify points of comparison and contrast, whereas longer trips can be more open-ended and immersive, giving the researcher the opportunity to develop contacts and have a more in-depth cultural experience. Lastly, case selection and sampling are important considerations—macro-level case selection involves identifying a country to conduct field work; meso-level selection involves locating relevant regions or towns; micro-level selection involves identifying individuals to interview or specific documents for content analysis.

## Conclusion

Comparative politics is more about a method of political inquiry than a subject matter in politics. The comparative method seeks insight through the evaluation and analysis of two or more cases. There are two main strategies in the comparative method: most similar systems design, in which the cases are similar but the outcome (or dependent variable) is different, and most different systems design, in which the cases are different but the outcome is the same. Both strategies can yield valuable comparative insights. A key unit of comparison is the nation-state, which gives a researcher relatively cohesive cultural and political entities as the basis of comparison. A nation-state is the overlap of a definable cultural identity (a nation) with a political system that reflects and affirms characteristics of that identity (a state).

In comparing constitutions and political institutions across

countries, it is important to analyze the factors that shape unique constitutional and institutional designs. Geography and basic demographics play a role, but also social stratification, or difference among individuals in terms of wealth or prestige. Social stratification is often reflected, and subsequently reinforced, in political stratification (differentiation in political power, access, and representation). Lastly, global stratification suggests an imbalance of power in the global world, in which core countries are able to control or influence economic and political processes in semi-periphery and periphery countries.

In the next chapter, we will consider a very different set of sub-disciplines—American politics and public policy and administration.

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# 7. Chapter 9: American Politics and Public Policy/ Administration

Why does political science have an entire sub-discipline dedicated to American politics? Or in other words, what's so special about politics in the United States?

The short answer is that this sub-discipline is unique to American academia. Higher education outside of the United States does not consider American politics to be its own sub-unit in the discipline of political science. American politics in international academia is rather a case to study—an important one, but just one case among many. The long answer is that political science has gone through enormous development in the history American academia, and has so shaped the disciplinary focus to regard American politics as a unique area of study populated with important insights, theories, questions, policy studies, and schools of thought. This sub-discipline covers a broad range of behavioral and institutional accounts of electoral and campaign politics, the legislative process, political parties, executive power and bureaucracy, the policy process and administration of policy, public law, cultural politics, state and local government, political development over time, and political thought. Furthermore, as discussed below, the study of American politics is hardly confined to one government—50 state governments in a federalist system can act as experimental arenas in which policy is tested and evaluated.

First, let's briefly overview some aspects of American politics covered in previous chapters. The United States has a federal, not unitary, form of government that entails shared power among 50 states and a central, federal political body. As structured by the Constitution, this body is a federal government composed of a separation of powers among legislative, executive, and judicial branches (branches which correspond to the first three articles of the Constitution, respectively). The American legislature is a bicameral body composed of a House of Representatives, with 435 members serving non-limited 2-year terms, and a Senate, with 100 members (2 per state) serving non-limited 6-year terms. This Congress of the House and Senate hold lawmaking powers detailed in Article I, Section 8 of the Constitution. In addition, the Senate advises and consents the executive on judicial appointments and treaties with foreign nations. In cases of impeachment of a president, the House initiates impeachment proceedings and the Senate holds an impeachment trial (presided over by the sitting Chief Justice of the Supreme Court). Elections for Congress are majoritarian, which means that elections are for single seats and the candidate who wins a plurality of the vote wins the seat. This is also known as a "first-past-the-post system" and is contrasted with a proportional representation system in which votes are cast for political parties that receive a proportion of seats in a legislature.



Commander-in-Chief of the US military, they have the power to make treaties with foreign nations and appoint judges to the federal judiciary, and they can issue executive orders that direct specific government action. These executive orders are not technically law, but they can function very similarly to law. Congress has no power to overturn executive orders but the Supreme Court can and has struck down executive orders as unconstitutional.

The president and vice president are selected through indirect elections determined by the Electoral College. Each state has electoral votes that correspond to the state's population (the greater the population, the more electoral votes) and electors cast their votes for the ticket (of president and vice president) that wins the popular vote in that state. Some states require by law that electors must cast their votes for the ticket that wins the state's presidential election but in most states this is done by convention, not law. It is exceedingly rare for an elector to not cast their vote for the ticket that wins their state's presidential election. There have been instances in which the ticket that wins the popular vote does not win the electoral college, notably in the recent 2016 presidential election, in which Hillary Clinton and Tim Kaine won 2.87 million more votes than the ticket of Donald Trump and Mike Pence but failed to win the Electoral College. This was the largest winning margin of the popular vote to not win the Electoral College in the nation's history.

The federal judiciary is composed of a Supreme Court that has both appellate and original jurisdiction, and inferior federal courts established by Congress. These courts operate under the common law system, which determines precedent of past cases to be binding on judicial decisions in the present. This system is contrasted to a civil law system, in which judicial decisions are based on statutory interpretation of codified law. Eight associate justices and one chief justice are appointed by the president, confirmed by the Senate, and sit on the Supreme Court for lifetime terms. The majority of the Supreme Court's case load is in its appellate jurisdiction, acting as the last court of appeals on major cases. In its decisions, the federal

judicial courts have the power to determine the constitutionality of any state and federal law, executive orders, and other government actions. This power is not expressly stated in Article III of the Constitution. It is a power that itself was derived from the common law system of judicial decisions carrying the weight of law, in this case the majority decision of Chief Justice John Marshall in *Marbury v. Madison* (1803).

Reflect on the powers of government outlined in the first three articles of the US Constitution and the development of the branches of government these articles structured. Article I is lengthy and details expressed powers and limitations of the Congress. Articles II and III, on the executive and judiciary respectively, are brief and lack the detailed enumeration of powers and limitations. Indeed, one can interpret Article III to give sweeping powers to federal courts with very few limitations. Congress was unquestionably the most powerful branch of government in the early decades of the American republic, but over time, executive and judicial powers expanded. Over the 20th century and into the 21st, presidents have expanded the powers of the office at the expense of Congress, significantly broadening its war powers, issuing executive orders with regularity, using the bully pulpit to speak directly to the public and gain leverage over lawmakers, and solidifying its agenda-setting authority to establish legislative priorities. Likewise, the Supreme Court has gone from the highest court in the “weakest branch” of the federal tree to the most respected institution in federal government and the highest authority on the Constitution, with the power to make law and establish constitutional rights the moment a decision is made. The lesson here is one of theory and history: powers well defined are more easily circumscribed, whereas powers vaguely defined lack boundaries that could otherwise limit that authority and power.

## Public Policy and Public Administration

Public policy analyzes and explains how government institutions respond to public concerns whereas public administration is the management, direction, and implementation of policy in order to achieve desired outcomes. One way of understanding the distinction is that public policy is the realm of ideas that solve public problems and public administration puts policies into practice. Public policy provides the ideas and public administration puts those ideas into practice. These two realms of policy and administration are obviously linked. Well defined policy that is attentive to the realities of how they will be implemented make the administration process more efficient. However, good policy can very often be administered poorly and poor policy can, if more rarely, be refined and improved in the administration and implementation process. The relationship between policy ideas and administration of those policies forms a substantial part of government's day-to-day work.

Public policy is generally shaped by elected officials—politicians whose task is to formulate ideas and directions that respond to public challenges. These policy makers may be representatives in Congress, a president or vice president, state legislators, governors, mayors, and city council members, among others. Public administration is generally the purview of non-elected public officials—civil servants who are employed for the purposes of administering public services. These policy administrators may be cabinet secretaries in the federal executive branch, bureaucrats in executive implementations of law, state directors of various agencies, county or city administrators and managers, and budget directors, among others. In short, public administrators are those who work in public departments and agencies across all levels of executive government.

In the academic study of public policy and public administration a basic model has been developed that gives some definition to the

policy process. There are 6 stages to this model. The first stage is agenda setting, which identifies a problem, methods for understanding or quantifying the problem, and evaluating its overall importance to the public. The second stage is policy formation, in which different approaches and solutions are weighed and evaluated, the impact of each proposal is assessed, and a “best possible” policy is forged. The third stage is policy legitimation, when policy is approved and formally adopted by Congress or a state legislature. The fourth stage is policy implementation, where the work of public administration begins, bringing formally adopted policy ideas into practice. The fifth stage is policy evaluation, in which expected outcomes (developed in the policy formation stage) are measured against actual outcomes. The policy evaluation stage also includes the process of determining how to measure outcomes and assessing the efficiency of the policy. The sixth stage includes policy maintenance, succession, or termination, in which the evaluation process gives conclusions on whether the policy should be continued, replaced with something else, or terminated altogether.<sup>1</sup>

## States as Laboratories: Using the Comparative Method in American Politics

State governments have a general law-making authority that allows for policy experimentation useful to political scientists who study the effect and success of law. Policy approaches can be compared

1. William Fox, Sayeed Bayat, and Naas Ferreira, eds. *A Guide to Managing Public Policy*. Juta & Co.: 2006; James E. Anderson, *Public Policymaking*, 7th ed. Cengage Learning: 2011.

and contrasted with other policy approaches to determine whether intentions match outcomes. This view regards state governments as laboratories of policy making and administration—they are proving grounds that shape and cultivate policy in such a way that insights and conclusions can be drawn for other state governments or the federal government. A key example is in healthcare policy in the 21st century. The Affordable Care Act (ACA, also known as Obamacare) was largely based off of state legislation passed and implemented in Massachusetts. This state law essentially sought to achieve universal healthcare by requiring all Massachusetts residents to get health insurance (an individual mandate), while providing subsidies for lower income residents to purchase policies from private insurance companies. One of the intended effects of the law was to pool together a large number of insurance policies and thereby lower the overall cost of insurance for individuals. The Massachusetts healthcare reform was enacted in 2006 and federal policy quickly developed once Barack Obama took office in 2009. This example shows how state law can influence and shape federal policy, a bottom-up approach to policy formation.

Conversely, a top-down approach entails a process by which federal law shapes and influences state-level policy. Once the ACA went into place, one of its provisions offered state governments federal dollars to expand Medicaid so that more lower income residents could qualify. This is not a federal mandate—states could choose whether or not they would take those federal funds (which would cover 90% of the expansion) and increase Medicaid qualification. Due to the unpopularity of the ACA among conservatives, several states with Republican majorities in the legislature and/or Republican governors opted not to expand Medicaid. As of 2019, fourteen states have not adopted Medicaid expansion, although it remains a potent political issue in those states.<sup>2</sup> Another example of top-down policy formation is the

## 2. Kaiser Family Foundation, "Expansion of Medicaid by

minimum age requirement for the purchase of alcoholic beverages. In 1984, Congress passed the National Minimum Drinking Age Act, which punished states that set the minimum age to purchase alcohol lower than 21 by reducing the federal highway funds by 10%. All 50 states complied, thereby establishing a nationwide minimum age requirement for the purchase of alcohol (although state laws continue to vary on the minimum age to privately consume alcohol).

State policies also influence other state governments, and the variation between roughly similar state laws can give political scientists and policymakers insight into what makes successful policy. Take, for example, the legalization of recreational marijuana in the states of Colorado, Oregon, and Washington. There are



*A recreational marijuana dispensary in Denver, Colorado.*

are variations on recreational marijuana policy that effects how the industry develops, how it is regulated, and how marijuana tax revenue is used. In Colorado, there is a 15% state excise tax on retail sales, a 15% tax on cultivator contracts (essentially a grower's tax), and localities can levy their own retail and cultivator taxes. In Oregon, there is a 17% excise tax on retail sales and a capped limit (3%) on taxes localities can levy. In Washington, the retail excise tax is a whopping 37%, with no cultivator or local taxes. In 2018, despite less sales than Oregon and Colorado, Washington had the highest tax revenue from recreational marijuana, an estimated \$319 million. Colorado brought in over \$266 million in tax revenue from

State," May 13, 2019: <https://www.kff.org/medicaid/issue-brief/status-of-state-medicaid-expansion-decisions-interactive-map/> (accessed on July 24, 2019).

recreational marijuana, and Oregon brought in slightly less than \$95 million. By law, tax revenue in Washington is directed to healthcare programs, Colorado directs its revenue to public education funding, and Oregon directs tax revenue to public education and drug prevention programs.<sup>3</sup>

There are a number of advantages to directing tax revenue to specific programs as opposed to putting such revenue into the general fund. Linking tax revenue to program funding creates a tighter link between policy and its intentions, providing more comprehensive direction for a policy's effect on government and society. Directed funding from tax revenue can also decrease opposition to a policy—opponents of recreational marijuana may be concerned about potential increases in drug abuse, for example, and so policy that directs some tax revenue to drug prevention and treatment programs can mitigate against these concerns. Lastly, tax revenue directed to specific programs may reduce government costs and waste by decreasing the opportunities for lawmakers to direct funds to pet projects or “pork barrel” spending that may help with re-election but otherwise provides little benefit to the public. Analyzing variation in policy at the state level helps us reach such insights. Experiments across states ideally bring about policy that

3. Tax Policy Center, "How Do Marijuana Taxes Work?" 2018: <https://www.taxpolicycenter.org/briefing-book/how-do-marijuana-taxes-work> (accessed on July 24, 2019); Niall McCarthy, "Which States Made the Most Tax Revenue from Marijuana in 2018?" *Forbes*, March 26, 2019: <https://www.forbes.com/sites/niallmccarthy/2019/03/26/which-states-made-the-most-tax-revenue-from-marijuana-in-2018-infographic/#66e126c67085> (accessed on July 24, 2019).

can better achieve its overall aims. Sound public policy and efficient public administration results from experience, experimentation, analysis of results, and the improvements and reforms aimed at correcting policy design flaws.

## Campaigns and Elections

As previously mentioned, the electoral system in the United States is majoritarian, in which individual candidates seek a plurality of votes to win a legislative seat. A plurality means that a candidate received more votes than any other candidate (a majority of votes means that a candidate received more than 50% of the votes cast). This system is contrasted to a proportional representation system, in which citizens vote for parties that win a percentage of seats in a legislature and the parties in turn nominate representatives to fill those seats. Proportional representation systems tend to produce multiple parties that are competitive—if a party wins only 15% of the votes for an election, it roughly translates into 15% of the seats in a legislature. The US majoritarian system produces two dominant parties that remain roughly stable over a period of time, called a party system. Third, fourth, and fifth parties cannot be competitive in a majoritarian system—consistently winning 15 or 20% of the vote gives you nothing if you do not have a plurality of votes.

There is both a structural and psychological effect that produces two dominant parties in a majoritarian system. The structural effect is the very mechanics of the system, for if candidates are vying for 100% of the power that comes with a single seat, anything less than a plurality means you gain nothing, resulting in two competitive parties pitted against one another. The psychological effect describes how this majoritarian, winner-take-all system affects voters, party operatives, and candidates—voters are less likely to vote for third or fourth party options because they know there is little chance they can win, and therefore their vote will be a wasted

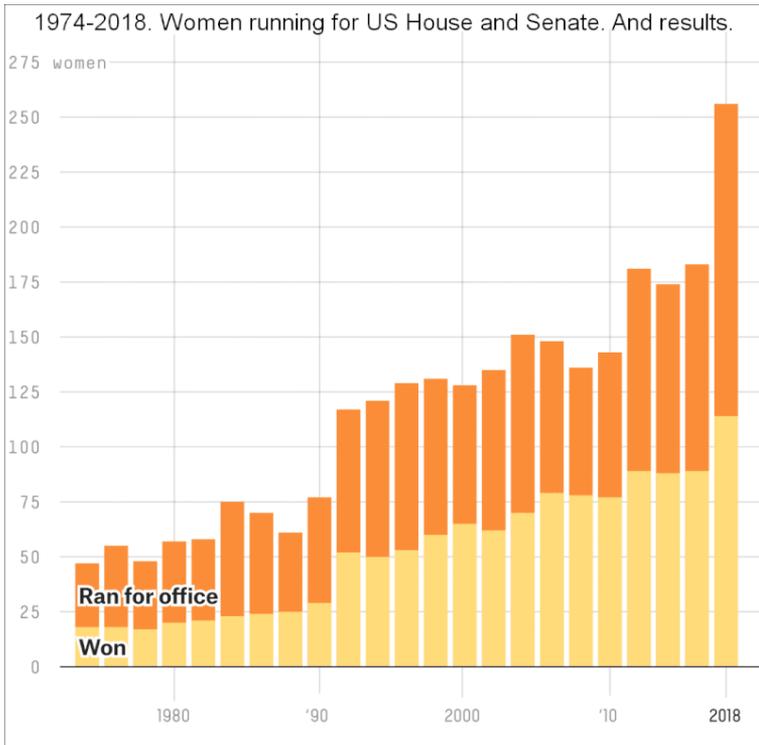
one; party operatives are effected by this majoritarian system by recognizing their party must be a “big tent” organization that includes a large number of ideological and policy positions; and, lastly, the majoritarian system has a psychological effect on candidates themselves—potential third party candidates are simply less likely to run knowing they have little chance of winning, and candidates of the two dominant parties know they must run on a variety of policy positions and capture centrist voters key to putting them over the top.

Before general elections, parties undergo a nominating processes known as primaries. Primaries are the long and arduous process of multiple candidates vying for that party’s nomination, although in some cases primaries are something of a forgone conclusion if a candidate is uncontested for the nomination or one candidate is far more dominant than the others. During the nominating process, candidates seek to curry favor with voters, donors, and party elites by prioritizing issues, articulating policy stances, and, perhaps most important, by making the claim that they will be the strongest candidate in the general election and thus the greatest benefit to the party. There are closed and open primaries: closed primaries mean that voting is only open to citizens who are registered with that party, whereas open primaries are open to all eligible voters. Some primaries, such as those in Louisiana and Washington, have majority or two-round systems, in which the top two candidates go to a run-off or second round of voting if no candidate receives a majority of the votes cast in the first round. Lastly, there are also “top-two” primaries, in which the two candidates receiving the most votes in the primary go on to the general election, even if those candidates are from the same party. The top-two primaries are more common in districts where one party is dominant. In a very liberal district, for example, a Republican Party conservative candidate will rarely be viable in a general election, and so it makes sense to have the top two Democratic candidates face off in order to bring more competitiveness to the election.

Why do we want our elections to be competitive?  
What are the advantages to closely contested elections?

Some studies conclude that competitive elections tend to make for more engaged voters, more issues-driven campaigns, higher voter turnouts, and politicians who are held to greater accountability.<sup>4</sup> Competitive elections may also be a good indicator for the health of a democracy—if elections are consistently uncompetitive and incumbents are rarely challenged, this may be a sign of disengaged or marginalized voters and may result in stagnant governance. Incumbents in elections are candidates who are currently holding the office and running for re-election. Incumbency advantage in elections is strong—incumbents typically have more money and are known quantities familiar to voters and donors. Politicians spend considerable time and energy on campaigns to win elections. In a classic book on American politics, David Mayhew's *Congress: The Electoral Connection* makes a compelling argument that much of the organization and outcomes of Congress can be explained by election-seeking behavior of representatives. In short, decisions made by congresspersons are almost entirely tethered to their re-election prospects. Legislation they support, committees memberships they seek, and public addresses they make are all tied to what voters back home will think of those actions.

4. Keena Lipsitz, *Competitive Elections and the American Voter*. University of Pennsylvania Press: 2019.



Although issues matter, election coverage by news media is generally dominated by the personalities of the candidates (their background, style, and performance) and the state of the “horse race” (who is ahead, who is behind, and who is gaining or losing ground in the race). This lends a spectatorial and performance driven nature to the American electoral environment. Successful candidates capture attention and coverage by performing well in a public setting. Politicians who are smooth, articulate performers tend to have an advantage over politicians that are knowledgeable, issues-driven policy wonks with a little less flair in the limelight. This suggests a dynamic between electoral politics and governing politics that tends to favor election spectacles over the messy and procedural process of governing, at least in terms of public attention. Elections can be splashy and entertaining, adjectives rarely applied to the governing process. The public tends to pay

more attention to politics during election season and ratings for news media tend to be higher. As we shall see, all of these dynamics tend to be heightened in presidential elections.

Running for president of the United States is arguably the biggest show in all of politics. Presidential candidates run long, expensive campaigns that typically start over a year before the general election. It begins with candidacy announcements in which individuals publicly declare they are running for president. These announcements are themselves political shows intended to maximize coverage and energize supporters. Declared candidates then go through with the nominating process in which state primaries or caucuses are held for both the Democratic and Republican Parties. Primaries are preliminary elections, either open or closed, in which Americans vote directly for candidates that seek the party's nomination. The winner of a state primary captures that state's nomination for the party. Caucuses are meetings held in town halls, schools, and other public venues in which supporters discuss and vote for candidates seeking the party nomination. Voting is more informal in caucuses—rather than go to the polls and cast ballots, attendees gather and vote in smaller settings. The two major parties assign each state a number of delegates. Delegates will then pledge their votes to the candidate who wins that state's primary or caucuses.

The Iowa caucuses are the first major event in the nomination process and gives the small Midwestern state an outsized role in the selection of president—Iowa is seen as a barometer for future success of candidates in the nominating process. A win in Iowa or a better showing than what was expected can provide a big boost for a campaign. Conversely, a poor showing in Iowa can significantly derail a campaign. The New Hampshire primaries are the second stop in the nominating process and after votes are counted in that state the public typically has a clearer idea of who the frontrunners are for the party's nomination. After the Nevada caucuses and South Carolina primaries, several states hold simultaneous primaries and caucuses in what is known as Super Tuesday, generally a day in late

February and early March of the presidential election year. With candidates crisscrossing the country, money pouring in and out of their campaign organizations, the race for the party nomination begins to take shape through the spring. The winning candidate will usually wrap up the nomination by early summer, well before the party convention in which the candidate is formally nominated. The US presidential nominating convention will select the party nominee for the general election, but will also adopt a statement of party principles referred to as a platform and establish rules and procedures for the next presidential election cycle. Historically, conventions were often brokered—multiple candidates continued to vie for the nomination and there was varying degrees of doubt as to who would actually win. In a brokered convention, the event itself will settle the matter. Brokered conventions are now rare in American politics, the last was in the 1976 Republican convention, in which a post-Watergate party in disarray ultimately settled on the sitting president, Gerald Ford.

Lastly, the Electoral College is the system designed to select the president in a general election. Each state runs their own election system—some states use paper ballots, others use electronic voting machines, and every state has a different system for registration, process



*Badges from US presidential elections.*

for absentee voting, among other procedures. Oregon is unique in that the state implemented a statewide mail-in balloting system for their elections. There are no polling places. Ballots are mailed to registered voters, who can make their selections at home and place the sealed ballot in a registered drop box site before election day. The process is convenient, cost efficient, and helps produce one of the highest voter turnout rates in the country. The Electoral College is composed of 538 electors divided among states based on population. State elections determine who the electors of that state

will vote for. Almost all states will allot all of their electoral votes to the winning candidate of that state's election, regardless of how small the margin of victory. The exceptions are Maine and Nebraska, who divide up their electoral votes among the districts of those states. The winning candidate of each district wins that district's electoral votes. The candidate that wins the presidential election must win a majority of the electoral college votes: 270 is the minimum number required.

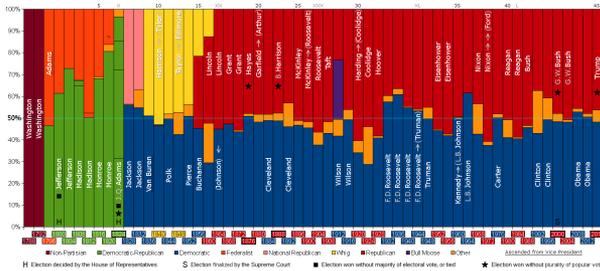


Chart showing all the US presidents by popular vote. The black stars denote elections in which the winner of the Electoral College did not win the popular vote.

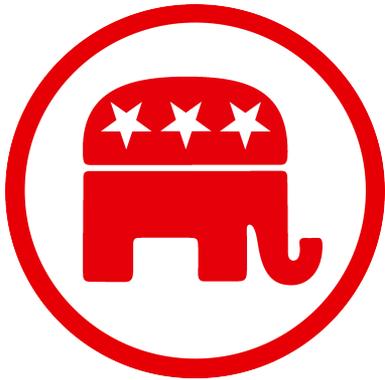
## Mediating Institutions: Political Parties

In understanding the dynamic of American politics and how it operates through American government, it is important to analyze mediating institutions. A mediating institution is one that filters and shapes politics and influences government institutions and actions. The role of political parties has a profound effect on American politics. Political parties may be an organic outgrowth of any democratic society. A political party is an organization built around shared policy and ideological platforms and serves as an organizational structure that selects and supports representatives in government. There is no mention of political parties in the US Constitution, but parties almost immediately emerge in American

political history, quickly becoming fundamental to the process of interest-based governing. James Madison's Federalist 10 discusses the dangers of factions—organized groups that seek to direct government toward their interests. The danger here is that government will be more responsive to particular groups, or special interests, and not the common good. For Madison, factions cannot be destroyed, because to do so would destroy democracy itself. The answer, according to Madison, is to manage factions by designing a divided government of checks and balances that make it hard for one special interest or faction from monopolizing government power. We may view political parties as factions in this sense, seeking to influence government and direct its actions to the benefits of the party and its supporters. Parties, however, have a number of benefits in a democracy—they mobilize voters, establish a platform in which ideas and policies can be expressed and scrutinized, and cultivate representatives that make good public servants.

As previously mentioned, party systems are historical eras of stability between two major parties. There at least 5 party systems in American history. The first party system emerged as a split among the Federalists, who saw themselves as defenders of the Constitution and advocated for an active government, and the Jeffersonian Democrat-Republicans, who were wary of centralized authority and the tyranny of government that could undermine the liberties of the people. The Democrat-Republicans took up the anti-Federalist banner. Federalists advocated for a strong national bank, close ties with England, an active federal government, and economic policies favored to wealthy financial and commercial interests. Alexander Hamilton, the first Treasury Secretary of the United States and perhaps the most powerful political figure in American history who did not serve in Congress or as president, is a prime example of high federalism. Hamilton, one of the main architects of the Constitution, was one of the first individuals to interpret the Necessary and Proper Clause of Article I, Section 8, and argued for a broad, far-reaching interpretation that could

empower Congress to realize the massive potential of the nation's economic and military power. Thomas Jefferson, the philosopher-statesman who would become the 3rd president, led the Democrat-Republicans, who abhorred the notion of an expansive and active government the Federalists endorsed. For Jefferson, a limited government made for a freer society.



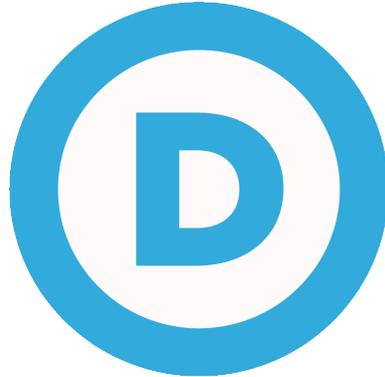
*Republican Party Seal.*

The elitism of the Federalists diminished their appeal, particularly after the War of 1812. With the balance of power shifted to the Democrat-Republicans, internal divisions within the powerful party began to emerge. These are periods in party history scholars refer to as realignments, when stable party systems breakdown. In

such realignments new parties may emerge to replace one of the two dominant parties, or party names stay the same while new ideas transform the party platform, usually corresponding to a demographic change in the party supporters. The second party system that emerged included all of these changes. The Democratic Party, who carried the mantle of Jefferson, was against a federal bank, internal improvements, and paper money. Led by Andrew Jackson, the Democrats also advocated for universal white male suffrage—the end of property qualifications for voting. The Whig Party tended to be more urban, elite, and northern, and were for a federal bank, internal improvements, and paper money. The second realignment, which takes place in the years leading up to the Civil War, was sparked by the fracture of the Whigs over the issue of slavery. The Whig Party was dissolved and former Whigs of the north were reconstituted as the Republican Party, with a platform committed to equality and the gradual end of slavery. This third party system is forged in the Civil War and lasts through the end of

the 19th century, when a major realignment drastically changes the ideas and platforms among the two parties, although the names remain the same.

Politics at the turn of the 20th century sought to respond to social transformations brought about by industrialization, immigration, and urbanization. Issues such as child labor, big business and monopoly, economic regulation, women's suffrage, direct election of senators, and Prohibition dominated the Progressive Era. Both parties



*Democratic Party seal.*

had progressive factions within them that wanted to aggressively respond to these problems and revitalize government to deal with them. The fifth party system emerges at the end of the 1920s, when the Great Depression weakens the Republican Party, who had gradually abandoned progressivism and sought to shape a social conservative and pro-business platform. The Democratic Party reshapes itself as a modern liberal coalition of southern "Dixiecrats" who supported social programs that tackled poverty and provided economic benefits to working class Americans and northerners who supported these social policies but also attentive to racial inequality in America. Whether this fifth party system remains is the subject of much scholarly debate, but there was clearly a significant realignment in the 1960s, when Lyndon B. Johnson's support of civil rights alienates much of the Democrats of the south, who moved into the Republican Party in large numbers. Today, the Republican Party remains strong in the south and the American heartland, whereas the modern liberal Democratic Party is dominant on the American coasts.

## Mediating Institutions: Media

A key mediating institution in American politics is media—both traditional news media and the broader, and rapidly changing, media landscape. Traditional news media in America is privately owned and almost entirely unregulated. In consolidated corporate capitalism, most traditional news outlets are owned by larger multinational corporations. Although news media are guided by profit motivation, there are three main civic responsibilities of news media in a democracy. First, news media are expected to provide a forum in which candidates contest for public office by broadcasting debates, providing information on campaign rallies and speeches, and giving candidates access to the public. Second, news media provides for an informed public by covering the events of the nation and world. In this respect, an informed public is essential to the health of a democracy—in a government by and for the people, it is necessary that the people have balanced and objective information on events that effect the public. Third, news media are expected to be a watchdog on the state, scrutinizing government and its actions and reporting on political corruption or abuses of power.

Is there an inherent tension between the profit motivation of privately-owned news media and these civic responsibilities? To what extent have these responsibilities eroded in our 21st century democracy? These are important political questions that are central to the public's relationship to government. The news media landscape has undergone tremendous change over the past 20 years as traditional news outlets, particularly newspapers, have declined and internet-based



*President of the United States Barack Obama holds an end-of-year press conference in the James S. Brady Press Briefing Room of the White House on 20 December 2013.*

media has exploded in growth. Prior to the development of the internet, traditional news media essentially controlled the marketplace of disseminating news events and were staffed by professional journalists who operated under the values of autonomy and objectivity. We now have a much more flattened news media environment, with a variety of alternative sources available, citizen journalists, and significant blurring between objective news, opinion, and soft news. The advent of social media has exacerbated these changes, allowing users to share anything they deem newsworthy. Such a flattened and open environment has made it possible for bad-faith actors to propagate disinformation and fake news in an effort to sow distrust or shape the public's perception.

Objectivity is an important journalistic concept that can easily be misunderstood in partisan politics—news that calls into question the efficacy of certain policies and ideas or that might embarrass or discredit a particular politician may be deemed biased by supporters, even if the reporting is accurate. Objectivity does not imply that reporting is purely, 100% unbiased—it is perhaps inevitable that even the most objective reporting will bring with it some bias of the journalist's worldview. Our perspectives and worldviews shape how we understand the world and how we describe it. It is, however, crucial that journalists strive for objectivity in gathering, assessing, and presenting information on important events. Journalists are trained to tell other people's stories, not their own, and to balance reporting by "indexing the news," a process by which journalists seek alternative viewpoints to those being expressed. In other words, sources who share opinions should be balanced by other sources with altering opinions. The job of a journalist is to gather these viewpoints and present them fairly.



*Public opinion can be shaped by how media frames events.*

Lastly, let's consider some key journalistic strategies for presenting news information. First, news media follows the process of agenda setting—deciding which issues will be presented and in what order. Because news media cannot report on all the events that happen in the nation, let alone the world, a degree of agenda setting is necessary. For the public, it is important to be aware of which issues are covered, in what order or with

what degree of emphasis, and which issues are not covered. Second, news media engages in the process of framing information—deciding what aspects of an event or issue they should cover, thereby providing a frame that emphasizes certain facets of the issue and de-emphasizing other facets. There are two very different framing strategies—episodic framing and thematic framing. Episodic framing tends to cover events in isolation, like stand-alone episodes with little context or connection to other events. Causes of events are typically individual in episodic framing—some individual perpetrated some isolated act. Thematic framing, on the other hand, tends to look at the context that surrounds events and tries to explain its connection to other events. Causes are not individual but societal, institutional, or structural. Take the issue of mass shootings in America, which have become alarmingly common in our everyday life. Episodic framing will report on isolated mass shooting events and focus on the shooter as the sole cause. Thematic framing will emphasize the context and draw connections to other mass shootings in seeking to find a broader social or cultural cause as to why these shootings continue to occur.

## Conclusion

In this chapter we provided an overview of American political institutions, particularly the federal government's constitutionally designed branches of legislative, executive, and judicial power. Public policy and administration is briefly discussed, and a distinction is made between public policy—the realm of ideas that seek to solve public problems—and public administration, the practical implementation and realization of those ideas. Further, a 6-stage process of public policy and administration is important to understand how policy is developed, implemented, and evaluated. In short this process is 1) agenda setting, 2) policy formation, 3) policy legitimation, 4) policy implementation, 5) policy evaluation, and 6) policy reform, continuation, or termination. Next, this chapter seeks to understand states in American politics and laboratories for policy. When states design and implement similar policies, political scientists and policymakers can compare, contrast, and analyze their effects, assessing the degree to which policy successfully identifies and responds to public problems.

We then looked at campaigns and elections, an important dimension of American politics that is often more visible to the public than the day-to-day practice of governing. The American democratic system has both direct and indirect representation within a federalist system, which requires 50 state governments and a federal government to coordinate and interact in order to govern for the benefit of the public. Lastly, we looked at two mediating institutions that have a profound effect on American politics—political parties and media. Party organizations govern the process of selecting, financing, and supporting candidates for public office. New media is privately owned and largely unregulated, but in a democracy, the expectation is that profit-motive should rest alongside and not undermine civic responsibilities news media have to the public, namely to provide an electoral forum, inform the public, and be a watchdog on government and its actions.

In our next chapter, we will return to the basic tools of social science inquiry and look at the sub-field of methods in political science.

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# 8. Chapter 10: Methods

Understanding political methodology requires us to return to a few key concepts from previous chapters. The basics of social science inquiry is to explain causation—what causes what—in political, social, or economic phenomena.

How do democracies emerge? What are the causes of political party realignments in American politics? How do two countries go from a trade war to trade agreements?

There are two variables in this causal relationship: the dependent and independent variables. The dependent variable is the outcome we seek to isolate and study in order to determine what caused it. Independent variables are the potential causes of the dependent variable in question. Once we determine the dependent variable as the focus of the study and a number of independent variables that could potentially be the cause, we need tools, or methods, to observe and draw conclusions. Key to this inquiry is determining the right methods that best explain the phenomenon in question. Once we establish the methods then we can begin the process of data collection, observation, analysis, and inference.

A fundamental divide in methods for political science is the distinction between quantitative and qualitative methods. Quantitative methods principally combines statistics, mathematics, and formal theory as tools for positive research in political science. It is a data-driven approach in which collection, analysis, interpretation, and presentation of numerical data provides inferences and insights into key political questions. Positive research, as previously mentioned, seeks to describe and explain

what is, and is in contrast with normative research that seeks prescriptions of what ought to be. Qualitative methods entail a set of tools for explaining political phenomena that are not numerical or statistical and does not seek to count or measure data. Instead, a qualitative approach uses description and observation of non-numerical data to draw inferences. Not all data can be quantified in a way that is useful, particularly human-related data such as behavior or belief, and qualitative methods help us fill the gap. As a sub-field in political science, political methodology is principally the study of how methods are used in the discipline. It is a practical, hands on sub-discipline that gives students direct access to the tools of political inquiry.

Let's review a few key concepts and approaches in political methodology. First, we will consider some terms and approaches in quantitative methods. Second, we will look at some core principles and dominant approaches to qualitative methods. Lastly, we will discuss the basics of developing a research project that will serve as a template for students to create their own research agenda.

## Correlations

Statistical correlations are the most common tool in quantitative methods. Correlations measure the relationship between two variables. A positive correlation implies a relationship in which an increase or decrease in numerical value of one variable corresponds to a similar increase or decrease in the other variable. As an example, let's look at the relationship between wealth and voting participation: several studies have found a positive correlation between these variables such that higher levels of wealth correspond to a higher likelihood of voting.<sup>1</sup> Moreover, lower levels

### 1. World Economic Forum, "Link Between Voting in

of wealth tend to correspond to a lesser likelihood of voting. A negative correlation implies a relationship in which one variable increases when the other variable decreases, or vice versa. Let's consider the variable of voter turnout—what are some variables that can be negatively correlated to voter turnout? We may think of a number of variables that could be tested, such as bad weather, a more stringent registration process, high levels of poverty, or low levels of education. We can test these variables and hopefully gain some insight into what drives higher voter turnout and what obstacles there are to voting.

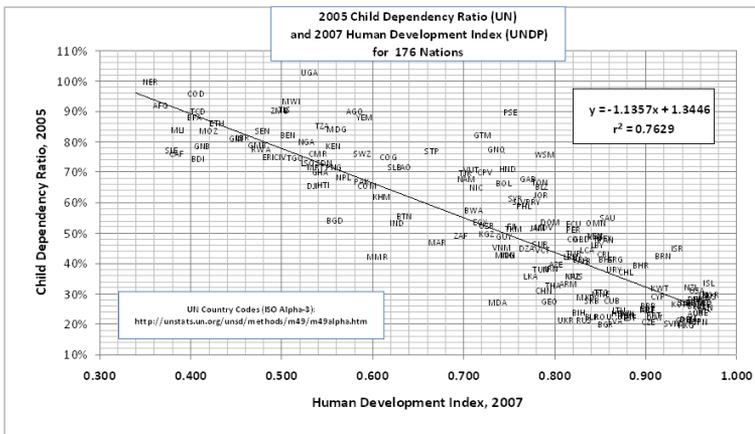
A correlation, it has often be said, does not necessarily imply causation, but correlations are an indication that there may be causation or some meaningful relationship that can provide insight into political inquiry. Suppose we just collected and analyzed data, maybe for years, gathering mountains of information. Assume further that we organize this information and present it in an accessible and attractive way. What's missing in this research project? Data can be collected, organized, analyzed, and presented, but at the end of the day the political scientist must ask, "okay, what does all this *mean*?" What conclusions can be drawn from the analysis of data? What questions remain? The methodological work of a political scientist is not done once a statistical regression is run and a correlation between two variables is determined. An important next step is the task of inference—drawing conclusions based on the correlation and perhaps other observations and correlations as well. Drawing inferences is an essential scientific activity that directly probes the meaning of data and analysis.

Let's return to the example of a positive correlation between wealth and voting participation. What does this really mean? We

Elections and Income." 2018: <https://www.weforum.org/agenda/2018/07/low-voter-turnout-increasing-household-income-may-help> (accessed on July 28, 2019).

may logically infer one thing it does not mean: that voting makes you more wealthy. Voter turnout is the dependent variable in this analysis—an outcome for which we seek causal explanation. It may be that individuals who are wealthy are more likely to volunteer, participate in other civic and political endeavors, run for office, and the like. In this case, wealth may not be such a powerful explanation for voter turnout, but rather a variable that increases the likelihood of many different forms of political participation. On the other hand, wealth may be a more direct cause of voter turnout: the correlation between these two variables may be noticeably higher than between wealth and volunteerism or wealth and running for office. Additionally, we may draw an inference that voting participation increases with wealth because individuals may feel as though they have a larger stake in the political process or are at risk of paying more taxes, etc. This inference suggests a tighter link between wealth and voter participation.

Here is an example of a correlation represented with a scatter plot:



This scatter plot shows the correlation between child-dependency ratio and the UN Human Development Index. A child-dependency ratio is derived by taking the number of dependents (14 years of age and younger and 65 years of age and older) and dividing it by the total population. The N in this statistic is 176; the

number of nations in the study. What this statistic suggests is that there is a negative correlation between these values—higher child-dependency ratios correspond to lower human development.

## Key Terms in Mathematical Modeling

Doing the work of political science often involves statistics to gather, observe, and organize data, and so it is necessary to understand some basic elements of statistical work. Typically, one begins with a **population**, the universe of event numbers associated with your study. Out of this population, a researcher can derive a sample that can be observed. Random samples have the advantage of being free from any presumptions a researcher might have and are thus likely to be unbiased. The overall number in a sample is referred to as  $N$ . If you survey a random sample of 1,500 people asking them whether they approve or disapprove of a particular politician, the  $N$  in this survey is 1,500. A statistic, a numerical measure that describes some property of the population, can be pulled from this sample and analyzed. This statistic will include some form of numerical, or quantitative, data.

There are broadly two types of quantitative data: discrete data, which are typically integers which cannot be divided further or be made more precise, and continuous data, which can be divided into smaller and more precise measurements. An example of discrete data would be the number of representatives in Congress who voted for a particular bill. This will be a whole number that cannot be divided—you cannot have a half or quarter of a representative who voted, the number may be 212 or 213, but cannot be 212.5. An example of continuous data would be the average number of representatives in Congress who voted for appropriations bills over a 10-year period of time. This number could be 212 or 213, but it could also be 212.5 or 212.275.

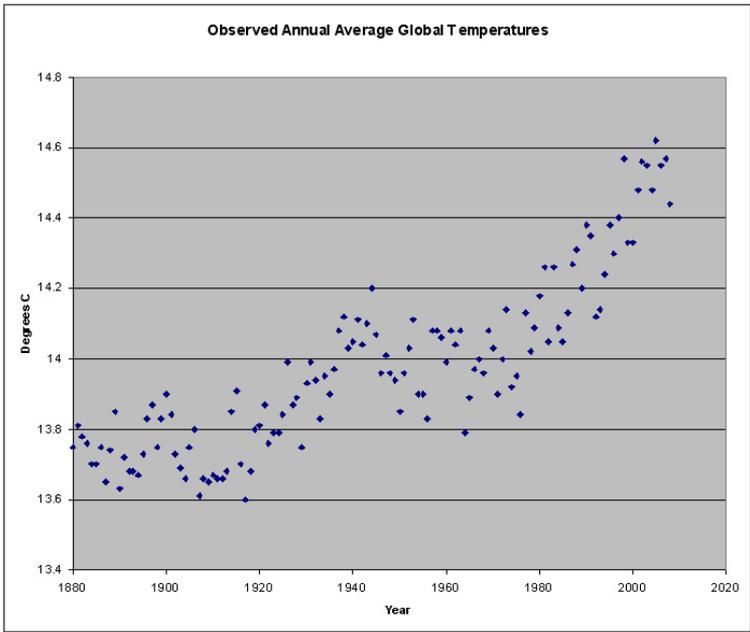
Data can also be derived from surveys or experiments. Surveys

derive data from responses by a group of participants. This group is a sample from the overall population. Survey results can be generalized to the larger population but they are less than precise in predicting causation. Experiments are controlled observations of a particular phenomena and provide experimental data that is not easily generalized but can more precisely predict causation. In political science, conducting experiments can sometimes be impossible, whereas researchers often rely on surveys. The result is that causation is harder to predict in political science, as well as the other social sciences, compared to the natural or so-called hard sciences, where experiments are much more common.

A particular statistic may give us a probability—the likelihood of an event or outcome happening. Further, we may get a probability distribution, which indicates a scale of possible outcomes based on the likelihood of occurring. Probability distributions may be discrete (only certain values, such as whole numbers) or continuous (a range of possible values), along the lines described above. The distribution of data across a scale will provide a mean, median, and mode. A mean is a measure of central tendency, the average of the numbers on the scale, which can be achieved by adding up the value of all the numbers and dividing by how many numbers there are. The median is not an average but the central value on a scale. The mode is the value that occurs most frequently in the scale. If your data scale is the following: 2, 4, 5, 9, and 9, then the mean would be  $(2+4+5+9+9=29/5=)$  5.8, whereas the median would be the value in the middle of this scale (5), and the mode would be 9, the most frequently occurring number.

Lastly, we may present data in a number of ways that will be helpful for analysis and drawing inferences. A bar and whisker plot is a representation of groups of numerical data based on quartiles. The box in a box and whisker plot is the area of the inner two quartiles, whereas the whiskers (lines extended out from the boxes) are the highest and lowest quartiles respectively. A bar chart will show the frequency in each value by the height of a bar that represents that value and typically shows the relationship between two variables.

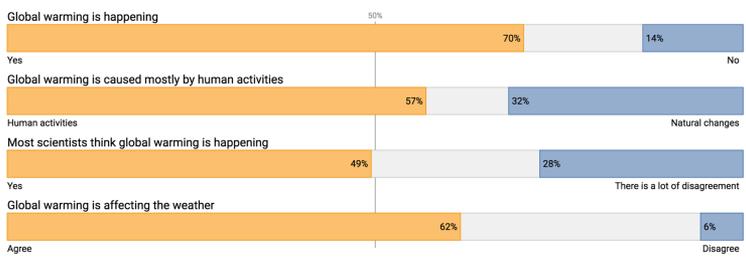
A histogram will represent the frequency of values in intervals or “bins” which should be adjacent to one another but do not have to be equal. Histograms typically represent only one variable. A pie chart is a circular graph that shows portions of the total with wedges that represent the size of that proportion. A pareto chart contains both bars and a line graph, the bars representing descending frequency for each value and the line graph representing the cumulative total of frequencies. Finally, a scatter plot locates values (represented as points) along a plot typically determined by two variables, one along the X axis and the other along the Y axis, and can contain a third variable if the points are coded (by color or size, for example).



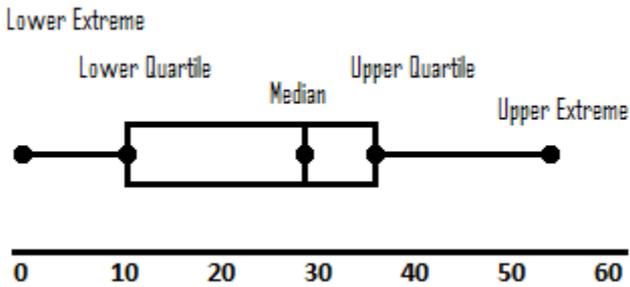
Example of a scatter plot.

## Public Opinion Estimates, United States, 2018

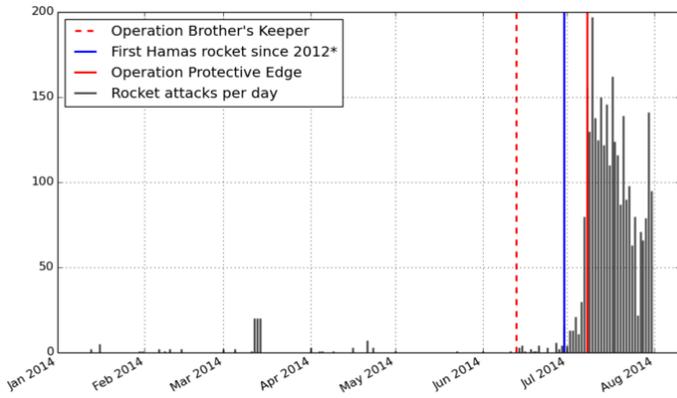
### BELIEFS



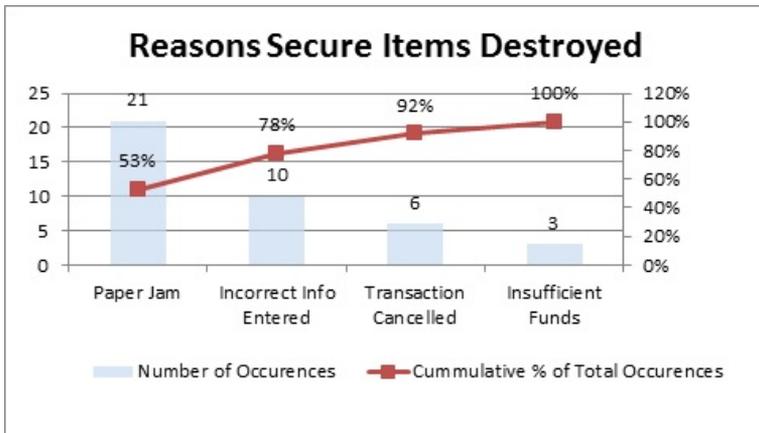
Example of a bar chart.



Example of a box and whisker plot with quartiles and median labeled.



Example of a histogram.



Example of a Pareto chart.

## Qualitative methods

As previously mentioned, not all data can be numeric. Typically, human-related data that is subjective cannot be meaningfully quantified but may nonetheless be important to your research. The meaning of why or the description of how may be essential for answering your research, particularly why and how questions related to the human experience. Quantitative approaches can only count and measure, not give us the why or the how. Qualitative methods seeks to fill in the gap by providing a set of tools that allows for data collection, analysis, organization, and presentation. The typical qualitative approach is the case study—a focused, in-depth account of a single individual, group, organization, action, or event. Researchers who seek more context, depth, and detail of a single case are best suited to the qualitative method, where the absence of large amounts of numerical data make quantitative data collection and analysis impossible. Case studies in themselves are not confined to qualitative data, however, and may employ a mix of both qualitative and quantitative methods and data. A qualitative case study will provide a “thick description” of the case, focusing on the why and how of various phenomena that occur.<sup>2</sup>

In selecting a case, typical or average cases often do not reveal rich detail of information or are meaningful in their context and characteristics. Unique or outlier cases often prove more interesting to explain. Because of this, random-sampling of cases, while useful to the quantitative method, are less useful in the qualitative approach. Cases may be selected based on the inherent and unique characteristics of the case, the context that surrounds it, or because

2. The phrase "thick description" comes from Clifford Geertz, "Thick Description: Towards an Interpretive Theory of Culture," in *The Interpretation of Cultures*. Basic Books: 1973

the researcher has the prior depth of knowledge of the characteristics or culture of the case that would allow them to immerse themselves in the environment and provide descriptions or accounts that are meaningful. A qualitative case study is therefore less generalizable than quantitative research—if you are providing a thick description of a single, unique case, it makes sense that this case will not tell you very much about other cases. In contrast, quantitative research that includes large amounts of numerical data affords researchers better opportunities to generalize and make claims across cases.

Qualitative research can collect data in a variety of ways, such as interviews, storytelling, analysis of narratives, participant observations, or focus groups, among others. Interviews are a common form of qualitative data collecting in which a researcher asks questions to subjects that are important to the case. Interviews may be highly structured, in which questions are determined beforehand and there is no deviation from the list of questions, or unstructured, in which the researcher and subject engage in open-ended dialog. Narratives and storytelling can be important to understanding a particular culture or community, since stories can form a kind of discursive foundation on which common knowledge is shared and common action is determined. Participant observations can be a good way for a researcher to collect data through simply observing a group interact with one another. Such observations can be passive in the sense that the researcher attempts to remove themselves from the dynamic as much as possible so as not to influence the outcomes, or it can be active, in which a researcher is part of the group interactions and makes observations from within the context of the dynamic. Finally, focus groups allow for more controlled observations of specific interactions and allow a researcher to gather more contextualized data (such as reactions, agreement, or disagreement) than would be possible in isolated interviews.

Field research is a broad term we use to describe data collection and observation on the ground, removed from the academic setting.

It is in your field research that you would conduct interviews, focus groups, or participant observations. As discussed in the comparative politics context in Chapter 7, researchers should determine which case is best to study given practical considerations on the ground, the most appropriate form of data collection (interviews, etc.), how long the field research should be conducted (short stays may be more directed, long stays may yield more data), and what sort of resources and skills would be necessary to conduct the research successfully.

## Research Design

Designing a research project can be daunting, but it is also an exciting, hands-on way for students to learn more about issues they care about, understand the work of political science and its relevance, and gain insight into how political action and change might make a better world. Outlined below are the basic elements required to begin a research project, a brief description of each of those elements, and a rubric for each element that can give teachers and students a guide as to how a research project assignment may be evaluated. Keep in mind, this outline is not the research itself, only a template. No data will actually be gathered, analyzed, and assessed, and no inferences are drawn.

- Research question (RQ).
- Identify your dependent variable (DV), ie, the focus of your study.
- Potential answers (IVs) to the RQ, ie, the explanation for your DV outcome.

- Why does this question matter (SFW)? What relevance does this have? Why is it important?
- Choose method of data collection and analysis: quantitative (QN), qualitative (QL) or both (BQ)
- Determine form of method for data collection and the ideal data (D). For QN, identify specific statistics and different representations of variables (scatter plot, pie chart, bar graph, etc). You do not actually have to find this data or compile it, so its best to think of this as the ideal data possible for you to answer your question. In the best possible world, what numerical data would I need to best answer the RQ? For QR, determine a unique or outlier case that makes for interesting study. Determine the basic framework of your field research (short or long stay, resources and skills needed, etc.), and identify at least two forms of data collection (interviews, participant observations, etc).
- Identify which political science sub-field is the best fit for this research project.
- An annotated bibliography (BIB) of at least 6 scholarly sources (books or articles, including online sources) that provide some overview or analysis of your topic and can serve as sources for a literary review or extensive background information. This BIB is not a list of your ideal data, but rather scholarly or reputable sources that pertain to the issues surrounding your RQ.

## Conclusion

Political methodology is the tool box we use to put theory (ideas about our political world) into practice. Methods allow us test theories, ideas, and assumptions we have, refining our understanding of politics and drawing out meaningful insights and inferences. The vast majority of political inquiry is an inquiry into causation on one level or another, and so research in political science requires a structure that can explain the causes of political phenomena. The first step is designing a research question—developing a starting point of inquiry that is centered on change or variation of some kind. What explains this particular change we see? Why do we get x and not y? Why are two seemingly similar cases produced different outcomes? The explanations or causes are independent variables in social science inquiry, and the dependent variable is the outcome of this change. Typical research in political science will center their study on the dependent variable and seek to explain how this outcome came about by identifying and analyzing independent variables that have potentially caused this outcome. Methods are the tools used to collect and analyze data, scrutinize the independent variables in question, and draw inferences that best explain causes of the dependent variable in question.

Broadly, there are two approaches in political methodology, quantitative and qualitative. Quantitative research typically entails large amounts of numerical data that require mathematical modeling—statistics—to analyze the variables in question. Correlations are statistical indicators that measure the mutual dependence or association between two variables and are commonly used in political science research. These correlations may indicate causation, but not necessarily—the researcher must draw inferences and analyze the strength of the association in order to make claims of causation. Qualitative research entails the collection of non-numerical data, often human-related experiences

that are difficult to quantify. Such qualitative data can include interviews, participant observations, and focus groups conducted in field research. Both quantitative and qualitative research should be driven by a research question—a precise, non-banal question that directly centers on explaining some kind of political phenomena we observe in the world.

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