

**DEPARTMENT OF POLITICAL SCIENCE
AND
INTERNATIONAL RELATIONS**

**POSC 105
THE CONSTITUTION**

- I. THIS MORNING:
 - A. Wrap up general-welfare liberalism
 - B. How the constitutional system affects American politics

- II. THE PUBLIC PHILOSOPHY AND THE ECONOMY -SUMMARY:
 - A. See the notes from the last class.
 - B. It is interesting to note how dependent business, large and small, is on government.
 - 1. The public philosophy, general-welfare liberalism, **justifies** this relationship.
 - C. Macroeconomic policy goals: keep the economy growing, maintain stable prices, create stable markets, and smooth out the “bumps” of the business cycle.
 - D. Interconnection between government and business
 - 1. Business support
 - a. Subsidies and aid to specific industries
 - 2. “Unspoken industrial policy”
 - a. Research and development
 - b. "Infrastructure" (e.g., roads, harbors, airports)
 - c. Protection (tariffs)
 - 3. "Human capital" (schools, health, job training)
 - a. Functions:
 - * Supply of trained, "disciplined" labor to enhance productivity
 - * Legitimation
 - * Stabilize economy and create a stable market for goods and services
 - E. Social harmony
 - 1. Alleviate hardship and suffering by providing social welfare programs, thus making society “safe for capitalism.”
 - a. The effect is to defuse conflict

- III. THE CONSTITUTION AND THE POLITICAL SYSTEM:
 - A. Proposition: protestations to the contrary the American constitutional system “works” very much like the founders apparently wanted it too.
 - 1. This is true in spite of the growth in big government.
 - 2. An aside: what should it matter to **this** generation what the founders wanted; we have own unique set of problems; so shouldn’t the constitution

be interpreted to suit present needs?

- B. *Consider this proposition: In their zeal to guard against the abuse of power while protecting the commonwealth the framers created a system that incapacitates the political system and hinders accountability and hence weakens democracy as defined earlier.

IV. WHAT THE CONSTITUTION DOES:

- A. Creates a republic, not a democracy.
- B. It also constructs a “moat” around “representatives”
 - 1. The electoral college and the indirect election of the president.
 - 2. Divided power protects representatives from being held accountable.
- C. In order to limit government the constitution **fragments power**:
 - 1. *See Patterson, *We the People*, page 79.
 - 2. *The **shattered sword**:
 - a. Separation of powers
 - * Three semi-autonomous branches (Articles I, II, III)
 - b. Checks and balances (e.g., veto, advise and consent, tax legislation, etc.)
 - c. Federalism
 - d. "Bicameralism" - two houses of Congress
 - e. *Independent constituencies (This item deserves a star because it is so important.)
 - f. Enumeration of specific powers; others left to the states.
 - g. An independent judiciary
 - * **Judicial review**, established by *Marbury vs Madison*, gives the Supreme Court power to declare acts of Congress or states unconstitutional
 - This is an extraordinary power.
 - “Legislative irresponsibility”
 - The problem of judicial policy making.
 - 1) ***Roe v. Wade***

V. MADISON’S “AUXILIARY PRECAUTIONS”:

- A. Pluralism and the extended republic.

VI. AN ALTERNATIVE SCHEME: A “PARLIAMENTARY” SYSTEM:

- A. Again, see Patterson, *We the People*, page 79.
- B. Let’s briefly compare the American system with the British model.
 - 1. Doing so shows the advantages and disadvantages of the American system.
- C. Consider this solution to the problems of improving political capacity and enhancing accountability.
- D. *A unified or parliamentary system
 - 1. Merge legislative and executive branches and reduce judicial review.

2. Create “strong, disciplined” parties with leaders who have the power to force agreement.
3. Change the function of the legislature by making it a deliberative and oversight body.

VII. AN EVALUATION OF THE CONSTITUTIONAL SYSTEM:

- A. Advantages
 1. Protects political rights
 2. Give individuals and especially groups **multiple points of access**.
- B. Disadvantages
 1. Frequently thwarts majority preferences.
 - a. The concept of **intense majorities**
 2. A system in which the strongest survive and flourish.
 3. Hinders decisive action.
 4. Makes the assignment of responsibility difficult.
 - a. Who do we blame for government’s actions and inactions?

VIII. NEXT TIME:

- A. Public opinion and enlightened understanding
- B. Reading:
 1. Patterson, We the People, Chapter 3.
 - a. Read pages 65 to 67 for general understanding. (Note the term inalienable rights.
 - b. You should understand how the constitution separates power (fragments the sword).
 - c. Read the section on judicial review.
 - d. Read pages 84 to 94 for general understanding. (Note that some of the terms I have been using are explained in this chapter.)

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