

**DEPARTMENT OF POLITICAL SCIENCE  
AND  
INTERNATIONAL RELATIONS**

**Posc 105**

**THE CONSTITUTION CONTEXT**

- I. THIS MORNING:
  - A. Additional remarks on state capitalism
  - B. The American constitution system
  
- II. STATE CAPITALISM:
  - A. A fundamental assumption: a capitalist economic system is not self-sustaining.
    - 1. \*It needs support from non-market factors.
  - B. Besides making the nation safe for capitalism the state attempts to nurture and protect capitalism.
    - 1. Economic stability or equilibrium:
      - a. Promotes social peace
      - b. Protects investment
      - c. Enhances growth and profits
    - 2. “Corporate Welfare”
  - C. Tools:
    - 1. Macroeconomic policy
      - a. Heilbroner and Bernstein’s arguments in *Debt and Deficits* rest partly on this analysis.
      - b. \*Goals: control aggregate demand to keep prices and interest rates stable, employment high (but not too high), and profits sufficient for growth.
    - 2. Provision of infrastructure:
      - a. Physical
      - b. Human capital: healthy, educated, contented labor force.
      - c. Research and development.
    - 3. Regulation:
      - a. Frequently regulations and controls promote business interests.
      - b. Examples: tobacco, transportation, communications.
  
- III. THE CONSTITUTION AND THE POLITICAL SYSTEM:
  - A. Proposition 1:
    - 1. The written constitution embodies many aspects of classical liberalism.
      - a. Example: separation of powers, bill of rights.
    - 2. The “unwritten” constitution embodies many aspects of general (state) welfare thought.

- a. Examples: acceptance and growth of social services, regulatory activities.
- 3. Proposition 2: these two constitutions are at odds with each other and account for the particular (and peculiar) flavor of American politics.
- B. \*Proposition 3: 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. THE FOUNDERS CONCERNS:

- A. Concern with centralized political power.
- B. Madison's two "tyrannies":
  - 1. Control "minority" in power to ensure that it does not abuse the rights of its citizens. (Recall the early emphasis on liberalism.)
  - 2. Control majority: there was a perceived need to protect minorities (e.g., property owners) from majorities and **ochlocracy**.
- C. The Constitution embodies these concerns, but in so doing it sets up a conflict between the need to govern (**capacity**) and the need to protect liberties.

#### V. 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. A byproduct of the moat: divided power protects representatives from being held accountable.
- C. In order to limit government the constitution **fragments power**:
  - 1. \*The **shattered sword**:
    - a. Separation of powers
      - (1) Three semi-autonomous branches
      - (2) Look at the table on page 79 of Patterson, *We the People*
        - (i.) Note in particular that many nations do not divide power as extensively as the American constitution does and yet remain "free."
    - b. Checks and balances (e.g., veto, advise and consent, tax legislation, etc.)
      - (1) Impeachment
    - c. Federalism
      - (1) National and state governments.
      - (2) See Patterson, *We the People*, Chapter 2.
    - d. "Bicameralism" - two houses of Congress
    - e. \*Independent constituencies (Pay attention to this item because it is so important.)
    - f. \*Geographical representation (very important!)
    - g. Enumeration of specific powers; others left to the states.

- h. The Bill of Rights
  - i. An independent judiciary
    - (1) **Judicial review** established gives the Supreme Court extraordinary power.
- D. The bottom line: all of these work against capacity and democracy

VI. NEXT TIME:

- A. More on the constitution.
- B. Public opinion and the mass media
- C. Reading:
  - 1. As noted yesterday, class web site articles under **public philosophy**.
    - a. “The Concept of a Public Philosophy”
    - b. “Laissez-faire”
    - c. “Main Ideas”
    - d. “General-welfare in Practice”
  - 2. Patterson, *We the People*, Chapter 3.
    - a. Read pages 65 to 84 reasonably carefully.
    - b. The remainder of the chapter provides some historical background.
  - 3. Chapter 2 discusses federalism, the nuts and bolts of which we will only touch on briefly.
    - a. Important aspects of federalism will be discussed during the semester as needed.

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