

# Introduction to American Politics

## Week 2

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# Overview

- ▶ Review Chapter 2 (The Constitution)
- ▶ Federalist 51
- ▶ Lazare article
- ▶ Diamond article

## Chapter 2: The Constitution

- ▶ Separation of powers
  - ▶ The Framers feared that a concentration of power in any one branch of government would lead to tyranny, such that one group would gain enough power to dominate the government and strip other groups of their basic rights.
  - ▶ Thus, each branch has some capacity to trump the power of the other two.
- ▶ The Federalist and Antifederalist debate
  - ▶ **Federalists:** supported the rhetoric of nationalism. In the end, the federalists prevailed.
  - ▶ **Antifederalists:** supported the rhetoric of states' rights.
- ▶ Discussion Question 1:
  - ▶ Was the constitution born out of reason and philosophy or out of politics and compromises? If it was born out of reason and philosophy, then has this philosophy evolved over time? If it was born out of politics and compromises does this mean that we have never really had the perfect union we often boast to have?

# Federalist 51 key excerpts

- ▶ It may be a reflection on human nature, that such devices [checks and balances] should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.
- ▶ In the federal republic of the United States ... all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority.

# Federalist 51 key takeaways

## ▶ History of Federalist 51

- ▶ The Federalist 51 essay came late (in April after 7/9 states had already ratified)
- ▶ The antifederalist arguments of the time attacked the executive branch (saying it is a monarch), attacked the senate (saying it was for the aristocracy), and attacked the judiciary (because they were unelected and filled with aristocracy).
  - ▶ Note: they did not attack the House of Representatives because there were to be elections every two years and it was therefore viewed as a safe branch.
- ▶ So the purpose of this piece is to inform the reader of the safeguards created by the convention to maintain the separate branches of government, and to protect the rights of the people.

## ▶ Takeaways from Federalist 51

- ▶ In Federalist 51, Madison makes a 'human nature' argument: *our government needed more institutions to ensure a well-functioning government because men are not angels.*
- ▶ This is why our government needs checks and balances, which is what Federalist 51 focuses on.

# Madison's Arguments in Federalist 51

- ▶ **Separation of powers.** Madison argues that each department must have a will of its own and that each of the branches should have as little agency as possible in the affairs of the other branch.
- ▶ **Legislative Branch is the strongest department.** To remedy this, Madison proposes separation of powers as a solution: Divide the legislature into different branches and give them, by different modes of election, different principles of action.

# Checks and balances in the Constitution

## ▶ **Congress against the President**

- ▶ Art I, section 2: House has sole power to bring impeachment charges against Pres.
- ▶ Art I, section 3: Senate has sole power to try impeachment against President.
- ▶ Art. I, section 7: Override Presidential veto. Art. II, section 2: Ratify Presidential treaties; must give consent to Presidential nominations of judges to Supreme Court and some executive officers.

## ▶ **President against Congress**

- ▶ Art 1, section 3: Vice President breaks tie vote in Senate.
- ▶ Art I, section 7: Presidential veto.

## ▶ **Supreme Court against Congress, President**

- ▶ Art I, section 3: Chief Justice presides at impeachment of President .
- ▶ Art III, section 2: Judicial review of Congressional and Presidential acts.

## ▶ **Congress against Supreme Court**

- ▶ Art II, section 2: Must give consent to Supreme Court nominations.

## ▶ **President against Supreme Court**

- ▶ Art II, section 2: Nominate judges of Supreme Court.

# Lazare's Paradox

- ▶ Paradox in Lazare's article:
  - ▶ Americans have been simultaneously praising the Constitution and cursing the government since its inception. However, the *degree* has varied over time.
- ▶ What is Lazare's argument?



# Lazare

- ▶ Paradox in Lazare's article:
  - ▶ Americans have been simultaneously praising the Constitution and cursing the government since its inception. However, the *degree* has varied over time.
- ▶ What is Lazare's argument?
  - ▶ While the Constitution at the time of inception fit the needs of American society at the time it was created, it has proved woefully inadequate to the needs of American society in subsequent decades.
  - ▶ The problem with the Constitution lies with the concept of balance and immutability. It also lies in the fact that Americans have tried to democratize a pre democratic structure.
  - ▶ Today, society is incredibly fragmented and politics are narrow and shortsighted - and therefore these constraints make change in the Constitution ever more necessary.
  - ▶ The answer is not less democracy but more - instead of checks and balances, the American people need to cast off constitutional restraints imposed more than two centuries ago and use their power as a whole to rebuild society as they see fit.
  - ▶ The alternative? The certainty of decline.

# Introduction on Diamond

- ▶ **Main research question:** What is the relevance of the political thought of the Founding Fathers to an understanding of contemporary problems of liberty and justice?
- ▶ **Possible answers to the research question:**
  - ▶ (1) The founders may have possessed wisdom, a set of political principles still inherently adequate.
  - ▶ (2) While the Founding Fathers' principles are still sound, they are applicable only to a part of our problems, but not to that part which is peculiarly modern; and thus new principles are needed to be joined together with the old ones
  - ▶ (3) It may be that the Founding Fathers' principles have simply become relevant only to those old problems
  - ▶ (4) It may be that those principles may have been wrong or radically inadequate even for their own time.

▶ **Arguments:**

- ▶ The Federalist papers are a teaching about democracy
- ▶ The author disagrees with those who contend that the Constitution is less democratic than the Declaration of Independence. Instead, Diamond argues that this presumption rests in part upon a false reading of the Celebration as free from the concerns regarding democracy that the framers of the Constitution felt.

▶ Discussion Question 2:

- ▶ The author argues that the real aim and practical effect of the complicated *amendment procedure* was not at all to give power to minorities, but to ensure that passage of an amendment would require a nationally distributed majority. Do you think that the problem of the tyranny of the majority on the minority is ameliorated by our amendment procedures?

# Last minute reminders

- ▶ Come up to the front to sign in to receive attendance points
- ▶ No class Monday, January 19, 2015
- ▶ Let me know if you have not been receiving my emails.