Federalism the Political Identity

William Phillips

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Introduction

Federalism

Federalism is a mixed or compound mode of government that combines a general government (the central or "federal" government) with regional governments (provincial, state, cantonal, territorial or other sub-unit governments) in a single political system. Its distinctive feature is a relationship of parity between the two levels of government established. It can thus be defined as a form of government in which powers are divided between two levels of government of equal status. Federalism differs from confederalism, in which the general level of government is subordinate to the regional level, and from devolution within a unitary state, in which the regional level of government is subordinate to the general level. It represents the central form in the pathway of regional integration or separation, bounded on the less integrated side by confederalism and on the more integrated side by devolution within a unitary state.

Examples of the federation or federal state include the United States, India, Brazil, Malaysia, Mexico, Russia, Germany, Canada, Switzerland, Bosnia & Herzegovina, Belgium, Argentina, Nigeria, Pakistan, and Australia. Some characterize the European Union as the pioneering example of federalism in a multi-state setting, in a concept termed the federal union of states. The

terms "federalism" and "confederalism" share a root in the Latin word foedus, meaning "treaty, pact or covenant". Their common early meaning until the late eighteenth century was a simple league or inter-governmental relationship among sovereign states based on a treaty. They were therefore initially synonyms. It was in this sense that James Madison in Federalist 39 had referred to the new US Constitution as "neither a national nor a federal Constitution, but a composition of both" (i.e. as constituting neither a single large unitary state nor a league/confederation among several small states, but a hybrid of the two). In the course of the nineteenth century the meaning of federalism would come to shift, strengthening to refer uniquely to the novel compound political form established at the Philadelphia Convention, while the meaning of confederalism would remain at a league of states. Thus, this article relates to the modern usage of the word "federalism".

Modern federalism is a political system based upon democratic rules and institutions in which the power to govern is shared between national and provincial/state governments. The term federalist describes several political beliefs around the world depending on context. Since the term federalization also describes distinctive political processes, its use as well depends on the context. In political theory, two main types of federalization are recognized:

- integrative, or aggregative federalization, designating various processes like: integration of non-federated political subjects by creating a new federation,

accession of non-federated subjects into an existing federation, or transformation of a confederation into a federation

- devolutive, or dis-aggregative federalization: transformation of a unitary state into a federation

Federalism is sometimes viewed in the context of international negotiation as "the best system for integrating diverse nations, ethnic groups, or combatant parties, all of whom may have cause to fear control by an overly powerful center." However, in some countries, those skeptical of federal prescriptions believe that increased regional autonomy is likely to lead to secession or dissolution of the nation. In Syria, federalization proposals have failed in part because "Syrians fear that these borders could turn out to be the same as the ones that the fighting parties have currently carved out."

Federations such as Yugoslavia or Czechoslovakia collapsed as soon as it was possible to put the model to the test.

Early origins

An early historical example of federalism is the Achaean League in Hellenistic Greece. Unlike the Greek city states of Classical Greece, each of which insisted on keeping its complete independence, changing conditions in the Hellenistic period drove many city states to band together even at the cost of losing part of their sovereignty – similar to the process leading to the formation of later federations. According to Daniel Ziblatt's

Structuring the State, there are four competing theoretical explanations in the academic literature for the adoption of federal systems:

- Ideational theories, which hold that a greater ideological commitment to decentralist ideas in society makes federalism more likely to be adopted.
- Cultural-historical theories, which hold that federal institutions are more likely to be adopted in societies with culturally or ethnically fragmented populations.

"Social contract" theories, which hold that federalism emerges as a bargain between a center and a periphery where the center is not powerful enough to dominate the periphery and the periphery is not powerful enough to secede from the center.

"Infrastructural power" theories, which hold that federalism is likely to emerge when the subunits of a potential federation already have highly developed infrastructures (e.g. they are already constitutional, parliamentary, and administratively modernized states).

Immanuel Kant was an advocate of federalism, noting that "the problem of setting up a state can be solved even by a nation of devils" so long as they possess an appropriate constitution which pits opposing factions against each other with a system of checks and balances. In particular individual states required a federation as a safeguard against the possibility of war.

Europe vs. the United States

In Europe, "Federalist" is sometimes used to describe those who favor a common federal government, with distributed power at regional, national and supranational levels. Most European federalists want this development to continue within the European Union. Although there are medieval and early modern examples of European states which used confederal and federal systems, contemporary European federalism originated in post-war Europe; one of the more important initiatives was Winston Churchill's speech in Zürich in 1946.

In the United States, federalism originally referred to belief in a stronger central government. When the U.S. Constitution was being drafted, the Federalist Party supported a stronger central government, while "Anti-Federalists" wanted a weaker central government. This is very different from the modern usage of "federalism" in Europe and the United States. The distinction stems from the fact that "federalism" is situated in the middle of the political spectrum between a confederacy and a unitary state. The U.S. Constitution was written as a reaction to the Articles of Confederation, under which the United States was a loose confederation with a weak central government.

In contrast, Europe has a greater history of unitary states than North America, thus European "federalism" argues for a weaker central government, relative to a unitary state. The modern American usage of the word is much closer to the European sense. As the power of the U.S. federal government has

increased, some people have perceived a much more unitary state than they believe the Founding Fathers intended. Most people politically advocating "federalism" in the United States argue in favor of limiting the powers of the federal government, especially the judiciary. In Canada, federalism typically implies opposition to sovereigntist movements.

The governments of Argentina, Australia, Brazil, India, and Mexico, among others, are also organized along federalist principles.

Federalism may encompass as few as two or three internal divisions, as is the case in Belgium or Bosnia and Herzegovina. In general, two extremes of federalism can be distinguished: at one extreme, the strong federal state is almost completely unitary, with few powers reserved for local governments; while at the other extreme, the national government may be a federal state in name only, being a confederation in actuality.

In 1999, the Government of Canada established the Forum of Federations as an international network for exchange of best practices among federal and federalizing countries. Headquartered in Ottawa, the Forum of Federations partner governments include Australia, Brazil, Ethiopia, Germany, India, Mexico, Nigeria, Pakistan and Switzerland.

Anarchists are against the state, but they are not against political organization or "governance", so long as it is self-governance utilizing direct democracy. The mode of political organization preferred by anarchists, in general, is federalism or

confederalism. However, the anarchist definition of federalism tends to differ from the definition of federalism assumed by pro-state political scientists. "The social and political structure of anarchy is similar to that of the economic structure, i.e., it is based on a voluntary federation of decentralized, directly democratic policy-making bodies. These are the neighborhood and community assemblies and their confederations. In these grassroots political units, the concept of "self-management" becomes that of "self-government", a form of municipal organisation in which people take back control of their living places from the bureaucratic state and the capitalist class whose interests it serves.

The key to that change, from the anarchist standpoint, is the creation of a network of participatory communities based on self-government through direct, face-to-face democracy in grassroots neighborhood and community assemblies. Since not all issues are local, the neighborhood and community assemblies will also elect mandated and re-callable delegates to the larger-scale units of self-government in order to address issues affecting larger areas, such as urban districts, the city or town as a whole, the county, the bio-region, and ultimately the entire planet. Thus the assemblies will confederate at several levels in order to develop and co-ordinate common policies to deal with common problems.

This need for co-operation does not imply a centralized body. To exercise your autonomy by joining self-managing organisations and, therefore, agreeing to abide by the decisions you help make is not a denial of that autonomy (unlike joining a hierarchical

structure, where you forsake autonomy within the organisation). In a centralized system, we must stress, power rests at the top and the role of those below is simply to obey (it matters not if those with the power are elected or not, the principle is the same). In a federal system, power is not delegated into the hands of a few (obviously a "federal" government or state is a centralized system). Decisions in a federal system are made at the base of the organisation and flow upwards so ensuring that power remains decentralized in the hands of all. Working together to solve common problems and organize common efforts to reach common goals is not centralization and those who confuse the two make a serious error – they fail to understand the different relations of authority each generates and confuse obedience with co-operation."

Federalism also finds expression in ecclesiology (the doctrine of the church). For example, presbyterian church governance resembles parliamentary republicanism (a form of political federalism) to a large extent. In Presbyterian denominations, the local church is ruled by elected elders, some of which are ministerial. Each church then sends representatives or commissioners to presbyteries and further to a general assembly. Each greater level of assembly has ruling authority over its constituent members. In this governmental structure, each component has some level of sovereignty over itself. As in political federalism, in presbyterian ecclesiology there is shared sovereignty. Other ecclesiologies also have significant representational and federalistic components, including the more

anarchic congregational ecclesiology, and even in more hierarchical episcopal ecclesiology.

Some Christians argue that the earliest source of political federalism (or federalism in human institutions; in contrast to theological federalism) is the ecclesiastical federalism found in the Bible. They point to the structure of the early Christian Church as described (and prescribed, as believed by many) in the New Testament. In their arguments, this is particularly demonstrated in the Council of Jerusalem, described in Acts chapter, where the Apostles and elders gathered together to govern the Church; the Apostles being representatives of the universal Church, and elders being such for the local church. To this day, elements of federalism can be found in almost every Christian denomination, some more than others.

Constitutional structure

In a federation, the division of power between federal and regional governments is usually outlined in the constitution. Almost every country allows some degree of regional self-government, in federations the right to self-government of the component states is constitutionally entrenched. Component states often also possess their own constitutions which they may amend as they see fit, although in the event of conflict the federal constitution usually takes precedence.

In almost all federations the central government enjoys the powers of foreign policy and national defense as exclusive federal

powers. Were this not the case a federation would not be a single sovereign state, per the UN definition. Notably, the states of Germany retain the right to act on their own behalf at an international level, a condition originally granted in exchange for the Kingdom of Bavaria's agreement to join the German Empire in 1871. Beyond this the precise division of power varies from one nation to another. The constitutions of Germany and the United States provide that all powers not specifically granted to the federal government are retained by the states. The Constitution of some countries like Canada and India, state that powers not explicitly granted to the provincial governments are retained by the federal government. Much like the US system, the Australian Constitution allocates to the Federal government (the Commonwealth of Australia) the power to make laws about certain specified matters which were considered too difficult for the States to manage, so that the States retain all other areas of responsibility. Under the division of powers of the European Union in the Lisbon Treaty, powers which are not either exclusively of Union competence or shared between the Union and the Member States as concurrent powers are retained by the constituent States.

Where every component state of a federation possesses the same powers, we are said to find 'symmetric federalism'. Asymmetric federalism exists where states are granted different powers, or some possess greater autonomy than others do. This is often done in recognition of the existence of a distinct culture in a particular region or regions. In Spain, the Basques and Catalans, as well as the Galicians, spearheaded a historic movement to

have their national specificity recognized, crystallizing in the "historical communities" such as Navarre, Galicia, Catalonia, and the Basque Country. They have more powers than the later expanded arrangement for other Spanish regions, or the Spain of the autonomous communities (called also the "coffee for everyone" arrangement), partly to deal with their separate identity and to appease peripheral nationalist leanings, partly out of respect to specific rights they had held earlier in history. However, strictly speaking Spain is not a federation, but a system of asymmetric devolved government within a unitary state.

It is common that during the historical evolution of a federation there is a gradual movement of power from the component states to the centre, as the federal government acquires additional powers, sometimes to deal with unforeseen circumstances. The acquisition of new powers by a federal government may occur through formal constitutional amendment or simply through a broadening of the interpretation of a government's existing constitutional powers given by the courts.

Usually, a federation is formed at two levels: the central government and the regions (states, provinces, territories), and little to nothing is said about second or third level administrative political entities. Brazil is an exception, because the 1988 Constitution included the municipalities as autonomous political entities making the federation tripartite, encompassing the Union, the States, and the municipalities. Each state is divided into municipalities (municípios) with their own legislative council (câmara de vereadores) and a mayor (prefeito), which are partly

autonomous from both Federal and State Government. Each municipality has a "little constitution", called "organic law" (lei orgânica). Mexico is an intermediate case, in that municipalities are granted full-autonomy by the federal constitution and their existence as autonomous entities (municipio libre, "free municipality") is established by the federal government and cannot be revoked by the states' constitutions. Moreover, the federal constitution determines which powers and competencies belong exclusively to the municipalities and not to the constituent states. However, municipalities do not have an elected legislative assembly.

Federations often employ the paradox of being a union of states, while still being states (or having aspects of statehood) in themselves. For example, James Madison (author of the US Constitution) wrote in Federalist Paper No. 39 that the US Constitution "is in strictness neither a national nor a federal constitution; but a composition of both. In its foundation, it is federal, not national; in the sources from which the ordinary powers of the Government are drawn, it is partly federal, and partly national..." This stems from the fact that states in the US maintain all sovereignty that they do not yield to the federation by their own consent. This was reaffirmed by the Tenth Amendment to the United States Constitution, which reserves all powers and rights that are not delegated to the Federal Government as left to the States and to the people.

The structures of most federal governments incorporate mechanisms to protect the rights of component states. One

method, known as 'intrastate federalism', is to directly represent the governments of component states in federal political institutions. Where a federation has a bicameral legislature the upper house is often used to represent the component states while the lower house represents the people of the nation as a whole. A federal upper house may be based on a special scheme of apportionment, as is the case in the senates of the United States and Australia, where each state is represented by an equal number of senators irrespective of the size of its population.

Alternatively, or in addition to this practice, the members of an upper house may be indirectly elected by the government or legislature of the component states, as occurred in the United States prior to 1913, or be actual members or delegates of the state governments, as, for example, is the case in the German Bundesrat and in the Council of the European Union. The lower house of a federal legislature is usually directly elected, with apportionment in proportion to population, although states may sometimes still be guaranteed a certain minimum number of seats.

In Canada, the provincial governments represent regional interests and negotiate directly with the central government. A First Ministers conference of the prime minister and the provincial premiers is the de facto highest political forum in the land, although it is not mentioned in the constitution.

Federations often have special procedures for amendment of the federal constitution. As well as reflecting the federal structure of

the state this may guarantee that the self-governing status of the component states cannot be abolished without their consent. An amendment to the constitution of the United States must be ratified by three-quarters of either the state legislatures, or of constitutional conventions specially elected in each of the states, before it can come into effect. In referendums to amend the constitutions of Australia and Switzerland it is required that a proposal be endorsed not just by an overall majority of the electorate in the nation as a whole, but also by separate majorities in each of a majority of the states or cantons. In Australia, this latter requirement is known as a double majority.

Some federal constitutions also provide that certain constitutional amendments cannot occur without the unanimous consent of all states or of a particular state. The US constitution provides that no state may be deprived of equal representation in the senate without its consent. In Australia, if a proposed amendment will specifically impact one or more states, then it must be endorsed in the referendum held in each of those states. Any amendment to the Canadian constitution that would modify the role of the monarchy would require unanimous consent of the provinces. The German Basic Law provides that no amendment is admissible at all that would abolish the federal system.

Fiscal federalism – the relative financial positions and the financial relations between the levels of government in a federal system. Formal federalism (or 'constitutional federalism') – the delineation of powers is specified in a written constitution, which may or may not correspond to the actual operation of the system

in practice. Executive federalism refers in the English-speaking tradition to the intergovernmental relationships between the executive branches of the levels of government in a federal system and in the continental European tradition to the way constituent units 'execute' or administer laws made centrally.

Gleichschaltung – the conversion from a federal governance to either a completely unitary or more unitary one, the term was borrowed from the German for conversion from alternating to direct current. During the Nazi era the traditional German states were mostly left intact in the formal sense, but their constitutional rights and sovereignty were eroded and ultimately ended and replaced with the Gau system. Gleichschaltung also has a broader sense referring to political consolidation in general.

defederalize – to remove from federal government, such as taking a responsibility from a national level government and giving it to states or provinces

The meaning of federalism, as a political movement, and of what constitutes a 'federalist', varies with country and historical context. Movements associated with the establishment or development of federations can exhibit either centralising or decentralising trends. For example, at the time those nations were being established, factions known as "federalists" in the United States and Australia advocated the formation of strong central government. Similarly, in European Union politics, federalists mostly seek greater EU integration. In contrast, in

Spain and in post-war Germany, federal movements have sought decentralisation: the transfer of power from central authorities to local units. In Canada, where Quebec separatism has been a political force for several decades, the "federalist" impulse aims to keep Quebec inside Canada.

Federalism, and other forms of territorial autonomy, is generally seen as a useful way to structure political systems in order to prevent violence among different groups within countries because it allows certain groups to legislate at the subnational level. Some scholars have suggested, however, that federalism can divide countries and result in state collapse because it creates proto-states. Still others have shown that federalism is only divisive when it lacks mechanisms that encourage political parties to compete across regional boundaries.

Identity politics

Identity politics is a political approach wherein people of a particular gender, religion, race, social background, class or other identifying factors, develop political agendas that are based upon theoretical interacting systems of oppression that may affect their lives and come from their various identities. Identity politics centers the lived experiences of those facing various systems of oppression to better understand the ways in which racial, economic, sex-based, gender-based, and other forms of oppression are linked and to ensure that political agendas and political actions arising out of identity politics leave no one

behind. Contemporary applications of identity politics describe people of specific race, ethnicity, sex, gender identity, sexual orientation, age, economic class, disability status, education, religion, language, profession, political party, veteran status, and geographic location. These identity labels are not mutually exclusive but are in many cases compounded into one when describing hyper-specific groups, a concept known as intersectionality. An example is that of African-American, homosexual, women, who constitute a particular hyper-specific identity class.

The term was coined by the Combahee River Collective in 1977. The collective group of women saw identity politics as an analysis that introduced opportunity for Black women to be actively involved in politics, while simultaneously acting as a tool to authenticate Black women's personal experiences. It took on widespread usage in the early 1980s, and in the ensuing decades has been employed in myriad cases with radically different connotations dependent upon the term's context. It has gained currency with the emergence of social activism, manifesting in various dialogues within the feminist, American civil rights, and LGBT movements, as well as multiple nationalist and postcolonial organizations.

In academic usage, the term identity politics refers to a wide range of political activities and theoretical analyses rooted in experiences of injustice shared by different, often excluded social groups. In this context, identity politics aims to reclaim greater self-determination and political freedom for marginalized peoples

through understanding particular paradigms and lifestyle factors, and challenging externally imposed characterizations and limitations, instead of organizing solely around status quo belief systems or traditional party affiliations. Identity is used "as a tool to frame political claims, promote political ideologies, or stimulate and orient social and political action, usually in a larger context of inequality or injustice and with the aim of asserting group distinctiveness and belonging and gaining power and recognition."

The term identity politics may have been used in political discourse since at least the 1970s. The first known written appearance of the term is found in the April 1977 statement of the Black feminist socialist group, Combahee River Collective, which was originally printed in 1979's Capitalist Patriarchy and the Case for Socialist Feminism, later in Home Girls: A Black Feminist Anthology, ed. by Barbara Smith. She and the Combahee River Collective, of which she was a founding member, have been credited with coining the term. In their terminal statement, they said:

[A]s children we realized that we were different from boys and that we were treated different—for example, when we were told in the same breath to be quiet both for the sake of being 'ladylike' and to make us less objectionable in the eyes of white people. In the process of consciousness-raising, actually life-sharing, we began to recognize the commonality of our experiences and, from the sharing and growing consciousness, to build a politics that will change our lives and inevitably end our oppression....We

realize that the only people who care enough about us to work consistently for our liberation are us. Our politics evolve from a healthy love for ourselves, our sisters and our community which allows us to continue our struggle and work. This focusing upon our own oppression is embodied in the concept of identity politics. We believe that the most profound and potentially most radical politics come directly out of our own identity, as opposed to working to end somebody else's oppression.

—Combahee River Collective, "The Combahee River Collective Statement"

Identity politics, as a mode of categorizing, are closely connected to the ascription that some social groups are oppressed (such as women, ethnic minorities, and sexual minorities); that is, the idea that individuals belonging to those groups are, by virtue of their identity, more vulnerable to forms of oppression such as cultural imperialism, violence, exploitation of labour, marginalization, or subjugation. Therefore, these lines of social difference can be seen as ways to gain empowerment or avenues through which to work towards a more equal society. In the United States, identity politics is usually ascribed to these oppressed minority groups who are fighting discrimination. In Canada and Spain, identity politics has been used to describe separatist movements; in Africa, Asia, and eastern Europe, it has described violent nationalist and ethnic conflicts. Overall, in Europe, identity politics are exclusionary and based on the idea that the silent majority needs to be protected from globalization and immigration.

Some groups have combined identity politics with Marxist social class analysis and class consciousness—the most notable example being the Black Panther Party—but this is not necessarily characteristic of the form. Another example is the group MOVE, which mixed Black nationalism with anarcho-primitivism (a radical form of green politics based on the idea that civilization is an instrument of oppression, advocating the return to a hunter gatherer society). Identity politics can be left-wing or right-wing, with examples of the latter being Ulster Loyalist, Islamist and Christian Identity movements, and examples of the former being queer nationalism and black nationalism.

During the 1980s, the politics of identity became very prominent and it was also linked to a new wave of social movement activism.

Nature of the movement

The term identity politics has been applied retroactively to varying movements that long predate its coinage. Historian Arthur Schlesinger Jr. discussed identity politics extensively in his 1991 book The Disuniting of America. Schlesinger, a strong supporter of liberal conceptions of civil rights, argues that a liberal democracy requires a common basis for culture and society to function. Rather than seeing civil society as already fractured along lines of power and powerlessness (according to race, ethnicity, sexuality, etc.), Schlesinger suggests that basing politics on group marginalization is itself what fractures the civil polity, and that identity politics therefore works against creating

real opportunities for ending marginalization. Schlesinger believes that "movements for civil rights should aim toward full acceptance and integration of marginalized groups into the mainstream culture, rather than ... perpetuating that marginalization through affirmations of difference."

Brendan O'Neill has suggested that identity politics causes (rather than simply recognizing and acting on) political schisms along lines of social identity. Thus, he contrasts the politics of gay liberation and identity politics by saying: "[Peter] Tatchell also had, back in the day, ... a commitment to the politics of liberation, which encouraged gays to come out and live and engage. Now, we have the politics of identity, which invites people to stay in, to look inward, to obsess over the body and the self, to surround themselves with a moral forcefield to protect their worldview—which has nothing to do with the world—from any questioning."

Similarly in the United Kingdom, author Owen Jones argues that identity politics often marginalize the working class, saying:

In the 1950s and 1960s, left-wing intellectuals who were both inspired and informed by a powerful labour movement wrote hundreds of books and articles on working-class issues. Such work would help shape the views of politicians at the very top of the Labour Party. Today, progressive intellectuals are far more interested in issues of identity.... Of course, the struggles for the emancipation of women, gays, and ethnic minorities are exceptionally important causes. New Labour has co-opted them,

passing genuinely progressive legislation on gay equality and women's rights, for example. But it is an agenda that has happily co-existed with the sidelining of the working class in politics, allowing New Labour to protect its radical flank while pressing ahead with Thatcherite policies.

—Owen Jones, Chavs: The Demonization of the Working Class

The gay liberation movement of the late 1960s through the mid-1980s urged lesbians and gay men to engage in radical direct action, and to counter societal shame with gay pride. In the feminist spirit of the personal being political, the most basic form of activism was an emphasis on coming out to family, friends and colleagues, and living life as an openly lesbian or gay person. While the 1970s were the peak of "gay liberation" in New York City and other urban areas in the United States, "gay liberation" was the term still used instead of "gay pride" in more oppressive areas into the mid-1980s, with some organizations opting for the more inclusive, "lesbian and gay liberation". While women and transgender activists had lobbied for more inclusive names from the beginning of the movement, the initialism LGBT, or "Queer" as a counterculture shorthand for LGBT, did not gain much acceptance as an umbrella term until much later in the 1980s, and in some areas not until the '90s or even '00s. During this period in the United States, identity politics were largely seen in these communities in the definitions espoused by writers such as self-identified, "black, dyke, feminist, poet, mother" Audre Lorde's view, that lived experience matters, defines us, and is the only thing that grants authority to speak on these topics; that, "If

I didn't define myself for myself, I would be crunched into other people's fantasies for me and eaten alive."

By the 2000s, in some areas of postmodern queer studies (notably those around gender) the idea of "identity politics" began to shift away from that of naming and claiming lived experience, and authority arising from lived experience, to one emphasizing choice and performance. Some who draw on the work of authors like Judith Butler particularly stress this concept of remaking and unmaking performative identities. Writers in the field of Queer theory have at times taken this to the extent as to now argue that "queer", despite generations of specific use to describe a "non-heterosexual" sexual orientation, no longer needs to refer to any specific sexual orientation at all; that it is now only about "disrupting the mainstream", with author David M. Halperin arguing that straight people may now also self-identify as "queer". However, many LGBT people believe this concept of "queer heterosexuality" is an oxymoron and offensive form of cultural appropriation which not only robs gays and lesbians of their identities, but makes invisible and irrelevant the actual, lived experience of oppression that causes them to be marginalized in the first place. "It desexualizes identity, when the issue is precisely about a sexual identity."

Some supporters of identity politics take stances based on Gayatri Chakravorty Spivak's work (namely, "Can the Subaltern Speak?") and have described some forms of identity politics as strategic essentialism, a form which has sought to work with hegemonic discourses to reform the understanding of "universal"

goals. Others point out the erroneous logic and the ultimate dangers of reproducing strong identitarian divisions inherent in essentialism.

Those who criticize identity politics from the right see it as inherently Collectivist and prejudicial, in contradiction to the ideals of Classical liberalism. Those who criticize identity politics from the left see it as a version of bourgeois nationalism, i.e. as a divide and conquer strategy by the ruling classes to divide people by nationality, race, ethnicity, religion, etc. so as to distract the working class from uniting for the purpose of class struggle.

Critics argue that groups based on a particular shared identity (e.g. race, or gender identity) can divert energy and attention from more fundamental issues, similar to the history of divide and rule strategies. Chris Hedges has criticized identity politics as one of the factors making up a form of "corporate capitalism" that only masquerades as a political platform, and which he believes "will never halt the rising social inequality, unchecked militarism, evisceration of civil liberties and omnipotence of the organs of security and surveillance." Sociologist Charles Derber asserts that the American left is "largely an identity-politics party" and that it "offers no broad critique of the political economy of capitalism. It focuses on reforms for Blacks and women and so forth. But it doesn't offer a contextual analysis within capitalism." Both he and David North of the Socialist Equality Party posit that these fragmented and isolated identity movements which permeate the left have allowed for a far-right resurgence. Cornel West asserted that discourse on racial, gender

and sexual orientation identity was "crucial" and "indispensable," but emphasized that it "must be connected to a moral integrity and deep political solidarity that hones in on a financialized form of predatory capitalism. A capitalism that is killing the planet, poor people, working people here and abroad."

Critiques of identity politics have also been expressed by writers such as Eric Hobsbawm, Todd Gitlin, Michael Tomasky, Richard Rorty, Michael Parenti, Jodi Dean, Sean Wilentz and philosopher Slavoj Žižek. As a Marxist, Hobsbawm criticized nationalisms and the principle of national self-determination adopted in many countries after 1919, since in his view national governments are often merely an expression of a ruling class or power, and their proliferation was a source of the wars of the 20th century. Hence, Hobsbawm argues that identity politics, such as queer nationalism, Islamism, Cornish nationalism or Ulster loyalism are just other versions of bourgeois nationalism. The view that identity politics (rooted in challenging racism, sexism, and the like) obscures class inequality is widespread in the United States and other Western nations. This framing ignores how class-based politics are identity politics themselves, according to Jeff Sparrow.

In her journal article Mapping the Margins: Intersectionality, Identity Politics and Violence against Women of Color, Kimberle Crenshaw treats identity politics as a process that brings people together based on a shared aspect of their identity. Crenshaw applauds identity politics for bringing African Americans (and other non-white people), gays and lesbians, and other oppressed

groups together in community and progress. But she critiques it because "it frequently conflates or ignores intragroup differences." Crenshaw argues that for Black women, at least two aspects of their identity are the subject of oppression: their race and their sex. Thus, although identity politics are useful, we must be aware of the role of intersectionality. Nira Yuval-Davis supports Crenshaw's critiques in Intersectionality and Feminist Politics and explains that "Identities are individual and collective narratives that answer the question 'who am/are I/we?"

In Mapping the Margins, Crenshaw illustrates her point using the Clarence Thomas/Anita Hill controversy. Anita Hill accused US Supreme Court Justice nominee Clarence Thomas of sexual harassment; Thomas would be the second African American judge on the Supreme Court. Crenshaw argues that Hill was then deemed anti-Black in the movement against racism, and although she came forward on the feminist issue of sexual harassment, she was excluded because when considering feminism, it is the narrative of white middle-class women that prevails. Crenshaw concludes that acknowledging intersecting categories when groups unite on the basis of identity politics is better than ignoring categories altogether.

Ethnic, religious and racial identity politics dominated American politics in the 19th century, during the Second Party System (1830s–1850s) as well as the Third Party System (1850s–1890s). Racial identity has been the central theme in Southern politics since slavery was abolished.

Similar patterns appear in the 21st century are commonly referenced in popular culture, and are increasingly analyzed in media and social commentary as an interconnected part of politics and society. Both a majority and minority group phenomenon, racial identity politics can develop as a reaction to the historical legacy of race-based oppression of a people as well as a general group identity issue, as "racial identity politics utilizes racial consciousness or the group's collective memory and experiences as the essential framework for interpreting the actions and interests of all other social groups."

Carol M. Swain has argued that non-white ethnic pride and an "emphasis on racial identity politics" is fomenting the rise of white nationalism. Anthropologist Michael Messner has suggested that the Million Man March was an example of racial identity politics in the United States.

Black women identity politics concerns the identity-based politics derived from the lived experiences of struggles and oppression of Black women.

In 1977, the Combahee River Collective (CRC) Statement argued that black women struggled with facing their oppression, and with their coinage of the term identity politics, it gave black women the tools and comprehension to confront the oppression one was facing. The CRC also suggested that "the personal is political". This expression explains the outlook that black women have for politics, as they are constructed by the lived experiences of racial inequalities, and the oppression based on their

identities. As mentioned earlier K. Crenshaw, claims that black women oppression is illustrated in two different directions; race and sex. In 1991, Nancie Caraway explained that the politics of black women had to be comprehended in the understanding that the oppression they face are all interconnected, presenting a compound of oppression (Intersectionality).

In 1988, Deborah K. King coined the term Multiple jeopardy, theory that expands on how factors of oppression are all interconnected. King suggested that the identities of gender, class, and race each have an individual prejudicial connotation, which has an incremental effect on the inequity of which one experiences

Arab identity politics concerns the identity-based politics derived from the racial or ethnocultural consciousness of Arab people. In the regionalism of the Middle East, it has particular meaning in relation to the national and cultural identities of non-Arab countries, such as Turkey, Iran and North African countries. In their 2010 Being Arab: Arabism and the Politics of Recognition, academics Christopher Wise and Paul James challenged the view that, in the post-Afghanistan and Iraq invasion era, Arab identity-driven politics were ending. Refuting the view that had "drawn many analysts to conclude that the era of Arab identity politics has passed", Wise and James examined its development as a viable alternative to Islamic fundamentalism in the Arab world. According to Marc Lynch, the post-Arab Spring era has seen increasing Arab identity politics, which is "marked by state-state rivalries as well as state-society conflicts". Lynch believes

this is creating a new Arab Cold War, no longer characterized by Sunni-Shia sectarian divides but by a reemergent Arab identity in the region. Najla Said has explored her lifelong experience with Arab identity politics in her book Looking for Palestine.

Due to somewhat competing tribe-based versus pan-Māori concepts, there is both an internal and external utilization of Māori identity politics in New Zealand. Projected outwards, Māori identity politics has been a disrupting force in the politics of New Zealand and post-colonial conceptions of nationhood. Its development has also been explored as causing parallel ethnic identity developments in non-Māori populations. Academic Alison Jones, in her co-written Tuai: A Traveller in Two Worlds, suggests that a form of Māori identity politics, directly oppositional to Pākehā (white New Zealanders), has helped provide a "basis for internal collaboration and a politics of strength".

A 2009, Ministry of Social Development journal identified Māori identity politics, and societal reactions to it, as the most prominent factor behind significant changes in self-identification from the 2006 New Zealand census.

In 1998, political scientists Jeffrey Kaplan and Leonard Weinberg predicted that, by the late 20th-century, a "Euro-American radical right" would promote a trans-national white identity politics, which would invoke populist grievance narratives and encourage hostility against non-white peoples and multiculturalism. In the United States, mainstream news has

identified Donald Trump's presidency as a signal of increasing and widespread utilization of white identity politics within the Republican Party and political landscape. Journalists Michael Scherer and David Smith have reported on its development since the mid-2010s.

Ron Brownstein believes that President Trump uses "White Identity Politics" to bolster his base and that this will ultimately limit his ability to reach out to non-White American voters for the 2020 United States presidential election. A four-year Reuters and Ipsos analysis concurred that "Trump's brand of white identity politics may be less effective in the 2020 election campaign." Alternatively, examining the same poll, David Smith has written that "Trump's embrace of white identity politics may work to his advantage" in 2020. During the Democratic primaries, presidential candidate Pete Buttigieg publicly warned that the president and his administration were using white identity politics, which he said was the most divisive form of identity politics. Columnist Reihan Salam writes that he is not convinced that Trump uses "white identity politics" given the fact that he still has significant support from liberal and moderate Republicans – who are more favorable toward immigration and the legalization of undocumented immigrants – but believes that it could become a bigger issue as whites become a minority and assert their rights like other minority groups. Salam also states that an increase in "white identity" politics is far from certain given the very high rates of intermarriage and the historical example of the once Anglo-Protestant cultural majority embracing a more inclusive white cultural majority which included Jews,

Italians, Poles, Arabs, and Irish. Columnist Ross Douthat has argued that it has been important to American politics since the Richard Nixon-era of the Republican Party, and historian Nell Irvin Painter has analyzed Eric Kaufmann's thesis that the phenomenon is caused by immigration-derived racial diversity, which reduces the white majority, and an "anti-majority adversary culture". Writing in Vox, political commentator Ezra Klein believes that demographic change has fueled the emergence of white identity politics.

Gender identity politics is an approach that views politics, both in practice and as an academic discipline, as having a gendered nature and that gender is an identity that influences how people think. Politics has become increasingly gender political as formal structures and informal 'rules of the game' have become gendered. How institutions affect men and women differently are starting to be analysed in more depth as gender will affect institutional innovation.

Cooperative federalism

Cooperative federalism, also known as marble-cake federalism, is defined as a flexible relationship between the federal and state governments in which both work together on a variety of issues and programs.

In the American federal system, there are limitations on national government's ability to carry out its policies through the executive branch of state governments. For example, in Printz v.

United States, 521 U.S. 898 (1997) the Court held that the national government could not directly require state law enforcement officers to conduct background checks under the Brady firearms legislation. The court explained that prior decisions warned that "this Court never has sanctioned explicitly a federal command to the States to promulgate and enforce laws and regulations." And yet, there are significant advantages in a federal system to obtain state assistance in the local implementation of federal programs. Implementing such programs through national employees would significantly increase the size and intrusiveness of the national government. Moreover, local implementation may assure that these programs are implemented in ways that take local conditions into account.

For this reason, Congress has often avoided adoption of completely nationalized programs by one of two devices. In the first, Congress creates a delivery system for federal programs in which the national government encourages local implementation of a federal program by providing significant matching funds. In this context, the phrase may be found in a number of Supreme Court and lower court federal cases. The most frequent early use of the phrase may be found in a series of cases describing the paradigm for federally sponsored welfare programs such as medical assistance or the former Aid to Families with Dependent Children (AFDC) programs in which a participating state's program is financed largely by the Federal Government, on a matching fund basis, subject to federal mandatory regulations. See for example, King v. Smith and a series of subsequent AFDC cases. More recently, the phrase has been used in connection

with other federal programs built on the cooperative federalism model. See California v. U.S. 438 U.S. 645 (1978). Here, the motivation for State compliance is that absent state compliance with federal conditions, the state loses significant federal funding. The second method of encouraging states to implement federal programs is described in New York v. United States, 505 U.S. 144 (1992). In this form, the Congress states that it will take over the regulation of an activity at the national level, unless the State itself implements its own program of regulation meeting minimum federal standards. Here, the motivation for State compliance is that absent state regulation, the state loses power over the regulated area entirely. In New York v. United States, the court explained:

"… where Congress has the authority to regulate private activity under the Commerce Clause, we have recognized Congress' power to offer States the choice of regulating that activity according to federal standards or having state law preempted by federal regulation. Hodel v. Virginia Surface Mining & Reclamation Association. See also FERC v. Mississippi. This arrangement, which has been termed 'a program of cooperative federalism,' Hodel, supra, is replicated in numerous federal statutory schemes. These include the Clean Water Act, see Arkansas v. Oklahoma, (Clean Water Act 'anticipates a partnership between the States and the Federal Government, animated by a shared objective'); the Occupational Safety and Health Act of 1970, see Gade v. National Solid Wastes Management Assn., the Resource Conservation and Recovery Act of 1976, see Department of Energy v. Ohio, and the Alaska National Interest Lands

Conservation Act, see Kenaitze Indian Tribe v. Alaska." While the federal system places limits on the ability of the national government to require implementation by a State executive branch, or its local political subdivisions, that limitation does not apply in the same way to State judicial systems. In part, this is because the founders understood that state courts would be courts of general jurisdiction, bound to apply both state and federal law. In part, it is because the State courts adjudicate cases between citizens who are bound to comply with both state and federal law. When the Congress seeks to establish federal legislation which governs the behavior of citizens, the Congress is free to choose among three judicial enforcement paradigms. It may open both federal or state courts to enforcement of that right, by specifically providing concurrent jurisdiction in the federal courts. It may grant exclusive jurisdiction to the federal courts, or it may choose to leave enforcement of that right to civil dispute resolution amongst parties in State court.

We also see the wide-scale use of cooperative federalism in the implementation of federal law criminalizing drug and gun possession. The federal government lacks a police force that can enforce these kinds of crimes; it must rely on state and local police forces. As a result, the federal government has enacted programs such as Project Safe Neighborhoods that encourage cooperation between state and local police forces/district attorneys and federal prosecutors. This kind of cooperation can have problematic effects. As William Partlett writes:

"… cooperative federalism presents new—and largely unexplored—constitutional problems. In particular, unlike the civil regulatory context, cooperation threatens the constitutional rights of individual criminal defendants by allowing executives to circumvent local juries, judges, and laws. Moreover, this cooperation also potentially weakens the ability of states and cities to function as political entities that can hold their law enforcement officers accountable in an area of traditional state police power…"

Chapter 2

The Federalist and Constitutional Government

Federalism in the Constitution

Federalism is the system of government in which sovereignty (the authority and power to govern over a group of people) is constitutionally divided between a central, or national government, and individual regional political units generally referred to as states. It is based upon democratic rules and institutions in which the power to govern is shared between national and state governments, creating a federation.

The most forceful defense of the new Constitution was The Federalist Papers, a compilation of 85 anonymous essays published in New York City to convince the people of the state to vote for ratification. These articles were written by Alexander Hamilton and James Madison. They examined the benefits of the new Constitution and analyzed the political theory and function behind the various articles of the Constitution. Those opposed to the new Constitution became known as the Anti-Federalists. They generally were local rather than cosmopolitan in perspective, oriented to plantations and farms rather than commerce or finance, and wanted strong state governments and a weak national government. The Anti-Federalists believed that the

Legislative Branch had too much power, and that they were unchecked. Also, the Executive Branch had too much power, they believed that there was no check on the President. The final belief was that a Bill of Rights should be coupled with the Constitution to prevent a dictator from exploiting citizens. The Federalists argued that it was impossible to list all the rights and those that were not listed could be easily overlooked because they were not in the official Bill of Rights.

The Federalist Papers were a series of essays by John Jay, Alexander Hamilton, and James Madison written for the Federalist newspaper.

The convention in Virginia began its debate before nine states had approved the Constitution, but the contest was so close and bitterly fought that it lasted past the point when the technical number needed to ratify had been reached. Nevertheless, Virginia's decision was crucial to the nation. Who can imagine the early history of the United States if Virginia had not joined the union? What if leaders like George Washington, Thomas Jefferson, and James Madison had not been allowed to hold national political office? In the end Virginia approved the Constitution, with recommended amendments, in an especially close vote (89-79). Only one major state remained; the Constitution was close to getting the broad support that it needed to be effective.

Perhaps no state was as deeply divided as New York. The nationalist-urban artisan alliance could strongly carry New York

City and the surrounding region while more rural upstate areas were strongly Anti-Federalist. The opponents of the Constitution had a strong majority when the convention began and set a tough challenge for Alexander Hamilton, the leading New York Federalist. Hamilton managed a brilliant campaign that narrowly won the issue (30-27) by combining threat and accommodation. On the one hand, he warned that commercial down state areas might separate from upstate New York if it didn't ratify. On the other hand, he accepted the conciliatory path suggested by Massachusetts; amendments would be acceptable after ratification.

The debate in New York produced perhaps the most famous exploration of American political philosophy, now called The Federalist Papers. Originally they were a series of 85 anonymous letters to newspapers that were co-written by Alexander Hamilton, James Madison, and John Jay. Together, they tried to assure the public of the two key points of the Federalist agenda. First, they explained that a strong government was needed for a variety of reasons, but especially if the United States was to be able to act effectively in foreign affairs. Second, they tried to convince readers that because of the "separation" of powers in the central government, there was little chance of the national government evolving into a tyrannical power. Instead of growing ever stronger, the separate branches would provide a "check and balance" against each other, so that none could rise to complete dominance. The influence of these newspaper letters in the New York debate is not entirely known, but their status as a classic of American political thought is beyond doubt. Although Hamilton

wrote the majority of the letters, James Madison authored the ones that are most celebrated today, especially Federalist No. 10.

Here Madison argued that a larger republic would not lead to greater abuse of power (as had traditionally been thought), but actually could work to make a large national republic a defense against tyranny. Madison explained that the large scope of the national republic would prevent local interests from rising to dominance and therefore the larger scale itself limited the potential for abuse of power. By including a diversity of interests (he identified agriculture, manufacturing, merchants, and creditors, as the key ones), the different groups in a larger republic would cancel each other out and prevent a corrupt interest from controlling all the others.

Madison was one of the first political theorists to offer a profoundly modern vision of self-interest as an aspect of human nature that could be employed to make government better, rather than more corrupt. In this, he represents a key figure in the transition from a traditional Republican vision of America, to a modern Liberal one where self-interest has a necessary role to play in public life.

Both sides of the Constitutional debate (federalists AND anti-federalists alike) have been concerned with the political instability that these rival factions may cause. Under the Articles of Confederation, the state governments have not succeeded in solving this problem. As a matter of fact, the situation has become such a problem that people have become disillusioned

with all politicians and blame the government for their problems (sound familiar?). Consequently, a form of popular government that can deal successfully with this problem has a great deal to recommend it.

Madison sees a Republican form of government as one which derives its powers either directly or indirectly from the people (which distinguishes this new form of republicanism from others that had been used in Europe). This form is administered by people who hold elected public office for a limited period of time or during good behavior. He goes on to say that no government can be called Republican that derives its power from a few people or from a favored and wealthy class (as many governments in Europe did). The Constitution conforms to these Republican principles by ensuring that the people will directly elect the House of Representatives. Additionally, the people indirectly select the senators and the president. Even the judges will reflect the choice of the people since the president appoints them, and the Senate confirms their appointment. The president, senators, and representatives hold office for a specified and limited term. Judges are appointed for life but subject to good behavior. The constitutional prohibition against granting titles of nobility and the guarantee to the states that they shall enjoy a republican form of government is further proof that the new government is Republican in nature.

These facts do not satisfy all people. Some people claim that the new Constitution destroyed the federal aspect of the government by taking away too much power from the states. Opponents (anti-

federalists) believed that the framers established a national (unitary) form of government where the citizens' are directly acted upon by a central government as citizens of the nation rather than as citizens of the states. But the proposed government (a federal republic) would contain both national and federal characteristics and would allow for a sharing and careful balance of powers between the national government and the states. The principle of federalism (a division of power between the states and the national government) is integrated into the new Constitution and reflected in the suggested method of ratification. The delegates to the ratifying conventions would directly participate (through voting) as citizens of their states, not as citizens of the nation. Madison also points out that this new form of federal republic is also reflected in the structure of the Senate in which the states are equally represented. Since the states would retain certain exclusive and important powers, this is to be considered further proof of the federal nature of the proposed government.

Madison goes on to concede that the new Constitution does exhibit national (central government) features. Madison finishes by reaching the conclusion that the government would be BOTH national and federal. In the operation of its powers, it is a nation; in the extent of its power, it is federal.

Madison also goes on to discuss the way a republican government can serve as a check on the power of factions, and the tyranny of the majority which would limit the ability of the majority from imposing their will on the minority unjustly (like a tyrant or

despot imposing his will over his subjects). Madison's conclusion is that all of the Constitution's checks and balances would serve to preserve liberty by ensuring justice. Madison explained, "Justice is the end of government. It is the end of civil society." Madison's political theory is based on Montesquieu's The Spirit of the Laws on the Founders.

The Federalist had an immediate impact on the ratification debate in New York and in the other states. The demand for reprints was so great that one New York newspaper publisher printed the essays together in two volumes entitled The Federalist, A Collection of Essays Written in Favor of the New Constitution, By a Citizen of New York. By this time, the identity of "Publius," never a well-kept secret, was pretty well known. The Federalist, also called The Federalist Papers, has served two very different purposes in American history. The 85 essays succeeded in persuading doubtful New Yorkers to ratify the Constitution. Today, The Federalist Papers help us to more clearly understand what the writers of the Constitution had in mind when they drafted that amazing document over 200 years ago.

From these, Americans have received a gift from our Founding Fathers. Whenever we, as a nation, need to consider what the original intent and meaning of the Constitution was more than 200 years ago, we simply can go back to these documents and remind ourselves exactly what our founders were thinking and what was intended without any question as to meaning or design. Federalism is the system where sovereignty is constitutionally divided between a central governing authority and constituent

units. Federalism is the system of government in which sovereignty is constitutionally divided between a central governing authority and constituent political units. It is based upon democratic rules and institutions in which the power to govern is shared between national and state governments, creating a federation. Dual federalism is a political arrangement in which power is divided between national and state governments in clearly defined terms, with state governments exercising those powers accorded to them without interference from the national government. Dual federalism is defined in contrast to cooperative federalism, in which national and state governments collaborate on policy. Dual and cooperative federalism are also known as 'layer-cake' and 'marble cake' federalism, respectively, due to the distinct layers of layer cake and the more muddled appearance of marble cake.

Federalism was the most influential political movement arising out of discontent with the Articles of Confederation, which focused on limiting the authority of the federal government. The movement was greatly strengthened by the reaction to Shays' Rebellion of 1786-1787, which was an armed uprising of farmers in western Massachusetts. The rebellion was fueled by a poor economy that was created, in part, by the inability of the federal government to deal effectively with the debt from the American Revolution. Moreover, the federal government had proven incapable of raising an army to quell the rebellion, so Massachusetts was forced to raise its own. The most forceful defense of the new Constitution was The Federalist Papers, a compilation of 85 anonymous essays published in New York City

to convince the people of the state to vote for ratification. These articles, written by Alexander Hamilton and James Madison, examined the benefits of the new Constitution and analyzed the political theory and function behind the various articles of the Constitution. Those opposed to the new Constitution became known as the Anti-Federalists. They were generally local, rather than cosmopolitan, in perspective, oriented toward plantations and farms rather than commerce or finance, and wanted strong state governments with a weaker national government. The Anti-Federalists believed that the legislative branch had too much unchecked power, that the executive branch had too much power, and that there was no check on the chief executive. They also believed that a Bill of Rights should be coupled with the Constitution to prevent a dictator from exploiting citizens. The Federalists argued that it was impossible to list all the rights and that those not listed could be easily overlooked because they were not in the official bill of rights.

After the Civil War, the federal government increased its influence on everyday life and its size relative to state governments. Reasons included the need to regulate businesses and industries that spanned state borders, the attempts to secure civil rights, and the provision of social services. The federal government acquired no substantial new powers until the acceptance by the Supreme Court of the Sherman Anti-Trust Act. From 1938 until 1995, the Supreme Court did not invalidate any federal statute as exceeding Congress 'power under the Commerce Clause.

The Great Depression marked an abrupt end to dual federalism and a dramatic shift to a strong national government. President Franklin D. Roosevelt's New Deal policies reached into the lives of U.S. citizens like no other federal measure had done. As the Supreme Court rejected nearly all of Roosevelt's economic proposals, in 1936, the president proposed appointing a new Supreme Court justice for each sitting justice aged 70 or older. The expansion of the court, along with a Democrat-controlled Congress, would tilt court rulings in favor of Roosevelt's policies.

The national government was forced to cooperate with all levels of government to implement the New Deal policies; local government earned an equal standing with the other layers, as the federal government relied on political machines at the city level to bypass state legislatures. In the final analysis, federalism in the United States has been structured to protect minority rights while giving enough power to the states to control their own affairs. This conflict and duality remains a contested territory, especially after the Reagan devolution and his insistence on "marble-cake" federalism.

The Powers of National Government

The federal government is composed of three branches: executive, legislative, and judiciary, whose powers are granted by the Constitution. The federal government is composed of three branches: legislative, executive and judicial. Powers are vested in Congress, in the President, and the federal courts by the United States Constitution. The powers and duties of these branches are

further defined by acts of Congress, including the creation of executive departments and courts inferior to the Supreme Court.

The government was formed in 1789, making the United States one of the world's first, if not the first, modern national constitutional republic. It is based on the principle of federalism, where power is shared between the federal government and state governments. The powers of the federal government have generally expanded greatly since the Civil War. However, there have been periods of legislative branch dominance since then. Also, states' rights proponents have succeeded in limiting federal power through legislative action, executive prerogative, or constitutional interpretation by the courts. A theoretical pillar of the United States Constitution is the idea of checks and balances between the powers and responsibilities of the three branches of American government.

Congress is the legislative branch of the federal government. It is bicameral, comprised of the Senate and the House of Representatives. The Constitution grants numerous powers to Congress, including the power to:

- levy and collect taxes,
- coin money and regulate its value,
- provide punishment for counterfeiting,
- establish post offices and roads,
- promote progress of science by issuing patents,
- create federal courts inferior to the Supreme Court,
- combat piracies and felonies,

- declare war,
- raise and support armies,
- provide and maintain a navy,
- make rules for the regulation of land and naval forces,
- exercise exclusive legislation in the District of Columbia,
- make laws necessary to properly execute powers.

Since the United States was formed, many disputes have arisen over the limits on the powers of the federal government in the form of lawsuits ultimately decided by the Supreme Court.

The executive power in the federal government is vested in the President, although power is often delegated to the Cabinet members and other officials. The President and Vice President are elected as running mates by the Electoral College for which each state, as well as the District of Columbia, is allocated a number of seats based on its representation in both houses of Congress. The President is limited to a maximum of two four-year terms. If the President has already served two years or more of a term to which some other person was elected, he may only serve one more additional four-year term.

The Judiciary explains and applies the laws. This branch hears and eventually makes decisions on various legal cases. Article III, section I of the Constitution establishes the Supreme Court of the United States and authorizes the United States Congress to establish inferior courts as their need shall arise. Section I also establishes a lifetime tenure for all federal judges and states that

their compensation may not be diminished during their time in office. Article II, section II establishes that all federal judges are to be appointed by the president and confirmed by the Senate.

The Powers of State Government

State governments are republics formed by citizens in the jurisdiction as provided by the Constitution. State governments in the United States are the republics formed by citizens in the jurisdiction as provided by the Constitution. State governments are structured in accordance with state law and they share the same structural model as the federal system; they also contain three branches of government: executive, legislative, and judicial. The Tenth Amendment states that all governmental powers not granted to the federal government by the Constitution are reserved for the states or the people.

The legislative branch of the states consists of state legislatures. Every state except for Nebraska has a bicameral legislature, comprised of two chambers. In the majority of states, the state legislature is called the Legislature. The rest of the states call their legislature the General Assembly.

An elected Governor heads the executive branch of every state. Most states have a plural executive, where several key members of the executive branch are directly elected by the people and serve alongside the Governor. These include the offices of Lieutenant Governor, Attorney General, Secretary of State, auditors, Treasurer, Commissioner of Agriculture, and

Commissioner of Education. Each state government is free to organize its executive departments and agencies in any way it likes, resulting in substantial diversity among the states with regard to every aspect of how their governments are organized.

A supreme court that hears appeals from lower state courts heads the judicial branch in most states. Each state's court has the last word on issues of state law and can only be overruled by federal courts on issues of Constitutional law. The structure of courts and the methods of selecting judges are determined by each state's constitution or legislature. Most states have at least one trial-level court and an intermediate appeals court from which only some cases are appealed to the highest court.

The Powers of Local Government

Powers of local governments are defined by state rather than federal law, and states have adopted a variety of systems of local government.

Local government in the United States is structured in accordance with the laws of the individual states, territories and the District of Columbia. Typically each state has at least two separate tiers of local government: counties and municipalities. Some states have their counties further divided into townships. There are several different types of local government at the municipal level, generally reflecting the needs of different levels of population densities; typical examples include the city, town, borough and village.

The Tenth Amendment to the Constitution makes local government a matter of state rather than federal law, with special cases for territories and the District of Columbia. The states have adopted a wide variety of systems of local government. The US Census Bureau conducts the Census of Governments every five years to compile statistics on government organization, public employment, and government finances. The categories of local government established in this Census of Governments is a convenient basis for understanding local government: county governments, town or township governments, municipal governments and special-purpose local governments.

County governments are organized local governments authorized in state constitutions and statutes. Counties form the first-tier administrative division of the states. All the states are divided into counties for administrative purposes. A number of independent cities operate under a municipal government that serves the functions of both city and county. In areas lacking a county government, services are provided either by lower level townships or municipalities or the state.

Town or township governments are organized local governments authorized in the state constitutions and statutes of states, established to provide general government for a defined area, generally based on the geographic subdivision of a county. Depending on state law and local circumstance, a township may or may not be incorporated, and the degree of authority over local government services may vary greatly. In particular, towns in New England have considerably more power than most townships

elsewhere and often function as independent cities in all but name, typically exercising the full range of powers that are divided between counties, townships and cities in other states.

Municipal governments are organized local governments authorized in state constitutions and statutes, established to provide general government for a defined area, generally corresponding to a population center rather than one of a set of areas into which a county is divided. The category includes those governments designated as cities, boroughs, towns, and villages. This concept corresponds roughly to the incorporated places that are recognized in Census Bureau reporting of population and housing statistics. Municipalities range in size from the very small to the very large, reflected in the range of types of municipal governments that exist in different areas.

In most states, county and municipal governments exist side-by-side. In some states, a city can become independent of any separately functioning county government and function both as a county and as a city. Depending on the state, such a city is known as either an independent city or a consolidated city-county. Municipal governments are usually administratively divided into several departments, depending on the size of the city.

Interstate Relations

Article Four of the United States Constitution outlines the relationship between the states, with Congress having power to

admit new states. In the United States, states are guaranteed military and civil defense by the federal government. The federal government is also required to ensure that the government of each state remains a republic. Four states use the official name of Commonwealth, rather than State. However, this is merely a paper distinction. The United States Constitution uniformly refers to all of these sub-national jurisdictions as States.

Under Article Four of the United States Constitution, which outlines the relationship between the states, the United States Congress has the power to admit new states to the Union. The Article imposes prohibitions on interstate discrimination that are central to our status as a single nation. The states are required to give full faith and credit to the acts of each other's legislatures and courts, which is generally held to include the recognition of legal contracts, marriages, criminal judgments, and before 1865, slavery status. States are prohibited from discriminating against citizens of other states with respect to their basic rights, under the Privileges and Immunities Clause. Under the Extradition Clause, a state must extradite people located there who have fled charges of treason, felony, or other crimes in another state if the other state requests extradition.

The Article contends that the Constitution grants Congress expansive authority to structure interstate relations and that in wielding this interstate authority Congress is not limited by judicial interpretations of Article 4. The provisions are judicially enforceable against the states. However, the ability to enforce the

provisions is dependent on the absence of congressionally authorized discrimination.

Concurrent Powers

Concurrent powers are the powers that are shared by both the State and the federal government, exercised simultaneously. The United States Constitution affords some powers to the national government without barring them from the states. Concurrent powers are powers that are shared by both the State and the federal government. These powers may be exercised simultaneously within the same territory and in relation to the same body of citizens. These concurrent powers including regulating elections, taxing, borrowing money and establishing courts. National and state governments both regulate commercial activity.

As Alexander Hamilton explained in The Federalist #32, "the State governments would clearly retain all the rights of sovereignty which they before had, and which were not, by that act, exclusively delegated to the United States. " Hamilton goes on to explain that this alienation would exist in three cases only: where there is in express terms an exclusive delegation of authority to the federal government, as in the case of the seat of government; where authority is granted in one place to the federal government and prohibited to the states in another, as in the case of imposts; and where a power is granted to the federal government "to which a similar authority in the States would be

absolutely and totally contradictory and repugnant, as in the case of prescribing naturalization rules. ”

In the Commerce Clause, the Constitution gives the national government broad power to regulate Commerce with foreign Nations, among several of the States and with the Indian tribes. This clause allowed the federal government to establish a national highway system that connected the states. A state may regulate any and all commerce that is entirely within its borders.

National and state governments make and enforce laws themselves and choose their own leaders. They have their own constitutions and court systems. A state's Supreme Court decision may be appealed to the U.S. Supreme Court provided that it raises a federal question, such as an interpretation of the U.S. Constitution or of national law.

The Supremacy Clause

The Supremacy Clause established the U.S. Constitution, Federal Statutes and U.S. Treaties as "the supreme law of the land". Article VI, Clause 2 of the United States Constitution, known as the Supremacy Clause, establishes the U.S. Constitution, Federal Statutes, and U.S. Treaties as "the supreme law of the land. " The text decrees these to be the highest form of law in the U.S. legal system and mandates that all state judges must follow federal law when a conflict arises between federal law and either the state constitution or state law from any state. The Supremacy Clause only applies if the federal government is acting in pursuit

of its constitutionally authorized powers, as noted by the phrase "in pursuance thereof" in the actual text of the Supremacy Clause itself.

The Federalist Papers: The Federalist Papers, which advocate the ratification of the Constitution. The Federalist Papers are a series of 85 essays advocating the ratification of the Constitution. Two sections of the essays deal with the Supremacy Clause, in which Alexander Hamilton argues that the Supremacy Clause is simply an assurance that the government's powers can be properly executed. James Madison similarly defends the Supremacy Clause as vital to the functioning of the nation, noting that state legislatures were invested with all powers not specifically defined in the constitution, but also having the federal government subservient to various state constitutions would be an inversion of the principles of government.

In Ware v. Hylton (1796), the Supreme Court relied on the Supremacy Clause for the first time to strike down a state statute. The state of Virginia passed a statute during the Revolutionary War allowing the state to confiscate debt payments to British creditors. The Court found this Virginia statute inconsistent with the Treaty of Paris with Britain, which protected the rights of British creditors. The Court held that the Treaty superseded the Virginia statute and it was the duty of the courts to declare the Virginia statute "null and void. "Case Law Helps Define Ratification. In McCulloch v. Maryland (1819), the Supreme Court reviewed a tax levied by the state of Maryland on the federally incorporated Bank of the United States. The Court

found that if a state had the power to tax a federally incorporated institution, then the state effectively had the power to destroy the federal institution, thereby thwarting the intent and purpose of Congress. The Court found that this would be inconsistent with the Supremacy Clause, which makes federal law superior to state law.

In Martin v. Hunter's Lessee (1816) and Cohens v. Virginia (1821), the Supreme Court held that the Supremacy Clause and the judicial power granted in Article III give the Supreme Court power to review state court decisions involving issues arising under the Constitution and laws of the United States.

In Ableman v. Booth (1859), the Supreme Court held that state courts cannot issue rulings contradictory to decisions of federal courts, citing the Supremacy Clause, and overturning a decision by the Supreme Court of Wisconsin.

In Pennsylvania v. Nelson (1956) the Supreme Court struck down the Pennsylvania Sedition Act, which made advocating the forceful overthrow of the federal government a crime under Pennsylvania state law. The Supreme Court held that when federal interest in an area of law is sufficiently dominant, federal law must be assumed to preclude enforcement of state laws on the same subject; and a state law is not to be declared a help when state law goes farther than Congress has seen fit to go.

In Cooper v. Aaron (1958), the Supreme Court rejected attempts by the state of Arkansas to nullify the Court's school desegregation decision, Brown v. Board of Education. The state of

Arkansas had adopted several statutes designed to nullify the desegregation ruling. The Court relied on the Supremacy Clause to hold that the federal law controlled and could not be nullified by state statutes or officials.

In Edgar v. Mite Corporation (1982), the Supreme Court ruled that a state statute is void to the extent that it actually conflicts with a valid Federal statute.

There has been some debate as to whether or not some of the basic principles of the United States Constitution could be affected by a treaty. In the 1950s, a Constitutional Amendment known as the Bricker Amendment was proposed in response, which would have mandated that all American treaties shall not conflict with the manifest powers granted to the Federal Government.

Powers Denied to Congress

Congress has numerous prohibited powers dealing with habeas corpus, regulation of commerce, titles of nobility, ex post facto and taxes.

Section 9 of Article 1 of the U.S. Constitution provided limits on Congressional powers. These limits are as follows:

- The Migration or Importation of such Persons as any of the States now existing shall think proper to admit (referring to the slave trade) shall not be prohibited by the Congress prior to the Year one thousand eight

hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

- The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

- No Bill of Attainder or ex post facto Law shall be passed.

- No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

- No Tax or Duty shall be laid on Articles exported from any State.

- No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

- No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of Receipts and Expenditures of all public Money shall be published from time to time.

- No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Vertical Checks and Balances

Checks and balances is a governmental structure that gives each of the branches a degree of control over the actions of the other. To prevent one branch of government from becoming supreme, to protect the minority from the majority, and to induce the branches to cooperate, government systems employ a separation of powers in order to balance each of the branches. This is accomplished through a system of checks and balances which allows one branch to limit another, such as the power of Congress to alter the composition and jurisdiction of the federal courts. The Constitution and its amendments outline distinct powers and tasks for national and state governments. Some of these constitutional provisions enhance the power of the national government; others boost the power of the states.

The legislative branch (Congress) passes bills, has broad taxing and spending power, controls the federal budget and has power to borrow money on the credit of the United States. It has sole power to declare, as well as to raise, support, and regulate the military. Congress oversees, investigates, and makes the rules for the government and its officers. It defines by law the jurisdiction of the federal judiciary in cases not specified by the Constitution. Congress is in charge of ratifying treaties signed by the President and gives advice and consent to presidential appointments to the federal, judiciary, and executive departments. The branch has sole power of impeachment (House of Representatives) and trial of impeachments (Senate), meaning it can remove federal executive and judicial officers from office for high crimes and

misdemeanors. The executive branch (President) is the commander-in-chief of the armed forces. He executes the instructions of Congress, may veto bills passed by Congress, and executes the spending authorized by Congress. The president declares states of emergency, publishes regulations and executive orders, makes executive agreements, and signs treaties (ratification of these treaties requires the vote of two-thirds of the Senate). He makes appointments to the federal judiciary, executive departments, and other posts with the advice and consent of the Senate, and has power to make temporary appointments during the recess of the Senate. This branch has the power to grant "reprieves and pardons for offenses against the United States, except in cases of impeachment."

The judicial branch (Supreme Court) determines which laws Congress intended to apply to any given case, exercises judicial review, reviewing the constitutionality of laws and determines how Congress meant the law to apply to disputes. The Supreme Court arbitrates how a law acts to determine the disposition of prisoners, determines how a law acts to compel testimony and the production of evidence. The Supreme Court also determines how laws should be interpreted to assure uniform policies in a top-down fashion via the appeals process, but gives discretion in individual cases to low-level judges. The amount of discretion depends upon the standard of review, determined by the type of case in question. Federal judges serve for life.

The History of Federalism

Many early U.S. Supreme Court decisions, such as McCulloch v. Maryland, established the rights of power between federal and state governments. On April 8, 1916, Congress passed an act providing the incorporation of the Second Bank of the US. The Bank went into full operation in Philadelphia, Pennsylvania and in Baltimore, Maryland in 1817, carrying out business as a branch of the Bank of the US. On February 11, 1818, the General Assembly of Maryland passed an act placing a tax on all banks not chartered by the legislature. Maryland attempted to impede operations of a branch of the Second Bank of the US by imposing a tax on all bank notes not chartered in Maryland. The Second Bank of the US was the only out-of-state bank in Maryland and the law was perceived to be targeting the US Bank. James McCulloch, head of the Baltimore Branch of the Second Bank of the US, refused to pay the tax.

The lawsuit was filed by John James, an informer seeking to collect half the fine. The case was appealed to the Maryland Court of Appeals where the state argued that the Constitution is silent on the subject of banks because the Constitution did not specifically state that the federal government was authorized to charter a bank. The court upheld Maryland and the case was appealed to the Supreme Court.

Both sides of the litigation admitted that the Bank had no authority to establish the Baltimore branch. Chief Justice John

Marshall believed that the case established the principles that the Constitution grants Congress implied powers for implementing the Constitution's expressed powers, in order to create a functional national government and that state action may not impede valid constitutional exercises of power by the federal government.

The court determined that Congress had the power to create the Bank. Marshall supported this with four arguments. First, historical practice established Congress' power to create the Bank. Second, he argued that it was the people who ratified the Constitution and thus the people are sovereign, not the states. Third, Marshall admitted that the Constitution does not enumerate a power to create a central bank but that this is not dispositive to Congress' power to establish such an institution. Fourth, he invoked the Necessary and Proper Clause, permitting Congress to seek an objective within its enumerated power so long as it is rationally related to the objective and not forbidden by the Constitution. The Court rejected Maryland's interpretation of the clause and determined that Maryland may not tax the Bank without violating the Constitution.

In 1808 The Legislature of New York granted Robert Livingston and Robert Fulton exclusive navigation privileges to waters within the jurisdiction of the state. They petitioned other states and territorial legislatures for similar monopolies, hoping to develop a national network of steamboat lines. Only the Orleans Territory accepted and awarded them a monopoly in the lower Mississippi. Competitors challenged Livingston and Fulton,

arguing that the commerce power of the Federal government was exclusive and superseded state laws. In response to legal challenges, they attempted to undercut their rivals by selling them franchises or buying their boats.

Former New Jersey Governor Aaron Ogden tried defying the monopoly, but purchased a license from Livingston and Fulton in 1815 and entered business with Tomas Gibbons from Georgia. The partnership collapsed in 1818 when Gibbons operated another steamboat on Ogden's route between Elizabeth, NJ and New York City, licensed by Congress under a 1793 law regulating coasting trade. They ended up in the New York Court of Errors, which granted a permanent injunction against Gibbons in 1820.

Ogden filed a complaint in the Court of Chancery of New York asking to restrain Gibbons from operating on those waters, contending that states passed laws on issues regarding interstate matters and states should have concurrent power with Congress on matters concerning interstate commerce. Gibbons' lawyer argued that Congress had exclusive national power over interstate commerce according to Article I, Section 8 of the Constitution. The Court of Chancery and the Court of Errors of New York were in favor of Ogden and issued an injunction restricting Gibbons from operating his boats. Gibbons appealed to the Supreme Court, arguing that the monopoly conflicted with federal law.

The Supreme Court ruled in favor of Gibbons, arguing that the source of Congress' power to promulgate the law was the

Commerce Clause. Chief Justice Marshall's ruling determined that a congressional power to regulate navigation is granted. The court went on to conclude that congressional power over commerce should extend to the regulation of all aspects of it.

John Barron co-owned a profitable wharf in the Baltimore harbor and sued the mayor of Baltimore for damages, claiming that when the city had diverted the flow of streams while engaging in street construction, it had created mounds of sand and earth near his wharf making the water too shallow for most vessels. The trail court awarded Barron damages of $4,500, but the appellate court reversed the ruling.

The Supreme Court decided that the Fifth Amendment's guarantee that government takings of private property for public use require just compensation is a restriction upon the federal government. Chief Justice Marshall held that the first ten amendments contain no expression indicating an intention to apply them to the state governments.

The case stated that the freedoms guaranteed by the Bill of Rights did not restrict the state governments. Later Supreme Court rulings would reaffirm this ruling and, beginning in the early 20 century, the Supreme Court used the Due Process Clause of the Fourteenth Amendment to apply most of the Bill of Rights to the states through the process of selective incorporation.

Federalism and the Civil War: The Dred Scott Decision and Nullification

The Dred Scott Decision questioned the authority of the federal government over individual states in dealing with the issue of slavery. Dred Scott was born a slave in Virginia and in 1820 was taken by his owner, Peter Blow, to Missouri. In 1832, Blow died and U.S. Army Surgeon Dr. John Emerson purchased Scott. Emerson took him to Fort Armstrong, Illinois, which prohibited slavery in its 1819 constitution. In 1836, Scott was relocated to Fort Snelling, Wisconsin, where slavery was prohibited under the Wisconsin Enabling Act. Scott legally married Harriet Robinson, with the knowledge and consent of Emerson in Fort Snelling.

In 1837, Emerson was ordered to Jefferson Barracks Military Post, south of St. Louis, Missouri. Emerson left Scott and Harriet at Fort Snelling, renting them out for profit. Emerson was reassigned to Fort Jessup, Louisiana, where he married Eliza Sanford. He sent for Scott and Harriet and while en route, Scott's daughter Eliza was born on along the Mississippi River between Iowa and Illinois. By 1840, Emerson's wife, Scott, and Harriet returned to St. Louis while Emerson served in the Seminole War. Emerson left the Army and died in 1843. Eliza inherited his estate and continued to rent Scott out as a slave. In 1846, Scott attempted to purchase his family's freedom, but Eliza refused, prompting Scott to resort to legal action.

Scott sued Emerson for his freedom in a Missouri court in 1846. He received financial assistance from the son of his previous

owner, Peter Blow. Scott claimed that his presence and residence in free territories required his emancipation. In June 1847, Scott's case was dismissed because he had failed to provide a witness testifying that he was in fact a slave belonging to Eliza Emerson.

The judge granted Scott a new trial which did not begin until January 1850. While the case awaited trial, Scott and his family were placed in the custody of the St. Louis County Sheriff, who rented out the services of Scott, placing the rents in escrow. The jury found Scott and his family legally free. Emerson appealed to the Supreme Court of Missouri; she had moved to Massachusetts and transferred advocacy of the case to her brother, John F. A. Sanford. November 1852, the Missouri Supreme Court reversed the jury's decision, holding the Scotts as legal slaves.

Scott sued in federal court in 1853. The defendant at this point was Sanford, because he was a resident of New York, having returned there in 1853; the federal courts could hear the case under diversity jurisdiction provided in Article III, Section 2 of the Constitution. Judge Robert Wells directed the jury to rely on Missouri law to settle the question of Scott's freedom. Since the Missouri Supreme Court had held Scott was a slave, the jury found in favor of Sanford. Scott then appealed to the U.S. Supreme Court.

The decision began by concluding that the Court lacked jurisdiction in the matter because Scott had no standing to sue in Court, as all people of African descent, were found not to be

citizens of the United States. The decision is often criticized as being obiter dictum because it went on to conclude that Congress had no authority to prohibit slavery in federal territories, and slaves could not be taken away from their owners without due process.

The decision was fiercely debated across the country. Abraham Lincoln was able to win the presidential election in 1860 with the hope of stopping the further expansion of slavery. The sons of Peter Blow purchased emancipation for Scott and his family on May 26, 1857. Their freedom was national news and was celebrated in northern cities. Scott worked in a hotel in St. Louis and died of tuberculosis only eighteen months later.

The Dred Scott decision represented a culmination of what was considered a push to expand slavery. Southerners argued that they had a right to bring slaves into the territories, regardless of any decision by a territorial legislature on the subject. The expansion of the territories and resulting admission of new states was a loss of political power for the North. It strengthened Northern slavery opposition, divided the Democratic Party on sectional lines, encouraged secessionist elements among Southern supporters of slavery to make bolder demands, and strengthened the Republican Party.

Dual Federalism: From the Civil War to the 1930s

America functioned under dual federalism until the federal government increased influence after the Civil War. Dual

federalism is a theory of federal constitutional law in the United States where governmental power is divided into two separate spheres. One sphere of power belongs to the federal government while the other severally belongs to each constituent state. Under this theory, provisions of the Constitution are interpreted, construed and applied to maximize the authority of each government within its own respective sphere, while simultaneously minimizing, limiting or negating its power within the opposite sphere. Within such jurisprudence, the federal government has authority only where the Constitution so enumerates. The federal government is considered limited generally to those powers listed in the Constitution.

The theory originated within the Jacksonian democracy movement against the mercantilist American system and centralization of government under the Adams administration during the 1820s. With an emphasis on local autonomy and individual liberty, the theory served to unite the principles held by multiple sectional interests; the republican principles of northerners, the pro-slavery ideology of southern planters, and the laissez-faire entrepreneurialism of western interests. President Jackson used the theory as part of his justification in combating the national bank and the Supreme Court moved the law in the direction of dual federalism. The Court used the theory to underpin its rationale in cases where it narrowed the meaning of commerce and expanded state authority through enlarging state police power. The Democratic-Republicans believed that the Legislative branch had too much power and was unchecked, the Executive branch had too much power and was unchecked, and

that a Bill of Rights should be coupled with the Constitution to prevent a dictator from exploiting citizens. The federalists argued that it was impossible to list all the rights, and those that were not listed could be easily overlooked because they were not in the official Bill of Rights.

After the Civil War, the federal government increased in influence greatly on everyday life and in size relative to state governments. The reasons were due to the need to regulate business and industries that span state borders, attempts to secure civil rights, and the provision of social services. National courts now interpret the federal government as the final judge of its own powers under dual federalism.

Chapter 3

The New Deal: Cooperative Federalism and the Growth of the National Government

Intergovernmental Relationships

Cooperative federalism is a concept in which national, state and local governments interact cooperatively to solve common problems. Cooperative federalism is a concept of federalism where national, state and local governments interact cooperatively and collectively to solve common problems, rather than making policies separately but more or less equally or clashing over a policy in a system dominated by the national government. This concept arose after dual federalism in the United States in the 1930s.

In the American federal system, there are limitations on national government's ability to carry out its policies through the executive branch of state governments. There are significant advantages in a federal system to obtain state assistance in the local implementation of federal programs. Implementing programs through national employees would increase the size and intrusiveness of the national government and local implementation may assure the programs are implemented taking

local conditions into account. Congress often avoids the adoption of completely nationalized programs by creating a delivery system for federal programs and by motivating compliance—threatening states that they will pose power over the regulated area completely.

While the federal system places limits on the ability of the national government to require implementation by a state executive branch or its local political subdivisions, that limitation does not apply in the same way to state judicial systems. This is because the founders understood that state courts would be courts of general jurisdiction, bound to apply both state and federal law and because the state courts adjudicate cases between citizens who are bound to comply with both state and federal law. When Congress seeks to establish federal legislation that governs the behavior of citizens, they are free to choose among three judicial enforcement paradigms. It may open both federal and state courts to enforcement of that right, by specifically providing concurrent jurisdiction in the federal courts. It may grant exclusive jurisdiction to the federal courts, or it may choose to leave enforcement of that right to civil dispute resolution among parties in the state court.

The national government's ability to achieve its objectives often requires the participation of state and local governments. Intergovernmental grants offer positive financial inducements to get states to work toward selected national goals. A grant is commonly likened to a "carrot" to the extent that it is designed to entice the recipient to do something. On the other hand,

unfunded mandates impose federal requirements on state and local authorities. Mandates are typically backed by the threat of penalties for non-compliance and provide little to no compensation for the costs of implementation. Thus, given its coercive nature, a mandate is commonly likened to a "stick."

The national government has used grants to influence state actions as far back as the Articles of Confederation when it provided states with land grants. In the first half of the 1800s, land grants were the primary means by which the federal government supported the states. Millions of acres of federal land were donated to support road, railroad, bridge, and canal construction projects, all of which were instrumental in piecing together a national transportation system to facilitate migration, interstate commerce, postal mail service, and movement of military people and equipment. Numerous universities and colleges across the country, such as Ohio State University and the University of Maine, are land-grant institutions because their campuses were built on land donated by the federal government. At the turn of the twentieth century, cash grants replaced land grants as the main form of federal intergovernmental transfers and have become a central part of modern federalism.

Federal cash grants do come with strings attached; the national government has an interest in seeing that public monies are used for policy activities that advance national objectives. Categorical grants are federal transfers formulated to limit recipients' discretion in the use of funds and subject them to strict administrative criteria that guide project selection, performance,

and financial oversight, among other things. These grants also often require some commitment of matching funds. Medicaid and the food stamp program are examples of categorical grants. Block grants come with less stringent federal administrative conditions and provide recipients more flexibility over how to spend grant funds. Examples of block grants include the Workforce Investment Act program, which provides state and local agencies money to help youths and adults obtain skill sets that will lead to better-paying jobs, and the Surface Transportation Program, which helps state and local governments maintain and improve highways, bridges, tunnels, sidewalks, and bicycle paths. Finally, recipients of general revenue sharing faced the least restrictions on the use of federal grants. From 1972 to 1986, when revenue sharing was abolished, upwards of $85 billion of federal money was distributed to states, cities, counties, towns, and villages.

During the 1960s and 1970s, funding for federal grants grew significantly, as the trend line shows in Figure 1. Growth picked up again in the 1990s and 2000s. The upward slope since the 1990s is primarily due to the increase in federal grant money going to Medicaid. Federally funded health-care programs jumped from $43.8 billion in 1990 to $320 billion in 2014.

Health-related grant programs such as Medicaid and the Children's Health Insurance Program (CHIP) represented more than half of total federal grant expenses. The federal government uses grants and other tools to achieve its national policy priorities. Take a look at the National Priorities Project to find out more.

The national government has greatly preferred using categorical grants to transfer funds to state and local authorities because this type of grant gives them more control and discretion in how the money is spent. In 2014, the federal government distributed 1,099 grants, 1,078 of which were categorical, while only 21 were block grants.

In response to the terrorist attack on the United States on September 11, 2001, more than a dozen new federal grant programs relating to homeland security were created, but as of 2011, only three were block grants.

There are a couple of reasons that categorical grants are more popular than block grants despite calls to decentralize public policy. One reason is that elected officials who sponsor these grants can take credit for their positive outcomes (e.g., clean rivers, better-performing schools, healthier children, a secure homeland) since elected officials, not state officials, formulate the administrative standards that lead to the results. Another reason is that categorical grants afford federal officials greater command over grant program performance. A common criticism leveled against block grants is that they lack mechanisms to hold state and local administrators accountable for outcomes, a reproach the Obama administration has made about the Community Services Block Grant program. Finally, once categorical grants have been established, vested interests in Congress and the federal bureaucracy seek to preserve them. The legislators who enact them and the federal agencies that implement them invest heavily in defending them, ensuring their

continuation. Reagan's "devolution revolution" contributed to raising the number of block grants from six in 1981 to fourteen in 1989. Block grants increased to twenty-four in 1999 during the Clinton administration and to twenty-six during Obama's presidency, but by 2014 the total had dropped to twenty-one, accounting for 10 percent of total federal grant outlay.

In 1994, the Republican-controlled Congress passed legislation that called for block-granting Medicaid, which would have capped federal Medicaid spending. President Clinton vetoed the legislation. However, congressional efforts to convert Aid to Families with Dependent Children (AFDC) to a block grant succeeded. The Temporary Assistance for Needy Families (TANF) block grant replaced the AFDC in 1996, marking the first time the federal government transformed an entitlement program (which guarantees individual rights to benefits) into a block grant. Under the AFDC, the federal government had reimbursed states a portion of the costs they bore for running the program without placing a ceiling on the amount. In contrast, the TANF block grant caps annual federal funding at $16.489 billion and provides a yearly lump sum to each state, which it can use to manage its own program.

Block grants have been championed for their cost-cutting effects. By eliminating uncapped federal funding, as the TANF issue illustrates, the national government can reverse the escalating costs of federal grant programs. This point has not been lost on Speaker of the House Paul Ryan (R-WI), former chair of the House Budget Committee and current chair of the House Ways and

Means Committee, who has tried multiple times but without success to convert Medicaid into a block grant, a reform he estimates could save the federal government upwards of $732 billion over ten years.

Another noteworthy characteristic of block grants is that their flexibility has been undermined over time as a result of creeping categorization, a process in which the national government places new administrative requirements on state and local governments or supplants block grants with new categorical grants.

Among the more common measures used to restrict block grants' programmatic flexibility are set-asides (i.e., requiring a certain share of grant funds to be designated for a specific purpose) and cost ceilings (i.e., placing a cap on funding other purposes).

Unfunded mandates are federal laws and regulations that impose obligations on state and local governments without fully compensating them for the administrative costs they incur. The federal government has used mandates increasingly since the 1960s to promote national objectives in policy areas such as the environment, civil rights, education, and homeland security. One type of mandate threatens civil and criminal penalties for state and local authorities that fail to comply with them across the board in all programs, while another provides for the suspension of federal grant money if the mandate is not followed. These types of mandates are commonly referred to as crosscutting mandates. Failure to fully comply with crosscutting mandates can result in punishments that normally include reduction of or suspension of

federal grants, prosecution of officials, fines, or some combination of these penalties. If only one requirement is not met, state or local governments may not get any money at all.

For example, Title VI of the Civil Rights Act of 1964 authorizes the federal government to withhold federal grants as well as file lawsuits against state and local officials for practicing racial discrimination. Finally, some mandates come in the form of partial preemption regulations, whereby the federal government sets national regulatory standards but delegates the enforcement to state and local governments. For example, the Clean Air Act sets air quality regulations but instructs states to design implementation plans to achieve such standards.

The widespread use of federal mandates in the 1970s and 1980s provoked a backlash among state and local authorities, which culminated in the Unfunded Mandates Reform Act (UMRA) in 1995. The UMRA's main objective has been to restrain the national government's use of mandates by subjecting rules that impose unfunded requirements on state and local governments to greater procedural scrutiny. However, since the act's implementation, states and local authorities have obtained limited relief. A new piece of legislation aims to take this approach further. The 2015 Unfunded Mandates and Information Transparency Act, HR 50, passed the House early in 2015 before being referred to the Senate, where it waits committee consideration. The number of mandates has continued to rise, and some have been especially costly to states and local authorities. Consider the Real ID Act of 2005, a federal law

designed to beef up homeland security. The law requires driver's licenses and state-issued identification cards (DL/IDs) to contain standardized anti-fraud security features, specific data, and machine-readable technology. It also requires states to verify the identity of everyone being reissued DL/IDs. The Department of Homeland Security announced a phased enforcement of the law in 2013, which requires individuals to present compliant DL/IDs to board commercial airlines starting in 2016. The cost to states of re-issuing DL/IDs, implementing new identity verification procedures, and redesigning DL/IDs is estimated to be $11 billion, and the federal government stands to reimburse only a small fraction.

Compliance with the federal law has been onerous for many states; only twenty-two were in full compliance with Real ID in 2015.

The continued use of unfunded mandates clearly contradicts new federalism's call for giving states and local governments more flexibility in carrying out national goals. The temptation to use them appears to be difficult for the federal government to resist, however, as the UMRA's poor track record illustrates. This is because mandates allow the federal government to fulfill its national priorities while passing most of the cost to the states, an especially attractive strategy for national lawmakers trying to cut federal spending. Some leading federalism scholars have used the term coercive federalism to capture this aspect of contemporary U.S. federalism.

In other words, Washington has been as likely to use the stick of mandates as the carrot of grants to accomplish its national objectives. As a result, there have been more instances of confrontational interactions between the states and the federal government.

The Clery Act of 1990, formally the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, requires public and private colleges and universities that participate in federal student aid programs to disclose information about campus crime. The Act is named after Jeanne Clery, who in 1986 was raped and murdered by a fellow student in her Lehigh University dorm room.

The U.S. Department of Education's Clery Act Compliance Division is responsible for enforcing the 1990 Act. Specifically, to remain eligible for federal financial aid funds and avoid penalties, colleges and universities must comply with the following provisions:

- Publish an annual security report and make it available to current and prospective students and employees;
- Keep a public crime log that documents each crime on campus and is accessible to the public;
- Disclose information about incidents of criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, and hate crimes that occurred on or near campus;

- Issue warnings about Clery Act crimes that pose a threat to students and employees;
- Develop a campus community emergency response and notification strategy that is subject to annual testing;
- Gather and report fire data to the federal government and publish an annual fire safety report;

Devise procedures to address reports of missing students living in on-campus housing.

To accomplish its policy priorities, the federal government often needs to elicit the cooperation of states and local governments, using various strategies. Block and categorical grants provide money to lower government levels to subsidize the cost of implementing policy programs fashioned in part by the federal government. This strategy gives state and local authorities some degree of flexibility and discretion as they coordinate with the federal government. On the other hand, mandate compels state and local governments to abide by federal laws and regulations or face penalties.

Regulating the Media

The U.S. Constitution was written in secrecy. Journalists were neither invited to watch the drafting, nor did the framers talk to the press about their disagreements and decisions. Once it was finished, however, the Constitution was released to the public and almost all newspapers printed it. Newspaper editors also published commentary and opinion about the new document and

the form of government it proposed. Early support for the Constitution was strong, and Anti-Federalists (who opposed it) argued that their concerns were not properly covered by the press. The eventual printing of The Federalist Papers, and the lesser-known Anti-Federalist Papers, fueled the argument that the press was vital to American democracy. It was also clear the press had the ability to affect public opinion and therefore public policy.

The approval of the First Amendment, as a part of the Bill of Rights, demonstrated the framers' belief that a free and vital press was important enough to protect. It said:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

This amendment serves as the basis for the political freedoms of the United States, and freedom of the press plays a strong role in keeping democracy healthy. Without it, the press would not be free to alert citizens to government abuses and corruption. In fact, one of New York's first newspapers, the New York Weekly Journal, began under John Peter Zenger in 1733 with the goal of routing corruption in the colonial government. After the colonial governor, William Cosby, had Zenger arrested and charged with seditious libel in 1835, his lawyers successfully defended his case and Zenger was found not guilty, affirming the importance

of a free press in the colonies. The media act as informants and messengers, providing the means for citizens to become informed and serving as a venue for citizens to announce plans to assemble and protest actions by their government. Yet the government must ensure the media are acting in good faith and not abusing their power. Like the other First Amendment liberties, freedom of the press is not absolute. The media have limitations on their freedom to publish and broadcast.

First, the media do not have the right to commit slander, speak false information with an intent to harm a person or entity, or libel, print false information with an intent to harm a person or entity. These acts constitute defamation of character that can cause a loss of reputation and income. The media do not have the right to free speech in cases of libel and slander because the information is known to be false. Yet on a weekly basis, newspapers and magazines print stories that are negative and harmful. How can they do this and not be sued?

First, libel and slander occur only in cases where false information is presented as fact. When editors or columnists write opinions, they are protected from many of the libel and slander provisions because they are not claiming their statements are facts. Second, it is up to the defamed individual or company to bring a lawsuit against the media outlet, and the courts have different standards depending on whether the claimant is a private or public figure. A public figure must show that the publisher or broadcaster acted in "reckless disregard" when submitting information as truth or that the author's intent was

malicious. This test goes back to the New York Times v. Sullivan (1964) case, in which a police commissioner in Alabama sued over inaccurate statements in a newspaper advertisement. Because the commissioner was a public figure, the U.S. Supreme Court applied a stringent test of malice to determine whether the advertisement was libel; the court deemed it was not.

A private individual must make one of the above arguments or argue that the author was negligent in not making sure the information was accurate before publishing it. For this reason, newspapers and magazines are less likely to stray from hard facts when covering private individuals, yet they can be willing to stretch the facts when writing about politicians, celebrities, or public figures. But even stretching the truth can be costly for a publisher. In 2010, Star magazine published a headline, "Addiction Nightmare: Katie Drug Shocker," leading readers to believe actress Katie Holmes was taking drugs. While the article in the magazine focuses on the addictive quality of Scientology sessions rather than drugs, the implication and the headline were different. Because drugs cause people to act erratically, directors might be less inclined to hire Holmes if she were addicted to drugs. Thus Holmes could argue that she had lost opportunity and income from the headline. While the publisher initially declined to correct the story, Holmes filed a $50 million lawsuit, and Star's parent company American Media, Inc. eventually settled. Star printed an apology and made a donation to a charity on Holmes' behalf. The media have only a limited right to publish material the government says is classified. If a

newspaper or media outlet obtains classified material, or if a journalist is witness to information that is classified, the government may request certain material be redacted or removed from the article. In many instances, government officials and former employees give journalists classified paperwork in an effort to bring public awareness to a problem. If the journalist calls the White House or Pentagon for quotations on a classified topic, the president may order the newspaper to stop publication in the interest of national security. The courts are then asked to rule on what is censored and what can be printed.

The line between the people's right to know and national security is not always clear. In 1971, the Supreme Court heard the Pentagon Papers case, in which the U.S. government sued the New York Times and the Washington Post to stop the release of information from a classified study of the Vietnam War. The Supreme Court ruled that while the government can impose prior restraint on the media, meaning the government can prevent the publication of information, that right is very limited. The court gave the newspapers the right to publish much of the study, but revelation of troop movements and the names of undercover operatives are some of the few approved reasons for which the government can stop publication or reporting.

During the second Persian Gulf War, FOX News reporter Geraldo Rivera convinced the military to embed him with a U.S. Army unit in Iraq to provide live coverage of its day-to-day activities. During one of the reports he filed while traveling with the 101st Airborne Division, Rivera had his camera operator record him drawing a

map in the sand, showing where his unit was and using Baghdad as a reference point. Rivera then discussed where the unit would go next. Rivera was immediately removed from the unit and escorted from Iraq.

The military exercised its right to maintain secrecy over troop movements, stating that Rivera's reporting had given away troop locations and compromised the safety of the unit. Rivera's future transmissions and reporting were censored until he was away from the unit.

The Radio Act of 1927 was the first attempt by Congress to regulate broadcast materials. The act was written to organize the rapidly expanding number of radio stations and the overuse of frequencies. But politicians feared that broadcast material would be obscene or biased. The Radio Act thus contained language that gave the government control over the quality of programming sent over public airwaves, and the power to ensure that stations maintained the public's best interest.

The Communications Act of 1934 replaced the Radio Act and created a more powerful entity to monitor the airwaves—a seven-member Federal Communications Commission (FCC) to oversee both radio and telephone communication. The FCC, which now has only five members, requires radio stations to apply for licenses, granted only if stations follow rules about limiting advertising, providing a public forum for discussion, and serving local and minority communities. With the advent of television, the FCC was given the same authority to license and monitor

television stations. The FCC now also enforces ownership limits to avoid monopolies and censors materials deemed inappropriate. It has no jurisdiction over print media, mainly because print media are purchased and not broadcast.

To maintain a license, stations are required to meet a number of criteria. The equal-time rule, for instance, states that registered candidates running for office must be given equal opportunities for airtime and advertisements at non-cable television and radio stations beginning forty-five days before a primary election and sixty days before a general election. Should WBNS in Columbus, Ohio, agree to sell Senator Marco Rubio thirty seconds of airtime for a presidential campaign commercial, the station must also sell all other candidates in that race thirty seconds of airtime at the same price. This rate cannot be more than the station charges favored commercial advertisers that run ads of the same class and during the same time period.

More importantly, should Fox5 in Atlanta give Bernie Sanders five minutes of free airtime for an infomercial, the station must honor requests from all other candidates in the race for five minutes of free equal air time or a complaint may be filed with the FCC.

In 2015, Donald Trump, when he was a candidate running for the presidential Republican nomination, appeared on Saturday Night Live. Other Republican candidates made equal time requests, and NBC agreed to give each candidate twelve minutes and five

seconds of air time on a Friday and Saturday night, as well as during a later episode of Saturday Night Live.

The FCC does waive the equal-time rule if the coverage is purely news. If a newscaster is covering a political rally and is able to secure a short interview with a candidate, equal time does not apply. Likewise, if a news programs creates a short documentary on the problem of immigration reform and chooses to include clips from only one or two candidates, the rule does not apply.

But the rule may include shows that are not news. For this reason, some stations will not show a movie or television program if a candidate appears in it. In 2003, Arnold Schwarzenegger and Gary Coleman, both actors, became candidates in California's gubernatorial recall election. Television stations did not run Coleman's sitcom Different Strokes or Schwarzenegger's movies, because they would have been subject to the equal time provision. With 135 candidates on the official ballot, stations would have been hard-pressed to offer thirty-minute and two-hour time slots to all.

Even the broadcasting of the president's State of the Union speech can trigger the equal-time provisions. Opposing parties in Congress now use their time immediately following the State of the Union to offer an official rebuttal to the president's proposals.

While the idea behind the equal-time rule is fairness, it may not apply beyond candidates to supporters of that candidate or of a cause. Hence, there potentially may be a loophole in which

broadcasters can give free time to just one candidate's supporters. In the 2012 Wisconsin gubernatorial recall election, Scott Walker's supporters were allegedly given free air time to raise funds and ask for volunteers while opponent Tom Barrett's supporters were not.

According to someone involved in the case, the FCC declined to intervene after a complaint was filed on the matter, saying the equal-time rule applied only to the actual candidates, and that the case was an instance of the now-dead fairness doctrine.

The fairness doctrine was instituted in 1949 and required licensed stations to cover controversial issues in a balanced manner by providing listeners with information about all perspectives on any controversial issue. If one candidate, cause, or supporter was given an opportunity to reach the viewers or listeners, the other side was to be given a chance to present its side as well. The fairness doctrine ended in the 1980s, after a succession of court cases led to its repeal by the FCC in 1987, with stations and critics arguing the doctrine limited debate of controversial topics and placed the government in the role of editor. The FCC also maintains indecency regulations over television, radio, and other broadcasters, which limit indecent material and keep the public airwaves free of obscene material. While the Supreme Court has declined to define obscenity, it is identified using a test outlined in Miller v. California (1973). Under the Miller test, obscenity is something that appeals to deviants, breaks local or state laws, and lacks value.

The Supreme Court determined that the presence of children in the audience trumped the right of broadcasters to air obscene and profane programming. However, broadcasters can show indecent programming or air profane language between the hours of 10 p.m. and 6 a.m.

The Supreme Court has also affirmed that the FCC has the authority to regulate content. When a George Carlin skit was aired on the radio with a warning that material might be offensive, the FCC still censored it. The station appealed the decision and lost. Fines can range from tens of thousands to millions of dollars, and many are levied for sexual jokes on radio talk shows and nudity on television. In 2004, Janet Jackson's wardrobe malfunction during the Super Bowl's half-time show cost the CBS network $550,000.

While some FCC violations are witnessed directly by commission members, like Jackson's exposure at the Super Bowl, the FCC mainly relies on citizens and consumers to file complaints about violations of equal time and indecency rules. Approximately 2 percent of complaints to the FCC are about radio programming and 10 percent about television programming, compared to 71 percent about telephone complaints and 15 percent about Internet complaints.

Yet what constitutes a violation is not always clear for citizens wishing to complain, nor is it clear what will lead to a fine or license revocation. In October 2014, parent advocacy groups and consumers filed complaints and called for the FCC to fine ABC for

running a sexually charged opening scene in the drama Scandal immediately after It's the Great Pumpkin, Charlie Brown—without an ad or the cartoon's credits to act as a buffer between the very different types of programming. The FCC did not fine ABC.

The Telecommunications Act of 1996 brought significant changes to the radio and television industries. It dropped the limit on the number of radio stations (forty) and television stations (twelve) a single company could own. It also allowed networks to purchase large numbers of cable stations. In essence, it reduced competition and increased the number of conglomerates. Some critics, such as Common Cause, argue that the act also raised cable prices and made it easier for companies to neglect their public interest obligations. The act also changed the role of the FCC from regulator to monitor. The Commission oversees the purchase of stations to avoid media monopolies and adjudicates consumer complaints against radio, television, and telephone companies.

In 2012, former secretary of state Hillary Clinton was questioned about her department's decisions regarding the U.S. consulate in Benghazi, Libya. The consulate had been bombed by militants, leading to the death of an ambassador and a senior service officer. It was clear the United States had some knowledge that there was a threat to the consulate, and officials wondered whether requests to increase security at the consulate had been ignored. Clinton was asked to appear before a House Select Committee to answer questions, and the media began its coverage. While some journalists limited their reporting to

Benghazi, others did not. Clinton was hounded about everything from her illness (dubbed the "Benghazi-flu") to her clothing to her facial expressions to her choice of eyeglasses. Even her hospital stay was questioned.

Some argued the expanded coverage was due to political attacks on Clinton, who at that time was widely perceived to be the top contender for the Democratic presidential nomination in 2016. Republican majority leader Kevin McCarthy later implied that the hearings were an attempt to make Clinton look untrustworthy. Yet Clinton was again brought before the House Select Committee on Benghazi as late as October 2015.

This coverage should lead us to question whether the media gives us the information we need, or the information we want. Were people concerned about an attack on U.S. state officials working abroad, or did they just want to read rumors and attacks on Clinton? Did Republicans use the media's tendency to pursue a target as a way to hurt Clinton in the polls? If the media gives us what we want, the answer seems to be that we wanted the media to act as both watchdog and paparazzi.

Media and Transparency

The press has had some assistance in performing its muckraking duty. Laws that mandate federal and many state government proceedings and meeting documents be made available to the public are called sunshine laws. Proponents believe that open disagreements allow democracy to flourish and darkness allows

corruption to occur. Opponents argue that some documents and policies are sensitive, and that the sunshine laws can inhibit policymaking.

While some documents may be classified due to national or state security, governments are encouraged to limit the over-classification of documents. The primary legal example for sunshine laws is the Freedom of Information Act (FOIA), passed in 1966 and signed by President Lyndon B. Johnson. The act requires the executive branch of the U.S. government to provide information requested by citizens and was intended to increase openness in the executive branch, which had been criticized for hiding information. Citizens wishing to obtain information may request documents from the appropriate agencies, and agencies may charge fees if the collection and copying of the requested documentation requires time and labor.

FOIA also identifies data that does not need to be disclosed, such as human resource and medical records, national defense records, and material provided by confidential sources, to name a few. Not all presidents have embraced this openness, however. President Ronald Reagan, in 1981, exempted the CIA and FBI from FOIA requests.

Information requests have increased significantly in recent years, with U.S. agencies receiving over 700,000 requests in 2014, many directed to the Departments of State and Defense, thus creating a backlog. Few people file requests for information because most assume the media will find and report on important problems.

And many people, including the press, assume the government, including the White House, sufficiently answers questions and provides information about government actions and policies. This expectation is not new. During the Civil War, journalists expected to have access to those representing the government, including the military. But William Tecumseh Sherman, a Union general, maintained distance between the press and his military. Following the publication of material Sherman believed to be protected by government censorship, a journalist was arrested and nearly put to death. The event spurred the creation of accreditation for journalists, which meant a journalist must be approved to cover the White House and the military before entering a controlled area. All accredited journalists also need approval by military field commanders before coming near a military zone.

To cover war up close, more journalists are asking to travel with troops during armed conflict. In 2003, George W. Bush's administration decided to allow more journalists in the field, hoping the concession would reduce friction between the military and the press. The U.S. Department of Defense placed fifty-eight journalists in a media boot camp to prepare them to be embedded with military regiments in Iraq. Although the increase in embedded journalists resulted in substantial in-depth coverage, many journalists felt their colleagues performed poorly, acting as celebrities rather than reporters.

The line between journalists' expectation of openness and the government's willingness to be open has continued to be a point

of contention. Some administrations use the media to increase public support during times of war, as Woodrow Wilson did in World War I. Other presidents limit the media in order to limit dissent. In 1990, during the first Persian Gulf War, journalists received all publication material from the military in a prepackaged and staged manner. Access to Dover, the air force base that receives coffins of U.S. soldiers who die overseas, was closed. Journalists accused George H. W. Bush's administration of limiting access and forcing them to produce bad pieces. The White House believed it controlled the message. The ban was later lifted.

In his 2008 presidential run, Barack Obama promised to run a transparent White House. Yet once in office, he found that transparency makes it difficult to get work done, and so he limited access and questions. In his first year in office, George W. Bush, who was criticized by Obama as having a closed government, gave 147 question-and-answer sessions with journalists, while Obama gave only 46. Even Helen Thomas, a long-time liberal White House press correspondent, said the Obama administration tried to control both information and journalists.

Because White House limitations on the press are not unusual, many journalists rely on confidential sources. In 1972, under the cloak of anonymity, the associate director of the Federal Bureau of Investigation, Mark Felt, became a news source for Bob Woodward and Carl Bernstein, political reporters at the Washington Post. Felt provided information about a number of

potential stories and was Woodward's main source for information about President Richard Nixon's involvement in a series of illegal activities, including the break-in at Democratic Party headquarters in Washington's Watergate office complex. The information eventually led to Nixon's resignation and the indictment of sixty-nine people in his administration. Felt was nicknamed "Deep Throat," and the journalists kept his identity secret until 2005.

The practice of granting anonymity to sources is sometimes referred to as reporter's privilege. Fueled by the First Amendment's protection of the press, journalists have long offered to keep sources confidential to protect them from government prosecution. To illustrate, as part of the investigation into the outing of Valerie Plame as a CIA officer, New York Times reporter Judith Miller was jailed for refusing to reveal "Scooter" Libby, Vice President Dick Cheney's chief of staff, as her confidential government source.

Reporter's privilege has increased the number of instances in which whistleblowers and government employees have given journalists tips or documents to prompt investigation into questionable government practices. Edward Snowden's 2013 leak to the press regarding the U.S. government's massive internal surveillance and tapping program was one such case.

In 1972, however, the Supreme Court determined that journalists are not exempt from subpoenas and that courts could force testimony to name a confidential source. Journalists who conceal

a source and thereby protect him or her from being properly tried for a crime may spend time in jail for contempt of court. In the case of Branzburg v. Hayes (1972), three journalists were placed in contempt of court for refusing to divulge sources.

The journalists appealed to the Supreme Court. In a 5–4 decision, the justices determined that freedom of the press did not extend to the confidentiality of sources. A concurring opinion did state that the case should be seen as a limited ruling, however. If the government needed to know a source due to a criminal trial, it could pursue the name of that source.

More recently, the Supreme Court refused to hear an appeal from New York Times journalist James Risen, who was subpoenaed and ordered to name a confidential source who had provided details about a U.S. government mission designed to harm Iran's nuclear arms program. Risen was finally released from the subpoena, but the battle took seven years and the government eventually collected enough other evidence to make his testimony less crucial to the case. Overall, the transparency of the government is affected more by the executive currently holding office than by the First Amendment.

Chapter 4

Understanding the Political Science

Politics since a Practical Action

Politics since a practical action is the communication and the thrash about in excess of system of human possibilities. Since such, it is in relation to the authority; that is to say, it is in relation to the capability of social mediators, agencies and organizations to uphold or change their habitation, social and physical. It is in relation to the possessions, which underpin this capability, and in relation to the forces that form and power its exercise. Politics is a phenomenon establish in all clusters, organizations and civilizations, cutting crossways private and public life. It is expressed in all the dealings, organizations and buildings that are implicated in the manufacture and reproduction of the life of civilizations. Politics creates and circumstances all characteristics of our lives and it is at the center of the growth of communal troubles, and the manners of their settlements.

Politics Hard to Describe Precisely

A crisp definition of politics-one that fits presently those things we instinctively call 'political'—is impossible. Politics is a word

with varied uses and nuances. Possibly, the adjacent we can approach to a capsule report is this:

Politics is the action through which clusters reach binding communal decisions by attempting to reconcile differences in the middle of their members. There are important points in this definition.

Nature of Politics

Politics is a communal action, involving people who accept a general membership or at least acknowledge a shared fate. Therefore, Robinson Crusoe could not practice politics. Politics presumes an initial variety of views, if not in relation to the goals, then at least in relation to the means. Were we all to agree all the time, politics would be redundant. Politics involves reconciling such differences by discussion and persuasion. Discourse is so, central to politics. Political decisions become authoritative policy for a group, binding members to decisions that are implemented through force, if necessary. Politics scarcely exists if decisions are reached solely through violence, but force, or its threat, underpins the procedure of reaching a communal decision.

The must of politics arises from the communal character of human life. We live in a group that necessity reach communal decisions: in relation to the distribution possessions, in relation to the relating to other clusters and in relation to the scheduling for the future. A family discussion where to take its vacation, a

country deciding whether to go to war, the world seeking to limit the damage caused through pollution—all are examples of clusters seeking to reach decisions which affect all their members. Since social creatures, politics it section of our fate: we have no choice but to practice it.

Politics: An Inescapable Characteristic of the Human Condition

Therefore although the word 'politics' is often used cynically, to criticize the pursuit of private advantage under the guise of public interest, politics is in fact, an inescapable characteristic of the human condition. Indeed, the Greek philosopher Aristotle argued that 'man is through nature a political animal'. Through this, he meant not presently that politics is unavoidable, but rather that it is the essential human action; political engagement is the characteristic which mainly sharply separates us from other species. For Aristotle, people can only express their true nature since reasoning, virtuous beings by participation in a political society.

Members of a group rarely agree; at least initially, on what course of action to follow. Even if there is agreement in excess of goals, there may still be a skirmish in excess of means. Yet a decision necessity be reached, one method or the other, and once made it will commit all members of the group. Therefore, politics consists in processes for allowing a range of views to be expressed and then combined into an overall decision. Since Shively points out, 'Political action may be interpreted since a

method to job out rationally the best general solution to a general problem—or at least a method to job out a reasonable general solution.' That is, politics consists of public choice.

Politics

Everybody has few thought in relation to the meaning of the word politics; to few people the question may even seem quite superfluous. 'Politics' is what one reads in relation to the in the papers or watches on television. It deals with the behaviors of the politicians, notably the leaders of political parties. What is politics all about? Why, precisely, are these behaviors 'political' and what defines the nature of politics? If one starts with a definition couched in words of the behaviors of politicians, one might say that politics concerns the rivalries of politicians in their thrash about for authority. This would certainly be the type of definition with which mainly people would agree. There would, also, almost certainly be agreement that politics refers to the connection flanked by states on an international level.

'Politics is in relation to the authority and how it is distributed.' But authority is not an abstract entity floating in the void. It is embodied in human beings. Authority is a connection existing wherever a person can impose his will on other persons, creation the latter obey whether they want to or not. Hence, a situation characterized through leadership, a relation of power and subordination. Max Weber, in his well-known lecture of 1918, 'Politics since a Vocation', started through proposing that the concept of politics was 'very broad-based and includes any type

of self-governing leadership in action.' In whatever context such leadership in action exists, politics is present. In our words, political would contain any situation where authority dealings lived, i.e., where people were constrained or dominated or subject to power of one type or another. It would also contain situations where people were constrained through a set of buildings or organizations rather than through the subjective will of persons.

Such a broad definition has the advantage of showing that politics is not necessarily a matter of government, nor solely concerned with the behaviors of politicians. Politics exists in any context where there is a building of authority and thrash about for authority in an effort to gain or uphold leadership locations. In this sense, one can speak in relation to the politics of deal unions or in relation to the 'university politics'. One can discus 'sexual politics', meaning the power of men in excess of women or the effort to alter this relation. At present, there is much controversy in relation to the race politics with reference to the authority, or lack or it, of people of dissimilar color or race in several countries.

In a narrower sense, though everything is politics, which affects our lives by the agency of those who exercise and manage state authority, and the purposes for which they exploit that manage. Weber after initially giving an extremely broad definition of politics in words of common leadership went on to produce a distant more limited definition: 'We wish to understand through politics', he wrote, 'only the leadership, or the influencing of leadership, of a political association, hence today, of a state'. In

this perspective, the state is the central political association. A political question is one that relates to the state, to the topic of who controls state authority, for what purposes that authority is used and with what consequences, and therefore on.

State

A new issue comes here: what is state? The question is through no means a simple one to answer, nor is there a common agreement since to what the answer should be. It necessity first be noted that there are several shapes of the state, which differ from one another in significant methods. The Greek municipality-state is clearly dissimilar from the contemporary nation-state, which has dominated world politics as the French Revolution. The modern liberal-democratic state, which exists in Britain and Western Europe, is dissimilar from the fascist-kind state of Hitler or Mussolini. It is also dissimilar from the state, which lived in the former USSR and in Eastern Europe. A significant section of the revise of politics, and certainly an integral unit of this book, is the account of what is meant through those words. The purpose is to illustrate how each shape distinguishes itself from the other and what the significance of such distinction is.

State: Differences on Explanation of Political Organizations/Social Context

States differ in words of their political organizations since well since in words of the social context within which they are located and which they attempt to uphold. Therefore, while the liberal-

democratic state is characterized through representative organizations such since a parliament and a self-governing judiciary, the leader controls the fascist state. With respect to the social context, the crucial contrast is flanked by Western and Soviet kind organizations in therefore distant since the former are embedded in a society which is organized according to the principles of a capitalist economy, while in the latter case the productive possessions of society are owned and controlled through the state. In each case, so, the state is differently structured, operates in a social framework of an extremely dissimilar type, and this affects and powers to a big extent the nature of the state and the purposes, which it serves.

There are dissimilar shapes of the state, but whatever shape one has in mind, the state since such is not a monolithic block. To start with, the state is not the similar since the government. It is rather an intricate of several units of which the government is only one. In a Western-kind liberal-democratic state, those who shape the government are indeed with the state authority. They speak in the name of the state and take office in order to manage the levers of state authority. Nevertheless, to change the metaphor, the homes of the state have several mansions and of those, the government occupies one.

Ralph Miliband's Views on the State

In his book The State in Capitalist Society, Ralph Miliband registers those dissimilar units, which jointly constitute the state. The first, but through no means the only unit of the state

tools, is the government. The second is the administrative unit, the civil service or the bureaucracy. This administrative executive is, in liberal-democratic organizations, supposed to be neutral, carrying out the orders of politicians who are in authority. In fact, though, the bureaucracy may well have its own power and dispose of its own authority. Third, in Miliband's list approach the military and the police, the 'order-maintaining' or the repressive arm of the state; fourth, the judiciary.

In any constitutional organization, the judiciary is supposed to be self-governing of the holders of government authority; it can act since a check on them. Fifth, approach the elements of sub-central or regional government. In few federal organizations, these elements have considerable independence from the central government, controlling their own sphere of authority, where the government is constitutionally debarred from interfering. The connection flanked by the central and the regional government may become an significant political issue, since witnessed through the controversy in recent British politics in excess of the abolition of the Greater London Council and the metropolitan counties, the argument in relation to the financing regional government, 'rate capping', and therefore on. Sixth and finally, one can add to the list representative assemblies and the parliament in the British organization. One may also mention political parties; however they are not normally section of the state tools, at least not in a liberal democracy. They play their obvious role in the representative assembly and it is there that, at least partly, the competitive fight flanked by the government and the opposition is enacted.

Politics since a Vocation

The point brings us back to Weber and his already quoted lecture, 'Politics since a Vocation'. The state, Weber sustained through maintaining that a definition of the state could not be given in words of the tasks which it undertakes or of the ends it pursues. There was no task, which specifically determined the state. So, one had to describe the state in words of the specific means, which it employed, and these means were, ultimately, physical force. The state, Weber wrote, 'is a human society that successfully claims the monopoly of the legitimate exploit of physical force within a given territory'.

There are three separate units combined here: a given territory, or geographical region, which the state controls; the exploit of physical force to uphold it's manage and thirdly, but mainly significant, the monopoly of the legitimate exploit of such force or coercion. This legitimacy necessity is acknowledged through mainly, if not all, of those who are subject to the state's authority. Weber concluded that for him politics meant 'striving to share authority or striving to power the sharing of authority either in the middle of states or in the middle of clusters within a state.'

It was also mentioned that each state exists within a scrupulous social context. The revise of politics is vitally concerned with the connection of state and society. A state centered perspective on politics does not imply that its revise should neglect what

happens in the wider sphere of society and how that may, since Weber says, 'power the sharing of authority'.

Further information cannot be ignored: this is the sustained development and centralization of state authority. If one sees the state in words of specialized tools of power, then the history of contemporary times has been marked through the extension of its level and grip. The contemporary state needs an increasingly intricate bureaucracy dealing with a mounting diversity of tasks. It requires superior and more sophisticated armed forces, more regulative welfare agencies, and engages in a wider range of behaviors than was the case before. This extension of the state's sphere of action, its development and growth, applies both to liberal-democratic organizations in their capitalist socio-economic context, and to socialist organizations with their communal economic framework. Weber saw such development manifested all in the emergence of a trained, skilled and rationally effective bureaucracy. Someone of quite a dissimilar political and theoretical backdrop, Marx, agreed with him on this point. Marx wrote in the Eighteenth Brumaire of Louis Bonaparte of the development of state authority in France, which he saw since typical of the contemporary state. He called how by socialism, eventually the state would be abolished and society would govern itself without a specialized tools of repression. Weber, on the contrary, whispered that socialism would require even more officials to administer a collectivized economy and society.

The Legitimate Exploit of Authority

The point is that, although the state depends on force, it does not rest on force alone. Here, the notion of the legitimate exploit of authority comes in. Authority, in common, and therefore the authority of the state, can be exercised in dissimilar methods. Coercion is one shape of authority and possibly the easiest to understand, but it is not the only one. Not all authority dealings are to be understood on the foundation of the similar crude model. If a lecturer by force of argument and breadth of knowledge helps students to shape their ideas, such a person exercises a type of authority, however not against the students' will.

More to the point, all holders of authority attempt to get those who are subject to their rule to consider in the rightness and justness of the authority they wield. This effort at justification in order to create people consent constitutes the procedure of legitimation. One can refer to such justified or carried authority since 'power' to distinguish it from such authority since is obeyed only because of a fear of sanctions. In such a situation of legitimate authority, or power, people obey because they think it is right to do therefore. They consider, for whatever cause, that the authority-holders are entitled to their dominant role. They have the legitimate power, a right to command. In the terms of one recent analyst of authority, 'Legitimate power is an authority relation in which the authority holder possesses an acknowledged right to command, and the authority subject, an acknowledged obligation to obey.'

Max Weber on Legitimation

According to Weber, there are three kinds of legitimation, i.e. three ways through which the wielding of authority can be justified. The first kind pertains to traditional power. There, authority is justified because the holders of authority can appeal to custom and habit; power has always been vested in them personally or in their families. The second kind is charismatic legitimation. People obey the authority-holder because of the exceptional personal qualities displayed through the leader. Finally, the third kind is of the legal-rational type. People obey sure persons who are authorized through specific rules to command in strictly defined spheres of action. One might also say that the first two kinds are of a personal nature, while the legal-rational kind illustrates a procedural character. Since such it corresponds to the contemporary conception of political power. It is, since Weber says, 'power since exercised through the contemporary 'servant of the state' and through all those bearers of authority who in this respect resemble him.'

It is obvious that the authority-holders in any organization will wish to have their authority carried since legitimate. Seen from their point of view, such an acceptance will permit a considerable 'economy' in the exploit of force. People will obey freely and voluntarily. The means of coercion, then, will not require to be constantly displayed; they can rather be concentrated on those who do not accept the legitimacy of the authority building. In any political organization, there will be those who comply with the rules only because non-compliance will be punished. Clearly,

though, the continuity of any political organization is enhanced to the degree that people voluntarily obey the rules or laws because they accept the legitimacy of the recognized order. Hence, they recognize the power of those empowered through the rules to issue commands. In reality, all political organizations are maintained by a combination of consent and coercion.

Legitimation: Central Concern of Political Science

These are the causes because of which, since C. Wright Mills puts it, 'The thought of legitimation is one of the central conceptions of political science.' The revise of politics is centrally concerned with the ways through which holders of authority attempt to get their authority justified, and with the extent to which they succeed. It is crucial in learning any political organization to investigate the degree to which people accept the existing authority building since legitimate, and therefore, how much the building rests on consent since separate from coercion. It is also significant to ascertain the actual justifications of authority, which are offered; that is to say, the ways through which an organization of authority is legitimized. This, since the elitist theorist Mosca points out, is the 'political formula' of any political organization. The question of legitimacy, furthermore, is highly significant in dealing with the topics of continuity and change of political organizations. Consent may be granted or withdrawn. It is true that political organizations can survive in situations where big parts of the population cease to accord any legitimacy to the organization.

The case of South Africa in the recent past may be cited since an instance; similarly, that of Poland, where it seemed that the Jaruzelski regime had small legitimacy in the eyes of substantial popular units. The point is that in such a situation, a regime has to rely largely on force. It then discovers itself in a more precarious location, vulnerable and open to the impact of fortuitous measures. The organization may survive for quite a time. Though, once it rests on force distant more than on consent, one condition for a revolutionary change presents itself.

Procedure of 'Delegitimation'

This explains why a revolution is often preceded through an era when the dominating ideas of the organization are subjected to continued criticism. One may call this a procedure of 'delegitimation' whereby the ideas, which justify the existing building of authority, approach under attack. Extensive before the fall of the ancient regime in France, the ideas of Divine Right and of autocracy were ridiculed and refuted through the philosophers, the critics of the absolute state. Such a movement of delegitimation contributed to undermine the foundations of the old order. It prepared the method for its revolutionary overthrow.

A case in point in contemporary times would be the fate of the Weimar Republic when big parts of the German population lost confidence in the democratic regime and, fearing a communist alternative, gave their support to Hitler's National-Socialist party. The result was the fall of the republic without much of a thrash about. Same reasons had same effects all in excess of the

European Continent. Several western organizations of liberal democracy were overthrown and replaced through fascist or semi-fascist authoritarian organizations since happened in Italy, Spain, Austria and Hungary. The conclusion, in a common sense, necessity is that any organization loses its continuity once it ceases to enjoy legitimacy in the eyes of its subjects.

Finally, it necessity be noted that even in normal times, procedures of legitimation and delegitimation are permanent characteristics of any political organization. The procedure of legitimation is accepted on in more or less subtle methods by several channels accessible for the legitimation of the existing order. Legitimizing ideas are absorbed from the earliest levels of education, diffused by a diversity of shapes of social interaction, and spread especially by the power of the press, television and other size media. Views, which are carried or measured to be within the boundaries of the organization, are approximately forced on readers, listeners and viewers. Action, which goes beyond those limits, is presented since illegitimate.

Manipulated Consent

There are still more effective ways accessible to prevent subversive ideas from even arising. They may be intercepted at source, the source being the conscious and even the subconscious mind. A significant dimension of authority is the capability to affect and mould people's consciousness therefore that they will accept the existing state of affairs without ever becoming aware of alternative possibilities. Consent, then,

becomes manipulated consent. To a sure extent we are all affected through the prevailing 'climate of opinion'. From there an ascending level leads to a location where the molding of minds, manipulation, is made the deliberate purpose of the state in order to make a monolithic popular mentality. Such was the purpose of Goebbels' propaganda machine in Nazi Germany and this is even, the purpose of any totalitarian regime.

Manipulation is 'authority wielded strange to the powerless', since C. Wright Mills defines it. Peter Worsley points out that 'the mechanisms through which consciousness is manipulated are of rising importance in contemporary society.' In Marxist language, such manipulated consent would eventually produce a 'false consciousness'. Against that, it could be argued that where people are free to choose and to express their choice since in liberal-democratic organizations, the manipulation of consciousness is not possible.

Manipulation can only happen where free choice does not exist, since in one-party organizations. It is also argued that wherever people are free to choose, but do not in fact choose an alternative to the existing order-for instance, through supporting parties committed to radical changes-it is safe to assume that the existing building of society is broadly 'what people want'. This would lead to the conclusion that the importance of political choice and the skill to freely express that choice cannot be overrated. Though, 'what people want' is too few extent conditioned through several factors. Choice does not take lay in a

vacuum. In short, the choice itself cannot be measured since totally free from the impact of a procedure of legitimation.

Personnel of the State Machine: The Elite

They chiefly stem from the information that state authority is structured or broken up, therefore to speak, into separate sectors. It has already been mentioned that the specific connection of the several sectors is determined through the political organization within which they operate. A further question involves the personnel of these sectors. The state, after all, is not a machine; however the phrase 'machinery of the state' may be used. The state is a set of organizations staffed through people whose ideas and vital attitudes are mainly convinced through their origin and social habitation. The composition of the state elite is a significant problem in the revise of politics. J.A.C. Grifith in The Politics of the Judiciary exemplifies what is meant through the word 'state elite' with reference to a recent revise. It illustrates that in Britain, 'in broad words, four out of five full-time professional judges are products of the elite. It is not surprising that while discussing 'judicial opinion in relation to the political cases', Griffith discovers 'an extra ordinary consistency of come in these cases concentrated in a fairly narrow section of the spectrum of political opinion.'

It necessity be noted here that from dissimilar theoretical points of view, dissimilar answers will be given to the question since to how decisive the nature and composition of the state elite are. Elitist theories accord the highest importance to this factor. In

their perspective, the nature of a political organization is best explained through an analysis of its elite, that ruling minority, which controls the state tools. In this perspective, approximately everything depends on the talents and abilities of the leaders. A low excellence of leadership will have disastrous consequences. For that cause, Max Weber was much concerned with the nature of Germany's political leadership. He was in favor of a strong parliament, which, he whispered, would give an adequate training ground to produce leaders willing and capable of responsible action. Alternatively, leadership would fall into the hands of the bureaucracy whose training and life approach made them unsuitable material for creative leadership.

Marxist theories would view the matter differently. They would accord less importance to the nature of the state elite. The argument would rather be that the purpose and the aims of state action are determined less through the elite, but distant more through the social context and the economic framework within which the state organization is situated. This building is of greater significance, in this view, than the character of the personnel that staff the state machine. Usually, 'structural' theories would emphasize the constraints on the government stemming from the social buildings within which the government has to operate. Nevertheless, the two kinds of interpretation require not be mutually exclusive.

This brings us to a final question, which deals with the relation of state and society. The phrase, which Marx applied to the Bonapartist state, that its authority was not 'suspended mid-air',

can be generalized to apply to all kinds of state organizations. Then, many troubles present themselves. How does the authority building of society affect and constrain the political leaders? To what extent does the state interfere to uphold and legitimize or, alternatively, mitigate the inequalities of the social organization? To what extent indeed is 'civil society' self-governing of the state? For few theorists, the concept of 'totalitarianism' is meant to suggest a situation where society is completely controlled through state authority and, so, has no independence at all.

Chapter 5

Political Arguments and Conceptual Analysis

Nature of Arguments in the Classical Custom

From Plato to Marx, there are many philosophers, whose scripts have been broadly carried to constitute what is described since the Western Classical Custom. Political arguments, in this custom, have usually been of a normative nature due to the information that the subjects of concern and reflection have been matters such since: what is justice? Are there human rights and if therefore, what are they? What is the role of the state? Do individuals have definable requires and if therefore, who has an obligation to satisfy them? Should the government seek the greatest happiness of the greatest number and, if it should, what is the lay of the minorities within this rubric? What provides government legitimacy and a state sovereignty? What sorts of claims on possessions does the recognition of merit or desert embody? How distant is the majority justified in imposing its moral outlook on the rest of society? Can we provide an adequate explanation of the social and political organizations? What is the best shape of government? Through and big, the classical custom has been concerned with the nature of good life, with the

institutional arrangements that would be necessary for human beings to flourish, for requires to be met or their rational capacities realized. At the similar time, there has been a preoccupation with what is politically right-with the nature of law, justice, the best shape of government, the rights and duties of the individuals, and with the distributive system of society. Political theories were in relation to the right and the good and therefore were the political arguments. Seen in this method, the subject matter of political philosophy was extremely much a section and parcel of moral philosophy.

Political arguments assumed the shape of moral reasoning with a clear purpose of settling moral issues or claims of moral and political truth on a rational foundation. Political arguments purported to convey few truths in relation to the fundamental nature of politics, to create claims which could be regarded since objective and inter–subjectively valid. This truth and objectivity was based upon dissimilar assumptions: sometimes in relation to the cause, sometimes in relation to the empirical experience, sometimes in relation to the intuition, and occasionally, revelation. At the similar time, few epistemological power was also invoked such since cause or experience therefore that ultimately claims in relation to the fundamental human requires, goals, purposes, relationships and the shapes of rule suitable to these which entered in the political philosophy were supposed to be true. For instance, Plato, Hobbes, Hegel and Mill, worked out, at least in section, the cognitive foundation on which the claims in political philosophy were advanced. Political arguments in this custom, therefore, proceeded from sure self-apparent truth,

axioms, or assumptions in relation to the nature of truth or knowledge, towards conclusions in relation to the political truths or claim to truths. As the philosophers themselves set up the standards of cognitive truth, the validity of their political arguments could only be judged internally. Appeal to few theory or self-governing criterion was out of question. If you carried the premise of the philosophy or the theory, there was no method to escape from the validity of the conclusion. It would, though, be a dissimilar matter if the disputes were in excess of the premises – if its cognitive claims were challengeable.

Indeed, the history of the classical custom illustrates that there were biggest differences in the conclusions reached through political philosophers, on explanation of the information that their premises or epistemology were dissimilar. Such being the case, a point appeared with regard to the significance of such philosophies.

Positivist Critique of Normative Theory

Positivism, especially logical positivism that was convinced through linguistic philosophy, rejected much of the normative political theory since irredeemably subjective, lacking in cognitive foundation and even meaningless or outright nonsense.

Wittgenstein, who inspired logical positivist theories, had advanced three theses, which are of interest to us here, in explicating the case against normative theory. The first was that logic and mathematics consist of tautologies; second, that

language has truth-functional building and that its vital units are names, and third, no ethical or moral reports can convey definite cognitive information.

Elaborating the first, he said that the vital building of mathematics could be derived from logic and in that sense, the truths of mathematics are conventional rather than revealing 'facts' in relation to the numbers and their relationships. That is to say, given sure definitions of the vital words, and a scrupulous understanding of the rules of inference, the entire building of mathematical truth could be generated. But these shapes of truth depend upon their definitions of vital words and the rules of inference. In a sense, they are true through definition. It may seem that we create new discoveries in mathematics, but this is only because the remote consequences of definition are hard to foresee and have to be teased out with great complication and elaboration.

The second thesis is that language has a building that can be laid bare through logical analysis. This analysis will reveal language since being truth-functional. That is to say that, intricate propositions in language, which we exploit to convey information, can be shown to be analyzable into component propositions. Obviously, this procedure has to stop and we are left with the vital structure blocks of language, that he calls 'Elementary Propositions'. These elementary propositions consist of names. Names are significant, because they provide meaning to elementary propositions for:

They provide meaning directly rather than being mediated through other propositions, and They relate directly to the world.

Consequently, if meaningful uses of language have to turn upon the information that names refer directly to substances, then this has clear consequences for moral and political thinking. If the propositions contained in the normative political scripts are not susceptible to this analysis, then they are not meaningful. Substances are either material substances or direct sense experiences. Political language, therefore, gets in deep trouble, for in what sense words like good, justice; right could be analyzed therefore since to refer to substances?

Moral and evaluative words usually do not admit of this truth-functional analysis and moral 'substances' cannot be spoken in relation to the in a cognitively meaningful manner. Therefore, there can be no theory of values. Only those propositions describing vital experiences of material substances could be meaningful. It followed from this that, a proposition to be valid necessity be verifiable empirically, for which the proposition necessity refer to direct sense experience or the nature of that experience could, in principle, be specified if directly accessible sense experience was not involved.

It may be argued that few political theories of the classical custom were based upon factual premises, such since those of Hobbes, Aristotle and Mill. Their theories were based on facts of human nature. To the extent the factual premises were empirical, they could in principle be verified and then be meaningful.

Positivists would accept these premises since meaningful, but would rather concentrate on the nature of the support which these empirical propositions are supposed to provide to normative and evaluative conclusions. And in this context, they invoked Hume who had argued that factual premises in an argument cannot yield normative, moral or evaluative conclusions to dismiss such theories.

Nature of Arguments in the Empirical Custom

While positivism dismissed normative political theory, it encouraged a scientific revise of political phenomena based upon the methodology of natural sciences. Within this custom, the nature of political argument underwent a important change, for now both the subject matter since well since the methodology on which it could justify its arguments were dissimilar from those in the normative theory.

Since regards the subject matter of the arguments, political arguments could only be in relation to the empirical political behaviour and logical analysis of political concepts. With regard to the revise of politics, the arguments required that the propositions be defined in words of little empirical sense content. This, in turn, required that arguments be based on the behavioral come to the revise of political attitudes since well since an individualistic reductionism come to social and political phenomena. The latter, implied few type of methodological individualism therefore that the concepts relating to social wholes such since the state, the society, the polity could be

rendered into few set of reports that refer only to the empirically detectable behaviour of individuals. In effect, political arguments were sanitized of metaphysical suppositions and rendered wholly value-neutral, which could be tested and verified since these arguments were in relation to the empirical phenomena.

Political arguments, in this custom, rejected a priori reasoning in relation to the human beings and society, and were based on factual and statistical enquires. It was grounded in the theory of knowledge that took experience since the only valid foundation of knowledge. Within such a framework, the purpose of political arguments was to explain the observable phenomena and the validity of the arguments would be judged on the criteria of internal consistency, consistency with respect to the other arguments that seek to explain related phenomena and the capability to generate empirical predictions that can be tested against observation. The truth claim of the arguments could be vindicated, if it either met the verification principle or Popper's falsification principle.

Behavioralists in the middle of the positivists followed the falsification principle. If the argument could not be falsified, then it was merely tautological; that is true through definition only, and hence meaningless. Arguments to be valid necessity are capable of being falsified, only then can they be said to be based on the scientific way.

Decline of Positivism and Interpretive Theory since an Alternative

Positivism had no satisfactory answer to this and it emerged that the extremely criterion for judging flanked by sense and non-sense in reports began to seem non-sensual itself.

Interpretive theory, or Hermeneutics, appeared in political inquiry since an alternative to positivist political science. They criticize the empiricist come for assuming a disjuncture flanked by political life and language of that political life. In other terms, they criticize empiricism for its assumption that there is a political reality that exists and that in principle can be exposed independently of the language of that polity and for, downplaying internal relationship flanked by social/political life on the one hand, and the language that is embedded in it, on the other. Interpretive theorists uphold that our political practices are expressed and constituted through the language that is lodged in them, and that the language lodged in them gets its sense from the shape of political practices in which it grows. Charles Taylor says that our political practices cannot be recognized in abstraction from the language we exploit to define them, invoke them or carry them out. The vocabulary of the social dimension of the situation is grounded in the form of the social practices in this dimension; that is to say that, vocabulary would not create sense if the range of practices did not exist.

And yet, this range of practices would not exist without the prevalence of this or few related vocabulary. The language is, therefore, constitutive of reality, is essential to its being the type of reality it is. When language is constitutive of reality, then the account of political life necessity goes beyond empirically

observable behaviour and subjective attitudes. Account necessity goes deeper to uncover the meanings and practices of language and political life and shape the social matrix against which subjective intentions are shaped. These more vital inter–subjective and general meanings and practices need a deep hermeneutics that goes beyond the proof required of empirical inquiry. Hence, empirical social science is insufficient for explaining the mainly fundamental characteristics of political and social life. Account in words of subjective attitudes and empirical indicators of behaviour are too thin to identify and explanation for the mainly profound meaning and sense of political life.

To create manifest the meaning of social/political practices informed through language, we need interpretation, because they are often inchoate, tacit and imperfectly articulated. But then any such interpretation in contestable and because, to support a scrupulous interpretation is to endorse one set of political alternatives, while undermining others. Interpretive theory, so, cannot be value-neutral. Gadamer in his Truth and Way, suggests that one suitable model to understand the meaning of social/ political practices is the model of interpreting a text: a model in which we are not interested in search for reasons or framing of laws, but understanding a entire in words of its sections, and its sections, in words of the contributions they create to the meaning of the entire. Interpretive theory has cast an extremely strong power in recent years on the normative theories of communitarians, feminists, and post-modernists.

Normative Turn in Political Theory

The 1970's saw a normative turn in political theory at the hands of Rawls, Nozick, Walzer, Dworkin, Grewith and others. Possibly, one of the mainly vital causes for the change of fortune has been the decline of positivism since a potent force in philosophy. This decline in a big measure was due to the infirmity of the verification principle itself. Beside with this, a climate for revival of normative political theory was created through the deep moral crisis that the western culture was facing. A view had, so, gained ground that a society requires few type of a moral basis, a set of beliefs which either do or might hold it jointly, the thought here being that practical cause is rootless and arbitrary, if it is not based on a set of agreed values which are taken since authoritative for that society.

But if values are subjective, a matter of preference, since positivists will uphold, then how do we agree on values? Normative political theory, on the other hand, maintains that this agreement is possible, if few common set of principles could be establish which could then give a foundation for accommodation flanked by subjective standpoints and flanked by dissimilar values. The crucial question then is how do we get that set of common principles? There are two answers or methods for this.

Theorising The Political Science

The Historical Come

The traditional or the historical come to political science is best represented through George H. Sabine. Sabine proceeds with his definition of political science in an extremely practical manner. He suggests that we contain in political science all those subjects which have been the biggest themes of discussion in the scripts of familiar political philosophers—Plato, Aristotle, Hobbes, Locke, Rousseau, Bentham, Mill, Green, Hegel, Marx, and others. In the scripts of these philosophers, we may attempt to search out those questions which they have raised in relation to the truth or the validity of political theories. Questions regarding goods or ideals to be realized in or by the state, meaning of freedom, why men obey the government, the sphere of government behaviors, meaning of equality—these are few of the questions which have agitated the minds of political philosophers during the ages. In addition, we may also create an inventory of questions concerning the state, the connection flanked by state and society and flanked by the individual and the state, and talk about them at length if they have not been fully discussed through these political philosophers. These shape the bases of political theory. Sabine and other traditional writers have attached a great trade of importance to the historical come. A political theory is always advanced in 'reference to a pretty specific situation' and, so, reconstruction of 'the time, lay and the conditions in which it was produced' is essential to understand it. The information, that

a political theory is always rooted in a 'pretty specific situation' does not mean that it does not have significance for the future. Great political theory excels both in the 'analysis of a present situation and in suggestiveness for other situations'. Since such, a good political theory, even however it is the outcome of a peculiar set of historical conditions, has significance for all times to approach. It is exactly this universal character of political theory which makes it respectable.

A typical political theory contains, according to Sabine:

- 'Factual reports in relation to the postures of affairs that gave rise to it',
- Reports of 'what may be roughly described a causal nature', and
- Reports that 'something ought to occur or is the right and desirable item to have happened'.

Political theories, therefore, constitute, according to Sabine, three units—the factual, the causal and the evolutionary. Political theories of great worth have usually been evolved throughout eras of stress and strain. In the recognized history of more than twenty-five hundred years, there have been two eras of in relation to the fifty years each in two spaces of fairly restricted areas where political philosophy has thrived mainly:

In Athens, in the second and the third quarters of the fourth century B.C., when Plato and Aristotle wrote their great jobs, and

In England, flanked by 1640 and 1690, when Hobbes, Locke and others evolved their political theories. Both these eras have been eras of great changes in the social and intellectual history of Europe. Great political theories are, therefore, 'secreted', since Sabine would put it, 'in the interstices of political and social crises'.

They are produced, not through the crises since such, but through the reaction they leave on the minds of the thinkers. In order, so, to understand political theory, it is necessary to understand clearly, the time, the lay and the conditions in which it has evolved. The political philosopher may not actually take section in the politics of his times, but he is affected through it and, in his own turn, he tries vigorously to affect it. Political theories, according to Sabine, 'play a double role', in the sense that while they belong to the abstract world of idea, they also power beliefs which become reasons and serve since causal measures in historical situations. It is also necessary to understand whether a political theory is true or fake, sound or inane, valid or unreliable. This involves the question of values. It is, so, necessary that in the understanding of political theory we should attempt to bring in the factual, the causal since well since the valuation factors.

The Sociological Come

The historical come has been usually criticized since one which is much too deferential to custom. It is also pointed out through several of the contemporary writers that this come takes a narrow

view of politics and restricts it to the domain of the state. Many modern writers have tried to widen the scope of political science therefore since to contain not only the state but the society since well, a point of view which is extremely clearly brought out through Catlin. Catlin would like to exploit politics in the Aristotlean sense, in the sense in which it contains all those behaviors which are accepted out within the auspices of society. Catlin regards political science since indistinguishable from sociology, and has pointed out a number of advantages of this come:

It allows the student to trade with the dealings and building of society since a entire and not with a segment of it artificially created flanked by the fifteenth and the seventeenth century in a section of Europe and now called since the 'contemporary state'.

It links up his studies with a common theory of society which the political scientists can ignore only at their peril, something which mainly contemporary political scientists have not done.

If the political scientist deals with the state since his element of analysis, he is likely to neglect the trivial and the general details concerning political measures taking lay from day to day, which he cannot understand unless he relates them to happenings in society. A big number of states exist today, but they cannot all be treated since individual elements for the purposes of political analysis. One has to go to their vital features.

If the political scientist decides to go beyond the revise of organizations and undertakes the revise of functions and

procedures he would discover it easier to pick up an element of analysis. Catlin, on his section, has opted for the revise of the phenomenon of manage since the central concern for the revise of politics. Through the act of manage, he means 'the act of individuals'. Catlin would have no objection to describe politics, since V.O. Key has done since 'the revise of government', provided we accept 'government' since a synonym for 'manage' and not organizations, like that of President or Cabinet. One could also call politics 'the revise of authority and power', if we clearly understood that 'power is not government', or in Max Weber's terms, 'the thrash about for authority or the influencing of those in authority', and embracing 'the thrash about flanked by states since such and flanked by organized clusters within the state'.

The Philosophical Come

Besides the traditional and the modern view-points concerning political science, there is a third view point advanced through Leo Strauss, which may be called since the philosophical come. Leo Strauss makes a distinction flanked by political theory and political philosophy and believes that they are both sections of political idea. Political theory, according to Strauss, is 'the effort truly to know the nature of political things'. Philosophy being the 'quest for wisdom' 'or quest for universal knowledge, for knowledge of the entire', political philosophy is 'the effort truly to know both the nature of political things and the right, or the good, political order'. Political idea extends to both political theory and political philosophy. Political theory and political

philosophy are complementary to each other, as 'usually speaking, it is impossible to understand idea or action or job without evaluating it'. Strauss is critical of both 'historicism' since advocated through Sabine and 'social science positivism' for which Catlin has been pleading, the former being in his views 'the serious antagonist of political philosophy'.

Values, Strauss believes, are an indispensable section of political philosophy, and cannot be excluded from the revise of politics. All political action aims at either preservation or change, and is guided through few idea or evaluation of what is bigger and what is worse. A political scientist is expected to possess more than opinion. 'If this directedness becomes explicit, if men create it their explicit goal to acquire knowledge of the good life and of the good society, political philosophy emerges'.

'The assumptions regarding the nature of political things, which are implied in all knowledge of political things', writes Strauss, 'have the character of opinions. It is only when these assumptions are made the theme of critical and coherent analysis that a philosophic or scientific come to politics emerges.' Political philosophy is the 'effort to replace opinion in relation to the nature of political things through knowledge of the nature of political things', 'the effort truly to know both the nature of political things and the right, or the good, political order.' Political philosophy in the comprehensive shape has been cultivated as its beginnings, approximately without any interruption, till extremely recently when the behavioralists started raising disputes in relation to it's subject-matter, ways

since well since functions, and demanding it's extremely possibility.

An Integrated Come

If it is significant not to allow political science to be lost in scientism or moralism, it is also significant that both the scientific and the philosophic characteristics of political theory should be properly understood and emphasized. But before we attempt to understand the scientific characteristic of political theory, we should first understand what we mean through science, presently since before we attempt to understand the philosophical characteristic of political theory, we necessity understand what we mean through philosophy. Science has been variously called since 'a branch of knowledge or revise dealing with a body of facts or truths systematically arranged and showing the operation of common laws', 'knowledge, since of facts of principles, gained through systematic revise', 'a branch or body of organized knowledge'. A scientific come to the revise of a problem, so, involves two things:

- The agreement on ways, and
- The training of the human beings in scientific job.

Taking these two characteristics into consideration, Friedrich would describe science since 'a body of ordered knowledge, recognized to and progressively enlarged through the specialists in that field of knowledge by the exploit of ways which they since a group accept since workable methods for arriving at that

scrupulous type of knowledge'. Science is, therefore, 'organized' knowledge and because there is a consistency of ways employed in the gathering of the scrupulous knowledge of that science through several scholars, which provides it a logical coherence, scientific reports are capable of validation through other scholars. This definition of science, which it would be hardly possible to challenge, does not say that the similar ways would be applicable to all the science. In fact, the way of one may not be applicable to another. Taking the easy matter of generalization, no two sciences agree in the degree of generalization which would create them true sciences. One might argue that they are same at least in the sense that they both operate with precise quantitative data. Science, though, demands not only accuracy but also relevancy and adequacy of results. History has been made highly scientific throughout the last some decades. But the development of its 'scientific' character has nothing to do with quantification—it is on the foundation of a more scientific revise of sources and a more critical exploit of the other kinds of proof which has led to greater progress in the exploit of scientific ways in history. Friedrich makes it extremely clear that, 'neither the degree of generalization, nor the degree of quantification, are in themselves 'absolute' criteria of scientific progress, but necessity be evaluated in relation to the material in hand and to be assessed.' He quotes Aristotle with approval when he describes it since 'the spot of an educated man' 'to seem for precision in each class of things presently therefore distant since the nature of the subject admits'.

Autonomous Character of Political Science

The secure identification of political science with either science or philosophy raises, in the opinion of Norman Jacobson, another type of danger, the danger of political theory ending up in few type of 'scientism' or 'moralism'. Jacobson has tried to create it clear that political science is neither scientism nor moralism— neither totally recognized with science nor with morality—but distinct from both of them and maintaining an identity of its own. Those who attempt to mould political science in the perfect image of science and attempt to apply ways and processes of science to it do not always understand what science means. One may not deny the advantage of utilizing the knowledge of one field for the bigger understanding of another, but one has to also understand the distinction flanked by the two meadows. Jacobson is of the view that modern political scientists are trying to create of political science anything but political science. 'It would look', he writes, 'that politics is psychology, or it is sociology, that it is moral philosophy or theology'—that it is 'approximately anything but politics'. Politics, in his view, is a special type of intellectual action. There is no harm in trying to pursue it more effectively through drawing upon the best that meadows of enquiry in other disciplines have to offer, but this should be done only therefore distant since it helps us in bigger understanding of politics. Politics, in fact, has got to be studied in its own right. If 'science' is taken out of political theory, it might become a worthless 'ethical' residue; if 'philosophy' is taken out of it, it might be reduced to mere methodology. Those who emphasis either the scientific or the philosophical character of political science to the

extent of identifying political science with one or the other, may be good advocates of 'scientism' or 'moralism', but they certainly lack in a sense of commitment to political science itself.

Empirical vs. Normative Theory

While many approaches to political science have been advocated from time to time, and several of them have often co-lived simultaneously, they might be broadly divided into two categories—the empirical-analytical or the scientific-behavioral come on one face and the legal-historical or the normative-philosophical come on the other, and each of these two approaches has been largely demarcated from the other through the emphasis it lays on facts since against values or on values since against facts. Two opposing locations are taken up in this respect through those who have been called through Robert Dahl since Empirical Theorists and Trans-empirical Theorists. The empirical theorists consider that an empirical science of politics based on facts alone is possible, whereas the others, the trans-empirical theorists, are of the opinion that the revise of politics neither can nor should be purely scientific. The controversy largely revolves a round two biggest issues:

- Can political analysis be neutral?
- Should political analysis be neutral?

Concerning the first, the empirical theorists are sure that it is possible to isolate and to test the empirical characteristic of our beliefs in relation to the politics without the must of going into

the value-laden question of whether the empirical propositions are true or false. A 'correct' decision on what is empirically true is not the similar since a 'correct' decision on what ought to be. Whether values are derived from God's will, or natural laws, or are purely subjective in nature, since the existentialists consider. Facts are there for all to see and can be subjected to empirical tests, whereas values cannot be tested this method. Whether the continuity of popular governments in common or in a scrupulous country is in any method dependent on literacy, multi-party organizations, proportional representation, a two-party organization, whether it can best function under single-member constituencies, are questions which can be tested empirically, irrespective of the information whether they are regarding the right or the wrong political organizations. The trans empiricists, on the other hand, consider that whatever be the situation in the natural sciences, facts and values are therefore closely inter-twined with each other that, in the revise of politics, one can not distinct them except for in the mainly trivial instances.

Whatever one might pretend, they would say, one is creation value judgments all the time. Any comprehensive theory in relation to the politics, they argue, necessity inevitably include evaluations not merely of the empirical validity of the factual reports in the theory, but also of the moral excellence of the political measures, procedures or organizations called in the theory. It is so, that there can be a totally objective theory of politics.

Modern Relevance of Classics

While the empirical theorists, under the impressive, scientific garb of 'behavioralism', seemed to be dominating the discipline of political science throughout the fifties and the sixties, the 'uses' since well since the 'relevance' of classical political philosophy sustained to be widely recognized and a number of influential modern political thinkers sustained to defend and uphold the traditional-classical political theory and severely criticize the empirical-analytical approaches. They may not be extremely big in numbers, but they belong to dissimilar countries and exercise a great trade of power in excess of a big number of their students and admirers. The names which immediately strike one's mind in this relationship are those of Michael Oakeshott, Hannah Arendt, Bertrand Jouvenel, Leo Strauss, Christian Bay and Eric Voegelin.

A classic has been defined since a job in a 'class' through itself, a job 'of the first rank and of acknowledged excellence'. Jobs like Plato's Republic and Laws, Aristotle's Ethics and Politics, Augustine's Municipality of God, Aquinas, Treatise on Law in the Summa Theological, Machiavelli's Prince and Discourses, Hobbes's Leviathan, Locke's Second Treatise, Rousseau's Social Contract, Hegel's Philosophy of Right and Marx's Philosophic-and Economic Manuscripts of 1844 and German Ideology approach under the category of 'classics'. The extremely exploit of the term in plural involves a 'conversation of several voices', a dialogue flanked by dissimilar perspectives and interpretations of reality since an entire. 'A conversation', since Dante Germino has pointed out, 'is not a battle of voices, but rather a reflection of

sure predominant rows of argument, which can be recognized through those who will listen.' It is a 'conversation of mankind' which extends beyond the contemporary into the medieval and the ancient ages and the excellence of which is not affected through the context of time or legroom in which a scrupulous political philosopher was situated. All that was necessary was that one taking section in this 'conversation of mankind' was directly involved in the issues of the day which, whether in politics or in philosophy, are issues of all time, was capable of deep thinking, or contemplation, on these issues and could express himself in a language which would appeal to men in all ages.

Stability of Traditional Political Idea

Michael Oakeshott, who took in excess of the chair of political science in the London School of Economics and Political Science from Harold Laski in 1951, has been recognized with the resurgence of conservative thinking in England. But it would be wrong to regard Oakeshott since merely a conservative, however conservative he was in every sense of the word. His biggest contribution was to recover political theory since a custom of enquiry and regain for political science, the possibility of a critical, theoretical analysis. Since dissimilar from the behavioralists, who were beginning to create a spot in the United States of America when he was enunciating a dissimilar type of doctrine in his lectures and seminars to his students at the London School of Economics and by his publications. Oakeshott based his philosophical analysis on experience which seeks to

rediscover the multi-dimensionality that had been denied to experience through the ideological and positivist writers. Oakeshott treats philosophy and science since simply two dissimilar types of behaviors and believes that it would be wrong to effort to transfer the ways and concerns of the one to the other. 'The notion that philosophy has anything to learn from the ways of scientific idea,' he writes, 'is altogether false.' Philosophy necessity be pursued for its own sake, and necessity 'uphold its independence from all extraneous interests, and in scrupulous from the practical interest'.

Oakeshott believes that political philosophy—or, since he would like to call it, philosophizing in relation to the politics—is a limited action within the context of the superior role of philosophizing—the effort 'to see one scrupulous manner of experience—practical experience—from the standpoint of the totality of experience'. Reflection in relation to the political life can be at a diversity of stages, and was apt to flow from one stage to another, but in political philosophy we have in our mind, the world of political action and also 'another world' and our endeavor is to explore 'the coherence of the two worlds jointly'. Political philosophy for him is 'the consideration of the relation flanked by politics and eternity'. 'Politics is contributory to the fulfillment of an end which it cannot itself bring about'. Political philosophy for Oakeshott is not, what it is to the behavioralist, a 'progressive' science which accumulates solid results and reaches conclusions upon which further research may be based. It is, on the other hand, closely integrated to history—'indeed, in a sense it is nothing but a history, which is a history of the troubles

philosophers have detected and the manner of solution they have proposed, rather than a history of doctrines....'

Hannnah Arendt is a more prolific writer. Believing in the uniqueness and responsibility of the individual human person, she is not only opposed to totalitarianism of all types, but also to the behavioralist come in social sciences, which prepares the ground for totalitarianism. In its search for uniformity in human behaviour, she warns, it will itself contribute to the creation of a uniform stereotyped 'man'.

The name of Bertrand de Jouvenel may possibly be mentioned beside with that of Hannah Arendt. Both consider that politics has a potentiality for creative action and should not be transformed into the dead uniformity of management. Both are against totalitarianism, which threatens to become the predominant phenomenon of the twentieth century, and have tried to analyze its intellectual and moral roots. Leo Strauss, Professor of Political Science at the University of Chicago, whose death in October 1973 was a great loss to political philosophy, is one of the mainly outstanding modern theorists and a staunch critic of the behavioralist come. His impact on American philosophy and political science has been extremely great. In Chicago, there are a big number of political scientists who regard it their privilege to be measured his disciples.

Chapter 6

The New Science of Politics

The Need For Political Theory

In the middle of the contemporary political thinkers who have taken flights into the heights of political philosophizing, the name of Eric Voegelin stands out since the mainly prominent. He is a prolific writer, however his approach is somewhat complicated and it is not always simple to follow him. He does not create a distinction flanked by political theory and political science—to him political theory would mean a critical reflection on politics, without which there can be no political science. Voegelin is strongly of the view that we never had the materials accessible and the intellectual climate appropriate for great advances in theoretical analysis, since now. Voegelin is against organization structure in contemporary philosophy and believes that the organization-constructors are ignorant of the vital experience of subsistence.

It is the duty of the political theorist to empirically analyze, and critically evaluate, man's experiences by history with a view to seeking the light which they shed upon his own search for truth in relation to the order in human society, a task which was superbly done through the Greek philosophers and the Christian theologians. Voegelin sharply disagrees with the contemporary political theorists who would treat political theory since

essentially methodology and its task since merely acting 'since the hand-maiden of research into behavioral regularities on the phenomenological stage'. He would rather regard political theory since 'an experimental science of right order, based on the total experience of the existing human person'. The task of political theory is to elaborate 'empirically and critically, the troubles of order which derive from philosophical anthropology since section of a common ontology'.

Views of Christian Bay

At a time when the behavioralists were trying to rationalize and justify the elitist concept of democracy by their 'applied' studies and collection of statistical data, Christian Bay, in the best custom of classical political philosophers, was questioning their 'wisdom' and raising few fundamental questions concerning troubles and perspectives of enquiry, which look to have been neglected through them. He agreed with David Easton's definition of politics since consisting of 'all the procedures through which public values are promoted and distributed through means of authority and power', but objected to a virtual absence in such a definition of any reference to the relatedness of politics to human requires and troubles. The size of behavioral research in political science today, he writes, 'deals with voting and with opinions and attitudes on social, political and economic issues. But we should not mistake the political horizon we encounter in this research for the entire realm of the political. There is too much that gets lost when attention is focused on what we can readily measure through the average types of sociological techniques—individual

meanings of political commitments, for instance'. He was critical of the prevailing tendency in current research of not trying to relate behavioral data meaningfully to normative theories of democracy. He quoted in this relationship the 'painstaking analysis of political behaviour with an astonishingly superficial effort at bringing their data to bear on democratic theory' that Berelson, Lazarsfeld and McPhee had made when they concluded that the American organization of democracy 'does meet sure necessities for a going political system' and that 'it often jobs with distinction'. 'With a more adequate conception of politics', he wrote, 'It will become clear, I consider, that what these and several other authors of books on political behaviour are looking at is only a limited range of data, which badly requires to be complemented through a more rigorous scientific inquiry, and also through a much superior canvas of political theory that contains a lay for concepts such since requires, development, and the general good, to name a some only.' It was even more shocking for Bay to discover a 'highly respected writer' like S.M. Lipset cheerfully claiming that democracy 'is the good society itself in operation', or that 'the provide-and-take of a free society's internal struggles' was the best man could hope for on this earth. Quoting a some more examples, he wrote, 'Determined to utilize the accessible arsenals of sociological techniques, this row of research has stressed the phenomena that can be weighed and counted to the exclusion of more diffuse and elusive characteristics of politics. In their desire to be scientific, these investigators have shied absent from normative inquiry to such an extent that they unblushingly relate their fine empirical job to the crudest notions of, and assumptions about, democracy—

either since an end in itself or since a means to even vaguer conceptions of human wants'.

Political Theory and other Inter- Related Words

A distinction can be made flanked by political theory and same words. The differentiation flanked by political theory and political science arises because of the common shift in intellectual perceptions brought in relation to the through contemporary science. Political Science has tried to give plausible generalizations and laws in relation to the politics and political behaviour. Political theory reflects upon political phenomenon, procedures and organizations and on actual political behaviour through subjecting it to philosophical or ethical criterion. It considers the question of the best political order, which is a section of a superior and a more fundamental question; namely, the ideal shape of life that a human being ought to lead within a superior society. In the procedure of answering immediate and regional questions, it addresses perennial issues, which is why a revise of the classical texts shape a significant component of the discipline. A classic in political theory has the essential ingredients of a great literary job, which inspite of its regional setting, deals with the perennial troubles of life and society. It contains the quintessence of eternal knowledge and is an inheritance not of any one civilization, lay, people or time, but of the whole humankind.

Specific political theories cannot be measured since the correct or final understanding of an event. The meaning of an event is

always open to future interpretations from new viewpoints, each explaining and analyzing from a scrupulous standpoint or concern in political life. Furthermore, political theory is critical in its endeavor, for it provides an explanation of politics that rises above those of ordinary people. There is no tension flanked by political theory and political science, for they differ in words of their boundaries and jurisdiction, and not in their aim. Political theory supplies ideas, concepts and theories for the purpose of analysis, account, account and criticism, which in turn are included in political science.

Political philosophy gives common answers to questions such since what is justice, concepts of right, the distinction flanked by 'is' and 'ought' and the superior issues of politics. Political philosophy is a section of normative political theory, for it attempts to set up inter-relationships flanked by concepts. It is, possibly, accurate to say that every political philosopher is a theorist; however every political theorist is not a political philosopher. Political philosophy is an intricate action, which is best, understood through analyzing the several methods that the acknowledged masters have practiced it. No single philosopher and no one historical age can be said to have defined it conclusively, any more than any one painter or school of painting has practiced all that we mean through painting.

Political idea is the idea of the entire society that contains the scripts and speeches of the articulate parts such since professional politicians, political commentators, society reformers and ordinary persons of a society. Idea can be in the shape of

political treatises, scholarly articles, speeches, government policies and decisions, and also poems and prose that capture the anguish of the people. Idea is time bound; for example, the history of the twentieth century. In short, political idea contains theories that effort to explain political behaviour, and values to evaluate it and ways to manage it.

Political theory, unlike idea, refers to the speculation through a single individual, usually articulated in treatises since models of account. It consists of theories of organizations, including that of the state, law, representation and of election. The manner of enquiry is relative and explanatory. Political theory attempts to explain the attitudes and actions arising from ordinary political life and to generalize in relation to them in a scrupulous context: this political theory is concerned about/with the relationships flanked by concepts and conditions. Political philosophy attempts to resolve or to understand conflicts flanked by political theories, which might seem equally acceptable in given conditions.

Political ideology is a systematic and all embracing doctrine, which attempts to provide a complete and universally applicable theory of human nature and society along with a detailed program of attaining it. John Locke is often called since the father of contemporary ideologies. Marxism is also a classic instance of an ideology summed up in the report that the purpose of philosophy is to change and not merely interpret the world. All political ideology is political philosophy; however the reverse is not true. The twentieth century has seen several ideologies like Fascism, Nazism, Communism and Liberalism. A distinctive trait

of political ideology is its dogmatism, which unlike political philosophy, precludes and discourages critical appraisal because of its aim to realize the perfect society. Political ideology is a negation of political theory because an ideology is of recent origin, and under the power of positivism is based on subjective, unverifiable value preferences. Gamine, furthermore, distinguishes a political theorist from a publicist.

Every political theorist has a dual role; that of a scientist and a philosopher and the method he divides his roles will depend on his temperament and interests. Only through combining the two roles can he contribute to knowledge in a worthwhile manner. The scientific component of a theory can seem coherent and important, if the author has a preconceived notion of the aims of political life. The philosophical foundation is revealed in the manner in which reality is depicted.

Political theory is dispassionate and disinterested. Since a science, it describes political reality without trying to pass judgment on what is being depicted either implicitly or explicitly. Since a philosophy, it prescribes rules of conduct which will close a good life for all in the society and not basically for sure individuals or classes. The theorist will not himself have a personal interest in the political arrangements of any one country or class or party. Devoid of such an interest, his vision of reality and his image of the good life will not be clouded, nor will his theory be special. The intention of an ideology is to justify a scrupulous organization of authority in society. The ideologue is an interested party: his interest may be to defend things since

they are or to criticize the status –quo in the hope that a new sharing of authority will approach into being. Rather than disinterested prescription, we love rationalization.

Usages of Political Theory

Political theorists as Aristotle attempt to describe the political to understand political practices and their application. Aristotle's remarks that 'man is a political animal' takes explanation of the inherent human desire for society and the information that human beings require and can discover fulfillment only by a political society. For Aristotle, the political is significant for it stands for a general political legroom in which all citizens participate. Though, the ambit of politics has to be limited.

The political dimension of political theory concerns itself with the shape, nature, system of the state or government and its connection with the individual citizen. However inter-connected, the political is treated since a specific region separate and dissimilar from the other spheres like the economy and civilization. This is the primary focus of the liberal custom. On the contrary, Marxism categorically rejects the liberal distinction flanked by the political and the non-political through arguing that political authority is a handmaiden of economic authority. It specifies affinity flanked by the economic authority and the state.

Since the History of Political Idea

Usually, courses in political theory offer a detailed and elaborate revise of books or scrupulous political philosophies, from Plato to modern times, from a historical perspective. These books are studied for their normative reports in relation to the desirability of sure kinds of organizations, governments and laws, which are usually accompanied through rational arguments. The classics are portrayed since timeless in excellence, permanent in relevance and universal in their significance. In the course of analyzing texts from a historical perspective, it is significant to see how a scrupulous thought or concept has evolved in the course of time; and the dissimilar meanings and interpretations it has been subjected to. While it is significant to know who said something for the first time, it is equally significant to know the new ramifications of a thought or a concept. It is for this cause that Wolin rightly describes the history of political theory since marked through both stability and innovation.

Since a Technique of Analysis

Aristotle's remarks that the individual is a political animal designates the primacy of politics and the information that political thinking takes lay at several stages and in a diversity of methods. The political in such a view not only becomes all pervasive, but the highest type of action. Politics symbolizes a communal public life wherein people make organizations that regulate their general life. Even deceptively easy general sense questions and political opinion merit an answer; for example, are

individuals equal? Is the state more significant than the individual? How to justify violence employed through the state? Is this an inherent tension flanked by freedom and equality? Is the minority justified in dictating words to the majority and vice-versa? One's response to these reports often reflect what ought to be the case rather than what is the case. At stake here is a choice flanked by values and ideals. Through exercising one's preferences, one also inadvertently subscribes to a political ideology which means that answers to questions will modify not only according to individual opinion, but would also diverge depending on one's value preferences. It is because of this vital cause that political theory is to be a section of an open society, for there would always be liberals and conservatives training in political theory who would help one to answer the aforesaid questions logically, speculatively and critically.

Since a Conceptual Clarification

Political theory helps to understand the concepts and words used in a political argument and analysis: like the meaning of freedom, equality, democracy, justice and rights. These words are not only regularly used in daily conversation, but also in political theory communication. An understanding of these words is significant for it helps one to know the method these words have been employed, the shifts in their definition and their usage in a building of argument. Several, like Weldon stress on require scrutinizing concepts in ordinary pre-theoretical language. Examines of concepts also reveal the ideological commitment of a speaker or/and writer. Liberals describe freedom since implying

choice, absence of restraints while socialists like freedom with equality. Liberals describe a state since an instrument of human welfare, while for a socialist a state is an instrument of oppression, power and class privileges. Conceptual classification is definitely possible, but cannot be neutral. Those occupied in it overtly or covertly subscribe to value preferences, and in this sense their task is not dissimilar from the authors of classics in political theory who help one to understand the underlying foundation of human, political and moral actions.

Since Formal Model Structure

This perception is particularly popular in the United States, for it considers political theory since an exercise in devising formal models of political procedures; same to the ones in theoretical economics. These models serve two purposes: first they are explanatory, offering systematically the factors on which political procedures are based. Second, they are normative, for they attempt to illustrate the consequences that accrue from following a sure rule. A good instance of such an exercise is Antony Down's 'theory of electoral competition' which perceives voters since trying to gain maximum utility from an election result and parties since teams trying to maximize their probability of winning. Downs then illustrates how parties, in order to win, devise ideological stances. Another significant model is Kenneth Arrow's 'impossibility theorem', which states that in the middle of other things being equal, where a democratic choice has to be made flanked by more than two alternatives, the outcome would extremely likely be an arbitrary one and convinced through the

process employed to exercise the choice. Joseph Schumpeter's elitist theory of democracy is based on the assumption that a human being takes his economic life more seriously than his political one.

Since Theoretical Political Science

The emergence of political science in the twentieth century has led few political scientists to seem upon political theory since a mere theoretical branch of the discipline. An effort is made to integrate empirical observations with a systematic account of one's everyday experiences in the world. This view dispenses with the normative content of traditional political theory. However mere account of political phenomena is possible but grounding it in empiricism is not adequate. Any effort to formulate a political theory free of normative units would inherently fail. This is because any account of political measures would mean an interpretation of the intentions and motives of the participants and such an interpretation would bring forth, normative issues.

Importance of Key Theoretical Concepts

A reader receiving introduced to political theory for the first time may think it enough to revise the organizations rather than abstract concepts in order to understand the character and nature of society. While a revise of organizations is possible, one has to realize that institutional arrangements modify from society to society because they are based on divergent sets of ideas. This realization takes us to the heart of the matter since to what is

more significant, reality or ideas, facts or concepts. Do ideas reflect reality or is reality based on ideas?

In the transitional of the twentieth century, several observers readily wrote an obituary of political theory. Few spoke of its decline. Others proclaimed its death. One referred to political theory since being in the doghouse. This dismal view is because the classical custom in political theory is, through and big, loaded with value judgments beyond manage of empirical testing. The criticism of normative theory came from logical positivists in the 1930s and from behavioralism, subsequently. Easton contends that as political theory is concerned with few type of historical shape, it had lost its constructive role. He blames William Dunning, Charles H. Mcllwain, and George M. Sabine for historicism in political theory. This type of political theory has dissuaded students from a serious revise of value theory.

In the past, theory was a vehicle whereby articulate and intelligent individuals conveyed their considerations on actual direction of affairs and offered for serious consideration, few ideas in relation to the desirable course of measures. In this method, they revealed to us the full meaning of their moral frame of reference. Today, though, the type of historical interpretation with which we are well-known in the revise of political theory has driven from the latter its only unique function; that of constructively approaching a valuation frames of reference. In the past, theory was approached since an intellectual action whereby the student could learn how he was to go in relation to the exploring the knowable consequences and, by them, the ultimate

premises of his own moral outlook. Scrutiny of the jobs through American political theorists reveals that their authors have been motivated less through an interest in communicating such knowledge than in retailing information in relation to the meaning, internal consistency and historical growth of past political values.

Dunning in his three volumes entitled A History of Political Theories set the tone for research in political theory. This training since a historian enables him to political theory primarily since offering troubles of historical change and to unfold the role of political ideas in this procedure. Since a result political theory, for Dunning, becomes a historical explanation of the circumstances and consequences of political ideas. He seeks to uncover the cultural and political conceptions of an age and to isolate the powers of these ideas, in turn, on the social circumstances.

Easton describes Dunning since a historicist, for he deflects political theory from moral thoughts and consciously avoids dealing with moral issues in a purely historical context. Dunning perceives political theory since essentially historical research into issues that arise from observation of political facts and practices. He confines his revise to the legal rather than the ethical dimensions of political life, however subsequently his students broadened it to encompass theories of political action. He considers moral views since a product of caprice, dogmas without justification and hence, not worthy of analysis or interpretation. He neglects the meaning and logical consistency

of ideas. Mcllwain's The Development of Political Idea in the West uses historical research, for he regards political ideas since an 'effect rather than an influential interacting section of social action'. Being virtual ciphers in the changing patterns of actual life, ideas can have meaning only since a section of a history of theories in which ideas may condition, subsequent ideas, but in which they leave no impact upon action. Political theory is construed here since a branch of the sociology of knowledge, which deals primarily with the conditions shaping knowledge since it has varied in excess of time. The task of the political theorist is to illustrate the method in which a social milieu moulds and forms political idea. It is concerned with the exclusively empirical task of uncovering the determinants of ideology.

Sabine's A History of Political Theory has singularly convinced studies in political theory more than any other book written throughout the thirties. Like Dunning and Mcllwain, Sabine considers the historical revise of theory since a suitable come to the subject matter. The impression that one gets from the book and from an account of his way is 'that a historical revise of theory gives its own self evident justification'. Sabine combines the come of both Dunning and Mcllwain.

Like Dunning, he believes that political idea is a section of the political procedure which interacts and powers social action. He shares Mcllwain's belief that it is necessary to define and examine moral judgment in each theory since these are the determining factors in history and not mere rationalizations of an

action. Moral judgments are not inferior to factual propositions since Dunning contends. However Sabine reiterates Dunning's interpretation of the relation flanked by ideas and action, he differs in his conception of the nature of history of political theory through his emphasis on the role of ethical judgment.

For Sabine, every political theory can be scrutinized from two points of view: since a social philosophy and since an ideology. Since an ideology, theories are psychological phenomena precluding truth or falsity. Theories are beliefs, 'measures in people's minds and factors in their conduct irrespective of their validity or verifiability'. Theories play an influential role in history and so, the task of a historian is to ascertain the extent to which these theories help in shaping the course of history. A theory has to be examined for its meaning rather than for its impact on human actions. Viewed in this perspective, a theory includes of two types of propositions: factual and moral. Sabine focuses on factual rather than moral reports for the latter precludes descriptions of truth or falsity. He regards values since reflecting human preferences to 'few social and physical information'. They are not deducible from facts, nor can they be reduced to facts or nationally exposed since being expressions of emotions. As political theory advances few reports of preference, value judgments shape the case of theory and explain the cause for its subsistence. The moral unit characterizes political theory, which is why it is primarily a moral enterprise. In spite of factual propositions within a theory, a political theory on the entire can hardly be true in depicting a scrupulous episode or era.

Easton examined the causes for the decline of political theory in common and its decline into historicism in scrupulous. First, and foremost, is the tendency in the middle of political scientists to conform to the moral propositions of their age leading to a loss of the constructive come? The emphasis is to uncover and reveal one's values which imply that there is no longer require to enquire into the merit of these moral values, but merely understand their 'origins, growth and social impact'. History is used to endorse existing values. Secondly, moral relativism is responsible for the attention a theory received with history.

Revival of Political Theory

In the 1930s, political theory began learning the history of ideas with the purpose of defending liberal democratic theory in opposition to the totalitarian tenets of communism, fascism and nazism. Lasswell tried to set up a scientific political theory with the eventual purpose of controlling human behaviour, furthering the aims and direction given through Merriam. Unlike the classical custom, scientific political theory describes rather than prescribes. Political theory in the traditional sense was alive in the jobs of Arendt, Theodore Adorno, Marcuse, and Leo Strauss. Their views diametrically differed from the broad ideas within American political science for they whispered in liberal democracy, science and historical progress. All of them reject political messianism and utopianism in politics. Arendt focused largely on the uniqueness and responsibility of the human being, with which she initiates her criticism in behavioralism. She contended that the behavioral search for uniformities in human

nature has only contributed towards stereotyping the human being. Strauss reaffirms the importance of classical political theory to remedy the crisis of the contemporary times. He does not agree with the proposition that all political theory is ideological in nature mirroring a given socio-economic interest, for mainly political thinkers are motivated through the possibility of discerning the principles of the right order in social subsistence. A political philosopher has to be primarily interested in truth. Past philosophies are studied with an eye on coherence and consistency. The authors of the classics in political theory are Larger because they were geniuses and considered in their scripts. Strauss scrutinizes the ways and purposes of the 'new' political science and concludes that it was defective when compared with classical political theory, particularly that of Aristotle. For Aristotle, a political philosopher or a political scientist has to be impartial, for he possesses a more comprehensive and clearer understanding of human ends. Political science and political philosophy are identical, because science consisting of theoretical and practical characteristics is identical with philosophy. Aristotle's political science also evaluates political things, defends autonomy of prudence in practical matters and views political action since essentially ethical.

These premises Behavioralism denies, for it separates political philosophy from political science and substitutes the distinction flanked by theoretical and practical sciences. It perceives applied sciences to be derived from theoretical sciences, but not in the similar manner since the classical custom visualizes.

Behavioralism like positivism is disastrous, for it denies knowledge concerning ultimate principles. Their bankruptcy is apparent, for they look helpless, unable to distinguish the right from the wrong, the presently from the unjust in view of the rise of totalitarianism. Strauss counters Easton's charge of historicism through alleging that the new science is responsible for the decline in political theory, for it pointed to and abetted the common political crisis of the West because of its overall neglect of normative issues.

Vogelin regards political science and political theory since inseparable and that one is not possible without the other. Political theory is not ideology, utopia or scientific methodology, but an experiential science of the right order in both the individual and society. It has to dissect critically and empirically the problem of order. Theory is not presently any opining in relation to the human subsistence in society, it rather is an effort at formulating the meaning of subsistence through explicating the content of a definitive class of experiences. Its argument is not arbitrary, but derives its validity from the aggregate of experiences to which it necessity permanently refer for empirical manage.

Recent Growths

As the Seventies, political theory has revived mainly due to the efforts of Habermas, Nozick and Rawls. The themes that figure prominently as its revival are broadly social justice and welfare rights theory within a deontological perspective, utilitarianism,

democratic theory and pluralism, feminism, post-modernism, new social movements and civil society, and the liberalism-communitarian debate. In fact, communitarianism has tried to fill the void left through the declining popularity of Marxism. Though, this unprecedented lease of life that political theory has received is restricted to the academia and since a result, it is 'a type of alienated politics, an enterprise accepted on at few aloofness from the behaviors to which it refers'. This resurgence suggests that earlier pronouncements in relation to its decline and/or demise are premature and academically shortsighted. Though, one has to be cautious in distinguishing modern political theory from the classical custom, since the former derives its inspiration from the latter and in this sense, they are attempts to refine rather than being original, adjusting the broad frameworks of the classical custom to the modern complexities.

This new establish enthusiasm has been confined to liberal political communication, largely due to the seminal job of Rawls fulfilling Germino's wish of a require to strengthen the open society. Recent liberal theory, in its revived sense, focuses on the thought of impartiality and fairness in the belief that 'discrimination necessity be grounded on relevant differences'. It is no coincidence that a well formulated and detailed analysis of the concept of justice, extensive in excess of due as the time of Plato, emerges in Rawls for whom justice means fairness. Rawls in the classical custom deals with what ought to be, for he confronted the vexed problem of sharing of liberties, opportunities, income, wealth and the bases of self-respect. In the middle of the competing ideologies which usher in the

twentieth century, only liberalism, unlike fascism and communism, permits free swap of ideas. It synchronizes, and adapts if necessary, theory in light of practice and specifies the units that constitute a presently political and social order without being doctrinaire and dogmatic. Though, much of this new liberal political theory has been in the nature of refining and clarifying the earlier theoretical postures. Moreover, the loss of challenge through both fascism and communism, the first, because of its defeat in the Second World War, and the second, which collapsed due to its own internal contradictions, also prove that utopian and radical schemes are no longer theoretically and practically desirable and feasible alternatives. Nonetheless, liberalism sides challenges in recent times from communitarianism, post-modernism and feminism.

Conceptions Of Political Theory

Growth of Political Theory

Growths in political theory always reflect the changes which happen in society. Political theories are produced in response to the challenges which emerge at dissimilar times. Though, since suggested, do well to keep in mind that political idea, which also emerges due to societal challenges, is bound through time since well since legroom, and is so, dissimilar from theory which breaks such barriers and proves its worth in understanding and explaining political phenomena of dissimilar nature and origin. This happens, because theories are purged and purified from ideologies and biases and arrives at sure principles, which are

not only timeless, but may even be described knowledge. Political theorists, while indulging in theorization, pursue ideas not for the sake of fulfillment of their fads and fantasies, but in order to search those principles whose understanding can create life bigger. And in this enterprise, theorists, through and big, are motivated through the concrete political situation. The history of political theory bears out how ills and maladies afflicting civilizations have lubricated the apparatus of theorization, by which several carried principles and practices and the assumptions behind them were questioned and the blueprint for the future was drawn.

It is, though, true that the incentive for theory always comes from few sort of failure and a related conviction that things can be bettered by an improved understanding and may, ultimately be resolved. Hence, political theory's task is not limited to providing a fleeting response and receiving contented with a compromise. Rather, it has to reach at the root of the problem and has to discover remedies in the shape of an alternative set of principles. Hence, any project on theory needs a 'vision' by which a theorist could think not only in relation to the troubles at hand, but also beyond them.

It is here that political theory might be differentiated from art or poetry. In words of vision, reflections and ruminations, there is not much variation flanked by political theory and other creative behaviors like art and poetry. But what sets separately the political theorist from the poet is that his urge and search are a conscious act with a definite design, whereas a poetic act is one

of spontaneity. So, it is not creativity, but consciousness that denies poetry the status of a theory.

Towards a Definition of Political Theory

Political theory is defined in dissimilar methods through dissimilar people. The definitions modify on the foundation of emphasis and understanding of its constitutive units. Sabine's well recognized definition of political theory is that it is something 'which has characteristically contained factors like the factual, the causal and the valuational'. To Hecker, political theory is 'dispassionate and disinterested action. It is a body of philosophical and scientific knowledge which regardless of when and where it was originally written can augment our understanding of the world in which we live today and we live tomorrow'.

So, one may say that what we mean through political theory is a coherent group of propositions, with few explanatory principle, in relation to the a class of political phenomena. It implies that a theory unlike idea, cannot believe a multitude of phenomena at a time, and will have to get concerned with a class or kind of issues only.

Dominant Conceptions in Political Theory

It is quite hard to identify and categorize several conceptions of political theory which are put into exploit through theorists. The difficulty emanates from a tendency in the middle of theorists to

go for an exercise in which they start drawing on dissimilar conceptions and customs. This is truer with modern political theory than with the ones which preceded it. In the past, theorists somewhat maintained a purity of conception in theory—structure and seldom out stepped the framework they had chosen. But this does not apply to the modern times, which are a witness to a crop of theory which seems hybrid in nature.

But broadly speaking, three dissimilar conceptions emerge in political theory on the foundation of which both the past and the present theories can be conceptualized, judged and evaluated.

Historical Conception

Several theorists have attempted theory—structure on the foundation of insights and possessions from history. Sabine is one of the largest exponents of the historical conception. In his opinion, a question such since what is the nature of political theory can be answered descriptively; that is, how theory has responded to historical measures and specific situations. In other terms, in this perspective, political theory becomes situation dependent in which each historical situation sets a problem, which in turn is taken care of by solutions devised through the theory.

This conception of political theory is deferential to custom. Cobban also believes that the traditional manner, in which a sense of history is instilled to the full, is the right method to believe the troubles of political theory.

It is true that the past acts since a precious guide in our endeavor of theory—structure and teaches us not to be too certain of our originality. It also hints that it is possible to think in methods other than those which are fashionable and dominant, besides shedding light on the sources. The historical understanding also sensitizes us in relation to the failings of the past generations and ties them with the communal wisdom of the present and promotes imaginativeness in us. The historical conception also contributes significantly to our normative vision. The history of ideas may tell us that our social and political universe is a product of things whose root lies in the past. And knowing them bigger would tell us how we have sure values, norms and moral expectations and from where they have approach. With this sense in us, it is possible to interrogate these values and critically assess their utility.

But a blind adherence to this conception is not without its folly. The novelty of the project described political theory is that each specific situation is unique, riddled with new challenges. Hence, worth of the past sometimes becomes redundant and could even be a hindrance, if one is oblivious of this characteristic. So, the utility of this come in political theory beyond a sure stage is doubtful since it is always wedded to outmoded ideas from outmoded ages. The suggestive values of the ideas remain, but the theoretical function recedes substantially.

Normative Conception

The normative conception in political theory is recognized through dissimilar names. Few people prefer to call it philosophical theory, while others refer to it since ethical theory. The normative conception is based on the belief that the world and its measures can be interpreted in words of logic, purpose and ends with the help of the theorist's intuition, reasoning, insights and experiences. In other terms, it is a project of philosophical speculation in relation to the values. The questions, which are asked through the normativists, would be: what should be the end of political organizations? What should inform the connection flanked by the individual and other social systems? What arrangements in society can become model or ideal and what rules and principles should govern it?

One may say that their concerns are moral and the purpose is to build an ideal kind. Hence, it is these theorists who have always conceived 'utopia' in the realm of political ideas by their powerful imagination. Normative political theory leans heavily towards political philosophy, because it derives its knowledge of the good life from it and also uses it since a framework in its endeavor to make absolute norms. In fact, their apparatus of theorization are borrowed from political philosophy and so, they always seek to recognized inter-relationships in the middle of concepts and seem for coherence in the phenomena since well since in their theories, which are typical examples of a philosophical outlook. Leo Strauss has strongly advocated the case for normative theory and has argued that political things through nature are subject to

approval or disapproval and it is hard to judge them in any other words, except for since good or bad and justice or injustice. But the problem with the normativists is that while professing values which they cherish, they portray them since universal and absolute. They do not realize that their urge to make absolute average for goodness is not without pitfalls. Since suggested, do well to keep in mind that even a political theorist is a subjective instrument in the assessment of the world and these insights are conditioned through several factors, which may be ideological in nature.

The exponents of empirical theory take normativists to task for:

- Relativity of values
- Cultural foundation of ethics and norms
- Ideological content in the enterprise and
- Abstract and utopian nature of the project.

It is true that the proponents of the normative conception get preoccupied with the inquiry in to the internal consistency of theory and that pertains, mostly to the nature of ideas and rigor in the way, while remaining unmindful and sometimes, even negligent in relation to the empirical understanding of the existing social and political reality.

It is more agonizing and distressing, when one discovers that this proclivity in the middle of them is accompanied through another syndrome, under which they prefer to respond to a theorist and undertake only a review of his job through turning absent their eyes from the empirical reality which stares at them. Therefore, it

turns out to be an illusory and deceptive exercise in theory-structure in the name of high and noble normative concerns. But in the far past those who championed normative theory always tried to connect their principles with the understanding of the reality of their times. So, all normative enterprises in the past had direct or indirect empirical referents and Plato's theory of justice could be a good instance to show it.

In recent times, again the old sensibility within the normative theory has reemerged and the passion for good life and good society has been matched through methodological and empirical astuteness. John Rawls' A Theory of Justice is a case in point which attempts to anchor logical and moral political theory in empirical findings. Rawls, with his imagination, creates 'original location' to connect normative philosophical arguments with real world concerns in relation to the distributive justice and the welfare state. Few other theorists are also attending to the tasks of developing moral theories in relation to the equality, freedom and democracy through rooting them to every day concerns and marrying them to specific situations.

Few normative theorists of the new generation have also started discarding the well recognized inclination of theory, more a feature of the older days, under which either exuberant justification for the existing arrangements was offered or they hesitated to critique them and therefore, accepted the stage of status—quoism in their idea. Now, a new crop of theory has surfaced recognized since critical theory, which since a section of the normative project, is occupied with political measures and

tries to combine ideas with practice, and also makes effective interventions to facilitate changes for the bigger in society and politics.

Empirical Conception

What has dominated political theory in the twentieth century is not normativism, but another conception recognized since empirical political theory which derives theories from empirical observations. Empirical political theory refuses to accord the status of knowledge to those theories which indulge in value judgments. Naturally, so, normative political theory is debunked since a mere report of opinion and preferences. The drive for value—free theory started in order to create the field of political theory scientific and objective and hence, a more reliable guide for action. This new orientation came to be recognized since positivism.

Under the spell of positivism, political theorists set out to attain scientific knowledge in relation to the political phenomena based on the principle which could be empirically verified and proved. Therefore, they attempted to make a natural science of society and in this endeavor; philosophy was made a mere adjunct of science. Such an explanation of theory also portrayed the role of a theorist since of a disinterested observer, purged of all commitments and drained of all values. This empirical project in political theory was premised on the empiricist theory of knowledge which claims to have the full blown criteria to test what constitutes truth and falsehood. The essence of this

criterion is lodged in the experimentation and the verification principle. When political theory was reeling under this power, a therefore described revolution started and became popular since 'Behavioral Revolution'. This revolution reached a commanding location within political theory in the 1950's and engulfed the whole field of revise and research through advocating new characteristics. They incorporated:

- Encouragement to quantitative technique in analysis
- Demolition of the normative framework and promotion of empirical research which can be susceptible to statistical tests
- Non-acceptance and rejection of the history of ideas
- Focus on micro–revise since it was more amenable to empirical treatment
- Glorification of specialization
- Procurement of data from the behavior of the individual and
- Urge for value—free research.

In fact, the behavioral climate got surcharged through an anti—theory mood and those who lambasted theory in a conventional sense had a field day. Theory was caricatured and made synonymous with ideology, abstraction, metaphysics and utopia.

Later on, when logical positivism emerged since a revitalized incarnation of positivism and incorporated in its ranks such heavy–weights since Wittgenstein, not much change could happen in outlook. The only variation was that the positivists wanted to

create the region of political theory scientific, while the logical positivists declared it metaphysical, non-rational and so, outside the purview of scientific knowledge.

But this mood did not last extensive since the whole understanding was erroneous. Therefore, they soon attracted the ire and fire of few philosophers of science who offered a vision for a post—positivist comes to science. Karl Popper set the new mood through laying down the principle of 'falsification' since a criterion of scientific knowledge and argued that all knowledge was conjectural, tentative and distant from the final truth.

The real turn or breakthrough came in the philosophy of science when Thomas Kuhn, Imre Lakatos and Mary Hesse blasted the therefore described scientific theory which was playing havoc with political theory and discredited the positivist model through rejecting the notion of unified science and declared it since an improper understanding of natural scientific practice. The crux or the argument was that science since a shape of human action was impregnated with interpretation, which consisted of meaning, discourse and translation.

Kuhn's book The Building of Scientific Revolution was a pioneer in bringing out the shortcomings and failures of the positivist theory and it demonstrated how all cognitions were dependent on understanding and interpretation since a means of inter subjective discourse. Kuhn cogently argued that it was not only the irrational conventions which lurked behind the construction of the semantic framework, but were also informed through

rational discourses framed through interpretation and criticism. This new Kuhnian perspective, therefore, broke new grounds in the philosophy of science and subjected the positivist explanation of knowledge and theory to intensives criticism and scrutiny. But the 'philosophy of the social science' was not to lag behind, and soon new churnings started which brought the problem of understanding under scanner and contested the effort to perceive the problem within the framework of a unified science.

Peter Winch, Alfred Schutz and Charles Taylor heralded this new perspective, which suggested that understanding in the social science was loaded with troubles and two of them deserved special attention:

- All sciences are a shape of interpretative undertaking and hence, it has a theory—laden nature of all understanding
- The substance of the social science is distinctively subjective, which implies an agent who is a self—interpreting social being.
- So, the problem of social science snowballs in to a 'double hermeneutics'.

This new come brought the problem of understanding, interpretation and the issue of how to seem at the symbolic world of the subject into the discussion. This also infused new meaning in the interpretative project of the political theorists through sensitizing them to the symbolic world. Hence, what got problematized was not only the understanding of meaning, but

also the issue of explaining them. This reminds us of Max Weber, who had extensive wrestled with this problematic by his categories of 'causal adequacy' and 'adequacy of meaning'.

Modern Conception

It is a veritable challenge to map out the terrain traversed through the political theorists and the theoretical tools deployed through them in modern times. The challenge emanates from several sources. Modern political theory does not neatly follow the commonly carried category of classification, viz., historical, normative and empirical and does not keep within a scrupulous custom, since the earlier theorists did. Sometimes, they seem to be creation exploit of dissimilar conceptions in their enterprise and employ them in a manner. Modern theorization in political theory has grown in reaction to the limitation of the earlier projects, mostly falling under the two great customs, namely, Liberalism and Marxism and interrogates them and their category of analysis through selectively borrowing from them. But in the course of structure the theoretical edifice, they break new grounds and make new locations for political investigation and also new apparatus for searching and establishing the principles of politics. Nonetheless, the modern project on political theory does not move beyond the words of deal described political theory since discussed earlier; that is, historical, normative and imperial but the manner of employing them has few hybridness in character. Modern political theory made its appearance on the intellectual scene in the 1980s and 90s, mostly since a reaction against the recognized customs in theory and put the categories

of Enlightenment like cause and science to which all customs in political theory were tied, to a scathing and searching criticism they brought in several characteristics which were conquered since the basis of truth through political theory under the scanner and set out to place down the new principles to understand and imagine the new social and political universe which few of them put since 'post—contemporary condition'.

It is true that the engagement of modern writers with political theory has been critical, but not equally transformative, imaginative or visionary. Although the 'New Social Movements' in modern times have been given moral and intellectual support through several of these theorists in the name of transforming society and overcoming the maladies of the new situation.

Though, it would be arbitrary to yoke the several theoretical trends visible today under one broad frame of analysis. For instance, discussing post—structuralism and post- modernism with communitarianism and multiculturalism jointly would amount to intellectual atrocity against them and their concerns and commitments. Because their history, their normative concern since well since the theoretical apparatuses and empirical referents have an important dissimilarity and diversion. But still one can place out the theoretical terrain on which their engagement with political theory takes lay. The broad thrusts which bring several of the modern theorists and theories jointly could be put under the following.

Opposition to Universalism

Political theorization in modern times has gone for subjecting the universal claims of political theory of yesteryears, irrespective of the custom to which they belonged, to critical scrutiny. Liberal universalism has emerged to them since devoid of a social and temporal context and in their opinion, the hidden 'particularism' mostly based on the experience of western society has masqueraded since universal values and norms. They argue that the appeal to universal principles is tantamount to standardization; hence, violative of justice which may be inherent in a scrupulous society or shape of life and which may embody its own values and normative principle. The communitarian theory and the multicultural theory in recent times have highlighted it quite forcefully and described this therefore described universalist theories since 'exclusivist' at the center, which has always presented one vision of 'good' since the only vision of mankind.

Interestingly, political theory of this diversity has not discarded the normative world view, but the objection they have raised is that political theory, earlier, couched its value judgment in 'essentialist' words and discriminated against comparative values. Therefore, they sacrificed the truth in social and political life. So, these theories seek to deconstruct the normative category of political theory like justice, freedom and democracy and desist from prioritizing judgment on them or privileging one in excess of the other.

Critique of Grand Narratives

The grand narratives of both the liberal and the Marxist diversity have approach under fire on the premise that there is an overarching or transcendental 'basis' of reality and truth. Few of the modern theories have been declared 'anti-foundational', because of the continuous contestation of all well carried foundations in political theory, viz., state, sovereignty and authority. In all fairness to them, they do not reject all foundations, but only transcendental ones.

The post–modernists are in the forefront in attacking the grand narratives and argue that there is nothing like objective pre-given reality or an objective social good which can support such grand narratives and their designs. Their opinion is that this is nothing but 'objectivist illusion'. Here, they seem at the discursively constituted reality which opens it for subjective interpretation. Since suggested, do well to keep in mind that the post-structuralist and the post–modernist break from the 'structural' argument once therefore popular in political theory and reject their notion of building which was synchronic, universal and timeless and hence, was a historical. In its lay, they deploy a new concept of building described 'Communication' which is diachronic, historical and comparative in nature.

Post—positivism

It is reminiscent of the earlier engagement with value neutrality in social science once championed through the behavioralists in

political theory. The modern theories call value free enterprises since useless and consider that political theory is an inherently normative and politically occupied project, which is supposed to offer prescription and a vision for the future.

Empirical and Relative

The post-positivist thrust in the middle of modern theorists do not stop them from advocating require for empirical and relative approaches before any generalization effort is made. Multiculturalism is one such instance, which is sensitive to the context. In fact, this type of empirical—relative methodology would be a check on the broad generalization crossways cultures and continents.

Inspite of the new insights which approach from modern political theory, they suffer from several weaknesses. Unlike classical political theory, there is not much relative– empirical inquiry since yet and the tendency in the middle of theorists to borrow from the other theorists is galore. The normative enterprise can be useful only when it is tied to reality. So, the real challenge lies in grounding normative theory to empirical reality of society and politics. This is the only method a valid political theory with presently generalizations can emerge, which would also overcome the limitation of the post–modernist perspective and its weaknesses of relativity and diffusion which are not always congenial for political projects. This may fructify what Sheldon Wolin calls 'epic theory'.