

Historical and Structural Contexts of the Policy Process

Week 3-1

POSC 315: Introduction to Public Policy

Institutions

Rules (i.e., agreements, laws, regulations, norms, etc.) structure individuals and organizations' interactions and transactions.

Institutions are the organizations that enforce the rules.

Institution Examples

Rules	Institutions
Constitution	Supreme Court
Laws	Congress
Regulations	Executive Branch
Norms	Civil Society

Institutions

- Family
- Religion
- Schools
- Media
- Corporations
- Hospitals
- Capitalism
- Democracy
- Marriage
- Voting
- etc.

The Constitution and Policymaking

- It's a *living* document.
- It's purposefully **vague**:
 - Open to interpretation
 - Allows the government to grow and respond to needs
- It lasts because of its *elasticity*.

The Constitution and Separation of Powers

- **Separation of Powers**: The division of government responsibilities into distinct branches to limit any one branch from exercising the core functions of another
- **Checks and Balances**: The ability of each branch of government to exercise checks, or controls, over the other branches

Branches of Government

Branch	Responsibilities
Legislative Branch: Congress	<ul style="list-style-type: none"> • Makes laws • Controls federal budget
Executive Branch: President	<ul style="list-style-type: none"> • Declares war • Enforces laws • Commander-in-Chief of the military
Judicial Branch: Supreme Court	<ul style="list-style-type: none"> • Conducts foreign policy • Interprets laws • Reviews lower court decisions • Ensures laws are constitutional

The Constitution and Policymaking

Policy Making Powers

Policy Making Powers

Article 1, Section 8: Enumerated Powers

- Taxation
- Borrowing
- Commerce
- Currency
- Bankruptcy
- Defense
- Naturalization
- Weights and Measures
- Intellectual Property

- **Necessary and Proper Clause**
- **Commerce Clause**

Policy Making Powers

Amendment 14: Guiding Principle for Policy Making

- Equal Protection Clause
- Due Process Clause
- Privileges and Immunities Clause
- Citizenship Clause

Policy Making Powers

Amendment 10: Reserved Powers

- Structure of the Federal System
- States' Rights
- Police Powers
- Concurrent Powers
- Supremacy Clause

Policy Restraint

The system is slow to change because of the institutional structure.

- **Federalism**
- **Separation of Powers**
- **Checks and Balances**
- **Bicameralism**
- **Judicial Review**
- **Amendment Process**

Incrementalism

- Policy is made in small steps—incrementally.
 - this is the norm for non-controversial issues and non-crisis situations
- Adjustments at the margins of existing policies
 - Minor changes to existing policies
 - Extending existing policies to new groups
 - Modifying existing policies to new circumstances

Federalism

- **Federalism:** The division of power between a central government and regional governments
 - *The distribution of power and authority on a geographical basis.*

Federalism

- A system of checks and balances between the national and state governments
- The founders believed that federalism would protect liberty
- Factions: groups of citizens who have a common interest in some proposal that would either violate the rights of other citizens or would harm the nation as a whole

To the founders, federalism

- prevents any one faction from dominating the government
- allows states to experiment with different policies
- keeps government closer to the people
- increases political participation
- produces more effective government
- provides more access points to government
- increases policy innovation

Eras of Federalism (from the Book)

- **Divided Power** (1789-1865)
- **State Activism** (1865-1933)
- **National Activism** (1933-1961)
- **National Standards** (1961-1981)
- **Devolution** (1981-Present)

Eras of Federalism (from the Literature)

- **Dual Federalism** (1789-1932)
- **Cooperative Federalism** (1933-1960s)
- **Creative Federalism** (1960s-1990s)
- **New Federalism** (1990s-2010s)
- **Fragmented Federalism** (2010s-present)

Layer Cake Federalism

Figure 1: Layer Cake Federalism

Marble Cake Federalism

Figure 2: Marble Cake Federalism

Dual Federalism

- Layer Cake Federalism
- Clear division of authority
- National government is supreme in its sphere
- Little overlap between the two spheres
- National government is limited to enumerated powers
- Overall: State-centered federalism

Cooperative Federalism

- Marble Cake Federalism
- National and state governments share powers
- Federal powers expand to deal with aftermath of the Great Depression
- Cooperation between national and state governments
- Overall: National-centered federalism

Creative Federalism

- Picket Fence Federalism
- Great Society programs
- National government sets policy goals
- States implement policy
- Creative use of grants-in-aid
- Overall: National-centered federalism

New Federalism

- Pineapple Upside-Down Cake Federalism
- Competitive Federalism
- Devolution Revolution
- National government returns power to the states
- Block grants
- Overall: State-centered federalism

Fragmented Federalism

- Cupcake Federalism
- Federalism is a mess
- Federal government is pursuing state-specific policies
- States are pursuing policies with little federal direction
- Federalism is fractured: dimensions of all previous models
- Overall: ???-centered federalism

Picket Fence Federalism

Figure 3: Picket Fence Federalism

Pineapple Upside-Down Cake Federalism

Figure 4: Pineapple Upside-Down Cake Federalism

Questions

Have a great day!