

HISTORICAL AND STRUCTURAL CONTEXTS OF THE POLICY PROCESS

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

- Legislative Branch: Congress
- Executive Branch: President
- Judicial Branch: Supreme Court

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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)

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DUAL FEDERALISM

- Layer Cake Federalism
- Clear division of authority
- National government is supreme in its sphere
- States are supreme in their 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**

QUESTIONS

The background features a stylized, abstract design composed of several overlapping, wavy bands in various shades of purple and blue. The bands curve and flow across the frame, creating a sense of motion and depth.

HAVE A GREAT
DAY!