

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

## 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!**