



Yup, that is me.

You are probably wondering how I ended up in this situation...

University of Toronto Department of Political Science

Fall 2023 POL 347H1F

U.S. Government and Politics: Constitutional Structure and Development

Professor Ryan Hurl

Meeting Code: LEC 0101 Lecture Times: Wednesday, 9am-11am

**Location: Claude T. Bissell Building (140 St. George Street) room
BL 205**

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Office Hours: Wednesday, 11am to 12 noon or by appointment

Course Description

In this course we will examine American political institutions, understood as the rules which shape the pursuit of power (political agency), the distribution of power (political authority) and the exercise of power (the political process.) The guiding question of the course is whether and how Constitutional rules matter. Our tentative answer, always subject to revision, is that constitutional rules, including the quasi-constitutional rules that shape political parties and bureaucratic administration, shape the practice of politics in often predictable ways.

Constitutional rules also matter in that the meaning of those rules are often subjects of political contestation, and the politics of the contemporary era cannot be understood without understanding the depth of constitutional disagreement in the USA.

As we will see, our study of American institutions will reveal that the USA currently has two distinct (though partially overlapping) “constitutions,” neither of which is entirely accepted by all citizens. In a way, Americans are currently testing Abraham Lincoln’s proposition that “a house divided against itself cannot stand,” as Americans are now divided between those who believe in the original constitution—the constitution that was adopted in 1787, though later subject to crucial formal amendments—and those who believe in the “real” constitution, the constitution that, while never formally adopted, has nevertheless been the basis of American political practice for more than a

century.

The course will begin by considering the basic principles and compromises that shaped the creation of the Constitution, paying particular attention to the key theoretical defenses of the Constitution found in what we now refer to as The Federalist Papers. We will then proceed through a series of case studies to consider how the constitutional order has changed over time, with a particular focus on the role played by the American President. The rise of Presidential government is in some ways the central puzzle of American politics, and considering the puzzle of Presidential power will help us to better understand the problems of the present day: political polarization, disputes over identity and belonging, economic inequality, and so forth.

The question of race and racial discrimination is obviously central to the American political experience. To what extent, and in what ways, did the American constitutional order shape and protect an illiberal and anti-democratic racial caste system? How was it that the tyranny of the majority was overcome? How did the politics of federalism and the politics of rights shape the politics of race? To examine these questions, as well as the question of how the constitutional order creates obstacles to and opportunities for political change, we will consider various ways in which the American political system has attempted to confront racism and promote desegregation over the past 60 years. Unavoidably, we will raise the question of whether this massive government effort to overcome the legacy of racism has failed.

Having considered the connection between the Constitution and politics of mid-20th century segregation, we will proceed to consider the inter-relationship between constitutional structure and public policy in a “fragmented democracy.” Here, our main question is whether the various “checks and balances” that were meant to limit the power of majorities have, perhaps unintentionally, enabled government to be dominated by those with most resources and the most effective lobbying efforts.

The legislative-process described and mandated by the Constitution no longer provides an exhaustive account of how policy is created in the USA. For at least sixty years, and arguably much longer, a new policy-making process has co-existed with the older constitutional order, a process dominated by courts, bureaucratic agencies, interest groups, and unilateral Presidential authority. We will consider how this new order functions, why it emerged, and whether it is in tension with representative government and the rule of law.

Course Requirements

Additional details about the content of the assignments will be provided on Quercus

Late assignments will receive a penalty of 1% for every day they are late, up to two letter grades.

Please do not commit plagiarism when completing your assignment.

You are responsible for knowing what plagiarism is, though of course you can consult with Professor Hurl if you have any doubts.

Note: a “page”= one side, double-spaced, 12 point font

Final Exam: 40% *This exam will take place during the exam period in December, and will consist of short answer and essay questions*

Adversarial Collaboration Proposal: 2% Approximately one page DUE SEPTEMBER 20th (More information on the project will be presented in class and on-line)

Research Plan and annotated bibliography: 8% 2-4 pages DUE OCTOBER 18th

Rough Draft: Approximately 10 pages 10% DUE NOVEMBER 15th

Final Draft and Response 30% Approximately 10-12 pages DUE DECEMBER 6th

Class Participation: 5%

Students are expected to attend lectures, complete all readings and assignments, and discuss the material covered by the class in an intelligent and respectful manner.

Your class participation grade will also be assessed based upon your performance as part of the collaborative research project—you should respond to your collaborator(s) in a timely and polite manner (on the Quercus discussion board), and you should make a genuine effort to engage in a productive collaboration.

What can I do to succeed in this course?

Attend the lectures and be an active participant

You should use the lecture to ask questions—about the lecture itself, about the readings, about the assignments, about anything you can think of.

I strongly advise that you take notes using paper/pen/pencil—recent studies suggest that this improves your ability to retain information. But it is fine to use laptops if that is what you prefer.

While I do not ban laptops, I ask as a courtesy that you refrain from watching videos, texting your friends, playing video games, gambling etc. during class.

Begin working on the Research Project Assignment as soon as possible. In addition, you should plan to make use of your college's writing centre prior to submitting the paper.

- **Make use of Office Hours.** If there are issues in the readings that you do not understand, then you should make every effort to discuss them with me during my office hours. We can also do meetings over “Zoom” during office hours... if you didn't get enough of that during the plague years.
- **Send me emails.** I am happy to answer your questions over email.
- **Do Some Additional Reading.** If you are entirely unfamiliar with American politics and American political history, it would probably be a good idea to do some additional reading. The following books are both short and informative, and are available on-line.

Donald Critchlow, *American Political History: A New Introduction*. Oxford: University of Oxford Press, 2015 (available on-line through the U of T library)

Morton Keller, *America's Three Regimes*. Oxford: Oxford University Press, 2007. (available on- line through the U of T library)

Richard M. Valelly, *American Politics: A Very Short Introduction*. Oxford: University of Oxford Press, 2013. (Available on Amazon for less than \$10)

Lecture slides will be posted on Quercus prior to each lecture. The slides are in NO WAY a substitute for attending the lectures—in fact, they will only contain an outline of the lecture, along with occasional graphs, charts, images, etc.

Main Texts

Richard Ellis *The Development of the American Presidency*. New York : Routledge, 2022

Alexander Hamilton, John Jay, and James Madison (Publius.) *The Federalist Papers*. This book can be accessed on-line at...

http://oll.libertyfund.org/?option=com_staticxt&staticfile=show.php%3Ftitle=788&chapter=108558&layout=html&Itemid=27

R. Shep Melnick, *The Crucible of Desegregation: The Uncertain Search for Educational Equality*. Chicago: University of Chicago Press, 2023

Jamila Michener, *Fragmented Democracy: Medicaid, Federalism, and Unequal Democracy*. Cambridge: Cambridge University Press, 2018

Links to other texts will be posted on Quercus.

Lectures and Readings

Week One, September 13th, Constitutionalism and American Politics

The Declaration of Independence

The Constitution of the United States

Federalist Papers #1-9

Week Two, September 20th The Constitution of 1787 and The Problem of Faction

Federalist Papers #10, 47-51

Essay Proposal Due (by midnight! Submit through Quercus!)

Week Three, September 27th The Presidency in Theory and Practice

Ellis, Part One, Chapter One “Envisioning the Presidency,” Chapter Two “Selecting the President,” Chapter 3 “The Public Presidency.”

Week Four October 4th The Constitutional Order and the Rise of the Modern State, Part One

Ellis, Part Two, Chapter 4, “The Legislative Presidency,” Chapter 6 “The Unilateral Presidency.”

Week Five, October 11th The Constitutional Order and the Rise of the Modern State, Part Two

Ellis, Part Three, Chapter 7 “Organizing the Presidency.” Chapter 8 “The Removal Power, Party Patronage, and the Unilateral Executive.”

Week Six, October 18th, The Presidency and the Law

Ellis, Part Four, Chapter 9 “The President and the Judiciary.” Chapter 10 “Law and Executive Power.”

Outline/Bibliography Due (by midnight! Submit through Quercus!)

Week 7, October 25th Presidential Government and the Censorship-Industrial Complex (readings TBA)

Week Eight November 1st Race, Desegregation, and the Modern American State, Part One

Melnick, Chapters 1-5

(November 8th Reading Week.)

Week Nine November 15th Race, Desegregation, and the Modern American State, Part Two

Melnick, Chapters 6-10

Rough Draft Due By Midnight November 15th! Submit Through Quercus!

Week 10 November 22nd Public Policy in a Fragmented Democracy: The American welfare state in practice, Part One

Michener, Chapters 1-4

Week 11 November 29th Constitutional Government and the Administrative State

Michener, Chapters 5-8

Week 12, December 6th Conclusions: The Two Constitutions and the Future of American Politics

Ellis, Part V, Chapter 11 “Evaluating Presidents.”

Final Draft Due by Midnight! Submit through Quercus!