

University of Toronto
Department of Political Science
Fall 2022
POL 347H1F
U.S. Government and Politics: Constitutional Structure and Development
Professor Ryan Hurl
Meeting Code: LEC 0101
Lecture Times: Mondays, 12-2pm
Location: Claude T. Bissell Building (140 St. George Street) room BL 325

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Office Hours: Mondays, 2-3pm or by appointment

Course Description

Course Objectives

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. In a way, Americans are currently testing Abraham Lincoln's proposition that "a house divided against itself cannot stand."

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 shapes American politics. We will attempt to understand how the Constitution works in practice by considering a series of political crises in American history—from the 1790s, the 1850s, the 1890s, the 1930s, and the 1970s—in order to better understand the political problems of the present day: political polarization, disputes over identity and belonging, economic inequality, and the vast expansion of Presidential power.

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 over the past 60 years.

Having considered the connection between the Constitution and the state-level politics of mid-20th century segregation, we will proceed to consider the inter-relationship between national elections, the structure of political parties, and the law-making and budget making process. Here, our main question is whether the various "checks and balances" that were meant to limit, by design, the power of majorities have, perhaps unintentionally, enabled government to be dominated by those with most resources and the most effective lobbying efforts.

The law-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, 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

(specific details about the content of the assignments will be provided on Quercus)

Late assignments will receive a penalty of 1/3 of a letter grade 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*

Essay Proposal: 5% **Approximately one page DUE SEPTEMBER 19th**

Outline/bibliography: 5% **2-4 pages DUE OCTOBER 17th**

Rough Draft: Approximately 15 pages 10% DUE NOVEMBER 14th

Final Draft 30% **Approximately 15 pages DUE DECEMBER 8th**

Class Participation: 10%

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.

In addition, students should stay informed of current affairs in American politics-- the following website is a good one to follow: <http://www.realclearpolitics.com/>



Don't end up in my “basket of deplorables”:
understand what plagiarism is, and don't do it.

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 Essay 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 lecture—in fact, they will only contain an outline of the lecture, along with occasional graphs, charts, images, etc.

Texts

Derrick Bell, *Silent Covenants: Brown v. Board of Education and the Unfulfilled Hopes for Racial Reform*. Oxford: Oxford University Press, 2004. (Available for less than \$10 as an e-book on Amazon, also available through university library)

Benjamin Ginsberg, *Presidential Government*. New Haven and London: Yale University Press ,

2016. (G2 in readings)

Benjamin Ginsberg and Kathryn Wagner Hill, *Congress: The First Branch*. New Haven and London: Yale University Press, 2019. (G1 in readings)

Michael Greve, *The Constitution: Understanding America's Founding Document*. Washington: AEI Press, 2013 (available for purchase on Amazon as an e-book for \$1) (listed as Greve in the readings)

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 Transformation of Title IX: Regulating Gender Equality in Education*. Washington, D.C.: Brookings Institution Press, 2018 (listed as Melnick in the readings; available through university library)

Suzanne Mettler and Robert C. Lieberman, *Four Threats: The Recurring Crises of American Democracy*. St. Martin's Press: New York, 2020 (listed as Mettler in the readings)

Links to other texts will be posted on Quercus.

Lectures and Readings

Week One, September 12th Constitutionalism and American Politics in 2022

(no readings this week)

Week Two, September 19th The Constitution of 1787 and The Problem of Faction

Federalist Papers #10, 47-51

Greve, Chapters 1-5

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

Week Three September 26th Constitutional Principles and Constitutional Compromise

Greve, Chapters 6-11

Week Four October 3rd The First Century: Polarization, Political Disintegration, and Democratic Backsliding 1790s-1890s

Mettler, Introduction, Chapters 1- 4

(October 10th Thanksgiving)

Week Five October 17th The Rise of the Imperial Presidency

Mettler, chapters 5-9

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

Week Six October 24th Race and the American Constitutional Order

Bell, Introduction and chapters 1-8

Week 7 October 31st Race and the American Constitutional Order, Part 2: Judicial Power and Social Change

Bell, chapters 9-15, conclusion

(November 7th Reading Week)

Week Eight November 14th The Legislative Process: Congress, Presidents, and the Electoral Connection

G1, chapter 5 “The Rise of the New Order in Congress”

G2, chapter 6 “The President, Congress, and Domestic Policy.”

Rough Draft Due By Midnight! Submit Through Quercus!

Week Nine November 21st The Legislative Process, Part Two: The Budgetary Process

Center on Budget and Policy Priorities, “Policy Basics.”

Week 10 November 28th Policy Change in the Administrative State: Congressional Delegation, Executive Unilateralism, Bureaucratic Autonomy, Judicial Conflict

Melnick, Part One and Part Two

Week 11 December 5th Constitutional Government and the Administrative State

Melnick, Part Three and Part Four

Week 12. December 8th Conclusion: The Two Constitutions of the USA and the Future of American Politics

Final Draft Due by Midnight! Submit through Quercus!

