Core
7th Edition

American Government

POWER AND PURPOSE

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BENJAMIN GINSBERG

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W • W • NORTON & COMPANY  NEW YORK • LONDON

The text of this book is composed in Bodoni Book
with the display set in Bawdy.
Composition by TSI Graphics
Manufacturing by R. R. Donnelley & Sons
Book design by Sandra Watanabe
Production manager: Diane O'Connor
Manuscript editor: Jan Hoeper
Project editor: Christine Habernaas

Library of Congress Cataloging-in-Publication Data
Lowi, Theodore J.
American government : power and purpose.—7th core ed. / Theodore J. Lowi, Benjamin Ginsberg, and Kenneth A. Shepsle.
p. cm.
Includes bibliographical references and index.
ISBN 0-393-97824-9 (pbk.)
1. United States—Politics and government. I. Ginsberg, Benjamin. II. Shepsle, Kenneth A. III. Title.

JK276.L69 2002
320.473—dc21

2001055838

W. W. Norton & Company, Inc.
500 Fifth Avenue, New York, N.Y. 10110

www.wwnorton.com

W. W. Norton & Company Ltd.
Castle House, 75/76 Wells Street, London W1T 3QT

1 2 3 4 5 6 7 8 9 0

FOR OUR FAMILIES:

Angele, Anna, and Jason Lowi
Sandy, Cindy, and Alex Ginsberg
Rise, Nilsa, and Seth Shepsle

Preface

Someone once asked if it is difficult for scholars to "write down" to introductory students. No. It is difficult to "write up" to them. Introductory students, of whatever age or reading level, need more, require more, and expect more of a book. A good teaching book, like a good novel or play, is written on two levels. One is the level of the narrative, the story line, the characters in action. The second is the level of character development, of the argument of the book or play. We would not be the first to assert that theater is an aspect of politics, but our book may be unusual to the extent that we took that assertion as a guide. We have packed it full of narrative—with characters and with the facts about the complex situations in which they find themselves. We have at the same time been determined not to lose sight of the second level, yet we have tried to avoid making the second level so prominent as to define us as preachers rather than teachers.

Our collective one hundred-plus years of teaching has taught us not to underestimate students. Their raw intelligence is not satisfied until a second level provides a logic linking the disparate parts of what we were asserting was a single system of government. And these linkages had to be made in ordinary language. We hope we brought this to the book.

We hope also that we brought over from our teaching experience a full measure of sympathy for all who teach the introductory course, most particularly those who are obliged to teach the course from departmental necessity rather than voluntarily as a desired part of their career. And we hope our book will help them appreciate the course as we do—as an opportunity to make sense of a whole political system, one's own, and one of the largest, most durable, and most consequential ever. Much can be learned about the system from a re-examination of the innumerable familiar facts, under the still more challenging condition that the facts be somehow interesting, significant, and, above all, linked.

All Americans are to a great extent familiar with the politics and government of their own country. No fact is intrinsically difficult to grasp, and in such an open society, facts abound. In America, many facts are commonplace that are suppressed elsewhere. The ubiquity of political commonplaces is a problem, but it can be turned into a virtue. These very commonplaces give us a vocabulary that is widely shared, and such a vocabulary enables us to communicate effectively at the first level of the book, avoiding abstract concepts and professional language (jargon).

Reaching beyond the commonplaces to the second level also identifies what is to us the single most important task of the teacher of political science—to confront the million commonplaces and to choose from among them the small number of really significant concepts. Students give us proportion; we must in turn give the students priorities. Virtually everything we need to know about the institutions and processes of government and politics is readily at hand. But to choose a few commonplaces from the millions—there's the rub.

We have tried to provide a framework to help teachers make choices among commonplaces and to help students make some of the choices for themselves. This is good political science, and it is good citizenship, which means more than mere obedience and voting; it means participation through constructive criticism, being able to pierce through the periphery of the great information explosion to the core of lasting political reality.

For six editions, our framework was expressed in the subtitle: *Freedom and Power.* But politics and political science as a tool for understanding it is constantly changing and thus it is our responsibility as authors to keep current with both. In addition, our indispensable editor Steve Dunn thought we needed a good intellectual jolt and suggested a means for providing this jolt. For this seventh edition, we have adopted a new framework and subtitle: *Power and Purpose.* And we are pleased to add a coauthor with definite and well-known views about purposive behavior and its problems in politics—our good friend, distinguished colleague, and occasional adversary Kenneth Shepsle.

Having chosen a framework for the book there was also a need for a method. The method must be loyal to the framework; it must facilitate the effort to choose which facts are essential, and it must assist in evaluating those facts in ways that not only enlighten students but enable them to engage in analysis and evaluation for themselves. Although we are not bound exclusively to a single method in any scientific or philosophic sense, the method most consistently employed is one of history, or history as development: First, we present the state of affairs, describing the legislature, the party, the agency, or policy, with as many of the facts as are necessary to tell the story and to enable us to reach the broader question of freedom versus governmental power. Next, we ask how we have gotten to where we are. By what series of steps, and when by choice, and when by accident? To what extent was the history of Congress or of the parties or the presidency a fulfillment of constitutional principle, and when were the developments a series of dogged responses to economic necessity? History is our method because it helps choose which facts are significant. History also helps those who would like to try to explain why we are where we are. But more important even than explanation, history helps us evaluate consequences.

Consequently, for this new edition, we have added questions about the *purpose* for which our power is used. Government is inevitably a choice-making phenomenon; it is composed of the many institutions we have set out to describe, and the function and place of each of those is to make choices that somehow serve the larger political system and the larger society. Individuals in and around each institution—whether they are employed in it or seeking to influence it from the outside—are

making choices. Citizens should be familiar with the choices of governments and make individual judgments when exercising their rights to vote and freedom of speech and petition. America is a pragmatic nation, and pragmatism relies on practicality—knowing the facts and being businesslike about judgments. Pragmatism teaches us to restrain from judging people and institutions by some absolute standard and to try as hard as possible to judge people according to their own goals and their own purposes. Is there some reasonable, rational relation between what someone has chosen and the objective toward which that choice was aimed? We try also to be pragmatic about *collective choices:* How reasonable or rational is the relationship between the choices made by electorates or legislatures or agencies or candidates and the objectives they have defined as well as the objectives defined for them by the Constitution or by some rule of law or propriety?

Thus, as a national culture, Americans engage in a kind of "rational choice analysis" before making our personal choices and before judging the choices made by others, individually or collectively. However, in recent years, a rational choice approach to politics has become a much more explicit and systematic method. Drawing inspiration from economics, rational choice has taken its place as a self-conscious subfield of political science and has begun to make significant contributions to introductory as well as advanced professional approaches to politics and government. This has moved an informal, cultural preference for pragmatic judgment toward a more formal method for advancing analysis and assessment. As authors, we also want to move from a more informal pragmatism toward a more explicit employment of rational choice. We want to employ it to the extent that it strengthens pedagogy, and we want to employ it to the extent that it helps teachers of the course to prepare their students for enlightened and constructively critical citizenship.

Rational choice and history are highly complementary methods. Each brings a pragmatic posture toward politics and government, and both are respectful of institutions as ongoing realities that deserve respect precisely because of their longevity. Yet both methods hold institutions to a standard of proper conduct and constructive function in the here and now. The here and now of choice is called contract; drawing from economics, contract is the essence of rational choice. But in politics, rational choice as method must join history as method in recognition that contract itself must be understood in a historical context. And both methods must draw inspiration from the great eighteenth-century conservative Edmund Burke:

> Society is indeed a contract . . . but the state ought not to be considered as nothing better than a partnership agreement . . . to be taken out for a little temporary interest, and to be dissolved by the fancy of the parties. . . . It is a partnership . . . not only between those who are living, but between those who are living, those who are dead, and those who are to be born.[1]

[1]Edmund Burke, "Reflections on the Revolution in France in a Letter Intended to Have Been Sent to a Gentleman in Paris [1790]," www.knuten.liu.se/~bjoch509/works/burke/reflections/reflections <01January2002>.

In the matter of government, politics, and the maintenance of order with freedom, we are all conservatives and we are all liberals—conservative in our appreciation that rationality takes place in time and is validated by tradition, and liberal in our steadfast commitment to the right of all to make choices based on personal preference and to criticize all institutions and traditions that fall short of living up to the purposes our generation requires.

Evaluation makes political science all the more valuable but all the more difficult. In academia, a distinction is often made between hard science and soft science, with hard science being the only real science, involving laboratories, people in white coats, precision instruments, and hypotheses based on "hard data." Jared Diamond, a medical scientist uncomfortable with that characterization, has observed that this is a recent and narrow view, considering that science derives from the Latin, "to know," based upon the search for knowledge through careful observation. Diamond suggests, and we agree, that a better distinction is between hard science and easy science, with political science and the other social sciences and history fitting into the hard, or difficult, category and physical science fitting into the easy category. Most of the significant phenomena in the world cannot be put in a test tube and measured to several decimal points. The task of the social sciences is made even more difficult by our obligation to evaluate phenomena in terms of their purpose or function, while physicists, chemists, and others in the "easy" sciences "do not assign a purpose or function to a collision of two gas molecules, nor do they seek an ultimate cause for the collision."[2]

THE DESIGN OF THE BOOK

The objective we have taken upon ourselves in writing this book is thus to advance our understanding of power and purpose by exploring in the fullest possible detail the way Americans have tried to balance the two through careful crafting of the rules, through constructing balanced institutions, and by maintaining moderate forms of organized politics. The book is divided into three parts, reflecting the historical process by which Americans have used governmental power. Part 1, "Foundations," comprises the chapters concerned with the bases of political analysis and the writing of the rules of the "game." The founding of 1787–1789 put it all together, but that was actually a second effort after a first failure. The original contract, the Articles of Confederation, did not achieve an acceptable balance—too much freedom, and not enough power. The second founding, the Constitution ratified in 1789, was itself an imperfect effort to establish the rules, and within two years new terms were added—the first ten amendments, called the Bill of Rights. And for the next century and a half following their ratification in 1791, the courts played umpire and translator in the struggle to interpret those terms. Chapter 1

[2]Jared Diamond, *Guns, Germs, and Steel: The Fates of Human Societies* (New York: W.W. Norton, 1997), p. 422.

introduces our five analytical principles of politics. Chapter 2 concentrates on the founding itself. Chapters 3 and 4 chronicle the long struggle to establish what was meant by the three great principles of limited government, *federalism, separation of powers,* and *individual liberties and rights.*

Part 2, "Institutions," includes the chapters sometimes referred to as the "nuts and bolts." But none of these particles of government mean anything except in the larger context of the goals governments must meet and the limits, especially of procedure, that have been imposed upon them. Chapter 5 is an introduction to the fundamental problem of *representative government* as this has been institutionalized in Congress. Congress, with all its problems, is the most creative legislative body in the world. But how well does Congress provide a meeting ground between consent and governing? How are society's demands taken into account in debates on the floor of Congress and deliberations by its committees? What interests turn out to be most effectively "represented" in Congress? What is the modern Congress's constituency?

Chapter 6 explores the same questions for the presidency. Although Article II of the Constitution provides that the president should see that the laws made by Congress are "faithfully executed," the presidency was always part of our theory of representative government, and the modern presidency has increasingly become a law *maker* rather than merely a law implementer. What, then, does the strong presidency do to the conduct and the consequences of representative government? Chapter 7 treats the executive branch as an entity separate from the presidency, but ultimately it has to be brought back into the general process of representative government. That, indeed, is the overwhelming problem of what we call "bureaucracy in a democracy." After spelling out the organization and workings of "the bureaucracy" in detail, we then turn to an evaluation of the role of Congress and the president in imposing some political accountability on an executive branch composed of roughly five million civilian and military personnel.

Chapter 8 on the judiciary should not be lost in the shuffle. Referred to by Hamilton as "the least dangerous branch," the judiciary truly has become a co-equal branch, to such an extent that if Hamilton were alive today he would probably eat his words.

Part 3 we entitle simply "Politics" because politics encompasses all the efforts by any and all individuals and groups inside as well as outside the government to determine what government will do and on whose behalf it will be done. Our chapters take the order of our conception of how politics developed since the Age of Revolution and how politics works today: Chapter 9, "Public Opinion"; Chapter 10, "Elections"; Chapter 11, "Political Parties"; Chapter 12, "Groups and Interests"; and Chapter 13, "The Media."

ACKNOWLEDGMENTS

Our students at Cornell, Johns Hopkins, and Harvard have already been identified as an essential factor in the writing of this book. They have been our most immediate

intellectual community, a hospitable one indeed. Another part of our community, perhaps a large suburb, is the discipline of political science itself. Our debt to the scholarship of our colleagues is scientifically measurable, probably to several decimal points, in the footnotes of each chapter. Despite many complaints that the field is too scientific or not scientific enough, political science is alive and well in the United States. It is an aspect of democracy itself, and it has grown and changed in response to the developments in government and politics that we have chronicled in our book. If we did a "time line" on the history of political science, as we have done in each chapter of the book, it would show a close association with developments in "the American state." Sometimes the discipline has been out of phase and critical; at other times, it has been in phase and perhaps apologetic. But political science has never been at a loss for relevant literature, and without it, our job would have been impossible.

There have, of course, been individuals on whom we have relied in particular. Of all writers, living and dead, we find ourselves most in debt to the writing of two—James Madison and Alexis de Tocqueville. Many other great authors have shaped us as they have shaped all political scientists. But Madison and Tocqueville have stood for us not only as the bridge to all timeless political problems; they represent the ideal of political science itself—that political science must be steadfastly scientific in the search for what is, yet must keep alive a strong sense of what ought to be, recognizing that democracy is neither natural nor invariably good, and must be fiercely dedicated to constant critical analysis of all political institutions in order to contribute to the maintenance of a favorable balance between individual freedom and public power.

We are pleased to acknowledge our debt to the many colleagues who had a direct and active role in criticism and preparation of the manuscript. The first edition was read and reviewed by Gary Bryner, Brigham Young University; James F. Herndon, Virginia Polytechnic Institute and State University; James W. Riddlesperger, Jr., Texas Christian University; John Schwarz, University of Arizona; Toni-Michelle Travis, George Mason University; and Lois Vietri, University of Maryland. We also want to reiterate our thanks to the four colleagues who allowed us the privilege of testing a trial edition of our book by using it as the major text in their introductory American Government courses. Their reactions, and those of their students, played an important role in our first edition. We are grateful to Gary Bryner, Brigham Young University; Allan J. Cigler, University of Kansas; Burnet V. Davis, Albion College; and Erwin A. Jaffe, California State University-Stanislaus.

For subsequent editions, we relied heavily on the thoughtful manuscript reviews we received from David Canon, University of Wisconsin; Russell Hanson, Indiana University; William Keech, University of North Carolina; Donald Kettl, University of Wisconsin; Anne Khademian, University of Wisconsin; William McLauchlan, Purdue University; J. Roger Baker, Wittenburg University; James Lennertz, Lafayette College; Allan McBride, Grambling State University; Joseph Peek, Jr., Georgia State University; Grant Neeley, Texas Tech University; Mark Graber, University of Maryland; John Gilmour, College of William and Mary; Victoria Farrar-Myers, University of Texas at Arlington; Timothy Boylan, Winthrop

University; Robert Huckfeldt, Indiana University; Mark Joslyn, University of Kansas; Beth Leech, Texas A&M University; and Charles Noble, California State University, Long Beach. Other colleagues who offered helpful comments based upon their own experience with the text include Douglas Costain, University of Colorado; Robert Hoffert, Colorado State University; David Marcum, University of Wyoming; Mark Silverstein, Boston University; and Norman Thomas, University of Cincinnati.

For the seventh edition, we benefited from the thoughtful comments of Scott Adler, University of Colorado–Boulder; John Coleman, University of Wisconsin–Madison; Richard Conley, University of Florida; Keith Dougherty, Florida International University; John Ferejohn, Stanford University; Douglas Harris, University of Texas at Dallas; Brian Humes, University of Nebraska–Lincoln; Jeffrey Jenkins, Michigan State University; Paul Johnson, University of Kansas; Andrew Polsky, Hunter College–CUNY; Mark Richards, Grand Valley State University; Charles Shipan, University of Iowa; Craig Volden, Claremont McKenna; and Garry Young, University of Missouri–Columbia.

We are also extremely grateful to a number of colleagues who were kind enough to loan us their classrooms. During the past six years, we had the opportunity to lecture at a number of colleges and universities around the country and to benefit from discussing our book with those who know it best—colleagues and students who used it. We appreciate the gracious welcome we received at Austin Community College, Cal State–Fullerton, University of Central Oklahoma, Emory University, Gainesville College, Georgia Southern University, Georgia State University, Golden West College, Grambling State, University of Houston–University Park, University of Illinois–Chicago, University of Illinois–Urbana-Champaign, University of Maryland–College Park, University of Massachusetts–Amherst, Morgan State University, University of North Carolina–Chapel Hill, University of North Texas, University of Oklahoma, Oklahoma State University, Pasadena City College, University of Richmond, Sam Houston State, San Bernadino Valley College, Santa Barbara City College, Santa Monica College, University of Southern California, Temple University, University of Texas–Austin, Texas Tech University, Virginia Commonwealth University, and University of Wisconsin–Madison.

We owe a special debt to Greg Wawro of Columbia University, who served as an intellectual bridge between the sixth and seventh editions and helped us set our sights for future editions of the book. We also are grateful for the talents and hard work of several research assistants, whose contribution can never be adequately compensated: Mingus Mapps, Douglas Dow, John Forren, Michael Harvey, Doug Harris, Brenda Holzinger, Steve McGovern, Melody Butler, Nancy Johnson, Noah Silverman, Rebecca Fisher, David Lytell, Dennis Merryfield, Rachel Reiss, Nandini Sathe, Rob Speel, Jennifer Waterston, and Daniel Wirls. For the seventh edition, Israel Waismel-Manor devoted a great deal of time and energy and original ideas.

Jacqueline Discenza not only typed several drafts of the manuscript, but also helped to hold the project together. We thank her for her hard work and dedication.

Theodore Lowi would like to express his gratitude to the French-American Foundation and the Gannett Foundation, whose timely invitations helped him prepare for his part of this enterprise.

Perhaps above all, we wish to thank those who kept the production and all the loose ends of the book coherent and in focus. Steve Dunn has been an extremely talented editor, continuing to offer numerous suggestions for each new edition. Jan Hoeper has been a superb manuscript editor, following in the great tradition of her predecessors. Diane O'Connor has been an efficient production manager. Denise Shanks brought a vision to the Web site and spent countless hours making it a reality. For their work on previous editions of the book, we want to thank Kathy Talalay, Scott McCord, Margaret Farley, Traci Nagle, Margie Brassil, Stephanie Larson, Sarah Caldwell, Nancy Yanchus, Jean Yelovich, Sandra Smith, Sandy Lifland, Amy Cherry, Roby Harrington, and especially Ruth Dworkin.

We are more than happy, however, to absolve all these contributors from any flaws, errors, and misjudgments that will inevitably be discovered. We wish the book could be free of all production errors, grammatical errors, misspellings, misquotes, missed citations, etc. From that standpoint, a book ought to try to be perfect. But substantively we have not tried to write a flawless book; we have not tried to write a book to please everyone. We have again tried to write an effective book, a book that cannot be taken lightly. Our goal was not to make every reader a political scientist. Our goal was to restore politics as a subject matter of vigorous and enjoyable discourse, recapturing it from the bondage of the thirty-second sound bite and the thirty-page technical briefing. Every person can be knowledgeable because everything about politics is accessible. One does not have to be a television anchorperson to profit from political events. One does not have to be a philosopher to argue about the requisites of democracy, a lawyer to dispute constitutional interpretations, an economist to debate a public policy. We would be very proud if our book contributes in a small way to the restoration of the ancient art of political controversy.

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December 2001

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