

STEVEN KELMAN



BRIEF EDITION

AMERICAN
DEMOCRACY
AND THE
PUBLIC
GOOD



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STEVEN KELMAN

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For Jody and Rory,
with hope that this book may
contribute toward their growing
up in a better world.
And for putting up with their dad
through all the years it took.

“To serve the
public good against the
danger of faction, and at the
same time to preserve the spirit
and form of popular government,
is then the great object to
which our inquiries
are directed.”

—James Madison
1751–1836

PREFACE

One of the most striking political phenomena of the past thirty years has been the precipitous decline in public confidence in the institutions and people of government and politics. The growth of public cynicism has been documented in countless opinion polls. It is seen dramatically in the raw tone of much of the talk radio that mushroomed in popularity in the first part of the 1990s and of many of the political ads in the 1994 congressional elections.

For many of us as political scientists, the increased cynicism about government and politics is a disappointment. This is especially so because many of us entered into the study of government out of a fascination with the human drama of politics and public affairs, as well as out of a conviction that the public realm is an important one where people seek to accomplish positive results that cannot be accomplished in the private sphere.

I chose to write this book to expose students to a view of American government in which the widespread cynicism and actual achievements of government are more equitably weighed. Indeed, on occasion, I will offer a more hopeful view of government, without being Pollyannish or uncritical. Any reasonable observer of our government and politics will agree that part of the popular lack of confidence in government has to do with the actual shortcomings of the political process and of government in solving the problems we have assigned it. However, the evidence, I believe, does not justify the cynicism rampant in our culture. A journalist once said to me—dramatically, but, I believe, not inaccurately—“Everybody says Washington is out of touch with what it’s really like in America. And that may be true. But it’s equally true that America is out of touch with what it’s really like in Washington.”

I assume that most students entering an introductory college American government course, whether recent high school graduates or older returning students, will share the cynicism toward politics and government that so profoundly pervades our culture. However, I also firmly believe that a college course should challenge the prejudices and preconceptions of students. I vividly remember that the best courses I took in college—especially the best introductory ones—were those in which I ended the course thinking differently from when I began. It was in those courses, I felt, that I had really *learned* something. I very much hope that this book will challenge students’ preconceptions and help students learn something—and to always look back on your course with good memories.

Evaluating How Well Government Serves the Public Good

This book begins with the view that we should evaluate government against the standard of whether it promotes the public good; this is the book’s theme. Government should exist for people, not the other way around. I unabashedly use the phrase “the public good,” although at least some political scientists, perhaps too influenced by a positivist tradition, will blanch. In doing so, I am really using a phrase to describe a standard that most of us, whether instructors or students, implicitly use to evaluate government when we ask questions such as “Does government work?” or “Is government doing a good job?” or “Is government corrupt?”

What I am *not* doing when I use the phrase “the public good” is to suggest that I, or anyone else, knows for sure what specific public policies actually do serve the

public good. Do affirmative action efforts, or a large military budget, or a national health care system, or free trade serve the public good? These questions are matters for debate. In evaluating whether a particular public policy serves the public good, some analysts argue that we should focus on how well the interests of the majority are promoted, whereas others believe we should consider how well intense minority and group interests, individual rights, and considerations of fairness are met.

Despite the difficulty of such arguments, evaluating them is not an empty or even fruitless exercise. We should be able to agree that in determining whether a policy serves the public good, we must be able to justify it against the standard of what is good for society and not simply for those advocating the policy. The key question in evaluating our institutions, I believe, is whether they promote consideration of a wide range of concerns, of a majoritarian and pluralist nature. Addressing this question is so important in this book that a special section concluding each chapter is devoted to it. Generally, these sections conclude with the view that, although there are almost always grounds for criticism and concern, American government functions better in promoting the public good than the common cynicism allows. Seen from the perspective of a politics of interests, our institutions generally perform well in weighing both majoritarian and pluralist concerns. Seen from the perspective of a politics of ideas, there are enough public-spirited people involved in the process to ensure that many ideas are considered.

I believe this conclusion corresponds to the weight of political science evidence. It is also compatible with my own personal experience in two stints of government service, once as a (temporary) career civil servant and once as a political appointee. I often wish that students could, just for a week, observe first-hand the workings of government. I am confident they would observe much that would make them proud and little that would make them angry or cynical—mostly a government composed of hard-working women and men trying their best to serve the American people.

Matching Pedagogy to Theme and Student Needs

American Democracy and the Public Good seeks to match pedagogy to theme. Each chapter contains two boxed features introducing the student to a real person—often a young person—involved in the topic of the chapter. Thus, for instance, the chapter on constitutional change features a libertarian activist for term limits and other constitutional amendments; the chapter on political parties features the two college students who were delegates to the 1992 Republican and Democratic National Conventions; and the chapter on the federal courts features a Supreme Court clerk. (The policy chapters provide only a single box, discussing a political science professor who researches the policy area covered by the chapter.) The first of the boxes (“Meet . . .”) is an interview with the featured person, asking questions about his or her job; the other box (“A Day in the Life of . . .”) shows a typical day on the job. These boxes have been developed especially for this book, and they have several purposes. They show people in and around government earnestly promoting the public good, and they call forth the identity and personality of such people. These features, thus, counteract the prevailing stereotyped and cynical impressions held toward the “faceless them” in distant Washington. Finally, these boxes have the effect of making government and politics more immediate and real.

For the same reason, the body of the text is also loaded with anecdotes and stories about individuals, renowned and less-renowned, involved in politics and government—how the “I Have A Dream” portion of Martin Luther King’s speech at

the 1963 March on Washington came to be; why Abraham Lincoln refused to vote for himself when he ran for president in 1860; and how two college professors publicly bet each other about whether overuse of the earth's natural resources presaged environmental catastrophe (and who won the bet).

Similarly, this book applies other examples that emphasize the student's personal connection to politics and government. There is an extensive discussion of speech codes on campus, showing students that their specific freedoms are an important public policy issue (Chapter 4). Also, because many students feel a special connection in struggles to achieve fair treatment based on gender, race, and ethnicity, these issues permeate many chapters of the book. There are also sustained discussions of civil rights and feminism in the organized groups chapter (Chapter 7) and of race, ethnicity, and immigration in the diversity chapter (Chapter 16). To encourage students to evaluate (and even consider!) careers in public life, there are discussions about what it is like to work in a government agency (Chapter 14) or as a congressional staffer (Chapter 11) (and how to seek a job in a federal agency or congressional office), about how to get started in elective politics (and what it is like being a politician) (Chapter 13), and about the special challenges—and opportunities—of running for office as a woman (Chapter 13).

American Democracy and the Public Good also adopts a unique approach in the policy chapter (Chapter 16) that is tied to the book's theme. That is, the policy chapter introduces students to the *substance* of policies and to *debates* on whether various policies do or do not promote the public good. This chapter on diversity policy presents an overview of policies over time; of the debates surrounding affirmative action, immigration, and multiculturalism; and of their relation to the public good.

Other types of pedagogy serve as learning aids for the student. Each chapter opens with a chronology pertaining to the chapter's topic; in some ways, the chronology serves as a chapter overview by identifying important persons, legislation, court cases, and transforming events. Focus questions appear in the margins throughout each chapter. These are placed in strategic locations and pose important questions to the students, thus serving as guides to learning; brief answers to these questions appear at the end of each chapter. Also appearing in the margins throughout each chapter are key terms with definitions; these, too, reinforce learning. Last, each chapter has early sections on the historical development and on basic features of the chapter's topic; these show, respectively, how we got to where we are and the defining fundamentals of our system of government.

The Organization of This Book

This book generally follows a format that will be familiar to instructors in introductory American courses. Part I focuses on how the constitutional framework establishes rules for how we make political decisions; Part II focuses on people outside government trying to influence what goes on inside; Part III focuses on the institutions and people inside government with the power to make and implement decisions; Part IV focuses on the substance of public policy issues; and Part V is a chapter on state and local government.

A few features on the organization of the book that should be noted are: (1) an appendix to the chapter on organized groups (Chapter 7) that presents the history and current status of a number of important organized groups—organizations of business, labor, environmentalists, blacks, women, and Christian conservatives; (2) a separate chapter on campaigning for office (Chapter 9); (3) a chapter on

“being a politician,” that describes the job of an elected official (Chapter 13); and (4) a chapter on diversity and immigration policy (Chapter 16).

One feature of the book’s organization to which I wish to call attention is the location of the book’s treatment of civil liberties and civil rights issues. Many, though not all, American government textbooks place these issues together in one, or two, chapters at the beginning of the textbook, after the discussion of the Constitution. It has never made substantive sense to me to place discussions of freedom of political speech and the press, of civil rights, and of the rights of criminal defendants together, and then to place all in the constitutional section at the beginning of an introductory textbook. The reason many textbooks have traditionally done this is obvious, at least to political scientists (if not to students). These materials do share one common element; they all involve constitutional issues. But they also display crucial differences. Questions of freedom of political speech, press, and assembly all involve the rules of the political game, the basic framework that we use in our system for making political decisions. Civil liberties and civil rights involve something different. They involve the *substance* of public policy decisions and not the rules and frameworks for how we make political decisions.

Given this fundamental difference, I have chosen to place First Amendment political freedoms, civil rights, and civil liberties in different places throughout the textbook. Part I presents the Constitution (Chapter 2) as a document that established the basic rules of the game for how we make political decisions; constitutional change and interpretation is also presented (Chapter 3) to show how our basic constitutional framework has evolved since 1787; and First Amendment political freedoms are discussed from the vantage of an evolving constitutional context (Chapter 4). The best way for students to understand civil rights law and constitutional interpretation is through a broader discussion of race and ethnicity as crucial public policy issues (Chapter 16). Other civil liberties questions such as the Establishment Clause and the rights of criminal defendants appear in the context of Supreme Court constitutional interpretation and its effects on these areas of public policy (Chapter 15). I believe this organization provides a clearer framework for students. It also infuses discussions of constitutional issues throughout the book and thus encourages a constant reminder of the importance of these issues.

Ancillaries

This textbook is also accompanied by a full complement of ancillaries to help instructors provide richer lectures and to help students master the course.

Instructors’ Manual. Written by Sara Grove at Shippensburg University. Provides chapter overviews, learning objectives, outlines, key terms, lecture suggestions, classroom activities, Internet activities, and additional readings. Free to adopters.

Study Guide. Written by Brian Fife of Ball State University. Provides chapter summary; outline; exercises on key terms, key concepts, key events, key people; focus questions; practice exam; critical thinking exercises; and answers to practice exam.

Test Bank (printed) and ExaMaster software (IBM, Windows, Mac). Written by William Kelly of Auburn University. Provides 2,200 questions in multiple-choice, true-false, and essay formats. ExaMaster allows the instructor to add and delete questions, select questions according to several criteria, link related questions, block questions from random selection, and create and print up to 99 versions of the same test and answer sheet. It also includes on-line testing, grading, and scoring features. Free to adopters.

Source Readings for American Government. Edited by Lynn Nelson of the University of Kansas and William Young of Kansas City, Kansas Community College. Provides 80 readings with introductions, arranged in the following sections: American cultural and political values, constitutional and federal frameworks, civil liberties and civil rights, political participation, institutions, and policies.

Color Transparencies (with Instructor's Guide). Includes 50 four-color transparencies from the book. Free to adopters.

Exam Record. A grade-book program that calculates grades, converts letter grades to numeric, prints grades for posting, and determines distributions and curves. Free to adopters.

Inside Your Government Videodisc. Provides two 60-minute videodiscs containing 11 chapters dispersed among sections on the Presidency, Congress, Supreme Court, Media, and Government Agencies. Each chapter contains a well-developed case study; key concepts; moving graphics; resource file of additional cartoons, photos, graphs, and articles. Available with Lecture Active presentational software that allows the instructor to customize the sequencing of video, still images, and lecture notes for multimedia presentations. Also includes an *Instructor's Bar Code Manual* written by Fontaine Moore of George Mason University. Free to adopters, subject to Harcourt Brace policy.

Film Library. Videos offered through the prestigious Films For the Humanities. Videos cover a range of topics of current political interest, ranging from constitutional to policy issues. Free to adopters, subject to Harcourt Brace policy.

Annenberg Video Cassette Series. The series *The Constitution: That Delicate Balance*. Free to adopters, subject to Harcourt Brace policy.

American Government Software Simulations (IBM and Mac). Provides simulations on the Constitution, political participation, campaigning, the presidency, and public policy. Free to adopters.

The Quarterly Report. A quarterly video news magazine drawn from segments of "The MacNeil/Lehrer News Hour." These videotapes feature current issues in American politics. Free to adopters, subject to Harcourt Brace policy.

The New Republic. Available through Harcourt Brace at a discount subscription.

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