

POLS 4190: Federalism and Its Critics Fall 2015

The course syllabus is a general plan for the course; deviations announced to the class by the instructor may be necessary.

Instructor Contact

Instructor	Dr. Trevor Latimer
Office	Baldwin 103A
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Course Information

Course Title	Special Topics in Political Theory/Methods
Course ID #	POLS 4190
Credit Hours	3.0
Semester/Year	Fall 2015
Location	MWF / 2:30-3:20 / Correll Hall 221

Course Description

Selected writers, themes, or methodologies in political theory.

Special Topic: Federalism and Its Critics

At which level of government—national, state, local—should political authority be located? Do the states matter? Should the states have more power, or should they be abolished? A historical and philosophical approach to federalism in the United States. Topics include: Federalism vs. Anti-Federalism; states' rights; localism; slavery; segregation; multinational federation; fiscal federalism; Obamacare.

Prerequisite

POLS 1101

Course Requirements

Thesis Statement Identification: Throughout the course of the semester, select ten book chapters or articles. For each book chapter or article selected, write 1-2 sentences summarizing the main thesis. What is the author's main point? What did the author want you to

learn? Thesis summaries are due Friday 5pm of the week in which the article or chapter is assigned. Graded on completion.

Critical Essays: Three critical essays. 1500 words each. Topics to be announced. Essays due at the beginning of class: September 25, October 28, December 8.

Final Exam: Short answer questions. Some exam questions will be provided periodically in lecture. Monday, December 14, 3:30 - 6:30pm.

Missed Assignments/Make-Ups/Extra Credit

Late papers will be penalized at 10 points per day unless other arrangements have been made.

Readings & Schedule

Approximately 30 pages per lecture. Most reading assignments contain a link. Please let me know if the link does not work. Assignments without links will be posted online.

Part I: Introduction

Week 1. Current Events

1. *United States v. Windsor*, 570 U.S. ___ (2013). Syllabus; majority opinion: pp. 1-3, 13-26; Robert's dissent: pp. 1-4; Scalia's dissent: pp. 15-26. http://www.supremecourt.gov/opinions/12pdf/12-307_6j37.pdf (35 pages)
2. *National Federation of Independent Business v. Sebelius*, 567 U.S. ___ (2012). pp. 1-6, 45-58. <http://www.supremecourt.gov/opinions/11pdf/11-393c3a2.pdf> (21 pages)

Week 2-3. Concepts

1. John Kincaid. "Editor's Introduction: Federalism as a Mode of Governance." In *Federalism*. Edited by John Kincaid. 2-17. Thousand Oaks, CA: SAGE, 2010. (16 pages)
2. Dimitrios Karmis and Wayne Norman. "The Revival of Federalism in Normative Political Theory." In *Theories of Federalism: A Reader*. Edited by Dimitrios Karmis and Wayne Norman. 3-21. New York: Palgrave Macmillan, 2005. (15 pages)
3. Rufus Davis. "The 'Federal Principle' Reconsidered." *Australian Journal of Politics & History* 1, no. 2 (1956): 223-244. (22 pages)
4. Andreas Flesdal. "Federalism." In *The Stanford Encyclopedia of Philosophy*. Spring 2014 ed. Edited by Edward N. Zalta. (16 pages) <http://plato.stanford.edu/archives/spr2014/entries/federalism/>
5. Dan Philpott. "Sovereignty." In *The Stanford Encyclopedia of Philosophy*. Summer 2014 ed. Edited by Edward N. Zalta. (11 pages) <http://plato.stanford.edu/archives/sum2014/entries/sovereignty/>

Part II: History

Week 4. 17th Century

1. Daniel J. Elazar. "The Political Theory of Covenant: Biblical Origins and Modern Developments." *Publius* 10, no. 4 (1980): 3-30. (28 pages) <http://www.jstor.org/stable/3329741>
2. Patrick Riley. "Three 17th Century German Theorists of Federalism: Althusius, Hugo and Leibniz." *Publius* 6, no. 3 (1976): 7-41. (34 pages) <http://www.jstor.org/stable/3329523>
3. Johannes Althusius. *Politica*. Edited by Frederick S. Carney. Indianapolis: Liberty Fund, 1995. pp. 17-25 (9 pages) http://lf-oll.s3.amazonaws.com/titles/692/0002_Bk_Sm.pdf
4. Samuel Pufendorf. *Of the Law of Nature and Nations. Eight Books*. The fourth edition, carefully corrected. ed. London: J. Walthoe, R. Wilkin, J. and J. Bonwicke, S. Birt, T. Ward, and T. Osborne, 1729. Book VII, ch. 5, sec. 2-3, 13-22. <https://archive.org/download/oflawofnaturenat00pufe/oflawofnaturenat00pufe.pdf> (16 pages)

Week 5. 18th Century

1. Montesquieu, *The Spirit of the Laws*, book IX, ch. 1-3, pp. 165-168 (4 pages) http://lf-oll.s3.amazonaws.com/titles/837/0171-01_Bk_Sm.pdf
2. Jean-Jacques Rousseau. *A Lasting Peace through the Federation of Europe and the State of War*. Translated by C.E. Vaughan. London: Constable and Company Limited, 1917. Pp. 36-112 (76 pages) http://lf-oll.s3.amazonaws.com/titles/1010/0147_Bk.pdf
3. Immanuel Kant, *Perpetual Peace: A Philosophical Essay*. Translated by M. Campbell Smith (London: George Allen and Unwin, 1917). pp. 117-137, 151-157, 172-183 (40 pages) http://lf-oll.s3.amazonaws.com/titles/357/0075_Bk.pdf

Week 6. 19th Century

1. Pierre-Joseph Proudhon. *The Principle of Federation*. Edited by Richard Vernon. Toronto: University of Toronto Press, 1979. §1, 6-9, 11 (21 pages) <http://www.ditext.com/proudhon/federation/federation.html>
2. John Stuart Mill. *Considerations on Representative Government*. In *Collected Works of John Stuart Mill*. Edited by J.M. Robson. Toronto: University of Toronto Press, 1977. Volume 19, chapter 17, pp. 553-561 (9 pages) http://lf-oll.s3.amazonaws.com/titles/234/0223.19_Bk_Sm.pdf
3. Alexis de Tocqueville. *Democracy in America: Historical-Critical Edition of De la Démocratie en Amérique*. Edited by Eduardo Nolla and James T. Schleifer. 4 vols. Bilingual French-English ed. Indianapolis: Liberty Fund, 2010. pp. 236-276 (41 pages) http://lf-oll.s3.amazonaws.com/titles/2285/Tocqueville_1532.01_LFeBk.pdf

Week 7. Federalists

1. Jean Yarbrough. "Rethinking "the Federalist's View of Federalism"." *Publius* 15, no. 1 (1985): 31-53. (23 pages) <http://www.jstor.org/stable/3329944>
2. Max Farrand, ed. *The Records of the Federal Convention*. 4.vols. (New Haven: Yale University Press, 1937) vol. 1: pp. 164-73; vol. 2: pp. 27-28, 390-391; vol. 3: pp. 73 (13 pages) <http://memory.loc.gov/ammem/amlaw/lwfr.html>
3. Alexander Hamilton, James Madison, and John Jay. *The Federalist Papers*. Nos. 2 (3 pages), 9 (5 pages), 10 (7 pages), 14-17 (21 pages), 27 (5 pages), 32 (4 pages), 39 (8 pages), 45-46 (12 pages), 51 (5 pages), 55 (5 pages), 58 (6 pages) <http://thomas.loc.gov/home/histdox/fedpapers.html>

Week 8. Anti-Federalists

1. The Dissent of the Minority of the Pennsylvania Convention, December 18, 1787 (~20 pages) <http://www.constitution.org/afp/pennmi00.htm>
2. J. G. A. Pocock. "States, Republics, and Empires: The American Founding in Early Modern Perspective." *Social Science Quarterly* 68, no. 4 (1987): 703-723. <http://www.jstor.org/stable/42862316>
3. Brutus, Letter I, October 18, 1787 (~10 pages) <http://www.constitution.org/afp/brutus01.htm>
4. Agrippa, Letter IV-V, December 3, 1787 (~4 pages) <http://www.constitution.org/afp/agrippa.htm>
5. Federal Farmer, Letter XVII, January 23, 1788 (~9 pages) <http://www.constitution.org/afp/fedfar17.htm>
6. The Impartial Examiner I, March 5, 1788 (~6 pages) http://www.constitution.org/afp/impar_exam.htm
7. Patrick Henry, June 5, 1788, pp. 951-969 (~18 pages) http://www.constitution.org/rc/rat_va_04.htm
8. [James Madison.] "Virginia Resolutions." (~5 pages) <http://www.constitution.org/cons/virg1798.htm>

Week 9. Ante-Bellum Issues

1. John C. Calhoun. "The Fort Hill Address: On the Relations of the States and Federal Government." In *Union and Liberty: The Political Philosophy of John C. Calhoun*. Edited by Ross M. Lence. 367-400. Indianapolis: Liberty Fund, 1992. (34 pages) http://lf-oll.s3.amazonaws.com/titles/683/0007_Bk.Sm.pdf
2. George Kateb. "The Majority Principle: Calhoun and His Antecedents." *Political Science Quarterly* 84, no. 4 (1969): 583-605 (23 pages) <http://www.jstor.org/stable/2147126>

3. John Kincaid. "Extinguishing the Twin Relics of Barbaric Multiculturalism-Slavery and Polygamy: From American Federalism." *Publius* 33, no. 1 (2003): 75-92. (18 pages) <http://www.jstor.org/stable/3331178>
4. Lawrence M. Anderson. "The Institutional Basis of Secessionist Politics: Federalism and Secession in the United States." *Publius* 34, no. 2 (2004): 1-18. (19 pages) <http://www.jstor.org/stable/3331204>
5. Earl M. Maltz. "Slavery, Federalism, and the Structure of the Constitution." *The American Journal of Legal History* 36, no. 4 (1992): 466-498. (33 pages) <http://www.jstor.org/stable/845555>

Part III. Contemporary Federalism

Week 10. Riker & Ostrom

1. William H. Riker. *Federalism: Origin, Operation, Significance*. Boston: Little, Brown, and Company, 1964. p. 1-48
2. William H. Riker. "Six Books in Search of a Subject or Does Federalism Exist and Does It Matter?" *Comparative Politics* 2, no. 1 (1969): 135-146. (12 pages) <http://www.jstor.org/stable/421485>
3. Craig Volden. "Origin, Operation, and Significance: The Federalism of William H. Riker." *Publius* 34, no. 4 (2004): 89-107. (19 pages) <http://www.jstor.org/stable/20184927>
4. Vincent Ostrom. "Can Federalism Make a Difference?" *Publius* 3, no. 2 (1973): 197-237. (41 pages) <http://www.jstor.org/stable/3329443>

Week 11. National Minorities & Fiscal Federalism

1. Daniel J. Elazar. "Federalism vs. Decentralization: The Drift from Authenticity." *Publius* 6, no. 4 (1976): 9-19. (11 pages) <http://www.jstor.org/stable/3329814>
2. Jacob T. Levy. "Federalism, Liberalism, and the Separation of Loyalties." *The American Political Science Review* 101, no. 3 (2007): 459-477. (19 pages) <http://www.jstor.org/stable/27644460>
3. Alan Patten. "Democratic Secession from a Multinational State." In *Equal Recognition: The Moral Foundations of Minority Rights*. 232-268. Princeton: Princeton University Press, 2014. (37 pages).
4. Jonathan Rodden. "The Dilemma of Fiscal Federalism: Grants and Fiscal Performance around the World." *American Journal of Political Science* 46, no. 3 (2002): 670-687. <http://www.jstor.org/stable/3088407> (18 pages)
5. Wallace E. Oates. "An Essay on Fiscal Federalism." *Journal of Economic Literature* 37, no. 3 (1999): 1120-1149. (30 pages) <http://www.jstor.org/stable/2564874>

Week 12. Marijuana & Miscellaneous

1. J. Mitchell Pickerill, and Paul Chen. "Medical Marijuana Policy and the Virtues of Federalism." *Publius* 38, no. 1 (2008): 22-55. (34 pages) <http://proxy-remote.galib.uga.edu/login?url=http://search.ebscohost.com.proxy-remote.galib.uga.edu/login.aspx?direct=true&db=edsjsr&AN=edsjsr.4624809&site=eds-live>
2. David S. Schwartz. "High Federalism: Marijuana Legalization and the Limits of Federal Power to Regulate States." *Cardozo Law Review* 35, no. 2 (2013): 567-641. (76 pages) <http://proxy-remote.galib.uga.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=lft&AN=93599249&site=eds-live>
3. Shanna Rose, and Cynthia J. Bowling. "The State of American Federalism 2014?15: Pathways to Policy in an Era of Party Polarization." *Publius* 45, no. 3 (2015): 351-379. (25 pages) <http://publius.oxfordjournals.org/content/45/3/351.abstract>
4. Jenna Bednar, William N Eskridge Jr, and John Ferejohn. "A Political Theory of Federalism." (1999). (46 pages) <http://siteresources.worldbank.org/INTABCDEWASHINGTON2000/Resources/ferejohn.pdf>

Part IV: Race, Gender, and Localities

Week 13. Gender & Race

1. Jill Vickers. "Is Federalism Gendered? Incorporating Gender into Studies of Federalism." *Publius* 43, no. 4 (2013): 1-23. (24 pages) <http://proxy-remote.galib.uga.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=poh&AN=100353797&site=eds-live>
2. "Deviation From Fundamentals of the Constitution." U.S. Congress, *Congressional Record*, 84th Cong., 2d sess., 1956, 102, pt. 4: 4515?16. (2 pages) <http://www.heinonline.org.proxy-remote.galib.uga.edu/HOL/Page?handle=hein.congrec/cr1020004&id=262&collection=congrec&index=congrec/crfb>
3. Lisa L. Miller. "The Invisible Black Victim: How American Federalism Perpetuates Racial Inequality in Criminal Justice." *Law & Society Review* 44, no. 3/4 (2010): 805-842. (38 pages) <http://www.jstor.org/stable/40926318>

Week 14. Localities & Urban Politics

1. Joe Soss, Richard C. Fording, and Sanford F. Schram. "The Color of Devolution: Race, Federalism, and the Politics of Social Control." *American Journal of Political Science* 52, no. 3 (2008): 536-553. (18 pages) <http://www.jstor.org/stable/25193832>
2. Gary Orfield. "Federal Policy, Local Power, and Metropolitan Segregation." *Political Science Quarterly* 89, no. 4 (1974): 777-802. (26 pages) <http://www.jstor.org/stable/2148895>

3. Robert F. Nagel. "States and Localities: A Comment on Robert Nisbet's Communitarianism." *Publius* 34, no. 4 (2004): 125-138. (14 pages) <http://www.jstor.org/stable/20184929>

Part V: Criticisms & Conclusion

Week 15/16. Critiques

1. Rob Hunter. "Abolish the States." *Jacobin*, August 12, 2014. (9 pages) <https://www.jacobinmag.com/2014/08/abolish-the-states/>
2. Franz L. Neumann. "Federalism and Freedom: A Critique." In *Federalism: Mature and Emergent*. Edited by Arthur W. Macmahon. 44-57. Garden City, New York: Doubleday & Company, 1955. (14 pages)
3. John Kincaid. "Values and Value Tradeoffs in Federalism." *Publius* 25, no. 2 (1995): 29-44. (16 pages) <http://www.jstor.org/stable/3330826>
4. Harold J. Laski. "The Obsolescence of Federalism." *New Republic*, May 3, 1939. (3 pages) <http://proxy-remote.galib.uga.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=edb&AN=15020162&site=eds-live>
5. Preston King. "Against Federalism." In *Knowledge and Belief in Politics: The Problem of Ideology*. Edited by Robert Benewick, R. N. Berki and Bhikhu C. Parekh. 151-176. London: George Allen & Unwin, 1973. (26 pages)

Evaluation & Grading

Letter	Grade Points
A	93-100 points
A-	90-92 points
B+	87-89 points
B	83-86 points
B-	80-82 points
C+	77-79 points
C	73-76 points
C-	70-72 points
D+	67-69 points
D	63-66 points
D-	60-62 points
F	59 and below

Assignment	Percentage of Grade
Thesis Statement Identification	10%
Paper 1	25%
Paper 2	25%
Paper 3	25%
Final Exam	15%
Total	100%

Attendance Policy

Required.

Academic Honesty

As a University of Georgia student, you have agreed to abide by the University's academic honesty policy, "A Culture of Honesty," and the Student Honor Code. All academic work must meet the standards described in "A Culture of Honesty" found at: <http://www.uga.edu/honesty>. Lack of knowledge of the academic honesty policy is not a reasonable explanation for a violation. Questions related to course assignments and the academic honesty policy should be directed to the instructor.

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