CHAPTER 1: Why Government? Why Politics?
1.0 | What is Government?

Government can be defined as the institutions and processes that make and implement a society’s legally authoritative decisions. The government unit can be a city, a school board, a county, a state, a multi-state regional compact, a national government, or even an international body. In the U.S., government includes the national government institutions—Congress, the presidency, the federal courts, and the federal bureaucracies; the 50 state governments—state legislatures, governors, courts, and bureaucracies; and the thousands of local governments—cities, counties, and other special government districts such as school boards and the transportation authorities that govern airports, seaports, and mass transit. These governments make legally authoritative decisions that include legislation, administrative regulations, executive orders, case law rulings, and other public policy actions that are authoritative because individuals and organizations are obligated to obey them or face some kind of legal sanction.

1.10 | Why Government

Is government necessary? Do people need governing—or is it possible for people to live without government? What should governments do—what are the appropriate or legitimate functions of government? Why do governments exist all over the world even though people everywhere are so critical of government? These are political questions that were first asked in ancient times when people began thinking about life in organized societies. They are still asked today. The answers to questions about the need for government, and the legitimate role of government, reflect contemporary thinking about fundamental human values and goals, including freedom, order, morality and ethics, equality, justice, individualism, economic security, and national security. Although these are widely shared values and goals, their relative importance varies a great deal among the countries of the world. The why government questions are especially relevant in the United States because of its strong tradition of anti-government rhetoric.

The strong strain of anti-government thinking is evident in public policy. For example, most Americans think that employees should get paid family leave to care for babies or family members who are sick or injured. However, the U.S. is the only developed country that does not mandate paid family leave. What explains this disconnect between public opinion and public policy? One explanation is the general public skepticism about government mandates and social programs. A PEW Research Center survey revealed strong public support for paid family leave, but also differences of opinion about whether the family leave should be required by the government or whether employers should merely be encouraged to provide it. A federal law—The Family and Medical Leave Act—provides for 12 weeks of unpaid leave, but only about 60% of workers are eligible for it. Furthermore, the Bureau of Labor Statistics (BLS) data indicate that only 13% of employees have employer paid leave—and these are upper income workers, not the low-paid workers who have the greatest need for it. Organizations such as The Center for WorkLife Law at the
University of California Hastings advocate for employment policies that accommodate employees with family caregiving responsibilities, and laws that target family responsibilities discrimination (FRD)—discrimination against workers with family caregiving responsibilities. The comparatively strong anti-government political culture in the U.S. is the primary reason for the comparatively limited family leave policy in the U.S.

1.11 | Why Politics

Government is not the only way to organize life in a political community. Life is also organized by civil society. The term civil society refers to the private sector individuals that voluntarily cooperate with others, the families, the political parties and interest groups, the professional associations, schools, and religious institutions or faith-based organizations. These civil society organizations and institutions are not government entities. Life is also organized by business. Business is also the private sector, but it is the private for-profit sector rather than the not-for-profit sector. Figure One below illustrates the three sectors of society that organize life in a community: government (the public sector); civil society (the private sector); and business (the for-profit sector). In American politics, anti-government rhetoric commonly reflects the belief that the growth of government (the public sector) is taking over political functions that were traditionally (and perhaps better) performed by the private sector (civil society and business). Public policy debates about education, job training, health care or other social services, highways, parks, and protection from crime are often about whether these functions and services should be provided by government or the private sector. Although politics is often associated with government, it is important to remember that government does not have a monopoly of politics. There is a great deal of non-government politics in civil society and business.

Figure 1.11: The Three Sectors of Society
1.12 | The Power Problem

The power problem is at the foundation of thinking about good government. The power problem is the need to grant government enough power to effectively address the problems that people expect government to address, while also limiting power enough so that government officials can be held accountable for their actions. Finding the right balance between grants and limits is difficult—and imbalances either way are political power problems. A good system of government is one where government is given enough power to provide public safety, protect national security, promote economic prosperity, and establish justice—but not so much power that government cannot be held accountable by the people. Too much power can be a problem because strong government can threaten individual rights and become corrupt. Too little power can be a problem because weak or ineffective governments are likely to be unable to provide economic security, national security, or justice. Criminal enterprises and terrorists can also take advantage of the opportunities created by fragile governments and “failed states.” Finding the right balance between granting and limiting power is difficult because people have conflicting beliefs about what government should do. In constitutional democracies such as the U.S. individual, ideological, and partisan differences of opinion about the power problem are resolved in both the political system (primarily elections) and the legal system (court rulings).

One recurring political problem in democracies is the tension between freedom and order. Individual freedom (or liberty) is an essential element of democracy because self-government requires liberty. The American political tradition places a high value on individual liberty. For instance, the First Amendment to the U.S. Constitution provides that “Congress shall make no law...” restricting freedom of religion, speech, press, or association. But order is also an important political value. Creating and maintaining good public order is a primary responsibility of government. Governments are expected to provide public safety—protection from crime, foreign invasions, and domestic disturbances—and to regulate behavior that members of the political community consider inappropriate. The laws that are passed to achieve good public order, such as laws that prohibit disturbing the peace, limit individual freedom.

Political debates are often about whether people should have freedom of choice about how to live their lives, or whether government should have the power to regulate behavior in order to maintain good public order. In American politics, these debates are often framed as a conflict between freedom and order because the relationship between individual freedom and government power is considered a zero-sum relationship. In a zero-sum relationship, an increase in one thing (e.g., government power to regulate behavior) means a corresponding decrease in the other thing (e.g., individual freedom): so more government means less freedom. However, democratic values include equality as well as freedom and order, and more government can mean more equality. Civil rights laws, for instance, increase the government’s power to promote political, economic, and social equality by decreasing the freedom to discriminate.

1.13 | Politics

People have different opinions about whether their political system allows too much freedom or provides too little public order. They also have different opinions about what
government should be doing. The U.S. Constitution does not provide many specific answers to questions about where to strike the right balance between individual rights and government powers. The Fourth Amendment declares the right “against unreasonable searches and seizures,” but does not say when a police officer’s search or seizure is unreasonable or whether the right applies to non-citizens. The Fifth and Fourteenth Amendments guarantee due process of law, but do not specify what it means. The Eighth Amendment prohibits “cruel and unusual punishment” but does not define such punishment. And Article I, Section 8 of the Constitution grants Congress power to provide for the “general Welfare of the United States,” but does not specify what the general welfare means.

Anyone familiar with politics expects conservatives and liberals, Republicans and Democrats, libertarians, socialists, and populists to have different ideas about government power. Less attention is paid to conditions and events. Events and conditions have a major impact on ideological and partisan thinking about where to strike the right balance between individual rights and government power. Is it a time of war or peace? Is the economy good or bad? Is the country experiencing a crime wave, or are crime rates stable or declining? What is the terrorism threat level? The Department of Homeland Security (DHS) used to provide color-coded threat levels, but now uses the National Terrorism Advisory System (NTAS) to communicate threat levels to the general public.

The Constitution does not say very much about government power during times of crisis or emergency. Article I Section 9 of the Constitution does provide that Congress may suspend the writ of habeas corpus “when in Cases of Rebellion or Invasion the public Safety may require it.” But most questions about striking the right balance between granting and limiting power are political questions more than legal questions. Questions about the right size and role of government are left for each generation to decide according to the particular circumstances or conditions they face.

American politics is often framed as debates about the size of government but political differences of opinion are more likely to be about the role of government. Describing politics as a debate between those who support big government and those who support small government tends to overlook ideological differences of opinion about what government should be doing. Debates about the appropriate role of government are arguments about whether government is doing the right things or the wrong things, whether certain public policies should be changed or reformed or ended, and whether the government needs to change its priorities. So politics is about beliefs about the right size and the proper role of government.

1.14 | Justice

Ideally, politics is about establishing a just political system. The Preamble to the U.S. Constitution declares that its purpose is “to form a more perfect Union” and to “establish Justice.” Justice is a concept that is central to thinking about politics and government but it is a concept that is hard to precisely define. A simple definition is that justice means fair treatment. Defining justice as fairness means that individuals or groups should get what they deserve: good or appropriate behavior is recognized, encouraged, and rewarded, while bad or inappropriate behavior is also recognized, discouraged, and even punished. This understanding of justice as fairness is a universal value in the sense that all societies value fair treatment. However, the definition of fairness and the
commitment to living up to ideals of justice vary a great deal from one country to another. In the U.S., the Bill of Rights and civil rights statutes are the primary sources of legal protection for justice defined as fair treatment by the government.

One way to think about justice is that it is about the proper ordering of individuals, values, things, and groups within a society. The nature of a just society or political system has been the subject of political thought since people first began thinking about living a good life in an organized society. Justice is a familiar subject in works of politics, philosophy, theology, and law. The Ancient Greek philosophers Plato and Aristotle described what they believed to be the attributes of a just society and the best form of government to achieve justice.

The Founders of the American political system thought a great deal about the best form of government to create a just society. For instance, the Declaration of Independence explains why the American colonists were justified in fighting the Revolutionary War against Great Britain. It includes a long list of charges that the “king of Great Britain” acted so unjustly that the colonists were justified in taking up arms and breaking their political bonds with what John Q. Adams called our “parent state.” In a July 4th, 1821 Independence Day Speech, Adams explained that as British subjects, the colonists were initially “nurtured” and “educated” about human rights, but then subject to “parental neglect, harshness, and injustice” so that finally “the hand of the parent” was scarcely felt except as the hand wielding the whip.

The interest in establishing a more perfect, just political system did not end with the founding era. Both sides in the Civil War claimed to be fighting for justice. The North fought against slavery and for preservation of the Union. The South fought for the preservation of slavery and the power of states, as sovereign entities within a federal system of government, to leave the Union. The various primarily liberal civil rights movements that began in the latter years of the 19th Century and developed during the 20th Century were organized efforts to achieve a more just society for blacks, women, and other minorities. Most recently, the Black Lives Matter movement was inspired by the belief that police use of force against young black males and other people of color was unjust.

There is also a conservative civil rights movement that has had a profound impact on public policy. It consists of conservative movements including the pro-life movement (to limit abortion rights), the gun rights movement (to limit gun control policy), and the property rights movement (to limit environmental and other zoning laws). Tea Party Movement is another conservative movement working to, among other things, reduce federal taxes and spending and increase border control.

Politics is usually inspired by efforts to create a more just political order. The pursuit of justice continues to inspire political action because, as John Rawls argued in A Theory of Justice, “justice is the first virtue of social institutions, as truth is of systems of thought.” Justice is a universal human value that is recognized as an important value in virtually all political communities. Politics is often about competing ideas about what justice is.
Political science studies both individuals and systems. At the individual level of analysis, justice can be defined as a person’s expectation that she or he will be treated fairly, that they will get what they deserve. Is a person recognized and rewarded for doing well or behaving appropriately, or sanctioned for not doing well or behaving inappropriately? The system level of analysis examines the workings of institutions. A just political system is one that maintains institutions that treat people fairly. This is why justice is closely related to government legitimacy. Legitimacy is the belief that a political order is just. Government legitimacy reflects the political community’s acceptance of government authority and therefore the obligation to obey the law. Justice as fair treatment is a universally accepted concept valued in all cultures and countries, but beliefs about what justice requires in a particular situation is a subjective value judgment.

Retributive justice is probably the kind of justice that is most familiar to the general public because it is closely related to thinking about punishment. Retributive justice is concerned with the proper response to wrongdoing, particularly criminal sentencing policy. The law of retribution—lex talionis—is based on the principle of retributive justice—the belief that the punishment should fit the crime. The biblical verse “life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, wound for wound, stripe for stripe,” embodies the principle of retributive justice. However, there is no consensus that the “an eye for an eye” principle of retributive justice should be interpreted literally to mean that retributive justice requires taking the eye of a person who took another’s eye, taking a hand from a person who took another’s hand, taking a tooth from a person who took another’s tooth, taking the life of a person who took another’s life, and so on for all crimes or wrongful injuries. The alternative to literally reading the “an eye for an eye” biblical verse is the metaphorical interpretation. The metaphorical interpretation is that retributive justice requires proportionality: the punishment must fit the crime. A just punishment must be proportionate to the crime, but it does not require that punishment be identical to the crime.

A second way of thinking about justice is restorative justice. Unlike retributive justice, restorative justice is not primarily concerned with punishing an offender. Restorative justice emphasizes the importance of restoring the victim—making the victim whole again—AND rehabilitating the offender.

Distributive justice is another kind of justice. It is most relevant to thinking about the economic order rather than criminal justice. Distributive justice is concerned with the proper distribution of values or valuables among the individuals or groups in a society. The valuables can be things of material value (such as income, wealth, food, health care, tax breaks, or property) or non-material values (such as power, respect, or recognition of status). Distributive justice is based on the assumption that values or valuables can be distributed equitably based upon merit. Political debates about economic inequality, a fair tax system, access to education, and generational justice (whether government policies benefit the elderly more than the young) are often conducted in terms of distributive justice: who actually gets what and who should be getting what.

1.2 | The Social Contract Theory of Government

The social contract theory of government is the most influential modern democratic theory of government. Thomas Hobbes, John Locke, and Jean-Jacques Rousseau were
social contractarians whose thinking about human nature, the origin of government, and the obligation to obey the law influenced the American founders’ thinking about government. The social contract continues to profoundly influence the American public’s thinking about government. According to social contract theory, people create governments by entering into agreements—whether written or unwritten—to live together under a particular form of government. The agreement is social because the members of a community decide to create a binding agreement to live together under a form of government. If the form of government is a democracy or a republic, the agreement is to create a form of self-government. The agreement is a contract because it includes terms and conditions that bind both parties—the people and the government. The contract specifies the rights and obligations of citizens (e.g., freedom of expression; obey the laws), and the powers and limits of government (e.g., to provide public safety and good public order). The social contract theory of government was revolutionary for its time because it is based on the idea of popular sovereignty—the belief that legitimate governing authority comes from the people—the people as sovereigns—rather than either the divine right to rule or the government itself.

In western political thought, the state of nature is used to explain the origin of government. The 17th Century English political philosopher Thomas Hobbes (1588-1679) believed that life in a state of nature (that is, life without government), would be “solitary, poor, nasty, brutish, and short” because human beings are self-interested actors who will take advantage of others if given the opportunity. Hobbes thought that it was human nature for the strong to take advantage of the weak. The continual competition for economic and political advantage created a constant “war of all against all” that threatened life. Hobbes believed that government was created when people decided to enter into a social contract that created an authority with enough power to maintain order. The social contract is a contract in the sense that it includes specific terms and conditions that bind both parties: the people give up a measure of individual freedom in exchange for the government providing public safety and security. Hobbes’ classic work Leviathan (1651) describes a strong government with power to create and maintain order. The word Leviathan comes from the biblical reference to a great sea monster—an image that critics of today’s big government consider appropriate.

Beliefs about human nature are the foundation of all ideologies. Some ideologies have a basically negative view of human nature: people are considered by nature to be basically self-interested or even quite capable of evil, and therefore need government and civil society institutions such as organized religion to keep them from harming others. Some ideologies have a more positive view of human nature: people can learn to be public-spirited, cooperative, and even benevolent. These different views of human nature directly affect thinking about the size and scope of government. Anarchists think that
people are capable of getting along well without government. Libertarians think only minimal government is necessary. Conservatives and liberals think government is necessary and useful—but for different purposes. Authoritarians think human nature makes Leviathan necessary.

1.21 | John Locke (1632–1704) and Jean-Jacques Rousseau (1712–1778)

In *An Essay Concerning the True Original, Extent and End of Civil Government*, the English political philosopher John Locke described life in the pre-government “state of nature” as a condition where “all men” are in “a state of perfect freedom to order their actions and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man.” Locke did not mean that “perfect freedom” gave people license to do whatever they wanted. He believed that the natural state of man is to live free from oppression and the will of man—“living together according to reason without a common superior on earth” and “to have only the law of Nature for his rule.” The law of nature mandated that “no one ought to harm another in his life, health, liberty, or possessions.” But history teaches that some people inevitably gain power over others and that the stronger use that power to harm the weaker. Locke believed that free individuals decide to leave the state of nature and live under government in order to prevent the misuse of power.

In *The Social Contract*, Jean-Jacques Rousseau wondered why people are born free everywhere but everywhere live under the obligation to obey government. As he succinctly put it, “Man is born free, and everywhere he is in chains.” This puzzle remains relevant in contemporary politics. Is it possible to live under government, where an individual is legally obligated to obey the law, and still be free? Has democracy solved the problem by creating self-government?

1.22 | Influences on the American Founders

John Locke believed that individuals decided to leave the state of nature and live under government because government offered greater protection of the right to life, liberty, and property. This natural rights-based thinking understanding greatly influenced the writers of the Declaration of Independence. The Declaration of Independence explains and justifies the Revolutionary War as the right and duty of a free people to assert their natural or “unalienable Rights” to “Life, Liberty, and the Pursuit of Happiness” against government tyranny. Some of the most important words and ideas in the Declaration of Independence can be traced to Locke:

- Natural rights. The concept of natural rights as rights that individuals have because they are human beings—rights that are not created by government;
- Social contract theory. The idea that the Constitution created rights and obligations for both the people and government; and
- Popular sovereignty. The idea that the people are sovereign and government legitimacy must be based on the consent of the governed.

The social contract theory that government is based on the consent of the governed explains why it is rational for an individual to voluntarily give up the freedom of living in the state of nature and agree to live under a government that can tell them what they can and cannot do, a government with the power to take a person’s life, liberty, and property.
The English political philosopher John Stuart Mill (1806–1873) elaborated on these ideas about government power in liberal democracies—those western-style governments that are based on limited government, individualism, and equality. His classic book On Liberty reflected the increased importance of individual liberty in the 19th Century. While generally supportive of popular sovereignty and the contract theory of government, Mill advocated for stronger protection of individual liberty from the majority rule. For example, Mill is remembered today for advocating the Harm Principle as a way to answer the question “What is government for?” According to the Harm Principle, the only legitimate reason for government to use law is to prevent someone from harming someone else.

The Harm Principle is libertarian. It considers moral regulatory policies—that is, laws that legislate morality or which are primarily intended to promote morality—illegitimate uses of government power. The Harm Principle is also libertarian because it considers laws that are intended to prevent people from harming themselves inappropriate. The Harm Principle does not allow paternalistic legislation such as laws requiring the wearing of seatbelts or motorcycle helmets, or laws that prohibit drug or alcohol use or gambling in order to protect people from harming themselves.

The contract theory of government still strongly influences thinking about government. In A Theory of Justice (1971), John Rawls argues that it makes sense for individuals to give up their individual preferences—or, to put it another way, their personal freedom to do as they please—and agree to obey laws enacted by the members of the political community. Like Locke and Mill, Rawls believes that people create governments because they believe that life will be more secure and more just than life without government.

Support for the social contract theory is especially strong in the U.S. The social contract was originally appealing because the founders’ political experiences included creating governing documents. The British colonists created governing documents such as the Mayflower Compact of 1620 and the Massachusetts Bay Charter of 1629 when they came to North America. The founders also created two forms of government: the Articles of Confederation and the Constitution. They actually created social contracts based on self-government. Popular sovereignty is the belief that government authority ultimately comes from the people. This belief remains strong in contemporary thinking about government. The social contract theory is also especially strong in the U.S. because the U.S. has a capitalist economy. Capitalism is based on economic contracts where individuals and organizations enter into legal agreements to provide goods and services for money. An economic culture where people regularly enter into contracts to buy and sell is likely to support a political culture where people think of government as a social contract that specifies the terms and conditions for managing public affairs.

1.3 | Modern Government

The U.S. has a strong tradition of anti-government politics but criticism of government does not extend to anarchism. Anarchism is the political philosophy that government should be abolished because it is unnecessary and illegitimate. Anarchists believe that government is unnecessary because people can freely organize their own lives.
And they believe government is illegitimate because it is based on power, force, or compulsion rather than consent. The word *anarchism* derives from a Greek word meaning *without bosses*. Does this mean that anarchists advocate complete freedom? The symbol of anarchism—the Anarchism Flag—is variously depicted as a slashed black “A” embedded in a black circle. Is anyone really an anarchist? *Jonnie Rotten*, The former Sex Pistols singer whose real name is John Lydon, explains why he is an anarchist: “I am a natural-born anarchist. I’ve never in my life supported any government anywhere, and I never will.” One song in his songbook is “Anarchy in the U.K.”

Critics of anarchism associate it with anarchy—chaos or extreme disorder. But anarchists do not advocate chaos or disorder. They simply believe that individuals should be able to freely and voluntarily organize their lives to create social order and justice without being forced to do so by the government. Ideologies are based on beliefs about human nature. Anarchists have an optimistic view of human nature. They believe that the human reasoning capacity makes it possible for individuals to exercise self-control AND to realize the benefits of voluntarily working together for the common good. Anarchists also believe in the ability of the private sector to provide the goods and services—including good public order—that people have come to be dependent on government to provide.

Americans love to hate government, but the U.S. tradition of anti-government politics does not include anarchism. The anti-government politics is commonly expressed as a *libertarian* belief that the size and scope of government ought to be greatly reduced but not eliminated entirely. The general consensus that government is necessary—if a *necessary evil*—does not mean there is widespread agreement on the size and role of government. American politics includes lively debates about the *right size* and the *appropriate role* for government.

**Think About It!**

Are people by nature good or bad? Read President Abraham Lincoln’s First Inaugural Address. Lincoln describes people as capable of good OR evil, stresses the importance of education and socialization to develop the better instincts and moral conscience, and he appeals to Americans to be guided by “the better angels of our nature.”

**1.31 | Market Failures**

Governments everywhere are expected to maintain good public order, provide national security, maintain public safety, and provide material prosperity and economic stability. What is the best way to decide what the government should do? The U.S. has a democratic political system that is based on limited government and a capitalist economic system that is based on a market economy. So for political and economic reasons, the default answer to the question what should government do is that goods and services should be provided by the private sector where possible. The preference for goods and services to be provided by the private sector rather than the public sector (government) is sometimes called the *Subsidiary Principle*. According to the subsidiary principle,
wherever possible decisions should be made by the private sector rather than the government, and wherever possible decisions should be made by the lowest possible level of government. In terms of the level of government, this means that a decision should be the responsibility of the lowest level of government—local, state, or national. The Subsidiary Principle directs that government action should be limited to those situations where the private marketplace is unable to efficiently or equitably provide a good or service. For example, market failures justify government provision of a good or service. The following describes some of the market failures that are commonly considered justifications for government action despite the preference for private action.

The first market failure is the fact that markets do not always provide for public goods. A public good is one whose benefits cannot be limited to those who have paid for it once the good is provided. Clean air, clean water, safe streets, national security, and an educated citizenry are often considered public goods. The government provides national security because the benefits of being safe from foreign attacks or terrorism cannot easily be limited to those who have been willing to pay the costs of providing national security. The government regulates air pollution because it is hard to limit the breathing of clean air to those individuals who have voluntarily paid for it. The benefits of safe streets are hard to limit to those who have paid for police forces. The fact that it is hard or even impossible to limit the benefits of a good or a service to those who have paid for it creates the free rider problem: individuals have an economic incentive to freely enjoy the benefit without paying the cost. One solution to the free rider problem is that government provides public goods such as clean air, national security, and crime control by requiring everyone to pay taxes to pay for the public good. Is health care an example of a market failure? Medicare and Medicaid are federal government programs that provide health care for the elderly and the poor because of the belief that the marketplace cannot provide affordable health care insurance for these two populations of consumers. The extended debates over the Affordable Care Act (Obamacare) and its reform or replacement are essentially between those who think that the free market can provide affordable health insurance and those who think that health insurance is an example of a market failure that requires government intervention in some form or another.

A second market failure is externalities. In a perfect market, an economic transaction—that is, the buying or selling of something—will include the total cost of producing and consuming the good or service. In a perfect market, the only people who are affected by a market transaction are the buyer and seller. Therefore, these agreements to buy or sell something are private agreements that do not involve the government. However, sometimes private market transactions do affect people who are not party to the agreement. An externality occurs when a market transaction affects individuals who are not a party to the transaction. There are negative externalities and positive externalities. An example of a negative externality is the pollution that is caused by making or using a product but which is not reflected in its price. The price of a gallon of gasoline does not include the environmental degradation caused by burning a gallon of gas to run a lawnmower or drive a car. The purchase price of a plastic toy or a steel car does not include the cost of the air pollution or water pollution that is caused by mining the raw materials, manufacturing the steel or plastic, playing with the battery-powered toy, or driving the gasoline-powered car if the mining company or the factory are able to externalize some of the cost of production. Externalities occur when a factory (or an
electrical power plant, for that matter) is able to discharge polluted water into a river if the plant is located along a waterway, or the plant is able to send some of the cost of production up the smokestack where the Jetstream disperses the air pollution when the prevailing winds carry it away from the site. Under these conditions, the price of a gallon of gas or a car or an electrical watt does not capture all of the cost of making or consuming the product. Neither the manufacturer nor the consumer pays the full price when the costs of production and consumption do not include water and air pollution.

Those who live downstream or downwind pay some of the price by living with dirtier air or dirtier water. These are negative externalities because the producer and consumer agree on a purchase price that negatively affects third parties—people who are not the parties to the market transaction. These negative externalities are one justification for government intervention in the marketplace. So one answer to the question, what should government do, is that government action should prevent negative externalities.

Not all market failures are negative. Positive externalities include education, vaccination, and crime control. A person who pays for an education can benefit from it. And education could be limited to those who actually pay for it. But the benefits of education are not necessarily limited to the student who pays the tuition and receives the education), or the school that receives the tuition. The positive externalities include employers, who are able to hire from a qualified workforce without having to pay for the cost of education or training, and society, because democracy requires an educated citizenry. These have historically been arguments for public education paid by taxpayers rather than solely by students.

A third example of a market failure is a monopoly. Free-market economic theory is based on competition. If a single business monopolizes a particular sector of the market, the lack of competition likely results in market inefficiency. Capitalism assumes competition results in fair pricing, product innovation, and good customer service. The absence of competition is likely to result in high pricing, a lack of innovation, and poor customer service. This is why the development of sectors of the economy that are dominated by fewer and fewer, larger and larger companies is usually a concern. The Industrial Revolution resulted in large corporations that monopolized sectors of the economy such as oil, steel, and other commodities. Congress passed the Sherman Antitrust Act in 1890, which prohibited monopolies or restraints on trade that limited competition. At one time, the Standard Oil Company controlled about 90% of the oil refining in the U.S. The law was passed during the Progressive Era, a time when there was support for creating big government to keep big business in check. Currently, corporate mergers in the information economy have raised concerns about Microsoft’s domination of the software market or telecommunications companies dominating television, radio, and the internet.

The fourth market failure justifying government intervention is equity. Economics is about the efficient allocation of resources. In a capitalist system, people get what they can pay for. Goods and services are available on the basis of the ability to pay. Politics is about equity or fairness or justice. Equity is the perception that people are getting what they deserve. Collective goods (or social goods) are those that could be delivered in the private sector based solely on a person’s ability to pay for the good or service, but which are often provided by the government or subsidized by taxes as a matter of public policy. Public utilities such as water and sewage and electricity and telephone service, for
example, could be provided by the private sector solely on the basis of an individual’s ability to pay for them, but the political system considers these goods and services, including basic education and perhaps health care, social goods.

1.4 | What is Politics?

Government involves politics, and it is hard to talk about government without talking about politics, but government is not the same thing as politics. Politics happens wherever people interact with one another—in families, organized religions, schools, sports teams, and the workplace. Political scientists focus on certain kinds of politics, the kinds that involve government and public policy, for example.

1.41 | Two Basic Conceptions of Politics?

There are two basic conceptions of politics: a material conception and a values conception. The political scientist Harold Lasswell defined politics as the determination of “who gets what, when, how.” This materialistic definition focuses on politics as the authoritative allocation of scarce resources such as money, land, property, or other valuable things. Politics is also about values. David Easton defined politics as “the authoritative allocation of values for a society.” These non-material values include freedom, order, patriotism, honor, duty, religious belief, ethics, and conceptions of morality. Politics includes organized efforts to enact public policies that support values and behaviors that are considered desirable and worthy of government support. Examples include public policies that support marriage by providing tax breaks for married persons, support child rearing with policies that provide employees with parental and family leave and parents with food stamps, support education by providing income tax deductions for educational and professional training expenses, and support work by requiring those who receive unemployment compensation or other social welfare programs to be looking for work. These are all examples of how the government can subsidize desirable values and behaviors. Politics also includes efforts to regulate or even prohibit values or behaviors that are considered undesirable. Public policies control idleness, tobacco use, alcohol consumption, gambling, prostitution, pornography, abortion, and hate crimes—just to mention a few behaviors that are considered undesirable for reasons of health or morals.

Politics also includes the processes by which decisions about allocating scarce resources and subsidizing or regulating values are made. After all, democracy is the process of self-government. So politics includes campaigns and elections, public opinion formation, voting behavior, interest groups lobbying, and government decision making—the behavior of local government officials (school boards, city councils, and county commissions), legislators (state legislators and members of Congress), members of the...
executive branch (governors, the President, and members of the bureaucracy), and judges. The following provides basic definitions and explanations of some of the terms that are essential to understanding American government and politics.

**1.42 | What is Political Science?**

**Political Science** is the branch of the social sciences that systematically studies the theory and practice of government. Political scientists describe, analyze, explain, and predict 1) the political behavior of individuals and organizations such as political parties and interest groups; and 2) the workings of political systems. As an academic discipline, political science has historical roots in moral philosophy, political philosophy, political economy, and even history. The historical or traditional roots in moral and political philosophy included making normative or value-based statements about how individuals should live good and meaningful lives in good and meaningful societies. However, modern political science strives to be less political and more scientific, less prescriptive and more descriptive, less normative and more empirical. As a result, contemporary political science values gathering empirical evidence about politics and government in order to further understanding of the way things work more than making arguments about how political things ought to work.

**1.5 | Political Values**

Politics and government are not limited to material values or valuables such as money, property, or other forms of wealth and possessions. Government and politics are also concerned with important political values including individual freedom, social order, equality, public safety, ethics and morality, and justice.

**1.51 | Individual Liberty**

One of the most important changes in American politics since the founding era is the increased emphasis on individual liberty. The colonial era is remembered as the Puritans’ search for religious freedom. The Revolutionary War is remembered as the fight for the natural rights mentioned in the Declaration of Independence—principally “Life, Liberty, and the pursuit of Happiness.” And the Constitution is remembered as a document inspired by the need to protect individual liberty—principally in the Bill of Rights. However, the politics of the colonial era emphasized the need to obey authority figures in order to maintain good moral order, and the Constitutional Convention was called in 1787 in order to give the federal government more power to create and maintain order. During the founding era, individual obedience was relatively more important than individual freedom. Over time, individual liberty became a more important value in American political culture. Today, individual liberty seems to be the paramount political value defined as a person’s right to make decisions about his or her own life without some authority figure limiting, restricting, or interfering with their freedom of choice. Individual liberty is considered an aspect of personal autonomy or self-determination.

This conception of individual liberty as the absence of external constraints is sometimes called the negative conception of liberty because it defines freedom as the absence of government limits on a person’s freedom to do whatever they want. There is,
however, a positive conception of liberty that defines freedom as the right to personal development rather than the absence of external limits. In this sense, negative means the absence of legal limits and positive means the opportunity to do something. Isaiah Berlin elaborated on the distinction between positive and negative liberty in *Two Concepts of Liberty*. Negative liberty refers to the condition where an individual is protected from (usually) government limits on freedom. Positive liberty refers to having the means, the resources, or the opportunity to do what one wants to do, to become what one wants to become, and to develop abilities and interests and identities.

The American political and legal tradition reflects the negative conception of liberty as the absence of government limits. The negative conception is evident in the Bill of Rights. The First Amendment provides that “Congress shall make no law” restricting freedom of religion, speech, or press. The Fifth Amendment prohibits the government from taking a person’s life, liberty, or property without providing due process of law. And the Fourteenth provides that “No state shall…” deny to any person within its jurisdiction the equal protection of the laws. In fact, the courts have read the provisions of the Bill of Rights to apply only to the way government treats individuals. These civil liberties guaranteed in the Constitution do not, as a rule, give individuals rights as much as they limit government power to limit individual freedom. Figure 15.1 below describes how in the U.S. civil liberties—defined here to mean the constitutional protections of rights—apply only to the way the government treats individuals. This is the public sector. Civil liberties do not apply to the way individuals treat other individuals. This is the private sector.

Figure 1.51: The Negative and Positive Conceptions of Liberty

The fact that the U.S. Constitution reflects the negative conception of liberty is one reason why the U.S. Constitution has fallen out of favor as a model for other countries to follow when they write new constitutions. Contemporary political cultures value individual liberties more than they did over 200 years ago when the U.S. Constitution was written. The negative conception of liberty seems old-fashioned or even outdated.
Modern expectations of justice include constitutions that guarantee positive rights and liberties. Section 2 of The Canadian Charter of Rights and Freedoms provides that everyone has fundamental freedoms of “thought, belief, opinion and expression, including freedom of the press and other media of communication.” South Africa’s Constitution provides that everyone has the right to “freedom of artistic expression,” human dignity, the right to life, and freedom from all forms of violence and torture. Article 1(1) of Germany’s Constitution guarantees everyone the right “to the free development of his personality” and “the right to life.” These are all examples of positive conceptions of individual rights that are not stated negatively as the absence of government limits. They assert positive rights that also apply to the way that individuals (and organizations such as businesses) treat other individuals.

Think About It!
Should the U.S. Constitution guarantee positive liberty?

1.52 | Social Order

Order is an important political value because one of the major responsibilities of government is to create and maintain good social order. The public expects government to fight crime, manage public demonstrations and protests, and prevent social unrest including civic disturbances, riots, or even domestic rebellions, and national security from foreign threats. The government’s role in providing these aspects of physical order or conditions is less controversial than its role in providing good social order as it relates to standards of moral, ethical, or religious behavior. Moral regulatory policy can be very controversial because it involves values about which people may strongly disagree. The term culture wars refers to ideological battles over values related to public policies concerning issues such as abortion, gay rights, the definition of marriage, welfare, religion in public life, and patriotism.

1.53 | Justice

Justice is a basic concept that is central to most assessments of the legitimacy of a society. While it is hard to precisely define justice or a just society or political order, the concept of justice as fair treatment is a universal value shared by people everywhere. Justice means being treated fairly or getting one’s just deserts whether they are rewards for doing well or sanctions for inappropriate behavior or punishment for illegal behavior.

1.54 | Equality

Equality is an important value in democratic political systems. Equality is an essential element of democracy. However, equality is actually a complicated and controversial concept whose meaning and significance has been debated from the founding era until today. Equality does not mean that
everyone must be treated the same, or that it would be a good thing if everyone were treated the same. The words of the Declaration of Independence assert that we are all created equal and endowed by our creator with certain unalienable rights. But this has never been understood to mean that everyone is the same (in terms of abilities, for example) and should be treated the same as everyone else (regardless of merit). The natural inequality of age and ability, for instance, are contrasted with the political equality that is expressed by references to egalitarian principles such as “one person one vote” or equality under the law. This concept of political and legal equality is expressed in the Fourteenth Amendment, which prohibits the state governments from denying to any person within their jurisdiction the “equal protection of the laws.” The Fourteenth Amendment was initially intended to prohibit racial discrimination, but its scope has been broadened to include prohibition against legal discrimination on the basis of gender or age. Government can treat people differently, but it cannot discriminate against individuals, which means inappropriately treating individuals differently.

1.55 | Political Power, Authority, and Legitimacy

Power, authority, and legitimacy are important concepts that are central to the study of politics and government. **Power** is the ability to make another person do what you want, to force others to do what you want. It is the use of coercion or force to make someone comply with a demand. This definition of power is value neutral. It does not say whether power is good or bad, proper or improper, legal or illegal, legitimate or illegitimate. **Authority** is the right to make other people do what you want. A person who is authorized to issue orders that require others to comply with or obey demands has authority to require obedience or compliance with the order. The authority could be based upon a person’s position as a duly elected or appointed government official. The word authority derives from the Latin word “auctoritas.” In modern usage, authority is a type of power: power which is recognized as legitimate, justified, and proper. The difference between authority and power is often illustrated by the example of a gunman who has power to make a person comply with an order to give up a wallet or open the safe. Such commands, while powerful, are not legitimate.

The sociologist Max Weber identified three types of authority: traditional, charismatic, and rational-legal. Traditional authority is based on long-established customs, practices, and social structures and relationships. Tradition means the way things have always been done. Power that is passed from one generation to another is traditional authority. Traditional authority historically included the hereditary right to rule, the claim of hereditary monarchs that they had a right to rule by either blood-lines (a ruling family) or divine right. The concept of a ruling family is based on traditional authority. The rise of social contract theory, where government is based on the consent of the governed, has undermined traditional authority and challenged its legitimacy. Democracies generally require something more than a ruler’s claim that their family has, by tradition, ruled the people./

The second type of authority is charismatic authority. Charisma refers to special qualities, great personal magnetism, or the distinct ability to inspire loyalty or confidence in the ability to lead. Charismatic authority is therefore personal. In politics, charismatic authority is often based on a popular perception that an individual is a strong leader. The
Spanish word caudillo refers to a dynamic political-military leader, a strong man. Charismatic leadership is sometimes associated with the cult of personality, where neither tradition nor laws determine power.

The third type of authority is rational (or legal) authority. Rational-legal authority depends on formal laws for its legitimacy. A constitution or other kind of law gives an individual or an institution power. A government official has power by virtue of being duly elected or appointed to office. Most modern societies rely upon this kind of legal-rational authority to determine whether power is legitimate. In the U.S., for example, the power of the presidency is vested in the office, not the individual who happens to be president.

**Legitimacy** refers to the appropriate ability to make others do what you want, the legal right to make others comply with demands. It is a normative or value-based word that indicates something is approved of. Political legitimacy is the foundation of governmental authority as based on the consent of the governed. The basis of government power is often subject to challenges to its legitimacy, the sense that the action is authorized and appropriate. Authority remains a contested concept because, while the conceptual difference between authority and power is clear, the practical differences may be hard to identify because of disagreements about whether a law is legitimate. In the U.S., the tradition of civil disobedience recognizes that individuals have some leeway to refuse to comply with a law that they consider illegitimate.

### 1.6 Citizenship

A citizen is a member of the political community. Citizenship confers certain rights, duties, and obligations. Citizenship can be bestowed in a variety of ways. In some countries, a person becomes a citizen by being born on the territory of the country or being born to parents who are citizens. The U.S. has this *jus soli* or the “right of soil” citizenship. The other way to become a citizen is by naturalization. This involves passing a basic test about the U.S. political system, meeting a residency requirement, and taking an oath. Other countries have different rules about citizenship. In Germany, citizenship was by blood (or ‘right of blood’) until the 1990s. A person’s parents had to be ethnically German to receive citizenship, and there was no method by which a non-German could become a citizen until the late 1990s, when the law was changed to allow naturalization. Other countries require citizens to pass certain economic requirements to become citizens.

Citizens have responsibilities as full members of a country. U.S. citizens are expected to obey the laws, pay taxes, vote, serve on juries, and if required submit to military service. Government actions are binding on all residents whether citizens or not. Citizens also have rights. Rights are what differentiate between citizens and *subjects*. Subjects do not have rights; it is their duty to do what the government tells them to do—to obey the law without the right to make it or to control the government. Controlling government is important because government has the power to take a person’s life, liberty, and property. Criminal law powers include the power to sentence convicted offenders to prison or to death. The government’s civil justice powers include the power to take a person’s property by fines, eminent domain, or withdrawal of business or occupational licenses. In
democratic systems, the sense of civic responsibility to participate in public affairs is one way that the citizenry controls government.

1.7 | Forms of Government

One subject of interest to political science is the different forms of government. A simple description of the different forms of government is that there is government of the one, the few, and the many. Each of these three forms of government has a good variation and a bad variation.

Table 1.7 Forms of Government

<table>
<thead>
<tr>
<th>Form of Government</th>
<th>Good Variation</th>
<th>Bad Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The One</td>
<td>Monarchy</td>
<td>Tyranny/Autocracy</td>
</tr>
<tr>
<td>The Few</td>
<td>Aristocracy</td>
<td>Oligarchy (rich or powerful)</td>
</tr>
<tr>
<td>The Many</td>
<td>Republic/Representative Democracy</td>
<td>Direct Democracy Mob Rule/Ochlocracy (tyranny of majority)</td>
</tr>
</tbody>
</table>

The three forms of government refer to the basic system of government, the government institutions that are established by a political community. The U.S. system of government was intended by its founders to be a mixed form of government because it includes elements of all three forms: monarchy (the presidency); aristocracy (the Senate, the Electoral College, and the Supreme Court); and democracy (the House of Representatives; elections). The founders created a mixed form of government as part of the institutional system of checks and balances.

The system of checks and balances was designed to create a political system where institutions and political organizations provided a measure of protection against corruption and abuse of power. The Founders thought that the mixed form of government was the best way to avoid what historical experience seemed to indicate was inevitable: the tendency of a political system to become corrupt. The Founders were acutely aware of the problem of corruption and the tendency of political systems to become corrupt over time. Their worries about centralizing power were succinctly expressed by the 19th Century Italian-British figure, Lord Acton (1834–1902), whose aphorism is still widely quoted today: “Power tends to corrupt; absolute power corrupts absolutely.”

The Founders believed the power problem of corruption could be avoided by dividing power so that no one person or institution had complete power. But they also realized the tendency of all forms of government to become corrupt or decay over time. Monarchy—the good form of government of one—tended to decay into tyranny—the bad form of government of one. Aristocracy—the good form of government of the few (best and brightest)—tended to decay into oligarchy—government of the rich or powerful. And democracy—the good form of government of, by, and for the many—tended to decay into mobocracy, tyranny of the majority, ochlocracy, or rule by King Numbers. So they created a mixed form of government with elements of each to guard against the bad forms.
The roots of American thinking about democracy can be traced to Classical Greece and the Roman Republic; the Age of Enlightenment; the Protestant Reformation, and colonial experiences under the British Empire. The ancient Greeks in the city-state Athens created the idea of the democratic government and practiced a kind of democracy. The Romans developed the concept of the representative democracy or republican government where citizens elect representatives to act on their behalf.

The United States is a republic or representative democracy. The diagram below describes the difference between direct and representative democracy.

![Diagram of Direct Democracy vs. Republic/Representative Democracy]

In a republic, individuals do not directly govern themselves. Voters elect representatives who, as government officials, make laws for the people. This contrasts with a direct democracy, where voters choose public policies themselves. Today, however, the term democracy is used generically to include direct and indirect democracy (or republican systems of government). The Constitution’s original design provided for only limited democracy in the way the national government worked. The members of the House of Representatives were directly elected by the people, but the members of the Senate were selected by state legislators, the president was chosen by the Electoral College (not by popular vote of the people), and federal judges were nominated by the president and confirmed by the Senate to serve life terms. And only a small percentage of citizens (white male property owners) were originally allowed to vote in elections. The Constitution provided only limited popular control over government because the Founders were skeptical of direct democracy. Over time, the Constitution, the government, and politics became more democratic with the development of political parties, the direct election of senators, and an expansion of the right to vote.

Think About It!
In the past, direct democracy was considered impractical and undesirable because of geographical constraints, limited forms of travel and communications, and an uneducated and ill-informed public. Technology and public policy have changed these conditions. Should the U.S. now use technology to expand direct democracy by having the voters directly vote in referenda on national issues?
1.8 **Summary: Why government and politics?**

Politics occurs almost everywhere. Governments exist almost everywhere. This is because they are ways that individuals organize themselves to more effectively achieve their *individual goals* such as public safety, good public order, education, health care, and economic prosperity and income security. Government and politics are also ways to achieve *social goals* such as a sense of belonging to a community, national or cultural identity, protection of national security, and the establishment of a just society. Governments are created to be one of the ways to provide and maintain these material and non-material goals. But governments can also threaten or even take these things away from people. The Fifth Amendment to the U.S. Constitution prohibits the government from taking a person’s life, liberty, or property without due process of law. Is this a limit on government power? Yes. Is it a grant of government power? Yes—because it means that the Constitution gives the government power to take life, liberty, and property IF it provides due process of law before doing so. The fact that government can protect or threaten important values is one of the reasons why government and politics are almost continually debated and sometimes even fought over. Individuals and groups have different ideas about what governments should be doing, and are willing to fight for control of government so that their ideas and beliefs can be acted upon or implemented in public policy.

1.9 **Other Resources**

1.91 **Internet**


The Declaration of Independence: [http://avalon.law.yale.edu/18th_century/declare.asp](http://avalon.law.yale.edu/18th_century/declare.asp)

The U.S. Constitution: [http://avalon.law.yale.edu/18th_century/usconst.asp](http://avalon.law.yale.edu/18th_century/usconst.asp)


The Center for Voting and Democracy has links to articles related to elections and democracy, and links to organizations and ideas related to reforming the electoral system, and analysis of electoral returns. [www.fairvote.org/](http://www.fairvote.org/)

1.92 **In the Library**


Chapter 1: Why Government? Why Politics?

1.0 | STUDY QUESTIONS

1.) What are the basic questions to be asked about American (or any other) government?
2.) Why do governments exist everywhere if governments everywhere are widely criticized?
3.) What is politics?
4.) What is meant by power?
5.) What is political power?
6.) Explain the concepts authority, legitimacy, justice, and democracy.
7.) Distinguish among the three concepts of democracy mentioned in the chapter, explaining in which of these senses the textbook refers to American government as democratic.

KEY TERMS

Public Good
Power
Authority
Legitimacy
Government
Politics
Citizen
Justice
Social Contract
Direct Democracy
Representative
Democracy
Oligarchy
Monarchy
Polity
Tyranny
Aristocracy
Personal Liberty