Government and the State

**Government** is the institution through which a society makes and enforces its public policies.

**Public policies** are all those things a government decides to do.

Public policies can range from taxation, defense, education, crime, and health care.

Every government has and exercises three basic kinds of power:
- legislative power,
- executive power, and
- judicial power.

The powers of government are often outlined in a constitution. A **constitution** is the body of basic laws setting out the principles, structures, and processes of a government.
Government and the State

**Legislative power** is the power to make law and to frame public policies.
Executive power is the power to execute, enforce, and administer law.
Judicial power is the power to interpret laws, to determine their meaning, and to settle disputes that arise within the society.
Government and the State

**Dictatorship** – a form of government in which the leader has absolute power and authority.

**Democracy** – a form of government in which the supreme authority rests with the people.

I vote because...
- it’s my **right**,
- it’s my **responsibility**,
- & it’s my children’s **future**.
Government and the State

Government is one of the oldest human inventions. Government came along quickly as human beings realized that they could not survive without someway to regulate both their own and others’ behavior.

**Politics** is a process and the means by which government is conducted.
Government and the State

"Either we believe that the State exists to serve the individual or that the individual exists to serve the state."

- AYN RAND

Over the course of human history, the state has emerged as the dominant political unit in the world.

State – a body of people, living in a defined territory, organized politically with a government, and with the power to make and enforce law without the consent of any higher authority.

What are the four characteristics of a state?
The four characteristics are population, territory, sovereignty, and government.
Government and the State

The state is a legal entity. In popular usage, a state is often called a “nation” or a “country.” In a strict sense, however, the word *nation* is an ethnic term, referring to races or other large groups of people. The word *country* is a geographic term, referring to a particular places, region, or area of land.

Population size has nothing directly to do with the existence of a state. San Marino is a state with 27,000 people. The People’s Republic of China is the world’s most populous state with more than 1.3 billion people.

The people who make up a state may or may not be homogeneous. Homogeneous people share customs, a common language, and ethnic background.
A state must have land with known and recognized boundaries. This is known as territory.

San Marino has less than 24 square miles.

Russia, the world’s largest state, stretches across some 6.6 million square miles.
Government and the State

**Sovereign** – supreme and absolute power within its own territory and can decide its own foreign and domestic policies.

A sovereign state is not subordinate nor responsible to any other authority.

Are the states within the United States sovereign?

No, each state in the United States is subordinate to the Constitution of the United States.

The States within the United States are not sovereign and so are not states in the international, legal sense.
Government and the State

Every state is politically organized in that it has a government.

Government is necessary to avoid what English philosopher Thomas Hobbes called “the war of every man against every man.”

Hobbes went on to say that without government there would be “continual fear and danger of violent death and life would be solitary, poor, nasty, brutish, and short.”

When government crumbles and disappears in places like Lebanon, Bosnia, and Somalia life has become “nasty, brutish, and short.”

What was the origin of the state? What caused the first state to form? Four theories try to explain the origin of the state.

- The Force Theory
- The Evolutionary Theory
- The Divine Right Theory
- The Social Contract Theory
The Force Theory

Many scholars believe the first state was born from force.

These scholars believe that one person or a small group of people claimed control over an area and forced all people within the area to submit to the individual’s or group’s rule.

Once rule was established, all the basic elements of the state were present.

- Population
- Territory
- Sovereignty
- government
The Evolutionary Theory

Other scholars believe the state developed naturally out of the early family. Early families had one person who was the head. Over many years the original family became a network of related families...a clan.

Over time, the clan became the tribe. It is believed that when the tribe quit hunting and gathering to get their food, gave up their nomadic ways, turned to agriculture...when the tribe tied itself to a certain area of land, then the state was born.
Government and the State

The Divine Right Theory

This theory was widely believed in much of the Western world from the 15th through 18th centuries.

This belief was that God created the state and that God had given those of royal birth a “divine right” to rule.

The people were bound to obey their ruler as they would God. During the 17th century, philosophers began questioning this belief. Much of thought during this time laid the groundwork for present-day democracy.
Government and the State

The Social Contract Theory

For the American political system, the most significant of the theories of the origin of the state is that of the social contract.

Philosophers such as John Locke and Thomas Hobbes developed this theory in the seventeenth and eighteenth centuries.

Hobbes wrote that in earliest history humans lived in unbridled freedom in a “state of nature,” in which no government existed and no person was subject to any superior power. That which people could take by force belonged to them. However, individuals were only safe as their own physical strength and intelligence could make them.
Government and the State

The Social Contract Theory

Human beings overcame their unpleasant condition by agreeing with one another to create a state.

By contract, people within a given area agreed to give up to the state as much power as was needed to promote the safety and well-being of all. In the contract (constitution), the members of the state created a government to exercise the powers they had voluntarily given to the state.

The social contract theory argues that the state arose as a voluntary act of free people. It holds that the state exists solely to serve the will of the people, that they are the only source of political power, and that they are free to give or to withhold that power as they choose.
Government and the State

The Purpose of Government

The Constitution of the United States offers a very meaningful response to that question...

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

--Preamble to the Constitution

“The purpose of government is to enable the people of a nation to live in safety and happiness. Government exists for the interests of the governed, not for the governors.”

JeffersonQuotes.com
Government and the State

Form a More Perfect Union

The United States had just gained its independence from Great Britain. In 1781, the Articles of Confederation, the nation’s first constitution formed “a firm league of friendship” among the 13 States. The league proved to be neither firm nor friendly.

The government under the Articles proved to be powerless to control State disputes.

The present Constitution was written in 1787. The original states ratified, or approved, the Constitution in order to link them, and the American people, more closely together.

The Constitution was built in the belief that in union there is strength.
Government and the State

Establish Justice

To provide justice, said Thomas Jefferson, is “the most sacred of the duties of government.” No purpose, no goal of public policy, can be of greater importance in a democracy.

Justice, however, is a tricky concept. Justice means what people make it mean.

The concept of American justice has evolved to mean this: The law, in both its content and its administration, must be reasonable, fair, and impartial.

This is a hard goal to achieve. The history of the U.S. can be told largely in terms of our continuing attempts to reach that goal.
Order is essential to the well-being of any society, and keeping the peace at home has always been a prime function of government.

Most people can only imagine what it would be like to live in a state of anarchy—without government, law, or order. In fact, people do live that way in some parts of the world today.

Form a great deal of Somalia’s history, this eastern African nation has not had a functioning government; rival warlords control different parts of the country.

“If men were angels, no government would be necessary.”

--James Madison
Framer of the Constitution
Provide for the Common Defense

Defending the nation against foreign enemies has always been one of government’s major responsibilities. Defense is mentioned far more often in the Constitution than any of the other functions of government.

The nation’s defense and its foreign policies are both key toward maintaining the security of the United States.
Government and the State

Promote the General Welfare

Few people realize the extent to which government acts as the servant of its citizens.

Here are some examples...

1. Public schools
2. Protect the quality of the air
3. Guard the quality of the water
4. Maintain the quality of food

These are the services that are not very likely to be provided by the voluntary acts of private individuals or groups.
Government and the State

Secure the Blessings of Liberty

The United States was founded by Founding Fathers who loved liberty and prized it above all earthly possessions.

The famous lawyer Clarence Darrow summed up the conundrum of liberty with this... “You can only be free if I am free.”

Thomas Jefferson said this of liberty in the United States... “Eternal vigilance is the price of liberty.”
Forms of Government

Just like snowflakes, no two governments are alike. They are the products of human needs and experiences.

Governments may be classified, however.

There are three classifications which are important and useful.

1. Who can participate in the governing process...
2. The geographic distribution of governmental power within the state
3. The relationship between the legislative and the executive branches of the government.
Forms of Government

Who can Participate

When considering how many people participate in the governing process, there are two extremes to examine: democracies and dictatorships.

Democracy

In a democracy, the people have the power, and the government operates only with the will of the people.

Abraham Lincoln gave the best definition of democracy in his Gettysburg Address... “...government of the people, by the people, for the people.”
Forms of Government

 Democracies come in two brands: direct or indirect.

 A direct democracy (pure democracy) exists when the will of the people is made public policy or law directly by the people themselves as they participate in mass meetings.

 This can only work in very small communities. It exists in the United States in New England town meetings.

 Indirect democracy is what Americans are used to. In a representative democracy, a small group of elected persons express the popular will of the people. These representatives can be re-elected or voted out of office.
Forms of Government

Dictatorship

A dictatorship exists when those who rule cannot be held responsible to the will of the people.

The government is not accountable for its policies, nor for how they are executed.

Dictatorship is the oldest and most common form of government known in history.

Autocracy – a government in which a single person holds supreme political power.

Oligarchy – a government in which the power to rule is held by a small, usually self-appointed elite group of people.
Forms of Government

All dictatorships are authoritarian with those in power holding absolute and unchallengeable authority over the people.

Today’s dictatorships are totalitarian in that they exercise complete power over nearly every aspect of human affairs...

Dictatorships are usually militaristic in character.

Dictatorships present the outward appearance of control by the people. Elections are rigged to the point that some elections only have candidates of one political party.
Forms of Government

In each system of government the power to govern is locate in one or more places, geographically.

From this viewpoint, there are three basic forms of government:
1. Unitary
2. Federal
3. confederate

**Unitary** – A centralized government in which all government powers belong to a single, central agency.
Forms of Government

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A unitary government creates local units of government for its own convenience. Those local governments have only those powers that the central government chooses to give them.

Most governments in the world are unitary in form.

The most famous unitary government is Great Britain. It has a single central organization—Parliament.
Forms of Government

**Federal Government** is one in which the powers of government are divided between a central government and several local governments.

Besides the United States, Australia, Canada, Mexico, Germany, India, and many others have federal forms of government.

**Division of Powers** – Basic principle of federalism; the constitutional provisions by which governmental powers are divided on a geographic basis. In the United States, the division is between the National Government and the States.
Confederation Government is an alliance of independent states. A central organization handles only those matters that members states give it. Usually, the powers of a confederative government have been limited to defense and trade. The closest thing to a Confederation today is the European Union (EU). This is 25 member-nations which has free trade, a common currency, and tries to coordinate its members’ foreign and defense policies.
ALRIGHT, NANCY, I'M HERE TO SETTLE A BET BETWEEN SCHUMER AND SUMMERS OVER THERE...

SCHUMER PUT DOWN $100 ON YOU BEING CAPABLE OF MOVING YOUR EYEBROWS, AND SUMMERS IS BETTING AGAINST....
Forms of Government

Relationship between Legislative and Executive Branches

There are two basic forms of government in this division:
1. Presidential
2. Parliamentary

**Presidential Government** has the executive and legislative branches of the government being separate and independent of each other.

Both the presidential and legislative branches are equal in power. These branches have powers that can block actions by the other branch. The Constitution provides for separation of powers between the branches of government.
The United States is the world’s leading example of presidential government. The United States invented this form of government. Most of the other presidential systems of government can be found in the Western Hemisphere.
Forms of Government

**Presidential and Parliamentary Governments**

**The Presidential Relationship:** Voters elect the Legislature and the Chief Executive who is part of the Executive Branch. The legislature and executive are independent and coequal.

**The Parliamentary Relationship:** Voters elect the Legislature. The Chief Executive is drawn from the Legislature.
A **parliamentary government** has an executive made up of the prime minister or premier, and the that official’s cabinet.

All the cabinet members and the prime minister are members of parliament. The prime minister is the leader of the majority party or of a party coalition.

The prime minister stays in power only as long as parliament approves of his job. If he gets a vote of “no confidence,” the prime minister is out of a job.
Prime Minister of Great Britain during World War II Winston Churchill once said, “No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time.”

“You have enemies? Good. That means you've stood up for something, sometime in your life.”

- Winston Churchill
Basic Concepts of Democracy

The American concept of democracy rests on these basic notions:

1. Worth of the Individual
2. Equality of All Persons
3. Majority Rule, Minority Rights
4. Necessity of Compromise
5. Individual Freedom
Basic Concepts of Democracy

Democracy is firmly based upon a belief in the fundamental importance of the individual. At times, the welfare of one or a few individuals is subordinated to the interests of the many in a democracy. People can be forced to do certain things whether they want to or not.

1. Paying Taxes
2. Obey traffic signals

Worth of the Individual

Remember: “In the kingdom of our Heavenly Father, no man is a “nobody”

Marvin J. Ashton
Basic Concepts of Democracy

Equality of All Persons

The democratic concept of equality of all persons insists that everyone is entitled to:
1. Equality of opportunity
2. Equality before the law

No one should be held back because of race, color, religion, or gender.
Basic Concepts of Democracy

Majority Rule, Minority Rights

The will of the people and not the dictate of the ruling few determines policy.

What is the popular will and how is it to be determined?

Democracy can be described as an experiment or a trial-and-error process designed to find satisfactory ways to order human relations.
Basic Concepts of Democracy

In a democracy, it is critically important that public decision making be largely a matter of give-and-take among the various competing interest.

**Compromise** – An adjustment of opposing principles or systems by modifying some aspect of each.

Compromise is process, a way of achieving majority agreement. It is never an end in itself. Not all compromises are good, and not all are necessary.
Basic Concepts of Democracy

**Individual Freedom**

Democracy can only flourish in an individual freedom environment.

Absolute freedom can only exist in a state of anarchy.

Anarchy leads inevitably to rule by the strong and ruthless.

Humans need both liberty and authority. A democracy must find the proper balance.
Basic Concepts of Democracy

Democracy and the Free Enterprise System

The American commitment to freedom for the individual is deep-rooted, and it is as evident in the nation’s economic system as it is in the political system. The American economic system is the Free Enterprise System.

**Free Enterprise System** – an economic system characterized by the private ownership of capital goods, investments made by private decision, not by government directive, and success or failure determined by competition in the marketplace.
Basic Concepts of Democracy

The free enterprise system is also known as capitalism or a market-based system.

The government does not decide what items are to be produced or how much any item will sell for.

Law of Supply and Demand — a law that states that when supplies of goods and services become plentiful, prices tend to drop. When supplies become scarcer, prices tend to rise.
Basic Concepts of Democracy

The basis of the American economic system is the free market. Since the government does play a role in the American economy, the United States now has a mixed economy.

**Mixed Economy** – an economy in which private enterprise exists in combination with a considerable amount of government regulation and promotion.

There are two reasons why the government participates in the economy:

1. To protect the public
2. To preserve private enterprise

Most Americans believe that a well-regulated free enterprise system is the best guarantee of a better life for everyone.
Basic Concepts of Democracy

Democracy and the Internet

Democracy demands that people be widely informed about the government. It would seem that government and the Internet were made for one another.

However, the speed with which and the quantity in which information can be found on the Internet does not guarantee the reliability of that data. There is a vast amount of unverified and frequently false information and biased analysis in cyberspace.