

## Pol S 300, Study Guide, Exam 1:

*You should be able to discuss these terms in an at least semi-coherent fashion*

**NOTE:** there will be some terms that you do not recognize. These have either not been discussed yet (since the exam is still a week away) or they are in the reading and can be found there. Remember, reading and lectures are supplemental to one another.

### Constitution as a political and legal document

The approach to the constitution is as a political and legal document it is easy to think about as solely a legal document. It creates things like political institutions

### Written and unwritten constitutions

Most of the world has written constitutions. The British constitution is a unwritten constitution in many sorts. Part of their constitution is found on historic documents but how they really go about is what the queen in parliament enacts is law. Israel also did not have one until 1995 they had a constitution chapter which enacted basic laws as a compromise.

Written cons: thing and institutions and procedures those that are derived from what is written in the constitution values: pluralism; institutions-political parties and bureaucracy; procedures- judicial review is not listed. Court does in 1803. (set of constitutional structures in legal documents.)

Unwritten constitutions: broad political system that helps the system work. (accumulation of constitutional laws and conventions.)

### Partisan and political philosophical use of: 'democracy,' 'republicanism,' and 'liberalism'

Partisan democracy: government is responsible for the care of the people even if that means people give up some rights.

Partisan republican: each person is responsible for their own place in society.

Partisan liberalism: a philosophy about policies based on liberty and equality.

Philosophical democracy: majority rule. Minority rights are not looked at. Extremely inclusive. Everyone who chooses to vote is allowed to

Philosophical republicanism: representative government. Elect someone else to vote in our interest. Far removed from common citizen

Philosophical liberalism: refers to a broad intellectual tradition limited to self-government.

Five principles of liberalism discussed in class

Individualism (individual is the center of society)

Limited or self-government

Tolerance → culture

Rights of a political construct. You cannot violate the rights of others

Secularism

Social contract theory (Hobbes and Locke)

State of nature (hypothetical no government) → social contract → civil government

Hobbes view was

state of nature: everyone was self interested, everyman for himself, maximizes pleasure minimizes pain, competing for resources like the hunger games.

Social contract: severe. All citizens handed over everything (weapons, land, resources) in return for protection and to live in a society.

Civil government: absolute government control.

Locke's views:

State of nature: is governed by the law of nature and nature is reason. Nature is a reasonable place but there can be inconveniences.

Social contract: they need someone neutral to mediate conflicts.

Civil government: limited

Articles of Confederation (and the problems discussed in class)

No central government. All states had one vote.

1. Economic problems - state and national currency
2. Legal problems- each state had their own laws

3. No national defense- congenital congress had to ask states to give them their militia and they were not required to do that. Everyone had to agree.

### Virginia and New Jersey plans, Connecticut compromise, and Slavery compromises

Virginia plan: James Madison; national government legislation would be the dominate branch.

Separation of powers. A proposal that congressional representation would be based on population which favored large states. (Checks and balances between the three branches executive legislation and judicial.

New Jersey plan: a proposal in response of the Virginia plan that each state should receive equal representation.

It's considered by many to be a political charter.

Connecticut compromise: reconciles va and nj plan (bicameral legislature, electoral college, confirmation process

Slavery compromise: not so great. Results in slave states. Southern states didn't want to pass free slaves. Because southern life would be diminished without slaves. Slaves were not citizens they were considered property but wanted to count as population. Free states were against this because if they counted as population they would have more political power. They agreed on the 3/5<sup>th</sup> compromise. For the purpose of representation every slave counted as 3 citizens for every 5 free people. Also they had the 1808 compromise which meant the couldn't talk about negating for 20 years. And they also had the fugitive slave compromise: if a slave runs away the need to return them to their rightful owner

Original and appellate jurisdiction (including percentages of cases heard)

Original cases that go directly to to the Supreme Court are explicitly stated, makes up 5% of all cases

Appellate: everything else that must go through an additional process. Makes up 95% of cases taken.

Judicial Federalism, Judicial Review, and Judicial Independence (both theoretical and institutional aspect of the third)

Judicial review: authority of the Supreme Court to review the constitution federal and state law. But its nowhere in the given articles.

Judicial Independence:

Theoretical aspect: members of congress are dependent on voters. Institutional just the senate needs to confirm. So bias decisions are not made. Worrying about reelection or being taken out of office can flaw your decision making.