Course Description

This course introduces students to the history and theory of federalism in law and political thought. Many countries, including the United States, are federal republics that divide power between two levels of government: state and federal. However, this division of power has been constantly contested. What is the proper relationship between the federal and state governments? How can this balance be maintained? And what is federalism good for anyway? Often, the debates over federalism implicate core principles, such as liberty, self-government, and equality, which are central to democratic political culture. Our primary focus is on the U.S., but we will study other federal republics as well. As an permanent feature of the American constitutional system, federalism has been—and ought to be—a perennial topic of reflection.

This course focuses on the emergence of modern federalism in the U.S. Constitution, overviews the debates over federalism through American history both in the courts and among political theorists, and ends with topical themes related to federalism. Because the theoretical debates sprang out of the political debates and circumstances of the time, history and political theory are intertwined in this class in such a way as to point out and discuss themes and ideas of enduring relevance. Special attention will be given to differing theories of federalism and different perspectives on the value of federalism. Also, this course incorporates many empirical studies on various aspects of federalism.

Course Learning Objectives

As a result of this course, students should be able to:

- Summarize the primary legal rulings related to federalism from the U.S. Supreme Court.
- Describe the concepts of “subsidiarity” and “contestation.”
- Critique the philosophical arguments for and against federalism regarding democratic government, political participation, the protection of individual rights, economic growth, political discourse, the protection of free government, and the provision of public goods.
- Identify and assess the four potential mechanisms for maintaining a balance of power between the state and federal governments.
- Propose legal or constitutional revisions to federal systems worldwide based on the philosophical, legal, and empirical concepts learned in this course.
- Participate actively in contemporary political debates by applying the concepts learned in this course to disputed questions related to federalism.

**Course Organization**

This course meets on Friday from 8:59 – 10:50 A.M. This is a seminar class, and as such requires active participation from students. The goal of each meeting is to examine and evaluate the core concepts, theories, and cases in the reading. Consistent and punctual attendance is expected. Class time will consist of informal lectures punctuated by frequent discussion and (possibly) some multimedia such as videos or songs.

Classes are based heavily on weekly readings of roughly 50-70 pages a week. The list of books and articles required for this class, along with a detailed class schedule, is given below. The reading assignments should be completed before class on the day they are assigned. The articles are posted on the course website (on Canvas) but can also be obtained via the university library’s online resources. The books can be found at the campus bookstore.

This syllabus gives a tentative reading schedule for this class. If we fall behind, I may drop some readings. Students are expected to keep up with alterations in the schedule, although I will give advance notice via email and in class (at least a week in advance).

**Assignments and Grading**

Your final grade for this class will be calculated based on the following assignments:

1. **Research Paper (25%)**. Students must write a research paper investigating a topic related to federalism in detail. It must be 2,500-3,000 words in length (roughly 10-12 pages double-spaced). You are responsible for choosing a topic, although the professor may suggest topics. Further details will be discussed in class and posted on Canvas. A rough draft will be due on March 23, which should be as long as the final paper. I will read these, give comments, and return them for editing. A final version will be due on May 2.

2. **Five Reflection Papers (4% each; 20% total)**. Students will write 5 short reflection papers, which count for 4% each. They must be 500-700 words long. These papers should summarize, evaluate, and reflect on one (or more) of the readings for that day, and are due before class starts. **NOTE:** you may not turn in a reflection paper on the same day as your class presentation. A good paper might (1) identify key points in the reading, (2) relate the readings to modern-day events, (3) provide an outline of the main argument, or (4) critique some of the claims made (or some combination of several of these things). **NOTE:** two open-ended questions (i.e. questions that cannot be answered with “yes” or “no”) must be included at the end of each paper, to facilitate discussion. Grades for these papers will be either 100%, 75%, 50%, or 0%.
(3) **Case Briefs (10% each; 20% total)**. Students will write two case briefs. A case brief concisely summarizes the key facts and rulings of a court case. The briefs must be about cases discussed in class and listed on the syllabus. They are due before the start of class on the day the case is assigned. They should be roughly 1-1.5 page single-spaced (12-point font, 1 inch margins), but up to 2 pages is fine. More detailed instructions as to how to write a case brief will be posted on Canvas. To write the brief, students should read the entire case (or at least a large chunk for longer cases), not just the excerpt for class.

(4) **Class Presentations (15%)**. Each student will give 1-3 class presentations on one of the readings. There will be a presentation for every reading after week 2. There is a “collaboration” document on Canvas where you can sign up for a specific reading. Each presentation should last approximately 8-10 minutes and include a summary of the reading along with commentary and/or critique. For instance, one might show the significance of the reading for some current political issue, or one might disagree with the author’s views. Each presentation should be accompanied by two questions for class discussion about the reading. These questions should be shared with the professor via email before the day of the class (i.e. by midnight the previous day). These presentations should be fairly “low-key” and PowerPoints or handouts are not necessary.

(5) **Participation/Attendance (20%)**. The participation/attendance grade is based on punctual and consistent attendance, offering questions and comments during class, and refraining from disruptive or distracting behavior. I may request short written feedback or reflection papers written in class, which fall under this category but are otherwise ungraded. Disruptive or frequently absent students will receive a failing grade. Students who attend class/discussion but who rarely participate will receive a 60-85% grade. Frequent contributors to class discussion will receive an 85-100% grade. The precise grade depends on the specific behavior of each student.

**Extra Credit Assignments:**

I may choose to make extra credit options available, in which case I will provide specific details.

**Late or Missed Work:**

Late work (e.g. the final paper or short paper) will be penalized 1 letter grade for each day it is late (starting at the time it is due). If you cannot complete a written assignment on time or cannot attend class on exam day (for any reason), you are required to notify me (and receive confirmation of approval) before the time of the assignment/exam. I will accept reasonable excuses and try to accommodate you. If you are unable to alert me beforehand due to an emergency, notify me ASAP.

**Incomplete Grades:**

I rarely allow students to take an “Incomplete” grade. I only offer an “Incomplete” grade to students who have completed at least 75% of the coursework (including attendance and all assignments). If an Incomplete is offered, the coursework must be completed no later than three months after the date of the final exam.

**Grading Scale:**

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**Required Books and Articles**

*Books:*


*Articles:*


Soss, Fording, and Schram, “The Color of Devolution: Race, Federalism, and the Politics of...
Online Materials. In addition, you will be required to find supplementary readings online. Finding these should be straightforward, and a PDF will be posted on Canvas.

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<tr>
<th>Date</th>
<th>Topic</th>
<th>Reading Assignment</th>
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<tr>
<td>1/25</td>
<td>Friday Philosophical Foundations of Federalism I</td>
<td>Syllabus; <em>Theories of Federalism</em>, chapters 2-6</td>
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<td>2/1</td>
<td>Friday Philosophical Foundations of Federalism II</td>
<td><em>Theories of Federalism</em>, chapters 7-8</td>
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<td>2/8</td>
<td>Friday Federalism and the American Founding</td>
<td>Brutus, selections from “Essay 1” [Canvas]; <em>Theories of Federalism</em>, chapter 10; McDonald, chap. 1</td>
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<td>2/15</td>
<td>Friday Federalism in the Early Republic</td>
<td>McDonald, chaps. 5-6 [skip pp. 133-143]; <em>Theories of Federalism</em>, chap. 11; Madison, “Letter to Edward Everitt, August 28, 1830” [Canvas]</td>
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<td>2/22</td>
<td>Friday Jacksonian Era and Nullification</td>
<td>McDonald, chaps. 9-10 [skip pp. 144-148]; <em>Theories of Federalism</em>, chap. 12; Madison, “Letter to Governor of New York, July 18, 1830” [Canvas]</td>
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<td>3/1</td>
<td>Friday Secession and the Civil War</td>
<td>Amendments 13-15 of U.S. Constitution [online]; McDonald, chaps. 7-8</td>
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<td>3/8</td>
<td>Friday Supreme Court and Federalism: Pre-New Deal</td>
<td>[For all cases, read PDF excerpts posted on CANVAS] Gibbons v. Ogden (1824); Barron v. Baltimore (1833) [<a href="https://en.wikisource.org/wiki/Barron_v._Baltimore">https://en.wikisource.org/wiki/Barron_v._Baltimore</a>]; U.S. v. E.C. Knight Co. (1895); Hammer v. Dagenhart (1918); Carter v. Carter Coal Co. (1936)</td>
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<td>3/15</td>
<td>Friday Supreme Court and Federalism: Post-New Deal</td>
<td>[For all cases, read PDF excerpts posted on CANVAS] NLRB v. Jones &amp; Laughlin Steel Corp (1937); United States v. Darby (1941);</td>
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Behavior Policy

Unless the professor says otherwise, laptop computers may only be used to take notes, not to access the internet or entertainment. Other forms of disruptive behavior, such as talking, use of cell phones, tablets, etc. is prohibited. Early departure from class is strongly discouraged (please alert me ahead of time if you must leave early).

Academic Honesty

The University of Wisconsin demands the highest standards of academic honesty. It is up to the student to avoid cheating or plagiarizing. Details are given below. Contact the instructor if you are unsure about the appropriateness of your course work.

Academic dishonesty includes:

- Submitting work to more than one course. You are expected to develop original work for this course; you may not submit course work you completed for another course to satisfy the requirements for this course.
- Submitting or claiming another person’s work as your own (plagiarism). Unless authorized by your instructor, you are expected to complete all course assignments
(including quizzes, exams, and papers) on your own (although you may use and cite any number of sources).

- Failing to properly cite a source used (plagiarism). If you quote, paraphrase, or use another person’s ideas, words, or work, you must provide a citation describing where you got that material. When you cite a source, please provide the correct citation information according to one of the major citation styles (i.e. Chicago, MLA, Bluebook, APA, etc.). To avoid “accidental” plagiarism, it is wise to avoid copying and pasting material from the internet or other electronic sources, even if you plan to summarize that material after you copy/paste it.

- Exchanging the answers to any assignment with another student (both giving and receiving). These should always be completed on your own, unless the instructor explicitly allows working in groups.

- Lying to the instructor or another student about any aspect of your assignments.

Academic dishonesty will, at minimum, result in a grade of 0 for that assignment. If the instructor deems the offense serious enough, dishonesty may result in a failing grade for the course. Such incidents will also be reported as required by the Department and/or University, which may result in further disciplinary action.

**Definition of Credit Hour**

This class uses the “Carnegie” definition of a credit hour to define how credit hours are met by this course. This definition is as follows:

“A credit hour is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than … One hour of classroom or direct faculty instruction and a minimum of two hours of out of class student work each week for approximately fifteen weeks for one semester […], or the equivalent amount of work over a different amount of time.”

Note that 2 hours of out-of-class work per credit hour comes out to approximately 6 hours of work per week for a 3-credit course, although the specific level of work will vary from week to week.

**Extra Resources**

*Disability Resource Center.* The University of Wisconsin desires to provide equal opportunity for participation in all programs, services and activities. Requests for accommodations by persons with disabilities may be made by contacting the Disability Resource Center. Here is a link: [https://mcburney.wisc.edu/](https://mcburney.wisc.edu/). Please let me know if you need accommodations.

*Writing Center.* For those who need help with their writing (which really includes every student), the Writing Center is available. Located at 6171 Hellen C. White Hall, the Writing Center has highly qualified students who will work one-on-one with you to improve the grammar, structure, and clarity of your writing. I highly encourage this resource. Website: [https://writing.wisc.edu/](https://writing.wisc.edu/)?

*Student Handbook.* In addition to the articulated course specific policies and expectations, students are responsible for understanding all applicable University guidelines, policies, and procedures. The Student Handbook is the primary resource provided to students to ensure that
they have access to all university policies, support resources, and student's rights and responsibilities. Student Handbook Link: http://uwc.edu/students/handbook-policies.

*Citation Styles*. He is a link to some basic information on citing sources and avoiding plagiarism: http://pitt.libguides.com/citationhelp. You may also consult *A Pocket Style Manual*, by Diana Hacker and Nancy Sommers.