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CORRECTION

Integrating Women's Studies in a Political Science Curriculum, p.13 of the Winter NEWS was written by Rita Moniz. We regret misspelling Professor Moniz's first name.

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Constitutional Law, Liberal Arts and Citizenship

by David S. Lindberg, Elmhurst College

Constitutional law classes include three constituencies of students. The constituency of political science majors brings to the class the expectation of gaining specialized knowledge of the role of the judicial institutions in the political system. The second constituency is composed of non-majors who have chosen the course as an elective and who expect to learn something of the general development of the law. The final constituency is made up of pre-law students who are seeking familiarity with the legal principles, concepts and analytical skills in preparation for their professional training.

The professor faces the problem of how to address these three groups with their differing expectations. The three sets of expectations correspond to three strategies of teaching constitutional law. The three strategies are systematic, historical and technical and each implies its own doctrine of the Constitution.

The systematic strategy approaches constitutional law from the standpoint that the cases coming before the Supreme Court and the decisions coming from it constitute the flow of inputs and outputs for a political subsystem. Not only do the incoming demands penetrate the judicial system from the environment composed of groups, institutions, government agencies and the like, but the output of rulings has an impact upon the environment of other subsystems. As the Court grapples with processing its case load it keeps a sharp eye upon signals of negative and positive support in order to safeguard its capacity for authoritatively allocating values. This strategy has much merit for demonstrating the political context of adjudication. At the same time it reduces the myth, which the Court has literally built around itself, of the Supreme Court as Oracle. The problem with this strategy is that one loses sight of case law in terms of the richness of its content and the difficulty of the moral dilemmas it contains. The pedagogical strategy also implies a constitutional doctrine, namely that the Constitution is simply an arbitrary set of rules which more or less governs the ongoing game of who will get what, a set of rules which the game continually changes.

The second strategy, one most likely to appeal to the general education student, is that of constitutional history. The history of how the Constitution has been interpreted in different eras, how those interpretations have been altered, and the relation between interpretations and changes in American culture is a fascinating enterprise for a generation of students whose contact with history is slight. However, the historical perspective is flawed. While the law is retrospective in its reliance upon precedent, it is also prospective in the uniqueness of the cases and the potential for the cases to alter the future. An understanding which treats the law as merely "the product of the times" misunderstands the freedom which is characteristic of the Supreme Court. The implicit teaching about the Constitution which emerges is that it is infinitely flexible and comes to mean whatever prevailing opinion, held by the public and mediated by the Court, wants it to mean. This interpretation does not leave room for the possibility that opinion may be directed and molded by the Constitution, or that commendable flexibility may be balanced by an equally commendable constancy.

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Teaching Law

The Logic of American Gov't Through Administrative Law

by Daniel L. Feldman
New York State Assembly

Administrative law provides the concepts and the logical framework that explain American government. The fundamental questions of modern American government and of administrative law are the same: by what right do the agencies of government operate? Are there limits on their powers? Who sets the limits? What are the limits? Where is the line drawn between Congress and the agencies in the allocation of policy-making authority? How much access to the courts should be available to the citizen who seeks protection of his or her individual rights against government — agency — power? To what extent must the government spell out rules in advance, and to what extent may a citizen find himself or herself in trouble for doing something that had not previously or usually resulted in prosecution?

Traditionally, if any law course was viewed as the logical foundation for an understanding of American government and public administration, it was constitutional law. However, most of American government is government by administrative agency. Agencies issue some 20,000 regulations a year to the 400 or so laws Congress passes annually (Miller, 1981, p. 124); they spent almost 99 percent of last year's federal budget (Executive Office of the President, 1982, pp. 38-39). When the role of government in American life is called pervasive, it is the role of administrative agencies that is really under discussion: government agencies collect the taxes, regulate the telephone and electricity bills, issue social security checks, and collect the garbage. Government, to the citizen, is far less the

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