DESCRIPTION AND PURPOSE OF COURSE, AND CONNECTION TO PROGRAM OF STUDY:

The first part of this two course sequence focused more (though not exclusively) on the colonial and founding periods, and on the "big picture" principles and institutions of American constitutionalism, including federalism, separation of powers, and the legislative, executive and judicial branches of government. Put differently, the first course explored the theory that supported the unamended Constitution and the institutions it created.* This second course focuses more (though again, not exclusively) on civil rights and liberties, including freedom of religion, speech and press, and the remaining liberties found in the Bill of Rights.

The purpose of this course is to ground Robertson School of Government ("RSG") students in the theory and practice of the American constitutional system. Frankly, we expect all graduates of RSG to have a thorough understanding of the American constitutional order, in which we expect many of you to play important roles upon graduation. This is in keeping with the mission of the School of Government and Regent University as a whole.

This course should be of particular interest and usefulness to government-law joint degree students. Whereas the course in law school uses the case book method, this course focuses on the substance and context of constitutional law. In other words, law school teaches "how," this course teaches "what" and "why." This course, therefore, provides a foundational framework for subsequent constitutional law studies in law school. Although a background in political science and history may be useful, they are not requirements for this course.

A word of caution is in order. This course is designed to aid three particular groups of RSG students: Joint law-government students, those who desire to attend law school in the future, and those with a keen interest in the law and who want to

* Students will prefer to take the first course (Gov 619) before this second course, although it is not a formal prerequisite.
develop their research and analytical skills. This course is not for the weak or faint of heart (there is no easy A in this course). The final exam will be in the nature of a law school final to help prepare for that experience. Everyone in the course will benefit in the development and polishing of your research and analytical skills, which will aid you in whatever task God has specifically called you.

**COURSE OBJECTIVES:**

1. Students will understand the history and provisions of the 1st, 2nd, 4th, 5th, 6th, 7th, 8th and 14th Amendments.

2. Students will read and understand the key cases decided under the foregoing Amendments.

3. Students will be able to articulate a thoughtful position regarding the relationship between Christianity and the constitutional Amendments stated above.

4. Students will further develop and hone their research and writing skills, and their critical thinking skills.

**COMPETENCIES**

1. The student will be able to read a case and articulate the facts, issue, holding, and rule thereof.

2. The student will apply rules of substantive law to analyze (both orally and in writing) fact patterns, and reach appropriate conclusions.

3. The student will understand American constitutional law within a Biblical context.

4. The student will grow in critical thinking skills, written and oral skills, and grow in strong work habits and self-discipline.

**COURSE PROCEDURES**

Constitutional law courses in law school use the case book method, which involves the intensive examination of major law cases and then extrapolating from these cases rules of law which can be applied to other fact patterns. This course is a hybrid between this case book method and the typical method of instruction used in college (lectures and text). It is, therefore, a wonderful bridge between college and law school, and a wonderful tool to determine whether a person interested in law should pursue law school. Since this class will be taught in person essentially as a seminar using the Socratic method, students are expected to attend class and to be prepared to participate in discussion of the cases, problems, and materials assigned. The online class will principally involve dialogue about a series of questions posed based on the readings. I will also attempt to provide the DE students with some of the taped lectures.

RSG uses the Internet to communicate with students and enhance its courses, and accordingly, all students must be proficient in the use of required computer hardware and software. See the section entitled Minimum Technology Requirements and
Getting Help below.

In Blackboard I will periodically post announcements concerning class. I will post in Course Materials many files pertinent to the class. In Assignments, I will post the paper topic. The Syllabus portion will contain a copy of this document, and in the Discussion Board I will post an introduction of myself. Please follow my lead in this regard.

Finally, remain familiar with the standards required in the Regent Student Handbook.

EVALUATION OF STUDENT PERFORMANCE

1. **Paper.** The principal assessments in this course will be a paper, class participation, and a final exam. The paper must be in the format of **12 point Times New Roman, double-spaced, with one inch margins.** The paper must be **at least eight pages** in length (but no more than 15 pages).

   All papers will be graded using the following percentages:

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Thoroughness</td>
<td>50%</td>
</tr>
<tr>
<td>Organization</td>
<td>20%</td>
</tr>
<tr>
<td>Quality of Writing</td>
<td>20%</td>
</tr>
<tr>
<td>Citation Format</td>
<td>10%</td>
</tr>
</tbody>
</table>

   By “Thoroughness,” I mean researching and writing with sufficient rigor and exactitude to explore a subject in depth consistent with graduate-level studies. The paper must include **at least twelve** separate sources outside of the class texts and Scripture. **At least eight of the paper’s required references must come from sources other than the internet (yes, you must either find books in the library or use the library’s extensive electronic databases).** By “Organization,” I mean arranging the paper in such a way that it logically flows from point to point. By “Quality of Writing,” I mean using proper punctuation, spelling, grammar, and a concise and precise writing style, so that thoughts and concepts are clearly presented.

   See my document entitled “Paper Expectations” in the Course Materials of Blackboard for help and information regarding writing style. By “Citation Format,” I mean that citations and format must be according to Bluebook (see information posted in the Course Materials on Bluebook Style). See again “Paper Expectations” for further information (in fact, a prudent student would do the following each time before submitting a paper in my course: (1) Review again the question asked/assignment to ensure that your paper addresses it; and (2) review Paper Expectations to ensure that your paper complies with its advice).

   Please submit the paper as an email attachment to me ([jameda2@regent.edu](mailto:jameda2@regent.edu)). The paper must be formatted in WORD and sent by twelve o’clock midnight EDT/EST on its due date. Late submissions will automatically have one point deducted every two hours or fraction thereof from its final assessment (e.g., one point will be deducted if the paper is submitted between 12:01 – 2:00 a.m., two points will be deducted if the paper is submitted between 2:01 and 4:00 a.m., etc.). The final exam will be three hours long and will conclude the semester.

2. **Class participation – Virginia Beach Section.** Each VB student will be evaluated based upon a student’s substantive contributions to class discussion
and submission of assigned briefs. *Attendance* to each class session is expected, unless prior arrangements are made with me. It should be clear that one’s class participation grade is directly tied to one’s attendance, based upon the following principle: If you are not in class, you can’t participate. Although I will not assess individually the briefs submitted to me in class, I will use them as one of the ways to assess class participation.

3. **Class participation – DE Section.** The purpose of Blackboard dialogue in this course is for you to acquire and test your understanding of the required readings. You can read the material, but the test of whether you have some mastery of the concepts is the extent to which you can discuss and apply the concepts. If we met in class, we could discuss the topics verbally. The threaded discussion dialogues replace classes. You will find some topics and concepts more useful than others or easier to understand and apply. Not everyone will see things the way you do, so we will all benefit from your comments if you find something particularly useful - or if you find something particularly worthless. The idea is to contribute to the common learning.

Dialogue etiquette requires that posts generally not be longer than 200 words (there are, of course, good exceptions to this general rule, and I do not want to limit you to surface analysis by word limitations). A characteristic of good writing is to be able to say what you mean in well-crafted tightly-worded documents. The focus of dialogue is on critical thinking about the material and how well you can engage in scholarly discourse with your colleagues. You are expected to use the discussions and other weekly interaction assignments to show your understanding of, questions about, and application of the content of the readings.

Evaluation of dialogue considers a balance of quality and quantity. Dialogue is a process rather than an assignment thus it is important that you engage other students early on in the forum’s time period and continue to engage learners throughout the open time period. You should pose new thoughts and questions as well as respond to the thoughts and questions of other learners. It is important that you demonstrate mastery of the material through new application or evaluation of the material. Evaluation also includes how well you introduce outside reading materials.

Since we have no class discussions, the only way I can assess whether you are reading the assigned material is if you cite the material in your posts. Including references to the text will earn you good marks in the Bb dialogue. Failure to cite the text in your posts will lead me to believe that you are not reading the text, and therefore not completing your assignments. This, of course, will adversely affect your grade.

Finally, I anticipate assigning during the course of the semester case briefs for each of you to write and share with others. The form of a case brief is found in the Course Materials. Part of your grade will depend upon the quality of the brief you post.

**Specific Evaluation Criteria for Dialogue**

**Grade A** (2 points each week of posting)
Posts three or more substantive messages for the week; responds not only to the assigned Group Discussion Questions, but also responds to the questions of others, while posing additional questions to stimulate dialogue; posts in a timely manner; cites text frequently.

**Grade B (1.2 points each week of posting)**
Posts two substantive messages for the week; responds minimally to the posted questions and to the questions of others; rarely asks additional questions to stimulate dialogue; infrequently cites text.

**Grade C (.5 points each week of posting)**
Posts one substantive message each week; responds minimally to the questions of others, or merely posts a question, thus does not enter the dialogue; does not cite text.

**Grade F (0 points each week of posting)**
Does not participate in posts for the week.

During the course of the week, I may participate in the discussion. If I do, it typically will provide encouragement, a little direction, or some insights I may have into the matter.

4. **Final Exam.** The final exam will include both short answer-multiple choice-true/false questions as well as an essay question. The essay question will require you to reach conclusions based on hypothetical fact situations, to explain fully and thoroughly the analytical process and reasoning used to reach the conclusions, and to explore alternative conclusions in the same way. Essay answers should feature four components: (1) An identification of each issue raised by the question; (2) A clear statement of the applicable legal rules; (3) An analysis wherein the rules are applied to the facts of the question; and (4) The drawing of appropriate conclusions.

The following criteria will be applied in grading essay answers, for each of the five primary letter grades indicated:

**A** An “A” answer identifies correctly and fully all issues and subissues raised by the question. It states all applicable (and potentially applicable) legal rules and subrules with precision. It analyzes the facts of the question thoroughly in light of the applicable rules, and explores all alternative modes of analysis where appropriate. Finally, it applies the law to the facts to reach appropriate conclusions.

**B** This answer presents all four components of a good answer (issues, rules, analysis/application, and conclusion), but it does so in a way that could be substantially improved. For example, it may be that not all of the issues have been spotted, or the issues are not presented with complete clarity. The statement of legal rules captures the basic law, but may not develop the law’s complexities or nuances. The analysis is competent, but lacks subtlety, and may be somewhat simplistic or conclusory in spots.

**C** This is a minimally competent answer. It must contain in some measure all four components of a good answer (issue, rules, analysis/ application, conclusions), but it may not clearly articulate them as separable concepts.
Perhaps only one or two main issues have been identified, the others missed. Rules of law, while stated, lack in completeness and/or accuracy. The analysis and application may be somewhat shallow and conclusory. Conclusions may be questionable and not well-defended. The “C” answer is the minimum acceptable product of a minimally competent attorney.

D This is an answer which lacks one or more of the basic components. It may identify the wrong issues, or articulate none at all. Rules are stated incorrectly. The analysis is conclusory at best, absent at worst. The law is never really applied to the facts in any coherent way. Conclusions are unsupported or missing.

F The student has written nothing, or has not really tried, or exhibits a complete lack of knowledge of legal issues and rules, or demonstrates a near-total inability to engage in legal analysis.

I will give the following weight to each of the areas of assessment:

<table>
<thead>
<tr>
<th>Assessments</th>
<th>Weight</th>
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<tbody>
<tr>
<td>Paper</td>
<td>40%</td>
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<tr>
<td>Final Exam</td>
<td>40%</td>
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<tr>
<td>Class Participation/Briefs</td>
<td>20%</td>
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</table>

For those students who have never had me for a class before, I will assign an optional paper which will have no impact on the final grade. I strongly recommend that first-time students research and write this optional paper at their optimum level, since I will provide considerable comment and correction on this paper which these students can then use on their graded paper. Remember to submit this paper timely since I will not review untimely submissions. Failure to use this opportunity for a review will cause first time students to suffer a competitive disadvantage with their classmates, who have already submitted two papers to me and therefore know my style of assessment.

**Grading Standard**

<table>
<thead>
<tr>
<th>Grade</th>
<th>Percentage Score Range</th>
<th>Rationale &amp; Meaning of Grade</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>94-100%</td>
<td>Superior work in all areas as indicated in the professor’s written expectations. Exemplary performance, participation, creativity and writing.</td>
</tr>
<tr>
<td>A-</td>
<td>90-93.9%</td>
<td>Excellent work overall, but may be lacking in relation to some aspect of the professor’s expectations. Excellent content in writing assignments.</td>
</tr>
<tr>
<td>B+</td>
<td>87-89.9%</td>
<td>Good work in most areas, minor deficiency in relation to the professor’s expectations regarding content, standard writing style or procedures. Good content, but lacking in</td>
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</table>
some areas (see professor's comments on course work).

**B** 83-86.9%

Good work in most areas, minor deficiency in relation to the professor's expectations regarding content, standard writing style or procedures. Attention to detail may have significantly improved the project.

**B-** 80-82.9%

Fair work in most areas: serious disregard for professor's expectations or standard writing and style procedures. Attention to written instructions may have significantly improved the project.

**C+** 77-79.9%

Passing work, but in need of improvement in several areas, especially in regard to form, content and professor's expectations.

**C** 74-76.9%

Passing work, but in need of improvement in many areas, especially in regard to form, content and professor's expectations; below professional quality standards.

**C-** 71-73.9%

Passing work, but in serious need of improvement in many areas, especially in regard to form, content and professor's expectations; substantially below professional quality standards.

**D+** 68-70.9%

Passing work, but in very serious need of improvement in many, many areas, especially in regard to form, content, and professional quality.

**D** 65-67.9%

Passing work, but in very, very serious need of improvement in many, many areas, especially in regard to form, content, and professional quality.

**D-** 63-64.9%

Barely passing work, on the brink of failure.

**F** <63%

Failing; little conformity to professor's expectations; not graduate quality work; requires repeat of the course and meeting with the professor and advisor.

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**REQUIRED TEXTS**


[The Holy Bible] [any commonly used version].

**RECOMMENDED REFERENCE MATERIALS**
Hamilton, Alexander, James Madison and John Jay. *The Federalist Papers*. [Note: any complete edition of *The Federalist Papers* (sometimes titled *The Federalist*) is acceptable, and the internet has most of the various papers, so you can obtain this information at no or little cost.]


**COURSE SCHEDULE**

<table>
<thead>
<tr>
<th>Week</th>
<th>Topics</th>
<th>Reading/Assignment</th>
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<tbody>
<tr>
<td>Jan. 5</td>
<td>Syllabus Review, Definition &amp; Characteristics of Worldview, Sphere Sovereignty, Natural/Higher Law</td>
<td>Read Syllabus; Worldview Lessons 1 – 2; Rushdoony chs. 5 – 9, 17 - 18.</td>
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<tr>
<td></td>
<td></td>
<td>Read also Rushdoony ch. 3</td>
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<tr>
<td>Jan. 17</td>
<td></td>
<td>Last Day to Drop/Add with 100% Refund</td>
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<tr>
<td></td>
<td></td>
<td>Read also Rushdoony 14-15</td>
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<tr>
<td>Jan. 31</td>
<td></td>
<td>Last Day to Drop/Add with 50% Refund</td>
</tr>
<tr>
<td>Feb. 2</td>
<td>Freedom of Speech, Press &amp; Association II</td>
<td>Read assigned cases and supplemental materials.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Read also Rushdoony ch. 1, 3.</td>
</tr>
<tr>
<td>Feb. 9</td>
<td>Freedom of Religion I</td>
<td>Read Rossum &amp; Tarr, vol. 2, ch. 6, and assigned cases.</td>
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<td></td>
<td>Read also Brevard Hand decision in Course Materials</td>
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<tr>
<td></td>
<td></td>
<td><strong>Optional first paper due Feb. 16</strong></td>
</tr>
<tr>
<td>Week</td>
<td>Topics</td>
<td>Reading/Assignment</td>
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<tr>
<td>Feb. 16</td>
<td>Freedom of Religion II</td>
<td>Read assigned cases and supplemental material</td>
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<tr>
<td>Feb. 23</td>
<td>Catch Up Day</td>
<td></td>
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<tr>
<td>Mar. 1</td>
<td>Withdrawal Deadline</td>
<td></td>
</tr>
<tr>
<td>Mar. 2</td>
<td>Spring Break</td>
<td>Enjoy Florida, home, or a head start on Paper</td>
</tr>
<tr>
<td>Mar. 9</td>
<td>Criminal Procedure I</td>
<td>Read Rossum &amp; Tarr, vol. 2, ch. 7, and assigned cases.</td>
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<tr>
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<td></td>
<td>Paper Due March 21</td>
</tr>
<tr>
<td>Mar. 16</td>
<td>Criminal Procedure II</td>
<td>Read Rossum &amp; Tarr, vol. 2, ch. 7, and assigned cases.</td>
</tr>
<tr>
<td>Mar. 23</td>
<td>Equal Protection &amp; Race Discrimination</td>
<td>Read Rossum &amp; Tarr, vol. 2, ch. 8, and assigned cases. Read also Rushdoony ch. 28, and Harrison Bergeron.</td>
</tr>
<tr>
<td>Mar. 30</td>
<td>Substantive Equal Protection</td>
<td>Read Rossum &amp; Tarr, vol. 2, ch. 9, and assigned cases. Read also Rushdoony ch. 32.</td>
</tr>
<tr>
<td>April 6</td>
<td>The Right to Privacy</td>
<td>Read Rossum &amp; Tarr, vol. 2, ch. 11, and assigned cases. Read also Rushdoony ch. 2.</td>
</tr>
<tr>
<td>April 13</td>
<td>Voting and Representation</td>
<td>Read Rossum &amp; Tarr, vol. 2, ch. 10, and assigned cases.</td>
</tr>
<tr>
<td>April 20</td>
<td>Catch Up Day</td>
<td></td>
</tr>
<tr>
<td>April 27</td>
<td>Final Exam</td>
<td></td>
</tr>
<tr>
<td>May 2</td>
<td>Term Ends</td>
<td>No work accepted beyond this date</td>
</tr>
</tbody>
</table>

**FINAL EXAM SCHEDULING**

The final exam will be held at the time and date scheduled for the course. Students may be permitted to take the exam at another time or date only due to serious and disabling personal illness or injury, or extreme, sudden personal or family emergency. Personal schedule conflicts, multiple exams on consecutive days, convenience, or travel plans will not be considered justification for taking the exam at another time. Any request to take the exam on a date or at a time other than that scheduled for the course will be granted or denied solely in the discretion of the professor, consistent
with the above guidelines.

**ACADEMIC HONESTY**

The Regent University community of teachers and scholars affirms that the biblical principles of truth and honesty are absolutely essential. Indeed, the Bible contains numerous admonitions against false witnessing, dishonesty and cheating. Upholding the standard of academic integrity with its reliance on honesty is a responsibility of both faculty and students.

Conduct that violates academic integrity includes:

1. **Dishonesty.** This lack of integrity is exhibited through lying, cheating, defrauding, or deceiving. Examples of dishonesty include copying from the examination paper of another, allowing one's own examination paper to be copied, reading without the instructor's consent a copy of the examination prior to the date it is given; giving or receiving unauthorized aids; submitting the same work product in more than one course without the express permission of the instructor(s); or disclosing or accepting information about test questions or answers if one takes a test at a different time than other students in the same course.

2. **Plagiarism.** Plagiarism is using the intellectual property (e.g., books, articles, artwork, movies, drawings, ideas, and photos) of others without proper citation thereby giving the impression that it is the student's own work. Plagiarism ranges from a failure to acknowledge one’s indebtedness to another for an idea in a formal written or oral statement to using verbatim words, sentences, passages, or audiovisual material from the work of others without quotation marks and proper citation (a rule of thumb is to use quotation protocol for five or more words taken directly from another source). Other examples of plagiarism include having someone else (e.g., colleague, friend, relative, or writing service) write a paper that is then submitted by the student for class credit and purchasing and submitting a paper from an online source. Gibaldi (1998) defines plagiarism well:

> Whenever you draw on another’s work, you must specify what you borrowed whether facts, opinions, or quotations and where you borrowed it from. Using another person’s ideas or expressions in your writing without acknowledging the source constitutes plagiarism. . . .
> In short, to plagiarize is to give the impression that you wrote or thought something that you in fact borrowed from someone, and to do so is a violation of professional ethics. (p. 151)

Plagiarism is a pervasive threat to academic integrity because of the emergence and expansion of the Internet. Any time a student downloads content from the Internet or any electronic document, the student risks committing plagiarism. The student must summarize or paraphrase the material first (with, of course, proper citation) rather than simply cutting and pasting blocks of downloaded text in his/her paper without using quotation marks.

Because of the importance of ensuring academic integrity, the University has updated Blackboard to include plagiarism software. The University has asked its instructors to submit student papers to the scrutiny of this software or other academic integrity software at their discretion including when they suspect the
presence of plagiarism in a student’s paper. Note that these submissions of assignments to Blackboard or other software do not necessarily constitute an accusation or suspicion of plagiarism.

INCOMPLETE, IN PROGRESS GRADES AND WITHDRAWAL FROM COURSE AFTER DROP/ADD

An incomplete (I) grade will be given in a regular course only for legitimate deficiencies due to illness, emergencies or other extraordinary reasons acceptable to the professor, including equipment breakdown or shortages, and not because of neglect on the student’s part. A regular grade will be given by the instructor if all requirements for the course are submitted by the end of the following term. If all work is not submitted by the end of the following term, a grade of FX will be posted automatically. The FX shall be counted as an F in the computation of the GPA.

In progress grades will be given when assignments are not completed by the end of the term for the following academic work: independent studies, internships, and theses. An IP may also be an appropriate grade for courses in which the completion of course requirements for all students extends beyond the term in which the course is offered. An IP may be continued for a maximum of two consecutive terms. If the requirements for removal of the IP grade are not completed by the end of the final term, an NP grade will be assigned. Any student desiring reinstatement to the course after an NP has been posted must register for the course in a subsequent term and pay the full current tuition for the course.

A grade of W or WF shall be given to a student who withdraws from a course after the authorized add/drop period up to the end of the term registered. The designation WF shall be counted as an F in the computation of the GPA; the designation of W shall not be counted in the computation of the GPA. Any student who seeks to complete a course to which a W grade has been posted must register in a subsequent term and pay the full current tuition for the course.

STUDENT FEEDBACK

Students are encouraged at any point during the course to offer the instructor any comments that may be helpful to the improvement or refinement of the course (Eph. 5: 21). Comments/concerns may be addressed during or after the course (via e-mail message, phone conversation, and/or face-to-face). Students are encouraged to complete a formal course evaluation at the conclusion of the course. The course evaluation is only available in an online format. Prior to the end of the course, students will receive an e-mail indicating that the course evaluation is available. Instructions on accessing the evaluation will be included. Since the course evaluations are only available for a limited time, students should complete the evaluation as soon as they receive the e-mail notification that the evaluation is available. The online evaluations are completely confidential; your instructor will not see the results until after final grades have been submitted. All submissions, comments, and suggestions for improvement of this course are always welcome.
MINIMUM TECHNOLOGY REQUIREMENTS AND GETTING HELP

Both on-campus and distance students must have access to a computer. These computers must meet the hardware and software recommendations established by the University. Be forewarned that one of the many deficiencies of the instructor of this course is technology. Providentially, the University provides excellent technical support through the Help Desk. The phone number for the Help Desk is 757/352-4076.

Another great resource provided by the University is the Writing Center. For writing tips found online, here are two excellent resources:

- Purdue Online Writing Lab at [http://owl.english.purdue.edu/owl/](http://owl.english.purdue.edu/owl/)
- Washington State University Writing Lab at [http://www.writingprogram.wsu.edu/units/writingcenter/etutoring/](http://www.writingprogram.wsu.edu/units/writingcenter/etutoring/)

Finally, students with disabilities should work with Student Services to determine what accommodations, if any, are needed and reasonable for this course.

INTEGRATION OF FAITH AND LEARNING

The Robertson School of Government seeks to explore our nation's Judeo-Christian heritage, to renew the traditional values of citizenship in the public affairs of the United States, and to promote these ideals in all the nations of the world. To that end, leadership and policy issues are rigorously analyzed from various academic perspectives in a broad, multidisciplinary endeavor, emphasizing the application of Judeo-Christian principles to theoretical and practical problems. The program is designed to produce principled graduates who are morally, spiritually, and intellectually well-grounded and who are also equipped with the practical and technological skills needed to meet today's challenges of leadership in government, policy-making, and politics.