

King, Desmond; Lieberman, Robert C.

**Working Paper**

## Ironies of state building: a comparative perspective on the American state

TranState Working Papers, No. 73

**Provided in Cooperation with:**

University of Bremen, Collaborative Research Center 597: Transformations of the State

*Suggested Citation:* King, Desmond; Lieberman, Robert C. (2008) : Ironies of state building: a comparative perspective on the American state, TranState Working Papers, No. 73, Universität Bremen, Collaborative Research Center 597 - Transformations of the State, Bremen

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# TranState Working Papers

IRONIES OF STATE BUILDING  
A COMPARATIVE PERSPECTIVE  
ON THE AMERICAN STATE

Desmond King  
Robert C. Lieberman

No. 73

Universität Bremen • University of Bremen  
Jacobs Universität Bremen • Jacobs University Bremen  
Universität Oldenburg • University of Oldenburg

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Staatlichkeit im Wandel • Transformations of the State  
Sonderforschungsbereich 597 • Collaborative Research Center 597



*Desmond King*  
*Robert C. Lieberman*

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No. 73

*Sfb597 „Staatlichkeit im Wandel“ – „Transformations of the State“*  
Bremen, 2008  
[ISSN 1861-1176]

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(TranState Working Papers, 73)

Bremen: Sfb 597 „Staatlichkeit im Wandel“, 2008

ISSN 1861-1176

Universität Bremen

Sonderforschungsbereich 597 / Collaborative Research Center 597

Staatlichkeit im Wandel / Transformations of the State

Postfach 33 04 40

D - 28334 Bremen

Tel.: +49 421 218-8720

Fax: +49 421 218-8721

Homepage: <http://www.staatlichkeit.uni-bremen.de>

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**ABSTRACT**

This paper challenges prevailing assumptions about the American State. It rejects the conventional distinctions between strong and weak and activism and inactivism as no longer adequate to the modern reality of the expansive and extensive American State. With this premise, the paper undertakes three tasks. First, it examines the reasons for the scholarly neglect of the State amongst students of American government and politics, concluding that the level of federal activism (including taxing, spending, regulating and war making) observable in respect to both Democrat and Republican administrations renders this oversight unsustainable intellectually and analytically. Second, the paper develops a typology of ways in which the American State has been an effective presence in the US political system including its role in sustaining and then ending segregation, in standardizing national rights of citizenship, and in militarizing society. Last, the paper shows how recent advances in comparative studies of the state, notably with respect to federalism and state-society relations, offer lessons for developing scholarly knowledge of the American State.

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## IRONIES OF STATE BUILDING:

### A COMPARATIVE PERSPECTIVE ON THE AMERICAN STATE

The purpose of this essay is to take stock of recent contributions in comparative politics to the study of the State to assess their utility for accounts of the state in American political development.<sup>1</sup> There are two important intellectual backdrops to this undertaking. First, it is now well established that the apparent “statelessness” of the United States is an illusion. Nevertheless, the American state generally comes off as weak and anemic in comparison with the “strong” centralized states of Europe. More recently, however, scholars of the American state have suggested that it is, in a variety of domains and through unexpected mechanisms, more potent as a source of authoritative rule making, national standardizer, and manager of the nation’s affairs than earlier accounts generally concluded.<sup>2</sup> This juxtaposition — weak state and strong outcomes — creates a paradox and suggests to us that the time has come to rethink analytical approaches to the American state.

Second, not only has the view of the American state changed but the comparative template of the state against which American state-building has been measured has shifted as well. Among scholars of comparative and international politics there has been a sea change in consideration of the state. Just as the revival of the state as an object of theoretical and empirical interest, led by Theda Skocpol and others, was underway in the 1970s and 1980s, countervailing trends, especially the growth of international economic interdependence and transnational norms of rights and law, potentially heralded the state’s demise as the essential unit of global politics in the face of seemingly porous national borders. Such anticipation now seems premature, and more recent observers have begun to parse the paradox of the state’s resilience in the face of the forces that threatened to marginalize it and in so doing are retheorizing the state — developing a

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<sup>1</sup> See Karen Orren and Stephen Skowronek, *The Search for American Political Development* (Cambridge: Cambridge University Press, 2004). We use the terms “American State”, “Federal State” and “US State” interchangeably in this paper.

<sup>2</sup> Frank Dobbin and John R. Sutton, “The Strength of a Weak State: The Rights Revolution and Rise of Human Resource Management Divisions,” *American Journal of Sociology* 104 (1998): 441-76; Robert C. Lieberman, “Weak State, Strong Policy: Paradoxes of Race Policy in the United States, Great Britain, and France,” *Studies in American Political Development* 16 (2002): 138-61; Paul Frymer, “Acting When Elected Officials Won’t: Federal Courts and Civil Rights Enforcement in U.S. Labor Unions 1935-85,” *American Political Science Review* 97 (2003): 483-99; Paul Frymer, “Race, Labor, and the Twentieth-Century American State,” *Politics and Society* 32 (2004): 475-509; John D. Skrentny, “Law and the American State,” *Annual Review of Sociology* 32 (2006): 213-44.



supplier, multidimensional picture of the state's origins, structure, and consequences — to shed light on the reasons for the state's stubborn refusal to cede the stage.

We argue in this essay that these two puzzles are closely linked and that these new directions in the very comparative literature that once found the United States to be “stateless,” following J. P. Nettl's classic paper on the state as a multidimensional conceptual variable, ironically provide the basis upon which to build an alternative perspective on the American state, enriched by comparative insights.<sup>3</sup> In this emerging view, American state building, strength, and institutional capacity form through links with society, not necessarily through autonomy from society. In this essay we explore these paradoxes in some greater detail, beginning with the general comparative literature on the state before turning our attention to the parallel ironies of the state in American political development. We then survey a small number of recent works drawn from comparative, international, and American politics, all of which highlight in a variety of ways an alternative, more multidimensional view of the state. This reconceptualization of the state, we then suggest, is particularly applicable to the United States and helps to resolve the paradoxes of the American state.

## **THE PREMATURE DEMISE OF THE STATE**

Contrary to the brave new world many expected in the wake of globalization and global economic integration — a world in which the ability of states to exercise control over the territories, populations, and economies contained within national boundaries would atrophy in the face of economic interdependence — the state has remained doggedly present. Some states have doubtless ceded some of their autonomy to supra-state entities, whether through trade agreements (such as NAFTA or Mercosur) or binding legal and political integration (such as the European Union). Elsewhere in the world, states increasingly share political primacy with non-state entities, bereft of territorial sovereignty but who nevertheless perform some combination of governance functions through means ranging from social services to armed force, and often enjoy substantial popular support and civil-society penetration (such as Hezbollah, Hamas, and even al-Qaeda). At the same time, however, new states continue to form, especially in the wake of the breakup of the Soviet empire, and old states continue to do (or at least try to do) many of the things states have traditionally done: maintain order, provide protection, and manage the economy, among other things.

Correspondingly, there is now a resurgence of the state (and a broadening of the idea of the state and state-building) in the comparative politics and international relations

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<sup>3</sup> J. P. Nettl. “The State as a Conceptual Variable,” *World Politics* 20 (1968): 559-92. Nettl was quite explicit about his view of the United States as stateless: “an American sociopolitical self-examination simply leaves no room for any valid notion of the state” (p. 561).

literatures. Indeed the state has been adjoined with a series of new adjectives such as the “post-colonial state”; “post-communist state”; “post-conflict state”; “post-cold-war state”; “failed state”; and “collapsed state.” Connecting these new descriptions is the centrality of the state as both an empirical institution failing or succeeding in developing activities with enormous political consequences and a theoretical concept core to organizing systematic comparative analysis.

More concretely, it is impossible to look at the modern world order and not to recognize the over whelming significance of the state as an institutional force. At present, and especially post-9/11, the notion of growing statelessness in the international system and the global economy has evaporated. Gone are the days (as in early years of the “Washington Consensus”) when analysts could prophesy, champions could celebrate, and skeptics could anguish over the eventual withering away of the state in the face of globalization’s onward march.<sup>4</sup>

To a large degree, this empirical and theoretical centrality vindicates the project to “bring the state back in” in the 1970s and 1980s, sponsored by the Social Science Research Council and led by Theda Skocpol, Ira Katznelson and others. In reaction to the society- and class-centered analyses of Marxism and modernization theory, this move brought new focus and attention to the potential autonomy of the state from class or other group interests and to the state’s variable capacity to bring about the desired ends of those who occupied its offices.<sup>5</sup> At the core of this revival of the state was a Weberian framework, which emphasized the expansion of centralized bureaucratic structures as they penetrated throughout a polity’s geographic jurisdiction. These accounts revolve around such activities as tax gathering to fund war mobilization, the imposition of a common language to forge national identity, and the routinized administration of public services evolving from the modesty of the postal service into the modern regulatory and welfare state regime.<sup>6</sup> But as the works we discuss here show this model is itself less germane to efforts to theorize contemporary states. This model saw the state as forged primarily in the crucible of territorial conflict and wars hot and cold, and it was not clear how the modern nation-states that Skocpol and her collaborators so penetratingly analyzed would fare in the emerging era of increasing economic integration or whether the model would be capacious enough to explain the variety of state forms or the myriad pathways to state building in the post-Cold War, post-colonial world — whether, in

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<sup>4</sup> See, for example, Peter Evans, “The Eclipse of the State: Reflections on the State in an Era of Globalization,” *World Politics* 50 (1997): 62-87.

<sup>5</sup> Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol, eds., *Bringing the State Back In* (Cambridge: Cambridge University Press, 1985). See especially Skocpol’s introduction to the volume.

<sup>6</sup> See Charles Tilly ed., *The Formation of National States in Western Europe* (Princeton: Princeton University Press, 1975).

short, the autonomy and capacity of states would remain robust or whether this was an owl-of-Minerva moment.<sup>7</sup>

Indeed, many states are in difficulty, facing failure economically or external or internal threats to their endurance.<sup>8</sup> Nevertheless, the notion that the organizing notion of the state is under threat seems overstate. This conclusion does not mean that the state has been unaffected by global trends: far from it. For instance, there is an important debate about the extent to which national welfare state arrangements are threatened and restructured under pressure from global trends. The logic of globalization seemed to suggest that because national economies are growing less self-contained costly welfare states and heavy regulatory regimes at the national level would drive capital away to the detriment of national economic performance. In order to maintain growth, then, it was expected that national governments would seek to retrench welfare states and deregulate markets. The journalist Thomas Friedman has described the phenomenon as the “golden straitjacket” of globalization: “your economy grows and your politics shrinks.”<sup>9</sup> But despite the economic logic of globalization and the tightening embrace of a neoliberal policy paradigm, states have remained salient actors and even expanded the scope and range of their activities in response to demands for compensatory social protection and the need to support and promote market development.<sup>10</sup> Scholars such as Paul Pierson, Geoffrey Garrett, Duane Swank, and others have importantly shown how political and ideological structures as well as economic forces shape national public policies, particularly welfare state policies and the tax regimes that underline welfare capacities.<sup>11</sup> This

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<sup>7</sup> See Erik Gartzke, “The Capitalist Peace,” *American Journal of Political Science* 51 (2007): 166-91.

<sup>8</sup> Paul Collier *The Bottom Billion: Why the Poorest Countries are Failing and What Can Be Done About It* (Oxford: Oxford University Press, 2007).

<sup>9</sup> Thomas L. Friedman, *The Lexus and the Olive Tree: Understanding Globalization* (New York: Farrar, Straus and Giroux, 1999), 87.

<sup>10</sup> Peter A. Hall, “Policy Paradigms, Social Learning, and the State: The Case of Economic Policymaking in Britain,” *Comparative Politics* 25 (1993): 275-96; Mark Blyth, *Great Transformations: Economic Ideas and Institutional Change in the Twentieth Century* (Cambridge: Cambridge University Press, 2002); Linda Weiss, ed., *States in the Global Economy: Bringing Domestic Institutions Back In* (Cambridge: Cambridge University Press, 2003); Jonah D. Levy, ed., *The State after Statism: New State Activities in the Age of Liberalization* (Cambridge: Harvard University Press, 2006).

<sup>11</sup> Geoffrey Garrett, *Partisan Politics in the Global Economy* (Cambridge: Cambridge University Press, 1998); Paul Pierson, ed., *The New Politics of the Welfare State* (Oxford: Oxford University Press, 2001); Duane Swank *Global Capital, Political Institutions, and Policy Change in Developed Welfare States* (Cambridge: Cambridge University Press, 2002); Torben Iversen, *Capitalism, Democracy, and Welfare* (Cambridge: Cambridge University Press, 2005); Sheri Berman, *The Primacy of Politics: Social Democracy and the Making of Europe’s Twentieth Century* (Cambridge: Cambridge University Press, 2006).

theme is however not entirely new since comparativists such as David Cameron and Peter Katzenstein addressed the effects of economic openness and interdependence on national policy regimes thirty years ago.<sup>12</sup> The state is also a crucial background player in a more recently influential model of comparative political economy, the Hall and Soskice “varieties of capitalism” framework, which rests on a core dichotomy between coordinated and uncoordinated market economies, although as Jonah Levy has pointed out the state’s role in the varieties of capitalism framework is more passive than active.<sup>13</sup>

Turning more directly to the unlikely case of the United States, it is clear that even in its inhospitable institutional environment — the horizontal separation of powers and the vertical federal system — the centralized expression of institutional power and political authority has been of immense and growing importance in the last decade. Whether in domestic policy measures such as the centralizing No Child Left Behind education measure or in the post-9/11 “war on terror” — the invasion of Afghanistan and the war in Iraq, the Patriot Act, the National Security Agency’s domestic surveillance program, the detention and treatment of “enemy combatants” both at home and abroad — or in response to national catastrophes such as Hurricane Katrina’s devastation of New Orleans, myriad political events have provoked a centralized expression of political authority in a way consistent with state power. Indeed, delivering his post-Katrina speech from New Orleans in September 2005, President George W. Bush declared that the crisis demanded “greater federal authority and a broader role for the armed forces” in American society.<sup>14</sup>

In effect and despite his previous credentials as a small-government, anti-federal activism Republican, Bush underlined a commonplace of American life: in times of national crisis it is to the political center that citizens look for authoritative governing responses to alleviate suffering and ameliorate conditions of membership. President Bush’s statement evoked public expectations about the American state’s role, which had expanded from the Progressive and New Deal eras through wartime mobilization, the civil rights revolution, the Great Society and the War on Poverty, and the regulatory explosion of the 1970s. In contrast to his recent predecessors — think of Carter’s com-

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<sup>12</sup> Peter J. Katzenstein, ed., *Between Power and Plenty: Foreign Economic Policies of Advanced Industrial States* (Madison: University of Wisconsin Press, 1978); David Cameron “The Expansion of the Public Economy: A Comparative Analysis,” *American Political Science Review* 72 (1978): 1243-61.

<sup>13</sup> Peter A Hall and David Soskice, eds., *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage* (Oxford: Oxford University Press, 2001); Jonah D. Levy, “The State Also Rises: The Roots of Contemporary State Activism,” in *The State after Statism*, ed. Levy, 22-24.

<sup>14</sup> George W. Bush, “Address to the Nation on Hurricane Katrina Recovery From New Orleans, Louisiana,” September 15, 2005, *Weekly Compilation of Presidential Documents, Administration of George W. Bush, 2005*, 1408.

mitment to deregulation, Reagan's reduction of domestic spending (though not defense), or even Clinton's declaration that "the era of big government is over" and his reform of federal welfare policy — the Bush administration has self-consciously pursued institutional expansion and rendered the American national state more assertive and visible, both at home and abroad, than at any time since the 1960s.<sup>15</sup>

Not only is it more forceful, the American state is also more contested and controversial than it has been in a generation or more. There is increasingly fundamental disagreement among Americans, at least among political parties and elites, about the role, size, and penetrative capacity of the state — the basic liberal-conservative dimension that captures the range of belief in state intervention in the economy and society. As Nolan McCarty, Keith Poole, and Howard Rosenthal have shown, ideological polarization on this dimension has increased dramatically since the 1960s, strongly correlated with the increase in income inequality that has occurred over the same period.<sup>16</sup>

Curiously, however, the poles are, in some respects, reversed with regard to the role of the state. In the immediate postwar era, the conservative position on the ideological spectrum was resolutely opposed to state intervention in the economy and society. Barry Goldwater's nomination for president in 1964 neatly sums up this position. A western small-government conservative, Goldwater was the mouthpiece for a burgeoning movement of anti-government Republican activists who resisted their party's accommodationism toward the still-dominant New Deal.<sup>17</sup> This ideological movement reached its crest with Ronald Reagan's election as president in 1980. But in the wake of the Vietnam War, the conservative, nominally anti-statist position came increasingly to be associated with a more assertive role for the United States in international politics and a more confrontational stance in the Cold War with the Soviet Union. That assertive and increasingly unilateral internationalism, along with the G W Bush administration's arrogation of executive power, have put liberals in the position of opposing the expansion of some aspects of state power even as they continue to promote increased state activity in domestic areas such as health care.

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<sup>15</sup> Bill Clinton, "Address Before a Joint Session of Congress on the State of the Union," January 23, 1996, *Public Papers of the Presidents, Administration of William J. Clinton, 1996*, 79; George C. Edwards III and Desmond King, eds., *The Polarized Presidency of George W. Bush* (Oxford: Oxford University Press, 2007).

<sup>16</sup> Nolan McCarty, Keith T. Poole, and Howard Rosenthal, *Polarized America: The Dance of Ideology and Unequal Riches* (Cambridge: MIT Press, 2006); Lawrence R. Jacobs and Theda Skocpol, eds., *Inequality and American Democracy: What We Know and What We Need to Learn* (New York: Russell Sage Foundation, 2005).

<sup>17</sup> Rick Perlstein, *Before the Storm: Barry Goldwater and the Unmaking of the American Consensus* (New York: Hill and Wang, 2001); Stephen Skowronek, *The Politics Presidents Make: Leadership from John Adams to George Bush* (Cambridge: Harvard University Press, 1993).

In sum, these intellectual and empirical trends are important grounds for a renewed interest in the US State. *First*, it is an increasingly significant actor in US domestic politics, a source of division between Americans. This role stems in part from the mobilization of the federal government as an agent of democratization in the United States under the civil rights and voting legislation enacted in the 1960s (which Barry Goldwater and other conservative Republicans opposed not because he opposed integration but because they feared that these acts granted excessive power to the federal government and risked creating a police state).<sup>18</sup> Not only did these laws advance democratic institutionalization in the US but generated their own antitheses especially in respect to American stances toward both race and the state.<sup>19</sup> To this pattern can be added an ambitious domestic policy program involving major centralized initiatives. *Second*, an administration which entered office indifferent to international politics — including reaching multilateral agreements or supporting humanitarian interventions — has done little except engage internationally, though often unilaterally and in opposition to traditional allies' preferences, since the US was the object of terrorist attacks in September 2001.

## **THEORIZING THE AMERICAN STATE: THE LIMITED INTELLECTUAL INHERITANCE**

Undertaking a more significant theoretical analysis of the American state is hampered by the accumulated intellectual inheritance that has, by and large, repeated rather than critically engaged the assumption that the American case is too exceptional to warrant comparative attention.<sup>20</sup> The literature on the American state is more or less stuck in an older mode that might be usefully revised with lessons and knowledge drawn from the comparative literature.

In the 1970s and 1980s, scholars of what would crystallize into the field of American political development began to consider the peculiarities of the American state. The society-centered behaviorism of the immediate post-war era saw the state, when it acknowledged the state at all, as an epiphenomenon of individual and group political behavior, or as an organizational framework, the field on which the game of politics was

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<sup>18</sup> See Robert C. Lieberman, *Shaping Race Policy: The United States in Comparative Perspective* (Princeton: Princeton University Press, 2005), 160-61.

<sup>19</sup> Edward G. Carmines and James A. Stimson, *Issue Evolution: Race and the Transformation of American Politics* (Princeton: Princeton University Press, 1989); Desmond S. King and Rogers M. Smith, "Racial Orders in American Political Development," *American Political Science Review* 99 (2005): 75-92.

<sup>20</sup> See William J. Novak, "The Myth of the 'Weak' American State" (Paper presented to the American Political Science Association, Chicago, 2007).

played.<sup>21</sup> At the same time, modernization theory framed the state and state-building as the consequences of underlying social and economic processes rather than as participants in the drama of political development. From these twin perspectives, political scientists' silence on the American state seems understandable. But after the civil rights revolution and the Vietnam War, the presence of the American state seemed inescapable and the failure of scholarship to explore it palpable.

Reacting to early accounts of the American state as a peculiarity in comparative terms — an underdeveloped “Tudor state” that lacked the coercive capacity to maintain order in a rapidly modernizing society, as Samuel Huntington argued in the 1960s — the foundational work of Stephen Skowronek showed that the United States was not as “stateless” as Huntington feared.<sup>22</sup> Rather, American national administrative capacities, Skowronek suggested, developed out of America's distinctive political patterns rather than the European model of the progressive democratization of absolutism.<sup>23</sup> Following Skowronek's pioneering lead, legions of studies have examined the development, peculiarities, and capacities of the American state, placing it at the center of the subfield of American political development.<sup>24</sup> But for Skowronek, as for those who have followed, the American state was defined by the existence of formal, coercive administrative power lodged with public bureaucracies, and its dimensions — presence, size, strength, autonomy, and the like — measured against the European-derived Weberian model. In this perspective, the American state is regarded as weak, anemic, and limited in scale and scope.

This conventional framework derives from a number of characteristics of the American state comparatively and historically, which are usually cited cumulatively as evidence of American statelessness. But if we break down these aspects of the American

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<sup>21</sup> Although see Ira Katznelson's argument that at the core of the behavioral project in postwar American political science lay a profound sense of the state and its perils and possibilities, rooted in the reaction to the horrors of totalitarianism and total war and tempered by a tragically realistic liberalism. Ira Katznelson, *Desolation and Enlightenment: Political Knowledge After Total War, Totalitarianism, and the Holocaust* (New York: Columbia University Press, 2002).

<sup>22</sup> Samuel P. Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968), chap. 2; Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920* (Cambridge: Cambridge University Press, 1982).

<sup>23</sup> Barrington Moore Jr., *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* (Boston: Beacon Press, 1966); Michael Mann, *The Sources of Social Power*, vol. 2, *The Rise of Classes and Nation States, 1760-1914* (Cambridge: Cambridge University Press, 1993); Martin Shefter, “Party and Patronage: Germany, England, and Italy,” *Politics and Society* 7 (1977): 403-52.

<sup>24</sup> Daniel P. Carpenter, “The Multiple and Material Legacies of Stephen Skowronek,” *Social Science History* 27 (2003): 465-74; Orren and Skowronek, *The Search for American Political Development*.

state and examine each closely, we see that such a simplistic weak-strong metric fails to capture the complexities of the American state. The cumulative effect of looking at the American state in this way is not to observe the weakness of the state but rather to expose the ironies and complexities of the American state that demand explanation. We briefly examine five aspects of the American state: 1) the administrative state; 2) the standardizing state; 3) the fragmented state; 4) the associational state; and 5) the segregated state.

1) *The Administrative State: The Search for Bureaucracy*. The American State is distinct institutionally and this feature has made some common models employed by comparativists less applicable but not entirely redundant. One reason for the absence of the term ‘state’ in respect to the United States is the search for a common bureaucratic form, which has proved misguided and misleading. The quintessential bureaucratic state, considered by the German sociologist Max Weber, was the contemporary Prussian and French forms. In contrast to the professional elite bureaucrats who presided over centralized power in these countries, American national bureaucracy is notoriously weak, fragmented, and incapacitated by its ambiguous position in the governmental structure. American national bureaucracy does not wield the sort of authoritative coercive power enjoyed by its European counterparts; there is no cadre of professional elite bureaucrats comparable to the senior civil servants who preside over centralized power in Europe. At the same time, American civil servants do not move among agencies during their career, and consequently individual agencies in the American national government are considerably more autonomous and must rely on their own networks and entrepreneurship for influence.<sup>25</sup> Together with the rule of law, these bureaucracies, proved to be preconditions for democratization in the United States. Thus, a Dahlian procedural conception of democracy (that is, a polity with free and open elections, low barriers to participation, genuine political competition and protection of civil liberties), in which the state acts as a guarantor of democratic rights alongside its role as a maintainer of internal order and external integrity, suggests an alternative to the Weberian approach to stateness.<sup>26</sup>

Dahl’s procedural model of democracy and the US experience differ from continental European trajectories in that a democratic form, as a set of procedures, was estab-

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<sup>25</sup> Daniel P. Carpenter, *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862-1928* (Princeton: Princeton University Press, 2001).

<sup>26</sup> Robert A. Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971); Desmond King and Robert C. Lieberman, “American Political Development as a Process of Democratization,” in *Democratization in America: American Political Development as a Process of Democratization*, ed. Desmond King, Robert C. Lieberman, Gretchen Ritter, and Laurence Whitehead (Baltimore: Johns Hopkins University Press, forthcoming).



lished more comprehensively before the expansion of the federal bureaucracy of the sort compelled upon politicians from the Civil War. However, inclusion within these procedures, despite a rhetorical commitment to the rule of law, was limited and defined many American citizens (and those ineligible for citizenship) as outside the democracy. In continental Europe states predated democracy, its arrival often triggered by war induced collapse and external pressure. Thus to identify the absence of a centralized bureaucratic Weberian structure as equating an absent state is false, and no longer tenable analytically. What the US possesses is a different kind of state.

2) *The Standardizing State*. Both because many central initiatives have been resisted and because the center's institutional capacity is weak comparatively, it is often maintained that the American State's capacity to establish and enforce uniform national standards for policy and governance is limited.<sup>27</sup> For example, Margaret Weir has documented just how durable pre-Progressive patterns of state level governments were until long after the Second World War despite the dramatic central interventions of the New Deal. Weir concludes that "because the reform impulse that transformed the federal government in the 1930s had no enduring counterpart in the states," the persistence of state level patterns of local politics and skewed policy was assured.<sup>28</sup> The resistance to national standards and the persistence of localism in policymaking represent the national state's limits in commanding uniformity in the design and application of policy and the enforcement of rights across the population. Among the principal costs of the devolution of power to small local units and the resulting policy diversity has been the tendency to place policymaking in the hands of oppressive local majorities; the principal bearers of this cost, for most of American history, have been African-Americans.<sup>29</sup>

This federal-state policy divergence, among other effects, helped to cement the segregationist racial order manifest not only in the ideology of states' rights and the locally-rooted policies of Jim Crow but also in patterns of urban residential segregation, local labor markets, and access to local government. It withstood the shock of World War II, although this engagement, along with the Cold War that followed, did open later opportunities for change by mobilizing national political actors in the cause of civil rights.<sup>30</sup>

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<sup>27</sup> Margaret Weir and Theda Skocpol, "State Structures and the Possibilities for 'Keynesian' Responses to the Great Depression in Sweden, Britain, and the United States," in *Bringing the State Back In*, ed. Evans, Rueschemeyer, and Skocpol.

<sup>28</sup> Margaret Weir, "States, Race, and the Decline of New Deal Liberalism, *Studies in American Political Development* 19 (2005), 158.

<sup>29</sup> William H. Riker, *Federalism: Origin, Operation, Significance* (Boston: Little, Brown, 1964).

<sup>30</sup> Daniel Kryder, *Divided Arsenal: Race and the American State During World War II* (Cambridge: Cambridge University Press); David R. Mayhew, "Wars and American Politics," *Perspectives on Politics* 3 (2005): 473-93;

Nonetheless, standard-setting by the national state has not been entirely unsuccessful. From the era of the Progressives onward — particularly during those bursts of political innovation and federal activism associated with the New Deal, the Second World War, and the Great Society — it has been the national center of the polity that has been most active, guided by the notion of establishing universal standards in policy. This activism is manifest in federal initiatives in regulation, welfare policy, education policy, defense, enforcement activities such as anti-drugs and prison programs, environmentalism, and recently homeland security. This drive has not been entirely centralizing, of course; the 1996 welfare reform, for example, restored some policy authority to states in an area that had been increasingly centralized since 1935, and some recent Supreme Court decisions have begun to reverse what had seemed like a nationalizing trend.<sup>31</sup> The federal state's role in setting national policy standards, then, remains a contested area.

Frequently partisan in origin, federal programs in these and other areas nonetheless form a recognizable expression of national authority and policies, in ways comparable to other countries.<sup>32</sup> Those occupying the enduring institutional core of political authority — lawmakers, presidents and judges — proclaim ends and mobilize support for policy ideas; implementation, definition of detail, regulation of practices, policing of deviance from identified standards, and renewal of mandates depend critically upon bureaucrats, their allies, and public compliance.<sup>33</sup>

Indeed, without the development of a central bureaucratic state to enforce standards of democratic procedure (such as the Fourteenth and Fifteenth Amendments) the American democratization process would have remained incomplete. Nor is standard-setting at an end: aspects of American procedures for reaching democratic outcomes continue to create important inequities — such as the Electoral College — and lines of exclusion — such as the denial of voting rights to ex-felons in many states.<sup>34</sup>

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Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press, 2000).

<sup>31</sup> *United States v. Lopez*, 514 U.S. 549 (1995); *City of Boerne v. Flores*, 521 U.S. 507 (1997); *United States v. Morrison*, 529 U.S. 598 (2000).

<sup>32</sup> David R. Mayhew, *Placing Parties in American Politics: Organization, Electoral Settings, and Government Activity in the Twentieth Century* (Princeton: Princeton University Press, 1986); Alan Brinkley, *The End of Reform: New Deal Liberalism in Recession and War* (New York: Alfred A. Knopf, 1995).

<sup>33</sup> Richard Rose, "Giving Direction to Government in Comparative Perspective," in *The Executive Branch*, ed. Joel D. Aberbach and Mark A. Peterson (Oxford: Oxford University Press, 2005).

<sup>34</sup> Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000); Jeff Manza and Christopher Uggen, *Locked Out: Felon Disenfranchisement and American Democracy* (Oxford: Oxford University Press).

The American state engages continuously in policy formulation, regulation, standard-setting and enforcement as much as other states. That this formulation and enforcement of uniform standards have occurred in distinct ways – for instance, relying on judicial power or creative bureaucratic rule making — and are regularly subjects of contestation and contention are further reasons why the American state’s institutional capacity can be examined comparatively.<sup>35</sup>

3) *The Fragmented State: Multiple Sites of Power*. Aside from foreign policy the term “state” has frequently been considered problematic when applied to the United States because of its fragmented polity.<sup>36</sup> Consequently, few Americanists (outside of the American political development specialization) consider the “American state” a germane unit of analysis. The horizontal separation of powers among the executive, legislature, and judiciary makes the identification of a national source of authority more complicated than in centralized states, a tendency strengthened by federalism, which, combined with early franchise for white men, enabled strong ethnic based community politics to develop around local political parties, a concatenation celebrated in former House Speaker Tip O’Neill’s aphorism, “all politics is local.”<sup>37</sup> A well-rehearsed motif in American political culture is that of being a strong nation with a weak state whose citizens prize decentralization and localism, that is, a political system less centralized, less interventionist, and less Weberian than that found in comparable advanced democracies, including some with strong federal systems such as Australia or Germany.

As a consequence of confronting a fragmented polity, scholars of American politics typically focus separately on the institutions of separated power, the presidency, Congress, the courts, or the bureaucracy. Or they may think about “government” loosely conceived as a package of bureaucratic agencies and the regulations enforced by these agencies. Some will think about electoral politics and the way in which public opinion is articulated through a fixed election cycle voting in officeholders from the municipal level to the White House on a constitutionally determined schedule. Still others concentrate on federalism and the complexities in federal-state relations salient in the United States since the nineteenth century. Each of these centers of political focus has been

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<sup>35</sup> Nicholas Pedriana and Robin Stryker, “The Strength of a Weak Agency: Enforcement of Title VII of the 1964 Civil Rights Act and the Expansion of State Capacity, 1965-1971,” *American Journal of Sociology* 110 (2004): 709-60.

<sup>36</sup> On foreign policy see Stephen D. Krasner, *Defending the National Interest: Raw Materials Investments and U.S. Foreign Policy* (Princeton: Princeton University Press, 1978); however, even in this sphere there can be divisions in policy.

<sup>37</sup> Ira Katznelson, *City Trenches: Urban Politics and the Patterning of Class in the United States* (New York: Pantheon, 1981).

mined extensively by political scientists and each therefore provides a distinct opening into the world of American politics.

However, not only has the American state as a whole taken on an ever-increasing role in policymaking and governance since the late nineteenth century, the state's core institutions have significantly expanded their particular mechanisms of wielding power. The federal courts, for example, have been increasingly inclined to employ constitutional authority to protect civil and political rights (while leaving the other branches substantial leeway to pursue their own policies in other realms). Thus in the late 1930s only ten percent of the Supreme Court's decisions concerned individual rights (other than property rights), whereas by the late 1960s two-thirds of the Court's decisions pertained to individual rights.<sup>38</sup> This transformation marked an especially important legal and political revolution in the state's constitutional role in American society, from protector of limited government to instrument for the protection of civil rights. Similarly, the presidency has expanded its power through the use of executive orders as a powerful complement to often-elusive statutory instruments. Like court decisions, executive orders were an important component of the American state's expansion into civil rights protection, and they were key elements of the development of federal affirmative action in the 1960s.<sup>39</sup>

Since 9/11, of course, the American state has found itself further involved in security at home and abroad, including imposing new immigration and visa restrictions, expanding resources to monitor aliens in the United States, developing airport and other points of entry security, expanding dramatically the homeland security budget, and creating a new national intelligence office overseeing the roles of CIA and FBI.<sup>40</sup> The Bush White House has also seized on post-9/11 conditions to pursue further expansion of presidential powers, through its issuance of "signing statements" asserting the right to implement statutes selectively and its energetic promotion of the theory of the "unitary executive," which would limit congressional oversight of the executive.<sup>41</sup> Furthermore, there

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<sup>38</sup> Charles R. Epp, *The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective* (Chicago: University of Chicago Press, 1998); Thomas M. Keck, *The Most Activist Supreme Court in History: The Road to Modern Judicial Conservatism* (Chicago: University of Chicago Press, 2004).

<sup>39</sup> Kenneth R. Mayer, *With the Stroke of a Pen: Executive Orders and Presidential Power* (Princeton: Princeton University Press, 2001); William G. Howell, *Power Without Persuasion: The Politics of Direct Presidential Action* (Princeton: Princeton University Press, 2003); Hugh Davis Graham, *The Civil Rights Era: Origins and Development of National Policy, 1960-1972* (New York: Oxford University Press, 1990).

<sup>40</sup> Donald F. Kettl, ed., *The Department of Homeland Security's First Year: A Report Card* (New York: Century Foundation Press, 2004).

<sup>41</sup> John Yoo, *The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11* (Chicago: University of Chicago Press, 2005).

is now little political reluctance at the center to use these features of the American state to achieve partisan ends: the American State is a forum in which struggles over standards and public policy unfold as current education reforms illustrate, struggles that have lately been exacerbated by growing inequality and ideological polarization. These indicators of the increasing yet unconventional “stateness” of the American state highlight anew the need to revisit the question of the American state’s distinctive history and characteristics.

4) *The Associational State: A Strong Nation*. From de Tocqueville’s writings on America onward, much analysis emphasizes the strength of American political culture and the country’s sense of nationhood, reinforced by an ideology of liberal individualism, a decentralized institutional framework, and the rhetoric of inclusion to newcomers. Such a view complements the analytical bias already created by the multiple sites of power. American political culture remains imbued with Tocquevillian assumptions about the superiority of being a decentralized society and the dangers of excessive national regulation. These Tocquevillian assumptions underlie an important tradition that sees civil society as a counterbalance to the centralization of state power and a necessary ingredient for the success of democratic governance.<sup>42</sup>

But these assumptions have not limited an expansion in national state power and remit. For instance, education policy has been a quintessential local policy in the United States, and localism in education is generally defended in Tocquevillian terms, emphasizing the role of local communities in education. Yet the recent “No Child Left Behind” law gives the federal center exceptional involvement in local education, setting national standards in more or less direct defiance of the Tocquevillian tradition. The American state has also played a major role in sustaining the values of American nationhood through a variety of other policies and their enforcement: for instance, the phrase “under God” was added to the Pledge of Allegiance in 1954 as an intentional buttressing of nationalist sentiment.<sup>43</sup>

The Tocquevillian version of US political culture has taken quite a hammering in the last few decades as scholars have exposed the flaws in its narrative. First, political scientist Rogers M. Smith has demonstrated the presence of multiple traditions in American political culture rather than the creed of egalitarian liberalism emanating from Toc-

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<sup>42</sup> Robert D. Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1993).

<sup>43</sup> Richard J. Ellis, *To the Flag: The Unlikely History of the Pledge of Allegiance* (Lawrence: University Press of Kansas, 2005).

queville that found its most influential expression in the work of Louis Hartz.<sup>44</sup> Second, the degree to which many groups of American citizens were excluded from membership and had systematically to struggle for inclusion is now part of the nation's narrative.<sup>45</sup> Third, recent work on the role of civil society organization in governance suggests that a robust civil society is not a substitute for a weak state but rather that civil society can best support democracy when it is closely aligned with strong political institutions and a functioning state.<sup>46</sup> Finally, there is growing appreciation of the importance of the American State in fostering, sustaining and renewing the values perceived as intrinsic to US political culture. National state institutions play a major integrative role in the United States, providing central foci around a common vision of the nation which the country's many ethnic, racial and national groups are invited to share and support (and which most do).

The most fundamental limitation of the Tocquevillian celebration of decentralization and local communities is that these latter proved to be the basis for enduring discrimination and racism in the twentieth century. In practice localism has meant discrimination and inequities.<sup>47</sup> As we know from many comparative studies of federalism, excessive local powers can become an enemy of civil liberties. This certainly occurred in the United States where states chose either to implement constitutional safeguards and legislative mandates for segregation in the 1880s and 1890s (in place until the 1960s) or to permit de facto segregated race relations, as in housing and schooling.<sup>48</sup> How federal policy did or did not complement these tendencies has been unduly overlooked.

5) *The Segregated State*. No theme better highlights the puzzles and dilemmas inherent in studying the American state than its relationship to race. The American state's deep and complex entanglement with patterns of racial classification, division, and hierarchy makes squeezing it into conventional comparative understandings of the state

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<sup>44</sup> Rogers M. Smith, "Beyond Tocqueville, Myrdal, and Hartz: The Multiple Traditions in America," *American Political Science Review* 87 (1993): 549-66; Marc Stears "The Liberal Tradition and the Politics of Exclusion," *Annual Review of Political Science* 10 (2007): 85-101.

<sup>45</sup> Jennifer L. Hochschild, *Facing Up to the American Dream: Race, Class, and the Soul of the Nation* (Princeton: Princeton University Press, 1995).

<sup>46</sup> Sheri Berman, "Civil Society and the Collapse of the Weimar Republic," *World Politics* 49 (1997): 401-29; Theda Skocpol, *Diminished Democracy: From Membership to Management in American Civic Life* (Norman: University of Oklahoma Press, 2003).

<sup>47</sup> Grant McConnell, *Private Power and American Democracy* (New York: Alfred A. Knopf, 1966); Jennifer L. Hochschild, *The New American Dilemma: Liberal Democracy and School Desegregation* (New Haven: Yale University Press, 1984).

<sup>48</sup> *Parents Involved in Community Schools v. Seattle School District No. 1*, S. Ct. 2738 (2007).

especially difficult.<sup>49</sup> The historic racially constructed differences among the population, which have been central to the structure and processes of American politics such that white and black Americans (and, more recently, Latinos, Asian-Americans, and other groups) have experienced the state in very different ways.<sup>50</sup> Moreover, the state's orientation toward racial minorities, African-Americans in particular, has changed dramatically over the course of American history. The color line has undergirded some of the most notorious instances of state repression in American history — not only slavery and Jim Crow but also race-based immigration and citizenship restrictions, the internment of Japanese-Americans during World War II, and the FBI's COINTELPRO operations of the Cold-War era, to name a few. At the same time, race is most commonly associated with state weakness through its effects on such processes as regional differentiation, class formation, and welfare state building. More recently, the state has been an agent of civil rights advancement, going from oppressor to protector in the span of a generation. These divergent outcomes highlight the profound puzzle that race poses for a coherent understanding of the American state.<sup>51</sup>

Between the 1880s and passage of the civil rights legislation in the 1960s, the Federal government in a range of areas colluded in the maintenance of segregated race relations, supported by the Court's condoning of segregation between 1896 and 1954. Federal authority was employed either to impose or to accommodate segregated race relations in government departments and public policies.<sup>52</sup> This included how the US Civil Service Commission used, from 1914, photographs in appointment decisions in a way which discriminated against African Americans. The general post-Reconstruction spread of segregation, legitimated by the Supreme Court, thus structured the American State's institutions notably in the federal civil service (and obviously black representation in other national institutions was modest). Within the federal bureaucracy physical working conditions and daily routines were constructed around the segregation of one group of employees because of their race, and furthermore, advancement and promotion

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<sup>49</sup> For some comparative context see Anthony W. Marx, *Making Race and Nation: A Comparison of South Africa, the United States, and Brazil* (Cambridge: Cambridge University Press, 1998); Melissa Nobles, *Shades of Citizenship: Race and the Census in Modern Politics* (Stanford: Stanford University Press, 2000); and Lieberman, *Shaping Race Policy*.

<sup>50</sup> King and Smith, "Racial Orders."

<sup>51</sup> Michael Goldfield *The Color of Politics: Race and the Mainsprings of American Politics* (New York: New Press, 1997).

<sup>52</sup> Desmond King, *Separate and Unequal: African Americans and the US Federal Government*, 2d ed. (Oxford: Oxford University Press, 2007); Nancy J. Weiss, "The Negro and the New Freedom: Fighting Wilsonian Segregation," *Political Science Quarterly* 84 (1969): 61-79; Nicholas Patler, *Jim Crow and the Wilson Administration: Protesting Federal Segregation in the Early Twentieth Century* (Boulder: University Press of Colorado, 2004).

for bureaucrats was delimited by race. One group of employees, African-Americans, was placed in a subordinate position to whites, both formally and informally, as a consequence of their “race.” Before the 1960s African-Americans in the federal government rarely achieved positions in the professional or senior administrative classes and were disproportionately confined to clerical, janitorial, or custodial positions. A significant effect of these patterns was to trammel the potential for equality of treatment by race in the federal government. Throughout the United States African-American citizens could not look to the national government to act impartially on their behalf, but instead watched it reproducing and on occasions promoting racist interests from society.<sup>53</sup>

The enduring significance of this segregated state has been documented most recently by political scientist Ira Katznelson in his analysis of how a system of “affirmative action for whites” operated concurrently with the expansion of the American state’s organizations and public programs from the 1930s.<sup>54</sup> Katznelson gives the example of how in practice the GI Bill widened inequalities since few African-Americans in either the North or the South were beneficiaries; thus American State policy was not neutral but quite partial in its effects as office holders will have appreciated.

The white supremacist racial order was maintained at key points by the southern political control of Congress, a control complemented by American state policies that ensured the endurance of segregationist racism. But citing Southern influence insufficiently explains how the segregationist order was accommodated and fostered in federal government from the 1920s and 1930s: in this setting it was bureaucratic autonomy at work, defining the contours of the American State. For instance, federal bureaucrats willingly engaged in the policies fostering and extending racial residential segregation of the sort permitting, from the 1940s, the development concurrently of all-white suburbs outside major cities and overwhelmingly African-American ghettos within the same cities. Federal housing agencies engaged in systematic racial structuring of mortgage applications, using the instrument of “redlining” — an assessment of property val-

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<sup>53</sup> Desmond King and Stephen Tuck, “De-Centring the South: America’s Nationwide White Supremacist Order after Reconstruction,” *Past and Present* 194 (2007): 213-253.

<sup>54</sup> Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* (New York: W. W. Norton, 2005); Robert C. Lieberman, “Ideas, Institutions, and Political Order: Explaining Political Change,” *American Political Science Review* 96 (2002): 697-712; Suzanne Mettler, “Bringing the State Back In to Civic Engagement: Policy Feedback Effects of the G.I. Bill for World War II Veterans,” *American Political Science Review* 96 (2002): 351-65; Margaret C. Rung, *Servants of the State: Managing Diversity in the Federal Workforce, 1933-1953* (Athens: University of Georgia Press, 2002).



uation that hinged on the presence of black Americans — to prevent African-Americans becoming home owners, a preference consistent with many white Northerners.<sup>55</sup>

The segregated state in place in national government between the 1880s and 1960s ended only through forceful executive action designing and enforcing equal rights of citizenship. The American state (including the Justice Department, the Supreme Court, the presidency, and eventually the Congress) became an agent of racial transformation because it both confirmed in legislation such as the Civil Rights Act 1964 and the Voting Rights Act 1965 certain basic rights to be enjoyed by all citizens no matter where they lived in the US; and it provided the resources to enforce these standards — all of this in the supposedly “stateless” United States.

Underlining such expansionist expressions of national state power is the articulation and maintenance of common standards, be these in social policy such as education, civil rights such as voting rights, administrative devices for industrial organization, or compensatory measures for historical injustices such as affirmative action. Often contested, never constant in content such manifestations of the national state demonstrate how inescapable the institution of an American State has become to American politics. In fact, it has always had this salience for race but because its effects were part of a taken for granted order many analysts overlooked State policy.<sup>56</sup> For over half a century the federal government proved unwilling to enforce voting and civil rights throughout the US despite the powers vested in the Fourteenth and Fifteenth amendments; and unwilling actively to engage in policies which not merely maintained but extended a segregationist racial order.

## **THE COMPARATIVE PUZZLE OF THE AMERICAN STATE**

This inventory of the American state’s weaknesses suggests a profound puzzle: if the United States is “stateless” — or, more precisely, if the American state is limited in so many of these conventional ways in which “stateness” is conventionally measured— how are we to account for the scale of its activity and its growth into a powerful institutional force, at home and abroad, for good and ill? Examples of this efficacy include the expansion of affirmative action programs in employment from the 1960s despite the relatively under-resourced and weak institutional arrangements put in place by the Civil Rights Act of 1964 to achieve these goals. This success demonstrates both the dangers of assuming the Federal State lacks well placed institutional and bureaucratic actors

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<sup>55</sup> King, *Separate and Unequal*, 189-99; Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge: Harvard University Press, 1993); Michael B. Katz, Mark J. Stern, and Jamie J. Fader, “The New African American Inequality,” *Journal of American History* 92 (2005): 75-108.

<sup>56</sup> King and Smith “Racial Orders.”

capable of pursuing national public policy to achieve social engineering reforms; and the costs of assuming that because the American State lacks the common traits of state-ness found in comparable advanced democracies it therefore does not possess nationally distinct public-private associational arrangements capable of delivering policy.<sup>57</sup>

The need to understand this capacity to act nationally and to standard set across the whole national jurisdiction exposes the limits of existing analytical approaches to the state. To elaborate, none of the dimensions of the American state elaborated above — the administrative state, the standardizing state, and so forth — by itself helps us understand how the federal state did develop after the 1960s to act successfully as a national policy maker. And it is worth noting that both Democrats and Republicans are now almost equally keen on exercising this central authority; it is no longer a preserve of traditional liberals rooted in a New Deal vision of federal power. Thus, the military and homeland security department have grown hugely in the United States; the federal prison system has expanded constituting a micro economic sector of its own; and many domestic policies such as education are now nationally orchestrated.

## **THE NEW COMPARATIVE POLITICS OF THE STATE**

It is time, we suggest, for scholarship on the American state to train its attention to this paradox in order to develop a framework better to understand the sources and workings of the American state's curious yet enduring power. Fortunately, there has been a stirring revival of studies of the state in comparative and international politics, mirroring the resurgence of the state (or at least its failure to diminish in importance) in the era of globalization and providing the beginnings of an analytical vocabulary for just such a retheorizing of the American state. Here we briefly examine several of these works: Francis Fukuyama's *State-Building*; Anna Grzymala-Busse's *Rebuilding Leviathan*; Kimberley Johnson's *Governing the American State*; Daniel Ziblatt's, *Structuring the State*; and a collection edited by Robert Rotberg (*When States Fail*).<sup>58</sup> These works present a series of alternative perspectives on the state and state-building that highlight numerous alternative, ironic causal pathways and hypotheses about the origins and development of the state. These works, which vary considerably in their coverage of time periods and regions of the world, connect the state creatively and usefully to social and political structures that have often been disconnected from studies of the state. They view the state not as a counterweight or rival to other, typically "non-state" patterns of

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<sup>57</sup> Desmond King, "The American State and Social Engineering: Policy Instruments in Affirmative Action," *Governance* 20 (2007): 109-26; Robert C. Lieberman, "Civil Rights and the Democratization Trap: The Public-Private Nexus and the Building of American Democracy," in *Democratization in America*, ed. King et al.

<sup>58</sup> See also S.M. Naseem and Khalid Nadvi, eds., *The Post-Colonial State and Social Transformation in India and Pakistan* (Oxford: Oxford University Press, 2002).

social relations or political organization, but rather as intimately connected with those patterns — such as negotiated arrangements between the central government and powerful subnational units (Ziblatt and Johnson), patterns of competition and contestation among political parties (Grzymala Busse), the substantive governance issues before the public (Fukuyama), and issues of state failure and the dissipation of “stateness” (Fukuyama and Rotberg).

All of these works depart in creative and instructive ways from the focus on coercive, centralized, top-down power that has generally characterized studies of the state of the last generation. Instead, they approach the state in a spirit much closer to that proposed by J. P. Nettl in his 1968 article, in which he proposed decomposing the idea of “stateness” into four variable dimensions: 1) the state as the sovereign institutionalization of power within a single territory; 2) the state as a unit in international relations; 3) the state as an association and a distinct sector of society; and 4) the state as a sociocultural concept.<sup>59</sup> Although frequently cited, Nettl’s multidimensional analytic framework has, over the years, been consistently collapsed onto a single dimension, typically the first, which corresponds most closely to the classic Weberian notion of the state. Our own multidimensional rendering of the puzzles and ironies inherent in studies of the American state is similarly, as may be obvious, inspired by Nettl, and we will suggest how Nettl’s dimensions of stateness might profitably map onto future studies of the American state. To make sense of the American state in these terms, however, we show how these works have deployed Nettl’s sensibility (if not his precise categorization) to present variants of a richer, more bottom-up, multidimensional approach to “stateness.”

1) *Before States: The Problem of State Failure*. Long used to concentrating on the origins, expansion, and consolidation of state institutions and public policies, comparativists have recently given much more attention to a neglected dimension of state studies: the questions of when and why states fail.<sup>60</sup> It is this subject that Robert Rotberg’s excellent edited volume, from the Harvard University Failed States Project, seeks to address. *Why States Fail: Causes and Consequences* combines useful conceptual analysis with careful and detailed empirical case studies of state experiences in developing countries.

Rotberg distinguishes carefully between strong and weak states, and then between failed and collapsed states, mostly in terms of their capacity to deliver political and public goods variously defined but commencing with security particularly for a polity’s

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<sup>59</sup> Nettl, “The State as a Conceptual Variable.”

<sup>60</sup> Though it is an issue to which Tilly was alert in his classic introduction to *The Formation of National States in Western Europe*, in which he noted how many aspirant states failed to endure in the post-1500 struggles. See also Tanisha M. Fazal, *State Death: The Politics and Geography of Conquest, Occupation, and Annexation* (Princeton: Princeton University Press, 2007).

residents and citizens. Such goods then extend into familiar activities like the rule of law and the legitimation of the state's operations, democratic participatory rights, and the social rights of citizenship. Weak states can become failed states when they are often in a condition of crisis and when their public officials confront regular challenges to their authority and incumbency. But the volume's main emphasis is on the less considered nature of failed and collapsed states. Crucial to the onset of state failure is precarious and unresolved inter-group conflict of such intensity and endurance that it prevents the state from functioning in any meaningful way. This condition renders these states zones of permanent intergroup violence and often civil war. It also means central state authority over peripheral areas is at best tenuous and frequently absent. Violent factions sustain civil war and criminal gangs complement this misery in daily life. Terror, real or implied, often prevails and commonplace institutional expressions of states power and authority such as bureaucracy, infrastructure, or basic services such as medical facilities have vanished. In sum, failed states provide none of the political and public goods associated with modern polities. At its most extreme a failed state transforms into a collapsed state in which, "political goods are obtained through private or ad hoc means. Security is equated with the rule of the strong. A collapsed state exhibits a vacuum of authority. It is a mere geographical expression, a black hole into which a failed polity has fallen."<sup>61</sup> Rotberg cites Somalia from the late 1980s, Bosnia, and Lebanon as cases.

What this renewed interest in failed and collapsed states does is underline the achievement of the American State in its endurance. But it also suggests we should look in detail at how key conflicts and instances of social mobilization against the state — for example, anti-Vietnam War protests or civil rights demands — were resolved without threatening the integrity of the state as a unity, especially given conventional understandings of the comparative weakness of the American state and strength of American society. How do competitive social pressures, intergroup conflict, and infrastructural resources bear on the development of a strong or weak state?

2) *Federalism and Infrastructural Power*. In his important book, Daniel Ziblatt differentiates two ways in which federal systems emerge depending on the level of infrastructural capacities possessed by units at the sub-national level. "Infrastructural power" refers to the state's capacity to penetrate society and implement decisions through the coordinated activity of civil-society actors, as distinguished from "despotic power," which describes the state's ability to coerce compliance through force.<sup>62</sup> Conventional accounts of federalism emphasize the relative coercive or despotic power of the central government and subnational units to explain the divergence of federal or unitary out-

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<sup>61</sup> Robert I. Rotberg, "The Failure and Collapse of Nation-States: Breakdown, Prevention, and Repair," in *When States Fail: Causes and Consequences*, ed. Robert I. Rotberg (Princeton: Princeton University Press, 2004), 9.

<sup>62</sup> Mann, *Sources of Social Power*, 2: 59.

comes. In these accounts, it is the relative coercive power — especially military power — between the center and the subunits that determines whether the center is able to create a unitary state through conquest or is forced to make concessions to relatively strong subnational units that are able to resist conquest. In such accounts, federalism represents an incomplete form of state-building, in which the center is unable to consolidate control over its territory and must cede sovereignty to lower units through some kind of “federal bargain.”<sup>63</sup> This approach provides the essential logic behind the standard account of federalism as a basic constraint on the American state, as a limitation on the “Standardizing State” and a key element of the “Fragmented State,” in our terms.

Ziblatt, by contrast, argues that it is the infrastructural power of subnational units, not the coercive power of the center, that particularly shapes federal bargains and determines whether state-building outcomes are federal or unitary. Regional units with substantial infrastructural power — defined as “high levels of (1) state rationalization, (2) state institutionalization, and (3) embeddedness of the state in society” — offer to would-be state builders from the center the capacity to penetrate society immediately and without the cost and fuss of imposing such capacity from above.<sup>64</sup> Subunits that can already do the things states do — regulate society and the economy, extract revenue, and maintain order — are more likely to conclude successful federal bargains than subunits that lack these capacities. When such infrastructural power is lacking at lower levels, unitary state-building by conquest becomes more likely.

Ziblatt applies this framework brilliantly to the puzzling cases of Germany and Italy in the late nineteenth century. In Germany, powerful Prussia seemed primed to achieve national unification by coercion, while in Italy, Piedmont had less coercive military power relative to the other regions of Italy. And yet German unification took the form of a federal state, in which regional states retained a fair amount of power, while in Italy the Risorgimento ultimately, after many fits and starts, took the form of a military conquest of the entire peninsula to bring it under common rule. Using innovative measures and data sources to observe the infrastructural characteristics of regional governments prior to unification, Ziblatt shows that these outcomes followed from the relative infrastructural capacity of regional governments in the two cases — higher in Germany relative to Prussia than in Italy relative to Piedmont. Thus he builds a sequenced model of federal state development in which pre-existing sub-national institutions are causal; federalism is “an outgrowth of a very specific path of nation-state formation in which state building and political development *precede* national unification, leaving in place a set of

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<sup>63</sup> Riker, *Federalism*.

<sup>64</sup> Daniel Ziblatt, *Structuring the State: The Formation of Italy and Germany and the Puzzle of Federalism* (Princeton: Princeton University Press, 2006).

states that can both negotiate the terms of national unification and effectively govern *after* national unification.”<sup>65</sup>

Ziblatt’s penetrating analysis of these two particular historical cases suggests a broader conclusion, that state structures are built not simply through the creation *de novo* of centralized coercive capacity but often through negotiated links with decentralized power centers, even in the case of the vaunted Prussian and German states of the nineteenth century, which come as close to the Weberian ideal type as one can imagine. The implication for the United States is clear: looking for “stateness” in terms of centralized bureaucracies or other formal institutions of coercion risks missing the key elements of American state-building. American state-building came about not to the exclusion of other social and political structures but in conjunction with a set of partners both in the polity and civil society.

3) *Political Parties and State Building*. In Ziblatt’s analysis, the key partners in the state-building process were themselves states, governments whose bureaucratic capacity (or lack thereof) shaped and constrained the possibilities open to would-be centralizers. But these partners need not be states or even governmental institutions. As Anna Grzymala-Busse shows in *Rebuilding Leviathan*, political parties can also play a parallel role in the development and deployment of state authority. The conventional Weberian-inflected view of the state regards the state as an autonomous sector, differentiated from and independent of society and engaged in a more-or-less zero-sum struggle with other organizations over power and resources. Thus, strong opposition to a national regime or robust civil society sectors are often seen as posing a threat to strong and effective states and thriving at the expense of state autonomy, capacity, and power. This view of a trade-off between civil society and the state is consistent not only with the neo-Tocquevillian view of American society we summarized above but with other analyses of the potential perils of strong civil-society attachments that can form bases for the eclipse or takeover of the state.<sup>66</sup> One implication of this approach is that state-building and consolidation occur more readily in situations where opposition is more constrained, and where coalitions for the centralization and rationalization of governing authority are more readily formed and sustained. This proposition, which applies most directly to Western Europe in the modern period, also seems to account for the conventionally-understood peculiarities of state development in the United States, where political contestation was routinized before the bureaucratization of governance.<sup>67</sup>

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<sup>65</sup> Ziblatt, *Structuring the State*, 16.

<sup>66</sup> Berman, “Civil Society and the Collapse of the Weimar Republic”; Sheri Berman, “Islamism, Revolution, and Civil Society,” *Perspectives on Politics* 1 (2003): 257-72.

<sup>67</sup> Shefter, “Party and Patronage.”

*Rebuilding Leviathan*, in effect, turns this proposition on its head. In an ingenious comparison across former Soviet-bloc countries in Eastern Europe, Grzymala-Busse shows that strong opposition, in the form of robust party competition, was actually conducive to state-building. After the fall of the Berlin Wall and the collapse of the Soviet empire, many countries in Eastern and Central Europe (former Warsaw-Pact countries and breakaway Soviet republics alike) sought to recast their states as democracies, instituting meaningful elections, parliaments, and, consequently, political parties that sought to win power and capture the resources that come from controlling the state. In some of these countries — notably the Czech Republic and Slovakia but also Bulgaria and Latvia — governing parties were able to consolidate their control of the state and its resources and build up the size and, ultimately, the coercive power of the state. In other countries — especially Hungary but also Poland, Estonia, Slovenia, and Lithuania — incumbent parties were more constrained by robust partisan opposition and more closely-fought competition for election victories and state control. These conditions of greater contestation and uncertainty about control of the state produced greater constraints on incumbents' capacity to exploit the state and, consequently, on the development of the state's own coercive capacity.

The irony of Grzymala-Busse's story is that it was in the latter group of countries, where state-building was apparently more constrained by opposition and contestation, that the more robust and effective states (as measured by both the scope and reach of state activities and the safeguards in place against patronage and clientelism) emerged. Robust competition, in Grzymala-Busse's picture, importantly goes beyond simply measuring the effective number of parties in a system to encompass as well a set of mechanisms by which the presence of opposition can lead to constraints on the ruling coalition's capacity to exploit the state for its and its members' own gain. These characteristics of robust party competition include the clarity of ideological or programmatic alternatives in the party system, the plausibility of out-parties coming into government in the future, and the tendency for opposition legislators to be vocal in their criticism of the government's behavior (and of the government to tolerate such criticism). When these characteristics are present, she demonstrates, ruling parties face greater electoral uncertainty and consequently construct institutions that constrain their own rent-seeking behavior in the short run so that the behavior of their competitors will be equally constrained after a future transfer of power. It is in these cases — where rulers are *more* constrained in their capacity to capture and exploit the apparatus of governance — that strong and effective states emerge and develop governing capacity and political legitimacy.

Grzymala-Busse's argument helps to flesh out the logic connecting Dahl's procedural model of democracy and American state-building, to which we alluded above.

Dahl emphasizes political contestation as a critical element of democracy, which has especially characterized the United States (even as the participatory inclusiveness of the American regime — Dahl's other key dimension of democracy — has fluctuated over time).<sup>68</sup> Grzymala-Busse shows that political contestation has been essential not only to constructing and sustaining democratic political arrangements but also to erecting effective states. Her argument offers a plausible framework to investigate the links between the apparent weaknesses and limitations of the American state and its surprising strength, which has emerged neither through the development of classic Weberian capacity nor through a Tocquevillian trade-off between state and civil society, but through its ability to command legitimacy and mobilize capacity outside of the state's formal institutional boundaries, suggesting, as does Ziblatt's work, that American "stateness" is to be found in unconventional places.

4) *State Capacity and Policy Delivery*. Francis Fukuyama made his reputation characterizing the world order after the end of the Cold War as one in which liberal democracy and capitalism had triumphed and seen off ideological competitors. His book on state building, however, suggests a more refined understanding of how this order is still rooted in political institutions sustained by states. Liberal capitalist democracy requires states upholding rules of law, especially property rights, and regulating markets. This conclusion generates a short but useful book on the complexities of state building in the modern world, in which Fukuyama expands upon Nettlian conceptions of stateness. His key interest is practical — how to make states effective as units of governance in an unstable world order.

He differentiates two dimensions — state capacity and state strength — as the basis for a comparative framework. Scope refers "to the different functions and goals taken on by governments," whereas strength describes "the ability of states to plan and execute policies and to enforce laws clearly and transparently."<sup>69</sup> This dichotomy permits Fukuyama to construct a two-dimensional map of stateness, comparatively putting the range of state activities (measured using a World Bank itemization) on one axis and state strength (measured in terms of direct coercive capacity) on the other. This conceptual mapping allows him to provide a subtler rendering of state capacity, which depends not on brute strength alone but on the interaction of strength and scope. Some states, such as France, are both strong and broad; they can make policy and enforce rules across a wide substantive range of activities. The United States, in Fukuyama's scheme,

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<sup>68</sup> Dahl, *Polyarchy*, 28-29; Keyssar, *The Right to Vote*; Richard M. Valelly, *The Two Reconstructions: The Struggle for Black Enfranchisement* (Chicago: University of Chicago Press, 2004).

<sup>69</sup> Francis Fukuyama, *State-Building: Governance and World Order in the 21<sup>st</sup> Century* (Ithaca: Cornell University Press, 2004), 9.



is also strong but operates across a more limited scope; its coercive capacity operates over a more circumscribed set of activities.

For Fukuyama effectiveness or efficacy is central to successful economic performance. He argues that the development studies community has underestimated the significance of successful institutional infrastructure — as represented by state institutions capable of implementing policy ends and maintaining such constraints as the rule of law — to state building and performance. Fukuyama pillories the international development community for what he sees as simplistic assumptions about how state institutions and state building arrangements can be moved from one setting to another given varying social and cultural contexts.

Fukuyama's account of state building is potentially germane to understanding the US case in two ways. First, by implication Fukuyama's analysis emphasizes the necessity of centralized authority and bureaucratic capacities simply to maintain non-state institutions such as markets and citizenship rights. This is consistent with the way in which the American federal government became an agent of social reform and enforcement of democratic rights such as in respect to voting laws. Second, Fukuyama proposes that “the majority of cases of successful state-building and institutional reform have occurred when a society has generated strong domestic demand for institutions and then created them out of whole cloth, imported them from the outside, or adopted foreign models to local conditions.”<sup>70</sup>

However each of these cases poses something of a problem for the scholarly literature on the state. The functional emphasis on centralized authority gives less purchase to the distinctive regulatory character of the American state's expansion in the twentieth century. And the notion that social pressures “generated strong domestic demands” cannot be uncritically applied to the US case given the deep resistance in major parts of American society (reflected in its constitutional design) to a strong center. Analytically, it is not clear that Fukuyama has moved the debate much beyond Nettl's seminal state-ness framework: rather he reformulates Nettl's precepts around a focus on state capacity, conventionally measured, injecting a modern emphasis upon economic growth and the difficulty of fostering state institutional growth. To probe these puzzles of American state building more deeply we need to turn to the distinct character of American federalism.

5) *Strength in Weakness: American Federalism*. Among recent works in American political development, Kimberley Johnson's *Governing the American State* has most fully, if not self-consciously, internalized some of the lessons about alternative conceptions of “stateness” that emerge from the new comparative politics of the state. Johnson's central question is precisely on point: how did Gilded-Age and Progressive-Era

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<sup>70</sup> Fukuyama, *State-Building*, 47.

reformers who sought a more interventionist government respond to, and in many cases evade, the constraints imposed by the structure of the nineteenth-century American state? These reformers, whom Johnson terms “national state builders,” aimed to expand the reach of American national governance to encompass new forms of control over areas of society and the economy previously unregulated by the national government. For many, Johnson writes, “the goal . . . was Hamiltonian in its scope — a truly national government with significant powers and resources to address what reformers saw as the moral and political ills of the day”: in short, a state on the Weberian model that could exercise centralized authority over American society. These reformers, however, were repeatedly stymied by the American political system, “an assemblage of weak legislative institutions dominated by a multitude of powerful interests, and characterized by limited administrative capacity.”<sup>71</sup> Like Skowronek’s emphasis on reformers’ attempts to reconstruct the nineteenth-century “state of courts and parties” in his pioneering state-building study, Johnson’s question focuses attention on the immanent characteristics of American “stateness” that these reformers engaged in their drive to expand the scope of American national governance.

The American regime, Johnson points out, was not without ample coercive resources. This authority, however, was lodged not in the federal government but at the state and local level, where, as William Novak has shown, governments exerted expansive authority over realms of life from matters of public works, safety and sanitation, and commerce to matters of morality and individual behavior that would today be considered beyond the reach of any public authority.<sup>72</sup> In this context, federalism became not simply a barrier to the development of state capacity, as it is usually portrayed, but a tool in the hands of reforms — in the form of “intergovernmental policy instruments,” arrangements whereby policy authority was shared between federal and state governments. Examples of such arrangements include such now-common practices as federal grants to subsidize (and, consequently, direct) state and local policy or federal rules that explicitly limit or supersede state policy.<sup>73</sup> Through a careful study of intergovernmental policymaking in three policy areas — food and drug regulation, transportation, and maternal and child welfare — between the end of Reconstruction and the onset of the Great Depression, Johnson shows that these intergovernmental policy instruments formed an increasingly important part of the American governmental apparatus. They emerged, she argues, precisely out of the tension between the modernizing impulses of reformers and the fragmentary parochialism of the early American state. Shaped by the partisan

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<sup>71</sup> Johnson *Governing the American State*, 2.

<sup>72</sup> William J. Novak, *The People’s Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1996).

<sup>73</sup> Johnson, *Governing the American State*, 45-8.

and electoral motives of primarily locally-oriented members of Congress, these policy instruments nevertheless expanded the reach and cohesion of the American state, bringing it to the brink of the New Deal and forming the platform on which the New Deal itself was built.

The dates that bracket Johnson's study are telling: 1877, the end of Reconstruction, and 1929, the beginning of the cascade of economic and political events that led to Franklin Roosevelt's first hundred days and his subsequent reconstruction of the American state.<sup>74</sup> This is an era often understood as a fallow period in the development of the American state, when national reformers were routinely blocked until the "big bang" of the New Deal. To be sure, much work on the early American welfare state has seen the Progressive Era as a critical precursor of later developments and has emphasized more gradual developments both before and after the New Deal.<sup>75</sup>

But Johnson shows that the apparent leap from state and local to national policymaking and administration was much less abrupt than conventional accounts of American political development suggest; rather, the New Deal was built on a foundation of careful and creative, if quiet and unconventional, state-building that occurred in the preceding decades.

Like the other cases detailed in the works under discussion, Johnson's state-building story relies on a notion of "stateness" that departs from Weberian convention, rooted in "bottom-up" means, associational linkages, and center-periphery partnerships. On the eve of the New Deal the American state did not look like a state but it could increasingly behave like one, largely through the accretion of developments that Johnson chronicles. What came after — from the gendered and racially compromised enactments of the New Deal, to the hybrid public-private accretion of welfare state policy, to the triangular struggles among federal and local authorities and community groups in the Great Society, to the devolution struggles of the late twentieth century — followed in large measure from the patterns that Johnson observes.<sup>76</sup>

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<sup>74</sup> Sidney M. Milkis, *The President and the Parties: The Transformation of the American Party System since the New Deal* (New York: Oxford University Press, 1993).

<sup>75</sup> Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge: Harvard University Press, 1992); Jacob S. Hacker, *The Divided Welfare State: The Battle over Public and Private Social Benefits in the United States* (Cambridge: Cambridge University Press, 2002); Deborah E. Ward, *The White Welfare State: The Racialization of U.S. Welfare Policy* (Ann Arbor: University of Michigan Press, 2005); Christopher Howard, *The Welfare State Nobody Knows: Debunking Myths About U.S. Social Policy* (Princeton: Princeton University Press, 2007).

<sup>76</sup> Suzanne Mettler, *Dividing Citizens: Gender and Federalism in New Deal Public Policy* (Ithaca: Cornell University Press, 1998); Robert C. Lieberman, *Shifting the Color Line: Race and the American Welfare State* (Cambridge: Harvard University Press, 1998); Christopher Howard, *The Hidden Welfare State: Tax Expenditures and*

## CONCLUSION

These works represent a new trend in the comparative politics of the state. Their authors seek to broaden the notions of stateness and state-building that inform the comparative study of political processes and institutions. Examining these works side-by-side — despite their differences in substantive focus, geographical scope, and analytical approach — reveals a common thread to which we call attention. Whether self-consciously or not, these works collectively take a large step toward reclaiming the expansive and probingly complex multidimensional notion of stateness that J. P. Nettl proposed in *World Politics* forty years ago. From the vantage point of the post-Cold War, globally interdependent, post-9/11 world, we might differ with Nettl in defining the dimensions of state, but these works suggest that we cannot gainsay his suggestion that the state's importance cannot be captured on a one-dimensional strong-weak continuum or through a model that builds centrally on a Weberian conception of coercive capacity located in centralized bureaucracies.

For the United States, this approach seems to us to offer great promise in unlocking some of the ironic mysteries that the American state has posed to a now-mature generation of studies in American political development. Despite Nettl's conviction that the United States did not possess "stateness," this perspective, advanced powerfully by this recent wave of comparative state-building studies, actually provides the architecture for a cogent analytical framework that offers some promise for American political development. Compared with the chief irony of American state-building — the apparent emergence of state strength and capacity out of links with society rather than autonomy from it — this second irony — that it is Nettl and his intellectual heirs who might provide the key to resolve the first — might seem modest. But it is a tribute to the power and acuity of Nettl's framework that it can embrace such ironies and permit us to include the United States in comparative analysis in ways that enrich both these studies and accounts of American political development. This enrichment requires, as we have argued, two major modifications to any stateness framework applied to the American case: first, an understanding and analytical integration of the fact that the American state was a segregated state until as recently as the early 1970s and second, an understanding of the extent to which its regulatory form represents comparatively distinctive state-society associational patterns. These two additions to the stateness framework are prerequisites to analytical progress.

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## **BIOGRAPHICAL NOTE**

**Desmond King** is Andrew W. Mellon Professor of American Government at Nuffield College, a graduate college of the University of Oxford specialising in the Social Sciences, particularly Economics, Politics, and Sociology.

*Telephone (Secretary):* +44 1865 278612

*E-Mail:* desmond.king@nuffield.oxford.ac.uk

*Address:* Nuffield College, New Road, Oxford OX1 1NF, UK

**Robert C. Lieberman** is Chair of the Department of International and Public Affairs and Associate Professor of Political Science and Public Affairs at Columbia University, SIPA.

*Telephone:* +1 212-854-4725

*E-Mail:* rcl15@columbia.edu

*Address:* Department of International and Public Affairs, 1318 IAB, MC 3323, New York, NY 10027, USA