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Response to Max Edling

Upon reading Max Edling's perceptive review of *A Government Out of Sight*, my initial reaction was to cede my allotted words to him since he has distilled some of the key arguments in that book more effectively than I could. Ultimately, my scholarly instincts triumphed: never miss a chance to explain your work, even when somebody else explains it better. I will elaborate on some of the points raised in Edling's review and apply some of the lessons gleaned from patterns of nineteenth-century governance to twentieth-century American political development.

First, however, let me address two questions raised by Edling. He would like to see more evidence of the early associative state in action. I join Edling in suggesting that this is a fruitful field for future research. Indeed, I hoped to stimulate such research by focusing on the neglected nineteenth-century partner in these associative arrangements—the national government. Edling also calls me to task for understating the powerful role that the states played in imposing and upholding racial regimes. He is correct about regulating and policing the "color line," a very local affair before the end of the nineteenth century. Focusing on federal actions inevitably slights this important story. Slavery, on the other hand, is a more complicated question. Although *A Government Out of Sight* recognizes the essential role that the national government played in ending slavery, it also enabled this regime in the first half of the nineteenth century. Many of the protections that preserved American liberty in a competitive international system—a federal government that oversaw territorial expansion and ensured free trade—also secured local choice, even as the choice to maintain a political economy built upon slavery was subjected to increasing opposition both internally and internationally. I missed a powerful contribution of the national government to American political development before 1860, one that enabled a slave state to thrive within a republic.

Before elaborating on how Americans turned to the national government in the nineteenth century, it is worth asking why so many scholars, not to mention millions of Americans, missed this story. A partial answer

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begins with no less an authority on governance than Alexander Hamilton. In "Federalist 27," Hamilton pronounced that "a government continually at a distance and out of sight can hardly be expected to interest the sensations of the people. The inference is that the authority of the Union and the affections of the citizens toward it will be strengthened, rather than weakened, by its extension to what are called matters of internal concern."

What Hamilton failed to anticipate was a national government that was often *most* powerful in shaping public policy when it was hidden in plain sight. Such was the case when the national government created and nourished a corporate-driven market, stimulated expansion by subsidizing exploration and removing Indians, and influenced trade patterns through communication and transportation policies. The national government shaped internal development through an active foreign policy. All of these federal actions touched the day-to-day lives of Americans as much as Hamilton's more visible policies on the national debt or the Bank. Even in those instances where the national government entered the fray as a "Leviathan," in some of its encounters with Indians, for instance, its influence was quickly displaced by sagas of heroic settlers fighting back Indians or individually making their way west without assistance from the federal government.

Edling's review deftly sums up some of the ways in which the federal government asserted its authority—in the territories, internationally, through interstate relations, and perhaps most significantly, by pursuing a developmental vision that stimulated expansion despite sectional tensions. The national judiciary also pulled its weight, especially toward the end of the nineteenth century. The judiciary radically reshaped the legal standing of corporations between Reconstruction and the first decade of the twentieth century. Corporations were transformed from publicly crafted organizations granted special privileges in order to meet public-service requirements into natural outcroppings of the economy, protected under the constitution from state interference. A series of decisions in the late nineteenth century confirmed that corporations really were more than just the sum of their parts.

The federal government also fashioned a national market that ensured the predictable, stable environment essential to corporate growth. This laid the legal groundwork for a world inhabited by groups and associations, rather than individuals, a world in which individuals increasingly exercised their political and economic preferences through groups. The modern corporation, endowed with a full set of constitutionally protected rights, was first in line for this public recognition and protection.

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The federal government continued governing out of sight—even as it grew in size and strength, constructing a "prominstrative" state after World War II that combined professional expertise with federal administrative capacity. Even during the Cold War, however, Americans avoided a command economy, or "garrison state." Instead, they continued to rely heavily on intermediaries that diffused national authority and mediated between the national government and individual citizen. The military-industrial complex thrived in the American setting by outsourcing to the private sector and to academia some of its most vital functions. That vast portions of this national security state were literally placed out of sight eased acceptance. Large portions of the national security state were classified top secret. Like the national government's actions in the West during the nineteenth century, much of the national security state was also physically located beyond the boundaries of the nation or in sparsely settled regions.

The classified, contractual, national security state is merely one of several vast regimes that remain hidden and, consequently, insulated from careful scrutiny. The others do not rely on security clearances. Rather, they are hidden in plain sight, obscured only by our failure to appreciate long-standing patterns of American governance. While the list of such regimes is lengthy, the hidden elements of the welfare state, the carceral state, and the federally subsidized infrastructure for suburban growth epitomize the way Americans have governed for more than two centuries.

As Jacob Hacker, Chris Howard, and Jen Klein have all pointed out, so-called private pensions have been encouraged by public policy both directly and indirectly. They have been promoted through tax and labor law, and through targeted regulatory interventions. Health-care provision has traveled the same path—shaped by federal tax policy that subsidizes "private" health-care benefits to the tune of billions of dollars in tax deductions for the employers who provide them.

Prisons are another example of today's hidden welfare state. With a higher proportion of its adult population incarcerated than anywhere else in the world, one might assume that the American public policies that produced this outcome were the product of intense public debate. Yet those policies were not widely debated, and even today they fly below the radar screen. The reasons for this stealthlike quality range from physical placement—these prisons are housed in out-of-the-way places—to the incremental growth of federal capacity to actively deliver upon long-standing, tough-on-crime, rhetoric. The contract state also played a role. Contracting out the construction, and in some cases the actual administration of prisons, added to the invisibility of the carceral state.

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The submerged constellation of post–World War II federal policies that promoted suburban development has profoundly shaped the political landscape. Phenomena as disparate as land use, the location of new industry, and race relations depend on policies like home mortgage deductions and highway construction policy. These policies amounted to a substantial federal incentive to white suburban middle-class homeowners. The visibility of this federal largesse has been erased, if not eradicated, through a powerful populist ideology of equal opportunity. Much like the nineteenth-century settlers who benefited from federal aid for land, credit to buy that land, transportation and communications, suburbanites cling fiercely to the self-image of rugged individuals who have seized the opportunity provided by the market. Nor do they appreciate the substantial public effort required to construct that market. In the mean time, more visible interventions that provide benefits to those who were not fortunate enough to be white and middle class in the three decades following World War II are labeled "big government" by the very suburbanites who revel in this so-called equal opportunity.

It is time to challenge the deeply held conviction that, historically, Americans have eschewed government intervention at the national level. Americans must reclaim the national government's critical role in enabling nineteenth-century American expansion, stimulating economic development, and managing international relations. We must better understand the range of cooperative mechanisms that connected state and society. Today, as for most of our history, governmental authority relies on a series of compromises brokered between central authority and local administration; it continues to rely on a host of private and voluntary partners that blur the line between public and private spheres. Although instances can be found from the Gilded Age that correspond to the strict division between public and private spheres inherent in a view of the world espoused by conservative ideologues and progressive pundits, those who seek to ground America's future in that vision of the past should be aware of the extraordinarily narrow and precarious sliver of history upon which it stands.

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