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WHITHER THE AMERICAN STATE?

Why Can't Americans See the State?

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Abstract

This essay examines public-sector employment in order to grasp the distinctive character of the American state. Looked at comparatively, the American state is anything but small or weak. Rather, befitting a federal system, public authority in the United States is exercised largely through state and local government. What is distinctive about the American state is the concentration of public-sector employment in three areas: education, defense, and public safety. This pattern reflects a historical legacy of American state-building whereby the federal government frequently employed less visible, indirect forms of policy intervention while state and local government developed robust authority, particularly in matters that pertained to public and private morals. The result has been a set of institutions that hides or conceals public authority in various ways. Ultimately, the inability of Americans to see this state reinforces the very skepticism toward governmental authority that such a state-building strategy was meant to avoid.

KEYWORDS: public sector employment, American political development

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In the summer of 2009, the healthcare debate bubbled over into a series of acrimonious town hall meetings across the country. Swirling amidst the rumors of death panels and other stories were the voices of concerned, and in some cases very agitated, seniors, who warned President Obama "to keep your hands off my Medicare." At first glance, the comment seemed to reveal the unfortunate ignorance many Americans have about the nature and operation of governmental programs. In fact, a Kaiser Family Foundation Poll in September of 2009 found that 11% of respondents thought of Medicare "more as a private insurance program" than as "a government program." Given this propensity to mistake public programs for private entities, one might ask, "Why can't Americans see the state?"

Looked at another way, however, the 11% of Americans who think of Medicare more as a private insurance program are partly correct. Almost one-quarter of the 45 million seniors who receive Medicare get all their medical benefits through private health plans. Since passage of the Medicare Modernization Act in 2003, the number of recipients enrolled in these private plans (known as Medicare Advantage) has nearly doubled. In nine states, including California and Pennsylvania, Medicare Advantage enrollees are more than 30% of all beneficiaries.³ Even those enrolled in traditional fee-for-service Medicare must secure their pharmaceutical benefits through a private, standalone, drug plan. The federal government may be the ultimate payer for seniors' health care, but the point of contact for many Medicare recipients is actually an insurance company.

The example of Medicare suggests that one reason Americans can't see the state is because it is hidden in a complex web of public and private organizations linked through contractual relationships that conceal, sometimes by design, the actual role of government in American society and the economy. Yet, one should not overstate the extent to which public authority in the United States operates through indirect means. At the state and local level, governments are active and visible in schools, public universities, police and fire services, and hospitals. Misperceptions about the size of government in the United States are in part an artifact of federalism.

What is distinctive about the American state, in other words, is where, by whom, and for what purpose public authority is exercised. These distinctions become apparent when we examine the United States in comparative perspective. This essay uses public-sector employment as a way to draw out cross-national

¹ Michael Shear, "Obama Pushes Insurance Reforms," Washington Post (August 15, 2009), A1.

² Kaiser Family Foundation, *Kaiser Health Tracking Poll: September 2009*, Chartpack, p. 17, available at http://www.kff.org/kaiserpolls/upload/7989.pdf (accessed November 9, 2009).

³ Kaiser Family Foundation, *Medicare Factsheet: Medicare Advantage*, November 2009, available at http://www.kff.org/medicare/upload/2052-13.pdf (accessed November 9, 2009).

comparisons about the nature and scope of the American state. Government employees in a real sense embody the state, whether they are bureaucrats, teachers, or police officers. Consequently, public-sector workers—where they are and what they do—offer useful insights into the character of public authority in the United States.

The essay proceeds in three parts. The next section locates the historical antecedents of this contemporary pattern in the dual character of American state-building: a federal government that often works at arms length and a local government with a long tradition of visible and direct intervention. The essay then turns to a comparative examination of public sector employment. In terms of its workforce, the American state is anything but small; in fact, it is quite average. What is distinct about the American state when examined comparatively is the preponderance of public-sector employment in state and local government and its concentration in three policy areas: education, defense, and public safety.

The essay concludes with a reflection on the way ideas are reinforced by the very institutions they inspire. Over time, suspicions toward concentrations of authority channeled federal power in ways that conceal its origins and source. At the same time, traditions of democratic self-rule conceal the state in a different way, by transforming political authority into a kind of moral authority that justifies robust government. The effects of these developments are evident today among many Americans who see the federal government as a dangerous if distant force, but view local government as a force for good.

Understanding the American State

Scholars hoping to grasp the manifold character of the American state often focus on what the American state is not: a centralized administrative apparatus whose power radiates outward and thoroughly penetrates society and the economy. The point of reference for many scholars, often explicit, has been a Weberian ideal and its closest approximation in the unitary states of continental Europe. Political scientists produced an entire literature on these distinctive (read non-European) features of American political institutions. A consistent theme throughout has been that federalism, the separation of powers, bicameralism, a regionally based party system, and a liberal tradition of anti-statism limited the scope and purpose of the American state. The result, as historian William Novak points out, is "a series of odd adjectives that dot the bibliographic landscape." By Novak's accounting, "The modern American state is still routinely described as 'exceptional,' 'laggard,' 'incomplete,' 'backward,' 'uneasy,' 'reluctant,' and

⁴ For an important review and critique of this literature, see William J. Novak, "The Myth of the 'Weak' American State." *American Historical Review* 113 (June 2008): 752-772.

'divided'...'a patchwork,' 'a hapless giant,' 'a weakened spring,' 'an incomplete conquest,' and 'a Tudor polity.'"⁵

While recognizing the weakness, limitations, and complexity of the American state, scholars also acknowledge that, somehow, the bumble bee flies. Indeed, a recent wave of scholarship on the American state offers a more nuanced take on the particular instruments of public authority—what is present rather than what is absent—and casts aside the Weberian ideal as an analytical lens. Institutional fragmentation gives way to flexible state capacity and "the very limitations of the American state...[become] sources of strength that produce unexpectedly innovative, decisive, and effective policies." The decentralized nature of state power, for example, facilitated early construction of a continental communications network. Courts, historically portrayed as impediments to state power, were in fact critical to the exercise of public authority. The robust civil society Tocqueville identified was not a substitute for the state; rather, social movements and interest groups were at the vanguard of state building efforts. As Desmond King and Robert Lieberman summarize, "What the United States possesses is a different kind of state."

In an important recent synthesis, Brian Balogh describes this different kind of state as "a government out of sight." According to Balogh, the United States "did not govern *less*. Americans did, however, govern *less visibly*." Federal power in the nineteenth century, for example, raised revenue from tariffs rather than taxes, used corporate charters rather than public expenditures to spur economic development, and articulated public policies through judicial decisions rather than administrative decree. This hidden character of the American state is still evident today, from a welfare state that subsidizes social benefits through a

⁵ Ibid., pp. 756-757.

⁶ 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 (Fall 2002), p. 161; see also Ira Katznelson, "Flexible Capacity: the Military and early American Statebuilding." In Ira Katznelson and Martin Shefter, eds. *Shaped by War and Trade: International Influences on American Political Development* (Princeton: Princeton University Press, 2002);

Desmond King and Robert C. Lieberman, "Finding the American State: Transcending the 'Statelessness' Account." *Polity* 40 (July 2008), p. 371 (emphasis in original). See also Richard R. John, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge: Harvard University Press, 1995); Paul Frymer, "Acting When Elected Officials Won't: Federal Courts and Civil Rights Enforcement in U.S. Labor Unions, 1935-1985." *American Political Science Review* 97 (August 2003): 483-499; Elisabeth S. Clemens, *The People's Lobby: Organizational Innovation and the Rise of Interest Group Politics in the United States, 1890-1925* (Chicago: University of Chicago Press, 1997); James A. Morone, *Hellfire Nation: The Politics of Sin in American History* (New Haven: Yale University Press, 2003).

⁸ Brian Balogh, A Government Out of Sight: the Mystery of National Authority in Nineteenth-Century America (Cambridge: Cambridge University Press, 2009), p. 379, emphasis in original.

myriad of tax expenditures to a military that visibly projects its power around the globe but operates through defense contracts and voluntarism at home.⁹

Balogh's synthesis is a powerful one, but there is another tradition of state power that does not entirely fit with "a government out of sight," one that is much more direct and far less ambiguous in its actions. Social movements, as noted previously, have been at the forefront of many of these visible state-building efforts. In cases such as abolition or temperance, a missionary zeal imbued calls for government action to purify a nation sickened by a moral cancer. As James Morone informs us, we are a "hellfire nation." It is in the residues of these movements, after the fervor dies down, that we find the American state. The moral panic over "white slavery" subsided in the early twentieth century, yet the Federal Bureau of Investigation—a fledgling department when it became responsible for enforcing the Mann Act in 1910—lived on.

The history of race relations in the United States points similarly to a more muscular American state. Federal power has at various times undergirded vigorous forms of racial repression and served as an agent of civil rights advancement. Throughout American history, as King and Lieberman point out, "white and black Americans...have experienced the state in very different ways." Recent work on penal policy and a vast American "carceral state" of police, prisons, and criminal courts points toward a similar conclusion. As Marie Gottschalk forcefully argues, the astounding scale of mass incarceration in this country belies any notion of a "weak" state. For the more than two million men and women serving time and the nearly seven million people under supervision of the correctional system, the American state is anything but hidden. 11

These direct and visible forms of state power have a long history, particularly at the state and local level. During the nineteenth century, for example, local governments exercised a wide range of powers that entailed farreaching control over people and things. William Novak cites an 1837 list of laws and ordinances governing the City of Chicago that empowered city officials "to compel the owner or occupant of any grocery, cellar..., soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same." Many local policies took on a tinge of

⁹ Christopher Howard, *The Hidden Welfare State: Tax Expenditures and Social Policy in the United States* (Princeton: Princeton University Press, 1997); Aaron L. Friedberg, *In the Shadow of the Garrison State: America's Anti-Statism and its Cold War Grand Strategy* (Princeton: Princeton University Press, 2000).

Desmond King and Robert C. Lieberman, "Ironies of State Building: A Comparative Perspective on the American State," *World Politics* 61 (July 2009), p. 578.

¹¹ Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America* (Cambridge: Cambridge University Press, 2006).

¹² Cited in William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth Century America* (Chapel Hill, University of North Carolina Press, 1996), pp. 3-6.

moral authority that justified state action in the name of maintaining a well-ordered community.

The same list of Chicago ordinances also included the power to "restrain and punish vagrants, mendicants, street beggars, [and] common prostitutes." No activity, it seems, was beyond the reach of Chicago authorities, up to and including the power "to prevent the rolling of hoops, playing at ball, or flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets." Such far-reaching local authority was exercised both for good and for ill; in racial matters, the most repressive forms of state action were executed through state and local governments in the United States.

In sum, there is a Janus-faced quality to the American state that reaches back to the Founding. Alongside a government "out of sight" is a long history of visible public authority, sometimes operating under the banner of a moral crusade, and often directed at outsiders and other perceived threats to the stability of a well-ordered community. These twin impulses of American state-building are evident today in the distinct pattern of public authority in the United States, a pattern brought to light when examined in comparative perspective.

The American State in Comparative Perspective

Finding the American state can be a tricky business. A sole focus on public expenditures, for example, misses an array of heavily subsidized private expenditures in areas such as housing, pensions, and health care. The tax deduction for health insurance premiums alone amounts to \$250 billion a year in foregone revenue. Even when public spending is more direct, it is often executed through private entities operating on a contractual basis for the government. Since the inception of Medicare in 1965, for example, the federal government has contracted with Blue Cross and Blue Shield to handle day-to-day operations like claims processing and reimbursement. As Paul Light has shown, the number of individuals employed through federal grants and contracts reveals a "true size of government" of around 14 million persons, a figure much greater than the 2 million or so civil servants who work directly for the federal government. Federal government.

¹⁴ Jacob Hacker, *The Divided Welfare State: The Battle over Public and Private Social Welfare Benefits* (Cambridge: Cambridge University Press, 2002).

¹³ Ibid.

¹⁵ Jonathan Oberlander, "Through the Looking Glass: The Politics of the Medicare Prescription Drug, Improvement, and Modernization Act." *Journal of Health, Politics, Policy, and Law* 32 (April 2007), p. 193.

Paul C. Light, "The New True Size of Government," *Organizational Performance Initiative: Research Brief, Number 2*, New York University Robert F. Wagner Graduate School of Public Service, August 2006.

Yet an exclusive focus on the national level can lead to a mistaken impression that all public authority in the United States is executed largely through a government out of sight. Looked at comparatively, in fact, the United States resembles other federal systems in the way public authority is distributed across levels of government. Moreover, when we examine how this authority is employed, the distinctive features of the American state become even more apparent. In order to draw out these features, this essay employs a rather straightforward measure of the state: public-sector employment. This includes all civilian employees whose wages and benefits are paid by a governmental unit, a category that covers much more than just bureaucrats.

The virtue of a focus on public-sector employment is that it permits an expanded view of public authority while maintaining some conceptual distinction of the state. Although attention to the porous boundary between public and private mechanisms of policymaking paints a more accurate picture of the United States in many respects, such a move from government to "governance" renders the former a useless analytical category. A focus on public-sector workers, on the other hand, maintains some distinction between public and private while also capturing the distinctive features of the American state in comparative perspective.

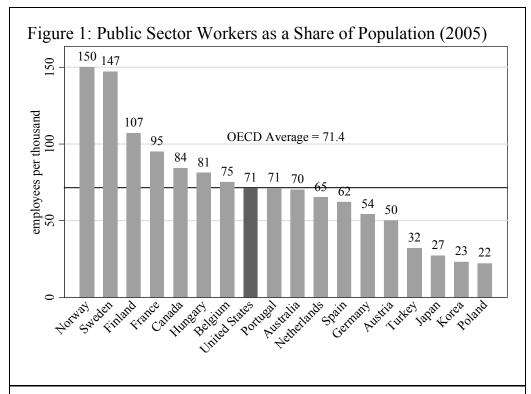
Figure 1 provides a first look at the American state in comparative perspective, using the number of public-sector workers at all levels of government and controlling for population size. With roughly 71 public-sector employees for every 100,000 Americans, the United States is right at the OECD average. Although smaller than the Scandinavian countries, with their broad and generous welfare states, the public sector in the U.S. is larger than that in Germany or Japan, for example.

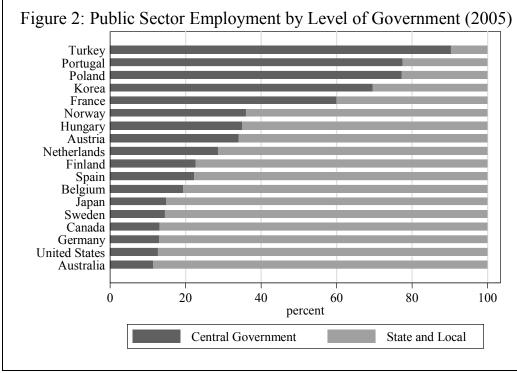
If the overall size of government in the United States is unremarkable, the distribution of public-sector employment is quite heavily skewed toward the state and local level. As shown in Figure 2, the vast majority of public-sector employment in the United States is in state and local government. Yet the United States is far from the only federal system to display this tendency. Most public-sector employment is to be found at the sub-national level in other federal systems, such as Australia, Germany, and Canada. ¹⁹

¹⁷ King and Lieberman, "Ironies of State Building," p. 567.

¹⁸ Data on public sector employment comes from Elsa Pilichowski and Edouard Turkisch (2008), "Employment in Government in the Perspective of the Production Costs of Goods and Services in the Public Domain." *OECD Working Papers on Public Governance*, No. 8, OECD, Publishing. Population data is from OECD, *National Accounts of OECD Countries: Volume I—Main Aggregates* (available at www.SourceOECD.org/database/nationalaccounts).

¹⁹ Ibid.. p. 24.





Examined historically, however, it is also the case that employment by state and local government in the United States has witnessed profound growth over the past sixty years. Controlling for population, Figure 3 shows an increase in the number of state and local employees from 26 to 64 per 100,000 persons—an increase of more than 150%. During this same period, moreover, federal employees as a share of the population declined by one-third. This growth in state and local government is important because it points toward what is truly distinctive about the American state: the function or purpose for which public authority is employed.

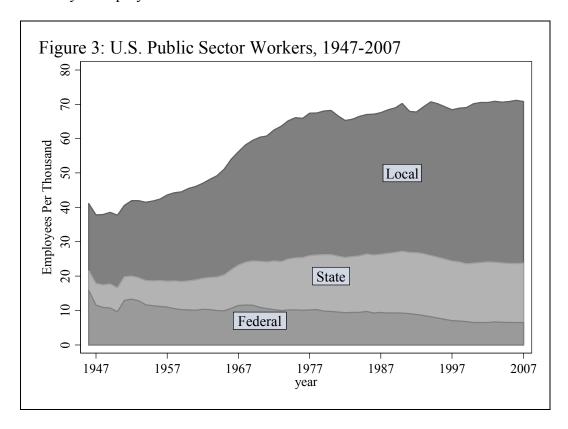


Table 1 compares the distribution of compensation costs for governmental employees (wages and benefits) among various government functions in four countries: the United States, France, Sweden, and Great Britain.²¹ As indicated,

²⁰ U.S. Census Bureau, 2007 Census of Government Employment, Table 2 (available at http://www2.census.gov/govs/apes/emp compendium.xls).

²¹ Table 1 presents the share of employee compensation, which includes the total remuneration in cash or in kind payable to a government employee, according to categories based on the

38% of the cost of all public-sector wages and benefits in the United States is spent on education (including both instructional and administrative personnel). By comparison, education is just under one-third of employee costs in France and around one-quarter of employee compensation in Sweden and Britain. Meanwhile, defense, which includes the 700,000 non-military workers in the Department of Defense (around the same number of civilians who work for the U.S. Postal Service), accounts for seventeen percent of public-sector employee costs in the United States, more than twice the level found in Britain and France and more than five times the share of employee compensation spent on defense workers in Sweden.

Continuing down Table 1, public order and safety (police and fire, courts, and prisons) is fourteen percent of employee compensation in the United States. This is two to three times the level in France and Sweden, although here, a similar share of expenditure on public safety is found in Britain. In sum, more than two-thirds of governmental employment costs in the United States is spent on education, defense, and public safety. By contrast, these three categories comprise only one-third to one-half of public-sector employment costs in France, Sweden, and Great Britain.

Table 1: Public Sector Employees by Function (Share of Total Employee Compensation)

Employee Compensation)						
Function	United	France	Sweden	United		
	States			Kingdom		
Education	0.38	0.32	0.25	0.24		
Defense	0.17	0.07	0.03	0.08		
Public Safety	0.14	0.07	0.05	0.13		
Health	0.09	0.17	0.21	0.32		
Social Protection	0.03	0.09	0.27	0.08		
Other*	0.19	0.28	0.19	0.15		

*Includes General Administration, Economic Affairs, Environment, Housing, and Culture

Table 1 also shows that the share of employee costs spent on health and social protection is comparatively less in the United States than in other countries. Health comprises less than 10% of public-sector compensation in the United States, while only 3% of public-sector compensation is spent on social protection (old-age, disability, unemployment, etc.). By contrast, health accounts for almost

Classification of Functions of Government. Data for Table 1 comes from OECD, *System of National* Accounts. For a description of the functional categories, see International Monetary Fund, *Government Finance Statistics Manual*, 2001, chapter 6 (available at https://www.imf.org/external/pubs/ft/gfs/manual/pdf/ch6.pdf).

a third of governmental employment costs in Britain, where the vast majority of health workers are employed by the National Health Service. Similarly, due to the scope of the Swedish welfare state, social protection is more than a quarter of public-sector employment costs in that country. On the other hand, it is important to point out that health and social protection do make up a large portion of overall governmental expenditure in the United States. As shown in Table 2, the United States actually devotes a larger share of its public expenditures to health than France, Sweden, or Britain. As noted previously, however, public expenditures for programs like Medicare and Medicaid are almost entirely channeled through private health providers and insurers.

Table 2: Government Expenditures by Function (Share of Total

Government Expenditures)

Function	United States	France	Sweden	United Kingdom
Education	0.17	0.11	0.13	0.14
Defense	0.12	0.03	0.03	0.05
Public Safety	0.06	0.02	0.03	0.06
Health	0.21	0.14	0.13	0.17
Social Protection	0.19	0.42	0.41	0.35
Other*	0.25	0.28	0.27	0.23

^{*}Includes General Administration, Economic Affairs, Environment, Housing, and Culture

Comparing public-sector compensation and overall government expenditures, Tables 1 and 2 provide a fairly clear picture of the American state. Although forty percent of government expenditures in the United States are on health and social protection, these functions account for only twelve percent of total employment costs. At the same time, education, defense, and public safety account for two-thirds of public-sector wages and benefits but only one-third of overall expenditures. This overall pattern distinguishes the United States from other countries and reflects the twin impulses of American state-building: visible public authority in state and local affairs, such as education and public safety, and less visible authority in areas of health and social protection that are largely federal in nature. National defense is a notable exception to the local nature of public sector employment in the United States, but one that is consistent with the pattern of a federal power that is clearly more oriented outward than inward.

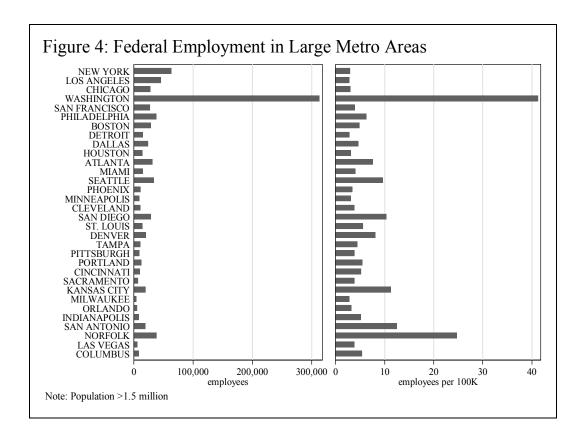
Political Implications of American State-Building

This essay began with a puzzle: Americans have difficulty "seeing" the state. Upon closer examination, this puzzle actually manifests itself in two ways. As one might expect, Americans are unable to see the state because of the way federal authority is hidden or concealed in a maze of public-private partnerships and contracting arrangements. More surprising is that Americans are equally unable to recognize the state in the form of their neighbors, as well as themselves, who work as teachers, police officers, and other public-sector employees. In this second respect, the American state is hidden in plain sight.

This relationship between Americans and the state reflects the distinctive pattern of American political development. The contemporary manifestation of this pattern in public-sector employment illustrates how institutions tend to reinforce the very ideas that inspire them. Skepticism toward government is more than a simplistic anti-statism or rugged individualism, aspects of American political culture that are easily overstated. Rather, the history of the American state suggests that the disposition of rank-and-file Americans toward government is itself a product of their institutions. One reason many Americans might possess a skeptical if not hostile view of the federal government is because, for so many, the federal government is a rather distant force in their lives.

Once again, public-sector employment, in this case the geographic distribution of federal workers, offers a particularly useful way to grasp this feature of the American state. Figure 4 displays federal employment in thirty-two Metropolitan Statistical Areas (MSAs) with a population greater than 1.5 million (the core cities of each MSA are listed in decreasing order of population). The left panel of Figure 4 shows the total number of federal employees, while the right panel shows federal employment as a share of the total population in each metro area.

Not surprisingly, the Washington, D.C.-Maryland-Northern Virginia metro area, with a population of 7.6 million people, has the largest number of federal workers (313,455) and the highest concentration of employees (41 per 100,000) in the country. However, as one moves away from Washington, the federal government is much less visible. In other large metro areas, such as New York, Los Angeles, and Chicago, the size of the federal workforce is much smaller, around 3 federal employees per 100,000 persons. Only Norfolk, Virginia, even reaches half the density of federal workers as the Washington, D.C. area. Because of this concentration of the federal workforce in the nation's capital, many Americans have very little if any direct contact with an employee of the federal government.

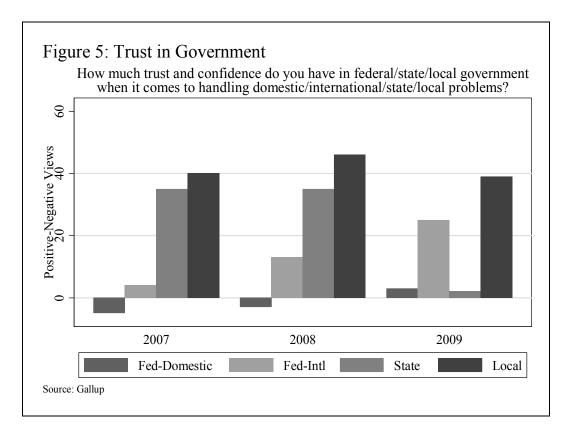


What are the political implications of all this, particularly at a time when the governing Democratic Party is oriented toward an expansion of federal authority in areas such as healthcare? As the current debate demonstrates, general political orientations toward the role of government are just as important, if not more so, than specific policy orientations toward healthcare in shaping public sentiments. This is evident in the way Republicans and other opponents of healthcare reform have successfully employed slippery-slope arguments about impending socialism in generating broader opposition to proposals such as the so-called public option. Stoking fears about a government "takeover" of health care clearly resonates with an American public skeptical toward federal authority.

This skepticism is evident in public opinion toward various levels and functions of government. Using a series of Gallup survey questions over the last three years, Figure 5 shows a range in the trust and confidence Americans have toward government.²² Two features stand out: first, there is greater public trust and confidence in state and local government than in the federal government;

²² Figure 6 shows the net percentage of positive (a great deal or fair amount) and negative (not very much or none at all) responses to the survey question.

second, there is greater trust and confidence in the federal handling of international than domestic affairs.²³ This trust gradient is broadly consistent with the distribution of public employment: confidence in government is lowest where the state is least visible. Conversely, trust is greater where public-sector employment is higher: state and local rather than federal government and defense rather than domestic affairs.



Herein lays one irony of American state-building. In constructing a state that executes many of its functions through an arms-length relationship with the public, the federal government has been able to expand its authority across a range of activities without employing a large bureaucracy. However, constructing a federal government "out of sight" also reinforces the very skepticism that such a strategy is meant to avoid. According to Elisabeth Clemens, the resulting loss of

²³ The gradient does not hold for the 2009 series due to low levels of trust in state government, possibly due to the fiscal crises currently experienced in many states.

legitimacy is an unfortunate consequence of a "Rube Goldberg state". ²⁴ Efforts to address public problems with a more robust exercise of federal authority inevitably face great difficulties, limiting the range of available policy alternatives. Unable to include a truly public option in health reform, for example, may ultimately fail to address the problems of our healthcare system and only deepen public skepticism toward the federal government and its capacity to address domestic issues.

State and local government points toward a different irony of state-building. There are more than thirteen million people employed in education and public safety, comprising more than 60% of all public-sector employees, yet most Americans do not think of teachers or the police when they point to the dangers of "big government." This is because local functions such as education and public safety are considered essential to democratic self-rule. Teachers create educated citizens; police are empowered to protect them. Public authority is recast as a kind of moral authority of the community. This may partly explain why local government is viewed so positively. The irony of American state building here is that Americans cannot see the state because they only see themselves.

The historical development of the American state points toward the antecedents of these contemporary ironies. The pattern of public-sector employment evident today, for example, bears close resemblance to the pattern of public authority that existed in the nineteenth century: a robust, at times even heavy-handed, local government coupled with a federal power that for the most part employs a light touch. Over time, both the institutions and the ideas that inspired them become inextricably linked. Although critical to the success of the democratic experiment, the veiled nature of public authority in the United States produces a complex set of institutions and a complex relationship between Americans and their state. Today, at a moment when the challenges of government are more not less, both the institutions and our understanding of them pose significant obstacles to meeting these challenges.

²⁴ Elisabeth S. Clemens, "Lineages of the Rube Goldberg State: Building and Blurring Public Programs." In Ian Shapiro, Stephen Skowronek, and Daniel Galvin, eds. *Rethinking Political Institutions: The Art of the State* (New York: New York University Press, 2006).