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Introduction: Why Look Back?

Why should Americans care about their past? After all, "what have you done for me lately?" is a question posed to politicians and public officials daily, and "what will you do for me tomorrow?" is an even more common demand. Why, when "that's so twentieth century" is already an insult, should Americans care about the nineteenth century?

Here's why: the stories we absorb about the past help frame the way we see ourselves today and influence our vision of the future. Fundamental assumptions about the national government's origins and history have influenced political debate and continue to do so. For progressives, the emergence of a more powerful national government during the first decade of the twentieth century was a blessing. A remarkably resilient interpretation of American political development, originally crafted by Progressive Era activist historians like Charles Beard, traced the continued growth of national authority, powered largely by bursts of presidentially inspired reform that crested during the twentieth century through the New Deal and the Great Society. These cycles of reform were the key to building a more powerful state. Progressives applaud these developments as a marked departure from the minimalist government of the nineteenth century. Some, like Arthur Schlesinger, Jr., even predicted precisely when the next cycle of reform would begin. Others hope that charismatic leaders, like Barack Obama, will jump-start that overdue cycle.[1]

[1] Arthur M. Schlesinger, Jr., *The Cycles of American History* (Boston, MA: Houghton Mifflin, 1986). As Schlesinger wrote, "At some point, shortly before or after the year 1990, there should come a sharp change in the national mood and direction – a change comparable to those bursts of innovation and reform that followed the accessions to office

Besides grousing about being relegated to decades without snazzy nicknames, conservatives do not dispute this interpretation of modern American politics. They do, however, question the premise that each growth spurt was beneficial for the nation. For them, morning in America shines brightest when the sun illuminates a society organized by the principles of *laissez-faire*. Oddly, both conservatives and progressives agree on one thing: nineteenth-century Americans embraced the free market and the principles of *laissez-faire*. Conservatives want to harness that past; progressives celebrate America's liberation from it and credit the growth of national administrative capacity for their victories. Neither ideological perspective takes seriously the possibility that Americans turned regularly to the national government throughout the nineteenth century, or that it played a crucial role in shaping what Americans then and now regard as the "natural" market.

But what if the basic historical premise upon which this debate has been waged is fundamentally flawed? What if the historical foundation for *both* progressive and conservative prescriptions for twenty-first-century public policy – more government/less government – is based on the wrong set of questions? What if modern-day progressives understood that the national government often proved to be most influential when it was least visible? And what if conservatives acknowledged the crucial role that the national government played in shaping both the market and the legal status of corporations that emerged as the key players in that market during the height of *laissez-faire*? What if the period that preceded the supposed rise of "big government" – the Gilded Age that stretched from Reconstruction through the early 1890s – was *exceptional*? What if the Gilded Age was anomalous in American history precisely because some public officials sought to do something that had never been done before – draw a hard and fast line between public and private activity?

Most significantly, what if our understanding of the nineteenth century allowed for the possibility that the United States governed *differently* from other industrialized contemporaries, but did not necessarily govern *less*? Existing rules, routines, and structures of power were always in place in nineteenth-century America – even at the national level. And those rules mattered. They influenced the life chances of millions of Americans. The challenge to those who wish to understand politics today, then, is to

of Theodore Roosevelt in 1901, of Franklin Roosevelt in 1933, and of John Kennedy in 1961." [47]

discern how these governing patterns operated and to identify the ways in which they endured and evolved.[2]

In the United States, a national government capable of mobilizing compatible resources in the private and voluntary sectors often yielded more impressive results than unilateral state power. Historically, that is exactly the way Americans preferred it. Where no intermediate institutions stood between citizen and national government, Americans consistently advocated energetic governance when it came to trade, security, and economic development. Where local and state government was up to the task, or where voluntary and private groups might fulfill public purposes, Americans preferred that the national government enable rather than command.[3]

The reader may well ask how it is possible that so many scholars, not to mention millions of Americans, could miss this important story. A partial answer begins with no less an expert 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."[4]

[2] Bruce Seely, "A Republic Bound Together," *Wilson Quarterly,* 17, no. 1 (Winter 1993): 19–40; Peter Baldwin, "Beyond Weak and Strong: Rethinking the State in Comparative Policy History," *Journal of Policy History,* 17, no. 1 (2005): 13; Robert O. Keohane, "International Commitments and American Political Institutions in the Nineteenth Century," in *Shaped by War and Trade*: *International Influences on American Political Development*, ed. Ira Katznelson and Martin Shefter (Princeton, NJ: Princeton University Press, 2002): 57–61; John Brewer, *The Sinews of Power: War, Money and the English State, 1688–1783* (Boston, MA: Unwin Hyman, 1989): xix–xx.

"Though the forms and instruments of government have changed substantially over the years," Orren and Skowrownek insist, "America in the nineteenth century was no less fully governed than America in the twentieth." As one political historian put it recently, "States are … qualitatively different, not merely stronger or weaker than one another." Regimes should be compared based upon their ability to achieve fundamental objectives, not simply based upon the size of their budgets or bureaucracies. Karen Orren and Stephen Skowronek, *The Search for American Political Development* (New York, NY: Cambridge University Press, 2004), 22–23. This way of looking at state capacity fits well with Michael Mann's conception of "infrastructural power." Mann, "The Autonomous Power of the State: Its Origins, Mechanisms and Results," *European Journal of Sociology,* 26, no. 2 (1985): 185–213, esp. 189, 209.

[3] Theda Skocpol, Ziad Munson, Andrew Karch, and Bayliss Camp, "Patriotic Partnerships: Why Great Wars Nourished American Civic Voluntarism," in Katznelson and Shefter, *Shaped by War and Trade*, 139.

[4] Alexander Hamilton, "Federalist No. 27," December 25, 1787.

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," 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. For good reason, Tocqueville noted that "in the United States, government authority seems anxiously bent on keeping out of sight."[5]

It is also important to note that many nineteenth-century specialists have *not* missed this story. In fact, I rely on their monographs to tell it. But I tell it in a way that will pique the interest of scholars who study the twentieth century and, I hope, inform citizens and political leaders as well. That is, I emphasize the role of *national* authority, even though nineteenth-century Americans were far more likely to encounter state and local power. I emphasize the *national* story because it illuminates the patterns that guided government during the twentieth century, and even today. My efforts to tease out these patterns will frustrate those who are seeking a narrative that moves in lock-step chronological order, especially in the first half of this account. Although we start in the mid-eighteenth century and end at the conclusion of the nineteenth century, the early chapters are organized thematically. This means that readers will find themselves back at the founding more than once, as we explore the broad world views that informed political debate among citizens (Chapter 2); the debate surrounding the Constitution and its ratification (Chapter 3); the battle over interpretations of national authority that were not made explicit in the Constitution (Chapter 4); and those, like postal delivery, that were (Chapter 6). Domestic and foreign policy

[5] The phrase "hidden in plain sight" was suggested by Ed Ayers. Ed also suggested the construction 'mystery of' national authority used in my subtitle, Alexis De Tocqueville, *Democracy in America,* ed. J. P. Mayer, trans. George Lawrence (New York, NY: Harper Perennial, 1989), 77, cited in Pauline Maier, "The Origins and Influence of Early American Local self-Government," in *Dilemmas of Scale in America's Federal Democracy*, ed. Martha Derthick (New York, NY: Cambridge University Press, 1999), 78.

merged in the early republic. It was at the intersection of the two, and often at or beyond the boundaries of the Union, that national authority was most pronounced – a theme explored in Chapter 5. Internally, legal discourse and the federal judiciary helped knit the nation together and forge a common understanding of the political economy. (Chapter 6). Because each of these chapters proceeds chronologically, within the designated theme, readers will find themselves circling back in time to understand the evolution of each of these themes. Chapters 7 through 9 proceed in a more straightforward fashion, chronologically. They examine the impact of the Civil War, pose the high point of Gilded Age *laissez-faire* as an exceptional moment in American history that many twentieth-century scholars have mistaken for all of nineteenth-century political development, and sketch the intellectual basis for a new liberalism that set the stage for the national associative order that emerged in the twentieth century.

WHY THE NINETEENTH CENTURY?

A Government Out of Sight draws on a growing body of historical work and a cluster of theoretical insights, culled from a literature that political scientists call American Political Development, to offer a narrative of nineteenth-century political history that revises many of the assumptions shared by progressives and conservatives alike. So familiar is the historical narrative that pits America's conversion from nineteenth-century *laissez-faire* to twentieth-century big government that the multiple, well-noted exceptions to this familiar story have been all but ignored. When noticed at all, they are regarded as anomalies, interesting sideshows to the "real" thrust of American history.[6]

Providing an alternative view of the nineteenth century, redirecting the lens through which the historical narrative is glimpsed, sharpens our collective conception of America's past. It provides perspective for events and actions that heretofore have been shunted aside or ignored. There is no better example of the power exerted by these framing devices than the history of African Americans and women. For close to a century of professional history, women and African Americans were all but ignored

[6] For an introduction to the APD literature, see Orren and Skowronek, *Search*. For a thoughtful review of the relationship between historians and political scientists in charting APD, see Julian E. Zelizer, "History and Political Science: Together Again?" *Journal of Policy History,* 16, no. 2 (2004): 126–36.

by scholars. But social challenges in the 1960s radically altered historians' conception of what, and who, mattered. Within a decade, women's history and African American history emerged as two of the most vibrant enterprises in the academy and remain in that position today. This, in turn, has dramatically altered what scholars now consider to be the central themes of American history, not to mention the complexion and gender of the faces on postage stamps.[7]

Acknowledging that government action is sometimes most powerful when it is least visible changes the stale debate that pits big vs small government and public vs private administration. Voters may begin to notice instances of *twenty-first-century* public-private collaboration, such as the laws and tax expenditures that subsidize the so-called private world of pension and health care benefits today or the more dramatic bailout of private financial institutions by the national government. They might well ask whether federal subsidies to tens of millions of middle-class beneficiaries through their employers or some of America's wealthiest CEOs should be classified as welfare and subjected to the same scrutiny as cash grants to the indigent. Understanding the variety of ways in which Americans have governed themselves in the past can change our understanding of who we *can* be, and how we should get there.

I focus on national governance for two reasons. First, it highlights a central dilemma in American political development – how to hold distant public officials accountable. Americans were far more amenable to energetic government at the local and state levels. One of the central challenges for those who crafted the new republic was overcoming hurdles posed by size and distance. Local government fit best with traditional conceptions of republics. That meant face-to-face government. *A Government Out of Sight* examines the challenge that did not neatly fit into this pattern – governance that spanned extensive territory and that delegated authority to distant agents.

[7] For a brief summary of this trend and a commentary on the ways in which it has affected political history, see my article "The State of the State Among Historians," *Social Science History,* 27, no. 3 (Fall 2003): 455–63. Perhaps the most dramatic example of such a paradigmatic shift is C. Van Woodward, *The Strange Career of Jim Crow* (New York, NY: Oxford University Press, 1974). Woodward demonstrated that segregation in the South was actually a relatively recent phenomenon, not a pattern indelibly rooted in Southern race relations. Coming at the very time that African Americans were challenging the existing racial order, Woodward's interpretation was emblematic of the notion that human relations were plastic – subject to change, especially through political intervention.

Second, I focus on the national government because that is the story most neglected by scholars and popularizers alike. The story of local "commonwealth" activity is well documented. Portions of it are available in popular understandings of nineteenth-century history: even high school students learn about the Erie Canal. While the same students rarely stop to think about the massive state power embodied in the slave codes, slavery itself, which was enforced at the state and local levels, is a staple of the most basic history texts. Hundreds of local laws regulating the use of liquor during the nineteenth century and the thousands of battles fought over these regulations nicely illustrate just how pervasive (and invasive) local government could be – another familiar part of the story. I incorporate elements of that local story into the narrative that follows, but do so primarily to provide context for a discussion of national authority.[8]

Virtually all accounts of federal governance, whatever the century, note the ways in which war expands the national government. I too address this phenomenon. Often neglected by scholars, however, are the numerous ways in which the national government's responsibility for day-to-day international relations and territorial governance shaped American lives. Defining foreign policy broadly and recognizing that the boundaries between foreign and domestic policy were fluid, casts the national government in a new light. *A Government Out of Sight* underscores the

[8] Terrence McDonald summed up the power of local (and to some degree, state) government well when he noted that the sense of "statelessness" that political scientists think that they found in the nineteenth century was to a great extent invented in the twentieth century. Once you get beyond the boss model and actually study points of contact between citizens and state, you see that the American state, like other states, had to extract resources, differentiate itself from society, obtain a monopoly on coercive force, and maintain its own political legitimacy. Terrence J. McDonald, "Reply to Professor Katznelson," *Studies in American Political Development,* 3, no. (1989): 51–55. On labor regulation, see Jonathan A. Glickstein, *Concepts of Free Labor in Antebellum America* (New Haven, CT: Yale University Press, 1991). On the laws of slavery, see Thomas D. Morris, *Southern Slavery and the Law, 1619–1860* (Chapel Hill, NC: University of North Carolina Press, 1996); for a good example, see James A Morone, *Hellfire Nation: The Politics of Sin in American History* (New Haven, CT: Yale University Press, 2003). For an important recent article that challenges many of the traditional interpretations about national authority, see William J. Novak, "The Myth of the "Weak" American State," *The American Historical Review*, 2008 (113:3): 752–772. See also Morton Keller's broad-guaged reperiodization in *America's Three regimes: A New Political History* (New York, N.Y.: Oxford Universeity Press, 2007). Eric Rauchway adds an important comparative perspective to the discussion of late nineteenth-century American Political development in *Blessed Among Nations: How the World Made America* (New York, N.Y.: Hill and Wang, 2006).

long-term changes in governance that often preceded crises and endured after the fighting stopped and the patriotism waned.[9]

Over the past fifty years, historians have significantly altered their interpretations of why the national government grew. Despite their many differences and the sharp disagreement between progressives and conservatives about the costs and benefits of government expansion, all these approaches share one important assumption – that the national government only began to exercise significant influence over the lives of most Americans in the early twentieth century. Looking back at the nineteenth-century history of governance from this vantage point is not unlike the *New Yorker*'s cartoon view of America as seen from New York City. Glimpsed from the perspective of a three-dimensional and variegated New York City, the rest of the country looks small, flat, and uniform, just like the conventional interpretation of the national government's role in the nineteenth century.[10]

[9] Chapter 3, for instance, argues that, in relative terms, the War for Independence probably had as great an impact on the domestic economy and state-society relations as any war in American history. Jack N. Rakove, review of *A Union of Interests: Political and Economic Thought in Revolutionary America,* by Cathy D. Matson and Peter S. Onuf, *Journal of Economic History,* 50, no. 4 (December 1990): 979. On the impact of war on the domestic economies in this period, see Brewer, *Sinews of Power.* On war and government expansion, see Robert Higgs, *Crisis and Leviathan: Critical Episodes in the Growth of American Government* (New York, NY: Oxford University Press, 1987); Katznelson and Shefter, *Shaped;* Richard Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859–1877* (New York, NY: Cambridge University Press, 1990). For a balanced discussion of some of the forces that blunt such expansion, see Aaron L. Friedberg, *In the Shadow of the Garrison State: America's Anti-Statism and Its Cold War Grand Strategy* (Princeton, NJ: Princeton University Press, 2000). See also Louis Menand, *The Metaphysical Club* (New York, NY: Farrar, Straus, and Giroux, 2001), preface. For an older European perspective, see Brewer, *Sinews of Power.*

[10] "View of the World From 9th Avenue" by Saul Steinberg was the *New Yorker* cover on March 29, 1976. Thanks to George Gilliam for identifying this citation.

Progressive interpretations, championed by scholars like Arthur Schlesinger, Jr., underscored waves of reform animated by powerful chief executives. This reform-powered, presidential-centered approach was undercut by the "consensus school" in the 1950s. Consensus historians like David Potter and Daniel Boorstin emphasized the pragmatic streak in Americans and explained the growth of government as a natural adaptation to changing circumstances. "Organizational approaches," best represented in the work of Louis Galambos, Samuel P. Hays, and Robert Wiebe, drew on the latest trends in social science in the late 1950s and early 1960s. This set of theories explained the way society benefited from modern practices, like bureaucratic authority, professional autonomy, or interest group (pluralist) representation. Prodded by the great social movements of the mid- 1960s, "New Left" historians like Gabriel Kolko brought class back into the story, but with a twist. The catalyst stimulating the growth of government, they argued, came from the corporate sector, which sought to impose costs on smaller competitors and to

CONNECTING NINETEENTH- AND TWENTIETH-CENTURY GOVERNANCE

The pages that follow revise that perspective. I challenge the standard story of a weak or hollow national government by exploring the variety of ways in which national public authority was exercised. In telling that story, it is worth asking how Americans conceived of the relationship between their polity and the key spheres of their lives – such as social and economic relations. What was the relationship, as they understood it, between the public and the private spheres? How rigidly were the public and private parts of their lives separated? Were there distinct boundaries

ensure a predictable market. Most recently, social scientists like Dan Carpenter, Theda Skocpol, and Steve Skowronek, have explored the factors that account for the growing autonomy of public officials, and the limitations of their power. While there is no magic bullet that explains the relative success or failure of any given agency, the degree to which state agents are able to adapt to the deeper underlying political structures (like constitutions, or the rules that determine how citizens can participate in politics), or the effectiveness of public officials in forging enduring ties to stable sources of political support (like interest groups), often determines the size and success of government programs, these scholars argue.

Even scholars who have presented impressive arguments for the Constitution's capacious authority during the early years of the republic, such as the author of *A Revolution in Favor of Government,* accept the standard account for the rest of the nineteenth century. As Max M. Edling sees it, "Left with powers and tasks that the Antifederalists had considered insignificant, the states in fact expanded the sphere of legitimate government activity beyond anything that the participants in the ratification debate had expected. Meanwhile, the era of free trade and free security reduced the importance of the national government and, for well over a century, it remained 'a midget institution in a giant land.'" Max M. Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State* (New York, NY: Oxford University Press, 2003), 228. I am deeply indebted to Edling's work on the Federalist period. Nor do I take issue with the crucial role played by the states during the heyday of the American "party period." But as the following pages make clear, I do not subscribe to Edling's embrace of the standard characterization of the national government's governing capacity as a "midget institution in a giant land".

Leonard White's account of the early War Department is representative of an older scholarship that has left a powerful legacy with the American public. Leonard D. White, *The Federalists: A Study in Administrative History* (1948; Westport, CT: Greenwood Press, 1978). According to the standard accounts, the national government went from little to nothing after the Jeffersonian "Revolution of 1800." More recent accounts continue the pattern. They, like Edling, characterize the early national government as a "midget institution in a giant land." John Murrin, "The Great Inversion, or Court versus Country: A Comparison of the Revolution Settlements in England (1688–1721) and America (1776–1816)," in *Three British Revolutions, 1641, 1688, 1776,* ed. J. G. A. Pocock (Princeton, NJ: Princeton University Press, 1980), 425, quoted in Richard John, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge, MA: Harvard University Press, 1995), 18.

between the polity and the voluntary sector? The answers to these questions changed significantly over the course of the long nineteenth century. *A Government Out of Sight* chronicles these shifts as it traces the evolution of national policy.[11]

For much of the eighteenth century, a classical republican vision submerged private interest. The world was viewed through a lens in which politics existed prior to social divisions. The nature of political systems, many educated Americans believed, determined social divisions. Social strife was the by-product of imperfectly formed political regimes. Centuries of social science, not to mention the more recent emergence of social history, have made it difficult for us to imagine a world in which governing arrangements, rather than economic interests, created basic social divisions. Nevertheless, before the American Revolution, most educated citizens entertained just such a conception of the polity. Recapturing this world view is an important reminder that conceptions of the relationship between the polity and the social spheres have changed dramatically over the course of American history and are subject to future shifts.[12]

From its inception, conditions in British North America that did not fit neatly into the world of classical Greek republics, or even the Enlightenment reconstruction of that world, clouded the republican outlook. The young nation faced a host of interstate rivalries, disorder on the frontiers, international threats to its security, competition for trade, and communications challenges. Self-interest was ubiquitous, and virtue in short supply. These problems plagued the Confederation and inspired calls for stronger central government. George Washington, for instance, noted that the citizens of the Confederation were "torn by internal dis-

[11] For two of the most recent challenges to this perspective, see Gautham Rao, "Sailor's Health and National Wealth: The Political Economy of the Federal Marine Hospitals, 1799–1860" (draft dissertation chapter, University of Chicago, October 29, 2005), 11, and generally; and Stefan Heumann, "The Tutelary Empire: State- and Nation-Building in the 19th Century United States," (Dissertation, Political Science, University of Pennsylvania, forthcoming).

[12] See Gordon S. Wood, "'The Rise of American Democracy': A Constant Struggle"; review of *The Rise of American Democracy: Jefferson to Lincoln,* by Sean Wilentz, *New York Times,* November 13, 2005, http://www.nytimes.com/. See also Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York, NY: Norton, 2005). James G. March and Johan P. Olson argue that the "new institutionalism" returns to the ancient theme that "politics creates and confirms interpretations of life." March and Olson,"The New Institutionalism: Organizational Factors in Political Life," *American Political Science Review,* 78, no. 3 (September 1984): 741.