

Introduction

Building infrastructure is an inherently political act of creation. Every investment choice lays the foundation for a future that could have been otherwise. Yet, infrastructure needs are typically presented as dispassionate, objective facts. In truth, infrastructure is the physical manifestation of both political power and social values.¹

I INTRODUCTION

I would like to begin this book with the term “infrastructure” itself, a word that turns up over a billion hits on a simple Google search. From this fact one might conclude that infrastructure has always been with us, like the air, sea, or water. But although it is ubiquitous today, infrastructure is really a very recent term in English. It entered our common vocabulary only in the late twentieth century, although it had been in use by military planners and development economists since the 1950s. Despite the fact that we now use the word all the time, infrastructure is a notoriously ambiguous word that has been defined in different ways at different times.² When we use the word today we might mean something like “[t]he underlying framework of a system; esp., public services and facilities (such as highways, schools, bridges, sewers, and water systems) needed to support commerce as well as economic and residential

¹ Kevin DeGood, *Infrastructure Investment Decisions Are Political, Not Technical*, CENTER FOR AMERICAN PROGRESS (April 14, 2020), www.americanprogress.org/issues/economy/reports/2020/04/14/483084/infrastructure-investment-decisions-political-not-technical/.

² See, for example, Jeffrey M. Stupak, *Economic Impact of Infrastructure Investment*, CONG. RSCH. SERV. 1, 1 (2018): “Although infrastructure spending has garnered increased attention recently, there is no generally agreed-upon definition of infrastructure. In general, the term refers to longer-lived, capital-intensive systems and facilities. Some restrict the definition to include systems and facilities that have traditionally been provided by the public sector, such as highways and water treatment facilities. However, others include predominantly privately owned systems and facilities, such as those involved in electricity production and distribution. The definition of infrastructure can be extended even further to include research and development expenditures, as they add to the stock of technology and information available for use by private individuals.” Binyamin Appelbaum, *Why the Meaning of “Infrastructure” Matters So Much*, N. Y. TIMES OP. (Apr. 26, 2021), www.nytimes.com/2021/04/26/opinion/infrastructure-definition-history.html.

development.”³ Modern usage by economists and policy analysts focuses on “core” infrastructures that increase economic output (e.g., “roads, railways, airports, and utilities”), but it might exclude other types of structures that do not reflect how economists measure output such as “hospitals, schools, and other public buildings.”⁴ When figured this way, infrastructure measures the “public capital” that makes the private economy of goods and services function.⁵ Physical infrastructure is both an economic indicator and a force multiplier, enabling modern economies either to “take off” or stagnate, flourish or decline.⁶

Before it was a modern economic term, however, infrastructure was a nineteenth-century French engineering word that slowly migrated into broader English usage in the twentieth century.⁷ As Ashley Carse writes: “[I]nfrastructure was initially an organizational and accounting term used to distinguish the construction work that was literally conducted *beneath* unlaidd tracks (roadbeds) or was otherwise organizationally *prior* to them (surveys, plans, bridges, tunnels, embankments) from the *superstructure* of roads, train stations, and workshops that was situated *above* or constructed *after* the tracks.”⁸ In this sense, infrastructure refers to the prior state investment required to build transportation systems: for example, the surveys, dredging and blasting, which are precursors to commercializing the railway hardware typically owned by the private contractor. In contrast, “superstructure” is the railway itself, privately owned and operated. The original definition identifies a persistent feature of infrastructure in liberal market economies: public investment is often a

³ Infrastructure, BLACK’S LAW DICTIONARY (11th ed. 2019). For another attempt at a definition, see BRETT M. FRISCHMANN, INFRASTRUCTURE: THE SOCIAL VALUE OF SHARED RESOURCES 4 (2012) (emphasis in original): “Familiar examples of ‘traditional infrastructure’ include (1) *transportation systems*, such as highway systems, railway systems, airline systems, and ports; (2) *communication systems*, such as telephone networks and postal services; (3) *governance systems*, such as court systems; and (4) *basic public services and facilities*, such as schools, sewers, and water systems.”

⁴ Stupak, *Economic Impact of Infrastructure Investment*, *supra* note 2, at 13.

⁵ See William J. Rankin, *Infrastructure and the International Governance of Economic Development, 1950–1965*, in INTERNATIONALIZATION OF INFRASTRUCTURES: PROCEEDINGS OF THE 12TH ANNUAL INTERNATIONAL CONFERENCE ON THE ECONOMICS OF INFRASTRUCTURES 61, 61–75 (Jean-François Auger et al. eds., 2009); Pedro Bom & Jenny Lighthart, *What Have We Learned from Three Decades of Research on the Productivity of Public Capital?*, 28 J. ECON. SURV. (2014).

⁶ Wouter Thierie & Lieven De Moor, *The Characteristics of Infrastructure as an Investment Class*, 30 FIN. MKT. PORTFOLIO MGMT. 277, 278 (2016): “Adequate infrastructure is a driver of a region’s comparative advantage..., economic growth..., its productivity..., and contributes to quality of life and welfare”; Surbhi Gupta & Anil Kumar Sharma, *Evolution of Infrastructure as an Asset Class: A Systematic Literature Review and Thematic Analysis*, 23 J. ASSET MGMT. 173, 173 (2022): “Infrastructure is considered as the linchpin of economic growth of any nation.”

⁷ Ashley Carse, *Keyword: Infrastructure: How a Humble French Engineering Term Shaped the Modern World*, in INFRASTRUCTURES AND SOCIAL COMPLEXITY: A ROUTLEDGE COMPANION 27, 27–39 (Penelope Harvey et al., eds., 2017); see also H. William Batt, *Infrastructure: Etymology and Import*, 110 J. PRO. ISSUES ENG’G (1984); Larry Beeferman & Allan Wain, *Infrastructure: Defining Matters*, January 12, 2016, available at SSRN: <https://ssrn.com/abstract=2714308> or <http://dx.doi.org/10.2139/ssrn.2714308>.

⁸ Carse, *Keyword: Infrastructure*, *supra* note 7, at 29–30.

precondition for the flow of goods and services produced by private corporate firms, not to mention a precondition for life as we understand it in the modern world.

With this simple word, French engineers were dividing the world into public and private spheres – a division that has been re-enacted countless times in the infrastructures of modern life down to our own era. Like the word “system,” infrastructure implies a relationship between parts and a whole, with infrastructure providing the necessary and prior support for a larger project or purpose.⁹ Infrastructure also implies first- and second-order activities where certain underlying forms are required to enable some essential or desirable activity.¹⁰ Railroads, for example, cannot be built without surveys, digging, and blasting. But digging and blasting are not the main purposes of the railway system; the main reason for railways is the movement of goods and people across territories. Although the term infrastructure has changed meaning since it was first used by French engineers in the nineteenth century (it is now a much more comprehensive term), some version of the infrastructure concept is necessary whenever we divide up the world into primary and secondary activities, which we view as interconnected, but where we want to distinguish functions and purposes across layers or nodes in a system.

Infrastructure in its original sense links together public and private networks into an engineering framework in which the state is responsible for doing the ground-clearing work that allows for economic development. Infrastructure’s beginnings suggest another larger point that this book will explore: modern capitalism has always involved an entangled network of public and private actors subsidized and regulated by the state. The concept of infrastructure suggests a financialized public–private network that entails governance across space and requires legal and political regulation, as well as public subsidy, to support economic development. As I will argue throughout the book, the categories of “public” and “private,” however difficult to define precisely, are central to how we frame politics through infrastructure across the *longue durée* of American history.

Infrastructure, or its cognate concepts such as public utilities or public goods, divide up the world into market and non-market activities across the space of the “economic,” implicitly assigning responsibility to state and non-state actors (such as corporations) in ways that generate political contestation around republican governance and the public good; interest group dynamics; land rights; struggles over resources and ecological challenges; competing legal rationales; the division between public and private; and a host of other political issues. These larger

⁹ *Id.* at 27.

¹⁰ Rankin, *Infrastructure and the International Governance of Economic Development*, *supra* note 5, at 62: “Infrastructure involves a separation of human activity into two categories: the supportive and the supported. The boundaries of infrastructure are thus defined in terms of a vertical, gravitational metaphor: infrastructure is fundamental, basic, foundational, and it is as necessary for its superstructure as a solid foundation is for a building. Karl Marx used a similar metaphor for describing society in general, where an economic base determines the nature of the cultural-political superstructure. The modern category of infrastructure, however, is more complex than this, as it blurs the distinction between physical and metaphorical support. The support provided by railroads and hydroelectric plants is undoubtedly metaphorical, yet immaterial infrastructures (such as standards) seem in turn to refer, metaphorically, to the physicality of steel and concrete.”

questions cannot be solved in the final instance by appealing solely to narrow economic rationales. How we parse out what are primary and secondary, private and public, plays an important role in mapping the relationships between state and market and to imagining political possibilities in the present.

Infrastructure in policy discourse has been even more malleable than its use in technical economics, where it appears as “social overhead capital” or related terms. If you are a national security bureaucrat, for example, “critical infrastructure” might encompass structures that stretch across much of the American economy, which would certainly fall outside of a narrow understanding of “public works infrastructure.”¹¹ For national security purposes, if perhaps not at other times, infrastructure is critical when its vulnerability to attack highlights the dependency of the entire national polity on interconnected systems of production and circulation. Moreover, infrastructure can include both physical and nonphysical assets – where “assets” can even be defined as techniques of management.

As an example, consider the comprehensiveness of the following definition from the National Research Council’s *Infrastructure for the 21st Century: Framework for a Research Agenda* (1987):

In this report, the term “public works infrastructure” includes both specific functional nodes – highways, streets, roads, and bridges; mass transit; airports and airways; water supply and water resources; wastewater management; solid-waste treatment and disposal; electric power generation and transmission; telecommunications; and hazardous waste management – and the combined system these modal elements comprise. A comprehension of infrastructure spans not only these public works facilities, but also the operating procedures, management practices, and development policies that interact together with societal demand and the physical world to facilitate the transport of people and goods, provision of water for drinking and a variety of other uses, safe disposal of society’s waste products, provision of energy where it is needed, and transmission of information within and between communities.¹²

“Public works facilities” fits squarely within anyone’s definition of “infrastructure.” “Facilitate” shows us that infrastructure provides the supporting structures that we generally take for granted in modern societies (e.g., transportation, water provision, waste disposal, energy, and information transmission). However, “operating procedures, management practices, and development policies” shifts the frame away from

¹¹ “There are 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.” CYBERSECURITY & INFRASTRUCTURE SECURITY AGENCY, CRITICAL INFRASTRUCTURE SECTORS, www.cisa.gov/critical-infrastructure-sectors; see also JOHN MOTEFF ET AL., CRITICAL INFRASTRUCTURES: WHAT MAKES AN INFRASTRUCTURE CRITICAL? (Report for Congress RL31556, Congressional Research Service, Aug. 30, 2002), <https://digital.library.unt.edu/ark:/67531/metacrs3176/>.

¹² NATIONAL RESEARCH COUNCIL, INFRASTRUCTURE FOR THE 21ST CENTURY: FRAMEWORK FOR A RESEARCH AGENDA 4 n.1 (1987).

objects to policies and governance rationales that define an important aspect of the infrastructure idea. In the simplest sense, governance rationales can mean the justifications that are offered in favor of public investment in infrastructure. Frequently these have included military preparedness, commercial and residential development, nation-building, and economic competitiveness.¹³ In more recent years, those governance rationales have expanded to include a host of other concerns such as sustainability, equity, and resilience in human-designed systems.¹⁴

Infrastructure is also a frequent theme in politics, as has been the case in America since the debates around “internal improvements” in the nineteenth century (a subject taken up in Chapter 2). Infrastructure stages long-standing American debates regarding the scope of federal power under the Constitution; the power of financial markets to control public resources; the role of government in providing public services; and the role of private interests and the corporation in developing and maintaining the basic infrastructure of society, among many others. Initially, we can identify two familiar patterns. On the one hand, many have worried about “boondoggles” that waste taxpayer money on large projects perhaps better left to the private sector, if they are needed at all. Since infrastructure investment inevitably involves channeling public money into private hands, it is always open to charges that it is really just “corporate welfare,” which is a critique with a long vintage in U.S. history.¹⁵ Concerns about the fiscal imprint of infrastructure harken back to fears of out-of-control government debt that have shaped the republican imaginary since the eighteenth century. Such fears, for example, were an important aspect of Adam Smith’s views on public works (discussed in Chapter 1) and continue to be an important theme in American politics. We hear echoes of this today in calls to outsource government functions to the private sector, or arguments in favor of more public–private partnerships to reduce the fiscal footprint, public bureaucracy, or labor costs for infrastructure (discussed in the Conclusion).

¹³ “The argument is straightforward: projects that will contribute substantially to political and economic stability or military preparedness must override narrow, self-interested concerns of individual localities. In the public works field, political and military claims have historically been crucial in legitimating government action. The French national government saw fit to subsidize Haussmann’s reconstruction central Paris primarily because of such considerations, and public works spending has since been linked with governmental concern over unemployment-caused political instability.” Sy Adler, *Infrastructure Politics: The Dynamics of Crossing San Francisco Bay*, 10 *PUB. HISTORIAN* 19, 21 (1988).

¹⁴ See, for example, ORG. FOR ECON. CO-OP. & DEV., *OECD RECOMMENDATION ON THE GOVERNANCE OF INFRASTRUCTURES* (OECD/LEGAL/0460, July 16, 2020), www.oecd.org/gov/infrastructure-governance/recommendation/: “Quality of public governance is essential to achieve national and international commitments on sustainable and inclusive economic growth, and to ensure equal opportunities and access to services for citizens. In particular, Infrastructure investment and delivery are important tools for the economic and social recovery efforts from the COVID-19 crisis. Infrastructure governance will be crucial to ensure that public investments contribute to a sustainable rebound while strengthening infrastructure resilience, in particular for challenges such as climate change and inclusive growth.”

¹⁵ For recent attacks along these lines, see David Blackmon, *Infrastructure Bill Implements Green New Deal Via Corporate Welfare*, *FORBES* (Aug. 10, 2021), www.forbes.com/sites/davidblackmon/2021/08/10/infrastructure-bill-implements-green-new-deal-via-corporate-welfare/?sh=6f9c2f63ebdo.

On the other hand, infrastructure is attractive for Progressives who want to revive the idea of the public good in an era dominated by neoliberal politics. Today you are likely to find a Progressive vision tied to a sense that the federal government should be doing more to invest in the American future. In fact, infrastructure can be synonymous with “the public good,” “the commons,” or simply “crucial objects worthy of government investment,” for those arguing against the reduction of all political values to market values. This is typically coupled with calls to make infrastructural goods more widely available, more just and more sustainable:

There is a long overdue need for major new federal investments in infrastructure – but increasing federal spending alone is not enough. To ensure the benefits of federal investments are shared broadly, an infrastructure bill should include policies designed to protect labor rights; fight workplace discrimination; set high standards for wages and benefits; and support high-quality training and apprenticeships. Additionally, federal funds should be targeted to those communities facing the greatest need as well as redress the unequal burden of pollution and geographic isolation that neglectful and discriminatory investment policies and projects cause.¹⁶

The need for more federal investment has been a common theme since the 1980s, when the philosophy of public investment turned in a more conservative direction. Tying infrastructure into other policy questions (labor rights, discrimination, ecological concerns, etc.) can be traced back to the 1970s, when liberals began to turn against the New Deal state on a number of grounds, such as its corporatism; its bad record on environmental, labor, gender, and racial issues; its support for the military–industrial complex; and so on. When Progressives talk about infrastructure today, however, they nevertheless turn to the past for inspiration, speaking in terms of a “Green New Deal” that would enact programmatic investment in American society.¹⁷

You will also find many noting the difference between physical and human infrastructures, a distinction with roots in development economics beginning in

¹⁶ Kevin DeGood, et al., *Building Progressive Infrastructure: How Infrastructure Investments Can Create Jobs, Strengthen Communities, and Tackle the Climate Crisis*, CENTER FOR AMERICAN PROGRESS (Jan. 31, 2019), www.americanprogress.org/article/building-progressive-infrastructure/ (2019).

¹⁷ For the range of issues that get bundled together under the rubric of “infrastructure” in contemporary politics, see, for example, WHITE HOUSE, FACT SHEET: THE BIPARTISAN INFRASTRUCTURE DEAL (Nov. 6, 2021), www.whitehouse.gov/briefing-room/statements-releases/2021/11/06/fact-sheet-the-bipartisan-infrastructure-deal/ (“This Bipartisan Infrastructure Deal will rebuild America’s roads, bridges and rails, expand access to clean drinking water, ensure every American has access to high-speed internet, tackle the climate crisis, advance environmental justice, and invest in communities that have too often been left behind. The legislation will help ease inflationary pressures and strengthen supply chains by making long overdue improvements for our nation’s ports, airports, rail, and roads. It will drive the creation of good-paying union jobs and grow the economy sustainably and equitably so that everyone gets ahead for decades to come.”); see also HOUSE COMMITTEE ON THE BUDGET, STRONG INFRASTRUCTURE AND A HEALTHY ECONOMY REQUIRE A FEDERAL INVESTMENT, Oct. 29, 2019, <https://budget.house.gov/sites/democrats.budget.house.gov/files/documents/Infrastructure%20and%20the%20Economy%20-%20Post-Hearing%20Report%20-%20FINAL.pdf>.

the 1950s, when the term “infrastructure” first began to be widely used by planners and high-level politicians and bureaucrats.¹⁸ During the debates around President Biden’s infrastructure package in the fall of 2021, for example, Senator Bernie Sanders tweeted out his support for the bill in these terms: “Rebuilding our crumbling physical infrastructure – roads, bridges, water systems – is important. Rebuilding our crumbling human infrastructure – health care, education, climate change – is more important. No infrastructure bill without the \$3.5 trillion reconciliation bill.”¹⁹ In another tweet, Sanders answered the question “[w]hat is infrastructure in this country” with a bullet point list: “roads, bridges, our energy grid, broadband, childcare, dental, vision, & hearing care for the elderly.” He concluded: “Now is the time to begin addressing our physical infrastructure as well as our human infrastructure. Let’s get it done.”²⁰

There is also a sense of urgency in contemporary infrastructure politics. Consider the modern phrase “our crumbling infrastructure,” which appears frequently in media reports, white papers, and political discourse and has been in use at least since the 1980s.²¹ There are several senses in which we can understand this phrase. First, in the literal sense, crumbling infrastructure comes to our attention in myriad ways in everyday life: blackouts caused by aging power systems and stressed power grids; transportation delays due to inadequate public transport or road construction, etc. Frequent reports since the 1980s have highlighted the physical decay of infrastructures: “The United States now has more than four million miles of roads and bridges,

¹⁸ For recent examples, see, for example, Elizabeth Carr-Hurst, *Human Capital Infrastructure Is Essential to Addressing Our Nation’s Physical Infrastructure*, NATIONAL LEAGUE OF CITIES, www.nlc.org/article/2021/04/27/human-capital-infrastructure-is-essential-to-addressing-our-nations-physical-infrastructure/ (last visited Jul. 9, 2022); see also The World Bank’s Human Capital Project, www.worldbank.org/en/publication/human-capital (last visited Jul. 9, 2022).

¹⁹ Bernie Sanders (@SenSanders), TWITTER (Sept. 2, 2021, 7:28 PM), <https://twitter.com/sensanders/status/1433572638014640128?lang=en>.

For some scholarly uses of human infrastructure see, AbdouMaliq Simone, *People as Infrastructure: Intersecting Fragments in Johannesburg*, 16 PUB. CULTURE 407, 407–29 (2004); Gabriel Rosenberg, *Youth as Infrastructure: 4-H and the Intimate State in the 1920s Rural United States*, in BOUNDARIES OF THE STATE IN US HISTORY (James T. Sparrow et al., eds., 2013).

²⁰ Bernie Sanders (@SenSanders), TWITTER (Apr. 6, 2021, 11:00 AM), <https://twitter.com/berniesanders/status/1379448812146679809>.

²¹ See, for example, WHITE HOUSE, FACT SHEET: THE BIPARTISAN INFRASTRUCTURE DEAL, *supra* note 17 (“For far too long, Washington policymakers have celebrated ‘infrastructure week’ without ever agreeing to build infrastructure. The President promised to work across the aisle to deliver results and rebuild our crumbling infrastructure”); Aaron Klein, *Time to Fix Our Crumbling Infrastructure*, BROOKINGS (Oct. 6, 2016), www.brookings.edu/research/time-to-fix-our-crumbling-infrastructure/; Daniel Speer, *Our Crumbling Infrastructure Is Failing Small Businesses*, U.S. CHAMBER OF COMMERCE (Oct. 18, 2019), www.uschamber.com/infrastructure/transportation/our-crumbling-infrastructure-failing-small-businesses; Joan C. Szabo, *Our Crumbling Infrastructure*, NATION’S BUS. 16, 16–24 (Aug. 1989). The sense of urgency has been the source of some frustration for libertarians. See, for example, David Harsanyi, *Our Infrastructure Is Not “Crumbling.” Repeat: Our Infrastructure Is Not “Crumbling.”* REASON MAGAZINE, Feb. 9, 2018, at <https://reason.com/2018/02/09/our-infrastructure-is-not-crumbling-repe/>.

much of which was built for an earlier time, is now in poor repair, and continues to become more and more congested.”²² The fragility of infrastructure is also brought painfully to public awareness in moments of catastrophic failure: when bridges collapse, levees break, water systems fail, and dams crumble, we are made aware that the structures and systems we depend on are much more precarious than we imagine.²³

But I want to suggest that this phrase also has a great deal of force in modern politics because of its metaphorical resonance. Infrastructure can act as a powerful symbol of the collective social life that infrastructure literally makes possible. The infrastructure is “ours” in the popular phrase because it is imagined as the shared property of a political community. When infrastructure crumbles, it is not just the brute physical stuff like cement and asphalt that we worry about (although it is that too). Rather, it is the nation itself that is at risk of collapsing through a failure of political will and imagination. Everyday infrastructure discourse in our times reflects a widely shared sense of national decline that many attribute to a failure of government to live up to the mid-century promise of New Deal social investment.²⁴ Infrastructure rhetoric fuses the economic and the ideological into a vision of vitality and national renewal, tapping into the postwar politics of growth to imagine a prosperous collective future.²⁵

Infrastructure has long worked as a meditation on the national interest. Published for the bicentennial, for example, the *History of Public Works in the United States* (1976) nicely illustrates the view of infrastructure as a national patrimony: “The vast network of public works facilities which extends from coast to coast provides the life-support systems for the most productive nation in the world. Two-hundred years after its founding, the United States stands second to no other country in terms of wealth and power – characteristics which are both liked and disliked abroad. Each, however, is generally considered essential for protecting the interests of Americans, increasing their standard of living, and assisting the people of other nations in obtaining a better way of life.”²⁶ For the American liberal imaginary, infrastructure

²² HENRY PESTROSKI, *THE ROAD TAKEN: THE HISTORY AND FUTURE OF AMERICA'S INFRASTRUCTURE* 9 (2016); Loren Thompson, *How a Decaying Surface Transport System Is Endangering U.S. Security and Economic Strength*, FORBES (Nov. 4, 2017), www.forbes.com/sites/lorenthompson/2017/11/14/how-a-decaying-surface-transport-system-is-endangering-u-s-security-and-economic-strength/?sh=71629403b3c4.

²³ ERIC KLINENBERG, *PALACES FOR THE PEOPLE: HOW SOCIAL INFRASTRUCTURE CAN HELP FIGHT INEQUALITY, POLARIZATION, AND THE DECLINE OF CIVIC LIFE* 14 (2018); see also AMERICAN SOCIETY OF CIVIL ENGINEERS, *INFRASTRUCTURE REPORT CARD*, <https://infrastructurereportcard.org/making-the-grade/> (“Our nation is at a crossroads. Deteriorating U.S. infrastructure is impeding our ability to compete in the global economy, and improvements are necessary to ensure our country is built for the future”).

²⁴ Matt Blitz, *When America's Infrastructure Saved Democracy*, POPULAR MECHANICS (Jan. 23, 2017), www.popularmechanics.com/technology/infrastructure/a24692/fdr-new-deal-wpa-infrastructure/.

²⁵ ROBERT M. COLLINS, *MORE: THE POLITICS OF GROWTH IN POSTWAR AMERICA* (2000).

²⁶ AMERICAN PUBLIC WORKS ASSOCIATION, *HISTORY OF PUBLIC WORKS IN THE UNITED STATES, 1776–1976*, 6 (1976).

is a tangible example of government-led nation-building that stands in for a politics of the public good. Infrastructure offers widely credible evidence of the need for Government action in a time of market dominance, and acts as a metaphor for the social or the collective in an era of market-centered neoliberalism. For many today seeking to revive social democracy, infrastructure is the ultimate word to conjure with.

Along these lines, some have connected infrastructure to a normative vision of American democracy. Infrastructure used in this way is often credited to a speech by Ronald Reagan to the British Parliament on June 8, 1982: “The objective I propose is quite simple to state: to foster the infrastructure of democracy – the system of a free press, unions, political parties, universities – which allows a people to choose their own way, to develop their own culture, to reconcile their own differences through peaceful means.”²⁷ Reagan is using the term in one of the senses that it acquired during the Cold War, to mean civil society and the institutions of liberal democracy. The phrase has long since migrated into general usage to the point where it is now a commonplace. In their defense of President Biden’s infrastructure package, for example, Christopher Jones & David Reinecke make the connection explicit between a normative vision of American democracy and infrastructure: “To be a full-fledged citizen able to achieve the American Dream,” they write, “requires access to infrastructure.”²⁸

Others have lent their support to Biden’s infrastructure bill by appealing to the infrastructure-American democracy link:

With a once-in-a-generation investment in infrastructure just passed by Congress and awaiting the president’s signature, we have a unique opportunity to ensure these dollars are spent in a participatory and inclusive capacity, bringing Americans together across differences to revitalize the practice of democracy. In addition to our roads, tunnels, and bridges, we can allocate these dollars through channels that also strengthen our civic infrastructure. Ultimately, the goal is to use federal infrastructure dollars in ways that also support our democracy.²⁹

When used in this way, it is clear that we are a long way from the roads, bridges, and subways we need to for our daily commute. We are closer to a sense of imagined community, a civic culture of democracy materialized through massive federal investment.³⁰ After news reports publicized the billions of dollars the American

²⁷ Ronald Reagan, U.S. President, Address to Members of the British Parliament (June 8, 2022), archived at Ronald Reagan Presidential Library & Museum, www.reaganlibrary.gov/archives/speech/address-members-british-parliament.

²⁸ Christopher Jones & David Reinecke, *Infrastructure and Democracy*, 33 *ISSUES SCI. & TECH.* (2017), <https://issues.org/infrastructure-and-democracy/>.

²⁹ Hollie Russon Gilman, et al., *Use Infrastructure Dollars to Support Our Democracy*, *THE HILL* (Nov. 8, 2021), www.amacad.org/news/use-infrastructure-dollars-support-our-democracy.

³⁰ BENEDICT ANDERSON, *IMAGINED COMMUNITIES: REFLECTIONS ON THE ORIGINS AND SPREAD OF NATIONALISM* (2016); Gilman et al. *Use Infrastructure Dollars*, *supra* note 29 (“In addition to our roads, tunnels, and bridges, we can allocate these dollars through channels that also strengthen our civic infrastructure. Ultimately, the goal is to use federal infrastructure dollars in ways that also support our

government was spending on rebuilding Iraq and Afghanistan, many Americans responded with a call for “nation building at home” through infrastructure investment.³¹ It is clear, then, that we speak of infrastructure in both ideological and practical senses. Infrastructure is not just limited to physical things that move people and goods from point A to point B. It invokes normative commitments to governing in the public good and a vision of investment in the nation. Moreover, infrastructures call upon us to resolve thorny questions that have been central themes in American political history: the proper role of government; federalism; the role of the corporations as a government actor doing public work; histories of racial exclusion inscribed into the material infrastructures of modern life; the possibility for corrupt collusion between public and private sectors; and public attitudes toward taxes, debts, deficits, etc.

In our times there is another reason that infrastructure widely resonates: the privatization of infrastructure has become a major public issue since the Reagan years.³² “Privatization” can mean different things in different contexts. In some parts of the

democracy”); Derrick Johnson, *American Democracy’s Infrastructure Is Crumbling*, CNN OPINION (Aug. 2, 2021), www.cnn.com/2021/08/02/opinions/voting-rights-crumbling-american-infrastructure-johnson/index.html; Jill Blair & Malka Kopell, *Twenty-First Century Civic Infrastructure: Under Construction*, THE ASPEN INSTITUTE (Spring 2015), <https://aspencommunitysolutions.org/wp-content/uploads/2013/06/21st-Century-Report-FINAL-NoBlanks.pdf>.

³¹ See, for example, President Barack Obama, Remarks by the President on the Way Forward in Afghanistan (June 22, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/06/22/remarks-president-way-forward-Afghanistan> (“Over the last decade, we have spent a trillion dollars on war, at a time of rising debt and hard economic times. Now, we must invest in America’s greatest resource – our people... We must rebuild our infrastructure and find new and clean sources of energy ... America, it is time to focus on nation building here at home”); see also Lawrence J. Korb & Alex Rothman, *Nation Building at Home*, CENTER FOR AMERICAN PROGRESS (Sept. 26, 2011), www.americanprogress.org/article/nation-building-at-home/; see also Stephen M. Walt, *Nation Building at Home: Why We Need Roads, Bridges, and Boring Stuff Like That*, FOREIGN POLICY (Nov. 27, 2012), <https://foreignpolicy.com/2012/11/27/nation-building-at-home-why-we-need-roads-bridges-and-boring-stuff-like-that/> (“So here’s a basic strategic principle that we’ve largely forgotten over the past seventy years, but which would serve us well today: Let’s first make sure our leaders have done all we can to improve the lives of Americans – you know, the citizens who work and pay taxes to support the government – before they take on various international projects whose primary purpose is to benefit someone else”); Keith Magee, *It’s Time for America to Do Some “Nation Building” at Home*, CNN OPINION (Sept. 7, 2021), www.cnn.com/2021/09/07/opinions/america-needs-to-nation-build-at-home-magee/index.html.

³² Witold J. Henisz, et al., *The Worldwide Diffusion of Market-Oriented Infrastructure Reform, 1977–1999*, 70 AM. SOCIO. REV. 871, 871–97 (2005). Privatization has been extensively debated since the 1980s. See, for example, John B. Goodman & Gary W. Loveman, *Does Privatization Serve the Public Interest?*, 69 HARV. BUS. REV. 26–28, 32, 34–36 (1991); see also GOVERNMENT BY CONTRACT: OUTSOURCING AND AMERICAN DEMOCRACY (Jody Freeman & Martha Minow, eds., 2009); Chiara Cordelli, *THE PRIVATIZED STATE* 23–44 (2020); PRIVATISING DEVELOPMENT: TRANSNATIONAL LAW, INFRASTRUCTURE, AND HUMAN RIGHTS (Michael Likosky ed. 2005); THE CAMBRIDGE HANDBOOK OF PRIVATIZATION (Avihay Dorfman & Alon Harel, eds., 2021); ALON HAREL, *WHY LAW MATTERS* (2014); Craig Anthony Arnold, *Privatization of Public Water Services: The States’ Role in Ensuring Public Accountability*, 32 PEPP. L. REV. 561, 561–604 (2005); Alex Kozinski & Andrew Bentz, *Privatization and Its Discontents*, 63 EMORY L. J. 263, 263–82 (2013); Chris Sagers, *The Myth of “Privatization,”* 59 ADMIN. L. REV. 37, 37–78 (2007).