

**Laboratories of What?**  
**Civic Epistemology and the Challenge of Subnational Democracy<sup>1</sup>**

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The specter of federalism haunts the analysis of American democracy. Appraisals of how subnational governments function as part of a democratic regime can be found in the writings of James Madison, Louis Brandeis, and W.E.B. Du Bois. Without too much effort, one could construct a political-science ‘canon’ on this question featuring the work of Harold Laski, William Anderson, V.O. Key, William Riker, Grant McConnell, and Martha Derthick. These classic accounts raise important theoretical and empirical questions about potential barriers to democracy in the states. Are small polities capable of respecting the rights of political minorities? How can state governments—prone to political amateurism, limited issue salience, and limited inter-party competition—secure effective political representation? And how democratic can we expect state and local decisions to be given the enhanced exit options for capital in a federal system?

In recent years, the topic of subnational democracy has re-entered the mainstream of American political science. A growing body of comparative scholarship casts light on the unevenness of democratization across political geographies and the persistence of subnational authoritarianism in putatively democratic regimes. Studies of American political development have characterized the operation and gradual democratization of authoritarian enclaves in the Deep South. Contemporary accounts expose the lingering effects of federalism on political incorporation, especially of African Americans. New instruments for measuring state-level public opinion have enabled a penetrating look at the gap between majoritarian preferences and state policy choices. Scholarship on state electoral systems has resulted in sophisticated analyses of

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variation in democratic procedures, including ballot-box access as well as racial and partisan gerrymandering.<sup>2</sup>

From reading this body of work, one might suppose there is a growing awareness—among political scientists if not the public—of the need to monitor and evaluate the performance of the fifty states as constituent parts of American democracy. This is not the case. One curious feature of the research program on “democratic backsliding” that followed the 2016 resurgence of right-wing populism is that it has paid scant attention to subnational dynamics. In the bestselling *How Democracies Die*, Steven Levitsky and Daniel Ziblatt consider but a single example of potential democratic backsliding in the American states (a 2016 power-grab by Republicans in North Carolina’s state legislature), yet their broader theoretical argument treats democratic consolidation and de-consolidation primarily at the national level. But what if North Carolina were not, as the authors suggest, a “possible glimpse into America’s future” but part of a historical pattern of action at the state level.<sup>3</sup> It was certainly not the first such counter-majoritarian maneuver by a state legislature. Nor, as the last two years have illustrated, was it merely a glimpse of a possibility. Rather, it was a remembrance of things often thought to be past—deep state-level legacies of racial exclusion from politics re-animated by the Supreme Court’s 2013 decision in *Shelby County v. Holder*. And however ‘nationalized’ the political arena may be, the state legislative power continues to construct that arena through, *inter alia*, the regulation of elections and creation of congressional districts.

Yet accusing Levitsky and Ziblatt—or any number of other ‘backsliding’ experts—of myopia would be to miss an important point. If the ‘laboratories of democracy’ remain a blind spot in the study of American democracy, it is not because Donald Trump snatched away the limelight. Instead, despite the abundance of data on the American states, they have remained largely outside the sweep of what Sheila Jasanoff calls the ‘civic epistemology’—the complex of social institutions and technical instruments that experts, public officials, and citizens use to

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<sup>2</sup> Edward Gibson, “Boundary control: Subnational authoritarianism in democratic countries,” *World Politics* 58, no. 1 (2005): 101-132; Robert Mickey, *Paths Out of Dixie: The Democratization of Authoritarian Enclaves in America’s Deep South, 1944-1972* (Princeton: Princeton University Press, 2015); Jamila Michener, *Fragmented Democracy* (New York: Cambridge University Press, 2018); Jeffrey Lax and Justin Phillips, “The democratic deficit in the states,” *American Journal of Political Science* 56, no. 1 (2012): 148-166; Heather K. Gerken, *The Democracy Index* (Princeton: Princeton University Press, 2009); Nicholas Stephanopoulos and Eric M. McGhee, “The measure of a metric: The debate over quantifying partisan gerrymandering,” *Stanford Law Review* 70 (May, 2018): 1503–68.

<sup>3</sup> Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Crown, 2018).

understand the polity.<sup>4</sup> Political scientists have no doubt performed valuable analyses of democracy in the states, including some that systematically evaluate the character of representative democracy. Yet there is no literature or research program that compares democracy in Wisconsin and Minnesota in the same way that we might analyze Belarus and Lithuania. Why?

In this short paper, I sketch a preliminary intellectual history of how political scientists have analyzed subnational democracy in the US. If few scholars have analyzed ‘laboratories of democracy’ *as* democratic polities, it is not because there is little to say. Indeed, the scattering of analyses that do exist—stretching from the 1930s to the present—routinely raise causes for concern. Nor can the problem be charged to the mere absence of data. While studying politics in the states has always been an unwieldy venture, political scientists and professional associations have long produced reams of information, sometimes assiduously aggregated, on the character of politics in the states. Nevertheless, several institutional and intellectual developments in the middle of the twentieth century fragmented the study of democracy in the states. Institutions supporting the study of state and local governments focused on their administrative and fiscal capacities. Modernization theorists depicted the United States as a model of pluralistic democracy. Federalism scholars emphasized that decentralized authority *itself* played in preserving American democracy. Thus as studies of democratization outside the United States became increasingly sophisticated, studies of American federalism fragmented—focusing their attention on a range of narrower phenomena: the management of intergovernmental programs, the professionalization of state legislatures, and the factors affecting various fifty-state policy trends. In recent years, political scientists have once again turned their attention to questions of state-level democratic representation. Yet the historical divergence between analysis of state governments and the study of subnational democratization has nonetheless left its mark. “Bringing democracy back in” remains an outstanding task.

### **The Fragmented Study of Democracy in the American States**

The constitutional structure of American federalism is a fundamentally ambiguous one. It opens up—even constructs—legal and political conflicts over the allocation of power in society and whether the United States should be “one community or many.”<sup>5</sup> As a scholarly terrain,

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<sup>4</sup> Sheila Jasanoff, *Designs on Nature: Science and Democracy in Europe and the United States* (Princeton, Princeton University Press, 2011).

<sup>5</sup> See Martha Derthick, *Keeping the Compound Republic* (Washington, DC: Brookings Institution Press, 2001).

American federalism is no less ambiguous and contested; William Anderson called it a “concept of the mind.”<sup>6</sup> What scholars know of it depends in a non-trivial way on the language they and others use to describe it, the methods used to study it, and the questions asked about it.<sup>7</sup> Such boundary work helps to render a complex system tractable for study.

It is significant, then, that the most commonly applied sobriquet for American federalism is the “laboratories of democracy,” a phrase attributed to Supreme Court Justice Louis Brandeis’s dissenting opinion in *New State Ice Co v. Liebmann* (1932). Brandeis thrilled at how, under federalism, “a single courageous state may, if its citizens choose, serve as a laboratory, and try novel social and economic experiments without risk to the rest of the country.” Contrary to popular interpretation, however, Brandeis’ metaphor is rooted in neither an analysis of federalism nor an appraisal of democracy in the states. Rather, as Alan Tarr notes, it better reflects his embrace of the Scientific Management movement—an approach to solving problems in industry and society through the use of trial-and-error experimentation.<sup>8</sup> Nevertheless, Brandeis’ metaphor survives because it ties together a number of popularly held convictions about American localism. Among others: decentralization of authority promotes the diffusion of innovation and flexibility to the nuances of local situations; states are better equipped to respond to voters’ needs than the remote federal government; and small communities are more likely to promote citizen participation.

Mythologies aside, the phrase “laboratories of democracy” is nothing to toss around lightly. As Carol Weissert notes in a far-reaching citation analysis, U.S. federalism scholarship “has largely ignored” basic questions about democratic representation in the fifty states. Part of the problem here is parochialism: scholars of American federalism tend not to engage with work on comparative politics which is generally far more interested in questions of subnational democracy. While Americanists have developed robust literatures on fiscal federalism, intergovernmental management, and state compliance with federal directives—larger questions about the quality of state-level democracy are underexplored.<sup>9</sup>

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<sup>6</sup> William Anderson, *Federalism and Intergovernmental Relations: A Budget of Suggestions for Research* (Chicago: Public Administration Service, 1946), 10.

<sup>7</sup> Deborah Stone, *Policy Paradox* (New York: WW Norton, 1988).

<sup>8</sup> G. Alan Tarr, “Brandeis Laboratories of Democracy? Brandeis, Federalism, and Scientific Management,” *Publius* 31, no. 1 (2001): 37–46

<sup>9</sup> Carol S. Weissert, “Beyond marble cakes and picket fences: What US federalism scholars can learn from comparative work,” *The Journal of Politics* 73, no. 4 (2011): 965–79.

There are of course historically significant exceptions to this disciplinary trend. The most robust of these focus on the under-democratization of the American South. Drawing on an extensive data collection, W.E.B. Du Bois' *Black Reconstruction in America* (1935) surveys Radical Republicans' efforts to establish democracy in the postwar South, as well as the retrenchment of their efforts after the elections of 1876.<sup>10</sup> V.O. Key's *Southern Politics in State and Nation* (1949) painstakingly illustrates how southern states' one-party political structures—created after Reconstruction to disenfranchise African Americans—maintained the hegemony of southern property owners, guaranteeing access to cheap labor, land, and low taxes.<sup>11</sup> Recent analyses have continued to debate the implications of the South's transition from authoritarianism to democracy, and the extent to which the region's political economy has retained distinctive characteristics.<sup>12</sup>

Whereas the South's legacy of authoritarianism has long attracted attention, literature on representative democracy throughout the fifty states emerged only spasmodically. The first serious analyses of state-level democracy emerged during the Progressive Era, and focused on the weaknesses of states' constitutional architecture. Henry Jones Ford, president of the American Political Science Association (1918–19), found that states' fragmented constitutional designs had robbed them of the capacity to respond to citizens needs and helped to stabilize patterns of “oligarchy and ochlocracy.”<sup>13</sup> Writing in 1938, Harold Laski observed that states' limited capacities were ill-fitted to the “stage of economic and social development that America had reached.” The capacity of capital to withdraw investment inhibited state officials' development of industrial regulation and social provision lest they “risk offending the great industrial empires.”<sup>14</sup>

By the 1930s, scholars of public administration had—through their scholarship and public service—advanced an alternative means of analyzing the states. Unlike Ford and Laski,

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<sup>10</sup> W.E.B. Du Bois, *Black Reconstruction in America* (New York: Harcourt, Brace and Company, 1935).

<sup>11</sup> V.O. Key, *Southern Politics in State and Nation* (New York: Knopf, 1949).

<sup>12</sup> See e.g.: Mickey, *Paths Out of Dixie*; Devin Caughey, *The Unsolid South: Mass Politics and National Representation in a One-Party Enclave* (Princeton: Princeton University Press, 2018); Avidit Acharya, Matthew Blackwell, and Maya Sen, *Deep Roots: How Slavery Still Shapes Southern Politics* (Princeton: Princeton University Press, 2018); John Aldrich and John Griffin, *Why Parties Matter: Political Competition and Democracy in the American South* (Chicago: University of Chicago Press, 2018).

<sup>13</sup> Henry Jones Ford, “The Influence of State Politics in Expanding Federal Power,” *Proceedings of the American Political Science Association* (Baltimore: Waverly Press, 1909), 53–63.

<sup>14</sup> Harold Laski, “The Obsolescence of Federalism,” *New Republic* 98 (May 3, 1939): 367-69.

William Anderson—a member of the Social Science Research Council (SSRC) Committee on Public Administration—appraised subnational governments in terms of their ability to satisfy evolving public needs. For Anderson, the question was whether Americans’ desires for “complete local self-government” and a “standard of services higher than ever before and a distribution of expenses over wide areas” were compatible with one another.<sup>15</sup> By 1946, Anderson was attempting to answer this question in part by directing a ten-volume study of “Intergovernmental Relations in the United States as Observed in the State of Minnesota.” His findings were cautiously optimistic. States like Minnesota certainly had the capacity meet the demands of their citizens. Yet much depended on the intergovernmental partnership: states often required substantial assistance from the federal government and an authentic commitment to modernizing and professionalizing themselves.<sup>16</sup>

While V.O. Key had been Anderson’s colleague on the SSRC Committee on Public Administration, he lamented the field’s fixation on the administrative structures of the states. His approach to evaluating state politics around the country owed more to his study of party structures in the South. In *American State Politics: An Introduction* (1956), Key attempted to substitute the “pleasant fictions of American political mythology” with a more serious analysis of democratic representation in the states. Leveraging sophisticated analyses of voter participation and interparty competition, Key showed that the “idyllic conventional view of politics does not stand up”. Rather:

Within the states, conditions have come to exist that make most difficult the organization of popular leadership. Instead of political sensitivity we often have political stalemate. Instead of ready and easy ways for the expression of popular will we have confusion and obstruction. Instead of the alertness and sensitivity described by the political orators and a party competition that might provide dynamic forces necessary for the fulfillment of the mission of the states. At times, in fact, obstructions to political initiative within the states divert to Washington activities that might as well be handled at state capitals.<sup>17</sup>

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<sup>15</sup> William Anderson, *Local Government and Finance in Minnesota* (Minneapolis, MN: University of Minnesota Press, 1935), 327.

<sup>16</sup> William Anderson, *Intergovernmental Relations in Review* (Minneapolis: University of Minnesota Press, 1960).

<sup>17</sup> V.O. Key, *American State Politics: An Introduction* (New York: Knopf, 1956), 4–5.

On the positive side of the ledger, Key found, most states had competitive political parties. Yet party competition had largely declined in the previous decades. Progressive reforms robbed parties of their capacity to build enduring linkages with voters. Perhaps worst of all, the design of state institutions denied “victory to heavy majorities in time of stress.”<sup>18</sup> Even when parties could win gubernatorial votes, malapportionment and misalignment in legislative terms prevented them from translating majorities of votes into majorities of seats. As a result, legislatures were poor venues for the expression of dissent; state politics became, by turns, an inscrutable “politics of administration.” “Only by a mystical procedure,” Key reasoned, had the institutional arrangements of state government become an article of American political faith.<sup>19</sup>

Key’s probing analysis of the states had a profound influence on Grant McConnell’s *Private Power and American Democracy* (1967), which traced the exercise of power by narrow, well-organized interests across several institutional domains. In his chapter on the states—based largely on secondary accounts—McConnell found a “common spirit” across the fifty states: their institutions gave “very great advantages to structures of private power and to private interests generally.”<sup>20</sup> Weak parties, complicated institutional structures, malapportionment, and decline in party competition had made state governments particularly unresponsive to majoritarian sentiments.

Apart from Key and McConnell, it is difficult to find work that provides an integrative portrait of democracy in the states. Rather, in the latter half of the twentieth century, the study of subnational democracy fragmented into several loose clusters:

- *Party Competition*: Building largely on the work of Austin Ranney and Duane Lockard, these studies focus primarily on explaining the causes of party competition in the states.<sup>21</sup>

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<sup>18</sup> Ibid., 62.

<sup>19</sup> Ibid., 84.

<sup>20</sup> Grant McConnell, *Private Power and American Democracy* (New York: Knopf, 1967), 168.

<sup>21</sup> Austin Ranney, “Parties in State Politics,” in *Politics in the American States*, ed. Herbert Jacob and Kenneth N. Vines (Boston: Little, Brown, 1956), 61–100; Duane Lockard, *New England State Politics* (Princeton, NJ: Princeton University Press, 1959); for a brief literature review, see Holbrook, Thomas M., and Emily Van Dunk. “Electoral competition in the American states.” *American Political Science Review* 87, no. 4 (1993): 955-962.

- *Policy Outcomes*: These studies treat state public policy as a dependent variable, analyzing the role of state institutional structures, socio-economic environments, as well as partisan and interest-group factors.<sup>22</sup>
- *Opinion-Policy Congruence*: Best exemplified by the work of Robert Erikson and his colleagues, these studies conceptualize representation in terms of congruence between public opinion and state policy outcomes.<sup>23</sup>
- *Election Administration*: These studies—most prominently Heather Gerken’s *The Democracy Index* (2009)—evaluate and explain variation in the administration of state election systems and their effects on ballot-box access.<sup>24</sup>
- *State Governance and Social Citizenship*: These studies, including work by Suzanne Mettler and Jamila Michener—trace the impact of state policy decisions on citizens’ access to social rights and the likelihood of citizen participation in politics.<sup>25</sup>

Thus it is not the case that U.S. federalism scholars fail to *study* subnational democracy. Nor do they have little to say about the quality of democracy in the states. Indeed, they collect and study many core variables that matter to the analysis of democracy. Yet unlike comparativists, students of American federalism rarely draw these analyses together to study democracy in the

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<sup>22</sup> The literature is too vast to summarize. Foundational works include: Thomas Anton, *American Federalism and Public Policy: How the System Works* (New York: Random House, 1989); David Robertson and Dennis R. Judd, *The Development of American Public Policy: The Structure of Policy Restraint* (Glenview, IL: Scott, Foresman, 1989); Jack M. Treadway, *Public Policymaking in the American States* (New York: Praeger, 1985). Recent advances in the literature include Jacob Grumbach, “From Backwaters to Major Policymakers: Policy Polarization in the States, 1970–2014,” *Perspectives on Politics* 16, no. 2 (2018): 416-435; Sarah F. Anzia, “Looking for Influence in All the Wrong Places: How Studying Subnational Policy Can Revive Research on Interest Groups,” *Journal of Politics* 81, no. 1 (2019): 343-351; Laura Bucci, “Organized Labor’s Check on Rising Economic Inequality in the US States,” *State Politics & Policy Quarterly* 18, no. 2 (2018): 148-173; Alex Hertel-Fernandez, *State Capture: How Conservative Activists, Big Businesses, and Wealthy Donors Reshaped the American States—and the Nation* (New York: Oxford University Press, 2019).

<sup>23</sup> Robert S. Erikson, Gerald C. Wright, John P. McIver, *Public Opinion and Policy in the American States* (New York: Cambridge University Press, 1993); Lax and Phillips, “The Democratic Deficit in the States”; Devin Caughey and Christopher Warshaw, “Policy preferences and policy change: Dynamic responsiveness in the American states, 1936–2014,” *American Political Science Review* 112, no. 2 (2018): 249-266; William D. Berry, Richard Fording, Evan J. Ringquist, Russell L Hanson, and Carl E. Klarner, “Measuring Citizen and Government Ideology in the U.S. States: A Reappraisal,” *State Politics & Policy Quarterly* 10, no. 2 (2010): 117–35.

<sup>24</sup> Gerken, *The Democracy Index*; Research conducted by the MIT Elections Lab is also exemplary.

<sup>25</sup> Suzanne Mettler, *Dividing Citizens* (Ithaca, NY: Cornell University Press, 1998); Michener, *Fragmented Democracy*.



states *as such*. The lone exception to this trend, perhaps, is Kim Quaille Hill's *Democracy in the Fifty States* (1994), which integrates data on election laws, party competition, and turnout to assess state "regime types."<sup>26</sup> Nevertheless, Hill's book is rarely cited and his broader approach remains unexplored.

### **Studying the Laboratories, Overlooking Democracy**

One curious feature of the fragmentation in the study of state-level democracy is that it began at roughly the same time other subfields in political science were developing more sophisticated approaches to conceptualizing, measuring, and monitoring democracy around the world. Further, studies of state-level democracy stagnated even as movements toward the devolution of authority to state and local governments reached their peak in the final decades of the twentieth century.<sup>27</sup>

Explaining this development, I argue, requires greater attention to what Sheila Jasanoff calls the "civic epistemology"—the set of accepted institutions and practices that shape how modern polities conceive of public problems.<sup>28</sup> Political scientists cultivate both their intellectual sensibilities and their material capacities in broader ideational and political contexts. As such, their 'ways of knowing' are not easily separated from projects of political reform, disciplinary identity-making, and state formation. These processes can in turn create biases or blind spots in the study of democracy.<sup>29</sup> In this section, I trace three midcentury intellectual developments—the advent of 'intergovernmental relations' reforms, the emergence of Cold War modernization theory, and the rise of federalism scholarship in the 1970s—which helped to reorient political science away from evaluating democracy in the state 'laboratories'.

#### *Reforming Intergovernmental Relations*

For the scholars who served on the Social Science Research Council's Committee on Public Administration during the 1930s, the phrase 'laboratories of democracy' sounded more like a hypothesis than a description. This was especially true of William Anderson who, as noted

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<sup>26</sup> Kim Quaille Hill, *Democracy in the Fifty States* (Lincoln, NE: University of Nebraska Press, 1994).

<sup>27</sup> See Michael Coppedge, *Democratization and Research Methods* (New York: Cambridge University Press, 2012); Timothy Conlan, *From New Federalism to Devolution: Twenty-Five Years of Intergovernmental Reform* (Washington, DC: Brookings Institution Press, 1998).

<sup>28</sup> Jasanoff, *Designs on Nature*

<sup>29</sup> Dorothy Ross, *The Origins of American Social Science* (New York: Cambridge University Press, 1992); Ido Oren, *Our enemies and US* (Ithaca, NY: Cornell University Press, 2003); Robert Vitalis, *White World Order, Black Power Politics* (Ithaca, NY: Cornell University Press, 2015).

above, documented wide variations in state and local governments' ability to meet their citizens' needs. What was needed, Anderson felt, was a better management of intergovernmental relations (IGR)—that is, the human relations between officials at multiple levels of government—a concept he advanced in his 1938 textbook on *American Government*.<sup>30</sup>

IGR, Anderson argued, was not a rigid set of jurisdictional lines drawn by judges but a scientific approach to managing the needs of each set of governments and their overlapping effects on one another. This system of relationships was embodied in a Gothic Deco building at 1313 East 60<sup>th</sup> Street on the campus of the University of Chicago. Completed in 1938 and funded by the Rockefeller Foundation's Spelman Fund, the building was designed as a clearing house for data on state governments and the latest in public administration research. Perhaps more importantly, it was meant quite literally to house all intergovernmental relations in the country—each of the seventeen associations of state and local officials, including the Governors' Association, the Council of State Governments, the International City Managers' Association, and the American Municipal Association. The result, its creators hoped, would be a coherent cadre of officials *across* levels of government who shared a set of professional ethics and norms.<sup>31</sup>

The 1313 group collected data the patterns of behavior they believed were correlated with better relationships between federal and state officials. These data did not emerge only from naturalistic observation but from the group's so-called "experiments" in intergovernmental relations or "governmental gearing." With support from Rockefeller, 1313 researchers chose a small sample of counties around the US as research sites where these experiments would be conducted. Here, researchers brought together local, state and federal officials over a series of months to jointly conduct surveys, field visits, and fiscal analyses they believed would help them to better "coordinate and integrate" activity at the federal and state level. In carrying out these experiments, 1313 researchers bracketed key issues of governance from their analysis. For example, from their list of 17 potential research sites, 1313 researchers eliminated anywhere racial and conflict existed. Connecticut was cut from the list because of a "vigorous senator with wide local influence who might question the program" and a heavy concentration of immigrants

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<sup>30</sup> This draws on Philip Rocco, *Madison's Engineers: How Policy Science Remade Federalism* (New York: Columbia University Press, in progress).

<sup>31</sup> Barry D. Karl, *Charles E. Merriam and the Study of Politics*; Raymond Seidelman, *Disenchanted Realists: Political Science and the American Crisis*, 2<sup>nd</sup> ed. (Albany, NY: SUNY Press, 2015), 107-130; Torma, Carolyn. "The Spatial Order of Work." *Perspectives in Vernacular Architecture* 7 (1, 1997): 183-195.

“whose participation in public affairs is discouraged by past and present experiences.”<sup>32</sup>

Similarly, while Alabama’s efforts in county-level planning made it a good initial prospect, the state’s devastated agricultural economy and its large population of disenfranchised black residents counted against it. In other words—factors affecting the character of democracy were transformed from variables into exclusion criteria.

Indeed, the institutional context of IGR research had a significant effect on what it ultimately had to say about state-level democracy.<sup>33</sup> This was perhaps nowhere truer than in congressionally created commissions on intergovernmental relations, including the U.S. Commission on Intergovernmental Relations (USCIR), established in 1953, and the Advisory Commission on Intergovernmental Relations (ACIR), created as a more permanent institution in 1959. While supported by staffs of political scientists, economists, and other experts in state and local government, the members of these commissions were political appointees. Judgments about the ‘state of the states’ were typically subject to the scrutiny of those who believed that the real threat to American democracy was the emergence of the federal administrative state itself. Blistering disputes between the New Deal’s supporters and opponents on the USCIR nearly resulted in the organization’s premature collapse. The language of its final report remained especially vague about the character of state governments, noting weaknesses in states’ fiscal and administrative capacity, but urging that “national action” should be limited only to “residual participation where State and local governments are not fully adequate, and for the continuing responsibilities that only the National government can undertake.”<sup>34</sup>

On the other hand, the ACIR produced a voluminous and probing set of studies of state and local governments during its 38-year lifespan. Yet in forming its research agenda, Commission’s leadership was careful to avoid studying issues that would undermine congressional support. In a list of 33 potential priorities of study prepared by staff in 1964, civil rights in the states was close to the bottom, at number 28.<sup>35</sup> By 1965, this topic had disappeared

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<sup>32</sup> John C. Walker, Council on Intergovernmental Relations Progress Report as of 1941, Box 157, Folder 1, Charles E. Merriam Papers, Regenstein Library, University of Chicago.

<sup>33</sup> This paragraph draws on Rocco, *Madison’s Engineers*, Chapters 3–4.

<sup>34</sup> The Commission on Intergovernmental Relations, *A Report to the President for Transmittal to the Congress*, 6.

<sup>35</sup> “Check List of Possible Problems and Issues To Which Commission Could Conceivably Address Itself (May 1964),” Docket Book, May 21-22, 1964, Records of the Advisory Commission on Intergovernmental Relations, Series: Records of Meetings, Container 3, National Archives (RG 220.9.14).

from the list altogether.<sup>36</sup> Forays into the study of state-level democracy—such as the ACIR’s 1962 study of malapportionment—did not go smoothly. Published in the aftermath of *Baker v. Carr*, the Commission’s report argued for the apportionment of state legislatures be based solely on population. But the issue divided commission members—a minority of whom, including Senators Ed Muskie, Sam Ervin, and Karl Mundt—wrote bitter dissents from the report—urging that the states be given opportunity to experiment with reasonable alternatives to population-based reapportionment.<sup>37</sup> In the ensuing years, the ACIR steered clear of such contentious issues of representation, focusing primarily on the issue of so-called “fiscal balance” in the American federal system, states’ ability to access adequate revenue sources and control of federal grant programs, and the fiscal ‘blood pressure’ of the states. To the extent that ACIR considered issues of democracy at state and local level, it did so in fairly circumscribed contexts.<sup>38</sup>

Studies of intergovernmental relations were by no means unconcerned with issues of subnational democracy, yet they often framed these issues in a ‘planning’ discourse that emphasized administrative efficiency and fiscal balance. Consolidating fragmented local governments and special districts promised economies of scale as much as it ensured better accountability. Professionalizing state legislatures and centralizing tax administration promised would enhance efficiency and competence of state government as much as it would assist in responding to citizens’ demands.

Historical developments helped to reinforce the ACIR’s attention to fiscal and administrative concerns. Following the passage of major civil-rights legislation as well as new judicial prohibitions on malapportionment, attention to these issues migrated to processes of redistricting, federal preclearance of state election-law changes, and the reauthorization of the Voting Rights Act. By the 1970s, states’ fiscal challenges had also come into sharper national focus, especially given the emergence of debt crises in major urban centers and the California ‘tax revolt.’<sup>39</sup> Thanks to the ACIR, scholars of intergovernmental relations had the intellectual and institutional resources necessary to focalize these issues. Yet, consistent with a broader trend

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<sup>36</sup> “Selection of New topics for Commission’s Work Program,” April 26, 1965, Records of the Advisory Commission on Intergovernmental Relations, Series: Records of Meetings, Container 3, National Archives (RG 220.9.14).

<sup>37</sup> Advisory Commission on Intergovernmental Relations, *Apportionment of State Legislatures* (Washington, DC: ACIR, 1962).

<sup>38</sup> Rocco, *Madison’s Engineers*.

<sup>39</sup> Isaac W. Martin, *The Permanent Tax Revolt* (Stanford, CA: Stanford University Press, 2008); Kim Phillips-Fein, *Fear City* (New York: Metropolitan Books, 2017).

in the discipline of political science, concerns about the quality of state-level democracy remained on the sidelines.

*Modernization Theory and the American States*

If studies of state government tended to focus on administrative machinery rather than the quality of representative government, it stood to reason. Especially during the early years of the Cold War, academic political science proffered a variety of favorable assessments of democracy in America. The source of these assessments was an epistemic community of modernization theorists situated at a variety of prestigious institutions, knitted together by a set of ideas about the nature of democratic rule, the development of industrial societies, and the exceptional character of the American polity. While the foundations of modernization theory later came under attack from the right and left alike, it nonetheless left an imprint on how political scientists treated the study of democracy in America.<sup>40</sup>

Modernization theory first emerged in the United States via Talcott Parsons' English translation and interpretation of Max Weber, built on and adapted by prominent social scientists including Gabriel Almond, Walt Whitman Rostow, and Seymour Martin Lipset. According to modernization theorists, the development and growth of industrial economies promoted social changes—including rising levels of urbanization, wealth, and education—that were particularly favorable to political democracy. This relationship, according to Lipset, could be seen clearly in the United States, a model of “the good society in operation” whose political and economic organizations offered a model for the development of democracy in Europe.<sup>41</sup> In turn, modernization theorists believed that modernization would soon eliminate remaining undemocratic elements of American politics—namely racial apartheid in the South. Called upon to help design the American Pavilion for the 1958 World Exposition in Brussels, MIT's Rostow proposed a section of the exhibit titled “American Idealism in Action” that included a discussion of how the forces of modernization would soon help to ameliorate problems of “race relations.” That portion of the exhibit was subsequently withdrawn at the request of segregationists like Sen. Herman Talmadge (D-GA).<sup>42</sup>

Beyond the notion that the United States possessed the preconditions for democracy, modernization theorists also conceptualized democracy in ways that obviated the sorts of

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<sup>40</sup> In general, see Nils Gilman, *Mandarins of the Future: Modernization Theory in Cold War America* (Baltimore: Johns Hopkins University Press, 2003).

<sup>41</sup> Seymour Martin Lipset, *Political Man* (London: Heinemann, 1960).

<sup>42</sup> Gilman, *Mandarins of the Future*, 209–14.

analyses offered by Key and McConnell. Drawing on the work of Joseph Schumpeter, they argued that democratic societies did not depend on public participation, or even efforts to pursue the ‘public interest.’ Rather, democracy depended primarily on pluralistic competition among elites, informed by an autonomous scientific establishment, to establish an ideological consensus and to cool the passions of the masses.<sup>43</sup> This competition benefited from institutional arrangements that contained a larger number of power centers, arenas of private action, and opportunities for consensus building. It did not require decisions consistent with majoritarian sentiments, the principle of “one person, one vote”, or procedures for generating high turnout and political participation. In a way, this made the specific features of state governments perhaps less important to modernization theorists than the existence of federalism itself as a series of decisional venues.<sup>44</sup>

Finally, modernization theorists embraced the so-called “consensus” school of American historiography—advanced by Richard Hofstadter, David Potter, Louis Hartz, Daniel Boorstin, and others—that viewed the development of liberal democracy in the states as the product of a broadly held and deeply felt adherence to a shared set of values, rather than conflict along class or racial lines. Modernization theorists largely adhered to this idea about American democracy and frequently interacted with consensus historians. In a paper for one such conference, held under the auspices of MIT’s “America Project” (and financed by the Central Intelligence Agency), Rostow argued that group conflicts in the US were routinely reduced by sustained economic growth and high per-capita output. Further, democracy was progressively strengthened not by radicalism but through the experimental character of the American polity, which fostered compromise and political equilibrium.<sup>45</sup>

By the late 1960s, modernization theorists like Rostow soon came in for criticism from across the discipline and the political spectrum. Yet they nevertheless left an imprint on the study of democracy in the states. During the 1950s, studies of state government in top-tier political science journals tended to follow in the footsteps of either V.O. Key’s analysis of party structures and voting behavior, or public administration researchers’ analysis of efforts to professionalize state government. Yet following the publication of major works of modernization theory—Lipset’s *Political Man* (1960) and Rostow’s *The Stages of Economic Growth* (1960)—studies of state government increasingly cited modernization theorists, importing their approach to the

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<sup>43</sup> For a contrast, one might consult the work of Carol Pateman, *Participation and Democratic Theory* (New York: Cambridge University Press, 1970).

<sup>44</sup> Gilman, *Mandarins of the Future*, 47–56.

<sup>45</sup> *Ibid.*, 205–208.

study of American democracy. Rather than viewing the performance of democratic institutions as an outcome, as Key had, institutions became one variable among others that might (or might not) help to explain states' policy choices. Reframing the analysis in this way shed light on the apparent importance of socio-economic conditions. In a 1963 *Journal of Politics* article, Richard Dawson and James Robinson presented evidence to dismiss the idea that interparty competition to respond to voters' demands was the primary driver of state policy choices. Instead, they concluded, "the level of public social welfare programs in the American states seems to be more a function of socio-economic factors, especially per capita income."<sup>46</sup> Such findings were typical of fifty-state policy studies published during the 1960s.<sup>47</sup>

Development-centered accounts of democracy did not always stand up to scrutiny, of course. A major 1967 study of voter registration and participation published in the *American Political Science Review* found that turnout was historically highest in the United States during the latter half of the nineteenth century, when voters were not required to register or when automatic registration procedures were more widespread. Voter turnout had increased again only when registration procedures were liberalized and when governing parties could not monopolize the registration system to meet their electoral needs.<sup>48</sup>

Even so, taking development into account complicated the institutional analysis of democracy in the states that scholars like Key and McConnell had provided. Aiding in this effort was the proliferation of sophisticated indices of state-level economic development, inequality, and modernization. Employing such measures, a new crop of papers showed how state policy choices could be explained by examining developmental variables such as education, economic growth, and economic inequality, as opposed to interparty competition, malapportionment, and other institutional characteristics of state government.<sup>49</sup>

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<sup>46</sup> Richard Dawson and James Robinson, "Inter-party competition, economic variables, and welfare policies in the American states," *Journal of Politics* 25, no. 2 (1963): 289.

<sup>47</sup> For a review, see William Shaffer and Ronald Weber, *Policy Responsiveness in the American States* (Beverly Hills, CA: SAGE, 1974), 5–6.

<sup>48</sup> Stanley Kelley, Jr., Richard E. Ayres and William G. Bowen, "Registration and Voting: Putting First Things First," *American Political Science Review* 61, No. 2 (1967): 359–79.

<sup>49</sup> See, e.g.: Ira Sharkansky and Richard I. Hofferbert. "Dimensions of state politics, economics, and public policy," *American Political Science Review* 63, no. 3 (1969): 867–79; Ira Sharkansky, "Economic development, representative mechanisms, administrative professionalism and public policies: A comparative analysis of within-state distributions of economic and political traits," *Journal of Politics* 33, no. 1 (1971): 112–32.

By the early 1970s, one could find the influence of modernization theory in the most widely cited texts on politics in the American states. The result: a less pessimistic view of state government. As Ira Sharkansky put it in *The Maligned States* (1972), the fifty states did not deserve “equal praise,” but “state-to-state differences provide numerous pleasures and a continuing justification for the existence of state governments.”<sup>50</sup> While not entirely negating political and institutional differences among the states, these accounts depicted socio-economic development as the central driver of state policy. In turn, they lacked the analysis of political power and democratic governance featured in the works of Key and McConnell. Modernization theory had, in its way, helped to re-cast the problem of state government from one of fragmented democracy to one of uneven economic development.

### *The Rebirth of Federalism Scholarship*

In the latter half of the 1960s, American federalism achieved an uncommon level of political salience. The implementation of major national reforms on poverty alleviation and urban development set the stage for a new series of debates among activists, state and local officials, and federal agencies over the control of federal funds. Thanks in large part to the work of institutions like the ACIR, policymakers entered these debates with a new technical vocabulary and a set of policy instruments like revenue sharing and block grants that promised to restore “balance” to the American federal system.<sup>51</sup> In another respect, the rhetoric of federalism and local control played a powerful role in Richard Nixon’s efforts to simultaneously galvanize racial resentment and opposition to government spending ahead of the 1968 election. As the Republican National Committee’s Research Conference put it, proposals for revenue sharing would prove an “extraordinarily versatile” means of both “favor[ing] an expansion of vital public services at the state and local level” while “attack[ing] Big Government” and “exploit[ing] the credibility gap of LBJ.”<sup>52</sup> Soon after Nixon’s victory, he introduced his first package of “New Federalism” reforms, including general revenue sharing and block grants for social-service programs.

With an increasingly prodigious array of data on state governments—aggregated by both the ACIR and the Council of State Governments’ compendious *Book of the States*—a renaissance

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<sup>50</sup> Ira Sharkansky, *The Maligned States* (New York: McGraw Hill, 1972), 2.

<sup>51</sup> Conlan, *From New Federalism to Devolution*; Rocco, *Madison’s Engineers*.

<sup>52</sup> Lawrence Thompson, “Revenue Sharing as a Republican Issue,” Speech delivered October 11, 1967, Republican National Committee Research Conference, Box 114, Folder: “Special Study Group on Revenue Sharing,” Ray Bliss Papers, OHS.



in federalism scholarship was afoot. In this context, political scientists reconfigured their analyses to treat states not merely as small polities in their own right but as *constituent parts of a federal partnership*. The intellectual godfather of this view was Daniel Elazar. Trained at the University of Chicago by Morton Grodzins and Leo Strauss, Elazar's work fundamentally redefined the study of federalism. Drawing on a new empirical analysis, Elazar's *American Federalism: A View from the States* (1966) depicted the states as embodying not one but several distinctive cultural patterns: a moralistic culture—most prominent in the upper Midwest—that emphasized the common good and abjured intense partisanship; an individualistic culture in the Northeast that emphasized transactional politics and viewed democracy as a marketplace for managing citizen demands; and a traditionalistic culture rooted in the South that emphasized hierarchy, including racial hierarchy, and de-emphasized participation in politics.<sup>53</sup>

Each of these cultures, Elazar argued, contained both characteristics essential to maintaining American democracy and characteristics that threatened to undermine it. Traditionalists imposed oligarchy and apartheid, but had also produced “a unique group of first-rate national leaders.” Moralists had driven the “American quest for the good society” but could also be inflexible and averse to compromise. Democracy in America thus emerged not in any one particular state context, but through the structure of federalism itself, which Elazar regarded as a type of covenant, an idea with roots in natural law rather than positivist approaches to jurisprudence.<sup>54</sup>

At the heart of Elazar's concept of “federal democracy” was a “recognition of human and social diversity as the basic principle of popular government, with its corollary of respect for minorities and rule through coalitions.”<sup>55</sup> The cultural characteristics Elazar ascribed to state populations, while perhaps not immutable, were assumed to be enduring, broadly shared, and identifiable in public dispositions towards a range of policies. A key assumption, then, was that those who did not share these dispositions had either already migrated elsewhere or would ultimately do so.<sup>56</sup> Federalism thus sustained democracy, because it offered a means of protection

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<sup>53</sup> Daniel Elazar, *American Federalism: A View from the States* (New York: Crowell, 1966).

<sup>54</sup> Daniel Elazar, *American Mosaic: The Impact of Space, Time, and Culture on American Politics* (Boulder, CO: Westview Press, 1994), 229–36.

<sup>55</sup> Daniel J. Elazar, “Cursed by bigness or toward a post-technocratic federalism,” *Publius* 3, no. 2 (1973): 247.

<sup>56</sup> Some of these assumptions were challenged by later scholarship on politics in the states, which incorporated population diversity as a key explanatory variable. See Rodney Hero and Caroline J. Tolbert, “A Racial/Ethnic Diversity Interpretation of Politics and Policy in the American States,” *American Journal of Political Science* 40, no. 3 (1996): 851–71.

for numerical minorities and—when necessary—permitted collaboration between multiple interests across communities to make decisions. Elazar contrasted this concept with what he called the ‘Jacobin’ theory of democracy, which argued that public policy must express the “general will” of citizens at the expense of “pluralism, diversity, and minority expression.” For him, the Jacobin view both abandoned “the theory upon which the union was founded” and was suspiciously similar to the legal theory embraced by Communist regimes. Yet, as of 1973, Jacobins appeared to reign:

Men educated in the principles of Jacobin democracy without being aware of it now fill the courts and legislatures, not to speak of the bureaucracies...Once the courts began to operate on the basis of the Jacobin rather than the federal theory of democracy, it is not surprising that the national legislature and executive followed along, since the decision-makers in all three branches of the federal government are in a sense products of the same kind of education. Thus, over the course of a relatively brief period of time, federal court decisions, Congressional legislation and executive action have removed what used to be seen as rather dearly definable limitations on federal (and in some cases, state) action in order to accommodate demands for activist government.<sup>57</sup>

If a threat to democracy existed, then, it would come not from the vagaries of state government—as Key and McConnell had argued—but the buildup of the federal administrative state, which threatened to sever the link between local communities and those who governed them. Writing in 1990, Elazar argued that post-New Deal federalism doctrines had undermined the states’ ability to preserve their own constitutional “moral orders” and had replaced federalism’s ‘marketplace’ of democracy with a “new morality of equality.” States and communities had responsibilities to represent the interests of their citizens, and the federal government had to guarantee minimum conditions for individual liberty in the states. Yet for Elazar, the federal government could not be overly prescriptive or coercive about these conditions, lest it remove citizens’ ability to “control those aspects of government” that affect “directly and immediately influence their daily lives.” The Constitution guaranteed not a ‘decentralized’ hierarchy but a non-centralized ‘matrix’, in

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<sup>57</sup> Elazar, “Cursed by bigness,” 247–248.

which multiple sites of authority could continuously, creatively experiment with forms of government that responded to unique cultural demands.<sup>58</sup>

Thanks to Elazar's efforts at institution building, this reframing of the relationship between federalism and democracy gained traction in the discipline. In 1967, Elazar founded the Center for the Study of Federalism at Temple University.<sup>59</sup> Four years later, he founded *Publius*, the first political science journal solely devoted to the study of federalism and intergovernmental relations. With support from the National Science Foundation and endorsement from the American Revolution Bicentennial Commission, Elazar organized *Federalism '76*, a series of high-profile conferences on the state of American federalism.<sup>60</sup>

Reading the proceedings from these conferences and from the early issues of *Publius* reveals a diversity of methodological approaches and empirical foci—from Tocqueville to administrative procedures to the management of ethnic conflict—but a tightened focus on the necessity of federalism itself for preserving American democracy. As one essayist argued: “the study of federalism during the American Bicentennial should aim at investigating the possibilities of a national union” that would turn towards “balanced liberty and a balanced politics” in “keeping with the spirit of the founders of the American federal system almost 200 years ago.”<sup>61</sup>

Of course, not everyone agreed that enhancing the power of subnational governments necessarily meant better representation. As Samuel Beer wrote in his 1973 paper on the “Modernization of American Federalism,” ideas about “community control, home rule and states rights are doctrines with a restricted future.” The functions government was required to perform transcended the geographies of small jurisdictions and low turnout in local elections made it unlikely for them to solve the “problem of citizen efficacy.”<sup>62</sup>

Even so, Beer accepted that the problem was how to preserve democracy in the face of a nationalized politics: “how can any modern polity be responsive to the individual voter and in such a way that he sees its responsiveness and so feels the efficacy of his participation” when in

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<sup>58</sup> Daniel J. Elazar, “To Secure the Blessings of Liberty”: Liberty and American Federal Democracy,” *Publius* 20, no. 2 (Spring, 1990):1–13.

<sup>59</sup> Stephen L. Schechter, “In Memoriam: Daniel J. Elazar,” *Publius* 29, No. 4 (1999): 3–10.

<sup>60</sup> Daniel J. Elazar, “Editor's Introduction: First Principles,” *Publius* 3, no. 2 (1973), pp. 1–10.

<sup>61</sup> Robert J. Pranger, “The Decline of the American National Government,” *Publius* 3, no. 2 (1973), 127.

<sup>62</sup> Samuel H. Beer, “The modernization of American federalism,” *Publius* 3, no. 2 (1973): 49–95.

the “company of 75 million other people voting for president”?<sup>63</sup> Greater devolution would not solve the problem, and the decline of traditional party structures had weakened their representational capacity as well. In any case, the problem of preserving democracy seemed to emerge not at the subnational level, but as the result of modernization and nationalization of politics, which rent apart traditional structures of “authority and consent” and contributed to the prevailing anomie.

By the 1980s, however, national political figures increasingly framed variants of “new federalism” as a solution to the problems of national democracy. As one of President Reagan’s appointees to the ACIR, Elazar sounded a note of caution about the new administration’s efforts to restore federalism by cutting social services: “American society is not ennobled by depriving people in real need in order to catch a few cheaters.” Yet he urged the revival of states’ status as “polities and not as middle managers” and of the preservation of “noncentralization, freedom of choice, pluralism, and regional and group differences.” Restoring democracy meant honoring the covenant of American federalism.<sup>64</sup>

### **Consolidating Knowledge in a Fragmented Democracy**

Taken together, the three intellectual and institutional developments described here have not altogether *preempted* the study of subnational democracy in the US. Decades of research on intergovernmental relations, federalism, and state politics have produced voluminous data on state political institutions and cultures. Much of this data bears directly on the quality of democratic governance in the states. Yet if anything, the theoretical legacies of modernization theory and federalism scholarship have turned scholars’ attention towards other dependent variables, leaving knowledge about democracy in a fragmented condition. Where US subnational democracy is concerned, political scientists have produced a mass of descriptive material waiting for a research program, or a fire.<sup>65</sup>

Building a research program on democracy in the American states will require more than the assemblage of data, the construction of indices, and the validation of measures. It will instead require a shift in the civic epistemology, in the institutions and practices political scientists use to ‘know’ the states. Studying state governments as democracies demands that students of American

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<sup>63</sup> Ibid., 93.

<sup>64</sup> Daniel J. Elazar, “Forces Shaping the Federal System Today,” in *Emerging Issues in American Federalism: Papers Prepared for ACIR’s 25th Anniversary* (Washington, DC: ACIR, 1984), 1–11.

<sup>65</sup> Apologies to Ronald Coase, “The New Institutional Economics,” *Journal of Institutional and Theoretical Economics* 140 (March, 1984): 229–231.

politics read beyond the water's edge and to engage more routinely and rigorously in comparative analyses. Analysts of US federalism will also have to re-assess the questions they ask and the assumptions they make about the quality of democracy in the states. With apologies to Justice Brandeis, we collectively know less about democracy in the states—and assume more—than we think. Finally, a robust effort at monitoring democracy in the states requires scholars to contend with the fragmentation of information about current developments in the states and the erosion of state and local media ecologies. To overcome this problem, scholars might follow in the footsteps of other analysts of state government and public policy, by constructing a national network for observing, recording, and analyzing public decisions.<sup>66</sup>

If this seems like a tall order, consider the scope of the problem. As Grant McConnell reminds us, state politics are complex and attract only the most sporadic attention to the most outrageous scandals. Soon after, “these moment pass; state affairs recover their wonted obscurity and it is assumed that the wrongdoers have been exposed and punished.”<sup>67</sup> Following the scandal, serious analysis is again supplanted by stylized myths. To disrupt this pattern, we must agree to abandon the metaphor of “laboratories” in favor of a more-than-metaphorical *observatory*—a set of procedures and institutions for monitoring democracy in the states. If the present is a moment of anxiety about democratic backsliding, perhaps it is also a moment of opportunity for reconfiguring the study of American federalism.

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<sup>66</sup> Richard P. Nathan, Allen D. Manvel, and Susannah E. Calkins, *Monitoring revenue sharing* (Washington, DC: Brookings Institution Press, 1975).

<sup>67</sup> McConnell, *Private Power and American Democracy*, 193.