

The American State: Power Obscured

An Interview with William Novak & James Sparrow

By Thomas GRILLOT and Pauline PERETZ

Finding the American state where historians never looked before: this could be the motto of the new history of the state, of which William Novak and James Sparrow are two of the strongest advocates. To capture the specificity of state formation in the U.S., they encourage historians to look at the mutual constitution of state and society, instead of taking their separation for granted. Their approach is key to understanding the current legitimization crisis undergone by the American state.

William J. Novak is Professor of Law at the University of Michigan, and the author of *The People's Welfare: Law and Regulation in Nineteenth-Century America* (University of North Carolina Press, 1996); he is currently at work on *The People's Government: Law and the Creation of the Modern American State*.

James T. Sparrow is Associate Professor of American History at the University of Chicago, and the author of *Warfare State: World War II Americans and the Age of Big Government* (New York: Oxford University Press, 2011); he is currently working on *The New Leviathan: Sovereign America and the Foundations of Rule in the Atomic Age*, the second book of his trilogy on the problem of government legitimacy in the American Century.

The False Invisibility of the State in U.S. History

Books & Ideas: Prof. Novak, in your work you emphasize the idea that exceptionalist scholars have treated the history of the state in the U.S. as absolutely distinct from any other state in the world, because they saw it as “rooted in negative liberty, voluntarism, self-interested liberalism, and a self-regulating market”.¹ You equated this position with “an alternative American *Sonderweg*”, an approach that, for you, has prevented Americans from realizing the crucial importance of the state in their history. Why can't Americans see the state?

William Novak: Americans, when they think about the state, have tended to be drawn to two alternative models: the German and the English models. The English model sees the state simply as some kind of higher level organization of discrete individuals. It features a pluralistic and individualistic conception of the state in which a sense of so-called “statelessness” predominates. This is the source of the ubiquitous but wrong-headed idea that the U.S. is a “weak” state, a *laissez-faire* state, in which individualism and less government is usually the rule. In my work, I suggest that that conceptualization is in fact a complete mythology. When you start looking closely at the American state, especially below the level of the central government, you see a web of almost constant activity, of statecraft, of regulatory action by the state on all levels of social and economic life.

James Sparrow: Bill's work is focused on the 19th century, a period when historians have a hard time seeing the state, because it had been mythologized away. In part this was because of a dominant conception that came out of a different tradition that emphasized how much the American state did not look like European states. In the 20th century, where my work finds its emphasis, American statism starts to look more like European statism. It never actually becomes identical with it, but in World War II in particular, you get this extraordinary centralization. As Bill has pointed out, centralization is not the *sine qua non* of statism – and that's one of the key intellectual mistakes when you examine this question. But when centralization does happen, and for reasons similar to that of Europeans (war) then you do get these forms of statism that are

¹ William J. Novak, “The Myth of the American ‘Weak’ State”, *American Historical Review*, 113, no. 3 (2008): 752-72.

quite powerful: bureaucratic, military, visible, and coercive – particularly outside of the territorial U.S., but also stateside with the internment of Japanese Americans. In my book, *The Warfare State*, I look at how this tremendous break with the American political tradition is legitimized politically, and that is through an individualistic language of rights. Citizens have to be convinced that their own individual freedom is being expanded through the four freedoms, through economic rights, or through this rights’ talk of freedom of speech, that in the Cold War is still sustained even as social democratic rights fall out. The extraordinary extractions of this warfare state, and its coercions, are internalized – as the price of individual rights, of property. They are justified by the vague “right” to an American standard of living. This social practice of internalizing the expansion of statism and turning it into rights claims is quite ironic.

William Novak: This irony is what makes the American state so interesting. The history of the American state is one of almost continual and exponential growth, to this very day, when the state has reached this enormous size, with a huge debt, a prison complex, and a large military and police apparatus. And yet there is this mythology of the U.S. as an exceptional land of freedoms embracing only limited government. There is a consistent ideological denial of the importance of the state in our history. During this current presidential campaign, at a moment when the state is at its greatest development, we hear again the persistent national language of anti-statism.

James Sparrow: If the Tea Party agenda is realized, I am sure it will involve cutting budget in some ways, but it will also involve very muscular statism – which won’t look like big government to Tea Party people. It will involve immigration control, maybe increased violations of civil liberties – but it won’t be seen as statism by them. The most nakedly powerful instrumentalities of the state are exported; so that Americans are quite shocked when they travel overseas and discover that people in other countries are very angry with the American government or American companies. They have little or no idea what the external state is doing overseas.

Books & Ideas: Isn’t that what historians have started calling the “invisibility” of the American state?

James Sparrow: It is a very helpful concept, but as a metaphor; it can become problematic. Because the American state is actually quite visible – it’s people who don’t see it.

Books & Ideas: You seem to be stopping short of calling this refusal to face statism in American history an ideology?

James Sparrow: I try to get at it through political culture, this set of assumptions, associations and images that are shared across ideological boundaries. There might be a logic or a pattern that brings Americans into the state, but it’s not necessarily an ideology. If anything, ideologies cut across the way in which the state operates. There is, however, an ideology of the mixed state.

William Novak: The ideology of the mixed state is manifest in the technologies of state actions that I pay attention to in the U.S.: in federalism, states, localities, in these tens of thousands of local governments. There is no minister of culture in the U.S. but there are all these local and public/private entities that do exert a great control over that aspect of American life. Law is one of those technologies that are traditionally thought to be limiting government – constitutional law for example. But actually, law is frequently used to exert an extraordinary amount of coercive state power.

James Sparrow: Market ideology and social democratic ideologies seem on the surface to be at war with each other, but not necessarily in the state-building project. Take the Tennessee Valley Authority (TVA). It is *the* great idea of the New Deal planners, who are taking their lead from European planners and an American tradition of irrigation and watershed management. That gets captured very quickly by local businesses. It is the only way, in fact, that Lilienthal can establish it. By 1945, the TVA has returned to its origins as simply a war contractor producing nitrate and electricity – a big one, maybe the most important one, because it generates electricity for the Manhattan Project. Then it gets exported abroad.² Americans fund projects that involve

² Significantly, this exportation occurs precisely at the moment when the TVA cannot be extended at home; President Harry Truman could not persuade Congress to sign off on a TVA for the Missouri River Valley, even as

modernization over the course of the Cold War. They end up funding economic development. An entire marketplace predicated on affordable electricity, flood control and the inexpensive production of fertilizers helps underwrite globalization. You have this massive expansion of market society that is a state project. And the state is then bolstered in its power by the success of that market society. The two interpenetrate but they seem to be opposite, as in some zero-sum game.

Moving Beyond Exceptionalism

Books & Ideas: How can comparison help in this project of making the U.S. state more visible?

James Sparrow: This is central to our agenda. The first task in properly understanding state development and power, even American political life more generally, is moving beyond the original sin of exceptionalism. Another error is accepting the image of the state that Hegel provided us with. Hegel has some very sophisticated and helpful ideas about history and the state – but the Hegelian notion of the state as the epitome of development and civilization has some teleological element in it, and is based on European history. Americans have accepted that to bolster an exceptionalist argument. They say: “yes, that is the destiny of Europe and America can save the world precisely because it’s free from that destiny” – which, as we just discussed, is a myth. We need to move beyond that, while accounting for the distinctive role the U.S. has played in both ideologies of the state and the actual empirical construction of state power.

William Novak: Comparison between various state regimes is going to be absolutely imperative. But we need to shift the axes of comparison. The models traditionally used when talking about the American state and democracy have either been Anglo or Germanic. But now there is this increasing realization that French political history is far more relevant to understanding American state development than one would have ever thought. Of course, Tocqueville was turned into an exceptionalist narrative in the 1950s. And one part of the revitalization of the state project is understanding that Tocqueville was wrong about the

Congressmen authorized billions of dollars for modernization and other kinds of economic aid from the late 1940s onward.

American state as being primarily local and ineluctably individualistic. Meanwhile, French scholars like Pierre Rosanvallon have been reexamining Tocqueville's idea about the French state and offering a more subtle picture of French state development. In this new comparative work between France and the U.S., and other countries as well, an amazing space opens up that changes the usual axes of comparison.

James Sparrow: The distinction between comparative, transnational, international, and global histories is important here. Many historians of the state came to this topic through comparison, between France, Germany, England, the U.S., China. That is helpful, but it creates a fundamentally ahistorical conception of how states are related to each other. The states in those comparisons become models, Platonic ideals. The more sophisticated work in this vein does not commit that error, but the vulgarization of it does. It reinforces the idea of an American *Sonderweg*. Comparative history can be made much more powerful if it is aided by attention to the movement of people, things and ideas across borders – transnational history. It also needs to show the interplay of states forming against each other through international relations, and the emergence of patterns of development like market society that, while being transnational, eventually become global. The comparative method has to account for mechanisms and processes that are historically particular – and then it can produce more accurate general models. If we can do that, then we can radically expand the work that started a while ago in the much more limited domain of the ideology of republicanism. This is an example where there is great scholarship regarding relations between French and American political development. But because it is cordoned off into the realm of ideology, there is an assumption that the linkage between France and the U.S. is then broken after the late eighteenth century because of the two different kinds of revolution. For people like Steve Sawyer,³ who look at these connections, the similarities are at least as striking as the differences.

³ Stephen W. Sawyer, *A City Among States: The Local Construction of the French Nation-State in Nineteenth-Century Paris, 1789-1880*. (Manuscript).

The Mutual Constitution of State and Society

William Novak: There has been a lot of work on the state in the last twenty years, but I would contend that the history of the American state, in particular, remains to be written. The priority is to use comparison and a global frame, but there is much material that remains unexamined. The legal material, for example, has been barely touched, though law is one of the main technologies of action of the American state. Our history of those changing technologies – from nineteenth century conceptions of nuisance law to the growth of the state police power to the birth of a federal police power in the twentieth century – that story is simply not told yet. And the history of changing conceptions of the state itself has also not been articulated. Government institutions and political elites have been studied, but what we are missing – and what is currently being developed a lot in France – is the history of the state in society, these interconnections between the political and the social. We have wonderful socio-cultural history works tending towards the political, and we have these state-centered works tending towards the social. But that vital middle ground remains still relatively underexamined.

James Sparrow: The reason the conceptual work remains to be done is the false opposition between state and society, which is a product of this mythological positing of a stateless utopia. To renew the history of the state, we need a social and cultural history of the state that looks at the mutual construction of state and society. And I would prefer to use the concept of *state presence* to do so. Theda Skocpol and Stephen Skowronek have emphasized state capacity. Theirs is an important scholarship that has showed that the state is powerful in many ways. But their conception of the autonomy of the state needs to be questioned. In my first book and in my current work, I have shifted the focus toward state presence in society. I see the state as an institutional field in which society, culture, and power form durable structures of contention, rather than as a projection screen onto which the powerful project preexisting ideas and preexisting social interests. Interest-group scholarship looks at how particular interest groups apply leverage to particular policy makers and get their way in Congress. That's all true and very important, but I am much more interested in how things like peacetime conscription and the G.I. Bill of Rights produce a citizen soldier. That citizen soldier then underwrites a militarized notion

of citizenship, and just as crucially legitimizes a vastly more powerful warfare state than had been accomplished under social democratic auspices in the 1930s.

The best new work in political history also looks at this mutual constitution of state and society, especially the history of categories like citizenship and gendered and racialized categories. There is also a new attention to political theory and political thought that shows that they are not just an elite discourse of reified ideas that perfect themselves overtime, but have a social life, a cultural formation within institutions.

William Novak: That's true of the booming field of legal history as well. For example, the traditional story went that while, in France, you had administration, in the U.S., you had the rule of law and no administrative law until the establishment of the Interstate Commerce Commission in the late nineteenth century. But by looking into the legal sources, Jerry Mashaw, a professor at Yale Law School, has discovered a central administrative regime in the courts and the custom houses of the early Republic.⁴ It's a perfect example of finding the state where people simply never looked before. Similarly, the old story was that the U.S. really never redistributed much federal money to people in need before the New Deal. However, Michele Landis Dauber, a law professor at Stanford University, works on disaster relief, and she finds that in fact Congress was redistributing huge sums of money whenever people in need could define their condition as one of natural disaster or emergency.⁵ Then the public coffers of the United States opened widely. And we know since Katrina that that motif remains very important. If you can suggest that your need is the result of consequences that you had no control over, a disaster, an emergency, a fire, disease, the American state redistributes and has redistributed throughout its history.

James Sparrow: Some fine books have been inspirations for the formation of this field: Alan Brinkley's work on Depression Era politics as precisely the kind of grassroots political formation

⁴ Jerry L. Mashaw, *Creating the Administrative Constitution: The Lost 100 years of Administrative Law* (forthcoming, Yale University Press).

⁵ Michele Landis Dauber, *The Sympathetic State: Disaster Relief and the Origins of the American Welfare State* (forthcoming, University of Chicago Press).

shaping elite actions, e.g. Roosevelt's decisions about social security;⁶ and his book on World War II, *The End of Reform*, is a powerful intellectual history as much as it talks about the state; Elizabeth Cohen's work on how Chicago workers made a New Deal based on their social experience of working-class consciousness that eventually developed into a political consciousness tied to the New Deal state.⁷ There is also James Kloppenberg's *Uncertain Victory*,⁸ and Daniel Rodgers' *Atlantic Crossings*.⁹ More recently, Margot Canaday's book, *The Straight State*, showed how the state formed the category of the homosexual,¹⁰ and Risa Goluboff's book *The Lost Promise of Civil Rights* ties shifts in the interpretation of constitutional law to the social politics of the New Deal state.¹¹ But there still has not been a coherent agenda that has addressed the problem that we are trying to take on.

War as Legitimation of the State

Books & Ideas: Professor Sparrow, could you tell us a bit more about how this mutual constitution of state and society shows in the time period that you've studied, which is World War II and its aftermath? How were veterans able to claim attention from the state? How did they get the GI Bill of Rights? Did the notion of a "state of emergency" play a role here as well?

James Sparrow: Yes. War is a paradigmatic example of how emergency can define worthiness, and then produce social citizenship. There are any number of qualifications that can be made to that statement. But they would not challenge the basic fact. Emergency is portrayed as non ideological – our common human vulnerability exposes us across lines of class, race, gender, and party. Of course, veterans were the object of an intense ideological fight: the New Dealers wanted to use them as the centre of a universal entitlement, to make an argument for a society where everyone would have such a democratic right; while conservatives who were opposed to

⁶ Alan Brinkley, *Voices of Protest. Huey Long, Father Coughlin and the Great Depression*, Random House, 1988.

⁷ Elizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939*, Cambridge University Press, 1990.

⁸ James T. Kloppenberg, *Uncertain Victory. Social Democracy and Progressivism in European and American Thought, 1870-1920*, Oxford University Press, 1988.

⁹ Daniel T. Rodgers, *Atlantic Crossings: Social Politics in a Progressive Age*, The Belknap Press, 2000.

¹⁰ Margot Canaday, *The Straight State. Sexuality and Citizenship in Twentieth Century America*, Princeton University Press, 2011.

¹¹ Risa L. Goluboff, *The Lost Promise of Civil Rights*, Harvard University Press, 2007.

the New Deal were determined to draw a bright line around the veterans and say that they were worthy precisely because they were categorically different from those who did not make the ultimate sacrifice. The conservatives won that battle but they then signed off on a very social democratic form of militarized citizenship that bled out around the edges over time and that informed the subsequent rights revolution.

Books & Ideas: War has always been a prerogative of the state. What makes the 1940s warfare state special? In particular, how is it different from the warfare state of World War One? And could we still consider to be living in a world shaped by these warfare states?

James Sparrow: There is an interesting connection between World War I and World War II in the United States. Ultimately, one has to agree with the larger view that is emerging, that really it was a thirty-year war with a long interregnum. Many critical organizational patterns and precedents first emerged in the First World War and were reinforced during the Second. But there were also great divergences, especially if you compare the American experience with the European one. First, no fighting took place on American soil in those two wars (with the important exception of Hawaii). The experience of the First World War in the U.S. was brief and class-specific; it was also regionally variable. The mobilization for the war mostly affected the North-East and the Mid-West, and industrial parts of the country where there were extractive industries (Bisbee, Arizona for example). There was extraordinary resistance to conscription in the South; support for the war varied immensely according to class and ethnicity.

World War II absorbed a far larger proportion of the economy for a far longer period of time, and played out differently in the ethnic and racial area. New Dealers, who were appalled by what their progressive predecessors had signed off on, defended the ideology of pluralism and were determined not to repeat the excesses of World War I. To some extent, the excesses did not happen, at least not for Italians and Germans. It's one piece of a larger nationalizing pattern that was exerted by World War II on the United States. Much of the repressive energy got concentrated on Japanese Americans who experienced the most extreme coercion in the twentieth century applied at a mass level by the American state.

Some of the associational patterns that emerged in World War I, like the War Industries Board (WIB), were reworked into agencies like the War Production Board (WPB), but they were not simple repeats. In fact, they blended the WIB, the New Deal and a new military approach to running an economy that would be consolidated later in the Marshall Plan. At the level of state formation, something was happening that was not an extension of the New Deal (although it *was* an offshoot of the New Deal). The industrial mobilization was profoundly different from what happened in the First World War. Socially as well, the dynamic was not the same, because of pluralism, and because the experience of the New Deal had primed citizens to expect social citizenship – i.e., that the federal government should guarantee the right to fair treatment within the economy. The labor movement saw an extraordinary rise and brought much of the working class into middle class conditions for a generation at least. And during the war, the modern civil rights movement began.

An emerging scholarship is beginning to discover how critical the forties were. That is where looking at veterans is incredibly helpful: even though there was extraordinary prejudice and great social differences dividing Mexican-Americans, Indian-Americans, African-Americans, and other minorities, veterans, across all these very powerful boundaries of race and class, were able to make very similar claims on the state in the post-war civil rights movement. Veterans are often at the center of any grassroots history that gets written about the post war civil rights movement, because they had the ability to make a moral claim. In a chapter of my second book¹² I tell the story of James Meredith, who was an African American Korean War veteran. His moral status enabled him to play a critical role in desegregating Ole Miss. There are many other examples that historians have chronicled at the local level. All these groups were able to apply agency and different traditions of resistance precisely because they shared this claim that enabled them to override local power relations. That is why Southern democrats began to develop a coherent language of anticommunism that demonized the parts of the federal government that upset social relationships, particularly as they related to race. In my second book, I talk about

¹² James T. Sparrow, *The New Leviathan: Sovereign America and the Foundations of Rule in the Atomic Age*, forthcoming.

anticommunism as a language of antistatism coming out of this shared recognition that local “home rule” could be eclipsed. Although the local remained very powerful in the 1940s and 1950s, the federal government exploded and started sending funding to all these localities through the states. That nationalization had profound social effects, as different social groups and citizens began to think of themselves as national citizens endowed with national rights the federal government should recognize. That story is largely one of failure in the 1940s, for structural reasons that have to do with the dominance of the conservatives in Congress and the role of anticommunism as a way of purging the left. But, in the long term, what is striking is how the rights revolution got its start here.

The Current Legitimation Crisis of the State

Books & Ideas: You also insist on the role political culture played in facilitating the acceptance of an unparalleled extension of the state during World War II. Your thesis is that language and communication played a considerable role in making palatable a larger and more intrusive state. Why does not a similar enterprise of “morale management” function today?

James Sparrow: I would say that today we are living through a crisis that began at the end of the 1960s, when the project of legitimation that was successfully accomplished in World War II collapsed. The ultimate reason is that the Cold War began to destabilize around that time, undermining the state of emergency that had been continuous since the late forties. The legitimation crisis was a product of the contradiction within that political culture, born of the tension between obligation and entitlement.

In the Second World War and in the Cold War, the war created a powerful culture of nationalism that fused the nation and the state. This is not something that was well established within the American political tradition. One of the reasons for the myth of the weak state is that patriotism has often been lodged in local associations not identified with the nation-state. Federalism reinforces this tendency by often locating patriotic action in the states and localities. (This is why we need histories of the states. The history of the Works Progress Administration, for example,

must be written by accounting for the varied administrative setups, e.g. in Georgia, Illinois, California, etc.)

After the war, even as anticommunists attacked parts of the state, they reified other aspects of it. But when the Cold War ended, that moral economy collapsed. Even before the collapse in 1989, the tension between obligation and entitlement, which could be sustained in the total war of WWII, had actually begun to produce a contradiction during the Cold War. Increasingly over the course of the postwar period, individuals thought of themselves as having national citizenship rights, saw those rights almost as property, and began to forget that those rights were constructs of collective obligations that the federal government could only provide if they met their obligations.

Today, you can see the same contradiction when opponents of Obama's health care program make the absurd claim that the government should "get its hands off their Medicare." Americans can think that way because of the reliance on a liberal ideology that obscures obligations with rights, in the process transforming them into a bundle of entitlements detached from collective obligations. Globalization also profoundly eroded the links between the citizens and the nation, even as citizens became more and more dependent on the nation. One of the great ironies is that some of the most determined antistatists are in sectors of society and in groups that are quite dependent on the state; the lobbies that want to slash social spending are often supported by businesses that receive massive subsidies, contracts or other supports through government intervention. Likewise, many of the opponents of social spending are not dependent just on Medicare or Medicaid, but also on Social Security and subsidies for private home loans... It is quite extraordinary how this dependence on the state, because it is articulated through this individualistic ideology, produces antistatism. It generates an antagonism toward the very source of empowerment that individuals and groups want to protect. This contradiction explains why the rights revolution takes off when it does – *before* the Cold War ends, in a hot war, in Vietnam. When I started this project, the causes of this legitimation crisis were not at all apparent. Reagan had failed to end government and had expanded it beyond all imagination; Bush I's New World Order seemed to be promising an even more expansive government; and Clinton was embarking on an attempt to revive a new democracy. So I became interested in explaining why the groups

who seemed the most intent on framing their politics as antistatism in fact ended up making the government expand most dramatically.

Further reading:

-William J. Novak, "The Myth of the American 'Weak' State", *American Historical Review*, 113, no. 3 (2008): 752-72

(<http://www.history.ucsb.edu/projects/labor/speakers/documents/TheMythoftheWeakAmericanState.pdf>)

- James T. Sparrow, *Warfare State: World War II Americans and the Age of Big Government*, New York: Oxford University Press, 2011

(<http://www.oup.com/us/catalog/general/subject/Politics/AmericanPolitics/ForeignDefensePolicy/?view=usa&ci=9780199791019>)

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