SHUTTING
THE PUBLIC OUT OF
POLITICS

Civic Republicanism,
Professional Politics,
and the
Eclipse of Civil Society

BY
R. CLAIRE SNYDER

AN OCCASIONAL PAPER OF THE
KETTERING FOUNDATION
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Civic Republicanism, Professional Politics, and the Eclipse of Civil Society

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The Kettering Foundation has long been interested in the question of how democracy might work better. Through its six program areas Kettering has researched the question from the view of citizens, educators, professionals (such as journalists and foundation executives), and government officials. Through our work we have discovered — as well as uncovered — a practice and mind-set that excludes the public from the public’s business. How did these practices and mind-sets become so entrenched in the American way of life and politics? What can history tell us about how this mind-set came to be? Why does the public have such a limited role in political decision making? Why is our notion of citizenship often nothing more than voting? Has civil society diminished and if so, what are the reasons? Why is there such a disconnect between “we, the people” and “they, the government”? Why do citizens often see themselves as consumers of government? Why do professionals set aside their professional life from their lives as citizens? Has it always been so? Need it always be so?

These are the kinds of questions that led us to engage R. Claire Snyder, an assistant professor at Illinois State University, to delve into the history of the role of the public in public affairs, attempting to discover when and how the ideas and practices of “civic republicanism” diminished. Beginning with Alexis de Tocqueville and concluding with Walter Lippmann, Snyder examines the elements of and the causes for the decline of active citizenship and the emergence of the “professional policymaker.” She examines the nineteenth century’s vibrant civil society, the role of political parties, the ensuing civic practices of the Populists, the Progressive Era, and the emergence of social scientific study in the early twentieth century. She
constructs a public history that focuses on the civic life of ordinary citizens.

During the Progressive Era, she discovers, a major transition occurred in American public life. We shifted from an active, community-based form of citizenship to a passive individualistic consumer-based form of citizenship. Political scientists and other elites deemed the public irrational during an era in which socialism, populism, fundamentalism, and authoritarianism were on the rise. During the 1920s, social science helped discredit the public by showing it to be irrational. Events of the time (the Red Scare, the rise of nativism and the Scopes Monkey Trial) began to raise doubts in the mind of intellectuals as to the ability of the public to act in a rational manner.

While the question of whether strong republican citizens can be created out of diverse individuals remains one of the primary challenges for democratic theorists and practitioners today, Snyder provides a rich historical context from which we can continue to ask our questions and perhaps begin mapping a way back into politics for the public.

Deborah Witte
Introduction

By R. Claire Snyder

Americans have been “forced out of politics by a hostile take-over” and are “mad as the devil,” says David Mathews, president of the Kettering Foundation. Citing a recent study of the American public, Mathews demonstrates that American citizens are angry that they have been “pushed out of the political system by a professional political class of powerful lobbyists, incumbent politicians, campaign managers — and a media elite” and have thus lost “their rightful place in governing the nation.” It was not always that way. Up through the nineteenth century, civic republicanism, with its ideals of active citizenship, public deliberation, and civic virtue, played an important role in American politics and society. According to the civic republican model of citizenship, in order to become a citizen one has to engage in civic practices, such as public deliberation. In other words, in order to be a citizen, one must act as a citizen; one can be a citizen only if one acts with others to solve common problems. Moreover, it is only through civic action that individuals learn civic virtue — that is, putting the common good ahead of individual self-interest. In short, through working together on common problems diverse individuals learn civic virtue and become citizens. I call this civic republican vision the citizenship of civic practices. Recognizing the historical tradition of civic republicanism in America leaves us with the following question: How exactly did the public get shut out of politics?

American Civil Society and the Citizenship of Civic Practices

Civil society is the traditional arena in which individuals become citizens as they engage together in civic actions. “Civil
Civil society is the traditional arena in which individuals become citizens as they engage together in civic actions.

society," says Benjamin R. Barber, occupies the middle ground between government and the private sector. It is the space we occupy when we are engaged neither in government (voting, jury service, paying taxes) nor in commerce (working, producing, shopping, consuming). And it is a space defined by such activities as attending church or synagogue, doing community service, participating in a voluntary association, contributing to a charity, assuming responsibility in a PTA or a neighborhood crime watch or a hospital fund-raising society. Civil society shares with government a sense of publicity and a regard for the general good and the commonweal, but unlike government it makes no claims to exercising a monopoly on legitimate coercion. Rather, it is a voluntary and in this sense “private” realm devoted to public goods. It shares with the private sector the gift of liberty: it is voluntary and is constituted by freely associated individuals and groups; but unlike the private sector, it aims at common ground and consensual (that is, integrative and collaborative) modes of action. Civil society is thus public without being coercive, voluntary without being privatized.

In other words, civil society is the realm of civic action in which diverse individuals become citizens as they act together for the common good.

In eighteenth- and nineteenth-century America, a strong civil society existed in which American individuals became citizens as they engaged together in civic practices. During the nineteenth century, American “society not only reflected but helped codify the three-celled model” of market, civil society, and state that “we have lost in this century. In that era, when (as Tocqueville suggested) liberty was local and civic activity more prevalent, a modest governmental sphere and an unassuming private sector were overshadowed by an extensive civil society tied together by school, church, town, and voluntary associations.”

In Democracy in America, Alexis de Tocqueville comments on the role of civic action traditionally played in creating citizens who are committed to the public: “The native of New England is attached to his township because it is independent and free: this
cooperation in its affairs insures his attachment to its interest; the well-being it affords him secures his affection; and its welfare is the aim of his ambition and of his future exertions." The concern with the public good that constitutes citizenship is constructed through the practices of self-government. "Patriotism," he argues, "is strengthened by ritual observance," by engagement in the practices of citizenship required in a system that "divides local authority among so many citizens, [and] does not scruple to multiply the functions of the town officers." New England is "thoroughly democratic and republican."

Tocqueville argues that citizens cannot exist absent participation in self-rule. In making this argument he contrasts the civic action of the American citizen to the apathy of the European subject. "There are countries in Europe," he explains, "where the natives consider themselves as a kind of settlers, indifferent to the fate of the spot which they inhabit." Their indifference arises from the fact that "the greatest changes are affected there without their concurrence." Because the European subject views government as "unconnected with himself," it does "not concern him." Even if "his own safety or that of his children is at last endangered," he does not act but instead "folds his arms, and wait[s] till the whole nation comes to his aid. . . . When a nation has arrived at this state, it must either change its customs or its laws, or perish; for the source of public virtues is dried up; and though it may contain subjects, it has no citizens."

In opposition to the European subject, Tocqueville argues, the American citizen does not look to the state to solve his problems. Instead, American citizens solve their own problems through the process of public deliberation and civic action: "When a private individual meditates an undertaking, however directly connected it may be to the welfare of society, he never thinks of soliciting the cooperation of the government; but he publishes his plan, offers to execute it, courts the assistance of other individuals, and struggles manfully against all obstacles." For example,

if a stoppage occurs in a thoroughfare, and the circulation of vehicles is hindered, the neighbors immediately form themselves into a deliberative body; and this extemporaneous assembly gives rise to an executive power, which
remedies the inconvenience before anybody has thought of recurring to a preexisting authority superior to that of the persons immediately concerned.

In fact, public deliberation is such a central part of American life that "no sooner do you set foot upon American ground, than you are stunned by a kind of tumult; a confused clamor is heard on every side; and a thousand simultaneous voices demand the satisfaction of their social wants." The interaction of diverse perspectives is productive: "He is canvassed by a multitude of applicants and, in seeking to deceive him in a thousand ways, they really enlighten him." In fact, "the cares of politics engross a prominent place in the occupations of a citizen in the United States." In this way, early American citizens exercised "the most natural privilege of man, [which] next to the right of acting for himself, is that of combining his exertions with those of his fellow-creatures, and acting in common with them." In Tocqueville's estimation at least, a strong civil society, a key component of civic republicanism, existed during the early years of American history.

Tocqueville, however, was not uncritical of American civil society. First of all, Tocqueville feared that the existence of (what he saw as) equality of condition could eventually lead to radical individualism and the erosion of society. As he explains, democratic society lacks the hierarchical organization that in aristocratic society ensures bonds of obligation and dependency between men. "Aristocracy had made a chain of all the members of the community, from the peasant to the king; democracy breaks that chain, and severs every link. . . . Thus, not only does democracy make every man forget his ancestors, but it hides his descendants and separates his contemporaries from him; it throws him back forever upon himself alone, and threatens in the end to confine him entirely within the solitude of his own heart." Thrown back on himself alone, democratic man develops a sense of individualism "which disposes [him] to sever himself from the mass of his fellows, and to draw apart with his family and his friends; so that, after he has thus formed a little circle of his own, he willingly leaves society at large to itself. . . . Individualism, at
first, only saps the virtues of public life; but in the long run, it attacks and destroys all others, and is at length absorbed in downright selfishness.” In a nonhierarchial, democratic society, “the bond of human affection is extended, but it is relaxed.” Each man becomes concerned only with the interests of himself and his close circle of family and friends.

For Tocqueville, only participation in civic practices can counteract the fragmentation of democratic society. “It is difficult to draw a man out of his own circle to interest him in the destiny of the state,” Tocqueville reasons, “because he does not clearly understand what influence the destiny of the state can have upon his own lot.” However, once a man takes action at a local level to achieve his own self-interest, he begins to see the connection between his private interest and the public good.

“Thus, far more may be done by entrusting to the citizens the administration of minor affairs than by surrendering to them the control of important ones, toward interesting them in the public welfare, and convincing them that they constantly stand in need of one another in order to provide for it.” Furthermore, through civic practice at the local level the man becomes the citizen who cares for the public good. The need for common action “perpetually brings men together, and forces them to help one another, in spite of the propensities which sever them.” As a result “a great number of citizens [learn] to value the affection of their neighbors and of their kindred.” While men “attend to the interests of the public, first by necessity, afterwards [they do it] by choice.” Civic action creates citizens and instills in them concern for other citizens and their common society.

Secondly, Tocqueville fears that democratic civil society can lead to a “tyranny of the majority.” That is, Tocqueville argues that because all power in a democracy derives from the people, no standard of judgment exists outside the decisions of the majority: “When an individual or a party is wronged in the United States, to whom can he apply for redress?” All political institutions represent the majority in one way or another. Absolute sovereignty of the community means that there are no independent standards by which community decisions can be
judged. Consequently, the interests of minority groups could easily be overrun by the decisions of the majority, and there would be no appeal. This overwhelming power of the majority could lead to tyranny: "Unlimited power" — even of the people in a democracy — "is in itself a bad and dangerous thing," Tocqueville cautions us, because "human beings are not competent to exercise it with discretion" as is God.

Carrying his critique even further, Tocqueville argues that the power of the majority could also hinder the very formation of dissenting opinions, thus truncating political debate. That is to say, in America "the majority possesses a power which is physical and moral at the same time, which acts upon the will as much as upon the actions, and represses not only all contest, but all controversy." Tocqueville insists that he knows "of no country in which there is so little independence of mind and real freedom of discussion as in America." And while he is right that religious and aristocratic political theories never seriously challenged democratic theory in the United States, Tocqueville may be overstating the point a bit. For example, serious differences of opinion certainly emerged in American politics during the "Populist moment." In fact, I would argue that the ostensible "consensus" over basic issues in America emerged not out of a fundamental agreement about the issues, but rather resulted from a deliberate attack on Populist and Social Democratic movements that ultimately resulted in the ostensibly permanent purging of certain issues from the American political agenda. And so while I certainly do not wish to dismiss the coercive power toward social and political conformity that Tocqueville pointed out, I do want to stress the fact that real differences have existed in American politics. In fact, in the upcoming sections of this paper, I will both discuss the coercive power of the democratic community Tocqueville warned us about and show how our American "consensus" actually resulted from a political struggle in which certain issues were pushed off the political agenda and in which the public was shut out of the political process.

Finally, while Tocqueville addresses problems of equality in civil society, I would add that the existence of a strong civil society also entails problems of social inequality. That is to say, if social
inequalities, such as those of gender, race, and class, exist in civil society, they will affect the interactions of individuals. Just because the state has granted equal citizenship to all adult individuals regardless of gender, race, and class does not mean that inequalities — whether due to differential socialization, social practices, economics, or old-fashioned prejudice — will not adversely affect the ability of those individuals in traditionally subordinate groups to participate fully in civic practices. Many examples come to mind. Women might be less available to participate in civic practices because of their traditional responsibilities for child care and domestic labor. African-Americans might feel uncomfortable participating in civic practices in a community where racist hostility is prevalent. Working people might not feel they can afford to disagree with their employers in a public forum. And gay and lesbian citizens might not feel physically safe speaking frankly about their experiences and expressing their opinions in certain communities. The deleterious effects of social inequalities on the possibility of full citizenship for disadvantaged groups often spurs those on the Left to call for state intervention to eradicate those social inequalities. After all, the key institutions of civil society — schools, churches, and voluntary organizations — are often less than bastions of equality, inclusivity, and/or diversity. While many reasons exist for wanting to nurture an active civil society and protect it from state incursions, we cannot ignore the fact that very real social inequalities will take a toll on interactions within civil society.

We must remember that the civic republican ideal of an active civil society, in which diverse individuals become citizens as they engage together in civic practices, contains both virtues and vices. While the citizenship of civic practices produces active citizenship, it can also be exclusionary. For example, as we shall see, historically, American civil society was strongest when it was most homogeneous; that is, when its citizens were predominantly Anglo-Saxon Protestant men. And African-American men were not welcomed to participate once they gained citizenship. In fact, as I will argue, it was precisely the increasing diversity of the American populace that (in part) fueled the attack on civil society and active citizenship that ultimately resulted in the
emergence of the professional politics paradigm. So, while a strong civil society constitutes a democratic ideal, if its existence depends on the exclusion of certain groups of people, then the ideal functions in an undemocratic, and hypocritical, way. In other words, it is not enough for the process to be democratic in theory. Real democracy entails the commitment to and actualization of certain principles as well, such as inclusivity and social equality. Whether strong republican citizens can be created out of very diverse individuals remains one of the primary challenges for democratic theorists and practitioners today.

In Tocqueville’s understanding of early America, no rigid distinction exists between civil society and the state, a situation Tocqueville attributes to the primacy of popular sovereignty. Indeed, America from its inception through the end of the nineteenth century lacked a strong state comparable to the ones in Europe. While this has led some to assert the statelessness of the early American republic, Stephen Skowronek has shown that while its “meager concentration of governmental controls at the national level made early America the great anomaly among Western states,” the early American state was still a state. He argues that its “peculiarities” should be treated as “distinguishing marks of a particular state” rather than as evidence of statelessness.

Skowronek has dubbed the early American state the “state of courts and parties.” That is, the American system of courts and parties knit together the purposely fragmented, conflictual institutions of American government. “Together, courts and parties formed the bulwark of the early American state. Their routines lent operational integrity and internal order to government, allowing it to service a sprawling and pluralistic nation. . . . At the same time, however, courts and parties imparted an evanescent or elusive quality to the early American state that, at least until the 1870s, reinforced the characteristic sense of statelessness in early American political culture.” So while there was an early American state, Skowronek argues, its “elusive quality” led Tocqueville and others to assert that there was no state in early America, only civil society.

Political parties not only integrated various sectors of govern-
ment, both horizontally and vertically, but also stimulated broad-scale civic action. Michael E. McGerr’s book *The Decline of Popular Politics* documents the importance of political parties in America from the 1830s through the early 1890s. In this period of strong partisanship, we can clearly see the existence of a strong civic republican tradition. While citizens voted at high rates during this period, they took a more active role as well; it was generally believed that the populace had to confer symbolic approval of convention nominations: “When the national conventions chose the presidential candidates, local party members ‘ratified’ the ticket with speeches, parades, bell-ringing, and cannon fire.” 

Citizens participated in “pole raisings” which “celebrated the significance of the people.” Thus, American popular politics may be placed within a broader context of a civic republicanism in which citizens are created through participation in civic practices.

Focusing on the American north, McGerr portrays the nineteenth century as a period characterized by high levels of civic action including, but not limited to, high rates of voting. The two political parties stimulated political participation and fostered a strong sense of partisanship in citizens through the publication of party newspapers and the organization of what McGerr calls “spectacular politics.” Beginning in the 1820s and 1830s and reaching their height after the Civil War, spectacular politics occurred around political, usually presidential, campaigns which included “spectacular displays of exuberant partisanship. Through participation in torchlight parades, mass rallies, and campaign clubs and marching companies, men gave expression to the partisan outlook of the newspaper press.” Through the sponsorship of spectacular campaigns, which were then organized at the local level, the national political parties created “an intense, enveloping partisan experience” and one in which entire communities participated.

From McGerr’s description of nineteenth-century civil society, we can discern the existence of high levels of civic deliberation. That is, we can assume, given the centrality of party newspapers, partisan issues, and political speeches in this era of spectacular politics, that individuals throughout the community
were actively engaged in civic deliberation in both formal and informal ways. Certainly, political speeches were a central part of spectacular politics: "Unable to find seats inside [to hear visiting 'party heroes' speak], thousands of people often stood in the streets to hear orators speak from makeshift platforms."

Despite the popularity of party heroes during this period, campaigns were waged on the basis of issues, not personalities; the actual presidential candidates played a limited role in their own campaigns. All candidates were expected to do was accept the nomination and endorse the party platform. In fact, campaigning vigorously on one's own behalf was considered to be in poor taste.

However, civic deliberation was just one of the civic practices important to American politics. That is to say, the era of strong partisanship and spectacular politics that McGerr describes entailed a strong civil society in which citizenship was constituted through a set of civic practices including, but not limited to, public deliberation. Speeches played an important role in spectacular politics, but so did parades, floats, sing-alongs, and picnics. "Together the clubs and companies created a partisan spectacle that engulfed northern communities for the three months before election day." "Spectacular campaigns," McGerr tells us, "mingled the intellectual stimulation of an open-air, hourlong oration on the tariff with the military nostalgia of the uniformed company. Partisan display combined the exertion of long marches with the delights of a fireworks show. Transforming communities into partisan tableaux, spectacle-fused martial dreams, intellectual endeavor, leisure enjoyment, and hard labor in the service of politics."

Engagement in civic practices creates citizens out of diverse individuals in two key ways. First, public deliberation requires that individuals work together to govern themselves for the common good, rather than simply pursuing their own interests. During this process, individuals become citizens. Second, engagement in nondeliberative civic practices such as parades, picnics, and sing-alongs, fuels the desire of individuals to pursue the common good by instilling in them a love for the community and for what they share in common. Without an attachment
to the community and its members, individuals are less likely to put the common good ahead of individual self-interest during deliberation. Thus, nondeliberative civic practices actually function to undergird public deliberation.

My analysis of civil society as a realm in which individuals become citizens as they participate in civic practices speaks to the question McGerr lays out in his introduction: namely why is there a strong positive correlation between spectacular politics and voting? In his answer to this question, McGerr argues that, in the first place, political parties stimulated voting by drawing people into the political process. More importantly, however, "the significance of political spectacle and party journalism lay not so much in their effect on voting at this or that presidential election as in their influence on the habits of the generations of men voting at all elections, local as well as national, in the nineteenth century." Spectacular campaigns "captivated" and "initiated" young boys into politics. They made political participation into a necessary part of being a member of a community. Furthermore, partisanship became an important aspect of identity: "Through participation in spectacular campaigns, Northerners revealed their belief not merely in the legitimacy of party commitment, but also in the necessity of demonstrating that commitment in public before the community. Like the party press, political spectacle made partisanship appear an integral element of men's identity and outlook." More pointedly, partisanship was central to civic identity because it caused men to engage in civic action and only through that action could they become citizens. In other words, citizen is not a prepolitical identity but an identity constructed through civic practice.

Many scholars dismiss the importance of civic practices in nineteenth-century American politics. For example, attacking valorizations of the highly attended Lincoln-Douglas debates as examples of civic participation and deliberation par excellence, Michael Schudson maintains that while "it is true" that many people attended the debates, "it is not at all apparent what in those debates they attended to. It is true that they participated, but it is not clear that they were interested in issues of transcendent importance." Political campaigns in the nineteenth century,
Schudson argues, were more "religious revivals and popular entertainments than settings for rational-critical discussion." Recalling his own experience in the 1960s, Schudson insists that "there is a big difference between attending a rally and actually listening to the speeches." He concludes that "the idea that a public sphere of rational-critical discourse flourished in the eighteenth or early nineteenth century, at least in the American instance, is an inadequate, if not incoherent, notion.”

While "a public sphere of rational-critical discourse" might not ever have existed in America, Schudson is missing the important point. That is, with his strict commitment to a Habermasian definition of the public sphere, Schudson overlooks what was really important about democratic republican politics in the nineteenth century.” That is, nineteenth-century America was characterized by a vibrant civil society in which individuals became citizens as they engaged together in civic practices. While public deliberation is certainly one important civic practice, other practices matter as well. Thus, the important question is not whether people actually listened to the arguments made in political debates and deliberated about the issues — although, given the context, it is hard to believe that nineteenth-century Americans did not do this. What matters more is the fact that individuals were being transformed into citizens, as they attended rallies, gathered in the streets, sang songs, picnicked, and marched in parades.

Furthermore, Schudson misunderstands what constitutes citizenship within the civic republican tradition. That is to say, in a direct attack on McGerr’s political project, Schudson argues that “spectacular politics” was “more a communal ritual than an act of individual or group involvement in rational-critical discussion. . . . It was organized much less with the rational choice of the individual voter in mind. The voter, in a sense, was not conceived of as an individual but as an entity enveloped in and defined by social circumstance and party affiliation.” As I have been arguing, however, the civic republican tradition does not conceptualize citizens as prepolitical entities who then choose whether or not to engage in political discourse or action. Instead, citizenship is constructed through civic practice. In other words,
citizenship should be understood as a set of practices that produce a civic identity, rather than as a preexisting, prepolitical category.

Of course, in the age when civic republicanism was strongest, citizenship was restricted to white males only. Even after African-American men were granted citizenship, they did not participate in civic practices alongside white male citizens. In fact, social inequalities were often reinforced during civic rituals, rather than ameliorated or transcended. Thus, we cannot uncritically valorize all traditional aspects of civic republicanism. But political theoretical traditions are not static; they evolve over time. Consequently, we can situate ourselves within a historic tradition of civic republicanism, in order to hold onto its democratic ideals, and at the same time call for the transformation of these ideals, so that they are made to be truly inclusive and democratic as well as suitable for our contemporary society.

The Civic Practices of the Populists

The Populist movement grew out of the complicated political debate that emerged after the Civil War over the supply of money. During the war, the U.S. government borrowed money from the eastern banking establishment in order to finance the war. This put so much pressure on gold reserves that the country ended up going off the gold standard and issuing paper money or “greenbacks.” The expanded money supply led to a devaluation of currency. At the end of the war, the bankers who had purchased government bonds looked forward to windfall profits: A return to the gold standard would mean that a war that had been fought with 50-cent dollars would be paid for with 100-cent dollars. The creditors would make huge profits that would be paid for by the taxpayers at great cost to their livelihoods. As Lawrence Goodwyn notes, the alternative to the return to the gold standard would have been to accept the devaluation of American currency. While this would have been painless for the public at large, it would prevent the bankers from reaping their anticipated windfall profits. In short, the debate over the money supply pitted eastern monied interests (banker-creditors) against
the majority of the public (debtor-producers). Ultimately, the return to the gold standard and the deflation it entailed “was a mass tragedy which eventually led to the Populist revolt.”

During the 1870s, the government eased toward a return to the gold standard by refusing to issue more money as the population and production increased. This led to falling prices and created severe economic hardship throughout the rural South and West. This situation combined with the crop-lien system — similar to the infamous “company store” — and the monopoly power of railroads, which allowed them to charge usurious rates, led to a plummeting standard of living and large-scale bankruptcies that reduced many small farmers to sharecroppers.

The public was not included in the decision to go back on the gold standard, a decision that clearly affected society at large. In fact, the decision was made in virtual secrecy without even the benefit of congressional debate. More specifically, during the early 1870s, a currency bill dropping the silver dollar from America’s coinage was passed by the Congress. Enacted at a time when newly discovered silver would have greatly expanded the country’s money supply, the bill prevented the depreciation of the currency and so protected the anticipated profits that would go to wartime bondholders. “Partly as a result of disingenuous explanations by its congressional sponsors,” Goodwyn tells us, “the bill attained final passage in January 1873 without even a roll call vote in the Senate. Though specie payments were not resumed at once, silver was ‘demonetized’ and the country placed on a gold standard.” Again, this decision, which had far-reaching consequences for the public at large, was not given the benefit of even congressional deliberation.

Although for a long time the public remained unaware of this decision, when they found out about it many citizens were outraged. In fact, the secret decision to go back on the gold standard became known as the “Crime of 1873.” While the complicated arguments about monetary policy “were not widely grasped, even in Congress, and certainly not in the country at large,” the public clearly understood the connected issues of increased unemployment, decreased demand, and wage cuts.
What they understood was that “silver suddenly was not worth much and the country was gripped by a depression. It was at this point that the alarms sounded on the “Crime of 1873.” Furthermore, “once its congressional origins were understood, the perpetrators of the coinage bill were condemned by the public. . . . The outcry for silver that materialized emanated from debtors, farmers, laborers, and others most vulnerable to the hardships of the depression. Yet the groundswell for silver derived less from broad public understanding of currency than from moral outrage at the apparently surreptitious means by which the bill had achieved congressional approval.” Primarily, the public was irate that it had been shut out of the supposedly democratic process.

Goodwyn cites the “Crime of 1873” as the beginning of the Populist movement. Although the movement went through a series of changes from its beginning to its end in 1896, three issues form its core agenda. First, the Populists were concerned with the centralization of land ownership in agricultural America. Secondly, they were concerned with America’s hierarchical banking system. And finally, the Populists were concerned about “the consuming threat that corporate centralization poses to the democratic heritage itself.”

In keeping with the tradition of spectacular politics characteristic of the nineteenth century, the Populists engaged in a variety of civic practices including, but not limited to, civic deliberation. As the Populist movement went into full swing in the mid-1880s, it developed what Goodwyn calls a “movement culture”:

This culture . . . extended to frequent [Farmers] Alliance meetings to plan the mass sales — meetings where the whole family came, where the twilight suppers were, in the early days, laid out for ten or twenty members of the suballiance, or for hundreds at a county Alliance meeting, but which soon grew into vast spectacles; long trains of wagons, emblazoned with suballiance banners, stretching literally for miles, trekking to enormous encampments where five, ten, and twenty thousand men and women listened intently to the plans of their Alliance and talked among themselves about those plans. At those encampments
speakers, with growing confidence, pioneered a new political language to describe the “money trust,” the gold standard, and the private national banking system that underlay all of their troubles in the lien system.

Thus, like the citizens involved in spectacular partisan politics, the Populists both deliberated and acted together in a variety of civic practices.

Critics of public deliberation should take note that through the sharing of personal experiences, civic deliberation, and common action in the movement (and the reactions it engendered), “the plain people” were able to produce an analysis of complex political issues, like the new system of commerce, the American banking system, and monetary policy. A large-scale lecturing system spread the Populist analysis across the country and brought millions into “well-attended public debates in town halls and at outdoor rallies across the nation.” In Goodwyn’s words, the Populists “dared to listen to themselves individually, and to each other.” Thus, civic deliberation was an essential component of Populist civic practices.

Civic deliberation alone was not enough, however; the other civic practices the Populists engaged in, such as “their mass encampments, their rallies, their wagon trains, [and] their meals for thousands,” were absolutely essential to sustaining the movement because they created the attachment that underwrote the willingness of individuals to participate in civic deliberation. As Goodwyn tells us, the Populist lecturers understood that they “could not create mass institutions of reform by winning, one at a time, intellectual debates with individual citizens over the fine points of a political platform. In order for great numbers of hard-pressed people to achieve the self-confidence, self-respect, and psychological autonomy essential to a movement aiming at significant changes in the culture of a society,” they needed an alternative movement culture to sustain them. The movement culture created by the cooperative structure of the Farmers Alliance, out of “the elaborate encampments, the wagon trains, the meals for thousands” and out of “the years of laboring together in the suballiances to form trade committees, to negotiate with merchants, to build the cooperatives to new heights, to discuss
the causes of adversity, and in time, to come to the new movement folkway,” died with the Alliance.

It is important to recognize that the Farmers Alliance did not die out because the public rejected the ideas it advocated or because there was an underlying consensus about monetary policy and finance capitalism. The Farmers Alliance died out because it could not withstand “the tactical influence of the American financial community,” the “lack of access to credit,” and the “raw applications of commercial power.”

As the People’s party emerged out of the ashes of the Farmers Alliance (1892), the lecture system changed from being a stimulus of deliberation among citizens to being a system for dispensing information to passive individuals: “Within the People’s party, as it organized itself, there could be no continuing democratic dialogue, no give and take of question and answer, of perceived problem and attempted solution, between rank-and-file members and elected spokesmen, such as had given genuine democratic meaning to the days of cooperative effort within the Alliance. Rather, reform editors asserted and defended the Populist vision, and their subscribers, in organizational isolation, received these views in a passive state, as it were.” Here we see a transition within the Populist movement from community-based citizenship to individualistic information consumption that — as we will soon see — parallels a similar shift in the larger political party structure. Furthermore, like those mobilized by the political parties, the Populists also participated in civic practices within civil society through which they were transformed from individuals — from farmers and laborers — into citizens.

In the case of the Populists, however, the strong political party system with its vibrant civic practices actually worked to undermine the possibility of deliberative democracy, at least on certain fundamental issues. First of all, both the Republican and the Democratic parties were controlled by business and financial entrepreneurs and so both were resistant to the reforms advocated by the Populist movement and acted to prevent them. Second, the process we discussed above, through which the parties instilled loyalty in their members by engaging them in civic practices, worked extremely well. “For a farmer in Iowa or
Illinois to leave the Republican party in order to become a Populist he had to overcome not only his memories associated with the 'Party-that-saved-the-Union,' but the enduring and very visible civic presence of that same party in his own time and locale.” The enactment of the same civic rituals “year after year . . . ensured the loyalties of the younger bankers, ministers, and plain people. . . . Standing up against one’s minister, civic leaders, and economic and cultural models not only tested a person’s range of psychological autonomy but his intellectual ability to define what authentic patriotism was.” As Tocqueville warns in *Democracy in America*, “the impediments to political nonconformity were impressive.”

While the Republicans undermined the Populists through appeals to sectional patriotism, the Democratic party did the same and deployed racism as well. So while the civic rituals of the southern Democratic party instilled partisan loyalty and patriotism in its citizens, racism worked to drive a wedge — or I should say reinforce the wedge that already existed — between whites and African-Americans. In the case of the Populists, racism was able to override common economic interests in many cases. “White supremacy prevented black farmers from performing the kinds of collective public acts essential to the creation of an authentic movement culture.” That is to say, the strong political party system with its vibrant civic practices, in the case of the Populists, actually worked to undermine the possibility of deliberative democracy when it endangered business interests or perceived (white) racial interests. This exemplifies the danger we discussed above: the democratic ideal of civil society and a *citizenship of civic practices* can be used in undemocratic ways and for undemocratic ends.

“Politics as usual” returned full force, with the presidential election of 1896 in which Democratic nominee William Jennings Bryan, representing a mere shadow of what had been the Populist agenda, ran against a well-financed Republican, William McKinley. Moreover, the McKinley campaign was “America's first concentrated mass advertising campaign” and was financed by big business interests, such as railroads, insurance companies, entrepreneurs (like J. P. Morgan), and Standard Oil
— America's first "trust" (an issue we will discuss at length in the next section of this paper). In an era in which costly advertising began to play a key role in who got elected, large differentials in wealth created through the industrialization process gave wealthier citizens vast amounts of power by which to influence the electoral process. This power was increased by another trend that occurred simultaneously: the corporate takeover of newspaper ownership and thus control of content.

As a result of these happenings, issues of fundamental concern to the public were expunged from the American political agenda — perhaps permanently — and this contributed to a loss of interest in politics on the part of the American public. Questions of justice and democratic accountability could no longer be raised in reference to the issues of land centralization, finance capitalism, and corporate centralization. With the "consolidation of economic power in corporate America" — the details of which we will discuss below — "the Populist fear that corporate concentration would undermine the popular autonomy necessary to the preservation of authentic democratic dialogue has been realized." The exclusion of Populist issues from the public agenda constitutes one important element in the public's loss of interest in politics. This trend was reinforced by a corresponding and deliberate attack on mass political parties that earlier in the century had mobilized citizens — another issue we will discuss more fully below. As we recall, the parties had created the opportunity for individuals to engage in the civic practices through which they would be constituted as citizens. Together, these two phenomena — the purging of key public concerns from a corporately controlled political agenda and the attack on mass political parties — constituted a significant attack on the inclusion of the public in American democracy.

The shutting out of the public at the end of the nineteenth century that occurred with the demise of the Populist movement laid the foundation for the alienation from politics that the public feels today at the end of the twentieth century: "A heartfelt but unfocused discontent about 'politics' has . . . become a centerpiece of the popular subculture. Twentieth-century people . . . take refuge in private modes of escape and
The transition from active, community-based citizenship to a passive, individualistic, consumerist "citizenship" occurred during the Progressive Era and corresponded to the decline of civil society. The citizen politics that existed during the age of civil society were replaced by the "professional politics paradigm" — the belief that we need "experts" and "professionals" to govern for us — which accompanied the building of the "new American state." How exactly did this happen? So far, we have seen some of the ways in which the Populists and their issues were shut out of politics. Now I would like to examine two key factors that led to the shutting out of the public that occurred during the Progressive Era. First, I will argue that the problems created by industrialization resulted in both the construction of the large corporation and the building of a modern, regulatory state. As a consequence, the vibrant civil society that had existed during the nineteenth century was crushed between these new forms of state and market. Second, I will argue that a related fear on the part of the white, middle class of the increasingly heterogeneous American public led to an attack on that public, and specifically on African-Americans, immigrants, and working people, as well as on the strong political parties that had mobilized the public. Consequently, citizens were shut out of our "democratic" politics. As a result of these two phenomena, the "professional politics paradigm" emerged.

Industrialization and increasing diversity led to a variety of changes that affected the state, civil society, and the market. The
existing “state of courts and parties” was unable to deal adequately with these changes. Although a new state form did not functionally emerge to meet new societal needs, over the course of the Progressive Era, the American state did change in “fits and starts” from a “state of courts and parties” to a modern, bureaucratic state, concerned with both internal regulation and an increasingly internationally oriented foreign policy. In the realm of civil society, during this period, we see increasing diversity and conflict. Fear of this increasingly heterogeneous public contributed to an attack on the mass political parties that had mobilized the public into action and created active citizens. And in the realm of the market, we witness an economywide “corporate reconstruction of capitalism” that resulted in a transition from “competitive, proprietary capitalism” to “corporate capitalism.” The interrelated changes that occurred in the market, civil society, and the state facilitated the emergence of the “professional politics paradigm” and, consequently, the gutting of the concept of citizenship and the eclipse of civil society. Here I would like to stress that these changes should not be viewed as natural, functional, or inevitable. These changes that brought the eclipse of civil society and the privileging of “experts” were the result of politics — politics made by people.

Industrialization — A General Overview

Industrialization inherently involves change, and the changes engendered in American society during the late nineteenth century rendered the “state of courts and parties” inadequate for emerging societal needs. These changes included the emergence of large towns and cities and the creation of significant class differences for the first time. Long hours, low wages, child labor, unsafe working conditions, and an absence of any governmental safety net characterized this period. Out of these circumstances came the beginning of labor unionization and some of the most violent struggles between labor and capital in the Western world. Moreover, conflict also developed among capitalists, such as factional conflicts among merchant, finance, and industrial capital, and between small and large business.
“The growth and concentration of the population, the division of labor, the specialization of functions, the differentiation of social sectors, and the advance of technology” inherent in the unfolding of the industrialization process created a more complex society that made coordination and communication more difficult. Industrialization also created a need for national transportation (railroads) and communications (telegraph) systems, which in turn allowed for the emergence of a national market and the large, nationally oriented manufacturing firms that could cater to it. In light of all these changes, conflicts, and new needs, doubt emerged at the end of the nineteenth century as to whether industrialization could cure its own ills.

**Key Decisions That Contributed to the Shutting Out of the Public**

**Regulating the Railroads: The Interstate Commerce Act of 1887**

The growth of interstate railroads in the latter half of the nineteenth century created the need for increased state regulation. Competition among various trunk line corporations and their affiliates frequently led to inefficiencies, unfair pricing, rate wars, bankruptcies, and breakdowns in the system of transportation. Even in the face of such ruinous competition, however, railroads were unable to overcome individual self-interest and voluntarily regulate themselves. Moreover, during the nineteenth century, the states and not the federal government were responsible for any business regulation. Because the railroads ran across the country, the states could not sufficiently regulate them. In short, neither the states nor the railroads themselves could act to regulate railroads for the common good. Out of this situation came the federal government's first attempt at business regulation, the Congressional Act to Regulate Interstate Commerce (1887) and the establishment of the Interstate Commerce Commission (ICC).

The public did not participate in this attempt to regulate the railroads. And while the public's elected representatives in Congress drafted the Interstate Commerce Act of 1887, congres-
sional efforts at control were undermined by the Supreme Court. Consequently, citizens were completely shut out of the decision-making process that directly affected their lives. As Skowronek puts it,

If the ICC did not emerge stillborn from the congressional womb, it surely emerged a bastard and soon found itself in an inhospitable judicial environment with inadequate provisions for survival. The Supreme Court, now firmly dedicated to saving the private economy from the impulsiveness of American democracy in a very different way, accepted this stepchild of legislative expedience as another indication of irresponsible and undisciplined policy-making by the legislature.⁴⁹

Granted, the Interstate Commerce Act was problematic, not in the sense “that it served any one interest but [in the sense] that it ventured into inconsistency and ambiguity in failing to choose among the interests. Congress had not transformed the conflicts within society into a coherent regulatory policy but had merely translated those conflicts into governmental policy and shifted them to other institutions.”⁵⁰ Nevertheless, the important point for our discussion is that the Court acted to undermine legislation enacted by the public’s representatives, in order to save the private economy “from the impulsiveness of American democracy.” Moreover, even if this had not occurred, the Interstate Commerce Act would have remained legislation that was drafted without direct public input. It is important to note that the Supreme Court’s decision was not the only possible interpretation of U.S. constitutional principles. “The meaning of the [Interstate Commerce Act] was open to question. The decision to destroy rather than nurture administrative regulation was made.”⁵¹ In other words, the Court’s decision was a political one, yet it was made completely outside of the realm of public deliberation. Furthermore, it overruled the decisions of duly elected representatives of the people.

In any event, the ICC constitutes the first attempt in American history to establish an administrative commission in which experts would govern . . . for the common good.

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politics paradigm.” While early attempts at creating a powerful ICC failed, by 1920, the ICC was revived.⁴² And, in fact, its regeneration “was heralded as a vindication of the independent expert over the narrow interests of political managers and the usurpations of jealous judges.”⁴³ It is Skowronek’s argument that between the late 1880s and 1920 the American state was “reconstituted” and a modern American state came to replace the “state of courts and parties.” In our own terms, the “professional politics paradigm” was constructed.

Theodore J. Lowi cites the ICC as the first move toward the emergence of the “new public philosophy” of “interest-group liberalism” that would come to dominate twentieth-century American politics. According to Lowi’s argument in The End of Liberalism, a fragmented Congress, unable to act together to make legislation aimed at the common good, instead issues broad mandates to administrative agencies who then create policy outside of the legislative arena — and, I would add, without public deliberation. This process responds to, sustains, and in some cases, even creates the power of special interests. Embracing a positive notion of government — positive here meaning both active and good — interest group liberalism “sees as both necessary and good a policy agenda that is accessible to all organized interests and makes no independent judgment of their claims. It . . . defines the public interest as a result of the amalgamation of various claims.”⁴⁴ In other words, interest group liberalism rejects the civic republican notion of the public interest as a synthesis of diverse interests.

Lowi argues that interest group liberalism has eclipsed real public debate. That is, the old dialogue between liberals and conservatives has passed away. Now “the most important difference between liberals and conservatives, Republicans and Democrats, is to be found in the interest groups they identify with.”⁴⁵ We now have merely “the coexistence of a purely ritualistic public dialogue and an ersatz and unrecognized new public philosophy” of interest group liberalism that, according to Lowi, “has produced most of the political pathologies of the 1960s and 1970s. The decline of a meaningful dialogue between liberalism and conservatism has meant the decline of meaningful adversary
political proceedings in favor of administrative, technical, and logrolling politics." As we saw above, issues of concern to the public were increasingly expunged from the political agenda during the latter part of the nineteenth century. And as Lowi tells us, a "graveyard of consensus" came to replace real discourse even among government officials.

The Creation of Corporations

The building of a national railroad system in the latter half of the nineteenth century allowed for the emergence of nationally oriented manufacturing firms that expanded both vertically and horizontally in order to stabilize the market and increase market share. At first, firms formed loose confederations or cartels in an attempt to limit competition voluntarily. As with the railroads, this strategy did not work very well. The next step was the creation of "trusts," in which "a group of trustees (leading producers in the industry) received and held the common stock of different corporations in exchange for trust certificates, thereby effecting legal control by the trust over the properties of the participating firms. This legal device attempted to get around the common law prohibition against one corporation's holding stock in another without explicit statutory authority from a state legislature." Additionally, by the end of the nineteenth century, actual mergers created large corporations in the United States for the first time. "The appearance of state general incorporation laws . . . allowed one corporation to hold stock in others without receiving special permission from the often politically hostile state legislatures."

Without any public deliberation, several specific changes in the law were made, which provided the necessary prerequisites for the emergence of corporations and protected these corporations from public accountability. These changes consisted of alterations in the law of property and contractual liberty and did three things. In the first place, they gave corporations the legal status of persons and so endowed corporations with legal protections similar to those due (white male) citizens. That is, corporations were "protected . . . against deprivation by either federal or

"The decline of a meaningful dialogue between liberalism and conservatism has meant the decline of meaningful adversary political proceedings in favor of administrative, technical, and logrolling politics."
state government of their life, liberty, assets, or earnings, without
due process of the law.” In fact, according to R. Jeffrey Lustig,
the “artificial personality” of the corporation actually gained, not
only power over, but also more legal power than “real persons.”
Secondly, these legal changes instituted collective ownership, and
established the limited liability of the stockholder, and so of the
corporation as well. And thirdly, the legal changes extended the
definition of property from tangible things “to include the
pursuit, and therefore the legal protection, of intangible value, or
earning power — that is, the right to a reasonable return on
investment in intangible assets (for example, ‘goodwill’) as well as
in tangible assets.” All these changes hindered the possibility of
making corporations accountable to the citizenry. In Lustig’s
words, “the real story about the ascendancy of the mature
corporation . . . is not the divorce of ownership from control; it
is the divorce of power from accountability.” These changes
profoundly affected the entire public, yet were made without any
public deliberation.

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Not only did these changes in the law of property take place
without any public participation in the decision-making process,
but as Martin J. Sklar notes, these legal changes had very little
contest at all. Any debate that did occur took place almost
exclusively in scholarly journals and among lawyers and policy-
makers. The public did not participate in the decisions that
resulted in the creation of large corporations — political
decisions that profoundly altered the face of politics in America
up through the present day. Furthermore, the creation of large
corporations went against the principles of civic republicanism
in another way as well. That is, civic republican principles would
call for the creation of “a polity that could harness private
interests to the public welfare.” But instead, as Lustig argues, “an
essential inversion” occurred: “The corporation succeeds, by
contrast, in harnessing vast publics to a private interest. It
subordinates plurality to singularity, the many to the few. It
entrusts social production to private decision and imposes a
uniformitarian logic on the various sectors of social life.” In
other words, the corporation began to eclipse civil society from
the market side.
The public was shut out of the decision-making process that resulted in the judicial creation of corporations. That is to say, corporations did not just emerge naturally out of the process of industrialization. Instead, they were actively created. And as Lustig tells us, “what was abundantly clear during these years [1873-1895] — with land grants, receivership practices, labor policies, and the remolding of the Fourteenth Amendment — was that the modern corporation did not emerge from a process of exemption. It arose from the farming out of powers previously considered part of a neutral public domain. These included the oversight of nature’s ‘opportunities,’ supervision of economic units of great size and special consequence, and a number of more particular tasks such as that of overseeing the commons, coining currency, regulating common carriers, and raising armies. Put differently, what was involved in the corporation’s grasping of power over the context and the direction of industrial development was a taking of various powers over people’s common existence.”

Despite their efforts, however, the firms could not stop the 30-year trend of falling prices (1865-1895), created by technological innovations that allowed for increased production. In 1893, the worst economic depression in U.S. history worsened the problems and tensions produced by the process of industrialization. Lasting through 1897, this depression caused massive unemployment, bankruptcies, and homelessness among the American people at a time when no governmental safety net existed whatsoever. Both the working class and the capitalist class suffered. The economic crisis of 1893-1897 — which Sklar calls “the last great depression of competitive capitalism” — came on the heels of extraordinary economic growth and the competitive concentration of industry. The crisis of the 1890s caused a breakdown of production and exchange relations. . . . The disruption of goods and capital markets during the depression years of 1893-1897 obstructed the financial arrangements necessary for the corporate reorganization of industry that had only begun to acquire momentum in the several years before the Panic of 1893. The short-term, cyclical crisis, however, although disruptive of the corporate reorga-
nization process, heightened the sense of urgency among capitalists, political leaders, and intellectuals about the need to overcome the long-term crisis of the competitive regime.62

According to Sklar’s analysis, the decisive reason why corporate capitalism ultimately ascended over competitive capitalism was “the general disenchantedment of small producers and smaller capitalists themselves with the competitive market.”63 In short, those who owned property wanted governmental regulation that would guarantee stability and “fair” play.

Sklar argues that the end of the nineteenth century saw the existence of a broad societal consensus in favor of government regulation and administered prices, including not only corporate and proprietary capitalists, political leaders, and intellectuals but also professionals, reformers, workers, union leaders, Populists, and Socialists. While major differences existed vis-à-vis how government regulation should be realized, it was generally accepted that intervention was necessary.

Ultimately, by the turn of the twentieth century, civil society was “squeezed between the warring realms of the two expanding monopolies, state and corporate,”64 which emerged from a period of corporate reorganization, beginning with the “merger movement of 1898-1904 and developing thereafter through World War I. This movement produced corporations and a regulatory state as well as “corporate liberalism.” In Benjamin Barber’s words, “the rapid growth of the private market sector in the 1880s and 1890s (when American corporate energy first exploded)” led to “mirror-image expansion of government as it tried to contain the growth of the Gilded Age’s predatorily productive monopoly corporations (before World War I).”65

The Regulation of Corporations: The Sherman Antitrust Act of 1890

The public actively debated “the trust question” and its related issues but again was shut out of the decision-making process that ultimately resolved the issues. The “trust question” — the law of restraint of trade — dominated the Progressive Era.66 Changes in the law of restraint of trade were highly
contested; Congress, state legislators, and citizens all debated the issues. Although a lot of debate occurred among experts in scholarly journals and among policymakers, much of it spilled over into popular discourse in “debates over unemployment, overproduction, farm prices, foreign markets, money and banking, capitalism and socialism.” As with the issue of monetary policy, while the public might not understand the fine points of theoretical discourse, citizens certainly understand the very real political problems connected to complicated and abstract issues. They understand them, and they care about them. So, the public deliberated vigorously about the “trust issue” during the drafting of the Sherman Act in 1889 and 1890 but did not play a direct role in making key decisions.

When Congress attempted to “do something” about corporate power and its problems by passing the Sherman Act, it was overruled by the Supreme Court. The Sherman Act was intended “to halt the spread of big business and collusive practices and to encourage a return to a more competitive economy of smaller firms.” However, in opposition to congressional intentions, the Court interpreted the Sherman Act in a way that actually “speeded up the appearance of the modern, integrated corporation in the U.S.” More specifically,

this was so because the courts ruled that forms of cartel-like behavior were illegal under the act, but that unified combinations were in most instances acceptable. That is, the law forbade collusion by independent firms but did not necessarily outlaw the activities of integrated holding companies created by the legal union of previously separate businesses. The result was that independent businesses were led from cartel-like arrangements to combinations in part by the legal changes originally designed to prevent the rise of more big business.

In other words, when Congress acted in response to public demands, the Court overruled its action. Moreover, the Court’s decision ran exactly counter to what the public desired.

So, again, the courts, and not the public or their representatives in Congress, ultimately made key decisions about an issue that would affect the entire public. While Congress did debate
the trust issue and acted to pass the Sherman Act in 1890, for
the next 24 years, apart from strengthening railroad regulation,
there was never a congressional majority bold enough either to
enact bills that would favor corporations or that would disman-
tle them. "The conflict, therefore, went forward extralegislative-
ly, in the press, in party politics, in the courts, and . . . in a
running controversy between the executive and the judicial
branches of the federal government." 70 Sklar characterizes this
debate as "a seesaw contest that extended almost 25 years (1890-
1914) before arriving at a definitive result" with the Wilson
administration's passage of the Federal Trade Commission Act of
1914. 71 Between 1890 and 1914 "the law of restraint of trade . . .
zigzagged its way through the courts." 72 As Lustig explains,
"when the Supreme Court made itself into a supralegislature in
matters of regulation, it simultaneously removed those matters
from the jurisdiction of the real legislature, and thus from the
range of legitimate public debate." 73 Thus, important decisions
about the regulation of juridically constructed corporations, that
affected the public as a whole, were made neither by citizens nor
by their elected representatives, but by the courts — the govern-
mental institutions that are least accountable to the public.

Moreover, those in favor of the corporate reconstruction of
the American economy feared the power of the public: "The
resulting incongruity of the legal order, combined with contin-
uing popular hostility to corporate power, bred a sense of insecu-
riety among corporate capitalists and underlay their complaints
that political uncertainty hindered economic prosperity." 74
Furthermore, "given the intensity of popular animosity toward
the large corporations, there was always the risk that even non-
Populist presidents and political leaders, either from legalistic
principle or from pursuit of electoral success, might enforce, or
'play politics' with, the Sherman Act, or enact other disabling
legislation at the expense of corporate power." Although — or
perhaps because — the resolution of the "trust question" would
affect the entire public, the procorporate sector wanted not only
"to change the law" but also to "get the corporation question
'out of' politics." Ultimately, the Rule of Reason decisions of
1911 (breaking up Standard Oil and the American Tobacco


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Company), coupled with the Federal Trade Commission (FTC) Act of 1914, accomplished these goals, “but not without about 15 years of protracted, sharp, and bitter political conflict.”

Again, the public was shut out of the decision-making process that resolved the trust question. Responsibility for regulating the corporations would reside with administrative agencies staffed by “experts” and with the courts. Sklar summarizes the resolution in the following lengthy passage:

The corporate-liberal alternative, as embodied in the Rule of Reason decisions and as fleshed out in the legislation of 1914 and since, accomplished two basic conditions: It “depoliticized” the market in the sense of removing the regulation of the market from determination by electoral politics or by the exclusive or paramount power of the state. Second, apart from common carriers, public utilities, or “natural monopolies,” it assured primary regulation of the market by private parties and private law, that is, by private parties subject to judicial process, while assigning to the state, in its legislative and executive capacities, the secondary role through regulatory laws authorizing prosecutorial action or administrative policing, but again, subject to judicial review, and in either case, judicial review based on common-law doctrine and precedent.

In other words, decisions about the market, which clearly affect the public as a whole, were left primarily to private parties, subject to the courts, who would then be overseen by the state and its professionals, who would, in turn, be overseen by the courts. Corporate liberalism resulted in a shifting of political decision making away from the electoral arena, party politics, and the legislative branch, and toward the executive and judicial branches and to “extra-electoral bodies of experts and administrators insulated from the fluctuations of electoral politics.”

Consequently, the public was shut out of the political process, and civil society was “squeezed between the warring realms of the two expanding monopolies, state and corporate” and in the years between the two Roosevelts, “lost its preeminent place in American life.” Civil society went into “eclipse” at first because of “the rapid growth of the private market sector . . . and then by
the mirror-image expansion of government." State and market became two sides of the same coin. As Lustig tells us, American political theory is often seen as split between a "probusiness, antistate conservatism and a pro-state, antibusiness, regulatory liberalism. But the new theory that emerged during progressivism constituted a third alternative that rapidly encompassed and eclipsed these two positions. It was probusiness and pro-state, dedicated to private profit and to regulatory reform. It was both corporate and liberal." This process progressively disempowered the public.

Fear of Diversity

The second major factor contributing to the eclipse of civil society and the shutting out of the public from politics was fear on the part of the white, middle class of the increasingly heterogeneous American public — of the dark, urban proletariat gathering in the cities. Above, we briefly touched on the increasingly significant conflict between capital and labor that emerged at the end of the nineteenth century. Specifically, the beginning of unionization and at least four serious labor battles (the Great Railroad Strike in 1877, the Haymarket riots in 1886, the Homestead Strike in 1892, and the Pullman Strike in 1894) heightened white, middle-class fears at a time when social democracy and communism were on the rise in Western Europe and to some extent in the United States, as well.

Furthermore, at the same time the American public was becoming more racially and ethnically diverse, and fear of this diversity spawned movements to curtail democracy. African-American men were granted the suffrage in 1870, yet afterward neither the Republican nor the Democratic party included them or their interests in their political agendas. On the one hand, the Democratic party of "plain people" was also the party of plain white supremacists. By the 1890s, we see the institutionalization of Jim Crow laws in the South — upheld by the Supreme Court in its Plessy v. Ferguson decision of 1896 — as well as the emergence of widespread terrorism and lynching aimed at African-Americans. As mentioned above, this successfully
undermined the possibility of a Populist coalition between African-Americans and poor whites. On the other hand, after the Civil War the Republicans moved away from being the party of abolition and toward being the party of business. By the 1880s, the Republicans had abandoned their commitment to civil and economic rights for freedmen. The civic practices that constituted Democratic, Republican, and Populist citizens excluded African-Americans.

The latter half of the nineteenth century also saw changes in immigration that changed the face of a formerly white, Anglo-Saxon Protestant America. More specifically, by 1893 the vast majority of immigrants had come from southern and eastern Europe (Italy, Austria-Hungary, Russia, Poland, Greece, and the Balkans) and from Asia (China and Japan), rather than from northern and western Europe (Great Britain, Ireland, Germany, and Scandinavia) as had been the case during the first part of the nineteenth century. These changes increased the numbers of Jews and Catholics in the American populace and contributed to the growth of cities, which came to be seen as centers of discontent that "seemed to threaten an America that had been dominated by a homogeneous rural or small-town Anglo-Saxon Protestant culture." The fact that many of these newcomers were working class created further anxiety, as did the gradual closing of the American frontier, which had functioned as a societal safety valve. As the heterogeneity of the public increased, so did discrimination and bigotry of all kinds: racism, nativism, xenophobia, anti-Semitism, anti-Catholicism, and anticommunism.

The fear of an increasingly heterogeneous public fueled attacks on democracy. As early as the 1860s and 1870s the issue of immigration troubled liberal reformers and fed their attacks on "pure democracy" and universal suffrage, as well as their attempt at "municipal disenfranchisement," which particularly targeted New York City. Again, Southerners successfully continued to use the issue of race to disenfranchise African-American citizens. Northerners, however, were less successful in their attacks on democracy. By the late 1870s, they abandoned their attacks on universal suffrage — "not because it was wrong, but
because it was impossible” — and turned to a three-pronged ancillary attack that included rejuvenation of the upper class, the “education” of the voter, and attacks on political parties. This line of attack produced, what McGerr refers to as, “a new style of politics.”

Certainly, I would not dispute the value of increased levels of public knowledge and education. Civic education has always been and continues to be an essential aspect of civic republicanism. Quality deliberation depends on an educated citizenry. However, the important point for our discussion is that liberal reformers justified public education by pitting an educated elite capable of making political decisions against an ignorant public in need of enlightenment by experts. Reformers wanted “to replace spectacular partisanship” — which I have argued involved the creation of citizens through civic practices — “with a didactic, elitist kind of politics.” And they wanted a shift from active community-based citizenship to a more passive model of citizenship in which individual voters make rational decisions in private, based on “the facts” as articulated by experts.

The attack on political parties stemmed from a fear of the public and formed the centerpiece of the movement toward professional politics. During the nineteenth century, the political parties functioned to transform individual members of society into citizens and to bring them into the realm of democratic politics. In fact, only the existence of the strong party machine, Tammany Hall, successfully protected the urban poor in the North from the attempts of liberal reformers to disenfranchise them. The decline of parties was both the result of, and the necessary prerequisite to, the shift toward professionalism in the political realm.

Granted, the nineteenth-century political parties had problems. Riddled with corruption and rife with possibilities for the abuse of arbitrary power, the parties needed reform. Nevertheless, the important point for our purposes is that despite a variety of problems, the political parties did in fact mobilize individuals into civic practices and in so doing played a crucial role in their transformation into citizens. Unfortunately, the reforms that made parties more inclusive and less corrupt also
undermined their important role in civic mobilization. My complaint is not so much the decline of strong parties per se but, rather, the fact that they were not replaced with another vehicle through which individuals could be transformed into citizens. Instead, they were replaced by bureaucratic agencies full of professionals who would service a passive clientele.

Liberal reformers began the attack on parties and the consequent shutting out of the public that the Progressives would later consolidate. The liberals created the “Independent movement” for nonpartisanship (1876–1890) through the founding of independent, nonpartisan newspapers and the establishment of extraparty organizations, many of which actively entered the political process. They supported “Civil Service Reform” that stood against the allocation of government offices on the basis of patronage and party favor. The government, they argued, should be run on “business principles” and jobs should be assigned on the basis of merit. Again, while many reforms were necessary, my concern is the detrimental effect the decline of parties had on citizenship. McGerr assesses the outcome of the liberal movement as follows:

Liberal reform narrowed the cultural authority of partisanship. . . . In place of the self-revelation of demonstrative partisanship, they urged the secrecy of vest-pocket voting and the Australian [secret] ballot. In place of emotional party spirit, they offered a cool, social scientific politics of education. In place of parades and rallies, they relied on factual pamphlets and tracts. In place of the doctrine of party loyalty, they elevated the ideals of individual conscience, independency, and business methods. In place of the loyal partisans, they substituted the independent man who tamed his party with bolts and scratches and education pressure groups. No other group did so much to discredit the rationale of nineteenth-century partisanship.

“In place of the display of spectacular partisanship, liberals advanced the notion of restrained, secret behavior. Political preferences, they suggested, were a private matter and not the stuff of communal ritual.” In other words, they began the move away from the civic republican idea that one can be a citizen,
only if one engages with others in civic practices.

With their advocacy of professionalism and civil service reform, the Progressives continued the attack on parties. American historian John Whiteclay Chambers II argues that four movements comprised the Progressive movement, which was unified only by the advocacy of governmental intervention to serve the "public good." Two of these movements advocated governmental regulation aimed at curbing problems caused by industrialization. These included the "business regulation movement," which strove to "make business more responsible to American values and the public interest" and the "social justice movement," which sought to aid children, workers, and the urban poor through the creation of labor and safety laws. The third movement, "the social control movement," sprang out of a fear of an increasingly heterogeneous public. Distressed by increasing cultural and racial diversity, and particularly opposed to Catholic and Jewish immigrants as well as African-Americans, this movement "represented a coercive effort by old stock Americans to impose a uniform culture based on their values." The fourth movement, the "good government" or "direct democracy movement" specifically attacked political parties in the name of "the people." However, as Chambers argues, what they meant by "the people" was actually the white middle class, as opposed to the racially and ethnically diverse public at large. And what was meant by "good government" and "direct democracy" was not rule by citizens but rather rule by city managers and other wise bureaucrats. Crying "Give the government back to the people," this movement wanted to reduce the power of party bosses and the masses of poorer constituents who often supported them and to increase the power of middle-class voters, members of the executive, and nonpartisan experts. Finally, the Progressive movements in general gained support from "mugwumps," that is, the upper middle-class businessmen and professionals who favored nonpartisanship, civil service, and independent voting, as well as from some Populists.

Only with the end of intense party competition that came with the Republican triumph and electoral realignment of 1896 could governmental advocates of Progressive reforms — of
professional politics — really institute the changes they desired. 89 As Skowronek argues, although the demand for a strong, national state clearly emerged during the last quarter of the nineteenth century — a demand produced, I have argued, not only by the problems of industrialization, but also by white, middle-class fear of an increasingly heterogeneous public — it was not until 1900 that the state-building process began. And even then it progressed in fits and starts. 90 Prior to Republican dominance at the federal level, intense party competition precluded the possibility of institutional innovation. There was too much to lose, and the “state of courts and parties” stood in the way of change: “The creation of more centralized, stable, and functionally specific institutional connections between state and society was impeded by the tenacity of this highly mobilized, highly competitive, and locally oriented party democracy.” 91 Until the end of the nineteenth century, the existence of strong, competitive, political parties prevented the emergence of the “professional politics paradigm” that would shut out the public and lead to the erosion of civil society with its civic republican traditions of substantive citizenship produced through civic action.

Not only did the demand for a strong state grow in part out of fear of an increasingly heterogeneous public; moreover, the Republican dominance that allowed for American state-building was consolidated through white, middle-class fear and bigotry as well:

Though it was not immediately noticed, the mature and victorious [Republican] party of business had muted almost completely the egalitarian ideas that had fortified the party’s early abolitionist impulses; the party of “peace, progress, patriotism and prosperity” had become not only anti-Irish, but anti-Catholic and antiforeign generally. . . . The assertive party of business that consolidated itself in the process of repelling “Bryanism” in 1896 was, in a cultural sense, the most self-consciously exclusive party the nation had ever experienced. It was white, Protestant, and Yankee. It solicited the votes of all nonwhite, non-Protestant, or non-Yankee voters who willingly acquiesced in the new cultural norms that described gentility within the emerging Progressive
society. . . . But for many of those who spoke for “the people,” and for even greater numbers of the people themselves, no amount of fidelity to the new cultural values could provide entry to that society.  

In short, the electoral realignment of 1896 that established Republican dominance and allowed for innovations in state-building was built on WASP racism and American nativism. The Progressive builders of the modern American state, who wanted to privilege experts and professionals, hoped to use knowledge from the emerging social sciences in order to govern for the common good. In an article written for the *Kettering Exchange*, Erik Engstrom names Progressive sociologist Lester Frank Ward as the architect of the positive, interventionist state: “Ward produced the intellectual foundation for a government, which would actively intervene in social and economic life.” In *Dynamic Sociology*, Ward declared that “knowledge is simply truth apprehended by intellect.” In true Progressive form, Ward both valorized political expertise and attacked political parties: “It will be seen that upon nearly all important questions all parties and all citizens are agreed, and that there is no need of this partisan strain upon the public energies.” According to Engstrom, “the Progressive movement constructed the institutional framework of the Positive state by putting the ideas exemplified by Ward into practice.” In other words, for Ward, social scientists had a privileged access to the type of knowledge necessary for good government.

To put it another way, the Progressive state-builders believed that politics is a search for truth. Those who govern must master “all that is known of the science of society.” They must seek “knowledge,” which “is simply truth apprehended by intellect.” If all involved in politics think rationally, political conflict can be eliminated: “It will be seen that upon nearly all important questions all parties and all citizens are agreed, and that there is no need of this partisan strain upon the public energies.” Politics
becomes a question of truth and its goal the elimination of conflict.

Engstrom argues that it was the idea of rationality that allowed the Progressives to reconcile two contradictory desires: the desire for the social scientific governance of society by experts and the desire for the participation of a democratic public. As Engstrom puts it, “it is important to remember that the Public the reformers had in mind had to meet the criteria of rationality. . . . This feature prevents the link between a participatory Public and a government of experts from becoming contradictory. If the Public and the government operate rationally, then they will both reach the same answers when faced with policy questions.” All reasonable minds will agree in the end. So if the public and governmental experts operate rationally, political conflict can be eliminated.

Engstrom argues that this profound “conceptual dilemma” in Progressive thought — this contradiction between the professional politics paradigm and democracy — eventually led to the denigration of the public's capacity for sovereignty. The emergence of the social scientific study of the public in the early twentieth century, Engstrom argues, “awakened the dormant tension between the concepts of a rational Public and ‘expertism.’” Once the public was revealed to be irrational, the belief that the public must be included in its own governance was undermined: “The combination of the assertion that society can be controlled and managed through objective scientific techniques with the recognition that the Public is not capable of behaving in an objective scientific manner generates a fundamental dilemma.” Consequently, “Progressives resolved the conflict between the expectations and ‘reality’ of the Public by altering their early model of a participatory Public. These alterations essentially eclipsed the Public.”

While Engstrom persuasively demonstrates the ways in which social science helped discredit the public during the 1920s by showing it to be “irrational,” our preceding discussion reveals that the process that led to shutting the public out of politics actually began in the late nineteenth century. Moreover, it was not the public at large, but rather the white, middle class that
expressed the racism, nativism, anti-Semitism, anti-Catholicism, and fear of socialism/communism that contributed to the desire for a “professional politics paradigm” that would ultimately disempower the public. Thus, my argument differs a bit from the one offered by Engstrom. Citing Robert E. Westbrook and Barry E. Riccio, Engstrom argues as follows:

Perhaps, more importantly for the development of the Phantom Public model was the perceived behavior of the Public during and after [World War I]. The Red Scare and hostility to the Bolshevik Revolution, the rise of nativism and the Scopes Monkey Trial coupled with the manipulation of public opinion during the war began to raise doubts in the minds of intellectuals as to the ability of the Public to act in what they defined as a rational manner. . . . The rational Public on which Progressives had placed their ambitions appeared to be anything but rational. Many Progressives had difficulty understanding this course of events.¹⁰⁰

While evidence exists for the analysis advanced by Engstrom, we must not forget that it was precisely the rise of anticommunism, American nativism, and racism in the nineteenth century among the white, middle class that greatly contributed to calls for a government of experts and the shutting out of the public — that is, the curtailment of democracy. The shutting out of the public began with the Progressives in the late nineteenth century, well before the 1920s. And the bigotry that influenced the move to the professional politics paradigm occurred on the part of the white, middle-class advocates of professional politics, not (causally) on the part of the public itself.

Nevertheless, Engstrom rightly argues that Progressives like Walter Lippmann did in fact use the public’s perceived irrationality as further justification for its exclusion from politics. Lippmann solved the contradiction between expertism and democracy inherent in Progressive thought from its beginning by “positing that the Public is nothing but a Phantom. . . . The optimism held by Progressives for a participatory Public that would engage directly in political life was dashed by the rise of the Phantom Public model, leaving behind the perception that
the Public neither can nor should participate in governing. . . . The Phantom Public model has become the operative frame of reference in American political discourse." And as Benjamin Barber tells us, the attempts of Lippmann and other Progressives to shut the public out of politics have succeeded. They have rendered the public “voiceless and homeless” and so have actually created “the now quite literally phantom public.”

By the time of Lippmann’s attack on the public’s capacity for governance, civil society, and active citizenship had both declined; citizenship had been reduced to private voting. Differentiating between “the People as voters” and “the People, as a community of the entire living population, with their predecessors and successors,” Lippmann attacks all that remains of citizenship (the former): “It is often assumed, but without warrant, that the opinions of the People as voters can be treated as the expression of the interests of the People as an historic community.” Denying that the interests of the People as voters can ever be anything other than narrowly self-interested, Lippmann concludes that “the voters have no title to consider themselves the proprietors of the commonwealth and to claim that their interests are identical with the public interest.” Because the People as voters can only be self-serving, the People must be rightly understood as being a historic community in the Burkean sense: “The people is also the stream of individuals, the connected generations of changing persons, that Burke was talking about when he invoked the partnership ‘not only between those who are living’ but also with ‘those who are dead, and those who are to be born.’ The People are a corporation, an entity, that is to say, which lives on while individuals come into and go out of it.” Thus, the People cannot be equated with or even represented by the voters. Instead, the good of the People can only be served by the expertise of a cadre of political elites. In this way, Lippmann undermines the notion of popular sovereignty and launches his argument against democracy.

Lippmann argues that the public can do nothing with the substance of a problem but “meddle ignorantly or tyrannically”: “Thus we strip public opinion of any implied duty to deal with the substance of a problem, to make technical decisions, to
attempt justice or impose a moral precept.” Lippmann goes on to argue that “therefore, instead of describing government as an expression of the people’s will, it would seem better to say that government consists of a body of officials, some elected, some appointed, who handle professionally, and in the first instance, problems which come to public opinion spasmodically and on appeal.” The “notion” that “everybody is to decide everything destroys the sense of responsibility in public men and deprives public opinion of responsible leadership.”

What is missing from Lippmann’s polemic against democracy is any discussion of the People transformed into citizens through civic deliberation. That is, Lippmann fails to address the philosophy of civic republican democracy. Instead, Lippmann criticizes the kind of liberal democracy that replaced republican democracy, that is, liberal procedural democracy that simply records the preformed opinions of private individuals. Much of Lippmann’s critique of public opinion is useful. As Barber argues, public opinion is (often) simply a summation of private prejudice. Furthermore, “political parties and assemblies tend to represent special interests and sectarian values and no longer even pretend to seek a larger ’national interest.’” Consequently, even when “those in government . . . try in good faith to receive counsel from the . . . public,” they “do not really know where to turn.”

With the decline of civil society, we seem to be left with Lippmann’s choice between the rule of political elites or the procedural “democracy” of twentieth-century America, which replaced the more substantive democracy of the early American republic. Or to use Barber’s words, we seem to be left with a choice between “politicians turn[ed] into ’professionals’ out of touch with their constituencies” or “citizens [reduced to] whining antagonists or . . . [turned] into clients of government services they readily consume without being willing to pay for.”

We are not stuck, however, with a choice between either a government that panders to special interests and/or private prejudice disguised as “public” opinion or the rule of political elites. An alternative exists: civic deliberation among citizens. Civil society has been eclipsed and the public has been shut out
of politics. Nevertheless, we can take action to revitalize a civil society that is only in eclipse — obscured by state and market, yet still there behind the shadows. Civic action among citizens never completely died out. Even during the Progressive Era we can see civic action occurring, for example, in the Settlement House movement. And today, we can see examples of civic practices in the National Issues Forums movement, in which individuals come together and become citizens as they engage in public deliberation. Thus, some of the civic republican tradition does still exist, and we can build on it in our efforts to “exhume” the (phantom) public, revitalize civil society, and force open the door of American politics.
ENDNOTES


2 Mathews, Politics for People, 12.

3 Ibid., 11.

4 This concept of citizenship contrasts with two other conceptions of citizenship: citizenship of land and citizenship of blood. A citizenship of land defines citizens as a group of individuals living on a particular piece of land — for instance, the United States. One does not have to do anything to be a citizen, besides residing in a particular locale. A citizenship of civic practices also contrasts with a citizenship of blood, which restricts citizenship to members of particular ascribed groups — such as, Serbians or Aryans.

5 Benjamin R. Barber, “An American Civic Forum: Civil Society between Market Individuals and the Political Community” (paper prepared for the SPPC Conference on “Community, Individual and the State,” Palo Alto, CA, 1994) 6-8, [emphasis mine].

6 The quotations cited here and on pages 2-6 are those of Alexis de Tocqueville, Democracy in America (New York: New American Library, 1956), [emphasis mine].


9 Skowronek, Building a New American State, 8.
10 Ibid., 5.

11 More specifically, "party organizations bound the national government to each locale and linked the many discrete units of government horizontally across the territory. This brought a measure of cohesion to national politics and a measure of standardization to governmental forms and processes throughout the federal system. Moreover, parties organized governmental institutions internally. They facilitated working relationships within and among the branches and levels of the constitutional structure" (25). At the same time the American court system "complemented parties in binding the legal apparatus of government. . . . The Court shaped the boundaries of intergovernmental relations. It defined the legitimate forms of interaction between states, between state and national governments, and within the national government itself. In the evolution of the constitutional law, the fragmented system of governmental authority became malleable and responsive." Furthermore, "the judiciary . . . also helped define relations between state and society. . . . Over time, courts molded the prerogatives of government into predictable but flexible patterns of policy toward capital accumulation" (27). Ibid., 25, 27.

12 Ibid., 29.


16 Ibid., 146.

Schudson, “Was There Ever a Public Sphere?” 159.

McGerr discusses the role of social inequalities most thoroughly in reference to class. See *The Decline of Popular Politics*, 31-33.


Lustig, *Corporate Liberalism*, 43.

The quotations cited here and on pages 14-16 are those of Goodwyn, *The Populist Moment*. [emphasis mine]. See also Lustig, *Corporate Liberalism*, 41.

The quotations cited here and on pages 17-19 are those of Goodwyn, *The Populist Moment*.

For a discussion of the narrowness of current political debate, see Jorge G. Castaneda’s untitled paper written for the Kettering Foundation.


Ibid., 317-318.


Following Martin Sklar, I understand these terms to mean the following: “The term ‘proprietary-competitive’ . . . refers to capitalist property and market relations in which the dominant type of enterprise was headed by an owner-manager (or owner-managers), or a direct agent thereof, and in which such enterprise was a price-taker, rather than a price-maker, price being determined by conditions of supply and demand beyond the control of the enterprise short of anticompetitive inter-firm collusion. The term ‘corporate reorganization of industry,’ or ‘corporate reconstruction of capitalism,’ . . . means not simply the *de jure* incorporation of a property otherwise managed *de facto* along proprietary lines, but the capitalization of the proper-
ty in the form of negotiable securities relatively widely dispersed in ownership, a corresponding separation of ownership title and management function, and management of the enterprise by bureaucratic-administrative methods involving a division, or a specialization, or managerial function, and an integration, or at least a centralization, of financial control. The term is also meant to designate a process occurring not merely in a few notable firms, or in a sector of the economy (e.g., railroads or public utilities), but pervasively, and hence involving the change in the broader economy from price-competitive to administered, or 'oligopolistic,' markets. The terms (a) 'corporate' or 'corporate capitalism' and (b) 'procorporate,' . . . refer, respectively, (a) to the rise of large corporations and administered markets to dominance in the United States political economy, and (b) to the outlook of those who affirmed it, whether as desirable or as inevitable or unavoidable. The terms do not connote or imply some special 'organicist' or 'corporative' organization, outlook, or ideology." Martin J. Sklar, The Corporate Reconstruction of American Capitalism, 1890-1916: The Market, the Law, and Politics (Cambridge: Cambridge University Press, 1988), 4-5.

32 It is also important to remember that while the building of the state and its bureaucracy and the corresponding emergence of the professional politics paradigm contributed to the decline of citizenship and the emergence of a set of problems that have plagued the twentieth century, it also provided a (partial) solution to a different set of nineteenth-century problems. Consequently, in an attempt to solve our current problems, we cannot simply call for a dismantling of the state. In calling for a transition from professional politics to citizen politics, we must take into account the problems that originally created a need for a state. We must envision a reinvigoration of citizenship and civil society that will adequately address the original as well as our current problems.


40 Ibid., p. 149.

41 Ibid., p. 152.

42 See Skowronek, *Building a New American State* for a detailed explanation of how this occurred.

43 Ibid., p. 248.


45 Ibid., p. 51, original was italicized.

46 Ibid., p. 43.

47 Ibid.


49 Ibid., p. 60.

50 Ibid., p. 76.

51 Sklar explains the significance of the law for market relations: “The modern capitalist market is a realm of contracts and property rights, that is, a realm of law. . . . There can be no modern capitalist market, as a sustained and stable system of social relations essentially coterminous with society as a whole, apart from the complex development and the certainty of the law” (p. 86). A known law and a reliable judicial process are the preconditions for a viable investment market. The private investment market is constituted by contractual relations and property rights. “The rise, development, and stability of the capitalist order go hand in hand with the rise of a suitable legal order” (p. 87). Under capitalist conditions, the law must allow for both
predictability and change. In the U.S. this has been accomplished through a system of "judge-made law" that has "normally tended to express, arbitrate, and enforce the social dominance of capitalist property and capitalists as a class" and more specifically "has tended ultimately to validate that form of capitalist property and those capitalists that were ascending in the market and the society at large" (174). See The Corporate Reconstruction of American Capitalism.

52 Sklar, The Corporate Reconstruction of American Capitalism, 49.
53 Lustig, Corporate Liberalism, 11-12.
54 For a discussion of the importance of the emergence of industrial securities in facilitating the merger movement, see Porter, The Rise of Big Business, 80-83.
55 Sklar, The Corporate Reconstruction of American Capitalism, 49, [emphasis mine].
56 Lustig, Corporate Liberalism, 18.
57 For a full account of this process, Sklar, The Corporate Reconstruction of American Capitalism, 49-50.
58 Ibid., 91.
59 Lustig, Corporate Liberalism, 10.
60 Ibid., 95, [italics mine].
61 Ibid., 62.
62 Sklar, The Corporate Reconstruction of American Capitalism, 43.
63 Ibid., 33.
64 Ibid., 9.
67 Sklar, The Corporate Reconstruction of American Capitalism. 91.
69 Ibid., 77.
70 Sklar, The Corporate Reconstruction of American Capitalism. 92.
71 Ibid., 91.
72 Ibid., 93.
73 Lustig, Corporate Liberalism, 95.
74 The quotations cited here and on pages 30-31 are those of Sklar, The Corporate Reconstruction of American Capitalism, [emphasis mine].

Ibid., 13

Lustig, Corporate Liberalism, 6-7


Goodwyn, The Populist Moment, 6-7.

Chambers, The Tyranny of Change, 11.

Ibid., 1-6.

For a thorough discussion of these trends, see Chambers, The Tyranny of Change.

The quotations cited here and on pages 33-34 are those of McGerr, The Decline of Popular Politics.

For an in-depth study of the nineteenth-century movements toward professionalism, nonpartisanship, and civil service reform, see Skowronek, Building a New American State, particularly 37-84 and 163-176.


Ibid., 64.

Chambers, The Tyranny of Change, 141.

Ibid.

Skowronek, Building a New American State, 167.

In Skowronek's words, "The close of the frontier, the rise of the city, the accentuation of class divisions, the end of isolation — these changes raised demands for national governmental capacities that were foreign to the existing state structure and that presupposed a very different mode of governmental operation. To meet this challenge, American state organization had to be fundamentally altered. Governmental authority had to be concentrated at the national level and governmental offices insulated from the people at large. The institutional forms and procedures through which American government had been working for decades would not simply give way once their limitations became apparent. As America entered a new age, the seemingly innocuous governmental order that had been evolving over the nineteenth century was exposed for the tenacious organization of power that it was. It defined a tortuous course for the development of national institutional controls, and this course had to be negotiated through an already highly developed
democratic politics.” Ibid., 8-9.
91 Ibid., 39-40.
95 Ibid., 46.
96 Ibid., 174.
98 Ibid., 12.
99 Ibid., 16.
105 Ibid.