This chapter explores the historic roots of feminist activists in the United States and the consequences of this that lead to the development of the American state. It begins by conceptualizing feminist activists within the state as a state-movement intersection and then proceeds on presenting the role that the historical development of state and society can play in allowing other interests into the state. The changing nature of women’s education and employment is then discussed and the chapter looks at how they attained significant presence in the federal bureaucracy. Due to the increasing number of feminist activist around during the period under discussion in this chapter, numerous changes in the nature of the federal government transpired.

The U.S. corporate income tax — and in particular the double taxation of corporate income — has long been one of the most criticized and stubbornly persistent aspects of the federal revenue system. Unlike in most other industrialized countries, corporate income is taxed twice, first at the entity level and again at the shareholder level when distributed as a dividend. The conventional wisdom has been that this double taxation was part of the system's original design over a century ago and has survived despite withering opposition from business interests. In both cases, history tells another tale. Double taxation as it is known today did not appear until several decades after the corporate income tax was
first adopted. Moreover, it was embraced by corporate representatives at the outset and in subsequent years businesses have been far more ambivalent about its existence than is popularly assumed. From Sword to Shield: The Transformation of the Corporate Income Tax, 1861 to Present is the first historical account of the evolution of the corporate income tax in America. It explains the origins of corporate income tax and the political, economic, and social forces that transformed it from a sword against evasion of the individual income tax to a shield against government and shareholder interference with the management of corporate funds.

Federal Constitutionalism I: Options for Federal Design
Wayne Norman

This chapter considers the basic options for the design of a democratic federation. These include how to determine the boundaries of federal provinces, how to divide legislative and administrative powers, how to represent provinces and minority groups in central institutions, and how to amend the constitution. It looks at the importance of recognizing both majority and minority identities in the constitutions of both classic nation-states and multinational states. An appendix is included on the history of Canadian attempts to solve these design and recognition problems, especially concerning the place of the French-speaking province of Quebec.

Federal Constitutionalism II: Evaluating and Justifying Options for Federal Design
Wayne Norman

This chapter examines the principles that liberal democrats, including liberal nationalists, should use when choosing between the constitutional
and federal options discussed in the preceding chapter. Instead of envisaging a completely novel set of principles for multinational federal constitutionalism, it explores the normative resources available in some of the major theories typically used in uni-national states, including ‘classical’, ‘deliberative’, and ‘consequentialist’ theories of democracy; and ‘classical’ and ‘contractualist’ theories of constitutionalism. It argues for seven principles of recognition that would be appropriate for justifying certain design features in a multinational federal constitution.

Federal Judges Revealed
William Domnarski

The power and influence of the federal judiciary has been widely discussed and understood. And while there have been a fair number of institutional studies of individual district courts or courts of appeal, there have been very few studies of the judiciary that emphasize the judges themselves. Although previous studies provide numerous statistical facts, they do not answer the two most important questions relating to the federal judiciary: who the judges are and what they do. Federal Judges Revealed considers approximately one hundred oral histories of Article Three judges, extracting the most important information. The material is organized thematically so that practitioners can easily access professional areas of interest. Topics include “How judges write their opinions” and “What judges believe make a good lawyer”. The book considers the background of the judges through college, law school, military service, clerkships, practice lives, and their appointments to the federal bench. It allows the reader to evaluate Federal judges based on their own words without an intermediary.

MULTINATIONAL CIVIC EDUCATION
Kevin McDonough

in Citizenship and Education in Liberal-Democratic Societies: Teaching for Cosmopolitan Values and Collective Identities

The essays in Part III of the book, on liberal constraints and traditionalist education, argue for a more regulatory conception of liberal education
and emphasize the need for some controls over cultural and religious educational authority. Kevin McDonough’s essay, on multinational civic education, develops a conception of this that allows for both federal and minority national groups to reinforce conditional civic attachments. This ‘conditionalist’ view of civic education is necessary in multinational federal societies, he argues, because appeals to one set of national attachments may exacerbate rather than alleviate particular injustices in particular circumstances. For example, McDonough argues that when aboriginal women and children are the victims of injustice at the hands of tribal institutions and leaders, they must be able to appeal to their fellow non-aboriginal citizens and federal institutions for assistance, although this is not possible unless citizens – aboriginal and otherwise – have come to regard attachments to the minority nation as conditional rather than absolute. Similarly, citizens whose primary identification is to the federal society must be able to recognize that some of their fellow citizens legitimately have a minority nation as the object of their primary loyalty – otherwise, efforts to support federal intervention in minority national affairs will be vulnerable to forces of cultural insensitivity and arrogance, rather than of liberal justice.

The Federal Government in a Segregated Society: Public Employment Exchanges and Housing Programmes

Desmond King

in Separate and Unequal: Black Americans and the US Federal Government

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King examines how interventions of the American federal government – namely, the United States Employment Service (USES), federal mortgage assistance, and public housing programmes—mirrored the segregationist order in which they were installed, thus consolidating residential separation by race. According to King, not only did USES discriminate in their job placements but also in its field office facilities and staff; he also shows how the anti-discrimination policies of the USES were failures and explores the reasons. Next, King traces the evolution of federal public housing and mortgage assistance programmes, focusing especially on the policies of the US Federal Housing Authority (FHA) and responses from organizations such as the National Association for the Advancement of Colored People (NAACP).
Most US federal retirement plans are now fully funded, but since plan assets must legally be invested in federal securities, fund surpluses are used to reduce overall federal budget deficits. As a result, current taxpayers are not charged with the cost of future federal retirement obligations. Nevertheless, federal rules do require the employing federal agency to budget for current personnel’s accruing liability of retirement promises. Therefore, policy decisions regarding the number of federal civilian and military personnel and the design of their retirement benefits may be made with a better understanding of the costs.

This book is about the complex and changing relationship between levels of governance in the US and the European Union. On the basis of a transatlantic dialogue between scholars concerned about modes of governance on both sides, it is a collective attempt at analysing the ramifications of the legitimacy crisis in these multi-layered democracies, and possible remedies to this. Starting from a focus on the current policy debates over ‘devolution’ and ‘subsidiarity’, the book engages the reader into the broader tension of comparative federalism. Its authors believe that in spite of the fundamental differences between them, both the EU and the USA are in the process of re-defining a federal vision for the twenty-first century. The book is a contribution to the study of federalism and European integration, and seeks to bridge the divide between the two. It also bridges the traditional divide between technical, legal or regulatory discussions of federal governance and philosophical debates over questions of belonging and multiple identities. It is a multi-disciplinary project, bringing together historians, political scientists and theorists, legal scholars, sociologists and political economists (more than 20 authors are involved), and includes both innovative analysis and prescriptions on how to reshape the federal contract in the USA and the
EU. Included are introductions to the history of federalism in the USA and the EU, the current debates over devolution and subsidiarity, the legal framework of federalism and theories of regulatory federalism, as well as innovative approaches to the application of network analysis, principal-agent models, institutionalist analysis, and political theories of citizenship to the federal context. The introduction and conclusion by the editors draws out cross-cutting themes and lessons from the thinking together of the EU and USA experiences, and suggest how a ‘federal vision’ could be freed from the hierarchical paradigm of the ‘federal state’ and articulated around concepts of mutual tolerance and empowerment. The seventeen chapters are arranged in five sections: I. Articulating the Federal Vision (two chapters)—views of federalism in its USA and EU versions; II. Levels of Governance in the USA and the European Union: Facts and Diagnosis (four chapters)—an overview of the history and current state of federalism in the USA and EU; III. Legal and Regulatory Instruments of Federal Governance (three chapters); IV. Federalism, Legitimacy, and Governance: Models for Understanding (four chapters); V. Federalism, Legitimacy, and Identity (four chapters)—a discussion of the deeper roots of legitimacy in federal systems; there is also an appendix, which discusses the basic principles for the allocation of competence in the USA and EU.

Separate and Unequal
Desmond King

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Desmond King argues that the US federal government was inherently unequal in their treatment of Black Americans both in its own ranks as well as through federal programmes, especially before the 1960s; instead of thwarting segregated race relations, he maintains, the federal government participated in their maintenance and diffusion. Using extensive and original archival sources, King documents how Black American employees were segregated in federal government departments, the US Armed Forces, federal penitentiaries, and within housing and service programmes. In addition, King argues that the federal government played a role in sustaining and fostering segregated race relations to an extent little acknowledged by scholars. Finally, he argues and demonstrates that the universality of segregated race relations in the Federal government is often overlooked by a disproportionate emphasis upon their presence in the South. The book concludes with an analysis of the consequences of these trends for understanding the US federal government and race relations as well
as data documenting the relative improvements for Black Americans employed by the government.

A Government for Free
Max. M Edling

in A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State

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Shows how the Federalists responded to the Antifederalist objections to a stronger national government in the “fiscal-military” sphere, thereby creating an understanding of the kind of state that was proper to American conditions. In the debate over ratification of the US Constitution there was little discussion about the exact way in which the Federalists intended to organize the revenue administration, but nevertheless, it is the argument of this chapter that with the important exception of the assumption of the state debts, the general outline of Hamiltonian public finance was in place in 1787, and widely shared by the supporters of the Constitution. Thus, the idea that the least oppressive tax was also the most productive, the claim that adoption of the Constitution would mean a change in the structure of taxation from direct to indirect taxes and a reliance on the impost (customs duties), and the ideal of the federal government as a “waterfront state” hardly noticed by the people, were all among the most important points made in Federalist rhetoric on the fiscal powers of the Constitution. In the ratifying debate, the Federalists presented a solution to the equation of how to create a sufficiently powerful government without making unacceptable demands on society: the federal government had the right to mobilize the full resources of society at will, but in peacetime it would keep a very low profile while assuming the payment of the union’s debts and the cost of defense using money raised by taxation. This federal assumption of expenses that had earlier been carried by the states, and the mode of raising the taxes to pay for it ensured that overall taxation would not increase, as the Antifederalists claimed, but would become less burdensome to the majority of the people.
The United States and the European Union: Models for Their Epochs
Daniel J. Elazar

in The Federal Vision: Legitimacy and Levels of Governance in the United States and the European Union

Draws a contrast between the American and European experiences of union, the one built upon an indigenous American ideology, which may be properly termed federal democracy, and the other in which federation was too great a step for post-World War II Europe. The problem is that of integrating the federal vision with the modern conception of state sovereignty, and this has given rise to two systems that are roughly intended to serve the same purpose (the joining together of identifiable polities in a common enterprise within an embracing authoritative framework), although the nature of their respective unions is different: one federal and the other confederal. Addresses the manner in which these two systems became models by looking first at the theoretical history of the competition between statism and federalism in the modern and postmodern epochs (the latter of which is only beginning to take form). In the following sections, it goes on to look at the rejection of federalism in Europe, the EU as a confederation, subsidiarity as federal or hierarchical, the EU's Catholic cultural origins, the spread of confederal arrangements in the new European model, federalism and confederalism as forms of democratic government, and the current challenge for Europe.

The Role of Law in the Functioning of Federal Systems
George A. Bermann

in The Federal Vision: Legitimacy and Levels of Governance in the United States and the European Union

Federal systems are about the distribution of legal and political power, but law is not only one of the currencies of federalism, it is also one of federalism's most important supports; this chapter considers the role that law plays in establishing and enforcing the system by which
both legal and political power are distributed within the USA and the EU. Bermann explores the various ways in which the courts can, and choose to, enforce the principles of federalism beyond the classical ‘political’ and ‘procedural’ safeguards provided by the institutional structures themselves and the constraints on the deliberative process. He describes the reluctance on the part of courts on both sides to police the borders of enumerated competences, assess the ‘necessity’ of federal action, or carve out the ‘core’ of state sovereignty, all of which are ways of ‘second-guessing’ the political process; he then points to the recent emphasis of the USA Supreme Court on what he calls the ‘relational’ aspects of federalism, whereby courts can identify ‘forbidden interfaces’ between State and federal governments, even without specific constitutional grounds. Bermann uses the examples of sovereign immunity and of anti-commandeering to illustrate the manner in which court-enforced constraints on the manner in which different levels of government interact can protect and promote democratic accountability in the USA. In contrast, European Union law offers no protection against risks to democracy from commandeering, but more broadly relies almost exclusively on the representation of member states and sub-national units in the Council as structural political safeguards.

European Citizenship: The Relevance of the American Model
Denis Lacorne

in The Federal Vision: Legitimacy and Levels of Governance in the United States and the European Union

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Draws an analogy between the threats posed by social heterogeneity in the USA and the threats posed by differing national allegiances in the EU. The author reminds USA that core political identities can vary over time and that early conceptions of citizenship in the USA focussed almost exclusively on state, not federal, citizenship; in his view, within unitary states communities of identity are fine so long as individuals do not conflate these with their core political identity. In a federal system, the problem or challenge is exactly that of belonging to several political communities. Lacorne argues that pure constitutional patriotism will not suffice, since individuals require a substantial citizenship; what is needed instead are ‘common and concrete political experiences’ that would give rise to ‘a new European ethics of responsibility’. The two sections of the chapter are: The Irrelevance of the American Model of Federal Citizenship; and The Relevance of the American Multicultural Model.
Conclusion: The Federal Vision Beyond the Federal State
Kalypso Nicolaidis

in The Federal Vision: Legitimacy and Levels of Governance in the United States and the European Union

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Fleshes out some of the common horizontal themes emerging from the book, and presents the broad elements of federal vision that have been discussed. The vision calls for five concurrent shifts in understanding what matters about federal contracts, each central to fashioning a ‘federal’ response to the challenge of legitimacy. In particular, it is suggested how the notion of ‘subsidiarity’ as commonly understood—that political decisions should be made and policies conducted at the lowest, or most appropriate, level—should be fine-tuned, reinterpreted, or even relabelled. The five shifts that are discussed in the different sections of the conclusion are: from allocative outcomes to the process of change—legitimacy and flexibility; from distributed to shared competences—networked cooperation, proportionality, and changing forms of governance; from separation of powers to power checks—governance structures, procedural subsidiarity, and the safeguards of federalism; from power containment to empowerment—proactive subsidiarity, managed competition, and mutuality; and from multi-level (hierarchical) to multi-centred governance and horizontal subsidiarity. The concluding section looks towards a model of global subsidiarity.

Seat Allocation in Federal Second Chambers and the Assemblies of the European Union
Rein Taagepera

in Predicting Party Sizes: The Logic of Simple Electoral Systems

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The number of seats in the European Parliament roughly equals the cube root of the population of the European Union. This theoretically based ‘cube root law of assembly sizes’ also fits most national assemblies, and it could be made the official norm for the EP. Allocation of EP seats and Council of the EU voting weights among member states has for forty years closely approximated the distribution a ‘minority enhancement
equation’ predicts, solely on the basis of the number and populations of member states plus the total number of seats/voting weights. This logically founded formula could be made the official norm, so as to save political wrangling. It may also be of use for some other supranational bodies and federal second chambers.

The Impression of Influence
Justin Grimmer, Sean J. Westwood, and Solomon Messing

Constituents often fail to hold their representatives accountable for federal spending decisions—even though those very choices have a pervasive influence on American life. Why does this happen? Breaking new ground in the study of representation, this book demonstrates how legislators skillfully inform constituents with strategic communication and how this facilitates or undermines accountability. Using a massive collection of Congressional texts and innovative experiments and methods, the book shows how legislators create an impression of influence through credit claiming messages. Anticipating constituents' reactions, legislators claim credit for programs that elicit a positive response, making constituents believe their legislator is effectively representing their district. This spurs legislators to create and defend projects popular with their constituents. Yet legislators claim credit for much more—they announce projects long before they begin, deceptively imply they deserve credit for expenditures they had little role in securing, and boast about minuscule projects. Unfortunately, legislators get away with seeking credit broadly because constituents evaluate the actions that are reported, rather than the size of the expenditures. This book raises critical questions about how citizens hold their political representatives accountable and when deception is allowable in a democracy.

The Digital Hand, Vol 3
James W. Cortada

This book, the third of three volumes, completes the sweeping survey of the effect of computers on American industry began in the first volume and continued in the second volume. It turns finally to the
public sector, examining how computers have fundamentally changed the nature of work in government and education. This book goes far beyond generalizations about the Information Age to the specifics of how industries have functioned, now function, and will function in the years to come. The book provides a broad overview of computing's and telecommunications' role in the entire public sector, including federal, state, and local governments, and in K-12 and higher education. Beginning in 1950, when commercial applications of digital technology began to appear, the book examines the unique ways different public sector industries adopted new technologies, showcasing the manner in which their innovative applications influenced other industries, as well as the US economy as a whole. The book builds on the surveys presented in the first volume, which examined sixteen manufacturing, process, transportation, wholesale and retail industries, and the second volume, which examined over a dozen financial, telecommunications, media, and entertainment industries. This book completes the trilogy and provides a picture of what the infrastructure of the Information Age really looks like and how we got there.

Federalism and Peace
Derek Drinkwater

in Sir Harold Nicolson and International Relations: The Practitioner as Theorist
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Sir Harold Nicolson’s writings on federalism, peace, and war are among his most important—and underrated—contributions to international theory. From the mid-1930s, with the European security situation deteriorating rapidly, Nicolson became increasingly interested in how war could be banished from international affairs and enduring global peace attained. In particular, he explored (or was influenced by) the approaches to a united Europe and world government of the advocates of Federal Union and Pan-Europa, and the exponents of functionalism. His philosophy of federalism has many parallels with the ideas of Immanuel Kant. Yet, Nicolson’s fusion of idealism and realism (to form liberal realism) constituted a new approach to resolving these seemingly intractable problems.
This chapter discusses the use and deployment of information technology by the federal government from 1950 to 2007. By looking at the government as a whole, several patterns of use, deployment, and effects become evident. The federal government have demonstrated a continuous appetite for information technologies for over a half century. The motivations for relying on the digital hand came largely out of desires to lower operating costs and the amount of labor required to perform work. Agencies and departments, however, also proved quite reluctant to alter fundamental aspects of operating as a consequence of using IT, such as their missions, work processes, and measures of accountability for results. Over time, their increased use of IT ultimately did cause incremental changes in how work was done. These changes encouraged Congress to change missions and work, because of the availability of digital tools that made it possible either to do things more cheaply, faster, or better, or to do simply something new.