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American Federalism, State Governments, and Public Policy: Weaving Together Loose Theoretical Threads

Dale Krane

University of Nebraska at Omaha, dkrane@unomaha.edu

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About the Author

Beverly A. Cigler is a professor of public policy and administration at Penn State Harrisburg. Her research centers on the politics, management, and policies of subnational governments, especially state-local capacity-building, alternative service delivery, and multicomunity collaboration.

American Federalism, State Governments, and Public Policy: Weaving Together Loose Theoretical Threads

Dale Krane, *The University of Nebraska at Omaha*

Decisions about the provision and delivery of public goods and services take place within the framework established by America's most distinctive political invention—federalism. Author after author reminds students and scholars alike that policy making can be understood only from an intergovernmental perspective. But to use a term such as "intergovernmental policy making" thrusts one into two distinctive analytic worlds which, at best, are loosely woven together.

Many conventional models of policy making give little place to federal arrangements or to the factors that sustain American federalism. Equally problematic, efforts to model federalism often do not take advantage of the conceptually more developed policy making literature. An unfortunate consequence of this "separateness" is the regular appearance of policy studies with hypotheses or conclusions that could have been easily explained or predicted had the author been more familiar

with the corpus of work available on American federalism.

Compounding this lack of conceptual integration between federalism and policy-making studies is the continuing tendency to downplay or even ignore the activities and influence of state governments. To use states as an observational unit of analysis is not the same as granting state governments the explanatory status of a "structural variable" (Scheuch 1969; Ragin 1987). Although information about states

comprises the data bases for numerous intergovernmental and policy analyses, nevertheless, states are not accorded an explanatory role commensurate with their impact on public policy.

The two essays on public policy analysis by Susan Hansen and on federalism by David Beam et al. in *Political Science: The State of the Discipline* (Finifter 1983) confirm the striking separation of federalism/intergovernmental relations from policy analysis. For example, Hansen (239) in her conclusion notes that the distinctive contribution political scientists can play in policy analysis, in contrast to that of economists, is “. . . to pose questions about administrative effectiveness or organizational structures. . . .” But Hansen’s review of the development of policy studies demonstrates that models of the policy process up to 1983 did little to incorporate federal features or state governments as explanatory variables. Beam and his co-authors (271) acknowledge the atheoretical character of federalism studies. To improve theorizing about federalism, they recommend a strategy which includes “. . . a fuller recognition that the national government now depends very heavily upon state and local governments. . . .” They go on to note “the need to link . . .” policy studies to federalism research.

“Forgotten Federalism”

Hamilton and Wells (1990, 1) unabashedly declare that “federalism is simply too often forgotten.” A quick perusal of common public policy textbooks confirms their assessment. While not “forgetting” federalism completely, policy textbooks pay brief homage to America’s federal government. Federalism is depicted as a contextual feature which conditions the behavior of individuals and groups, typically expressed as “federalism disperses power” or “. . . permits policy diversity.” This ritualistic recognition of federalism includes some combination of the following topics: reasons for federalism, historical eras, the grant system, and the complications for policy makers. Seldom are students presented with a con-

ceptual framework or a model that links the components of federal organization to the formulation, adoption, or implementation of policy. By forgetting the considerable body of writing on American federalism, policy analysts continue to produce research findings that could have been easily explained or derived from the intergovernmental literature.

For too long as well, federalism scholars have contributed to the neglect of intergovernmental aspects in policy modeling. Inability to make progress on ending the theoretical weakness of federal studies has not prompted others to turn to the subfield for useful concepts. Second, the short supply of detailed information, other than fiscal information, about many aspects of state and local government make it difficult to discover cross-state or cross-level patterns. In some cases, it is easier to engage in cross-national research than it is to do comparative state or intergovernmental research. Third, the methodological and cost challenges of conducting research across several states, as exemplified by the field network strategy, require substantial resources.

Models of Policy Formulation

Of course, the manner and the degree to which federalism/intergovernmental relations intertwine with policy making depends on the phase of the policy process one has under consideration. Widely accepted models of policy formulation such as iron triangles, issue networks, and agenda-building offer scant reference to federal arrangements or to the diversity of subnational cultures and place-based interests that dynamically support and are sustained by American federalism. PIGs, or intergovernmental lobbies, are categorized as just one more interest group in the “policy soup.” Certainly, states and localities behave as pressure groups; but their constitutional status empowers them with legitimate authority not exercised by other types of groups as well as institutional access not available to other interests.

With so many competing policy models, it is only natural that some

conceptual devices do a better explanatory job than others. Iron triangles, for example, offer little heuristic value in explaining specific instances of state officials derailing presidential initiatives, such as the National Governors Association’s bipartisan resistance that doomed Reagan’s “turnback and swap” proposal to devolve programs to the states. On the other hand, diffusion of innovation models offers clear insights into the growing influence of state policy initiatives that arrive on the national agenda and are ultimately adopted (e.g., education reform, environmental protection, health care, and “workfare”).

Even agenda-setting models, probably the most sophisticated framework for exploring policy formulation, downplay the impact of the federal matrix. State government officials, because of their place in American federalism, have a number of doors, not just windows, into the larger national policy process. Wright (1988, 275) identified nine issue areas in which governors can work to shape national policy. Governors also possess a freedom of action that encompasses personal contact with presidents, strategy sessions with their state congressional delegation, negotiations with federal administrators, and mobilization of public opinion in their home state and throughout the nation.

Other state government officials also possess the capacity and resources by which to influence national policy (see Krane 1993). A covert example of state power over national policy can be found in the 1991 reports from state capitals that state legislators were using the decennial process of redrawing congressional districts as a bargaining chip to extract policy promises from congressional incumbents. The point here is simple: policy models that assign federalism to a contextual role which only creates complications or obstacles to action miss the fundamental fact that subnational officials are actors whose preferences embody the interests of a particular jurisdiction. Put more simply, American federalism is more than a maze of institutions; it is a matrix of reciprocal power relations.

Models of Policy Implementation

Although implementation research from its earliest beginnings acknowledged the intergovernmental dimensions of the policy process, the role of state governments in policy implementation models has been cast in a curiously emasculated fashion. For example, top-down models view implementation as a rational-technical process of assembling the necessary elements needed to penetrate through “bureaucratic-political” layers to the policy’s target beneficiaries. Successful top-down implementation depends on marshalling enough resources (money, trained personnel, facilities) to overcome the complexity of joint action, provided the national policy goals are sufficiently clear. The conceptual keys to implementation are three: the tractability of the problem, the capacity built into the statute, and the prevailing contextual conditions. Little acknowledgement is given, for example, to “picket-fence federalism” which as a description of implementation pre-dates the top-down models, and even less recognition is given to the obvious point that the multi-layered, multi-actor “picket-fence” creates the necessity to infuse policies with enough capacity to overcome the complexity of joint action (e.g., sufficient funds with which to purchase compliance from reluctant states).

Bottom-up models stress the potential for deflection or distortion of national policy by local authorities. The encounter of street-level bureaucrats with program clients is reputed to be the defining moment that actualizes the policy mandate. Local action that is faithful to national objectives serves as the benchmark for successful bottom-up implementation. While bottom-up models recognize the autonomy granted to subnational authorities by federalism, these behavioral-realist models sometimes so narrow their conceptual focus as to obscure the impact of state government on local actions. For example, the administration of welfare programs over the past twenty years has changed in important ways as a result of state government takeover of the old county welfare office. This change in

turn affects the ability to integrate welfare reform with education, training, and employment programs, many of which remain locally based.

What is conceptually striking about many implementation models (of either direction) is the lack of attention to two of the earliest and best articulated frameworks, both of which begin with the attributes of the federal system. Pressman (1975) developed a “donor-recipient” model of the grant-in-aid process that explicitly incorporated the inter-jurisdictional conflict, mutual dependence, and power asymmetry of American federalism. Williams (1980) set forth a “shared governance” model of the “uneasy partnership” within federal programs. Only with

American federalism is more than a maze of institutions; it is a matrix of reciprocal power relations.

the “third generation” of implementation studies has the capacity of states and localities to act as “power wielders” (Pressman’s term) been restored to the status of an explanatory variable.

A Resurgence of State Governments as an Explanatory Variable

Lack of attention to American federalism in explanations of public policy may be coming to an end. The post-1960 revitalization of state governments, the growing demands to devolve public policy, and the national government’s own fiscal distress have thrust state governments and American federalism back onto the agenda of both policy makers and model makers. Susan MacManus (1991, 203-54), in her “Looking to the Future” essay, cites figures that indicate many members of the APSA Organized Section on Federalism and Intergovernmental Relations also belong to another section, in particular public policy, public admin-

istration, urban politics, and law/courts/judicial politics. MacManus (212) goes on to review “new theories and findings” about federalism and concludes that “the study of federalism and intergovernmental relations is now part of the political science ‘mainstream’ ” and “today many researchers in our subfield are among the profession’s leading scholars and association leaders.”

MacManus is correct in her assessment of federalism’s return from the conceptual wilderness. However, for the renaissance in federalism studies to continue, the loose weaving of federalism with policy models must be tightened. One can see the need for transcending the treatment of intergovernmental relations as a contextual variable in policy studies by reviewing the changing fortunes of American federalism in the premier policy textbook.

If one revisits the first edition (1972) of Thomas Dye’s *Understanding Public Policy*, the widely used and influential undergraduate textbook, one finds no mention of federalism or intergovernmental relations. There is, however, a chapter devoted to “a systems analysis of state policies.” A separate chapter on American federalism did not appear until the fifth edition (1984) and its historical (e.g., changes in federalism from dual to cooperative) and descriptive (e.g., block versus categorical grants) treatment of federalism carried over to the sixth edition (1987). In the current seventh edition (1992, 307-10) Dye has added, for the first time, a section which analyzes through the lens of public choice theory the impact of intergovernmental competition on various types of policy (also see Dye 1990). No doubt this theoretical breakthrough is a harbinger of models to come, but improved theorizing about federalism also needs to be infused into models of the policy process.

Other signs that the paths of federalism and policy studies may be converging can be found in recent scholarship. Jack Treadway (1985) summarizes twenty years of the politics versus environment debate over policy outputs and uses his critical review to produce a model of the state policy-making process that combines national and state level features

(including state political culture). Thomas Anton (1989, v) proposes a "benefits coalition" framework to explain how ". . . the interrelationships among levels [of government] that are the defining characteristics of American public policies." Robertson and Judd's (1989) policy text adopts a "new institutionalism" approach which emphasizes the independent role of government in the policy making process. Paul Sabatier (1991), in laying out some directions for "better theories of the policy process," describes three models, each of which holds that government institutions are a critical explanatory variable for understanding public policy.

Weaving Together Loose Theoretical Threads

Research on American federalism, state governments, and public policy has produced two extensive fabrics of information that demonstrate it is possible to accumulate knowledge without substantial synthesis. In order to move toward more coherence and integration of federal studies with policy analysis, a number of epistemological problems will have to be addressed. The list offered here is not a complete itemization of the many sharp philosophical points that can snag the warp and woof of theory; instead the points raised here are illustrative of the challenges of weaving together the threads of different subfields.

One snag is the "combined-effects" problem that is also encountered in the study of international relations. Interaction between two (or more) governments or organizations requires (1) identification of the internal and external factors that account for phenomenon under study and (2) determination of the relative causal strength of each factor. These "combined-effects" produce another tangle: that of multiple units of analysis. Both policy and federal studies struggle with the linkage of individuals and institutions, especially when the boundaries of organizational or jurisdictional units are "blurred." Third, the dynamics of the policy process coupled with the flux in federal institutions tear at any static theory. To cope with

change, an integrative model would have to focus on activities which shape institutions and policies over time, such as decision making. A fourth epistemological point that can rip the fabric of theory is overreliance on a single type of information (e.g., fiscal data). Working with a small number of data threads not only diminishes the richness of the theoretical pattern, but also reduces its generalizability; that is to say, the theoretical cloth produced will have too many holes.¹

What kind of loom will weave together the threads of federalism and public policy? Over the last ten years there has been a lessening of the optimism that a theory of politics can be constructed by ignoring political institutions (March and Olsen 1984). The "new institutionalism" and the nascent theory of "policy design" share a theoretical concern with understanding the effects of different institutional structures on the behavior of individuals. The search for a "structural logic of policy" which ". . . will contribute to a more refined understanding of the role of institutional factors in policy design" (Linder and Peters 1990, 103) closely matches the message of the "new institutionalism"—"the organization of political life makes a difference." Efforts to increase the complementarity of rational choice models with institutional analysis appear to hold great potential for avoiding many of the snags to an integrative theory (Ostrom 1991).

Only by weaving together the separate strands of federal studies with policy analysis can instructors help their students understand why Martha Derthick (1992, 675), in delivering the 1992 Gaus Lecture, revealed that she was seriously thinking of petitioning a federal judge for the right to vote in California. The reason she offered for this secret desire was her realization that in many policy areas she was governed by the state of California, even though she lived in Virginia!

Note

1. The points raised in this paragraph derive from the discussions of shortcomings in political inquiry found in Gillespie and Zinnes (1982), especially the essays by Judith Gillespie, Brian Job, and J. Donald Moon.

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About the Author

Dale Krane is professor of public administration at the University of Nebraska at Omaha. He is a co-author of *Compromised Compliance: Implementation of the 1965 Voting Rights Act and Mississippi Government and Politics: Modernizers versus Traditionalists*. Currently, he is studying inter-agency coordination (or its lack) in the implementation of "workfare."

International and Comparative Federalism

Daniel J. Elazar, *Bar Ilan University and Temple University*

Federalism has become a major issue in world affairs and consequently in political science after many years of being ignored as a proper subject for political study except as intergovernmental relations in specifically federal systems, especially in the United States. Federalism should be understood both in its narrower sense as intergovernmental relations and in its larger sense as the combination of self-rule and shared rule through constitutionalized power sharing in a noncentralized basis.

Initially, comparative studies of federalism could be classified in three general groupings:

- (1) federalism in the English-speaking world, particularly the British Empire, including imperial federalism (Davis 1978; King 1982; Wheare 1964);
- (2) federalism in the German-speaking world, particularly Germany and Switzerland (Frenkel 1984; Esterbauer, Heraud and Pernthaler 1977); and
- (3) federalistic ideologies and schemes, mostly presented by philosophic advocates of federalism as a utopian system (Marc 1948; Marc and Aron 1948; Stevens 1977).

Federalism on the Agenda

It is increasingly clear that federalism itself, to use a biological analogy, is a genus that includes several species (Elazar 1987). One, *federation*, what most people today refer to as federalism, is the form of government invented by the founding fathers of the United States in the Constitution of 1787 (Diamond 1959; Ostrom 1986). It establishes a common general government in which to form a polity, constituent units both govern themselves and share a common constitutional government of the whole. Powers are delegated to the former by the people of all the units. Its dissolution can only come about through the consent of all or a majority of its constituent units. The general government has direct access to every citizen and supremacy in those areas in which it is granted authority (Wheare 1953; King 1982; Duchacek 1970). Archetypical modern federations include the United States, Switzerland, and Canada (Frenkel 1977; Smiley 1980).

A second, *confederation*, was the accepted form of federalism prior to 1787. In a confederation, the constituent units form a union but retain most sovereign and constituent powers. They establish and maintain

continuous control over the general government which must work through them to reach the citizenry. The secession of individual units may be possible by prior constitutional agreement without general consent. Classic confederations include the Greek Achaean League and the United Provinces of the Netherlands. The best modern example is the European Community (Hughes 1963; Elazar 1987; Elazar 1982).

A third species is *federacy*, an asymmetrical relationship between a federated state and a larger federate power, providing for potential union on the basis of the federated state maintaining greater internal autonomy by foregoing certain forms of participation in the governance of the federate power. In the United States this kind of arrangement is called "commonwealth." Both Puerto Rico and the Northern Marianas are federacies (Friedrich 1968; Elazar 1987).

A fourth species, *associated statehood*, is similar to federacy in the way that confederation is similar to federation. Both are equally asymmetrical but in associated statehood, the federate state is less bound to the federate power, and the constitution which binds them usually has provisions for the severance of ties between the two under certain speci-