

A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America

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Review

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Balogh, Brian *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America*. Cambridge University Press, \$23.99 ISBN 9780521820974

An Ideological Examination of National Power in the Antebellum America

Brian Balogh, an historian, political commentator, and co-host of the radio show, *Backstory with the American History Guys*, has blended political theory with the policy inputs of the federal government to recast our understanding of the impact and scope of national authority in the nineteenth century. By so doing, he hopes both to lay to rest the popular perception that national power in the nineteenth century was shackled by the principles of *laissez-faire* and to challenge statist liberals and anti-statist conservatives alike to rethink their reigning assumptions about how public authority has functioned in the past and what role it should assume in the future.

In thematically organized chapters that range back and forth from the Revolution to the outbreak of the Civil War, Balogh revisits the long-standing debate over the role of republicanism and liberalism in shaping the structure and role of the federal government in the antebellum period and shows how the world views embedded in these ideologies translated into specific programs and legislation. Throughout the antebellum period he finds that Americans had no qualms in turning to national authority for assistance in promoting trade, securing and expanding the public domain, and developing the economy. As long as such assistance was not accompanied by visible forms of taxation or the trappings of a centralized bureaucracy, Americans set aside fears of a distant government interfering in their lives or threatening their liberties. Congress provided the public subsidies for the Post Office that kept the information flowing across the expanding republic that broadened and deepened the sphere of political discourse. The federal judiciary set down guidelines for what increasingly was a national legal language defining contractual rights and

obligations. Meanwhile, state and local governments pursued a welter of developmental goals, especially in transportation projects, that drew upon private initiatives and public funding and regulation. In short, at all levels of government, including the national, public and private lines of authority commingled and reinforced each other.

After a too rapid transition to the unprecedented state-building demanded by the exigencies of the Civil War, one that glosses over the myriad ways in which the theme of national governance at the conceptual core of the author's argument fed the fears of Southern whites over the future of slavery that exploded in the secessionist crisis of 1860-1861, the book traces a smoother chronological arc in its coverage of the postbellum decades of the nineteenth century. As for the most audacious foray into national governance, the effort of congressional Republicans to reconstruct the South and make meaningful the promise of emancipation, Balogh has little to say except to note that the barriers of *laissez-faire* dogma which were so easily breached in the political economy held quite firm when the issues involved social reform. Indeed, on matters of race and gender, and the role they played in debates over how to govern, he is generally silent.

Balogh acknowledges but does not explore extensively the growing class conflict that so frightened conservative businessmen, liberal intellectuals, and the middle class in the Gilded Age. Where he does excel is in his superb account of how the federal judiciary, led by the Supreme Court, took the initiative in heading off demands by farmer and labor groups for a statist solution to the turmoil of massive market change and the growing power of nationally organized business firms. Through injunctions issued against striking workers, the overturning of laws at the state level designed to protect merchants and manufacturers from out-of-state competition, the treatment of labor contracts as a pure product of private exchange immune from state intervention, and the investing of corporations with the full legal rights of personhood, including the protection of due process, the courts played a fundamental role in shaping a national market dominated by large corporations.. Though powerful, their role was largely out of sight and hence corporations could be portrayed as natural entities that had evolved in a process of free and equal competition.

In showing how increasingly rigid but untenable distinctions drawn by the courts between public and private spheres of action broke down at the turn of the twentieth century when progressive reformers rethought the relationship between

state and society, Balogh stresses the extent to which progressives tried to avoid erecting a national administrative state. Instead, they focused their efforts on forms of cooperative action that turned to the states and local polities, relied on private and voluntary organizations, and delegated national authority to voluntary and private groups for enforcing governmental objectives. The result was what Balogh terms "a special form of associative action" that can well serve as a model for extending national authority to progressive ends in the twentieth-first century (353).

Most nineteenth-century historians will discover little that is new in Balogh's account and the general reader will find much of it to be heavy going, but there can no doubt that the author has taken familiar material and fashioned it into a provocative framework for rethinking what we thought we knew of how national power was wielded prior to the twentieth century. In the process he has persuasively placed "America's much vaunted antistatist tradition in its proper historical context: as an *ideological* strain that harnesses powerful symbols – whether fear of 'consolidation' or warnings about welfare queens – in order to engage in political battle" (398-399).

William L. Barney teaches U. S. history at the University of North Carolina at Chapel Hill and recently completed The Making of a Confederate: Walter Lenoir's Civil War. He is currently working on a study of secession.