Beyond Autonomy

*Practical and Theoretical Challenges
to 21st Century Federalism*

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Is Federalism Natural?
Rethinking Federalism's Origin, Operation and Significance

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At the center of federalism is Martha Derthick's question, 'How many communities are we to be—one or many?' (Derthick 1999; Livingston 1952). Federal systems obviously answer 'many'; yet they have often adopted, or tacitly accepted, philosophies from the modern, positivistic state that favour 'one'. This creates difficult incongruencies and paradoxes for federalism that lead some scholars and policy makers to oppose federalism or to see federalism as a waystation towards a more enlightened national union.

New scientific findings, however, challenge the assumptions and philosophies of the modern, positivistic state to such an extent that, as one researcher put it, 'we have to completely rethink and rebuild the social sciences' (Cochran 2018; Pinker 2002). This suggests the possibility of rethinking the state in ways that place less emphasis on sovereignty and top-down control, and favour a socially embedded version of self-government and freedom more consistent with federalism.[1]

The difference between these two different understandings can be appreciated by examining federalism using William Riker's (1964) classic book, *Federalism: Origin, Operation, Significance*, which exemplifies the standard, scientific model and positivistic state, against the new theories of human nature, and a bottom-up, complex adaptive-systems model.

1 Federalism's Origin and Operation

This comparison begins with anthropology—the study of humans and human nature. Two different anthropologies prevail in the standard political science

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[1] There are many varieties of federalism. This chapter refers primarily to the US federal system or, in James Madison's phrase, the 'compound republic' that follows from the covenant tradition (Lutz 1988; Schechter 1990), intends to preserve separateness between federal and state governments, seeks self-government that allows individual participation in government via popular sovereignty, and allows individuals to pursue happiness as they understand it so long as they do not become a burden on others (see Smith 2017).

model. Thomas Hobbes presents an anthropology which claims that humans are by nature individualistic (that is, non-social) and are motivated by their natural appetites and aversions. Some humans possess an appetite for power. They use their reason to acquire power and, once acquired, use that power and their reasoning to reshape society by building rewards and punishments into the political, legal and social systems. Ever present, however, is the potential for war between those with an appetite for power. To prevent that competition from destroying civilization, Hobbes favours sovereignty and top-down control to create a unified society. This, if done correctly, Hobbes claims, can lead to an absence of conflict. While Hobbes would empower the Leviathan with near-absolute control, he does think nature will impose some limitations on the sovereign's powers.

Riker's explanation of federalism's origin and operation presumes a Hobbesian competition for power and control, where leaders seek power when possible; otherwise, they compromise and cooperate to consolidate the power they have. Neither Riker nor Hobbes thinks there is a natural human inclination to social cooperation or a natural moral sense that would constrain human behaviour.

The standard model's other major anthropology proclaims that human nature is plastic, or easily mouldable. In the words of John Locke, humans are a 'blank slate' to be written on by their environment. From this perspective, nurture completely shapes human behaviour, which means that humans and human society are perfectible (Pinker 2002).

Plato, the despiser of democracy, and Rousseau, the champion of the general will, similarly believe that humans are malleable. They differ from Locke by distrusting individual judgement as a basis for governance. To achieve a reordered and perfected state, Plato favours philosopher kings, who use a noble lie and rigged lotteries to break the natural human bonds of family and community. Rousseau and Marx similarly empower a new aristocracy, the tribunate and the vanguard, to rework human desires and society. Post-modern theorists, like Foucault and Marcuse, posit that humans unintentionally 'construct' nearly all aspects of their reality, from gender and race to power and exploitation, because the exercise of power 'reifies' and justifies itself. What unites these philosophers is the belief that humans are a blank slate shaped haphazardly by the environment they inhabit or consciously engineered by elites.

These philosophers share another assumption of modern, positivistic science—that order must be imposed, arranged and continually maintained. Such an assumption fits the law of entropy, the second law of thermodynamics.

These two different anthropologies dominate the standard model of positivistic social science and post-modernism. Despite their differences, they share a few assumptions about human nature and the nature of order. First, they believe that humans and human society can be significantly reordered and, hence, favour designing human institutions and beliefs to construct their vision of the best society. Second, they reject the notion that nature has a natural method of ordering and organizing that makes social interaction beneficial. Two conclusions flow from these assumptions. First, the primary objective of political activists is to acquire power. Second, once acquired, power should be used to reorder society, often from the top down.

These two competing anthropologies share the same means and thereby find themselves pitted in a fierce, zero-sum competition to acquire power and direct a top-down restructuring of society.[2] This is why so much modern political science, like Riker's, focuses on power as the primary causal variable, and views the acquirement of power as a zero-sum game.

These anthropologies have something else in common: they are both wrong. According to a strong consensus among evolutionary biologists, cognitive psychologists and sociologists, humans possess a strong nature that will resist radical social engineering. This new consensus supports the Hobbesian idea that humans possess an innate nature, which includes a drive for dominance, self-interest and tribalism. But, in contrast to Hobbes and the blank-slate philosophers, that nature also includes a moral sense that fosters cooperation, support for liberty and opposition to oppression (Haidt 2012; Pinker 2002; Plomin 2018; Ridley 1996; Tomasello and Moll 2010; Tuschman 2013; Wilson 1993).

What the new understanding of human nature means for the social sciences is not clear. But it obviously means that Riker's anthropology based on power-seeking is too narrow and pessimistic, and that theories which presume human perfectibility are impossible.

2   The Race to the Bottom and Human Nature

Let us examine the new anthropology via Riker's claim that a unitary state is more efficient in the creation and enforcement of policy than a federal state. His reasoning is a version of the race-to-the-bottom hypothesis that competition for taxes in federal states leads to inefficient policies. This claim rests on two assumptions: first, that central governments can know and control policy;

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2   There is some agreement on the means to acquire power, such as elections, and there may be some agreement on the objectives to pursue (such as liberty and fairness, though not on how to draw that balance), but their different anthropologies, though both originating in the liberal tradition, means they are polar opposites on how to accomplish their objectives.

and, second, that human greed (whether for money, fame or power) knows few limits. Whether that greed is natural (Hobbesian) or nurtured (Locke, Rousseau) is irrelevant, as both standard model anthropologies accept it.

Thousands of studies have now tested the race-to-the-bottom hypothesis. John Kincaid (1991) shows that, when properly structured, intergovernmental competition can produce significant social and individual benefits. Supporting Kincaid's claims are three separate meta-analyses of the race-to-the-bottom studies. All three reached similar conclusions: first, races to the bottom are weak and rare; and second, interjurisdictional competition usually leads to positive results, which include efficiency, innovation, robustness, resilience, responsiveness and greater choice (Oates 2001; Schneiberg and Bartley 2008; Smith 2018).[3] So, the benefits of top-down uniformity are lower than Riker predicted, and the benefits of federalism are higher.[4]

These are surprising results, given the intuitive logic of the race-to-the-bottom thesis. But that logic is based on the standard model's anthropologies. The new anthropology helps explain why races to the bottom are rare. It teaches that humans are neither as power-mad nor as greedy as the standard model claims—'Just as often as not, people's moral values are dearer to them than dollars. And they run deeper' (Tuschman 2013).

The criminologist, James Q. Wilson, wrote a book on humans' moral sense because he thought what needed explaining was 'not why some people are criminals, but why most are not'. He found the answer in an innate human moral sense of sympathy, fairness or reciprocity, self-control and duty (Wilson 1993). Not all scholars agree with his list of moral senses, but there is general agreement that fairness or reciprocity fosters cooperation, and significant similarities with his other identified moral senses (Haidt 2012; Pinker 2002; Ridley 1996; Tuschman 2013; Wilson 1993).

The idea that humans have a moral sense that influences their behaviour is not entirely new. It fits Aristotle's claim that humans are social, political animals who possess an innate ability to cooperate and desire meaning and purpose. A similar line of thinking comes from the Scottish philosophers of the 18th century, who claimed that human nature contains moral sentiments that influence human behaviour more than reason. Those moral sentiments include benevolence, sympathy, compassion and a desire for approval from

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3 While there are a number of studies that find evidence for races to the bottom, many of them rely on a diluted definition that does not fit the understood and deleterious consequences predicted by the race-to-the-bottom hypothesis (Oates 2001; Smith 2018).

4 Furthermore, Riker's emphasis on efficiency neglects other outcomes of healthy competition, such as resilience and responsiveness.

others. David Hume described it thus: 'There is some benevolence, however small, infused into our bosom; some spark of friendship for human kind; some particle of the dove kneaded into our frame, along with the elements of the wolf and the spider' (Himmelfarb 2001). Adam Smith argued that market economies succeed because selfishness is 'tempered by an equally powerful inclination toward cooperation, empathy and trust—traits that are hard-wired into our nature and reinforced by our moral instincts' (Pearlstein 2018).[5]

This anthropology suggests, contrary to the standard model, that society and cooperation are, to a significant degree, natural. However, it also acknowledges that human nature may be temporarily repressed or redirected, but will eventually come roaring back either directly or in some black forms (Delsol 2003). Philosophers from this line of thinking also often recognize that government is artificial, created by the need to stop unjustified violence and coercion (Schelling 1960). Once those harmful acts are constrained, humans may be freed to 'pursue happiness' as they best understand it.

The idea that the 'pursuit of happiness' is an individual right comes from the American Declaration of Independence. Its authors would not have thought it a right if they believed it would lead to selfish, rapacious, hedonistic or indolent human behaviour (Gregg 2019). The author of the phrase, Thomas Jefferson, had a Scottish interpretation of happiness. Happiness, he believed, came from 'the personal commitment of one's faculties to purposes of enduring and justifiable value'. The individual pursuit of happiness, Jefferson believed, would benefit society, because 'good acts give us pleasure ... [b]ecause nature hath implanted in our breasts a love of others, a sense of duty to them, a moral instinct, in short, which prompts us irresistibly to feel and to succor their distresses' (Jefferson [1814] 1975, pp. 540–4).

Some modern scholars who agree with Jefferson's anthropology claim that human happiness comes from 'earned success' that means creating value in our lives or the lives of others (Brooks 2010). In other words, happiness comes not from avoiding but accepting responsibility and obligations, and fitting one's life and liberty to socially meaningful endeavours (Erikson 1968; Kekes 2002).[6]

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5 Adam Smith is famous for his quote that it is not from the butcher, brewer and baker's altruism that we receive our meal, but from their self-interest. Yet often overlooked in that quote is that, despite their self-interest, they do not 'conspire', 'deceive' or 'oppress', but follow the rules of the free market. Why people follow rules needs to be explained. The new anthropology helps unpick this conundrum.

6 The psychologist Erik Erikson (1968, ch. 3) argues that the transition to adulthood involves answering the question: 'To what useful goal can I commit my grown-up years?' A healthy person finds 'a fit between his aptitudes and an honorable purpose of his life'.

If correct, there is reason to trust that individual freedom to pursue happiness can lead to creative and productive social benefits.

Much of modern society, however, holds a different notion of happiness. This notion requires both greater top-down control of society and the liberation of individuals from social obligations and responsibilities. It is based on Romanticism's ideal, championed by Rousseau, that individuals should be *authentic*, reject the norms and ideals of society, and blaze their own identity and path. This ideal encourages government policies that liberate individuals from all unnecessary and undesirable obligations and constraints, including social embeddedness, to choose their own path (Kekes 2002; Manent 2007; Milbank and Pabst, 2016). Often this ideal fosters attitudes that ignore social conventions and disregard obligations and responsibility for one's actions; instead, individuals should rely on the state guided by top-down elites to solve an individual's problems (Deneen 2018; Lane 2017; Lowi 1979; Milbank and Pabst 2016).[7] This may be part of the reason why the civilized world is experiencing a significant decrease in social solidarity—today, 40 per cent of Americans are lonely; many lack a purpose or meaning; and there is rising depression and suicide (Sachs 2018).

One reaction to this extreme individualism and resulting loneliness has been for individuals to find society by fragmenting into sects of the like-minded. This is a form of tribalism and minority rights that can create positive, supportive associations and yet also inhibit the associations that would transcend differences (Hawkins, Yudkin, Juan-Torres and Dixon 2018; Sachs 2018).

The contrast between Romanticism's authentic individualism and the idea that happiness comes from 'earned success that is embedded in social relations' for both government policy and individual choice is profound. For example, the blank-slate theory of human nature explains, and Romanticism justifies, extreme individual behaviour that gives little consideration to social convention and obligations and, hence, why competition and races to the bottom are expected to be harmful. The new anthropology, with its recognition that humans are social creatures with a moral sense, helps explain why races to the bottom are weaker than predicted and why freedom need not result in anarchy and chaos.

Yet, the new anthropology's claims of a human moral sense are insufficient to explain the weakness of races to the bottom, because the human moral sense is not determinative and can be overridden by individual choice.[8] An

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7   Individualism and autonomy are not a solution to statism, but often a cause (Lane 2017).
8   The moral sense's influence on human behaviour is limited. James Q. Wilson (1993, p. 251) concluded his study of the human moral sense with this paragraph: 'Mankind's moral sense is not a strong beacon light, radiating outward to illuminate in sharp outline all that

additional piece of the puzzle is the new science of complexity's understanding of the nature of order, specifically, the concept of emergence, which violates the standard model's assumptions of linearity.

3   Emergence—A Missing Variable

Riker's analytical method, consistent with the standard model, is linear, reducible and deductive. He presumes that humans form governments to acquire or consolidate power, and that human social order is created from the top down. From those presumptions, Riker deduces that federalism is a viable, modern form of government, because it is more efficient than empire for conquest and consolidating power. He also deduces that political systems are controlled by elites, and dismisses public opinion's influence, because it can be manipulated by elites (Riker 1964).

We see this reductive, linear and deductive method at work again in Riker's claim that he can predict a federal state's fate at its founding merely by assessing whether the federal government or constituent units hold the preponderance of power. If the bulk of power lies with the states, he predicts, then the nation will eventually become confederal; otherwise, a unitary nation will evolve (Riker 1964). Riker's focus on power and his deductive methodology turns the origin and operation of federal states into competitions for power, measured by the 'autonomy' those officials possess, and with only a backward glance to democracy.

Riker's claims fit the standard model's support for consolidating and centralizing government. so that elites, drawing on science and an army of bureaucrats, can adopt and implement policies that would more efficiently order society.[9] In short, power is to Riker as gold and silver were to mercantilists; he cannot imagine that order or organization could flow from anything else.

Reductive, linear and deductive methods, however, are blind to an important new concept called emergence.[10] One form of emergence is 'spontaneous

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     it touches. It is, rather, a small candle flame, casting vague and multiple shadows, flickering and sputtering in the strong winds of power and passion, greed and ideology. But brought close to the heart and cupped in one's hands, it dispels the darkness and warms the soul'. In other words, moral sentiments influence, but do not determine our behaviour.
9   For problems with the bureaucratic state, see MacIntyre 1984; Ostrom 1973, 2008; and Wilson 1995.
10   Aristotle also seems to have understood, or at least anticipated, emergence with his concept of teleology, that things in nature are driven by internal and pre-given purposes, and his claim that the whole is greater than the sum of its parts.

order', which is the idea that order need not be imposed top down, but may emerge spontaneously from simple rules (Colander and Kupers 2014; Lane 2017; Milbank and Pabst 2016; Pally 2016; Schelling 1960).

Emergence claims that interactions and relationships at the micro level, under the right conditions, generate complex emergent characteristics and patterns at the macro level. These emergent macro properties persist, despite continual turnover in their constituent parts (Holland 1995). They are irreducible: that is, they are found only in the whole and are often completely different from anything found in the parts (Morçöl 2012; Vermeule 2011). These emergent elements exert downward causation: that is, they feed back into the system, affecting the behaviour of the components of the system (Morçöl 2012).[11]

A few counter-intuitive examples illustrate emergent, spontaneous order. Consider a pack of hunting wolves, a flock of birds and a school of fish. Biologists did not understand how these groups behaved without some central direction until learning that a few rules can create spontaneous and complex order. An incredibly effective and efficient wolf pack can be explained with two rules: first, get as close to the target prey as possible without being injured or killed; second, move away from your closest hunting companion (Muro, Escobedo, Spector and Coppinger 2011). Three rules explain how birds can flock and fish can school without crashing into one another or other physical objects (Hartman and Benes 2006). Movie makers and computer programmers apply this knowledge to create armies of orcs and 101 dalmatians that move across the screen like real objects.

Spontaneous orders share certain properties. First, the system's aggregate characteristics and behaviour will usually differ significantly from what is predicted by its components. Second, inputs are not always linear (that is, proportional)—micro causes may have large macro effects, and macro causes may have micro effects (Colander and Kupers 2014). Third, the interactions among agents within the system may be so dense and integrated that the system resists command and control by external forces.

Emergent, spontaneous orders are found throughout human societies. The 'invisible hand' in Adam Smith's market economy appears to be one. Another example is the complex order that emerges from the USA's institutions and basic rules (Vermeule 2011). Nobel Prize winner Elinor Ostrom describes many spontaneous orders in her (1990) study, *Governing the Commons*. The simple rules that create emergent human order may be derived from our natural human sentiments and moral sense's innate norms or they may be

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11   This idea of downward causation is rejected by rational choice theory (Morçöl 2012).

conventional; often it is a combination of both (Bicchieri 2006; Fiddick 2006; Gintis, Bowles, Boyd and Fehr 2005; Joyce 2007; Nichols 2004).[12]

Another human example of emergent order achieved through bottom-up, negotiated interactions are the traffic intersections that eliminate all top-down and external controls—that is, traffic signs and traffic lights. At these intersections, pedestrians, cyclists and motorists must interact and negotiate their movement through the 'shared space' without outside guidance or direction. 'When people do not know who has the right of way', states the engineer Hans Monderman, 'they seek eye contact with other users, reduce speed, and take greater care'. These intersections increase the risk factor slightly by giving individuals greater control and less direction, which induces individuals to accept responsibility and exercise restraint. The result is fewer accidents and traffic that flows more efficiently (Monderman n.d.; Vanderbilt 2008).[13]

The nature of spontaneous orders is that the agents in them are not controlled or directed, only influenced. In such systems there is often no direct, linear, causal link between government actions and outcomes (Colander and Kupers 2014; Morçöl 2012). Rather, public policy needs to be understood as a self-organizational process in which government officials are one of many self-conscious actors trying to influence the system (Lane 2017; Morçöl 2012). The important point is that a government need not seek to create order or impose control, but rather may provide a mechanism through which people can coordinate their actions. This does not prohibit the use of top-down directives and control, but it does recommend those should be a last resort, used to stop existential threats (Colander and Kupers 2014).

The idea that complex order can emerge endogenously runs counter to the standard model and positivistic science which holds that causation is exogenous and linear, and the whole is reducible to its parts (Morçöl 2012). In other words, elites cannot know, control or predict as effectively as the standard model claims they can and requires they must in order to achieve its promises (Brooks 2018; Colander and Kupers 2014; Hayek 1945; Hooghe and Marks 2012; Lane 2017; McArdle 2013; Morçöl 2012; Tetlock 2005).

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12   Scientists have shown that children naturally distinguish between two types of rules: prudential/conventional and moral. Prudential or conventional rules are relative to time and place and may be set aside under certain circumstances. Moral rules are considered categorical. Children will follow an authority's direction to ignore a conventional rule, but not a moral rule. This distinction between rules fits Elinor Ostrom's distinction between constitutional and operating rules.

13   'Shared space' intersections have been criticized for being too difficult to navigate for visually and auditory-impaired individuals.

Consider the American war on poverty: despite federal oversight and billions spent, systemic, multi-generational poverty has grown (Deneen 2018; Eberstadt 2016; Gramm and Early 2018; Mitchell 2018). Similarly, at the global level, a top-down, fully funded effort that spared no expense failed to significantly reduce poverty and, more significantly, failed to produce self-sustaining growth (Barnett, Massett, Dogbe et al. 2018; Christensen, Ojomo and Dillon 2019). In contrast, after the Cold War, the spread of neoliberalism and the institutions that support and protect freedom has led to the most significant decline of global poverty ever witnessed and a convergence of incomes between nations (Acemoglu and Robinson 2016; Paris 2004; Patel, Sandefur and Subramanian 2018; Radelet 2016; Roy, Kessler and Subramanian 2016; Shleifer 2009; World Bank 2018). In short, under the right conditions and institutions, individuals acting freely may create spontaneous orders that have broad social benefits.

This is not to say that elites know nothing. Elites are often correct when they share a strong consensus, and they have and will continue to contribute to better government and a better society (Tetlock 2005). However, the new science of complexity provides the theoretical basis to explain why top-down, elite-driven policies have often failed to accomplish their objectives. It also helps explain why individual freedom under the right conditions and institutions may address social problems more effectively and efficiently than top-down policies.

4   Federalism's Significance

In evaluating federalism's significance, Riker argues federalism is both inefficient and does not foster freedom, because it is a system that favours minority decision making and imposes high external costs on everybody except the privileged minority. Thus, determining whether federalism is a benefit or harm requires determining which minority is favoured by the system, and then deciding whether one favours that privileged minority's goals and values (Riker 1964). This conclusion flows from some of the standard model's assumptions and a loaded definition. The standard model sees diversity as a source of inefficiency (Colander and Kupers 2014). This is because the standard model assumes normal distributions, and thus seeks causal variables and public policies that fit within two standard deviations of the mean. Diversity and differences beyond two standard deviations are generally considered either meaningless or harmful. Federalism, Riker concludes, is harmful because it fosters diversity and competition that impair clear policy direction and control.

In complex systems, however, assuming normal distributions and seeking averages will often miss the relevant variables and result in a misleading analysis, because it is the abnormal distributions (that is, the long- or heavy-tailed distributions or patterns) that often have the greatest influence on the system. In complex systems, sufficient diversity and competition are actually beneficial; they make the system run smoother and better by fostering resilience, robustness and innovation that allow the system to withstand shocks and disruptions and adapt to new situations, all without oversight, direction or planning (Colander and Kupers 2014; Page 2011). In federal systems, competition between governments is a means to check tyranny, protect liberty and keep government attentive, accountable, efficient, resilient and innovative (Kincaid 1991; Oates 2001; Schneiberg and Bartley, 2008; Smith 2018). Riker's analysis, consequently, undervalues federalism's benefits and overstates its costs.

The standard model and a complexity policy framework also differ in their treatment of values and norms. The standard model requires a strict separation of facts and values, because science is unable to address metaphysical things like values. Also, under the rational choice model, norms and values are usually assumed to be fixed and unchangeable. Consequently, scientists are to defer the selection of values to two broad, aggregating and competitive processes—the market and politics. Each process relies on self-interested individuals and groups (firms and political parties) intentionally seeking to manipulate or alter the process for their own benefit. In both instances, little attention is given to norms, the public good, or the principles the public values.

Insisting on a strict fact–values distinction in public policy analysis can lead to value advocacy coming in through the back door under the pretence of value neutrality (Strauss 1953). Consider Riker's definition of freedom. Riker defines 'freedom' as the ability to make policy. This allows the conclusion that one harms freedom by impairing either the majority or elite's ability to make and direct policy. Yet Riker's definition of freedom ignores the more common definition of freedom as the right to pursue one's version of happiness in both the public and private realm. Under this more common definition, federalism may foster freedom by supporting and protecting diversity and competition. Riker's non-normatively operationalized definition of freedom justifies top-down elite policy making, while dismissing as irrelevant the common understanding of freedom.

Riker's final conclusion about federalism also follows the fact–value distinction. 'If in the United States one approves of Southern white racists', Riker (1964, p. 155) writes, 'then one should approve of American federalism. If, on the other hand, one disapproves of the values of the privileged minority, one should disapprove of federalism. Thus, if in the United States one disapproves

of racism, one should disapprove of federalism'. This statement, though literally value-neutral is deeply fraught with normative advocacy. The consequence of sustaining that mask of neutrality, however, is not the simple normative solution to replace the bad norms with better norms, but rather an institutional solution of rejecting the entire structure associated with those bad norms (for example, federalism).[14]

In contrast, complexity policy recommends evaluating and adopting a clear norms policy that identifies the values that define and bind a community. Norms and rules coevolve. The norms give meaning, purpose and context to the rules. Consequently, norms are the most effective means to stabilize or affect change in complex, human systems (Colander and Kupers 2014; Meadows 2008; Wheatley 2006;). This is because if people's values and ideals change, then they change their behaviour, and that change reverberates throughout the system in ways that create new understandings, institutions and emergent properties that then reinforce those changes and norms. Given the power of norms to shape systems, conscious attention and choice should be given to studying and selecting the norms that underlie and animate complex, human systems.

The power of norms to shape complex, human social systems and the standard model's insistence on the fact–values distinction can result in policy reforms that have little effect if they are inconsistent with the prevailing norms. Existing conditions may 'lock-in' existing policies. Consequently, what *exists* as a public's norms may differ considerably from what a public *desires* for its guiding norms (Colander and Kupers 2014, p. 185). A benefit of a complexity policy model, then, is that it encourages a values debate beyond the merely abstract and analytical assessments to consider what are the genuine ideals and values, motives and passions within a specific context (Kass 2002, ch. 2).

Neglecting the power of norms, the non-linear nature of complex systems and the existence of emergence leads the standard model to exaggerate human intelligence's ability to know and leadership's ability to control complex human social systems. Complexity theory teaches that control and prediction are impossible in complex systems. Unfortunately, an exaggerated view of intelligence fostered by the standard model has led to an unjustified deference to authority: justifying leadership action without genuine public discourse that harms democracy (Garsten 2006; Hirschman 1970; Manent

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14   For a trenchant critique of the analytical method that favours the fact–value distinction see Kass 2002, ch. 2.

2006, 2007; Moore 2017);[15] shifting responsibility for solving problems from individuals to the government (Deneen 2018; Lane 2017; Lowi 1979; Milbank and Pabst 2016);[16] and denying citizens important opportunities that could create social connections, meaning and purpose in their lives (Hawkins et al. 2018; MacIntyre 1984; Minogue 2010; Pally 2016; Sachs 2018). Moreover, when government fails to solve important problems, the public becomes cynical and alienated, because the government did not do what its leaders and advocates claimed it could. This has contributed to the crisis of authority in our world today (Appelbaum 2018; Brooks 2018).

Political science's standard model teaches that politics is competition for resources and power, and the solution is often government centralization, unity and uniformity or market choices influenced by self-interested firms. The standard model rests on an assumption that people with differing ideas will behave in competitive and antagonistic relationships. This 'tragedy of the commons' is a founding myth of modern political science. Yet, research shows, humans are often capable of resolving the allocation of common resources without government oversight (Ostrom 1990); and Ridley (1996) claims that actual tragedy-of-the-commons events are almost always the result of government intervention. Laboratory experiments show that teaching college students that humans are rational and motivated by self-interest creates a mindset that often becomes a self-fulfilling prophecy requiring centralized, top-down control to constrain (Ridley 1996).[17] The standard model's approach to social problems has not been to develop social and civic institutions that foster individual responsibility and social cooperation, or meet the very human need for connection and society, but quite the opposite.

The standard model's recommendations are now highly suspect, because the standard model assumes a false anthropology, its methods miss a fundamental source of order, and it overestimates elites' ability to know and control. The standard model that defines the social sciences needs to be rethought. It is time for a paradigm shift that gives due consideration to non-linear, dynamic systems,

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15   For Hobbes and much of the standard model, this shift away from persuasion to justification and manipulation is intentional (Garsten 2006). Rousseau's idea that individuals can be 'forced to be free' and Marx's idea of 'false consciousness' also discount the value of genuine discourse and persuasion. Pierre Manent (2006) argues that justification prevails in our modern societies.

16   This idea stems in no small part from Hobbes's anthropology that humans are by nature radically independent and autonomous beings, Romanticism that favours individual autonomy free from unnecessary and unchosen constraints and obligations, and the modern liberal view that the state can solve problems.

17   Studies show that students who learn game theory become more selfish (Ridley 1996).

beneficial competition and natural human sentiments that favour social interaction, and cooperation.

In this paradigm shift, the potential lies in recognizing that individuals are smart and adaptive, who benefit from bearing some risk and respond with responsibility and restraint, whose nature seeks social connections, and who can work collaboratively to design institutions and structures that respect the common good and help them achieve their goals (Colander and Kupers 2014) This requires an environment that recognizes the value and place for both local interactions with bottom-up influence and limited top-down direction. How to accomplish this is not yet clear, but a federalism that values self-government may provide a valuable framework.

A federalism that values self-government will provide a minimal normative national framework that unites the nation, but allows significant local discretion. An example could be the United States' Declaration of Independence which defines some fundamental values that define an American identity, while the Constitution allows constituent units significant freedom and diversity consistent with those values.

Too much local control, however, can be harmful. The natural human sentiments that contribute to cooperation also foster tribalism and local tyranny. A federalism that values self-government will recognize the problems of prejudice and bias that make local tyrannies possible. Clearly, some top-down and macro-direction is both beneficial and necessary to overcome local tyrannies and tribalism, but it will also acknowledge that local control (or federalism all the way down) can be an effective means to empower minorities (Gerken 2010), and foster transformative bottom-up movements.

A federalism that values self-government provides a means to overcome the trust problem—how can you trust others to forgo their short-term self-interest for long-term cooperation (Ridley 1996)? The solution to problems of self-government is often more self-government. Many have noted that the rules that make trust and cooperation possible are more likely to be internalized, effective, robust and monitored if they are created closer to the people and through popular participation (Colander and Kupers 2014; Moore 2017; Morçöl 2012; Ostrom 1990; Ridley 1996).[18] Tocqueville famously noted that self-government teaches the art of associating and cultivates the virtues that make more self-government possible (Tocqueville 2000). Similarly, the value

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[18]   In contrast, Robert Dahl (1989) thought the solution to greater rule by the people required either insulating political decisions from economic inequalities or reducing those inequalities. This is a broadly shared sentiment today, but Madison clearly rejects this idea in *Federalist #10* (1987).

of character education for cultivating the 'better angels of our nature' should not be neglected. This need was understood by America's founding fathers (see Vetterli and Bryner 1996).

Finally, developing shared public spaces that require responsibility and restraint provides an educative function. Hans Monderman (n.d.) noted that when people learn to navigate the 'shared space' intersections they also often come to realize that government is not necessary to solve every problem. More self-government means more human interactions which require trust, and this leads humans to both behave more trustworthily and identify and sanction those who behave irresponsibly and untrustworthily.

In this regard, federalism's contribution will probably be less in refining the institutions of government or the techniques of intergovernmental management. Rather, it will help structure an ecosystem that fosters greater self-government through human associations that self-organize in unplanned, unpredictable and creative ways. Making this work well requires a better understanding of when top-down command and control is efficient and effective, and when bottom-up diversity and competition are better.

5   Conclusion

Our modern, globalized world is more open than closed, and increasingly interconnected, interdependent and dynamic. Order, it is now clear, does not necessarily come from above, but may emerge from small, distributed and connected parts. And human happiness is largely tied to accepting responsibility and engaging in meaningful activities. These things persist, and often prevail, despite significant political and cultural institutions and beliefs arrayed against them. A more supportive ecostructure would likely induce greater social interaction and cooperation (Colander and Kupers 2014).

The new anthropology and the science of complexity have led many to conclude that the social sciences need to be completely rebuilt. How to do that is still being developed and will take time. At a minimum, this paradigm shift will require relinquishing the chimera of control that positivism has given us. It will require fostering freedom, individual responsibility and trust in the moral purposes of the average man and woman. Rejecting this option is to hold to the false promise of human control, to believe that the elites at the top can control and direct, to dismiss the average person's actions as inconsequential to the final outcome—in short, to ignore what complexity has made clear is impossible.

While complexity science is new, the ideas are not. There are deep echoes here of Aristotle and Althusius, Smith and Hume, Madison and Tocqueville,

Elazar and Ostrom—philosophies the standard model has discounted in favour of power and structures.[19] As we think about a new paradigm of government, federalism with its supporting philosophies of freedom, self-government, individual responsibility, divided sovereignty, local control and a limited but strong national government has much to contribute.

Acknowledgements

References

Acemoglu, D. and J. A. Robinson (2012). *Why Nations Fail*. New York: Crown Business.

Appelbaum, Y. (2018). Americans aren't practicing democracy anymore. *The Atlantic*, Oct., <https://www.theatlantic.com/magazine/archive/2018/10/losing-the-democratic-habit/568336/>.

Barnett, C., E. Masset, T. Dogbe et al. (2018). *Impact Evaluation of the SADA Millennium Villages Project in Northern Ghana: Endline Summary Report*. Brighton: Itad in association with IDS, LSHTM and PDA Ghana, <https://opendocs.ids.ac.uk/opendocs/handle/123456789/14060>.

Bicchieri, C. (2006). *The Grammar of Society: The Nature and Dynamics of Social Norms*. Cambridge: Cambridge University Press.

Brooks, A. C. (2010). *The Battle: How the Fight between Free Enterprise and Big Government Will Shape America's Future*. New York: Basic Books.

Brooks, D. (2018). The strange failure of the educated elite. *New York Times*, May 28, <https://www.nytimes.com/2018/05/28/opinion/failure-educated-elite.html>.

Christensen, C. M., E. Ojomo and K. Dillon (2019). *The Prosperity Paradox: How Innovation Can Lift Nations out of Poverty*. New York: HarperCollins.

Cochran, G. (2018). Forget nature versus nurture: nature has won. *Quillette.com.*, Sept. 25, <https://quillette.com/2018/09/25/forget-nature-versus-nurture-nature-has-won/>.

Colander, D. and R. Kupers (2014). *Complexity and the Art of Public Policy: Solving Society's Problems from the Bottom up*. Princeton: Princeton University Press.

Dahl, R. A. 1989. *On Democracy*. New Haven: Yale University Press.

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19   For a review of other philosophers who challenge the centralized, sovereign state and standard model, see Hueglin 1999, 2008.

Delsol, C. (2003). *Icarus Fallen: The Search for Meaning in an Uncertain World*, trans. R. Dick. Wilmington: ISI Books.

Deneen, P. J. (2018). *Why Liberalism Failed*. New York: Yale University Press.

Derthick, M. 1999. *Dilemmas of Scale in America's Federal Democracy*. Cambridge: Cambridge University Press.

Eberstadt, N. (2016). *Men without Work*. West Conshohocken: Templeton Press.

Erikson, E. (1968). *Identity: Youth and Crisis*. New York: W. W. Norton.

Fiddick, L. (2006). Adaptive domains of deontic reasoning. *Philosophical Explorations* 9: 105–116.

Garsten, B. (2006). *Saving Persuasion: A Defense of Rhetoric and Judgment*. Cambridge, MA: Harvard University Press.

Gerken, H. K. (2010). Federalism all the way down. *Harvard Law Review* 4: 6–74.

Gintis, H., S. Bowles, R. Boyd and E. Fehr (2005). Moral sentiments and material interests, in H. Gintis, S. Bowles, R. Boyd and E. Fehr (eds), *Moral Sentiments and Material Interests*. Cambridge, MA: MIT Press, pp. 3–39.

Gramm, P. and J. F. Early (2018). Government can't rescue the poor. *Wall Street Journal*, Oct. 10, <https://www.wsj.com/articles/government-cant-rescue-the-poor-1539211035>.

Gregg, Samuel (2019). The founders' natural rights philosophy does not entail radical autonomy. *Public Discourse: The Journal of the Witherspoon Institute*, Feb. 25, <https://www.thepublicdiscourse.com/2019/02/48374/>.

Haidt, J. (2012). *The Righteous Mind: Why Good People Are Divided by Politics and Religion*. New York: Pantheon Books.

Hartman, C. and B. Benes (2006). Autonomous boids. *Computer Animation and Virtual Worlds* 17: 199–206, <https://doi.org/10.1002/cav.123>.

Hawkins, S., D. Yudkin, M. Juan-Torres and T. Dixon (2018). *Hidden Tribes: A Study of America's Polarized Landscape*. New York: More In Common, <https://hiddentribes.us>.

Hayek, F. A. (1945). The use of knowledge in society. *American Economic Review* 35: 519–530.

Himmelfarb, G. (2001). The idea of compassion: the British vs. the French enlightenment. *The Public Interest* 145: 3–24.

Hirschman, A. O. 1970. *Exit, Voice, and Loyalty*. Cambridge, MA: Harvard University Press.

Holland, J. (1995). *Hidden Order: How Adaptation Builds Complexity*. New York: Basic Books.

Hooghe, L. and G. Marks (2012). Beyond federalism: estimating and explaining the territorial structure of government. *Publius: The Journal of Federalism* 43: 179–204.

Hueglin, T. (1999). *Early Modern Concepts for a Late Modern World: Althusius on Community and Federalism*. Toronto: Wilfrid Laurier University Press.

Hueglin, T. (2008). *Classical Debates for the 21st Century: Rethinking Political Thought*. Toronto, Ontario: Broadview Press.

Jefferson, T. [1814] (1975). Letter to Thomas Law, June 13, in M. D. Peterson (ed.), *The Portable Thomas Jefferson*. New York: Penguin Books.

Joyce, R. (2007). *The Evolution of Morality.* Cambridge, MA: MIT Press.

Kass, L. R. (2002). *Life, Liberty and the Defense of Dignity: The Challenge for Bioethics.* New York: Encounter Books.

Kekes, J. (2002). *The Art of Life.* Ithaca: Cornell University Press.

Kincaid, J. (1991). The competitive challenge to cooperative federalism: a theory of federal democracy, in D. A. Kenyon and J. Kincaid (eds), *Competition among the States and Local Governments: Efficiency and Equity in American Federalism.* Washington, DC: Urban Institute Press.

Lane, R. (2017). *The Complexity of Self-government.* Cambridge: Cambridge University Press.

Livingston, W. S. (1952). A note on the nature of federalism. *Political Science Quarterly* 67: 81–95.

Lowi, T. (1979). *The End of Liberalism.* New York: W. W. Norton & Co.

Lutz, D. S. (1988). *The Origins of American Constitutionalism.* Baton Rouge: Louisiana State University Press.

MacIntyre, A. (1984). *After Virtue,* 2nd edn. Notre Dame: University of Notre Dame Press.

Madison, J. (1987). Federalist #10, in I. Kramnick (ed.), *The Federalist Papers.* London: Penguin Books.

Manent, P. (2006). *A World beyond Politics? A Defense of the Nation-State,* trans. M. LePain. Princeton: Princeton University Press.

Manent, P. (2007). *Democracy without Nations: The Fate of Self-government in Europe.* Wilmington: ISI Books.

McArdle, M. (2013). America's new mandarins. *Daily Beast,* Feb. 21, <https://www.the-dailybeast.com/americas-new-mandarins>.

Meadows, D. H. (2008). *Thinking in Systems: A Primer.* White River Junction: Chelsea Green Publishing.

Minogue, K. (2010). *The Servile Mind: How Democracy Erodes the Moral Life.* New York: Encounter Books.

Milbank, J. and A. Pabst (2016). *The Politics of Virtue: Post-Liberalism and the Human Future.* Lanham: Rowman & Littlefield.

Mitchell, D. J. (2018). Poverty in the U.S. was plummeting --until Lyndon Johnson declared war on it, <https://fee.org/articles/poverty-in-the-us-was-plummeting-until-lyndon-johnson-declared-war-on-it/>.

Monderman, H. (n.d.). Shared spaces—naked streets—how it all started [video file], <https://www.youtube.com/watch?v=jYpUbvnjJgM>.

Morçöl, G. (2012). *A Complexity Theory for Public Policy.* New York: Routledge.

Moore, A. (2017). *Critical Elitism: Deliberation, Democracy, and the Problem of Expertise.* Cambridge: Cambridge University Press.

Muro, C., R. Escobedo, L. Spector and R. P. Coppinger (2011). Wolf-pack (*canis lupus*) hunting strategies emerge from simple rules in computational simulations. *Behavioral Processes* 88: 192–197.

Nichols, S. (2004). *Sentimental Rules.* Oxford: Oxford University Press.

Oates, W. E. (2001). Fiscal competition or harmonization? Some reflections. *National Tax Journal* 54: 507–512.

Ostrom, E. (1990). *Governing the Commons: The Evolution of Institutions for Collective Action.* Cambridge: Cambridge University Press.

Ostrom, V. (1973). Can federalism make a difference? *Publius: The Journal of Federalism* 3: 197–237.

Ostrom, V. (2008). *The Crisis of Public Administration,* 3rd edn. Tuscaloosa: University of Alabama Press.

Page, S.E. (2011). *Diversity and Complexity.* Princeton and Oxford: Princeton University Press.

Pally, M. (2016). *Commonwealth and Covenant: Economics, Politics, and the Theologies of Relationality.* Grand Rapids: Wm B. Erdmans Publishing Co.

Paris, R. (2004). *At War's End: Building Peace after Civil Conflict.* Cambridge: Cambridge University Press.

Patel, D., J. Sandefur and A. Subramanian (2018). Everything you know about cross-country convergence is (now) wrong. Center for Global Development, <https://www.cgdev.org/blog/everything-you-know-about-cross-country-convergence-now-wrong>.

Pearlstein, S. (2018). Five myths about capitalism. *Washington Post,* Sept. 28, <https://www.washingtonpost.com/outlook/five-myths/five-myths-about-capitalism/2018/09/27/3f0b72f6-c06f-11e8-90c9-23f963eea204_story.html?noredirect=on&utm_term=.ce1cc60b6fff>.

Pinker, S. (2002). *The Blank Slate: The Modern Denial of Human Nature.* New York: Penguin Books.

Plomin, R. (2018). *Blueprint: How DNA Makes Us Who We Are.* Cambridge, MA: MIT Press.

Radelet, S. (2016). Progress in the global war on poverty. *Christian Science Monitor,* Feb. 7, <https://www.csmonitor.com/World/2016/0207/Progress-in-the-global-war-on-poverty>.

Ridley, M. (1996). *The Origins of Virtue: Human Instincts and the Evolution of Cooperation.* New York: Penguin Books.

Riker, W. H. (1964). *Federalism: Origin, Operation, Significance.* Boston: Little, Brown & Co.

Roy, S., M. Kessler and A. Subramanian (2016). Glimpsing the end of economic history? Unconditional convergence and the missing middle income trap. CGD Working Paper 438. Washington, DC: Center for Global Development. <https://www.cgdev.org/publication/glimpsing-end-economic-history-unconditional-convergence>.

Sachs, J. (2018). Morality in the 21st century, episode 6. BBC Radio 4 Podcast. Aug. 13, <https://itunes.apple.com/us/podcast/morality-in-the-21st-century/id1434829453?mt=2>.

Schechter, S. L. (ed.) (1990). *Roots of the Republic: American Founding Documents Interpreted.* Madison: Madison House.

Schelling, T. 1960. *The Strategy of Conflict.* Cambridge, MA: Harvard University Press.

Schneiberg, M. and T. Bartley (2008). Organizations, regulation, and economic behavior: regulatory dynamics and forms from the nineteenth to twenty-first century. *Annual Review of Law and Social Science* 4: 31–61.

Shleifer, A. (2009). The age of Milton Friedman. *Journal of Economic* Literature 47: 123–135, <https://scholar.harvard.edu/files/shleifer/files/jel_2009_final.pdf>.

Smith, T. E. (2017). A compound republic—if you can keep it: Martha Derthick's empiricism and the value of federalism. *Publius: The Journal of Federalism* 47: 153–170.

Smith, T. E. (2018). Federalism's favorite phantom: race to the bottom theory. Paper presented at the American Political Science Association's Annual Meeting, Boston, MA.

Strauss, L. (1953). *Natural Right and History.* Chicago: University of Chicago Press.

Tetlock, P. E. (2005) *Expert Political Judgment: How Good Is It? How Can We Know?* Princeton: Princeton University Press.

Tocqueville, A. de (2000). *Democracy in America*, trans. H. C. Mansfield and D. Mansfield. Chicago: University of Chicago Press.

Tomasello, M. and H. Moll (2010). The gap is social: human shared intentionality and culture, in P. M. Kappeler and J. B. Silk (eds), *Mind the Gap*. Berlin: Springer-Verlag, pp. 331–349.

Tuschman, A. (2013). *Our Political Nature: The Evolutionary Origins of What Divides Us.* Amherst: Prometheus Books.

Vanderbilt, T. (2008). The traffic guru. *The Wilson Quarterly* 32: 26–32.

Vermeule, A. (2011). *The System of the Constitution.* New York: Oxford University Press.

Vetterli, R. and G. Bryner (1996). *In search of the Republic: Public Virtue and the Roots of American Government.* Lanham: Rowman & Littlefield.

Wheatley, M. J. (2006). *Leadership and the New Science: Discovering Order in a Chaotic World.* San Francisco: Berrett-Koehler.

Wilson, J. Q. (1993). *The Moral Sense.* New York: Free Press.

Wilson, J. Q. (1995). *Political Organizations.* Princeton: Princeton University Press.

World Bank (2018). *Poverty and Shared Prosperity 2018: Piecing together the Poverty Puzzle.* Washington, DC: World Bank, <https://openknowledge.worldbank.org/bitstream/handle/10986/30418/9781464813306.pdf>.