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## DYSFUNCTIONAL GOVERNMENT AT HOME AND ABROAD

GRAHAM K. WILSON\*

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### INTRODUCTION

*Dysfunction: Any abnormality or impairment of function. Hence dysfunctional . . . .*<sup>1</sup>

There can be little doubt that the governmental processes in the United States are not “operating normally.” The appropriations process (or lack thereof) illustrates this point, particularly the crisis in 2013 caused by House Republicans’ refusal to pass a Continuing Resolution. Too infrequently discussed is the fact that Continuing Resolutions would not be necessary at all if appropriations acts, a familiar part of the “regular order” in Congress in the past, were passed on an annual basis. In fact, Congress has not passed a full set of appropriations acts covering all the executive departments since 2005, when a majority of the current members of the House were not yet in Congress.

Is dysfunctionality merely an American condition? Are the citizens of other countries satisfied with the performance of their governments? Although satisfaction with government varies, the answer in many countries is “no,” even in advanced democracies with very different policies and institutions than the United States. For example, Arthur Miller and Ola Listhaug documented the fact that confidence in Sweden’s government declined just as much as confidence in the United States’ government from 1964–1986.<sup>2</sup> At times,

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\* Department of Political Science, Boston University.

<sup>1</sup> 5 OXFORD ENGLISH DICTIONARY 11 (2d ed. 1989).

<sup>2</sup> Arthur H. Miller & Ola Listhaug, *Political Parties and Confidence in Government: A*

discontentment with government and politics is fueled by scandals that have no counterpart in other countries; the British, for example, experienced a series of scandals in the recent past relating to the malfeasance of Members of Parliament (MPs) claiming expenses.<sup>3</sup> Such country-specific events often reinforce, or at least coincide with, long-term trends of dissatisfaction with government. There have been some attempts to make sense of these trends by identifying deeper causes of malaise in contemporary governance, causes that apply generally to many of the advanced democracies. In the last fifty years, in fact, advanced industrialized democracies have struggled with a series of challenges and, at times, even crises that have called into question these democracies' capacity and legitimacy. In this Essay, I discuss some of the most significant of these challenges and crises – namely overload, the reactions to overload, globalization, and the global financial crisis – and their applicability to the United States.

### I. UNGOVERNABILITY

In most advanced democracies, the twenty years after the Second World War constituted a period of stability and growth, admittedly against a backdrop of international crisis (the Cold War) and with some obvious exceptions such as the demise of the French Fourth Republic.<sup>4</sup> In contrast, the 1970s were years of crisis and turmoil during which advanced democracies faced not merely economic problems but also a governance crisis. This crisis was articulated in the influential literature on overload or ungovernability. Scholars such as Crozier and King argued that, at least in advanced democracies, citizens had unrealistically high expectations that their governments could meet their needs, even though the capacity of governments to meet those needs and expectations had diminished.<sup>5</sup> Overload resulted from a seemingly inexorable expansion in the range of needs and desires that citizens expected government to meet.<sup>6</sup> The supposedly night-watchman state of the nineteenth century had given way to a modern state responsible for managing the economy and the environment,

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*Comparison of Norway, Sweden and the United States*, 29 BRIT. J. POL. SCI. 357, 361 (1990) (analyzing the confidence that citizens of Norway, Sweden, and the United States have in their governments, and showing that this confidence declined from 1964 to 1986).

<sup>3</sup> See, e.g., Graeme Paton, *British Social Attitudes Survey: Trust in Politics Hits New Low over MPs' Expenses Scandal*, TELEGRAPH (Dec. 13, 2010), <http://www.telegraph.co.uk/news/8197672/British-Social-Attitudes-survey-trust-in-politics-hits-new-low-over-MPs-expenses-scandal.html>, archived at <http://perma.cc/FVU5-P55Z>.

<sup>4</sup> STEPHEN A. MARGLIN & JULIET B. SCHOR, *THE GOLDEN AGE OF CAPITALISM* 41-46 (1992).

<sup>5</sup> MICHAEL CROZIER ET AL., *THE CRISIS OF DEMOCRACY* 9 (1975); ANTHONY KING ET AL., *WHY IS BRITAIN BECOMING HARDER TO GOVERN?* 15 (1976).

<sup>6</sup> CROZIER ET AL., *supra* note 5, at 8 (“[T]he operations of the democratic process do indeed appear to have generated . . . an overload of demands on the government, exceeding its capacity to respond.”); KING ET AL., *supra* note 5, at 15-16.

achieving racial and gender equality, providing education and worker training, transportation, and innumerable other tasks.<sup>7</sup> The pressures of electoral competition had particularly deleterious consequences in economic policy.<sup>8</sup> Unbalanced Keynesianism<sup>9</sup> produced inflation because actions that boosted the economy, such as tax cuts and increases in spending, were popular, whereas tax increases and spending cuts were unpopular. Samuel Brittan did much to popularize the notion of political business cycles in which the politicians' quests for electoral victory controlled policy rather than the objective needs of economic management.<sup>10</sup>

The overload or ungovernability literature is open to obvious questions and criticisms. Implicit in the concept seems to be a presupposition that citizens had unreasonable expectations of their governments. Even if we agree that they did, one can ask whether these unreasonable expectations were due to the failings of citizens or the unreasonable hopes engendered by contending political elites in their quests for support. For example, in nearly all election campaigns in democracies, the "out" party argues that if only they controlled the government, the economy would perform well. This claim obviously assumes that governments have a great deal of control over the performance of the economy, which they likely do not. The overload thesis, however, played a very important role by intellectually paving the way for the next trend: the de-democratization of governance.

## II. THE DE-DEMOCRATIZATION OF GOVERNANCE

The de-democratization of governance took several forms. First, the move in economic thinking from Keynesianism to monetarism shifted opinion among policy elites away from a belief that governments could steer and manipulate the economy towards a belief that governments should adopt stable, predictable, and fixed policies, such as a predetermined rate of increase in the

<sup>7</sup> KING ET AL., *supra* note 5, at 12 ("[T]he range of matters for which the British government hold themselves responsible . . . has increased greatly over the past ten to twenty years."); Samuel P. Huntington, *The United States, in THE CRISIS OF DEMOCRACY* 59, 71 (Michael Crozier ed., 1975) (explaining that during the 1960s the United States government greatly increased spending on education, social security, public welfare, health, hospitals, and interest on the public debt).

<sup>8</sup> KING ET AL., *supra* note 5, at 9 (explaining that although the government system changed in an attempt to become more "streamlined," the benefits of the system are not apparent, with far greater costs for the new system).

<sup>9</sup> Alan S. Blinder, *Keynesian Economics*, CONCISE ENCYCLOPEDIA ECON., <http://www.econlib.org/library/Enc/KeynesianEconomics.html> (last visited Jan. 25, 2014), *archived at* <http://perma.cc/8T6L-RMZK> (describing Keynesian economics as a "belief in aggressive government action to stabilize the economy . . . based on . . . the belief[] that . . . the government is knowledgeable and capable enough to improve on the free market").

<sup>10</sup> See, e.g., Samuel Brittan, *The Economic Contradictions of Democracy Revisited*, 60 POL. Q. 190 (1989).

money supply.<sup>11</sup> The disavowal of Keynesianism was particularly vivid in the economist's country, the United Kingdom, and took place before Margaret Thatcher took office. At the 1976 Labour Party Conference, Prime Minister James Callaghan told delegates:

We used to think that you could spend your way out of a recession, and increase employment by cutting taxes and boosting Government spending. I tell you in all candour that that option no longer exists, and that in so far as it ever did exist, it only worked on each occasion since the war by injecting a bigger dose of inflation into the economy, followed by a higher level of unemployment as the next step. Higher inflation followed by higher unemployment.<sup>12</sup>

Rather strangely, this earlier disavowal of Keynesianism was not mentioned in discussions of policy choices, such as Mark Blyth's widely cited *Austerity*.<sup>13</sup>

Second, governments became less accountable for economic policy when previously politically accountable central banks, such as the Bank of England, were given more autonomy.<sup>14</sup> The creation of new central banks with high degrees of independence, such as the European Central Bank, further reduced governments' autonomy for the economy.<sup>15</sup> This was a particularly important response to one of overload scholars' criticisms – that the quest for electoral success through prosperity created a political business cycle, such that interest rates and the money supply were manipulated to achieve re-election, and not to achieve economic management.

Third, privatization reduced government accountability for services on which people relied. At the time overload literature launched, British citizens might have legitimately complained to their MPs about problems connected with coal, the electricity or natural gas supply, rail travel, and air travel, because all of these industries were state owned.<sup>16</sup> Today, many of these industries in the United Kingdom are privately owned. Some of these

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<sup>11</sup> See Mark Kelman, *Could Lawyers Stop Recessions? Speculations on Law and Macroeconomics*, 45 STAN. L. REV. 1215, 1239 (1993) (discussing the shift from Keynesian ideas to monetarism, which is defined as a belief that the best way to avoid problems created by bad policy is to promote steady growth in the money supply).

<sup>12</sup> James Callaghan, *Leader's Speech* (1976) (transcript archived at <http://perma.cc/4ZZ9-74V2>).

<sup>13</sup> See MARK BLYTH, *AUSTERITY* (2013).

<sup>14</sup> See, e.g., Paul Moser-Boehm, *The Relationship Between the Central Bank and the Government*, in CENTRAL BANKS AND THE CHALLENGE OF DEVELOPMENT 45, 45-46 (2006), archived at <http://perma.cc/J9HR-EGWQ> (“[T]he central bank has been . . . granted autonomy from government to make sure that short-term political considerations do not interfere with achieving [price stability].”).

<sup>15</sup> See *id.* at 53 (asserting that the European Central Bank could serve as a model for a bank that operates with the political system while still maintaining independence).

<sup>16</sup> ALASDAIR ROBERTS, *THE LOGIC OF DISCIPLINE* 12 (2010) (explaining that the U.K. government no longer controlled major industries, such as steel, energy, or transport).

industries are ones that Americans expect to be state owned, particularly the airline industry.<sup>17</sup> Heathrow Airport, for example, is owned by FGP TopCo Ltd., a consortium of Québécois, Qatar, and Singapore government agencies, and the Spanish railway company Ferrovial.<sup>18</sup> Similarly, the increase in the contracting out of government services has reduced government responsibility for the day-to-day operations. An extreme example is the operation of prisons.<sup>19</sup> More commonly, parts of the bureaucracy are separated out from the government and charged with the implementation of policy, as with the “Next Steps” executive agencies in the United Kingdom.<sup>20</sup> A contract separates these executive agencies from their parent departments and places the chief executives, rather than the government minister, in charge of the departments and responsible for reliable and efficient administration.<sup>21</sup>

Roberts has argued convincingly that these measures collectively disciplined democracy.<sup>22</sup> While there are undoubted gains from many of these measures, especially privatization, they considerably diminish the range of issues and problems for which a citizen can seek redress through democratic politics.

### III. GLOBALIZATION

If the de-democratization of governance reduced political options for citizens, globalization has arguably reduced options for governments. Globalization has many aspects, but at its core it is concerned with the increased ability of corporations to shift production around the globe and the even greater capacity of financial institutions to shift capital at great speed and low cost from one country to another. The era of globalization has witnessed rapid increases in the volume of trade and even greater increases in the volume

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<sup>17</sup> Jason S. Kelley, *Privatization of Transportation in Developed Nations*, 48 ADMIN. L. REV. 545, 554 (1996) (explaining that the United Kingdom privatized its three London airports in 1987).

<sup>18</sup> *About Heathrow Airport*, HEATHROW AIRPORT, <http://www.heathrowairport.com/about-us/company-news-and-information/company-information> (last visited Feb. 12, 2014), archived at <http://perma.cc/98CJ-B3T3>.

<sup>19</sup> CODY MASON, THE SENTENCING PROJECT, INTERNATIONAL GROWTH TRENDS IN PRISON PRIVATIZATION 1 (2013), archived at <http://perma.cc/MQ9G-FYVX> (“At least 11 countries, spread across North America, South America, Europe, Africa, and Oceania, are engaged in some level of prison privatization.”).

<sup>20</sup> Francesca Gains, *Executive Agencies in Government: The Impact of Bureaucratic Networks on Policy Outcomes*, J. PUB. POL’Y, Jan. 2003, at 55, 56 (explaining that agencies had a profound impact in the United Kingdom, with 127 executive agencies employing about eighty percent of civil servants).

<sup>21</sup> *Id.* (“Executive agencies . . . usually involv[e] internal restructuring and the creation of an arm’s length organization with more limited financial, legal, and structural autonomy and greater hierarchical accountability than a private sector partner.”).

<sup>22</sup> See generally ROBERTS, *supra* note 16 (explaining that certain trends that have occurred over the past thirty years – such as privatization and limiting the government interference with the economy – have “disciplined” democracy).

of capital movements. These trends have had many positive consequences, such as lifting millions out of poverty in Asia and providing higher quality goods at lower prices to consumers around the world.<sup>23</sup>

One negative and important consequence of globalization for governance, however, is that it hinders the ability of elected governments to pursue policies that might be viewed unfavorably by corporations and financial institutions. Higher taxation or stricter regulation might cause capital and investments to shift to another country where these burdens are lower. In the 1970s, Lindblom argued that markets imprisoned voters and governments, perhaps thinking primarily of states and cities in the United States.<sup>24</sup> In the 1990s, globalization imprisoned national governments that feared the flight of investment or capital not to a neighboring state, but to a country on the other side of the world.

Some political scientists have argued, however, that the effects of globalization are not as great as suggested and that national governments retain considerable autonomy. Vogel, for example, argues that no significant environmental regulations have been repealed in any democracy in order to attract investment.<sup>25</sup> Vogel limits this assertion; he does not disprove arguments that fears about competitiveness have slowed the growth of regulation, and does not extend his argument outside the sphere of environmental policy.<sup>26</sup>

It is easy to think of policy areas in which concerns about competitiveness have discouraged the adoption of regulations. The regulatory failures that allowed the recent Great Recession provide one example. One of the likely reasons why the Clinton Administration did not adopt regulations to cover trading in derivatives was that policymakers feared that doing so would place New York at a competitive disadvantage with London. British policymakers were similarly reluctant to impose regulatory burdens on London that might disadvantage it as compared to New York and other financial centers. The international trend to lower taxes on corporations, which could have been easily predicted given the dynamics of globalization, is also striking.<sup>27</sup>

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<sup>23</sup> Mari Pangestu, *The Social Impact of Globalisation in Southeast Asia*, in *GLOBALISATION, POVERTY, AND INEQUALITY* 83, 83 (Richard Kohl ed., 2003) (“Between 1974 and 1995, poverty fell by two-thirds in East Asia, more sharply than in any other region of the world.”).

<sup>24</sup> See CHARLES E. LINDBLOM, *POLITICS AND MARKETS* (1977); Charles Lindblom, *The Market as Prison*, 44 *J. POL.* 324, 332 (1982) (“[N]o market society can achieve a fully developed democracy because the market imprisons the policy-making process.”).

<sup>25</sup> DAVID J. VOGEL, *TRADING UP* 254-56 (1995) (explaining that despite their potential effect on trade, the United States and other countries have made it a priority to enact more stringent environmental regulations).

<sup>26</sup> See *id.*

<sup>27</sup> See *infra* Table 1.

The increased power of capital in a globalized economy may also be related to the decline in neocorporatist practices in countries such as Sweden.<sup>28</sup> In the heyday of Swedish neocorporatism, capital was concentrated and national in character, while in the era of globalization, foreign ownership of Swedish firms (for example, Volvo by Ford, and Saab by a series of owners) matched a corresponding increase in overseas investment by Swedish firms.<sup>29</sup> In this context, a grand bargain between national capital, labor, and government is much harder, if not impossible, to achieve.

#### IV. THE CONSEQUENCES OF THE GLOBAL FINANCIAL CRISIS; EXPERIMENTATIONS UNDER PRESSURE

In 2008, the abrupt end of the NICE (No Inflation Continuous Expansion)<sup>30</sup> era of the previous fifteen years produced a period of rapid experimentation with ways to confront the inflation crisis in the United Kingdom. Many of these experiments involved radical departures from previous practices. The government bailouts for troubled firms in the United States, such as General Motors and AIG,<sup>31</sup> and the nationalization of troubled firms in the United Kingdom, such as the Royal Bank of Scotland, could not have been predicted before the inflation crisis.<sup>32</sup> Central banks pursued novel policies such as Quantitative Easing, the purchase of troubled assets, and almost zero percent interest rates.<sup>33</sup> At first these policies seemed to constitute a “re-politicization”

<sup>28</sup> See Johannes Lindvall & Joakim Sebring, *Policy Reform and the Decline of Corporatism in Sweden*, 28 W. EUR. POL. 1057, 1057 (2005) (explaining that Sweden, previously one of the world’s most corporate countries, did not experience the same resurgence in corporatism as other parts of Europe in the 1990s).

<sup>29</sup> See, e.g., Jonas Pontusson & Peter Swenson, *Labor Markets, Production Strategies, and Wage Bargaining Institutions: The Swedish Employer Offensive in Comparative Perspective*, 29 COMP. POL. STUD. 223 (1996); PerOla Öberg et al., *Disrupted Exchange and Declining Corporatism: Government Authority and Interest Group Capability in Scandinavia*, 46 GOV’T & OPPOSITION 365, 370-74 (2011).

<sup>30</sup> Philip Aldrick, *Battle Starts for the New Bank of England Governor*, TELEGRAPH (Sept. 15, 2012, 9:09 AM), <http://www.telegraph.co.uk/finance/newsbysector/banksandfinance/9545539/Battle-starts-for-the-new-Bank-of-England-Governor.html>, archived at <http://perma.cc/PD59-L7E8>. Mervyn King, then-Governor of the Bank of England, originally called the period the “NICE” era. *Id.*

<sup>31</sup> See Jeffrey Manns, *Building Better Bailouts: The Case for a Long-Term Investment Approach*, 63 FLA. L. REV. 1349, 1360 (2011) (discussing the government bailout of General Motors Co. following the financial crisis).

<sup>32</sup> Andrew Porter, *Financial Crisis: HBOS and RBS ‘to Be Nationalised’ in £50 Billion State Intervention*, TELEGRAPH (Oct. 12, 2008, 8:32 PM), <http://www.telegraph.co.uk/finance/financialcrisis/3185120/Financial-crisis-HBOS-and-RBS-to-be-nationalised-in-50-billion-state-intervention.html>, archived at <http://perma.cc/CKE8-7S5Q> (analyzing the nationalization of the Bank of Scotland and asserting that “the financial crisis has fundamentally shifted the balance of power between the companies and the state”).

<sup>33</sup> See generally Michael Joyce et al., *Quantitative Easing and Unconventional Monetary*

of several policy areas. One can contrast this type of government ownership of banks with the earlier era's moves toward privatization. The bankruptcies of financial institutions, furthermore, prompted an extensive discussion of financial reforms, including measures to curb the pay and privileges of the masters of finance who had seemed so godlike in the previous decades.

Surprisingly, however, the global financial crisis produced no coherent or merely sustained left wing response. On the contrary, neoliberal economic policies were astoundingly resilient. The determined pursuit of government debt reduction through austerity in the United Kingdom faced much criticism.<sup>34</sup> The results of these policies – high unemployment in particular – have eroded the political capacity of labor. In a sense, government policies of austerity have replaced globalization as the proximate cause of constraints on the ability of unions to press for higher wages or more advantageous government policies.<sup>35</sup> There have been calls for protectionism to save jobs; however, the institutions of globalization and market liberalization generally resisted protectionism effectively. The EU Competition Directorate, for example, blocked French attempts to force French automobile companies to concentrate job losses in eastern European countries rather than in their home country.<sup>36</sup> As Schmidt observes:

[T]he EU was very watchful, and objected to any French policy that smacked of “economic nationalism” or looked to undermine the “level playing field” of the internal market—as when Sarkozy threatened to

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*Policy – An Introduction*, 122 *ECON. J.* F271 (discussing the various unconventional methods that central banks used following the financial crisis).

<sup>34</sup> See, e.g., Michael Burke, *If the IMF Is Criticising UK Austerity, Things Must Be Bad*, *GUARDIAN* (Apr. 17, 2013, 6:46 AM), <http://www.theguardian.com/commentisfree/2013/apr/17/imf-criticism-uk-austerity-things-bad>, archived at <http://perma.cc/9SCV-Q95C> (summarizing the “damning indictment” of the United Kingdom’s austerity policies in light of Britain’s weak economic growth).

<sup>35</sup> See, e.g., Owen Tudor, *EU Austerity: A Spectacular Failure for Workers and Democracy*, *TOUCHSTONE BLOG* (Feb. 2, 2014), <http://touchstoneblog.org.uk/2014/02/eu-austerity-a-spectacular-failure-for-workers-and-democracy>, archived at <http://perma.cc/Y22P-KHAH> (discussing the tension between union proposals to set wages and the government’s austerity attempts that disregard those proposals); Bruno Waterfield & Denise Roland, *EU Leaders to Clash over Austerity Measures at Summit as Unemployment Accelerates*, *TELEGRAPH* (Mar. 14, 2013, 2:42 PM), <http://www.telegraph.co.uk/finance/financialcrisis/9930196/EU-leaders-to-clash-over-austerity-measures-at-summit-as-unemployment-accelerates.html>, archived at <http://perma.cc/JMD6-A8P6> (interviewing the leader of the European Trade Union Confederation, Bernadette Segol, who lamented that “[t]he burden has been placed on the people”).

<sup>36</sup> See Hugh Carnegie & Michael Stothard, *French Industry Minister Assails Brussels on State Aid for Industry*, *FIN. TIMES* (Jan. 22, 2014, 7:43 PM), <http://www.ft.com/cms/s/0/99515d88-8367-11e3-86c9-00144feab7de.html#axzz2udTdfIVE> (highlighting the conflict between France’s ability to provide subsidies to a struggling automobile industry and the European Union’s policies on state aid).



prevent the sale in France of Peugeot cars made in the Czech Republic in early 2009 or urged Renault to repatriate its operations to France.<sup>37</sup>

Although there have been large scale protests in the countries that have seen the most dramatic effects of austerity policies, such as Greece and Spain, they have little or no effect on changing policy.<sup>38</sup>

#### V. DECAYING DEMOCRACY?

Politicians have never spent so much money to try to discover what their citizens are thinking as they do today. The rise of polling, focus groups, and political consultants is a more or less universal feature of modern democratic politics. Almost as universally, however, is a feeling among citizens that they are more distant from, rather than more connected to, the democratic process.<sup>39</sup> A wry saying among Europeans is that one can tell which election was the most recent from only the turnout figures, because the most recent election is the one with the lowest turnout.<sup>40</sup> This is by no means equally true for all countries.<sup>41</sup> As Table 2 illustrates, however, many democratic European countries that do not have compulsory voting (that is, Germany, France, Italy, the Netherlands, Sweden, and the United Kingdom) have all seen voter turnout slip in the last thirty years or so.<sup>42</sup> Countries that have traditionally taken considerable pride in high turnout rates, such as the United Kingdom, have found themselves humbled by this recent decrease.

<sup>37</sup> Vivien A. Schmidt, *What Happened to the State-Influenced Market Economies (SMEs)? France, Italy, and Spain Confront the Crisis as the Good, the Bad, and the Ugly*, in *THE CONSEQUENCES OF THE GLOBAL FINANCIAL CRISIS* 156, 175 (Wyn Grant & Graham K. Wilson eds., 2012).

<sup>38</sup> See BLYTH, *supra* note 13, at 3-4 (explaining the general austerity policies in Greece and Portugal); Cathie Jo Martin, *Neo-Liberalism and the Working-Class Hero: From Organized to Flexible Labor Markets*, in *RESILIENT LIBERALISM IN EUROPE'S POLITICAL ECONOMY* 226, 238 (Vivien A. Schmidt & Mark Thatcher eds., 2013).

<sup>39</sup> See, e.g., Bob Herbert, Op-Ed., *A Nation Losing Its Bonds*, N.Y. TIMES, Aug. 26, 1999, at A17 (recognizing that more and more citizens feel disconnected from the government); Todd Phillips, *Does 1% Control Government in America?*, HUFFINGTON POST (Sept. 17, 2012, 8:29 AM), [http://www.huffingtonpost.com/todd-phillips/does-1-control-government\\_b\\_1887548.html](http://www.huffingtonpost.com/todd-phillips/does-1-control-government_b_1887548.html), archived at <http://perma.cc/PWX4-WWPE> (“As of many millions, each citizen tends to feel overwhelmed and powerless to affect an enormous, distant government.”).

<sup>40</sup> *Turnout at the European Elections (1979-2009)*, EUR. PARLIAMENT, <http://www.europarl.europa.eu/aboutparliament/en/000cdcd9d4/Turnout-%281979-2009%29.html> (last visited Feb. 5, 2014), archived at <http://perma.cc/93MX-8PAV> (providing a table including the percentages of voter turnout in the past forty years).

<sup>41</sup> See *infra* Table 2.

<sup>42</sup> *Id.*

If we shift our attention from voters to political parties, the trends are even starker.<sup>43</sup> European political parties have decayed to the point where some scholars, like van Biezen, Mair, and Poguntke, question whether European political parties are “[g]oing, going . . . gone?”<sup>44</sup> There are more members in the conservationist Royal Society for the Protection of Birds (RSPB) in the United Kingdom than in *all* British political parties combined.<sup>45</sup> Political parties in other parts of continental Europe continue to exist (when they do) almost exclusively on the basis of state subsidies. The decreased rate of voting, the most important aspect of democratic citizenship, is itself troublesome. Taken together with the decline in political parties, the overall decline in political participation takes on a wider significance because the connective tissues between government and governed have almost completely deteriorated.

The question of territorial integrity is common, though not universal, among European democracies. A common concern about the result of decaying democracy in Europe is that such a decline will lead to the transfer of power to the European Union, an international organization or “proto state” that, for good measure, is commonly thought to suffer from a what I call a democratic deficit. Member countries have transferred important policy areas to the European Union, including trade, agriculture, and environmental protection. While other important policy areas, such as economic, defense, and foreign policy remain in the hands of the governments of member states, the recent economic crisis in Europe has prompted calls for those states to transfer more power to the European Union. Concern about a loss of sovereignty to the European Union was once thought to be confined to the British. More recently this concern has spread to even the staunchest supporters of European integration, such as the Netherlands.<sup>46</sup> Unlike the history of the United States, there has never been a moment of clear constitutional choice in Europe allowing its citizens to express which policy areas should be transferred to the European Union. In consequence, every aspect of policymaking touched by the European Union is open to the charge of illegitimate authority. The democratic

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<sup>43</sup> See *infra* Table 3.

<sup>44</sup> See generally Ingrid van Biezen et al., *Going, Going . . . Gone? The Decline of Party Membership in Contemporary Europe*, 51 EUR. J. POL. RES. 24 (2012).

<sup>45</sup> THE ROYAL SOCIETY FOR THE PRESERVATION OF BIRDS, RSPB ANNUAL REVIEW: 2012-2013, at 7 (n.d.), archived at <http://perma.cc/7X7Q-JAFY> (asserting that RSPB has over one million members); van Biezen et al., *supra* note 44, at 28 (indicating that 534,664 people are in political parties in the United Kingdom).

<sup>46</sup> See Matthew Price, *Dutch Show Growing Annoyance with EU*, BBC NEWS (Sept. 10, 2012), <http://www.bbc.com/news/world-europe-19552784>, archived at <http://perma.cc/HS3Q-95MS>; *Where Brussels Mustn't Go*, ECONOMIST (June 25, 2013, 3:20 PM), <http://www.economist.com/blogs/charlemagne/2013/06/netherlands-and-eu>, archived at <http://perma.cc/7AXV-GHF4> (listing the powers that the Dutch intended to keep at the national level due to a shift to “a more sceptical stance on European integration”).

deficit and a reputation for wasteful spending further damage the standing of the European Union.<sup>47</sup>

If the growth in the power of the European Union threatens the European nation states from above, secessionist movements threaten it from below. Secessionist movements are strong in the United Kingdom, taking the form of Scottish and (to a lesser extent) Welsh nationalism.<sup>48</sup> Catalan separatism has raised the question of the survival of Spain,<sup>49</sup> while Quebec nationalists are always pondering how they can break up Canada.<sup>50</sup> This trend is widespread, as evidenced by examples in Belgium,<sup>51</sup> Greenland (escaping from Danish rule),<sup>52</sup> the Northern League in Italy,<sup>53</sup> and even some separatist tendencies in France (Corsica and Brittany).<sup>54</sup> Even more widespread than the problem of

<sup>47</sup> PEW RESEARCH CTR., *THE NEW SICK MAN OF EUROPE: THE EUROPEAN UNION 1-2* (2013).

<sup>48</sup> See, e.g., John Harris, *Could Wales Leave the United Kingdom?*, *GUARDIAN* (Feb. 1, 2012, 3:00 PM), <http://www.theguardian.com/uk/2012/feb/01/could-wales-leave-united-kingdom>, archived at <http://perma.cc/A68R-PZZ8> (“[T]he path Wales has taken since devolution has led to completely virgin territory: and to hear some people talk, that means that no outcome – including independence – should necessarily be ruled out.”); Henry Molski, *Scotland’s Secession Vote: Indecisive Independence*, *WORLD POST* (Sept. 7, 2013, 11:19 AM), [http://www.huffingtonpost.com/2013/09/05/scotland-secession--vote\\_n\\_3876007.html](http://www.huffingtonpost.com/2013/09/05/scotland-secession--vote_n_3876007.html), archived at <http://perma.cc/J3RP-8BH8> (describing the movement in Scotland for secession and the effect on Scotland in general).

<sup>49</sup> See Robert Young, *The Inconvenient Truth About Seceding States*, Reply to *Dealing with Secession in Europe*, *N.Y. TIMES* (Nov. 1, 2012, 9:44 AM), <http://www.nytimes.com/roomfordebate/2012/10/31/dealing-with-secession-in-europe/admitting-seceding-states-is-in-the-european-unions-interest>, archived at <http://perma.cc/4J8F-54W4> (detailing the impact of Catalonia’s secession within Spain and the European Union).

<sup>50</sup> See, e.g., Benjamin Shingler, *Quebec Prepares for Battle over Right to Secede*, *GLOBAL NEWS* (Oct. 20, 2013, 9:27 AM), <http://globalnews.ca/news/912665/quebec-sovereigntists-angered-as-ottawa-steps-into-dispute-over-secession-law>, archived at <http://perma.cc/B26B-ZENE> (detailing the potential fight between leaders of the Quebec sovereignty movement and the Canadian federal government).

<sup>51</sup> See Michael D. Mossetig, *Secession in . . . Belgium?*, *PBS NEWS HOUR* (Nov. 19, 2010), <http://www.pbs.org/newshour/runtdown/secession-inbelgium>, archived at <http://perma.cc/UM7D-L4MX>.

<sup>52</sup> See Florentina Harbo, *Secession Right – An Anti-Federal Principle? Comparative Study of Federal States and the EU*, *J. POL. & L.*, Sept. 2008, at 132, 140 (detailing Greenland’s independence from Denmark and also its secession from the European Economic Community).

<sup>53</sup> Nick Squires, *Mass Rally in Venice to Call for Independence from Italy*, *TELEGRAPH* (Oct. 5, 2010, 1:38 PM), <http://www.telegraph.co.uk/news/worldnews/europe/italy/9589732/Mass-rally-in-Venice-to-call-for-independence-from-Italy.html>, archived at <http://perma.cc/7R6M-K8WY>.

<sup>54</sup> Adam Taylor & Sanya Khetani, *Here’s Why You Need to Be Watching Europe’s Secessionist Movements*, *BUS. INSIDER* (Jan. 17, 2012, 11:00 PM), <http://www.businessinsider.com/european-union-scotland-basque-2012-1?op=1>, archived at <http://perma.cc/G7>

territorial integrity is the problem of cultural integrity. The days of general agreement on what it meant to be French or British or Danish have given way to doubt and quests for new forms of a comprehensive, inclusive identity that covers the changing populations in Europe, most notably the rise of large Muslim minorities.<sup>55</sup> The (inevitable) failure not only to find such a concept of national identity but also to instill it in all citizens created the conditions for the 7/7 bombings in London and the numerous plots that preoccupy MI5 and its counterparts.<sup>56</sup>

Finally the emergence of a permanent underclass has threatened social integration in many countries. The trend towards greater equality has been halted in almost all industrialized societies, though most evidently in the United States and the United Kingdom. The share of national income received by labor, however, has fallen even in the paragons of equality – namely Scandinavia.<sup>57</sup> As concerning as these trends are, the emergence of a permanent underclass of unskilled, frequently unemployed people is even more serious. This underclass is essentially competing with labor in underdeveloped countries in an era where companies can readily move production to the cheapest, least regulated setting. There is as yet no clear pattern to the social and political results of these trends, but whenever they occur, they are unlikely to be pleasant.

#### VI. COUNTRY-SPECIFIC PROBLEMS

Our focus so far has been on trends, such as globalization, that are said to affect multiple countries. Dysfunctionality may also be associated with factors that are specific to individual countries and their institutions. In light of our current concerns with failures in American institutions, it is worth noting some dysfunctionality common in parliamentary systems.

There are different forms of parliamentary systems. I note first the problems that can occur in those countries that, because of their electoral systems, generally have coalitions. The most obvious problem can be forming a government. The prolonged inability to form a government in Belgium following the 2011 election set a record – 541 days from the election to

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V6-JAGK (explaining the secessionist movement in Brittany and Corsica, France).

<sup>55</sup> *Id.* (explaining that the movement in France is not just about independence, but cultural recognition).

<sup>56</sup> See Paul Thomas & Pete Sanderson, *Unwilling Citizens? Muslim Young People and National Identity*, 45 *SOCIOLOGY* 1028 (2011) (discussing the impact of the 7/7 bombings on Muslim identity in the United Kingdom).

<sup>57</sup> *Labour Pains: All Around the World, Labour Is Losing out to Capital*, *ECONOMIST* (Nov. 2, 2013), <http://www.economist.com/news/finance-and-economics/21588900-all-around-world-labour-losing-out-capital-labour-pains>, archived at <http://perma.cc/T24H-9E Z6> (stating that labor captured only sixty-two percent of capital in the 2000s, as opposed to sixty-eight percent in the 1990s).

government formation.<sup>58</sup> Coalition formation may depend on unsavory bargaining, such as paying off minor parties that hold a pivotal position in order to achieve a majority. Once the coalition is formed, it may contain the most unlikely and apparently incompatible partners, with corresponding incoherence in government strategy and policy. Israel provides many instructive examples.<sup>59</sup> The current Netanyahu government includes Yesh Atid, which seeks to end the privileges of the ultra-Orthodox settlers in the West Bank, and Hatnua, “which is committed to reaching a peace agreement with the Palestinians.”<sup>60</sup> This does not imply that all coalition-driven governance is dysfunctional; the past alliances between the CDU/CSU and the Free Democrats in Germany produced relatively problem-free and certainly stable governments.<sup>61</sup> Despite some success in Germany, however, parliamentary coalition government is not always attractive.

Nor is it the case that the system least likely to produce coalition government, the Westminster model, is without its problems. Interestingly some of these problems result from the United Kingdom’s concentration of government and legislative power. King and Crewe, for example, describe a series of policy failures in British government. These failures include improper attempts to collect child support from individuals who in fact had no children<sup>62</sup> and taxpayer-funded “learning accounts” that enabled recipients to spend the money on practically anything they chose.<sup>63</sup> King and Crewe argue that

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<sup>58</sup> See, e.g., Bruno Waterfield, *Belgium to Have New Government After World Record 541 Days*, TELEGRAPH (Dec. 6, 2011, 6:30 AM), <http://www.telegraph.co.uk/news/world-news/europe/belgium/8936857/Belgium-to-have-new-government-after-world-record-541-days.html>, archived at <http://perma.cc/8DBA-K2GE> (describing Belgium’s world record nineteen months without a government).

<sup>59</sup> Edmund Sanders, *Rivals’ Pact in Israel Blocks Netanyahu from Forming Coalition*, CHI. TRIB., Feb. 18, 2013, at C15.

<sup>60</sup> *Israel’s 33rd Government Formed: Benjamin Netanyahu Reaches Coalition Deal, Presents Lineup to Shimon Peres*, WORLD POST (Mar. 16, 2013, 3:18 PM), [http://www.huffingtonpost.com/2013/03/16/netanyahu-government-formed-coalition-deal-israel\\_n\\_2892713.html](http://www.huffingtonpost.com/2013/03/16/netanyahu-government-formed-coalition-deal-israel_n_2892713.html), archived at <http://perma.cc/5BH6-67YZ>.

<sup>61</sup> See, e.g., *Germany: Merkel’s CDU/CSU-FDP Coalition Loses Majority*, MNI (Sept. 22, 2013, 8:01 PM), <https://mninews.marketnews.com/index.php/germany-merkels-cducsu-fdp-coalition-loses-majority?q=content/germany-merkels-cducsu-fdp-coalition-loses-majority>, archived at <http://perma.cc/4AQF-96F9> (“Between 2005 and 2009 the CDU/CSU and the SPD already governed together and steered the country quite successfully through the global financial turmoil.”).

<sup>62</sup> ANTHONY S. KING & IVOR CREWE, *THE MISTAKES OF OUR GOVERNMENTS* 86 (2013) (discussing a situation where the U.K. Child Support Agency spent two years chasing a gay man with no children in an attempt to get him to pay child support).

<sup>63</sup> *Id.* at 364 (analyzing the Learning and Skills Act 2000, which could potentially pay learning accounts to the wrong people or to people who do not intend to spend the money on education).

“[t]here is at the heart of the British system a deficit of deliberation.”<sup>64</sup> Reviewing King and Crewe’s book in the *Guardian*, Peter Wilby commented that:

Britain is said to benefit from decisive government, without the gridlock that the separation of powers frequently imposes on American presidents. The trouble is that it’s as easy to take bad decisions as to take good ones. Parliament has no significant role in framing legislation and no proper system of pre-legislative scrutiny (public bill committees being charades in which MPs mostly catch up on replying to constituents’ letters) such as exists in many other parliamentary democracies, including Scotland. Ministers, advisers and top civil servants rarely involve the people who will have to implement (or, in the fashionable jargon, “deliver”) their policies or those who have relevant experience of implementation.<sup>65</sup>

The dysfunctionality of British government in this perspective results from a lack of checks and balances to prevent the adoption of bad ideas. Recent governments have determinedly ignored one of the major checks on bad policy ideas in the past: loyal civil servants who criticize or show skepticism of ministers’ policy proposals. Both Conservative and Labour prime ministers, unwilling to subject their favorite policies to criticism, have substantially weakened the role of civil servants in policy formation, no matter how loyal they are.<sup>66</sup> There has also been a widespread trend towards the politicization of bureaucracies, including but by no means limited to the United Kingdom.<sup>67</sup> Few countries match the United Kingdom, however, in its concentration of political power. Because the majority of parliamentary systems are coalition based, the politics of coalition creation and maintenance impose constraints on the ability of governments to make major policy changes, including “blunders” similar to those that occur in the United Kingdom.<sup>68</sup> Of course even the United Kingdom has moved towards more complicated patterns of policymaking, partly because of the creation of regional governments with significant autonomy in Scotland and Wales, and partly because it is itself currently

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<sup>64</sup> *Id.* at 386.

<sup>65</sup> Peter Wilby, *The Blunders of Our Governments by Anthony King and Ivor Crewe – Review*, *GUARDIAN* (Sept. 4, 2013), <http://www.theguardian.com/books/2013/sep/04/blunders-government-king-crewe-review>, archived at <http://perma.cc/S2CM-L4Z8>.

<sup>66</sup> Graham K. Wilson & Anthony Barker, *The End of the Whitehall Model*, 18 *W. EUR. POL.* 130, 130-49 (1995) (observing that some politicians expect their civil servants to give ministers “what they thought they wanted”).

<sup>67</sup> Charlotte Sausman & Rachel Locke, *The British Civil Service: Examining the Question of Politicisation*, in *POLITICIZATION OF THE CIVIL SERVICE IN COMPARATIVE PERSPECTIVE: THE QUEST FOR CONTROL* 101, 103 (Guy Peters & Jon Pierre eds., 2004) (describing British politicization as “increase[d] political control of the bureaucracy . . . and power shifts between civil servants and ministers”).

<sup>68</sup> *See supra* notes 62-63 and accompanying text.

governed by a coalition. Perhaps these added complications will spare the British from similar policy fiascoes in the future.

#### VII. AMERICAN EXCEPTIONALISM IN A DIFFERENT FORM

This Essay attempts to identify with very broad strokes issues in dysfunctional governance that are familiar to scholars in other countries. The question that arises is whether the United States shares in these problems or is, again, “exceptional.” In general, it seems exceptional that some of the key trends I discuss previously affect the United States relatively little.

Americans played a critical role in the development of the overload idea. Ironically the United States always seemed a dubious candidate for inclusion in the list of overloaded governments. Although the contrast is usually overdrawn, the United States government is small when considering the government spending by percentage of GDP compared to the government spending in the OECD in general. The contrast in terms of the share of GDP taken in taxation is starker; taxes as a percentage of GDP are lower in the United States in this era than any since the Eisenhower Administration, something not true in any other advanced democracy.<sup>69</sup> The extreme reaction against Obamacare also contrasts with the popularity of national health insurance in every other democracy.<sup>70</sup> At present, Americans are fairly evenly divided on whether it is the responsibility of government to ensure that all have access to health insurance and whether Obamacare is the correct way to provide such access.<sup>71</sup> These are not the hallmarks of a polity suffering from overload.

If the United States does not belong in the list of countries with overloaded governments, it does, however, share with those countries many examples of policies that reduce the direct accountability of government and the range of its responsibilities. As in Europe, American policymakers have placed greater stress on reducing government deficits than on conquering unemployment. The willingness to jump the fiscal cliff is striking, at least at a time of low growth

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<sup>69</sup> See Bruce Bartlett, *Are Taxes in the U.S. High or Low?*, N.Y. TIMES (May 31, 2011, 6:00 AM), <http://economix.blogs.nytimes.com/2011/05/31/are-taxes-in-the-u-s-high-or-low>, archived at <http://perma.cc/Z8JR-E99T> (explaining that federal taxes are at their lowest level in more than sixty years, including during the Reagan Administration).

<sup>70</sup> Ian T. Brown & Christopher Khoury, *In OECD Countries, Universal Healthcare Gets High Marks*, GALLUP WORLD (Aug. 20, 2009), <http://www.gallup.com/poll/122393/oecd-countries-universal-healthcare-gets-high-marks.aspx>, archived at <http://perma.cc/82KS-VB> EK (finding that citizens in countries with universal health care have a higher confidence in their healthcare system).

<sup>71</sup> See Jeffrey M. Jones, *Americans Remain Negative Toward Healthcare Law*, GALLUP POL. (Apr. 11, 2014), <http://www.gallup.com/poll/168491/americans-remain-negative-healthcare-law.aspx>, archived at <http://perma.cc/CUD6-2HB9> (explaining that recently more people disapprove of the healthcare reform, while previously Americans were generally divided in their views).

and high unemployment. Although the government could take many relatively modest steps to guarantee the financial viability of Social Security (ending the income ceiling on contributions or continuing to raise the age for full benefits, to name a few), many support the notion that “entitlement programs” are out of control in their costs. Reductions in Social Security and Medicare would be at the heart of any “grand bargain” on the federal budget. Contracting out government-run services is now commonplace, although not necessarily with happy results.<sup>72</sup> One conspicuous example is the use of private sector armies (such as Blackwater) rather than Marines to provide security for United States diplomats and officials.<sup>73</sup> Although the United States government did not seem overloaded by any objective measure, it has adopted the same sorts of policies and politics as if it had been.

Globalization has constrained policymakers far less in the United States than in most countries. The United States did most of the diplomatic heavy lifting required to achieve globalization. It promoted the dramatic reductions in tariffs achieved within GATT<sup>74</sup> and the creation of what was intended to be a more effective system for challenging “non-tariff barriers” (NTBs) in the World Trade Organization (WTO).<sup>75</sup> Globalization has resulted in some losers in the United States, particularly among unskilled workers now effectively competing with low cost labor in other countries. Even so, the role of the dollar in international finance has allowed the United States the privilege of borrowing almost unlimited amounts of money in its own currency.<sup>76</sup> Although recent events, particularly irresponsibility over the debt ceiling, have decreased the interest of overseas purchasers in U.S. Treasury bonds, there is no alternative currency that combines security and volume. The future of the euro remains

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<sup>72</sup> Charles Kenny, *Why Private Contractors Are Lousy at Public Services*, BUSINESSWEEK (Oct. 28, 2013), <http://www.businessweek.com/articles/2013-10-28/outsourcing-can-be-a-lousy-alternative-to-government-run-services>, archived at <http://perma.cc/CP4D-9UE7>.

<sup>73</sup> Mark Landler, *U.S. Still Using Security Firm It Broke with*, N.Y. TIMES, Aug. 21, 2009, at A6 (explaining that the United States still uses Blackwater to protect diplomats in Iraq and guard them in Afghanistan).

<sup>74</sup> WORLD TRADE ORG., FROM GATT TO THE WTO: THE MULTILATERAL TRADING SYSTEM IN THE NEW MILLENNIUM 99 (2000) (“American support for GATT stemmed primarily from trade and investment opportunities abroad because of America’s lead in the world economy.”).

<sup>75</sup> Jason H. Grant & Kathryn A. Boys, *Agricultural Trade and the GATT/WTO: Does Membership Make a Difference*, 94 AM. J. AGRIC. ECON. 1 (2012) (arguing that the World Trade Organization has improved global trade by encouraging tariff rate reductions).

<sup>76</sup> See, e.g., FRANCIS E. WARNOCK, COUNCIL OF FOREIGN RELATIONS, HOW DANGEROUS IS U.S. GOVERNMENT DEBT? THE RISK OF A SUDDEN SPIKE IN U.S. INTEREST RATES 1 (2010), archived at <http://perma.cc/D3T9-H9WS> (“The dollar’s status as the world’s reserve currency has become a facet of U.S. power, allowing the United States to borrow effortlessly and sustain an assertive foreign policy.”).



uncertain,<sup>77</sup> and bonds issued by financially responsible countries such as Sweden are too few to provide an alternative.<sup>78</sup> Nothing has therefore come close to exerting the same sort of financial pressure on United States policymakers evident in the United Kingdom in 1976, France in the early 1980s, or more recently, in Greece, Ireland, Italy, and Spain. In that sense the United States government has retained an exceptional degree of freedom from external constraints on policymaking. This is not to say that good policy has been made, but merely that “the fault dear Brutus . . . lies . . . in ourselves . . . .”<sup>79</sup>

It seems utterly perverse to say so, but viewed in comparative perspective, American politics seems very healthy in certain key respects. First, turnout in recent elections has increased. The turnout in the 2012 presidential election was 61.8% of the eligible voting population, compared with 58.4% in 1996.<sup>80</sup> Although this is a modest increase, at least it is an increase. The overall increase encompasses changes that few would have predicted in 2000, such as the fact that black turnout was higher than turnout by non-Hispanic whites.<sup>81</sup> Voter identification laws in some the states may erode this trend by suppressing the black vote but the trend is nonetheless impressive.

American political parties never aspired to being mass membership organizations similar to those of Europe. There is no real equivalent in the United States to party membership; perhaps the closest we come is voting in a party’s primaries in a closed primary state. Duverger saw this as a sign of underdevelopment of American parties<sup>82</sup> whereas Epstein presciently suggested that American political parties based on informally connected networks are a viable means to organizing politics in modern democracies.<sup>83</sup> Although we cannot compare party membership in Europe with party

<sup>77</sup> Bruno Waterfield, *Europe in 2012: Disaster Averted but Future Uncertain*, TELEGRAPH (Dec. 20, 2012), <http://www.telegraph.co.uk/news/worldnews/europe/9755655/Europe-in-2012-disaster-averted-but-future-uncertain.html>, archived at <http://perma.cc/U3Z7-GA9D>.

<sup>78</sup> Daniel Dickson & Simon Johnson, *Reuters Summit – Strong Demand for Swedish Debt Set to Last – Debt Office*, CHI. TRIB. (Sept. 30, 2013), [http://articles.chicagotribune.com/2013-09-30/news/sns-rt-nordic-investmentdebttooffice-reuters-summit-upda-20130930\\_1\\_debt-office-debt-office-household-debt](http://articles.chicagotribune.com/2013-09-30/news/sns-rt-nordic-investmentdebttooffice-reuters-summit-upda-20130930_1_debt-office-debt-office-household-debt), archived at <http://perma.cc/S976-T7J5> (explaining that the demand for Swedish bonds is high, but the bonds are rare).

<sup>79</sup> WILLIAM SHAKESPEARE, *JULIUS CAESAR* act 1, sc. 2.

<sup>80</sup> THOM FILE, U.S. CENSUS BUREAU, *THE DIVERSIFYING ELECTORATE – VOTING RATES BY RACE AND HISPANIC ORIGIN IN 2012 (AND OTHER RECENT ELECTIONS) 1 & tbl.I* (2013), archived at <http://perma.cc/LQY4-HPKG>.

<sup>81</sup> *Id.* at 3 & fig.2.

<sup>82</sup> See generally MAURICE DUVERGER, *POLITICAL PARTIES: THEIR ORGANIZATION AND ACTIVITY IN THE MODERN STATE* (Barbara North & Robert North trans., 1954).

<sup>83</sup> See LEON D. EPSTEIN, *POLITICAL PARTIES IN THE AMERICAN MOLD 3* (basing the presented analysis on the assumption that American political parties are “organizationally desirable and probably essential”).

membership in the United States, American political parties seem to have been highly effective in mobilizing volunteers.

#### CONCLUSION

Citizens in most democracies take a dim view of their governments. Perhaps that view is an inevitable concomitant of democracy, although in the past citizens in some countries did have respect, verging on deference, to their institutions and leaders. Though within the country many view the United States government as dysfunctional, it has been relatively immune from some of the trends towards dysfunctional governance that have concerned other democracies. The United States has its problems, but in that at least it is not alone.

Table 1. Some Examples of Changes in Corporate Tax Rates.<sup>84</sup>

<i>Country</i>	<i>2006</i>	<i>2013</i>
Germany	38.34%	29.55%
Netherlands	29.6%	25%
New Zealand	33%	28%
Spain	35%	30%
Sweden	28%	22%
Canada	36.1%	26%
China	33%	25%
Korea (South)	27.5%	24.2%
United Kingdom	30%	23%

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<sup>84</sup> *Corporate Tax Rate Tables*, KPMG GLOBAL, <http://www.kpmg.com/Global/en/services/Tax/tax-tools-and-resources/Pages/corporate-tax-rates-table.aspx> (last visited Feb. 13, 2014), archived at <http://perma.cc/9GFQ-HWPZ>.

Table 2. Trends in Voter Turnout, Major National Elections [a].<sup>85</sup>

<i>Country</i>	<i>Year: Turnout</i>		
United Kingdom	1950: 84%	1979: 76%	2010: 65%
France	1951: 69%	1981: 77% [b]	2012: 71%
Italy	1953: 94%	1983: 89%	2013: 75%
Germany	1953: 81% [c]	1990: 73%	2013: 66%
Netherlands	1952: 95%	1981: 87%	2012: 75%
Sweden	1952: 79%	1982: 92%	2010: 85%

[a] Parliamentary or Presidential

[b] Presidential in the Fifth Republic

[c] West Germany

Table 3. Party Membership as a Percentage of Electorate.<sup>86</sup>

<i>Country</i>	<i>Year: Percentage of Electorate</i>		
Denmark	1980: 7.30%	1989: 5.88%	2008: 4.13%
France	1978: 5.05%	1988: 2.98%	2009: 1.85%
Germany	1980 (West): 4.52%	1999: 2.93%	2007: 2.30%
Netherlands	1980: 4.29%	2000: 2.51%	2009: 2.48%
Sweden	1980: 8.41%	1989: 8.00%	2008: 3.87%
United Kingdom	1980: 4.12%	1989: 2.63%	2008: 1.21%

<sup>85</sup> INT'L INST. FOR DEMOCRACY & ELECTORAL ASSISTANCE, *VOTER TURNOUT IN WESTERN EUROPE SINCE 1945* (2004), archived at <http://perma.cc/4HPB-UHXD>.

<sup>86</sup> van Biezen et al., *supra* note 44, at 43-46.