

**Lowi's Republic:  
Legacies of *The End of Liberalism***

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Cited well over 15,000 times in scholarly journals, Theodore J. Lowi's *The End of Liberalism* qualifies as one of the most famous books in the history of political science.<sup>1</sup> Its appeal even reaches beyond academic circles with its dire warnings about the growing scope of government power and assumed responsibility in the United States. The delegation of policy-making authority to the executive branch, the abdication of congressional responsibility, the dominance of interest groups over public policy-making, and a general erosion of representative government responsive to the popular will are all major themes in Lowi's book. First published in the late 1960s, it fit well with the growing skepticism of the role of government and interest groups in American society.

With its fierce criticism of good liberal intentions gone awry, its black cover and provocative title in fiery orange letters, one might be tempted to dismiss it as a conservative polemic against the Democratic Party and modern government. But Theodore Lowi is not a talking head leveling vitriol against the political system to make money. He is a thinker making a powerful, well-reasoned argument that resonates even with his critics, though sometimes the prose style is a little dense. While he clearly lays a fair amount of blame on John Kennedy and Lyndon Johnson for building a nanny-state, they were themselves reflections of an American belief that the world's wealthiest society had obligations to its people but were unable to foresee the long-run consequences of alleviating people of personal responsibility and growing government's responsibility. It is why *The End of Liberalism* has been in continuous print since 1969 and is thus worth the effort to assess its impact on political science and public policy scholarship to see whether its arguments and assumptions have held up.<sup>2</sup>

## **Interest Group Liberalism and Delegated Authority**

*The End of Liberalism* is Lowi's indictment of modern policy-making in the United States, his attack on what he considers the liberal view of the state and its relationship with its citizens and ramifications for how government uses policy to serve citizens. No longer is public policy made through the process laid out in the Constitution. No longer are representatives elected by citizen majorities to Congress designing, negotiating, and enacting laws. Indeed, Lowi argues, Congress is not making law at all. Real lawmaking requires Congress to set clear directions, standards, and penalties (pp. 92-93). This is the rule of law. Only elected members of Congress represents the American people, so only Congress is invested by the Constitution with the authority to make law for the people. Yet since the New Deal era Congress has delegated away its lawmaking responsibility, and thus the legitimacy of policy-making in a representative democracy, to the executive branch (pp. xv-xvi & 43-44). All Congress requires of administrative agencies is that they solve vaguely defined social problems by engaging with organizations representing the citizens assumed to be at-risk or denied justice under existing social structures (p. 92). Together agencies and interest groups craft regulations and spending programs serving these constituencies, usually with the interest groups, the presumed legitimate voices of these constituencies, determining who is regulated and who receives public largess (p. 93). The result is governing through interest groups backed by administrative rulemaking rather than legitimate legislative statute - policy without law.

Why did this happen? Lowi argues that liberal theorists and politicians, convinced that the government could and should play a positive role in improving American society, began with the 1930s New Deal to provide redress for the injustices created by social and economic inequalities by using the state's authority (p. 42). Poverty, racial and gender discrimination, economic

opportunity, lack of access to education, housing, and medical care all became social problems the government was obligated to solve. Society was complex, so its problems must also be complex, and, beginning with the Great Society of the 1960s, was the culprit for individual problems rather than any particular failures of that individual (p. 201). Such complex social problems were best solved by specialists in the executive branch. Assuming that the constituencies to be helped knew best how to solve their own problems, agency specialists were expected to let organizations representing these populations create, and sometimes even administer, policy solutions (p. 51). Indeed, they often got to define the very problems in need of solving.

So when President Lyndon Johnson's Great Society, the crowning manifestation of liberal thinking for Lowi, threw open Washington's doors to any group of citizens who could claim that society's growing complexity and economic stratifications were denying them justice, organized interests responded in droves. Interest groups need not even struggle with each other for redress or slices of the public budget. Through its committee and sub-committee system, Congress segmented its policy-making authority into highly autonomous sectors, what scholars call policy domains. Lawmakers on committees overseeing these domains responded to demands of organized interests for redress of social and economic grievances by handing legislative responsibility over to new administrative agencies to work with the organizations claiming to speak on behalf of these groups of aggrieved citizens. No group-claimant was presumed to be more or less worthy of government assistance than any other, so every interest was served with policy and benefits. What was provided and how it was provided was devised by their interest group and provided through the administrative agency with little direction or even oversight from elected officials. This is what Lowi called interest group liberalism:

“It is liberal because it is optimistic about government, expects to use government in a positive and expansive role, is motivated by the highest sentiments, and

possesses a strong faith that what is good for government is good for the society. It is interest-group liberalism because it sees as both necessary and good a policy agenda that is accessible to all organized interests and makes no independent judgment of their claims. It is interest-group liberalism because it defines the public interest as a result of the amalgamation of various claims” (p. 51).

The aggregate result is that as the role of the state’s involvement in society grew, its power and legitimacy was dispersed with policy developed and administered by unelected bureaucrats and organizations claiming to represent aggrieved interests. Conflict between interest groups over the shape of public policy and who benefits from it was mitigated by dividing policy-making responsibilities into highly autonomous domains controlled by an agency and the principle client groups perpetuating the status quo (pp. 38 & 60). It became a new form of interest group-based representative government, what Lowi called (in his second edition) the Second Republic (pp. 271 & 291). So invested were social groups and politicians in this system that not even self-described rule of law-favoring conservatives have been able to set limits. Lowi dedicates quite a bit of space to criticizing President Richard Nixon for failing to turn back the liberal vision of government (e.g., p. xiii). It brings to mind Ronald Reagan’s similar failure to shrink the size of government or defund the left by stripping public money from interest groups (Peterson 1990).

Much of the rest of *The End of Liberalism* is examples of interest group liberalism in action, using business regulation, railroad management, urban planning, organized labor, and welfare as case-studies. A good example is his analysis of agriculture policy in Chapter 4:

“That agricultural affairs should be handled strictly within the agricultural community is a basic principle established before the turn of the century and maintained ever since then without serious reexamination. As a result, agriculture has become neither public nor private enterprise. It has been a system of self-government in which each leading farm interest controls a segment of agriculture through a delegation of national sovereignty. Agriculture has emerged as a largely self-governing federal estate within the federal structure of the United States” (p. 69).

Lowi describes early 20<sup>th</sup> Century congresses enacting a multitude of price support programs supporting various crops and geographic regions, providing farmers with tax breaks, insurance programs, and cash payments. Control of these programs lay in the U.S. Department of Agriculture (USDA), but were essentially run by the agricultural groups advising USDA (Browne 1988 provides a good description). Congress vested so much legitimacy in these interest groups as the official voices of American farmers that any effort by lawmakers to make these programs more efficient through modification or consolidation was met by impenetrable resistance (pp. 72-75). Even as these agricultural interests made farmers dependent on USDA programs, they were the first to cry “federal encroachment” when any reforms threatening their autonomy were attempted (p. 72). The result is an array of antiquated and wasteful price support programs defended by commodities interest groups and their allies in USDA, all resisting change so fiercely that no Congress, president, or agriculture secretary will ever regain control.

Lowi was equally critical of federal welfare policies, which he argued are so perverse that involved interest groups actually have incentives to keep the people they represent poor lest the flow of federal largess cease (pp. 223 & 235). Thus Johnson’s War on Poverty insured that poverty would continue. His most damning attack is on urban planning policy, which increased geographic racial segregation so much that it ought to be compared to South Africa’s racial segregation policy of Apartheid (p. 237)! The irony, Lowi argues, is that all of this congressional delegation and interest group empowerment was done with the best of intentions (pp. 233 & 295). By delegating authority, liberal lawmakers emasculated themselves, losing the ability to solve the problems they want to solve (pp. 58-59).

### **Controlling the Turbulent Pluralist Ocean**

Lowi's argument brought together the study of public policy with interest group politics. If a few powerful interest groups controlled policy in a domain, then to learn which social and economic interests were advantaged on prevailing policy all one had to do was look to see which groups had the greatest access to the administering agency. This conclusion was strikingly at odds with prevailing theory regarding group politics and policy-making in the 1960s. Lowi was not the first to suggest that scholars badly misunderstood the real consequences of interest group pluralism, but so sharp was his argument, and so heavily was it supported by evidence, that it arguably tipped the debate against proponents of interest group pluralism. *The End of Liberalism* became an obligatory citation in every interest group scholar's literature review.

In its time pluralism, as laid out by David Truman (1951), was a powerful, positive theory of American politics. Powerful because it seemed to explain most political behavior and supported the democratic ideal of broad public participation in governance, albeit through interest groups. Positive because it predicted how public policy could change as new social and economic interests mobilized for political combat. Even later versions of it, like Robert Dahl's (1956) which embraced inequalities in interest group influence as long as it reflects inequalities of citizen interest, still strikes optimistic notes about the role of political organizations in politics and policy-making.

Lowi revealed interest group pluralism's dark side. He accepted the pluralist belief that American society was fundamentally group-oriented, that increased specialization in the American workforce inclined people, as well as their elected leaders, to see their interests as best represented in the advocacy of political organizations (pp. 18-19). Industrialization and new technology forced people to become increasingly specialized in what they did, where they lived, and what they believed, stripping them of their self-sufficiency and alienating them from each other. Such

narrow, specialized interests could only be faithfully represented by interest groups (p. 20). Acknowledging that this social complexity and professional specialization is far beyond their ability to regulate by statute, elected officials delegated significant authority to administrative agencies so they would work with large interest groups representing these many interests to resolve conflicts and provide social justice for inequalities created by social stratification and market competition (pp. 27, 30-33).

So liberal politicians harnessed pluralist theory to justify using interest groups as proxies for citizen participation, replacing elected representation, but they also cut out the one element pluralist theory assumed essential for creating policy in the public interest – group competition. Traditional pluralists assumed that competition between organized interests resulted in public policy that balanced the needs all affected constituencies, even if it did not do so equally. But by dividing policy responsibilities into autonomous domains, lawmakers calmed the turbulent pluralist ocean. Agencies in each domain could work quietly with just the largest, most politically powerful organizations representing target populations without interference from groups in other domains; these “peak” organizations were the legitimate representatives of those citizens (pp. 30-33). They articulated the constituency’s real needs and helped agency officials devise policy solutions and dispense benefits to that constituency, even if that meant shutting out other organized interests with contrary views (p. 58). For instance, to regulate industries and professions, this meant working through the great trade associations:

“As much as the administrative employee and internal bureaucratic apparatus help to measure the administrative component in production, so does the *trade association* indicate the degree to which the commercial dimension of the system – that is, the market economy itself – has come also to be an administrative process. The trade association is basically an administrative structure whose most important mission is regularizing relations among participants in the same industry, trade, or sector. Where the market seeks competition, the trade association seeks to administer” (p. 27, italics in the original).

He sums it up, “self-regulation through market competition [becomes] self-regulation through politics” (p. 22).

Lowi’s pessimistic view of pluralism was attractive to scholars inclined to be critical of interest groups and the late 1960s and 70s because many assumed that powerful interest groups merely served the interests of powerful business interests. It also turned out that Lowi’s argument was more consistent with the structure of America’s policy-making apparatus than traditional pluralism. Congress had certainly expanded and divided its committee system into fairly exclusive policy jurisdictions (Davidson 1990). The executive branch had certainly grown dramatically and decentralized, and seemed quite uncontrollable by elected officials (Hecklo 1978). Public budgets were increasing, creating deficits, but seemingly immune to meaningful reform because that might cut off the flow of benefits to constituencies that had become used to it, and used to the self-regulation that decentralization and delegation had provided them.

And interest group influence certainly appeared to have become balkanized into autonomous, self-regulating policy domains, which scholars like Grant McConnell (1966) called subgovernments, though some prefer the term “iron triangle.” Judging by the number of times Lowi cites McConnell in *The End of Liberalism*, it is likely that subgovernments were the very islands of power he was criticizing. Even when traditional pluralism was at its height, scholars were starting to become nervous about concentrations of power and the “capturing” of regulatory agencies by the interests they were supposed to be regulating (Stigler and Friedland 1962; Bernstein 1955). But it is also important to point out that Lowi was a pluralist, rejecting the arguments of C. Wright Mills (1956) and William Domhoff (1967) that all real political power was concentrated in the hands of a small elite (p. 34). He simply considered pluralism’s consequences of dispersing the state’s authority to be dangerous to representative democracy.

## **Delegated Authority and the Great Recession**

Is power dispersed to interest groups that dominate policy domains still an accurate description of policy-making today? One piece of supporting evidence is the growing propensity of highly skilled white-collar professions to be licensed by their trade associations, which essentially is self-regulation backed by government authority. Familiar examples are the licensing and regulation of doctors by the American Medical Association and lawyers by the American Bar Association, but licensing and certification has expanded far beyond these venerable organizations. According to 2011 data from Lobbyists.info regarding trade associations big and small in the United States, of the 7,150 active nationally, 20% have some kind of licensing and certification program for the profession they represent, and some have many. The International Fitness Professionals Association has the most at 47. Indeed, the sheer number of trade associations alone may be evidence that Lowi's argument is as relevant today as 1969 or 1979.

Certainly some events over the years since Lowi's book appeared seem to conform to his argument that government agencies are often more concerned with preserving the health of the interests they regulate than they are of the public interest. As the national economy collapsed in early 2009, the United States government responded by loaning significant amounts of money to banks and investment firms to keep them afloat. Although a few like Lehman Brothers were allowed to perish, giants like Citibank and Bank of America were saved at taxpayer expense even though many blamed them for having created the dangerous housing bubble that led to the Great Recession. Yet blame also goes to financial regulatory agencies for letting the banking and investing industries create the bubble in the first place. They were more concerned about the financial health of these industries than protecting consumers (Mierzwinski 2010).

In the late 1990s consumers were shifting their money from bank savings accounts to Wall Street investment funds in large numbers, frightening bankers who were forbidden from investing by the Depression-era Glass-Steagall Act of 1933 (Stiroh and Poole 2000). Financial regulators had already evolved a culture of service to the financial institutions they regulated, whether they were banks, savings and loans, or investment companies, often referring to them as “clients” and “customers” (Williams and Jacobsen 1995), a sign that the legal mandate on regulators to keep financial institutions safe and sound meant helping them stay profitable. To help their customer-banks, both the Office of the Comptroller of the Currency in the Treasury Department and the Federal Reserve System stretched their authority to permit banks limited entry into securities investing, and selling insurance too, to remain profitable (Indick and Domenici 1996). The Securities and Exchange Commission (SEC) retaliated on behalf of its client-firms like Bear Stearns and Morgan Stanley (Weidner and Mandaro 1999). Could agencies be more clearly captured by the industries they were supposed to regulate?

Only when the conflict between these economic sectors became unmanageable did regulators and the great trade associations, like the Securities Industry Association and the American Bankers Association, demand that Congress repeal Glass-Steagall and create a general framework for how (not if) these industries might merge and operate. Lawmakers responded with the Gramm-Leach-Bliley Act of 1999 (GLB) authorizing the formation of multi-purpose financial institutions to take deposits, invest money, and sell insurance all in one corporate structure. Just how these institutions would merge and operate was left up to the regulators, especially the Federal Reserve which was set-up as arch-regulator, the very type of delegation of authority Lowi warned of. To keep these super-firms competitive with European counterparts, Congress the following passed the Commodities Futures Modernization Act (CFMA) permitting complicated forms of

investments called derivatives with only minimal oversight from the SEC and the Commodity Futures Trading Commission. Congress instructed regulators to simply make sure that these financial institutions conducted their derivatives investing in a manner safe and sound for its health, not the health of investors and consumers (GAO 1999, p. 10).

GLB and CFMA allowed financial companies to be more ambitious in their profit-making strategies. One strategy was to expand the number of home loans to customers, which they could then bundle together and sell on the secondary mortgage market to other investment firms and government-sponsored institutions like Fannie Mae and Freddie Mac (Andrews 2008). The result was a housing bubble, enormous numbers of loans made to people who could not afford to repay them. Another strategy was to take more creative risks on the future returns of investments (Comiskey and Madhogarhia 2009). Perhaps the most notorious investment vehicle was the credit default swap where sellers of loans made money if loan recipients, including home mortgage recipients, defaulted. Ultimately firms like American Investments Group (AIG) found themselves unable to pay the investors who had sold them the investments when large numbers of mortgage loan recipients began defaulting in 2008 (Mierzewski 2010).

Where were the regulators? In 2008 testimony before the House Committee on Oversight and Government Reform, former Federal Reserve chairman Alan Greenspan confessed that he had done little to prevent the housing bubble beyond increasing interest rates in 2004 (which may have made the problem worse) because he assumed that risk-averse financial institutions would regulate themselves. “Those of us who have looked to the self-interest of lending institutions to protect shareholders’ equity, myself included, are in a state of shocked disbelief,” he said (Andrews 2008). Administrative agencies allowing “customer” companies and their associations to regulate themselves under the assumption that they alone knew what was best for them and their survival

instincts would lead to self-regulation, all enthusiastically supported by a Congress that gave up their own authority to regulate the financial industry, seems to fit comfortably with Lowi's argument of government delegation, interest group regulation, and policy without law.

### **Competitive Pluralism**

There may be plenty of cases supporting Lowi's argument, but there is also evidence to the contrary. His argument regarding policy-making separated into autonomous domains quietly dominated by a few organizations is inconsistent with other trends in interest group politics. In 1983 Jack Walker published perhaps the first systematic evidence that the number of interest groups in the United States was increasing, and doing so quickly. This is now called the advocacy explosion of the late 1960s (Knoke 1986). By 2011 there were approximately 8,548 interest groups lobbying in Washington alone, along with anywhere from 19,000 to 26,000 lobbyists (Katel 2005; Holyoke 2013). Walker also found that American interest groups were diversifying, with an especially steep climb in the number of open-membership, cause-oriented citizen groups. Jeff Berry (1993) argues that most of these citizen groups exist to break the stranglehold that trade associations allegedly have over their policy domains. Not only have they enjoyed many successes in environmental policy and consumer protection policy, but in some cases forced Congress to be very specific in its standards rather than delegate authority. The Endangered Species Act, for instance, sets fairly clear standards regarding the classification of animal species as threatened and gives regulators little flexibility regarding when they must act to save them (Nie 2008).

It is hard to see how Lowi's argument about policy balkanization and captured agencies empowering a few large interest groups to self-regulate policy domains can be true when there are so many organizations fighting over the limits of policy and regulation. Interest groups in Lowi's

view defuse conflict, they do not create it. True, the distribution of groups by policy domain is highly skewed, with over 2,000 lobbying on health care policy while less than thirty work on dairy policy according to the 2010 edition of the interest group directory *Washington Representatives*. Nonetheless, as early as 1978 Hugh Heclo argued that the subgovernment description of autonomous policy-making dominated by a few interest groups was just not accurate, and perhaps never had been. Moreover, the multi-year study of interest group influence in four policy domains conducted by John Heinz, Edward Laumann, Robert Nelson, and Robert Salisbury in the 1980s found almost no evidence of any domination (Heinz et al., 1993). Today interest groups scholars actually tend to start their projects assuming there is significant competition between interest groups over policy, though by no means equal and balanced power (e.g., Holyoke 2011; Brown 2012; Grossmann 2012). There is even a name for it – neopluralism. In sum, the default position today among interest group scholars is that Lowi’s argument is no longer true, with some wondering if it ever was.

### **Public Administration and the Rule of Law**

Lowi does not explicitly link the enormous delegation of authority to the bureaucracy to the Progressive Era’s hope for a non-political government bureaucracy using science and rationality to administer policy, but it is hard to read his indictment of bureaucratic growth and empowerment without thinking of it. Since the publication of *The End of Liberalism*, the executive branch has added the departments of Energy, Education, and Homeland Security. Congressional oversight of the bureaucracy has diminished, and in fact the congressional work week has shrunk to three days in Washington, with scholars despairing that the legislative branch has any capacity left at all for controlling the executive branch bureaucracy. Elected officials perhaps delegated so

much authority in the belief that executive branch specialists were fundamentally better able to solve social and economic problems in an ad hoc fashion than lawmakers could through statute. The rule of law may have been sacrificed in the hope that the rule of science might be an effective and efficient substitute.

Since at least the early 20<sup>th</sup> Century lawmakers and good government reformers have sought to define the fine line between deference to professional and scientific expertise and the responsibilities of legislators to make clear, if hard, choices, which is Lowi's rule of law. Specialists in a domain of public policy presumably know more about the needs of the target constituency and the technical, day-to-day details of implementation, so efficient government demands that Congress given them sufficient scope to act as they deem necessary to serve the public interest. The trick for elected legislators is deciding how much discretion to give before they have sacrificed the trust constituents placed in them (Kettl 2009). Above all representative democracy demands that those who make the law must be held accountable to the people who elected them or there is no representation and no democracy (O'Donnell 2004). Elected officials have the crucial responsibility of setting clear legal standards binding agency specialists because this makes the law is consistent rather than capricious. Lowi, of course, argues that this representative safeguard has failed, that the high degree of deference by elected representatives to professional administrators has cut citizens off from their government. Because they are specialists, he argues, agency staff make and implement policy, but since they are not elected, the people cannot hold them accountable. The only representation left in Lowi's Second Republic is through the interest group lobbyists (also un-elected) with whom Congress requires agencies to consult. Whether agencies are overly influenced by business trade associations is less clear, with some finding little evidence of it (e.g., Goldman 1998) and some finding a lot (e.g., Yackee and

Yackee 2006). Either way, making public administration more efficient and less political, the Progressives' dream, leaves government unaccountable to its citizens.

Where Lowi's argument regarding the controlling grip of interest groups may be wrong, he may be right about the freedom of the bureaucracy from congressional control. The claim has long been made by scholars that neither the president nor Congress can effectively control the executive branch (e.g., Downs 1967; Niskanen 1971). And while some of the theoretical literature regarding congressional control of the bureaucracy suggests a variety of circumstances where Congress might assert itself, the empirical evidence finds that Congress is nearly as powerless as Lowi suggests (e.g., Balla 1998; Shipan 2004). Oversight by Congress has almost certainly declined, partially because members of Congress themselves spend less and less time in Washington, D.C. Over both domestic and foreign policy, congressional committees hold fewer hearings (Ornstein and Mann 2006). This means fewer opportunities to require agency leaders to explain why they may have crossed the line between legitimate (bound by the rule of law) and illegitimate (wide discretion) regulatory action, assuming Congress has drawn such lines. Here at least Lowi's impact, even if it is indirect, has been significant.

### **Many Republics**

As a way of ending this essay, it is worth asking whether Theodore Lowi himself still believes the arguments he made over three decades ago in the second edition of *The End of Liberalism*. His later writings on how the welfare state shifted responsibility for joblessness and crime from individual responsibility to society itself being culpable and public administration

would be legitimate if every citizen could do it, just as every citizen can vote (Lowi 1986; 1993), suggests his ideas have not changed much. What is interesting, though, is his changing view on how representative government in the United States has changed over time. He subtitled his second edition *The Second Republic of the United States*, arguing more poignantly than in the first edition that interest group liberalism has fundamentally changed how the nation is governed, shifting America away from the rule of law to representation by interest groups and rule by technicians and specialists in executive branch agencies. The nation today is thus fundamentally different nation than prior to the New Deal and the emergence of the welfare state.

In his 2008 James Madison Lecture to the American Political Science Association, published in 2009, Lowi presented what appears to be a rather modified view. Citizens of the United States, he argued, have experienced many versions of representative government; there have been many republics. The First Republic was the brief era of very limited government between American independence from Great Britain and the decision at the Constitutional Convention to toss the Articles of Confederation and write a whole new constitution with a stronger central government. Ratification of the Constitution was the dawn of the Second Republic, and it was replaced by the Third Republic in 1833 when the Supreme Court held in *Barron v. Baltimore* that the Bill of Rights did not apply to the states. The New Deal was the foundation for the Fourth Republic for it began a gradual but consistent delegation of legislative authority to the executive branch, though Lowi blames John Kennedy and Lyndon Johnson for promoting a vision of government that seemingly could cure all of society's ills.

George W. Bush and his administration, Lowi argues, created the Fifth Republic, one of nearly absolute presidential power, what some Republicans have called the "unitary executive." After the bailout of automotive companies and the expansion of government it is hard to believe

that Lowi thinks any more highly of Barack Obama. This may well be a crucial change in his thinking, or at least a substantial change in his view of how America has evolved since the 1970s, from his book. The difference from his view in *The End of Liberalism* is that he seems to believe that another shift in political power has taken place, that presidents have taken back a fair amount of power from the bureaucracy and interest group community. Administrative agencies are now on a tighter leash from the White House. What roles interest groups still play in develop and implementing policy is unknown. What remains consistent is the irrelevancy of the elected Congress, state governments, and of course the people themselves. In both cases his views remain attractive to scholars who distrust government and power, whether that power is lodged in the Oval Office or delegated to unaccountable agencies and interest groups. In both cases, the highly decentralized republic, the confederation of states the United States was before the ratification of the Constitution, is lost and unlikely to return. In no case are we likely to aspire to what Lowi recommended at the end of *The End of Liberalism*, the creation of “juridical democracy” where the rule of law is restored and majority rule representation the returned as the sole legitimate source of the state’s authority.

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<sup>1</sup> A simple search on JSTOR using *The End of Liberalism* as a search term in political science and public policy journals.

<sup>2</sup> All of the page citations and commentary here are from Lowi's heavily revised edition published in 1979.