

The American Experiment in Federalist Dictatorship

During Covid, legislatures became extraordinarily deferential to their executives. Congress deferred to the President, yes. But more shockingly, state legislatures across the country virtually abdicated in favor of their governors. On everything Covid-related – and what isn't "Covid-related"? – governors have essentially ruled by decree since March of 2020.

In short, America is now an elective dictatorship. Unlike almost all historical dictatorships, however, these are dictatorships *within a federal system*. Every governor makes it up as he goes along... but he only makes it up for his own state. Elections will still happen, possibly replacing one dictator with another. But until those days of reckoning, whoever won the last election has a remarkably free hand to do as he pleases.

What has this freakish experiment in federalist dictatorship taught us? I'm curious to hear your thoughts, but here are the biggest lessons I've drawn thus far.

1. The variance of policy under federalist dictatorship has been vast. My friend in Alabama barely remembers the lockdown because it lasted so briefly. Californians endured major – and repeated – restrictions on their freedom for months at a time.
2. Part of this high variance, no doubt, comes from the compromises inherent in divided government. But variance seemed to grow even in one-party states. Compared to one-man rule, even one-party rule is centrist.
3. The governor's political party turned out to be a powerful predictor of how he rules. Love them or loathe them, the governors of Florida, Texas, and Tennessee haven't just aggressively moved to normalcy. These governors have *stood* by their decisions even though the media keeps putting bereaved family and distressed doctors on TV. The same goes for Democratic governors, though that's less surprising since "We'll do everything we can to fight this menace" is the political path of least resistance.
4. Republicans have been paying lip service to "freedom" and "liberty" for decades, but all they've made me do is roll my eyes. During Covid, Republicans started taking their freedom talk seriously. It's not just on the news; during Covid, I've spent many months in Florida, Texas, and now Tennessee, and the difference is blatant. (I also visited California a week after they opened up, and heard the locals' tales of relief). True, some governors are using their dictatorial powers to *force* businesses to set laxer measures; but this pales compared to all the ways governors have used their dictatorial powers to force businesses to set stricter measures.
5. All 50 US governors have been vaccinated, so none of them are literal "anti-vaxxers." Still, many governors staunchly oppose mandatory vaccination. What's their motive? High

vaccination rates don't merely make governors' lives easier. They also reduce resistance to every other expression of normalcy. Could it be that governors who oppose vaccines mandates actually do so... because freedom?

6. For the last few minutes, virtually every major organization in society has embraced the mantra of "Out of an abundance of caution..." K12 schools live by the mantra. Colleges live by the mantra. The media lives by the mantra. Even many businesses live by the mantra. And of course most Democratic governors live by the mantra. Prominent Republican governors, in contrast, have repeatedly embraced risk. They've opened up earlier, and usually stayed open despite fierce media criticism and rising deaths.

7. What explains the wide policy variation we've seen under federalist dictatorship? Social scientists will be tempted to appeal to the Median Voter Model, but it's hard to believe that's close to the whole story. Ron DeSantis won the 2018 election by a nose. Contrary to some odd gaslighting, Florida remains a swing state. But dictator DeSantis rules like his reelection is guaranteed. Nor is he a strange outlier. Jarringly, Democratic and Republican governors tend to follow their own ideologies, or even their own consciences.

8. Standard models of politics assume that voters have independent preferences that politicians try to satisfy. Another possibility, however, is that voters have *dependent* preferences that politicians try to *mold*. This is especially plausible during an emergency, when the public desperately looks to rally around a heroic leader. If the Great One says vaccinated people need to wear masks indoors, then vaccinated people need to wear masks indoors. If the Great One says they don't, then they don't. Upshot: Perhaps governors are hoping that they can *make* their ideas popular simply by adopting them with great confidence and self-righteousness. And perhaps they're right.

9. Our era of federalist dictatorship has been a great "Obedience to Authority" experiment. And the experiment replicates. People in fifty different states have been given fifty different (and fluctuating) sets of often arbitrary rules. And people in fifty different states have, by and large, obeyed. You could protest, "Each governor is just 'ordering' their citizens to do what they would have done on their own volition." But that's grossly overstated. The store mask mandates in Virginia and Texas were very similar this winter, and almost universally observed. But when both states dropped mask mandates, most northern Virginians kept wearing masks in stores for a month and more. In Texas, in contrast, masks in stores vanished almost overnight. As individuals, Texans wanted less caution than Virginians. Yet both groups obeyed their authorities.

10. Will voters punish extreme governors in the next election? Lax governors? Strict governors? My poll respondents lean moderately in the direction of, "Dems are more likely to be punished for strictness than Reps for laxity." I'm not so sure, but I hope they're right.