Beyond Party Politics

The New President and the Growth of Executive Power

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EVEN A PRESIDENT intent on redemocratizing our state will find it to be hard work. The growing power of the executive is a deeper problem than the combination of national security threats and abuses of power can explain. It is a process that began in the 1980s and goes beyond party politics—it is part of the structural evolution of the liberal state. The big question is how a president intent on redemocratizing our state will use today's greater power of the executive.

Much has been said since 2001 about the erosion of our liberal democracy. Among the leading causes usually mentioned are the Patriot Act, particularly its use by the Bush-Cheney administration to strengthen executive power, and our deeply flawed electoral system. Both are indeed critical factors feeding the democracy deficit.

But there is a third cause, one that has received far less attention and has been obscured by the declaration of a national security emergency. It is the fact that the development of a global corporate economy has further strengthened the executive branch and weakened the legislative. This process started long before the second Bush administration and cuts across political parties. It began in the 1980s, when the current globalization phase took off, and has continued since.

There are several reasons for this oversight. The fact that economic globalization might be contributing to the growth of executive power and the debilitation of Congress falls out of the picture when you frame matters in terms of national emergencies. This frame cannot accommodate the fact that this process began more than twenty years ago and continued no matter which party was in power.

Nor has the globalization literature focused on this growing power imbalance. One reason for this blind spot is that the writers tend to consider the state as a whole and to argue that either not much has changed for *the* state or that *the* state has become much weaker. A more nuanced argument in the literature emphasizes state adaptation to the new conditions represented by economic globalization; but even here the focus is not on the redistribution of power inside the state.

Finally, that economic globalization went hand in hand with a sharp increase in executive power goes against three strongly held beliefs: that global markets need small government to thrive, that economic globalization weakens the state, and that strong (including global) markets feed democracy.

In fact, economic globalization has had its own autonomous effect in sharpening executive power and in weakening the legislature. This is separate from questions of national security and abuses of executive privilege. It will take more to stop this consolidation of power than having an administration that does not abuse its executive power and that would eliminate the Patriot Act, though this would certainly make a difference.

My research has identified at least five trends in the global economy that feed executive power:

(1) Certain parts of the administration (the Treasury, the Federal Reserve, the office of the Trade Representative, and so on, and the equivalent institutions in other countries) have played a critical role in building a global corporate economy. They have become stronger over the last two decades *because* of globalization, thereby feeding the power of the administration. This pattern repeats itself across the world as states become incorporated into the global economy. At the same time, the policies associated with this incorporation—deregula-

tion and privatization—remove various oversight functions from Congress.

(2) Intergovernmental networks centered largely in the executive branch have grown well beyond matters of global security and criminality. The participation by the state in the implementation of a global economic system has engendered a whole range of new types of cross-border collaborations among specialized government agencies focused on the globalization of capital markets, international standards of all sorts, and the new trade order.

(3) The major global regulators, notably the International Monetary Fund and the World Trade Organization, as well as many lesser known ones, negotiate only with the executive branch. As the global corporate economy and the supranational system expand, executive power grows.

(4) A critical component of economic deregulation, beginning in the 1980s, was the privatization of formerly public functions. Privatizing prisons and outsourcing of particular welfare functions to private providers are probably the most familiar cases. Today we can add the outsourcing of soldiering to private contractors even in war theaters, as is the case in Iraq. This privatization has reduced the oversight role of Congress but added to the role of the executive through specialized commissions. One recent case that brings some of these issues to light is the extent to which Congress has been left in the dark as to the amount of taxpayers' money going to private contractors who now handle a growing range of military activities. The executive branch can actually handle private contractors with little if any oversight by Congress.

(5) A final bundle of issues makes visible the alignment of the executive with global corporate logics in a range of domains—which is not always negative, by the way. The effort by Dubai Ports World to acquire control over the security of several U.S. port operations was strongly supported by George W. Bush. This indicated a recognition by the executive branch that the global economy is becoming partly

denationalized. More recently, and not as positive, was Bush's insistence that no environmental and labor standards be included in the new set of free trade agreements under discussion in the fall. Yet another example was Bush's willingness to allow long-haul Mexican trucks access to U.S. highways with minimum public notice and safety guidelines, privileging global free trade over national road safety. Finally, we have the Treasury's positive reaction to the acquisition of shares in U.S. financial firms by foreign governments—among them China, Dubai, and Singapore—with several other such acquisitions in the making.

THE PARTICULAR kinds of executive power growth I describe here are not exceptions. They are structural developments within the liberal state resulting from the implementation of a global corporate economy, and they began with Ronald Reagan. A new president genuinely willing to respect the balance of power and willing to cancel the Patriot Act will still be in a structural position of growing power in today's liberal state. A hollowed-out Congress confined to domestic matters weakens the political capacity of citizens to demand accountability from an increasingly powerful and globally oriented executive. Today, the liberal state produces its own democratic deficit.

There is an ironic possibility in all of this. Can a president intent on fighting for a better and more just democracy actually use that expanded executive power to do this? And could the emergent internationalism of the executive branch, now used to further the global corporate economy, be used to address some of our pressing global challenges? ●

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