



The New History of Federalism

Fall 2024 Conference
September 26-28, 2024, in Columbia

Federalism—the putative division of sovereignty between different levels of government within a single polity—is much more than a mere constitutional curiosity. In the United States, the democratic accountability and local control that federalism facilitates has long been a source of national pride. At the same time, the distribution of powers and responsibilities between the union’s different levels of government has been a source of contention and complication in the nation’s day-to-day politics. The question of whether, and in what form, to import an American-style federalism has been an issue confronted by constitution-makers globally over the last two centuries. In the twenty-first century, federalism has taken on new importance in the U.S. amid debates over political and constitutional rights, resistance, and governance.

For generations, federalism studies were mired in nineteenth-century paradigms that emphasized constitutional conflict between state and national governance moderated primarily through federal court decisions and the pronouncements of the founding fathers. In the past few decades, however, scholars have begun to shift our understanding of historical federalism in key ways. Historians have broken down the traditional view of a feeble early federal government, showing how Congress and the presidency operated ‘out of sight’ in unexpected ways in the early republic, with dramatic effects—particularly for Indigenous people and territorial settlers living beyond the effective control of state governments. At the same time, nineteenth-century states interpreted their responsibility for the *salus populi* so broadly as to include policy areas now associated with Congress, especially the movement of people across domestic and even international borders. There was more to federalism, then, than the struggle over slavery, though historians have also reconfigured our understanding of the relationship between states’ rights and the coming of the U.S. Civil War.

A rising generation of political scientists has similarly taken up the challenge of reimagining federalism, redirecting attention towards the history of state law and government and producing new works on state constitutionalism and its significance for the American union through time. Legal scholars, meanwhile, have illuminated the complex landscape of contemporary and historical intergovernmental relations, revealing the outdatedness of the language of boundaries and divisions and moving towards a new federalism paradigm defined by overlapping jurisdictions and sharing and co-ordination between different governments.

Despite such innovative work, much of the scholarship on federalism remains siloed in different fields and disciplines. This conference, jointly sponsored by the Richards Civil War Era Center at Pennsylvania State University, the Kinder Institute on Constitutional Democracy at the University of Missouri, and the Rothermere Institute at the University of Oxford, will bring together scholars studying federalism from a broad spectrum of chronological, thematic, and disciplinary approaches for a wide-ranging exploration of new directions in federalism studies in the twenty-first century. Together, we hope to provide a new framework for understanding the contours of federalism

that will offer lessons for both scholars and a general public eager to contextualize the world around them.

Organizers

Grace Mallon, Postdoctoral Fellow, Kinder Institute & Rothermere Institute
Jay Sexton, Kinder Institute
Rachel Shelden, Richards Civil War Era Center
Adam I.P. Smith, Rothermere Institute

Participants

Gregory Ablavsky, Professor of Law, Stanford University
Tanner Allread, History Graduate & Law Student, Stanford University
Maggie Blackhawk, Professor, NYU Law School
Bobby Cervantes, Postdoctoral Fellow, Harvard University
Nicholas Cole, Professor of History, University of Oxford
Moyra Eaton, History Graduate Student, Penn State
Laura Edwards, Professor of History, Princeton University
Bridget Fahey, Assistant Professor, University of Chicago Law School
Jonathan Gienapp, Associate Professor of History, Stanford University
Hidetaka Hirota, Associate Professor of History, UC-Berkeley
Alison LaCroix, Professor, University of Chicago Law School
Josh Lappen, History Graduate Student, University of Oxford
Anna Law, Associate Professor of Political Science, CUNY-Brooklyn
Jacob Lee, Associate Professor of History, Penn State
Derek Litvak, History Graduate Student, University of Maryland
Jane Manners, Assistant Professor, Temple Law School
Sarena Martinez, History Graduate Student, University of Oxford
Kate Masur, Professor of History, Northwestern University
Heather Menefee, History Graduate Student, Northwestern University
Cynthia Nicoletti, Professor, University of Virginia Law School
Jamila Michener, Associate Professor of Political Science, Cornell University
Bill Novak, Professor, University of Michigan Law School
Gautham Rao, Associate Professor of History, American University
Tracy Steffes, Associate Professor of Education and History, Brown University
Brooks Swett, Independent Scholar, State Department Historian's Office
Karen Tani, Professor, University of Pennsylvania Law School
Annie Twitty, Associate Professor of History, Stanford University
Heather Walser, History Graduate Student, Penn State
Cooper Wingert, History Graduate Student, Georgetown University
Robinson Woodward-Burns, Associate Professor of Political Science, Howard University