

Federalism's Single-Voice;

Pablov's Dogs, & the Nervous-Breakdown of Collective-Society.

Professor Hart; 54 Columbia Law Review 489-497; 1954.

As quoted in "Pleading & Procedure, State & Federal, Cases & Materials", Louisell, Hazard, & Thait; Professors from Berkeley, Yale, & U. of Connecticut; 1983, Foundation Press; 5th Edition.

"The law which governs daily living in the United States is a single system of law; it speaks in relation to any particular situation with only one ultimately authoritative voice, however difficult it may be on occasion to discern in advance which of two or more conflicting voices really carries authority.

In the long run and in the large, this must be so.

People repeatedly subjected, like Pablov's dogs, to two or more inconsistent sets of directions, without means of resolving the inconsistencies, could not fail in the end to react like the dogs did.

The society, collectively, would suffer a nervous breakdown."

"Yet the sources of the laws which say what Americans can, may or must do or not do ... are exceedingly diverse. The problems of developing the necessary mechanisms for evoking or enforcing harmony are correspondingly complex.

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"In any system of government, responsibility for doing these things is divided among the governments various branches. In the federal system, it is further divided among the government and the governments of the states and their political subdivisions.

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"Nowhere is the theory and practice of American federalism more significantly revealed than in the constitutions of the states.

These constitutions assume responsibility for dealing, and claim authority to deal, with the whole gamut of problems cast up out of the flux of everyday life in the state, save only in the particular respects in which the Federal Constitution or statutes deprive the states of any competence whatever or provide for an overriding or displacing federal law.

They announce clearly, in Madison's words, that whereas the powers of the federal government 'consist of special grants taken from the general mass of power [we the state governments] possess the general mass with special exceptions only.