

# Book Reviews

**Miriam J. Anderson.** *Windows of Opportunity: How Women Seize Peace Negotiations for Political Change.* New York: Oxford University Press, 2016. xi, 217 pp. (\$65 cloth).

In *Windows of Opportunity*, Miriam Anderson unpacks the means by which language pertinent to women's rights is incorporated into peace agreements worldwide. The book makes a number of contributions in improving our empirical and theoretical understandings of transnational advocacy networks (TANs); the women, peace and security agenda; and peace processes. It is both rigorous in drawing inferences and accessible in revealing the practical applications. It should be considered as essential reading for the growing communities of scholars and students studying international norms diffusion and the role of gender in international relations.

Anderson begins the book by exploring the patterns of language that specifically refers to women in peace agreements. She finds that 55 out of 195 peace agreements between 1975 and 2011 contained such language. Much more, she finds abundant similarities in the language that references women across the agreements, and that much of the language stems from international women's rights norms. These stylized facts spur three questions that become the core of Anderson's investigation. First, why do so many peace agreements include references to women? Second, why do the references so often reflect international norms related to women's rights? Third, what explains why some agreements include language pertaining to women while others do not?

To address these questions, Anderson builds a theoretical framework, nested in an understanding of TANs, of the inclusion of women's rights into peace agreements. She systematically focuses on five elements of that framework: the actors involved; the mobilization of the actors; the objectives; the strategies; and the construction of the agreement language. This framework provides a useful and important edifice to make sense of the multiple moving parts in the argument.

Using two cases in which women's rights language was included in the agreement (Burundi and Northern Ireland), a case that did not result in the inclusion of women's rights (Macedonia), and cross-sectional data on all the peace agreements from 1975 to 2011, Anderson arrives at the core answers to the three questions. With regard to the first question, she finds that local women's groups, often nested within TANs, are the key actors that value the inclusion of women's rights language and that push for participation in the peace processes. With regard to the second question, it is the nesting of the local women's groups with international civil society that helps explain the similarity in language across the agreements with major international women's rights documents. Turning to the third question, the key factors that well predict the inclusion of language pertaining to women are the presence of women's groups at the negotiation table, the ability for women's groups to transcend local ethno-political divides, and having peace processes of sufficient duration to allow for the mobilization and inclusion of women's groups.

Anderson's contributions in this book are myriad. Related to the literature on the women, peace and security agenda, the book sheds light on the ways in which advocates of women's rights resonate with advocates of general human rights, but also how general human

rights efforts are not dependable as champions of women's rights. Related to the literature on TANs, the book demonstrates the crucial interplay between local and international actors in successfully advocating for women's rights — we cannot understand the diffusion of norms by either focusing only on the TANs or focusing only on the local stakeholders; we need to understand both. Related to the conflict resolution and mediation literature, the book demonstrates the importance of considering the participation of civil society at the negotiation table. The case studies of Burundi, Northern Ireland and Macedonia bring to light elements of those peace processes that have been underexplored. Moreover, her data on the inclusion of language specific to women in peace agreements has the potential to be used to address a number of additional research questions.

On a more critical note, in future work Anderson might further expand on whether it is simply female bodies that are important to have at the negotiating table, or whether the key is to have women that are part of a women's rights organization. In other words, it would be useful to more clearly differentiate between the influences of professional female diplomats that represent parties to the conflict and women's advocacy groups that have a seat at the negotiation table. This is desirable for a few reasons. First, the policy implications could be clearer. At times, it is not clear if it is just women that are needed at the negotiation table or specifically women that are part of an organization striving to advance women's rights. Second, theoretical tensions arise between the notion that women have a complex role to play in peace processes (a point that Anderson makes clearly) and the notion of "strategic essentialism" — using essential elements of gender identity to cut across ethno-political divides at the root of conflict. The heterogeneity of the objectives of the women involved in a peace process would seem to interfere with their ability to serve as cross-cutting influences on the peace agreements. Third, and related, it would be interesting to consider what the implications are for further progress in the women, peace and security agenda — if it becomes more normal for women to participate in peace processes, will their ability to serve as bridges across the parties hold and might we actually see a decline in language related to women's rights? Fourth, by clarifying the role of women as women per se and the role of women in advocacy organizations, the role of men becomes clearer. Anderson's conclusion that the advancement of women's rights cannot be simply left to advocates of broader human rights is compelling, but it is also important to understand the variation in how other actors, including men, can influence positively or negatively the attention to gender inequality and women in peace processes.

As a whole, the breadth and depth of this study is impressive, as it makes clear contributions across multiple literatures, it builds a systematic theoretical framework that can be applied to other situations of norms diffusion, and the analyses are both rigorous and informative. Anderson's book is also timely, as the women, peace and security agenda advances into uncharted waters. Future work on the relevance of gender to peacemaking, peacebuilding, and peacekeeping would do well to use this book as a model.

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**Danny Hayes and Jennifer L. Lawless.** *Women on the Run: Gender, Media, and Political Campaigns in a Polarized Era.* New York, NY: Cambridge University Press, 2016. 185pp. (\$99.99 hardcover, \$24.99 paper).

Danny Hayes and Jennifer Lawless set a surmountable task before themselves in *Women on the Run: Gender, Media, and Political Campaigns in a Polarized Era*. Challenging years of conventional wisdom and decades of research that point to the contrary, Hayes and Lawless question the widespread belief that women face substantial bias when running for political office in the United States. Across six chapters the authors present evidence to the contrary, demonstrating that women do not encounter systematic differences in campaign rhetoric, media coverage and content, and voter impressions when compared to their male counterparts. To find this support the methods are varied and extensive; spanning both traditional newspapers and Twitter posts for content analysis, implementing two national level surveys, and conducting multiple qualitative interviews of professionals in the field. Consistently, the results demonstrate that systematic bias for women appears to be limited at best. In the final chapter, Hayes and Lawless explore why substantial portions of the public continue to believe that women receive sexist media coverage, face bias from voters, and have a harder time than men in getting elected.

The book positions itself as the most comprehensive assessment of women's experiences in political campaigns in recent history. The recent (1990's and early 2000s) research tends to focus on some combination of three aspects: candidate communication, media coverage, or voter impressions – Hayes and Lawless extend this conversation by addressing all three in concert. Chapter 1 addresses the layout of the book and discusses representation and bias in politics for women. The authors clarify that the political process is not gender neutral – rather, they admit that there is likely systematic bias in recruitment, sexism on the campaign trail, and that they only focus on US elections for the House. However, their text is concerned that a misperception about the prevalence of bias actually serves as a barrier for entry. While this is a strong and convincing argument, as it is important to identify both what does and what does not bias against women, this is not something that is actually tested in the book.

Chapters 2-5 set out to address the three major aspects of the campaign process and to identify if any systematic bias exists between genders. Chapter 2 begins with an introduction to past literature, current conventional wisdom, and an overview of the empirics used throughout the book. The opening focuses on the “almost masochistic experience” of running for office while female in the 1970s. However, the authors quickly depart from this and make clear that this type of scenario is not common for women in contemporary politics. Instead, they contend that the most salient part of an election, even when a woman is on the ballot, is the partisan divide. Hayes and Lawless utilize varied data depending upon which aspect of the political process they are focusing on. Both TV advertisements and Twitter feeds are coded for content for the analysis of campaign communications. When addressing media coverage they rely upon local newspapers, manually encoding thousands of articles for references of sex or gender, ascribed traits, and associated issues. Finally, when addressing voter impressions, they implement two national surveys to observe if candidate gender bore any significant influence on respondent

impressions. In addition to this the authors also conducted multiple interviews with experts in the field.

Chapter 3 explores the campaign messages in both the 2010 and 2014 midterm elections – utilizing TV ads and Twitter feeds respectively. The chapter was broken into four parts: (1) testing the hypothesis that sex plays little role in shaping candidate communication, (2) assessing why this is the case, (3) questioning if campaigns focusing on women’s issues involve more women, and (4) interpreting interviews regarding the relevance of gender in campaign communications. Through multiple tests they largely found that issue agendas and campaign content do not appear to be related to sex of the candidate or their opponent. The varied approaches are laudable. However, it would have been preferable to code both sources for each year as the observation of statistically significant differences for women appear to be contingent on year/data source. This might indicate that women have different experiences depending on campaign marketing strategies. The more consistent story here comes from the party, with differences in campaign messages being largely tied to party ID. The chapter is a very convincing portrayal of a partisan dominated campaign process.

Chapter 4 focuses on the role of the media by addressing three potential gendered communications: (1) discussion of candidates in terms of gendered roles, (2) trait assignments, and (3) associated issues. The authors perform extensive content analysis and have made a great effort in identifying mentions of gender or language that draws attention to sex. Additionally, they code over 200 masculine and feminine traits and issues mentioned. The chapter lives up to its title: “Sex is no story”, as time and again we must accept the null hypothesis of no significant differences between gender across gender mentions, traits, and issue associations. Instead, a compelling story is delivered that newsworthiness (such as the existence of an incumbent or a highly competitive race) drives the media coverage and content, rather than sex of candidate.

Finally, Chapter 5 addresses the component of voter impressions utilizing both 2010 and 2014 CCES survey results. First, open ended prompts regarding impressions of candidates are explored followed by associated traits and issue competency questions. For nearly all results no statistically significant differences between male and female candidates are observed. Once again partisanship is demonstrated to be the dominant force, the polarization seeming to drive any differences that we observe between reported impressions. Substantively, of the twenty models run across the ten issue categories, party was significant in all and gender was only significant in two (and in both the women were advantaged as reportedly being statistically more competent than their male counterparts). Perhaps the most compelling evidence that gender is still at play in today’s elections is presented at the end of this chapter when encoding issue and trait competencies when matching the gender of the respondent to the candidate. Here, for the first time in the book we observe significant findings; showing that GOP women rate female candidates lower on issues of the economy, and in 2014 Democrat women rate women higher on competence, empathy, and trustworthiness.

Chapter 6 provides a very strong conclusion, summarizing the limited number of times in which significant differences were observed in line with gender stereotypes (accounting for only 4.2% of all the models run). Hayes and Lawless discuss three possibilities for why these misperceptions of bias persist despite the lack of evidence to support it: (1) social identity and

perception, (2) the national discussion of gender, and (3) workplace/personal experiences extrapolated to the political context. The authors conclude with a call to arms — to spread the message that women do not face systematic bias in these three arenas of the campaign and to ensure that perceptions of the electoral environment no longer hinder the confidence of potential female entrants or their recruitment.

Overall, this work takes a great step forward in departing from the dated conventional wisdom regarding women's experiences in political campaigns. The quality and comprehensive nature of the analysis and broad applicability of its findings make for a compelling read.

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**Cherian George.** *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy.* Cambridge, MA: MIT Press, 2016. Xviii, 308 pp. (\$29.95 cloth).

In this insightful volume, Cherian George makes a very simple and compelling argument: specifically, that the mobilization of religious anger is often a useful tool in the arsenal of political elites in democracies with large numbers of religious adherents. That is, strategic political leaders can often make use of the anger of religious citizens toward religiously defined minorities to achieve narrow political goals.

In order to provide support for this hypothesis, George presents qualitative case studies of three established democratic countries: India, Indonesia, and the United States. The case selection is adroit and sophisticated. Each of these countries is a well-established and consolidated democracy, without recent interruptions in democratic competition. Moreover, each nation under examination places a high positive value on religious liberty and toleration, and on free expression more generally.

George describes a cycle of “indignation-incitement” to characterize this phenomenon. That is, if a religious or secular minority is engaged in practices which offend the sensibilities of a religious majority, political candidates or leaders can publicize and decry the offending practices or communications in order to gain political support for electoral or policy goals. George notes that such leaders do not operate in social or political vacuums, but often rely on a number of informal organizations (which may in turn be loosely or tightly coordinated). George describes in some detail the organizations that comprise the network of Sangh Parivar in India (which includes RSS), which consists of a number of organizations that share a commitment to the idea that an authentically “Indian” India must adhere to Hindu values (“Hindutva”). Less organizationally and ideologically coherent are loose collections of Islamist organizations in Indonesia, as well as the Christian Right and the Tea Party movement in the United States. In each case, religiously-defined minority groups, which seem to George to be relatively non-threatening, have engaged in activities which appear to violate consensual norms of the religious majority. Thus, Indian Hindus are made indignant by reports of “cow killing” and “love jihads,” while US officials (primarily at the state level) pass measures prohibiting the imposition of Shari’a law in their states, or seek to restrict the construction of mosques. While the targets of Indian and American “hate spin” are primarily practitioners of Islam, the objects of such propaganda in Muslim-majority Indonesia are more diverse. The targets of Indonesian incitement include Christian missionaries, Buddhists (who are often described as non-Indonesian Chinese) and “heretical” Muslim sects such as Shi’ites or Ahmadiyah (a Muslim movement which denies that Muhammed was the final Prophet). In each case, to use the language of the schoolyard, “They (persons who violate the religious sensibilities of the majority) started it.”

The existence of organizations and network that seek to connect normative (if not legal) citizenship with membership in the dominant religious community provide an important resource for political leaders. Thus, Prime Minister Modi of India was able to achieve an absolute legislative majority in 2014, obviating the need to engage in standard Indian coalition politics. Modi was able to achieve his majority by mobilizing anti-Muslim sentiment, and the

existence of such a BJP majority provides incentives to continue such tactics. Similarly, President Suharto of Indonesia was able to harness religious indignation to achieve his office. Although this book was published before the 2016 American Presidential election, the Trump campaign provides an excellent example of the hate spin phenomenon in the United States. Of course, the mobilization of Islamophobia in the US was well under way before the emergence of Donald Trump as a leader of the GOP, and can be traced to the Iranian hostage crisis that bedeviled the Carter administration, as well as the attacks on the U.S. associated with 9/11.

George describes the phenomenon of hate spin as multilayered. That is, strategic political leaders such as Modi, Suharto, or Trump cannot create religious indignation out of whole cloth, but can take advantage of pre-existing sentiments and organizations for political gain. Moreover, political office-holders can publicly reject the “extremism” of religiously indignant civil society actors, while making similar cases in more moderate language. Thus, although President George W. Bush was careful to distinguish Al-Qaeda from what he described as the “peaceful” values of the majority of Muslims, he was also able to describe U.S. opposition to Al-Qaeda and similar movements as a “Crusade.”

Despite the pervasiveness of the hate speech phenomenon in these three democracies and elsewhere (including the nations of the EU) George expresses confidence in the resilience of liberal democratic values to combat the worst effects of the indignation-incitement cycle. He does suggest that certain narrow and carefully crafted anti-incitement laws would be useful ways of heading off the religious indignation on which hate spin depends. George suggests that the definition of incitement on which U.S. First Amendment law is based (which requires “imminent” threats of lawbreaking or violence) are too narrow, and that very limited restrictions on the content of expression critical of particular religions may make reduce the demand for networks that depend on religious indignation. George further calls for stronger laws that prohibit religious discrimination, and for an “assertive pluralism” in which citizens of democratic regimes would consistently reinforce the values of pluralism, equality, and freedom of expression.

All of this, of course, depends on certain theological assumptions, which George does not analyze in detail. George does assert that all religious traditions are “multivocal,” and extreme intolerance and indignation are not intrinsic to any religious tradition. I would add that most religions (especially the monotheistic traditions of Islam and Christianity) are curative, in the sense of providing solutions to pervasive problems of the human condition. Both the Islamic concept of “Greater Jihad” (the struggle of believers to overcome their own worst impulses) or the Christian notion of “Original Sin,” would seem to demand a certain humility on the part of practitioners of these traditions. The moral and theological confidence on which the “indignation-incitement” cycle depends may well be considered heretical.

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**Karisa Cloward.** *When Norms Collide: Local Responses to Activism against Female Genital Mutilation and Early Marriage.* New York, Oxford University Press, 2016. 285 pp. (\$99.00 hardcover, \$34.95 paperback).

The proliferation of internationally oriented non-governmental organizations (NGOs) in the post-Cold War era has been remarked upon, with varying degrees of enthusiasm, mistrust, and ulterior motives, by scholars, practitioners, and governments playing host to these groups. In *When Norms Collide: Local Responses to Activism Against Female Genital Mutilation and Early Marriage*, Karisa Cloward seeks to understand under what conditions interventions in which the ‘international norm’ is at odds with the ‘local norm’ have resulted in attitudinal and behavioral change. In short, this book seeks to understand why NGOs go to certain communities, what happens when they get there, and why.

Through a unique theoretical framework and case studies of the prevalence of and attitudes towards female genital mutilation (FGM) and early marriage across three Maasai and Samburu communities in Kenya (each with varying degrees of exposure to interventions by NGOs), Cloward asserts that the ‘norm salience’ is key to understanding the conditions under which behavior can be changed. Norm salience refers to the “quality” of the international interventional norm, as well as the extent to which the local norm is promoted and respected. In this ambitious and methodologically-sound text, Cloward applies a rational choice framework to norm compliance, bridging the gap between the constructivists that dominate the field of normative studies and their rational choice counterparts. Removing norms from the realm of the intangible and imbuing them with “social utility” allows for a more nuanced approach to understanding what tradition is and why it persists.

Behavioral change, normative adoption, and even the promotion of norms is analyzed through the ‘utility’ granted to the actor; in recognizing the tangible value of social acceptance surrounding certain practices considered “harmful” by international norms, Cloward puts another nail in the coffin of those who claim that traditional practices (and their practitioners) are illogical. By focusing her attention not only on the “supply” side of norms, but also the incentives and preferences of those at the receiving end of these new normative options, Cloward’s text provides a much needed glimpse into the social dynamics of targeted communities.

In her theoretical framework, Cloward constructs a quadrant for understanding the conditions under which international activism is likely: in instances where the norm has high local salience, activism is unlikely if there is low international salience; “moderate activism” is expected if there is high international salience and low local salience (or vice versa); “high activism” is expected in instances where the international norm has high salience and the local norm has low salience. Cloward’s theory is then extended to explaining individual norm change in instances of activism. She identifies three potential normative changes: attitude change, primary behavior change, and secondary rhetorical change, and secondary behavioral and rhetorical change. Cloward draws on historical accounts, statistical analysis, and surveys to illustrate her theory in action across the three communities. Though the discussion of the impact of Western NGOs interventions into non-Western countries is frequently dramatized

and politicized, Cloward avoids losing her narrative to this tortuous debate by focusing her study on the dynamics of norm adoption rather than an evaluation of the legitimacy of actors within the “norm-entrepreneur space.”

With so many moving parts, it would be easy for the text to meander. Cloward does well in corralling the various units of analysis at all levels of analysis (individual, communal, national, and international) and even manages to describe and analyze interactions between these levels. Despite her general success in maintaining focus, Cloward’s clarity is at times hampered by her ambition. At times, an interesting idea is broached but left underdeveloped. For instance, the theoretical explanation and practical implications of the differences between activism on issues of FGM and early marriage could well have been a full chapter, but is instead siloed to a few sentences dispersed throughout the early chapters. If Cloward unpacks these truncated discussions into academic articles and books throughout her career, she will likely provide an even greater contribution to studies of transnational activism.

*When Norms Collide* is a thoroughly researched, well-constructed, and novel contribution to the literature on transnational activism. It is also a strong addition to the nascent study using rational choice theory to explain seemingly illogical choices by groups in terms of the social utility granted to members through their compliance. While Eli Berman, one of the forebearers of this field, focused on the social utility of sacrifice and public displays of membership within extremist groups in *Radical, Religious, and Violent*, Cloward’s book suggests that rational choice frameworks are useful in understanding traditional practices and social cohesion in a number of contexts. Though Cloward does contribute novelty in linking constructivist theory with rational choice, her text is also an extension of the work of Kathryn Sikkink and a valuable contribution to the literature on transnational activism in general. Further, her discussion of the prevalence and variation of FGM and early related marriage practices and the history of activism on these issues in Kenya (both from domestic groups and international NGOs) is a valuable contribution to women’s and East African studies. By framing the activism around FGM and early marriage within a broader discussion of normative change and talking about attitudinal and behavior change in rational, normative tones, Cloward moves this issue away from the tone of moralistic outrage and victimization narratives that often overwhelm these topics. Outside of academia, policy makers and practitioners will find much in this text to improve their campaign management and design. At a time when international norms are publicly clashing with the norms of communities around the world in public, violent ways, Cloward’s text is a deft explanation of the dynamics of normative change.

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**Jay K. Dow.** *Electing the House: The Adoption and Performance of the U.S. Single-Member District System.* Lawrence KS: University Press of Kansas, 2017. 304 pp. (\$45.00, cloth, 24.95 paper, \$24.95 ebook).

This is at least two books in one. The historical part explores how the states experimented with different procedures for electing their representatives to the US House until the single-member district (SMD) system became compulsory in 1842. The normative part evaluates the performance of the system, ending with “an affirmative argument for SMD elections” (title of chapter 9). The historical part is the more successful.

As Dow shows, a variety of systems were used in the early republic, and a sort of learning curve led to the uniformity imposed in 1842. Apart from SMD, states experimented with at-large (AL) elections and general ticket (GT). In both of these, voters could vote statewide for at least one Representative (AL); in the limit, each voter had as many votes as there were seats (GT). To us, the implication of GT is obvious – that the party with a plurality of support in the state could win every seat. It took a while for politicians to get up this curve. The weak parties of the day faced a coordination problem. How could the parties decide, in a state with  $n$  seats, to ensure that their supporters voted for just  $n$  candidates? Or, from a voter perspective, how could a partisan coordinate with fellow partisans so that just  $n$  candidates were viable? Table 4.5 shows that, in New Hampshire, the coordination problem was solved by 1806. The state had five seats. The top five Republicans each got between 5,773 and 5,123 votes; the next Republican got 934. The top five Federalists each got between 3865 and 2825 votes; the next Federalist got 132. The Republicans won all five seats. In the face of such overwhelming evidence of coordination, it does not matter whether it was the politicians or the voters who did it. It was done. Hence, it is not necessary to postulate anything more than partisan self-interest to explain the Whigs, who controlled both houses, successfully mandating SMD in the Apportionment Act 1842. Dow offers a regression model (Table 5.6), but admits that it “tells us little more than the corresponding two-by-two table” (p. 136), which shows that it was a straight party-line vote.

Overarching this is a grander narrative. It is that in the founding era there were two normative accounts, which Dow labels the Federalist and the Anti-Federalist. The Federalist aim, in Madison’s words, is to ensure that “fit characters” are elected, under a system which delivered “the greater probability of a fit choice.” The Anti-Federalist aim was a true democracy, in which, according to Melancton Smith, “the fundamental principle of a free government [is] that the people make the laws by which they were to be governed” (Madison, at p. 59; Smith, at p.61). The universal adoption of SMD, according to Dow, ensured that the Anti-Federalist vision triumphed. The system is better at representing homogeneous districts than at electing fit characters.

This is intriguing but poorly argued. Like so many historians, Dow reifies (especially) the Anti-Federalists by wrongly assuming that they all wanted the same thing. The clue is in the name. They agreed on what they were against, but not on what they were for. Dow takes this reification further. No previous scholar, as far as I know, has noticed George Mason’s “enthusiasm for popular sovereignty” (p.53). Like the Pennsylvania populists, he opposed the Constitution; but for opposite reasons.

Nor were the Federalists a unitary actor. Indeed, even James Madison was not a unitary actor. Scholars should carefully distinguish Federalist 10, which says what Madison really believed, from Federalist 45-57, which say what Madison believed necessary to persuade New Yorkers to ratify.

Other infelicities seem to be just mistakes, but worrying ones. The non-existent Framers Roger Wilson is quoted at p.47 and appears twice in the index. The real James Wilson, who said the words here attributed to Roger, is cited indirectly once. Image 4.1, which is of a Delaware Democratic-Republican broadsheet of 1807, is captioned as being a Maryland Federalist broadsheet.

For many readers, the most problematic part of the book will be the last two chapters, in which Dow offers his support for SMDs. He is on good ground when he accuses Lani Guinier and other advocates of electoral reform of using a concept of representation which begs the question: by assuming that the point is to secure microcosmic representation of the people, proportional representation advocates invalidate ex ante the concept of district representation. Etymologically, “representation” can validly mean either. But it cannot simultaneously mean both.

But if district representation is inevitable in the USA, is the present situation optimal? Few, either scholars or activists, would share Dow’s optimism. Two issues that he mishandles are gerrymandering and bias. He is good at showing the politics of removing a compactness criterion for districting from the Apportionment Act 1929; less good at either the math or the normative justification for compactness. Elementary geometry explains that the ideal benchmark cannot be a circle (p.202). It could (should) be a hexagon. If there were a compactness criterion, which other districting rules including the UK’s manage to incorporate, then the famous and extravagant partisan gerrymanders of House district boundaries discussed in every book including this one could not occur.

The discussion of bias fairly points out that there have been eras when it worked to Democrats’ advantage, in contrast to the present era when it works to Republicans’. But this is another way of saying that when the Democrats control most state houses, they win the gerrymander; when, as now, the Republicans control most states, they win the partisan gerrymander of the House. These are well-known facts; but this book curiously underplays them. The United Kingdom, Canada, and Australia can avoid partisan gerrymanders. Some jurists seem willing to enter the “thicket” of challenging partisan gerrymandering against which Justice Frankfurter famously warned. If they do, they will learn more from the comparative districting literature than they will from this book.

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**Edward J. Larson.** *George Washington, Nationalist*. Charlottesville: University of Virginia Press, 2016. Xii, 139 pp. (\$19.95 cloth).

Edward J. Larson's new book *George Washington, Nationalist* begins with the bold statement that "George Washington was the leading nationalist of the late Revolutionary era in American history" (ix). While Washington certainly stood in great company alongside many of the leading nationalists in American history, Larson makes a compelling claim that Washington's actions during this period demonstrate not only a deep seated desire for national union, but a willingness to act on behalf of the cause in ways that frequently and significantly altered outcomes.

Larson's approach to defending Washington's nationalism is appropriately limited and historical in nature. The book covers the relatively brief time period from 1783 to 1789, and "chronicles his actions during this critical period more than it analyzes his ideas" since "Washington was a man of inspired action rather than deep thought" (ix). While the book's focus on action rather than ideas initially seems limiting, it ultimately allows for a more honest and useful reflection of Washington's own political thought.

To some readers, and to scholars of the American founding in particular, it may seem that Washington's nationalism is a given or should be taken for granted. But while we often think of Washington's persona as a nationalizing and galvanizing force, Larson shows that this line of thinking undersells his role as an actor in the political arena during the mid to late 1780s. At a time when revolution and revision seemed constant, we find Washington playing a direct role and pushing for nationalist policies at nearly every key moment.

The book highlights roughly ten significant actions Washington took over five distinct time periods that divide the chapters. These actions include his speech to the officers at Newburgh and circular letter to the 13 state governments in 1783, his trip to view land holdings in the west and presidency of the Potomac Company in 1784 and 1785, and his attendance at the Constitutional Convention in 1787 and the dramatic effects his presence had in shaping the office of the presidency. After the Convention, Larson focuses on Washington's private and public lobbying for the Constitution between 1787 and 1789, and his assumption of the presidency in grand and ultimately highly democratic fashion in April of 1789.

While Larson does not go to any lengths to define the term nationalism, the book's chronology of events allows us to see that Washington pursued a range of nationalist strategies. The first could be called nationalization or centralization of power. Washington clearly advocated for the creation of a strong central government with significant peacetime authority over the states. He believed that the fate of the union lay in its willingness to give up the confederal system in favor of one that secured national sovereignty and guaranteed the central government enough power to stymie state action. The second variation of nationalism Washington advocated is closer to what we now call patriotism, or a sense of national pride among the American people. Larson describes Washington's trip west to inspect his frontier properties between 1784 and 1785. On that trip Washington "detected little loyalty to the United States in the white settlers that he encountered on the frontier" and warned that "the ties of consanguinity which are weakened every day will soon be no bond" (33). Washington

sought to encourage trans-Appalachian communication and eventually took on leadership of the Potomac Company in an effort partly to support his own landholdings in the West, but also because he saw it as the “cement of interest to bind all parts of the Union together by indissoluble bonds” (37). By focusing specifically on Washington’s actions rather than the roots of his political philosophy we get a more diverse and varied sense of both the types of nationalism Washington sought to encourage, and the way that he thought about the relationship between the consolidation of national power and the advance of feelings of national pride among the public.

Larson’s focus on events rather than theory or ideas leads to a second interesting and often overlooked insight. During these tumultuous years Washington served simultaneously as a proponent of centralization and as a tool to nationalize public sentiment and identity. At times Washington clearly takes direct action to advance the cause of Union – as he does in his Circular to the States and in his attendance at the Constitutional Convention in 1787. At other times, however, Washington becomes a tool of nationalism or a mechanism by which other political leaders convince the public of the benefits of Union. This occurs most consequentially during the ratification period when Washington’s public silence allowed the Constitution’s advocates to use his image to calm nerves about the scope of the presidency and national sovereignty. Once he assumed the presidency Washington turned the office into a “source for American identity” as “the only feature of the new government that had captured popular imagination” (92, 101). The reader is left with the distinct impression that Washington was equally effective as a political actor and as a tool of public patriotism. The dynamic between those two roles is a particularly compelling feature revealed by Larson’s detailed research and narrative perspective.

While the book is brief and focuses only on the actions of one man in relation to a single topic over a short period of time, it ultimately proves particularly useful and compelling because of these very elements. Meticulously researched and written in a fluid narrative style, this introduction to Washington as a political actor will prove useful to scholars of history and political theory alike. As the old adage goes, “actions speak louder than words,” and a man who took action so carefully deserves to be studied that way.

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**Peverill Squire.** *The Rise of the Representative: Lawmakers and Constituents in Colonial America.* Ann Arbor, MI: University of Michigan Press, 2017. xv, 344 pp. (\$85.00 cloth).

Peverill Squire's splendid research provides an exceptional portrait of representation in colonial American legislatures. His key message is that colonial assemblies served practical and political purposes. In these nurseries of republican politics, lawmakers and their constituents worked their way through the questions of how representatives should act, on whose behalf they should act, and how the mechanics of selection and representation should work. In the end, colonial representatives evolved into delegates who "came to defer to the wishes of their constituents" (199) rather than trustees of some common good. Squire uncovers the origins of many legislative issues that are as current as the headlines: gerrymandering, voting restrictions, legislative pandering, the power of organized interests, and the priority of parochialism. Squire draws on nearly four hundred government documents, three hundred contemporary news reports, and a host of secondary sources. The book is a wonderful source of information and data about these legislatures, and should be the standard work on the topic.

Squire is motivated by the glaring gap between the massive literature on representation and our very sketchy understanding of its birth in colonial America. Virginia established its House of Burgesses as early 1619. Massachusetts developed its General Court as a representative body in the 1630s. Each colony's representative assembly had a different origin story, but in every colony, such an assembly became accustomed institutions of colonial governance.

The vast landscape that the Europeans seized made representative assemblies a practical way to improve the flow of information and the acquiescence of the citizens. Male land holders elected these representatives; laws sometimes denied the franchise to Quakers, Roman Catholics, blacks, or "lyers" and "swearers." The polish and education of American voters often left British governors unimpressed, but the expansion of voting rights continued through American history. The apportionment of legislative seats also reflected practical politics. Seats were commonly apportioned by county, leaving cities (as well as counties that failed to send representatives) without much protection for their interests. Areas that sought additional influence hired the first lobbyists to represent them.

Then as now, elections experienced hitches and turnout problems. Mischief and intrigue sometimes marred the election process. Elections varied in the intensity of competitiveness, with less hotly contested elections drawing weak voter turnout. Voting by voice was common, but peer pressures on voters raised criticism of this practice. Colonies experimented with voting by ballots, but this reform made the discovery of invalid votes more difficult.

Over time, more colonial legislators sought reelection and more served for multiple terms. Often these candidates were prominent, wealthy landholders. Lawyers, however, were considered less respectable candidates; many voters assumed lawyers were wily manipulators using unintelligible language to hide their tricks. Eventually, candidates were recruited and slates developed, presaging the emergence of a key tool for political parties.

Gradually, the practice of election campaigning became more routine. Surrogates canvassed for their candidates. Candidates showed up at the polls to press for final votes.

Issues mattered more than we might think: “Incumbents revised policy positions in response to public opinion” (120), and voting records were scrutinized. Alcohol, a regular treat for voters, lightened the burden of rational voting. Sometimes, when alcohol mixed with smoldering political emotions, riots erupted and stopped elections altogether. A Pennsylvania political operative told supporters to gossip that they would come to the polls with weapons. Election fraud occurred, often aided and abetted by local sheriffs. Broadsides threw mud at opposing slates, with accusations of bribery, fraud, bullying, and a candidate who danced and kissed other males.

The length of a legislative term varied greatly across the colonies. One House of Burgesses session in Virginia lasted from 1661 to 1676. At the other extreme, Connecticut and Rhode Island held legislative elections twice a year. Regional differences in the length of time between elections would prove to be a stumbling block at the 1787 Constitutional Convention.

In New England and to a lesser extent in other colonies, constituents sometimes issued instructions about the positions they expected their representatives to advocate. Representatives generally complied. Pressed for what we would call transparency, most colonial legislatures began to publish journals of their activities.

Squire painstakingly proves his case that these institutional developments turned representatives into delegates instead of trustees. As early as 1640 in Massachusetts, elected representatives were acting as delegates of their voters. Colonial legislators increasingly responded to strong incentives “to advance the parochial interests of their constituents” (201). Carefully examined data show that the number of laws targeted to local interests increased over time. He finds that “even those who wanted to promote a trustee approach found themselves calling for delegate behavior” (188).

The growing preponderance of the delegate role “was not driven by a desire to replicate Tudor era representational norms: Rather it was a pragmatic response to emerging political realities” (233). The book suggests that the 1787 Constitutional Convention did more to ratify than to establish the delegate role of American legislators. What is so striking about the book is the timelessness of republican politics – the responsiveness to parochial interests, the efforts to manipulate electoral districts and voters, and the quest for reelection. Squire adds evidence to the idea that our dissatisfaction with legislatures is rooted deeply in the hyper-responsiveness of legislators to at least some of their constituents.

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**Jemima Repo.** *The Biopolitics of Gender*. New York City, NY: Oxford University Press, 2016. x, 218 pp. (\$49.95 hardcover).

*The Biopolitics of Gender* offers a skillful adaptation of Michel Foucault's analytical approach to render the invisible visible and lay bare those deceptively benign actions and policies of governments exercising power. Building on Foucault's analysis of government and sexual orientation, Jemima Repo identifies *gender* as the major component of the "biopolitical" apparatus, the purpose being to "disrupt feminist gender theory" and offer a critical reexamination of the origins, usage, and effects of the sex/gender, nature/culture construction that has promoted gender as a social construction, distinguishable from biological sex. The latter is commonly understood as more concrete and "natural" whereas gender is dynamic. Repo argues that the dominant gender discourse contributed to the (ab)use of the theory of gender, primarily by neoliberal governments hoping to increase a fertile workforce. This economization of people's bodies and actions is accomplished with the pretext of gender equality. The book details how academics, especially early feminists and demographers, inadvertently provided the parameters through which governments reinforced rather than challenged the traditional sex binary.

The chapters masterfully excavate the work of Foucault not just on biopolitics, but apply his work in entirety. Through this Foucauldian approach to understanding gender as a function of biopolitics, this book is most certainly unparalleled. With that, those unfamiliar with his work might require some background reading to better appreciate and accept a few basic premises. The first of which is that gender, as a significant arm of biopolitical power, is currently expressed through the language of feminist-borne gender theory. This power is primarily a top-down process, flowing from the government apparatus to the people. Western industrialized countries, the focus of Repo's analysis, are characterized by a neoliberalism that has significantly, and mostly negatively, impacted populations. Despite what appears to be heavy for the Foucault novice, the introduction nonetheless develops a well-articulated conceptual framework. The ultimate purpose of these greater state (mis)applications of "gender" is to manage the sexuality and reproductive rights of human bodies.

Before outlining the chapter-by-chapter analysis, a question encountered throughout the book is why would other feminisms, particularly the insights of Black feminism demonstrating the inseparability of race and gender, receive little to no mention. Repo, like Foucault, views race and eugenics as part of the biopolitical process, but does not fully explore this intersectionality. While this oversight may be dismissed as a purposeful omission because, it could be said, that the intention was never to confer a complete account of history. Indeed, this is Foucauldian — Repo herself writes that gender's evolution can be viewed through many genealogical lenses.

Former contributions by psychiatrists, psychologists, and sexologists, provide the scaffolding to current treatments of gender as a social construct. To trace the effects of the gender discourse on macro-level political processes, Chapters 1 and 2 present a detailed overview of the term's psychiatric genesis. John Money's (1950's) efforts to define *psychological sex* as key to "treating" individuals possessing ambiguous sex markers lays the ground-work for Chapter 2 (beginning with Francis Galton, a notable proponent of eugenics), presenting the

work of Robert Stoller, originator of the modern sex/gender dichotomy. These two chapters support the argument that gender was largely a product of heteronormative and sexist albeit well-meaning psychiatrists. An oft-forgotten phenomenon, and key to Repo's analysis, is that the word, and concept, did not exist until the 1960's.

Repo's concerns of the state of "gender theory" is detailed in Chapter 3 in which she addresses the work, and subsequent (mis)interpretation, of major (Anglo-American) feminists from the late 1950s, starting with the work of Simone de Beauvoir, to the 1970's work of Suzanne J. Kessler and Wendy McKenna. Other notables are Kate Millett, Germaine Greer, Ann Oakley, Gayle Rubin, and Nancy Chodorow. Repo weaves a narrative in which feminist work, while solidifying the concept of gender as derivative of culture, rested on a shaky theory by using and thus reinforcing the work of early psychiatrists and sexologists. One such example is the discussion of Millett's *Sexual Politics*, one of feminism's defining works demonstrating the political dimension of gender. Yet Millett, like many of the feminists identified in this chapter, is critiqued for (unwittingly) contributing to the binary and the conflation of sex with gender. The result being that they provide the intellectual foundation for government control over individual reproduction rights. This was due in part due to early feminists' reliance on the work that they purported to critique.

At this point the reader might notice the omission of "other" more current influential feminist work, especially those entailing issues affecting transgender communities. Julia Serano's *Whipping Girl* should be credited for developing much of the language, important to biopolitical analyses, used to describe gender and sexual relations in a patriarchal *and* heteronormative context. Another omission is one of the principle architects of gender as a social construction, Judith Lorber. These examples seem especially relevant given the fixation of early psychiatrists on non-conforming gender identities and the dialectical components of Repo's analysis. Notably missing is discussion of the "rape as power" movement, occurring in the same time-period as Repo's analytical focus. This is troubling given that it was and, continues to be, a defining, central, and ever-salient feature of feminist thought and activism. The book is generally defensive of Foucault's gender omissions, but on this point, may have benefitted from a more critical reading of Foucault's unwillingness to consider rape as a gendered act of state violence—arguably a Foucauldian proposition.

Chapter 4 presents a compelling linkage between academia and reproductive policies by examining the influence of demographers and feminist demographers, particularly in the 1980's and 1990's. Chapter 5 then connects the resulting conceptional meanings of gender to neoliberal policies by concentrating on the "gender equity policies" of the European Union. These types of policies were labeled as progressive and "fair" given the deceptive language of gender theory. In many ways, gender replaced sex and increased the regulation of human bodies.

Chapter 6 concludes with a warning to academics, especially feminists, to avoid becoming hopelessly enmeshed in the reproduction of biopolitical forces via their reliance on earlier feminist discourse. As Repo stated in the introduction, the book was not "the definitive geology of gender—merely a genealogy" (p. 23). Given the book's fearless critique of one of the most basic tenets of modern feminism, it is not "merely" one of many. The importance of the questions raised, and careful attention paid to government gender deployments, renders this

book invaluable to a vast inter-disciplinary audience. It cautions against accepting macro-level political efforts as non-normative and “equal.” More academics, especially in the humanities and social sciences, should consider the utility of the biopolitical framework. Repo’s work may be one of many methodological approaches, but is arguably one of the most robust and powerful in its theoretical breadth and substance.

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**Sarah A. Treul.** *Agenda Crossover: The Influence of State Delegations in Congress*. New York: Cambridge University Press, 2017, xi, 170 pp. (\$99.99 Hardcover).

Over the last several decades students of American legislative behavior have focused primarily on political party. This is, of course, understandable, particularly given the rise of polarization. Undoubtedly, party is of central importance. Exclusive attention to it, however, may cause the field to miss important developments with other relationships. In *Agenda Crossover*, Sarah Treul examines the behavior of state delegations in Congress, a topic that has been largely ignored in the four decades since Barbara Deckard [Sinclair] studied it. Combining sophisticated data analysis with interviews, case studies, and political history, Treul finds that state delegations are somewhat less important to the decision making of members of Congress today than they were a generation or two ago, although members still claim they play a useful role. But the book's most valuable contribution may be the author's intriguing finding on how senators exploit representatives' agendas for their own electoral advantage.

In a broad historical overview, Treul argues that in the past homogenous state economies provided state congressional delegations incentive for members to work across political party lines to protect and promote common state interests. But, as state economies have become more heterogeneous in recent decades they give members less reason to act jointly. Yet, her interviews reveal that congressional members still see their state delegation as a useful source of information and, under certain circumstances, influential policy making vehicles.

Treul initially examines House and Senate delegation behavioral patterns separately. Both of these chapters are data dense and the analyses in each are thorough. The findings reported in the House chapter come as little surprise. Political party and polarization dominate the discussion. Importantly, however, there is variation in delegation behavior across the states. For example, Treul reports that the most dramatic increases in delegation polarization between 1967 and 2010 occurred in the South, most notably in Georgia, while many northern state delegations witnessed only slight increases, and Iowa's delegation even experienced a trivial decrease. She also finds differences across the states in the subjects of legislation delegation members sponsored. Thus, the federal system still exerts an impact on U.S. House member behavior even as party dominates decision making and polarization forces state delegations farther apart.

Examining the behavior of U.S. senators by state, Treul finds a slight increase in senators voting alike over the last few decades, even when controlling for party. More important, perhaps, she reports that senators from the same state are alighting on similar agendas and not staking out distinctive topics on which to distinguish themselves from each other. Senators cover a wider range of policies now to protect themselves from potential challengers. Overall, senate delegations behave more similarly than their House counterparts, likely because senators represent the same constituency. Similar policy agendas emerge as a rational response to preempt potential challengers.

The book's most significant contribution is the author's theory of agenda crossover. Treul examines the degree to which legislative agendas overlap across congressional delegation members. Her gauge on this measure is broad; the overlap only has to be in terms of the legislation's topic and not of its policy direction or intent. The argument Treul advances holds that members of Congress are rewarded electorally for placing the "right" issues on their policy

agendas. Because U.S. House members have to seek reelection every two years their agendas have to be particularly sensitive to the voters' preferences. The novel twist that Treul develops is that as their reelection campaigns approach, senators coopt the agenda's advanced by their state's representatives, prompting the author to see lower house members as scouts. Not surprisingly, she reports that agendas are more apt to be shared within delegations by representatives and senators from the same party. Representatives with progressive career ambitions utilize the agendas of their state's senators as a means for expanding their agendas beyond the more narrow confines of their districts. Senators seeking reelection look to their state's representatives for updated information about the voter's policy concerns and preferences. Treul finds consistent support for her various agenda crossover hypotheses. The substantive size of her findings are not overwhelming, but they do document that members of both the House and Senate behave in the ways she theorizes.

*Agenda Crossover* represents a great deal of thought and work. The author gathered volumes of data and examined them in a thorough and thoughtful manner. Her analyses are successful in documenting the current state of congressional state delegations and in showing how various relationship have changed over time and across state delegations. But this book does not exhaust the topic. There are at least two more dimensions that merit further attention. First, greater attention could be directed at the states from which delegations hail. Treul touches on a few of the differences across the states by looking at state population size and the number of \$5 billion and \$15 billion industries. Left unexamined, among other differences, are state governmental structures and state party structures. Lawmakers from one party states, for example, might interact differently than those from more competitive states. Second, the experiences of state delegation members before they arrive in Congress could be integrated into the analysis. For example, one question might be whether lawmakers from more professional legislatures cooperate differently or devise agendas differently when they arrive in Congress. There also may be personal or professional relationships developed prior to entering Congress that impact legislative behavior. Finally, more could be done on policy agenda content to incorporate information on policy direction and potential impact.

Overall, *Agenda Crossover* makes a useful contribution to the congressional literature. The theorizing is straightforward and sensible. The analyses are thoroughly professional. The author uses material from her interviews and case studies to inform her theorizing and to flesh out the analysis in informative ways. And the author is to be commended for reminding legislative scholars that Congress operates in a federal system and that, at least on the margins, the states matter in policy making.

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**Paul Moke.** *Earl Warren and the Struggle for Justice*. Lanham, MD: Lexington Books, 2015. xiv, 364 pp. (\$110.00 hardback).

The author observes in the preface of this insightful judicial biography that the book originates from three personal experiences or connections. Moke recalls the initial basis being his own memories from attending “one of the first fully integrated public secondary schools in central Ohio” (p. ix). Pursuing his undergraduate degree at Wilmington College (where he now teaches), he subsequently discovered his alma mater and the community after which it is named play a small part in the formation of Warren’s thinking on desegregation in the wake of the landmark *Brown v. Board of Education* ruling.

As Moke notes, “even though these events took place in the hinterland of rural Ohio, they did not escape the attention of [the] Chief Justice” (p. xii). Efforts in Wilmington as well as a nearby community with regards to integrating their public schools provided important background information for the Warren Court. The justices, anticipating the next phase of the *Brown* litigation, were continuing to wrestle with possible remedies as they attempted to address the seemingly intractable issue “with all deliberate speed.”

These historical happenings provided a second source of inspiration for Moke in crafting his thoroughly researched and highly accessible text. A third and final foundation for the book is the author instructing a Constitutional Law class for a group of inmates at a local reformatory for first-time offenders. The students he encountered there “articulated the point of view of the socially dispossessed, an outlook often lacking in most academic discourse on constitutional law” (p. xiii). It’s a vantage point he has never forgotten and, as importantly, is why the life and legacy of Earl Warren is of such interest to him and should be for readers.

Warren adopted an approach to the law best described as “the social imperative of inclusion.” This is why for many, progressives in particular but some conservatives too, his tenure as Chief Justice from 1953-1969 established a so-called people’s court. A combination of his own humble beginnings as well as a faith in the dignity of each and every individual, contributed to developing a “jurisprudence of conscience” as Moke attests.

Based in part on newly available source material, “the struggle for justice” offers an updated and balanced account of an individual who more than anyone in the 20<sup>th</sup> century profoundly shaped the legal and political landscape of the country. While Warren’s approach was in many ways path-breaking, he was far from perfect; Moke’s biography provides an evenhanded appraisal of the Chief Justice’s shortcomings and misjudgments not only while on the bench but in his public service prior to and beyond the high court.

An equally important contribution of Moke’s book, possibly of greater value in this reviewer’s estimation, reminds us how the Supreme Court’s approach to the law, often guided by its Chief Justice, matters. Warren’s prescription for adjudicating cases proved simple: is the government’s conduct fair? This represents a perspective that is sorely lacking on today’s Supreme Court. In part, this is related to the fact that all of the current court members studied at Yale or Harvard (though Ginsburg graduated from Columbia). It has not always been so.

The current imbalance creates a myopia that goes beyond where the members of the court obtained their law degree. Professor Akhil Reed Amar of Yale Law School himself refers

to this reality as the “judicialization” of the judiciary. He, among others, are critical of a selection process that has become far too narrow and elite, rendering members of the court legal experts with little to no political or advocacy experience. All but one member of the court when *Brown* was decided had **no** prior experience as a federal judge, though five had been elected officials. The Warren Court, epitomized by its Chief Justice, embodied a certain pragmatism, informed as it was by varied personal narratives and real-life encounters outside the judicial world.

This relatively ordinary outlook is no better seen than Warren’s confessed practice of always turning “to the sports section first [when reading a newspaper]. The sports page records people’s accomplishments; the front page has nothing but man’s failures” (Sports Illustrated, 1968). While some have long cited the quote as a celebration of sports journalism (others see in it an implicit criticism of this journalistic genre, one that too often takes on the qualities of a cheer leader), the point here is to simply let it serve as an illustration. The quote captures a court, and its Chief Justice, who didn’t occupy such a lofty place in society they couldn’t relate to the day-to-day realities for most of its citizens over which they possessed an incredible position of power. Moke correctly observes that “...the presence of so many justices from humble backgrounds represented a distinctive feature of the Warren Court, and it serves as one of the leading explanations for why Warren and his colleagues issued so many groundbreaking civil rights, civil liberties, and criminal justice reforms” (p. 224).

Moke’s book is not an exhaustive biography, choosing instead to focus “more carefully on the question of how Warren responded to four important social justice challenges of his day” (p. 23). Towards that end, the text is divided into four corresponding parts as well as a conclusion, organized into fourteen chapters. Part I looks at Warren’s childhood, education and early career, with a special emphasis on the prosecution of *Point Lobos* defendants. Part II turns to his rise on the national scene and Warren’s advocacy for Japanese internment camps/exclusion zones. In Part III, Warren assumes his role as Chief Justice and champions school desegregation, civil rights, and criminal justice while on SCOTUS. Part IV turns to when he was off the bench, particularly his chairing the Warren Commission in the wake of JFK’s assassination.

If there is a criticism of this book, it is a minor one, and unrelated to the quality of the effort. Priced as it is, *Earl Warren and the Struggle for Justice* is unlikely to be adopted for undergraduate classes or purchased by many individuals. Hopefully, it will nevertheless find a home in college and university holdings as well as public libraries; it deserves to be read.

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**James W. Ceaser, Andrew E. Busch, and John J. Pitney, Jr.** *Defying the Odds: The 2016 Elections and American Politics*. Lanham, MD: Rowman and Littlefield, 2017. xiii, 199 pp. (\$49.95 cloth, \$29.95 paper, \$28.50 ebook).

*Defying the Odds* is possibly the first meaningful “deep dive” into Donald Trump’s seemingly inexplicable triumph. It is sophisticated yet accessible and informative while remaining richly entertaining. I suspect it will be of greater utility to political scientists than most forthcoming treatments of the 2016 elections, accounts written with the luxury of more data and lengthier reflection.

The book is the authors’ sixth about presidential elections. They use the occasion to compare the 2016 elections with the first in their series, 1992. In some ways this makes sense — both Bill Clinton and Trump ran “outsider” campaigns against establishment types and there are the obvious Clinton and Bush ties to both contests. But I think the comparison is taken too far. If 1992 has a recent analog, it is surely 2008. Both featured young, energetic, and rather ideologically ambidextrous new-generation Democrats who challenged the status quo in their parties and the country. Bill Clinton and Barack Obama made hope a central feature of their campaigns and ran in troubled economic times pledging a brighter future.

The book is tremendously insightful when the focus is 2016, however. The analysis of the election is sound. At various points the authors describe Trump’s key constituency, white voters from rural areas and small towns without college educations, and how Clinton’s characterization of them as “deplorables” backfired. Concomitantly, they show the Democratic Party base to be increasingly young and non-white. They do this all with keen observation. Ceaser, Busch, and Pitney reveal how the electorate’s residual distrust of the Clintons was rekindled and repackaged into “Crooked Hillary”. They place appropriate emphasis on Trump’s unconventional social media strategy and how his campaign used vehicles like Twitter and Facebook adroitly, an approach that complimented the relentless coverage the candidate enjoyed in the mainstream media and freed him from burdensome fundraising that would have taken from the time and energy necessary for his successful rallies.

There are more specific, but equally astute, observations. Bernie Sanders’ remark to Hillary Clinton in the first Democratic debate that voters were “sick and tired of hearing about your damn emails” instilled a complacency that permitted Trump to exploit the issue in the fall. The dynamics of the Republican primary were critical to Trump’s nomination, he was initially treated with kid gloves and then, when his opponents were finally prepared to attack, there remained too many of them to direct their energy solely to the New York businessman. Trump’s final-weeks surge in the polls was attributable as much to a large and strategic media buy as it was FBI director Jim Comey’s revelations. And there are fascinating vignettes, such as those about Chris Christie’s hatchet job on Marco Rubio, Ted Cruz’s use of Wisconsin’s conservative media and Republican infrastructure to win the primary there, and Trump’s digital campaign.

The book contains sections that have a great deal of value in their own right. The preface constitutes an illuminating stand-alone essay about the uniqueness of the Trump campaign and the narrowness of its victory. The chapter on the congressional and state elections of 2016 provides a helpful overview of the past twenty years of American politics as well as a trenchant analysis of what happened in those particular contests. The explanation of the

presidential outcome, presented in chapter 6 and the last ten pages of chapter 4, is compelling. The authors' exposition is centered on the result as a mix of fundamentals, which consist of the broad political context and general mood of the electorate, and contingencies or the 2016 candidates and their campaigns. The concluding chapter contains interesting stories of post-election maneuvering that, while not at the level of 2000, was extremely unusual. There were protests, recounts, revelations of voter fraud, and serious efforts to persuade electors to go rogue.

Between them Ceaser, Bush, and Pitney have an encyclopedic knowledge of American politics and its history. There are, I believe, a few minor misinterpretations and omissions. Viscount Bolingbroke, rather than David Hume, should really be credited with the concept of court and country parties. There were a few questions about George H.W. Bush's health in 1992, but it was a rumor that did not really permeate public consciousness. More seriously, I thought the interpretation of the outcome ignored significant Democratic gains in western states, including red Texas and Arizona. Many have suggested the prevalence of Hispanic voters there explains Hillary Clinton's relative success but, as the authors demonstrate, Trump did better among racial and ethnic minorities than Mitt Romney had four years before. It is plausible Trump's authoritarian brand of conservatism, if it is in fact conservatism, did not appeal to the libertarian wing of the Republican Party that is so influential in that region.

Ultimately, Ceaser, Busch, and Pitney argue Trump's success was as much a product of culture as it was politics. Our disdain for "insiders" and experts, American society's general coarsening, a pervasive obsession with the famous, and an emerging postmodernist understanding of the truth all contributed to the remarkable result. In another time Trump would not have been a serious contender for the highest office in the land. But America in 2016 was a place where a "celebrity cult figure, a reality TV star, a narcissist of the first order, a notorious playboy and strip-club owner, a serial fantasist, and a figure with no political experience and no obvious interest in or knowledge of key public policy issues" could win the Presidency (p. 182). You know we will be discussing this election for decades to come.

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**Clealand, Danielle Pilar.** *The Power of Race in Cuba: Racial Ideology and Black Consciousness during the Revolution.* New York, NY: Oxford University Press. 2017. xi, 255 pp. (\$99.00 cloth).

Though the notion that racism is uniquely an “American” problem is globally prominent, scholars of race and politics have provided a great deal of evidence that racism knows no boundaries. As racial ideologies cross borders, they transform and become customized to suit the historical and contemporary reality of various places. Danielle Pilar Clealand prioritizes the voices of Black Cuban citizens to describe and analyze the shape of dominant and emerging racial ideologies in 21<sup>st</sup> century Cuba.

Sociologists like Eduardo Bonilla-Silva and Tonya Golash-Boza make clear that though there is often a dominant racial ideology in any particular society, there are often several existing at once, some of which are contradictory while others are directly oppositional. This becomes quite clear in *The Power of Race in Cuba*. Clealand’s book puts into conversation the ways in which the state has worked to entrench a particular set of ideas about the role of race and racism in the country with the perspectives of Black Cubans, many of whom have become increasingly aware that their reality does not match the dominant messages of the state, which emphasize that the Revolution has worked to minimize (if not eliminate) racism on the island.

By connecting literatures across disciplines (e.g. sociology, anthropology, history, political science), Clealand builds a two-part theoretical apparatus. From one end, she describes the working components of the dominant racial ideology, promoted by the state and perpetuated by citizens across racial groups who believe in the power of the on-going processes of the Revolution. Here, we learn that the prevailing account of race in Cuba relies on the institutional silencing of talk about race, what Clealand calls “anti-racialism,” and constraining definitions of racism to individual acts or attitudes of prejudice, rather than as structural or institutional. There are moments of clarity where the author is able to illustrate incredibly important nuances; for example, she explains, “racial democracy in Cuba is a political project of the revolution that has managed to convince citizens, perhaps not of its truth, but of the genuine desire of the government to make it true” (26). To be sure, Clealand’s book reveals that the citizens of Cuba are not racially naïve, per se, but instead that they, like the rest of us, view race and racism through a very specific set of lenses. But why do some people see things differently?

Clealand then elucidates the fact that Cuba’s dominant racial ideology is not the only one that exists. Black Cubans have historically been aware of the role of structural inequalities, and were part of a revolutionary movement that was supposed to eradicate racial inequality; though the government has sought to suppress voices that suggest otherwise, this book provides insight into the conversations that Black Cubans are having about persistent anti-Black racism still pervades the country—both in the intimate surroundings of their home and neighborhoods and increasingly in public, especially among academics, artists, musicians, and a generation that was born after the Special Period. Clealand, building on the work of Mark Sawyer’s seminal text on Cuba’s racial politics, finds that the Special Period served to put into sharp relief the fact that racial inequality was not completely eradicated by the Revolution and, instead, had actually served to exacerbate inequity. An important consequence of recognizing this contradiction is the development of Black consciousness.

The data that form the basis of the ground-up, citizen-centered analysis come from originally collected survey data and a series of interviews. Clealand collected data during 2008 and 2009 with the help of two Cubans. The strength of the survey data stem not only from its fairly large sample size (409) but also from the fact that Clealand shaped questions in such a way that would allow her to coax a generally reluctant population to discuss a taboo and state-censured topic. It becomes quite obvious that the author immersed herself in the norms of the country, thus allowing her to balance the safety of her respondents, the specter of social desirability, and the quality of survey apparatus. The qualitative data provide a rich depiction of Black, white and *mulato* citizens' sentiments about race and racism in their country.

These data reveal that many Black citizens are well aware of the ways in which they are excluded from jobs, ascribed negative stereotypes, disappeared from history, lack descriptive representation in the government, regarded as undesirable romantic partners, and avoided in the media. Interestingly, many see each of these points of exclusion as individual examples of racism but would not go so far as to call this combination of factors institutional or structural racism. There are some that do. Clealand explains that some scholars and artists who have developed a sense of racial group consciousness have devoted more time and energy to understanding how these issues are connected, and are working to educate Cubans, including members of the government, of the ways in which Black people are left behind by the revolution.

No book can provide everything to all of its readers, and the questions that I have perhaps reveal that the book inspires more interest for the racial politics and research in Cuba. As such, I will outline the questions that were sparked by reading the book. Given that anti-black racism is a topic that people are reluctant to discuss, to what degree is data skewed by response bias? What should scholars who are working in places where racial democracy is a central ideology do to account for this potential road block? Relatedly, what effect do foreign researchers have on their respondents and informants, if any? Finally, are the institutional factors that prevent Blacks from attaining things like public education in a socialist society similar or different from those in a capitalist society?

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**Joseph Mello.** *The Courts, the Ballot Box, and Gay Rights: How Our Governing Institutions Shape the Same-Sex Marriage Debate.* Lawrence: University of Kansas Press, 2016. viii, 240 pp. (\$34.95 cloth).

Joseph Mello's study of rights discourse takes the debate about gay and lesbian marriage as a source of data in order to deepen our understanding of how conservative arguments operate in different institutional settings. His conclusions are summarized early in chapter 1:

I find that conservative opponents of same-sex marriage were able to use rights language to effectively argue against marriage equality in ballot measure campaigns but that they typically avoided using the language of rights to frame their arguments after the debate moved inside the courtroom (p. 3).

This counterintuitive finding is built upon the results of three interconnected studies that utilize both quantitative and qualitative methodologies. Chapter 1 serves as an introduction, providing readers with a preview of what is to come and introducing the author's methodology. Chapter 2 opens with the 1970s and Anita Bryant's homophobic moment in the national spotlight. From there Mello moves quickly through the HIV/AIDS crisis in the 1980s and on into the 1990s when the marriage debate first made national headlines in Hawaii. This schematic history, well grounded in sexuality scholarship, provides a necessary framework for understanding the gay rights movement and conservative backlash against it.

Chapter 3 reports Mello's findings from a quantitative content analysis. Drawing from online sources, the author collected materials used in state ballot measure campaigns, court documents, and publications produced by conservative interest groups. Mello coded these texts for the presence of four different narrative frames: populist appeals, rights-based appeals, moral appeals, and constitutional arguments. What is most notable about the findings in this chapter is that while all four frames appeared in the data with reasonable frequency, sharp differences emerged when institutional context was taken into account. Rights discourse, he finds, was most successful in ballot measure campaigns and interest group materials but was much less effective in court. To add analytic detail to this unexpected finding, Mello turns his attention to qualitative analyses of the ballot initiatives in California and Maine.

Chapter 4 examines data taken from the volatile events in California including the Proposition 8 campaign and major legal cases. Mello argues that opponents of lesbian and gay marriage relied heavily on rights discourse during the Prop 8 campaign and that their rhetorical strategy converted moral arguments into rights claims. In short, opponents argued that parents, children, and Christians, in particular, would become victims of a powerful LGBT minority and that the right to raise children or practice faith freely would be undermined if gays and lesbians could marry. Proponents of marriage rights imported these claims into the courtroom where they collapsed under the evidentiary requirements of that setting, revealing their irrational and discriminatory intent. Mello writes that this translation was imperfect because "it is easy for information to be presented in a way that distorts voters' understanding of the issue" in public campaigns, but that when such claims were raised in court they demanded evidence, scrutiny,

and detail that did not exist (p. 94). By denying these claims, however, marriage proponents implicitly left intact the assumption that telling children about married gays and lesbians was a bad thing.

Chapter 5 takes the debate from Maine as its centerpiece. Aware of the many differences between California and Maine (demographics, population size, initiative processes, procedural variations), Mello shows that in Maine lower levels of citizen involvement made it difficult for opponents of same-sex marriage to use rights discourse effectively in their advertising. As the debate unfolded across three ballot initiatives, proponents of marriage equality learned an important lesson from California. Rather than directly refute the claims of marriage opponents, proponents shifted the narrative from individual gays and lesbians to their families. New ads featured heterosexual parents wishing marriage for their gay and lesbian children, and heterosexual children wishing marriage for their gay and lesbian parents. As Mello observes, “In the rare cases in which gays did appear in campaign advertisements, they largely remained silent — only one of the thirteen television advertisements produced by the Yes on 1 campaign included a gay person with a speaking role” (p. 145). This shift from rights claims by individual gays to rights claims by gay families also had some contradictory effects. Mello notes that when the Yes on 1 campaign put actual gay and lesbian people into the background of their advertising, it perpetuated the belief that rights are only extended to people who are seen as “exhibiting behavior acceptable to the majority population” (p. 146).

In Chapter 6 Mello concludes with a summary of his findings, two of which stand out as particularly important. First, rights claims failed in court because the courtroom environment demands attention to procedures and evidence rather than the emotional appeals seen in advertising campaigns. Thus, he writes, “it is not *who* decides questions of fundamental rights but *how* they undertake their decision making process that should concern us most” (p. 164). Second, he observes that his results give us “reason to doubt that ballot measure campaigns are the best environment for making decisions about fundamental rights” (p. 165). Exactly.

Mello’s book will be of greatest use to scholars and students working in the field of Law & Society. It is a model of lucid, accessible prose, suitable for assignment to both graduate and undergraduate students. Mello gives his audience an excellent example of a mixed methodology in practice and sheds light on important issues of interest to legal scholars, sociologists, and political scientists alike. Scholars of sexuality will be familiar with most of the history and strategy presented but there is much to be gained from attending Mello’s insights. Despite the U.S. Supreme Court’s ruling in favor of marriage equality it seems that the battle is far from over. Scholars and activists committed to social justice and fundamental rights will appreciate and learn from the lessons Mello offers.

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**John G. Grove.** *John C. Calhoun's Theory of Republicanism*. Lawrence, Kansas: University of Kansas Press, 2016. 213 pp. (\$37.50 cloth).

John G. Grove's *John C. Calhoun's Theory of Republicanism* is an attempt to situate John Calhoun as a political theorist in the classical republican tradition. While Grove's treatment is impressive and his writing clear and logical, he does not quite prove his thesis.

Grove posited that his study of Calhoun was necessary because Calhoun's ideas had previously been treated unfairly. No one had seriously considered Calhoun's complete arguments. Many commentators had just been dismissive based on a few selective citations. And there was no consensus on which theoretical camp Calhoun represented (pp. 1-16).

Grove's study centers on a close reading of Calhoun's *Disquisition* and *Discourse*. He found that Calhoun's emphasis on promoting a virtuous citizenry in a stable community reflected the classical republican tradition. Calhoun posited the rights of the community over the rights of individuals, rejecting the liberal/Enlightenment view of individual rights. Instead Calhoun argued that individuals only had rights within particular communities, and these communities were a product of a long historical development. Here Grove found Edmund Burke's refuting utopian French ideas that ignored historical progress having an influence on Calhoun (pp. 17-57, 124-31). Likewise, Calhoun viewed abolitionist arguments as similar to the destructive ideas of radical French philosophers (pp. 139-56).

As Grove noted, Calhoun used his concurrent majority argument as a mechanism to protect historical communities from an abusive foreign force (read the Federal Government) brought into power by a decadent numerical majority. Every intact community (the States) should have the ability to veto acts of this abusive majority. Calhoun's eventual goal was compromise between all such interests and communities to secure the truly common good and preserve the union. In this chapter Grove provides an excellent discussion of nullification within American history (pp. 92-123).

Calhoun's writings have received a pretty thorough treatment, but perhaps what is unique about Grove's version is that he sought to separate Calhoun's political theory from the growing controversy over slavery. Calhoun is usually assumed to have used his concurrent majority argument to justify protecting Southern slaveholders. Grove instead argued that Calhoun's political theories could stand on their own without regard to the slavery issue. Grove found that Calhoun had held to classical republican theories long before slavery became such a divisive issue (pp. 58-78). Grove even thought that Calhoun's defense of slavery contradicted his essential theories. Thus Grove positioned Calhoun as a political theorist who happened also to be a slaveholder and a defender of "paternalistic" Southern slavery (pp. 170-74). This is where Grove's argument, however, seems to break down.

Grove discusses Calhoun's ideas in a bit of a vacuum, as if Calhoun were a contemplative political theorist proposing grand and serious ideas. While Grove does include a brief discussion on Calhoun's defense of slavery, this is at the end of the treatment and is relatively unrelated to the rest of Grove's analysis (pp. 157-75). This, however, is a serious problem. Calhoun was not an island, and he certainly was not an idealistic political thinker removed from the ongoing political controversy. Other contemporary defenders of slavery had preceded

Calhoun in arguing that men had no natural rights and that maintaining stability and order of the community was more important than the rights of the individual (William Harper, "Slavery in the Light of Social Ethics," 1837, in Mason, 1985, p. 460-62). Calhoun, then, must be read in this context, not as a unique and independent thinker. Grove neglects to do this.

All of this being said, Grove is correct that Calhoun argues some profound points. Certain minority interests do need protection from potential abuse of majority rule. This is a theme of the *Federalist Papers*. In *Federalist* 10, for example, Madison suggested, contrary to classical republicanism, that republican government would be improved by enlarging the territory beyond the local community, bringing into play many more interests to prevent any one interest from domination. Calhoun, however, apparently found this to have failed, especially with the rise of political parties which were not created to promote compromise but to secure only the rights of their partisans at the expense of the losers (pp. 79-91). This is a useful topic of discussion, but again Grove failed to consider both the contemporary discussions opposed to the rise of political parties and the academic analysis on this issue (Hofstadter, 1969).

Overall, Grove's *John C. Calhoun's Theory of Republicanism* is a good read. It includes a useful, thorough discussion of Calhoun's theories. But the lack of properly situating Calhoun by considering relevant contemporary writings is a serious omission. After a century in which the powers of the Federal Government seem to have expanded with few limits, some of Calhoun's ideas might have significance today.

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**Pinello, Daniel R.** *America's War on Same-Sex Couples and Their Families: And How the Courts Rescued Them.* New York: Cambridge University Press, 2017. xiii, 330 pp. (\$99.99 cloth, \$28.35 paper).

This book examines the impact of state laws denying relationship rights to same-sex couples, what Pinello refers to as “Super DOMAs.” He conducts 175 in-depth interviews with same-sex couples living in six Super DOMA states to help assess both the instrumental and the symbolic impact that these laws had on them (pp. 9-10). Conservative activists who advocated for these laws repeatedly argued that their goal was to protect marriage, not to harm gays and lesbians. However, Pinello’s findings indicate that Super DOMAs had substantial impact on gay and lesbian couples while doing little to strengthen marriage generally.

He begins his analysis in chapter 2 by examining how state appellate courts interpreted Super DOMAs. Only three state courts of last resort ever sought to define the scope of a Super DOMA. The few cases where these laws were discussed were complicated by the fact that Super DOMAs were typically produced as a result of a citizens initiative, meaning that there was no legislative record for the Court to draw on. In some states, like Wisconsin, the court accounted for this deficiency by examining statements made by proponents of the measure during the campaign. As a result they defined the law narrowly (pp. 50-53). In Michigan however, the Court declined to do so, interpreting the text of the law literally, and as a result, finding that it barred civil unions in addition to marriages for same-sex couples (pp. 43-48).

Chapters 3 and 4 are the empirical core of the book. Here Pinello shares lengthy excerpts from his interviews with gay and lesbian couples discussing how these laws impacted their lives. Pinello’s subjects report that Super DOMAs made their lives more complicated in numerous ways. They were used to deny them access to a number of rights and benefits such as health insurance, inheritance rights, and tax breaks (pp. 69-89). They also report that the laws had powerful symbolic impacts on them, making them feel like “outsiders,” who were not wanted in their own communities (pp. 60-62, 89-96). Chapter 4 focuses on how these laws impacted the children of same-sex couples. The interviewees discussed how their children reported that the law made them feel like they were not accepted as a real family (pp. 135-136). Non-biological parents also reported struggling with legal issues like the limited availability of second parent adoption in some states (pp. 111-126), and difficulty maintaining parental rights after a divorce (pp. 137-143).

One of the key findings of the book is that, in the absence of federal marriage protections, geography played a major role in determining rights for same-sex couples. Even if they took the time to draft the necessary legal paperwork granting their partner power of attorney over medical decisions, for example, same-sex couples still had no guarantee that hospital officials would recognize those agreements as valid. Within Super DOMA states, those who lived in big cities with liberal political cultures report faring better than those who lived in more rural areas. In chapter 5 Pinello explores these geographic constraints in more detail, examining how gay and lesbian couples grappled with the question of whether or not to migrate out of Super DOMA states. While most of the couples he interviewed chose not to leave for

personal or economic reasons, some did move away, exacting a financial cost on the states they exited.

In chapter 6 Pinello provides extended analysis of *Obergefell v. Hodges* (2015). Perhaps most intriguing is his contention that Justice Scalia acted as a “double agent” for marriage equality by offering a caustic dissent in *US v. Windsor* (2013) in which he lamented that the decision made the constitutional protection of marriage equality an inevitability. Pinello point out that this dissent was subsequently cited by a number of appellate judge’s as evidence that gays and lesbians did enjoy a fundamental right to marry (p. 238).

While Pinello’s study is methodologically sound, the demographics of the sample skew a bit whiter and wealthier than the gay population on average. There are good practical and theoretical reasons for this. As Pinello himself points out, it is logical to focus on this population because they are the ones who clamor the most for marriage rights, and are thus most likely to be impacted by these laws. From a practical standpoint, these individuals are also most likely to be openly gay, and thus easier to identify and contact for a study like this. While I do not think there is anything wrong with using this sample, there are moments in the book where we get a hint at a perspective that might be missing from this analysis. For example, in chapter 5 Pinello includes an interview with Martha and Debra, a lesbian couple who is less educated, and more conservative than others in his sample. He notes that the couple had a perspective that was different from others he interviewed. They were more closeted about their sexuality, and less interested in marriage rights as a result (pp. 168-170). I suspect there are many more couples like this out there, and it would be interesting to see their perspective as well.

Overall, this book is an excellent oral history of the impact of Super DOMAs on same-sex couples. Pinello has conducted an impressive number of interviews, and he allows the voices of his subjects to shine by transcribing them at length with minimal editorial interruptions. There are over one hundred pages of interview transcripts in this book. The result is a vivid and often moving account of the struggles that same-sex couples experienced as a result of these laws. This historical analysis is an important reminder that same-sex marriage was not an inevitability. Instead, it was a long hard fight which experienced a number of setbacks along the way. It reminds us that such setbacks are a natural and expected part of the long slog towards social change. A lesson that I think has particular salience at this moment in our political history.

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**Christopher J. Galdieri, Tauna S. Sisco, and Jennifer C. Lucas, eds.** *Races, Reforms and Policy: Implications for the 2014 Midterm Elections*. Akron, OH: The University of Akron Press, 2017. vii, 180 pp. (\$29.99 paper).

How did the 2014 midterm election matter? What can 2014 tell us about midterm elections generally? In this volume a mix of scholars in a series of chapters try to answer those questions in their examination of the 2014 midterm elections. While the 2014 midterm elections were not as decisive as the 2010 midterms, when Democrats were voted out of power in the House of Representatives in a convincing manner, the 2014 midterm was also a consequential referendum on President Obama's administration. Republicans picked up an additional 13 seats in the House, expanding their majority and giving them their biggest margin since 1924. Republicans also regained control of the Senate.

The book is organized into four sections. The first is an overview of the 2014 midterm election that examines the role of the party of the president, presidential approval ratings, gerrymandering, incumbency, and polarization in understanding the 2014 election. The first section also considers how the nationalization of congressional elections led to Republican success in winning state legislative seats. The second section focuses on how the 2014 midterm campaigns played out at the state and local levels. The third part examines the voting process, with a particular focus on the issue of wait times for voting. The final section reviews the role of public policy in 2014 campaigns. More specifically, the chapters analyze what role the Affordable Care Act (ACA), immigration, and environmental policy played in shaping the outcomes of several races.

In the first chapter, Robert S. Erickson offers structural reasons for Republican success in the 2014 midterm election. The model takes into consideration variables like presidential approval, the party of the president, and party identification. The party of the president was the most influential and significant variable. Somewhat puzzling, however, was that the generic congressional ballot was not included in the model although it is mentioned several times in the discussion. The analysis on the role of natural and Republican made gerrymandering that favors Republicans is convincing. There are a few aspects of his analysis to which Erickson might have given more consideration. Two areas, for example, would be a deeper analysis of factors such as incumbency and polarization that influenced the 2014 election outcome.

Chad Kinsella and Scott Sedmak provide a complex narrative of how the national "wave" that led to Republican success in Congress filtered down to the state elections and helped Republicans take control of a number of state legislatures. While more descriptive than analytical, the chapter does offer what the authors believe will be the consequences of Republican control of state governments.

The focus on state and district level politics is found in chapters three through six. Robert E. Crew, Jr., Alexandra G. Cockerham, and Edward James III examine how a Democrat won in Florida's 2<sup>nd</sup> Congressional District that was rated "likely Republican." The authors detail Gwen Graham's campaign strategy for winning the district and test competing hypotheses on whether campaign fundamentals or campaign activities best explain Graham's vote share and voter turnout. Although the authors admit their analysis is limited by a small N, they do find that campaign fundamentals and campaign activities were linked to Graham's vote. Voter

turnout was unaffected by any of the variables in the model.

In chapter four Emily Wanless presents an interesting case study of South Dakota with her examination of the nationalization of elections from a campaign perspective. Wanless clearly lays out the theoretical perspective for the nationalization of US elections. She then applies the theoretical framework to the 2014 Senate election in South Dakota where a favored but underperforming Republican candidate transformed his campaign right before voters' eyes. Wanless reveals how the Republican incumbent shifted gears away from traditional "prairie politics" that emphasized personal interaction and began stressing national issues such as President Obama and his policies and linking his Democratic opponent to the president. The author describes how the Republican candidate rebounded to win the election, giving credence to the idea that nationalization is a strategy that can help win local elections.

In chapter five Adam Myers conducts a complex multifaceted statistical investigation to learn how the vote from the 2012 presidential election related to the 2014 Senate election in North Carolina. Using electoral and demographic data from the state's voter tabulation districts (VTDs), Myers shows that there was a strong association between 2012 presidential and 2014 senatorial voting patterns across North Carolina VTDs despite the difference in the total number of votes cast in each election. However, turnout differences between the 2012 and 2014 elections were not even across the VTDs. His analysis indicates that age and race were important predictors of VTD-level turnout decline. Of particular interest was the finding that rural VTDs had lower rates of turnout decline than non-rural VTDs. Myers concludes that the rural and urban divide may need to be taken into account along with age and race that explain the difference in turnout between presidential and midterm elections.

In the next chapter, Day, Sisco, and Galdieri use textual analysis to analyze how New Hampshire media employed the "frame" of carpetbagger to Scott Brown who ran for a Senate seat in 2014. However, the chapter reads more like a litany of mistakes from Brown and his bungling campaign than about media fixation about his residency. Would his residency issues have been a factor if he had run a credible campaign? We'll never know. Moreover, this is not an issue most candidates confront and so it's difficult to see how this discussion contributes to understanding the 2014 midterm election.

The next two chapters focus on wait times in line to vote in presidential elections. In the first one, Susan Fine and Charles Stewart address this issue in Florida, the state with the worst record of poll wait times. The authors point out that this is an important issue because hundreds of thousands of potential voters may not have voted because of excessive wait times. Using observational research, teams were sent out to 20 randomly selected precincts in one county that had a history of long wait times to vote. They found that it took just over 11 minutes from check-in to departure. The authors find that the county's capacity is sufficient for midterm elections using a 30 minute benchmark, but that additional capacity is needed for presidential elections to meet that same benchmark.

Chapter 8 presents another discussion on wait times by Michael C. Herron, Daniel A. Smith, Wendy Serra, and Joseph Bafumi. Their research not only includes an examination of wait times, but also exit polls to learn about perceptions of voter confidence in the election. The authors hypothesize that extensive waiting in line leads to lower voter confidence in the electoral

process. Using a series of ordered logistic regressions, the authors examine what variables correlate with wait times and whether those wait times are related to voter perceptions of ballot secrecy and intended tabulation. First, they find that whites, Hispanics, and wealthier voters report shorter wait times while older voters reported waiting longer in line than younger voters. Secondly, voters who reported waiting the longest had less confidence in ballot secrecy than that their vote would be counted.

The final three chapters in this volume link policy to the outcomes of the 2014 elections. The first one by Sean D. Forman is on the Affordable Care Act (ACA) and outcomes in seven US Senate elections. The analysis in this chapter barely scratches the surface of these seven contests. With that said, Forman concludes that the ACA was not the top issue for voters and that the more traditional influences of presidential approval as well as a favorable electoral map led to Republican victories.

In chapter ten, Heather Silber Mohamed examines immigration reform as an issue for the 2014 elections. She begins with a discussion on how immigration influences partisan politics, and on President Obama's executive action, the Deferred Action for Childhood Arrivals (DACA), that he eventually delayed until after the 2014 election. Silber Mohamed tries to demonstrate the difficulties Democrats face in attracting a growing Latino constituency while not alienating white voters. However, four of the six Senate elections that the author points to were located in the South in states that contain small percentages of eligible Latino voters and where white voters have been steadily trending Republican in recent elections.

The final chapter in the volume has Mark J. O'Gorman looking at how Republicans addressed the issues of energy and the environment. O'Gorman discusses the various strategies and approaches used by Republicans on energy policy and on addressing the issue of global climate change (GCC). He details how Republicans employed denial, attacking Obama, recusal, and suspending science to address energy and climate issues in 2014.

The editors contend that the virtue of a volume like this one in examining the 2014 election from multiple scholarly and methodological perspectives is that it would help us better understand this election in particular and midterm elections more generally. What is offered as a strength, however, can also be a weakness as the different perspectives and methods makes it somewhat uneven in presentation. Several chapters offer empirical analysis of the election while other chapters are descriptive in nature. Despite that, this volume would be a useful reader for an undergraduate course in electoral behavior.

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**Earl M. Maltz.** *The Coming of the Nixon Court: The 1972 Term and the Transformation of Constitutional Law.* Lawrence, KS: The University Press of Kansas, 2016. vii, 250 pp. (\$34.95 cloth).

Judicial politics scholarship can exhibit a tendency to relegate Supreme Court opinions -- that is, the legal arguments of the justices -- to the periphery. This is to our detriment. Thus, it is worthwhile to be reminded that the justices are more than their votes, or putatively passive actors, in a political regime. This is the central contribution of legal historian Earl Maltz's new book. While a slim volume (193 pages of text), it is a deep dive into many Supreme Court decisions from the consequential 1972-73 term (OT 1972). This term marked the arrival of the "Nixon Court," when all four of the president's appointees, Justices Burger, Blackmun, Powell, and Rehnquist, were in place, joining Justices Brennan, Marshall, Douglas, Stewart, and White.

The argument Maltz sets out to make is persuasive: OT 1972 signaled a reorientation of Supreme Court doctrine away from a capacious reading of the Constitution toward a jurisprudence more conservative and cabined, intent on "resist[ing] efforts to involve the Court in major structural reforms" (p. 193). To provide the proper context for the shift manifesting in OT 1972, each chapter, after short but interesting biographical sketches of the relevant justices, situates the Nixon Court's rulings vis-à-vis Warren Court doctrine. The chapters then chronicle OT 1972 cases dealing with reapportionment and voting rights, obscenity, criminal procedure, school desegregation efforts, equal protection, wealth and sex discrimination, aid to parochial schools, and abortion. Listing only a handful of decisions from OT 1972 indicates why a book-length treatment of this term is called for: *Roe v. Wade*, *Frontiero v. Richardson*, *San Antonio Independent School District v. Rodriguez*, *Miller v. California*, *Keyes v. School District No. 1*, and so on.

But the book is much more than an assemblage of selected quotations from various justices' opinions foreshadowing the doctrinal foundation for the conservative turn in the Court's jurisprudence. For example, the reader is reminded that New Deal Era senators voting against Justice Douglas's nomination were worried he was "a reactionary tool of Wall Street interests" (p. 6), and that, contemporaneous to his confirmation, Harry Blackmun was described by *Newsweek* as "a judicial superblend of intelligence, industry, fairness, excellence, and probity" (p. 11), an assessment that might elicit a wry smile from readers familiar with Blackmun's *oeuvre*. Maltz also uncovers a draft dissent from the grant of certiorari in *Furman v. Georgia* (1972) by the famously assertive Douglas shrinking from taking on the death penalty: "I do not see any mandate under the Constitution for judges to be arbiters of the wisdom or folly, the ethics or barbarity of capital punishment. These are issues with which the people must wrestle . . . Indeed, I can think of no class less qualified than judges to bring light to these problems" (p. 26).

The chapter on equal protection and wealth discrimination cases is notable as it bristles with insights from the archives. Liberal hopes of constitutionalizing the welfare state, e.g., Frank Michelman's 1968 Supreme Court *Foreword* in the *Harvard Law Review* (p. 110), would be rendered largely moot by OT 1972. In *United States v. Kras* (a wealth discrimination rights claim brought by a penurious debtor in regard to required bankruptcy court filing fees),

Blackmun privately remarked that the appellant was “obviously a phony” (p. 113). In the more well-known school financing decision (*San Antonio Independent School District v. Rodriguez*), Blackmun mused (again privately) that local control of the schools was crucial and the proposed remedy “just another step leading toward big government and centralized control in another field, to wit, education” (p. 120). Indeed, Powell deemed the legal theory undergirding the litigation “communist” in nature (p. 118). Even though Blackmun would drift left over the years and Powell was a relative moderate, Maltz’s research reveals that Nixon effectively installed a judicial firewall preventing an expansion of liberal rights claims. This formula — an elegant weaving of the various justices’ opinions, relevant archival material, and delineating the larger social and political context of OT 1972 — is repeated throughout the book.

Convention dictates that I now shift to a critique of select aspects of the book under review. I reluctantly follow this convention as it incentivizes negativity (no work of scholarship is perfect after all). Hence, puzzlingly, Maltz insists on labeling Justice Rehnquist an originalist (p. 14, 187). Despite penning an attack on living constitutionalism in a 1976 *Texas Law Review* article, Rehnquist was a standard Goldwater conservative who showed little interest in the ostensibly theoretical precepts that self-conscious originalist judges invoke. Finally, the chapter on abortion adds little that is new and fails to make clear the “backlash” against *Roe*, even among elites, was secular in nature and simmered on relatively low boil until the late-1970s (p. 188-89).

But these are quibbles. The payoff of Maltz’s book is found in his careful elucidation of the import of OT 1972’s cases, many of which rarely receive much notice or analysis. Of equal interest to judicial politics scholars will be Maltz’s archival work — the examples from above are only a small sample found in the book. Maltz’s latest effort is worth reading and offers a template for future scholarly work in this vein.

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**Molly E. Reynolds.** *Exceptions to the Rule: The Politics of Filibuster Limitations in the U.S. Senate.* Washington, DC: Brookings Institution Press, 2017. 282 pp. (\$29.99 paper).

In the deeply polarized climate that characterizes modern-day US politics, it is not uncommon for observers of Congress to assume that supermajority coalitions are necessary in the Senate to produce policy change. This assumption is prefaced on the notion that the filibuster is always (or nearly always) looming on non-trivial measures, and therefore majorities must secure the sixty votes necessary to invoke cloture. Molly Reynolds' *Exceptions to the Rule: The Politics of Filibuster Limitations in the U.S. Senate* brings much-needed perspective to this conventional wisdom. In particular, Reynolds points to the emergence of provisions in statutory law over the past five decades that have moved the Senate incrementally towards majoritarian governance, placing limits on dilatory tactics that protect certain measures from minority obstruction. This book explores how the Senate has been able to implement these provisions, which Reynolds refers to as "majoritarian exceptions," within certain policy domains, how the exceptions have come to be used, and what their consequences are for emerging policies.

While informed commentary on Senate decision-making acknowledges the existence of some majoritarian exceptions, like that present in the budget reconciliation process, these exceptions are often treated as mere footnotes unworthy of being incorporated into serious theoretical accounts of lawmaking. Reynolds rightfully points to the err of this omission, documenting how the Senate has become a more actively majoritarian body in ways that fundamentally shape legislative outcomes. Reynolds offers a principled rubric for identifying majoritarian exceptions that accounts for statutory restrictions on floor debate, dilatory motions, committee obstruction, and amendments, and she finds over 160 such provisions during the period of 1969-2014 (with nearly 1,000 proposed). Studying statutory efforts to limit minority obstruction offers unique insight into the evolution of the body in that we can observe nuanced issue- and context-specific characteristics of both successful and, importantly, unsuccessful proposals.

Reynolds argues that majoritarian provisions (1) create easier pathways for Senate majorities to pursue their policy goals, and (2) yield electoral benefits, via legislative successes, that help Senate majorities to maintain their control of the chamber. She investigates how these principles inform the adoption of a common type of exception that delegates proposal power to an actor either inside or outside of the chamber, coupled with final evaluation of the proposal by the Senate body under limited debate. Reynolds posits that delegation exceptions often target policy areas that involve diffuse benefits and concentrated costs, motivating legislators to reduce the "traceability" of these decisions. Issue salience, Reynolds argues, creates additional incentives to delegate these decisions, and since the desire to minimize traceability on such issues may also affect the electoral calculations of at least some minority members, the stage is set for achieving the supermajority coalitions often necessary for passing legislation in the modern era. However, minority cooperation, as the argument goes, is less likely on issues "owned" by the majority party, since minority party members receive comparatively fewer

electoral gains/penalties from policy decisions made in these domains and they may be reluctant to help majority party members obscure the associated costs. Leveraging an impressive dataset, Reynolds finds evidence corroborating the theorized effects of salience and issue ownership.

Reynolds proceeds to discuss the conditions under which majoritarian exceptions are used. The theoretical argument is elegant and parsimonious. In short, exceptions are exploited when they advance the policy preferences of pivotal actors. Furthermore, this model points to meaningful differences in outcomes when decisions are made with and without the use of exceptions. In particular, using exceptions can generate policy change under spatial conditions that would otherwise result in gridlock via regular order. And since the majority party leadership is ultimately responsible for structuring the use of exceptions, exceptions can be expected to yield outcomes that systematically advantage Senate majorities. This is unsurprising given that exceptions lower the threshold for passage to requiring only the support of majority party members. While one can pick nits about certain assumptions of the spatial model (e.g., de facto closed rule for reconciliation, status quo locations/distributions, etc.), the predictions are intuitive and substantiated by a rigorous mixed-methods analysis of reconciliation practices. The novel finding that majorities are especially likely to utilize reconciliation to claim credit for accomplishments and avoid blame – through the expansion/contraction of federal programs – in states where majority party incumbents are defending seats, offers compelling evidence of the electoral considerations that underlie the use of exceptions. Reynolds concludes the book with an exploration of the creation of another set of exceptions, executive branch oversight exceptions, that follows essentially the same spatial logic.

Reynolds' documentation of the many majoritarian exceptions introduced in recent decades is nothing short of impressive. It is undoubtedly an important contribution in itself. Moreover, her arguments about when majoritarian exceptions are used by Senate majorities, once adopted, strike me as unobjectionable. I, too, am convinced by her related arguments regarding the ways in which exceptions influence policy outcomes. However, I remain somewhat more skeptical about the proposed mechanics at play in the initial adoption of exceptions, and delegation exceptions in particular. The adoption of exceptions is a fascinating and complicated phenomenon, considering that majority coalitions must overcome the very dilatory tactics they seek to restrict.

While the notion that exceptions are motivated by electoral considerations seems innocuous enough, the foundations of the traceability argument require some leaps of faith. This argument hinges on the assumption that exceptions are associated with proposals that involve large and discernible costs to electorally-relevant constituents. Otherwise, there is little reason to think that majorities would want to *avoid* the returns to policy successes that are likely to follow rules changes that restrict minority obstruction, especially in the issue areas they "own." For some issue areas this assumption is easier to imagine (e.g., deficit/debt reduction) than others (e.g., health care), and this premise attributes vast knowledge to a public that is both able to recognize programmatic changes and assign responsibility to Senate majorities. Rather, it seems entirely possible to me that spatial principles apply to delegation exceptions in the same fashion they do for executive oversight. Perhaps issue ownership, for instance, is merely tapping

dimensions generating inter-party divisions; on issues that divide the parties, exceptions are less likely to pass given the (likely) need for minority party support.

Minor quibbles aside, this is an extraordinarily well-written and exceptionally thorough book that promises to shift our understanding of Senate legislating in important ways. Some treatments of congressional procedure can be dry and cumbersome, but not this one! This book offers important contributions to the study of the Senate, by pushing the scholarly literature to more seriously consider the mechanisms that reduce the thresholds for successful legislating. In addition, this project forwards the conversation regarding the role of the parties in the Senate, and the efficacy of the majority party in particular, and offers useful insights into procedural change more generally. In sum, *Exceptions to the Rule* is a must-read for any student or interested observer of congressional politics.

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**Tasha S. Philpot.** *Conservative but Not Republican: The Paradox of Party Identification and Ideology among African Americans.* Cambridge, MA: Cambridge University Press, 2017. vii, 281 pp. (\$99.99 cloth).

An interesting political question arises from the fact that a large percentage of African-Americans are ideologically conservative, yet are less likely to self-identify as Republican. Tasha Philpot's book delves into this question utilizing a mixed-method approach incorporating qualitative, quantitative, and historical data. The animating question is "why doesn't ideology predict party identification and candidate support the same way among Blacks as it does for Whites?" (p. 5). Utilizing the liberal-conservative continuum, which offers "a comprehensive understanding of the structure and function of ideology in the American polity," she examines how citizens make sense of and apply ideological labels (p. 5). The thesis is that scholars must take into account African-Americans' historical experience in the United States to understand the connection between Blacks' ideology and partisan attachment. Since ideology has become wedded to policy domains, Philpot examines attitudes across six domains — social welfare, laissez-faire, race, military, religion, and morality — all of which may supersede ideology when choosing a party with which to identify. According to Philpot, Blacks' self-identification reflects their experience across the six policy domains.

In Part I, Philpot identifies and explain Blacks unique conceptualization of the terms *liberal* and *conservative*, and offers a theoretical discussion of the multidimensionality of the liberal-conservative continuum. She notes that not every domain is relevant to ideological identification, and the most salient policy domains are those in which African-Americans have had the most exposure and experience. Chapter 1 provides evidence that Blacks conceptualization of ideology and ideological identification is not due to low political information or a lack of political sophistication. It also provides evidence for the "multidimensional use of the terms liberal and conservative across the six policy areas" (p. 11). It then traces the use and evolution of these terms employing content analysis of coverage by *The New York Times* (1857-2007) and *The New York Amsterdam News* (1927-2007). She supplements these data with 81 (50.6% Black, 43.2% White) semi-structured qualitative interviews conducted in 2006 and 2010, and survey data, to demonstrate that the labels present in newspaper coverage correspond to those in public opinion data. Chapter 2 proposes a set of theoretical expectations regarding the relationship between the six policy areas and African-Americans ideological self-identification. In this chapter, Philpot challenges conventional wisdom indicating that attitudes about the role and size of government (social welfare) are the dividing line between Black liberals and conservatives. She also challenges literature suggesting that racial considerations are the crucial element in Blacks policy attitudes. Philpot, however, does state that race is important for its interaction with the other domains. Chapter 3 offers empirical tests of the predictors of ideological self-identification. The Post Midterm Election Study (2010, 2012) (N=325 Blacks, N=398 Whites), which contains an 18-item battery of ideology related questions, and the Religious Worldview Study (2012), were used to compare attitudes across years. Philpot demonstrates that social welfare is the key predictor of the six policy domains. It influences and is influenced by religion, race and military. Religion was

positively correlated with the moral dimension, but was negatively correlated with the social welfare dimension, demonstrating that religious conservatives should also be liberal on social welfare issues (p. 88). However, the use of a dataset with a larger Black sample size would add reliability to the results presented here. Also, the data used to outline partisanship and ideology is somewhat dated.

Part II examines the history and nature of Black group consciousness and explores its role in moderating Black ideological self-identification. Chapter 4 explores why racial group consciousness mediates ideological and party identification. In this discussion, Philpot argues that intragroup attitudinal differences concerning group identity, polar affect, polar power, individual vs. system blame, and in-group/out-group attitudes have implications for the development and strength of group consciousness. Philpot establishes that a strong group identity is correlated with strong group consciousness. Further, African-Americans who believe that structural inequality affects the group's ability to progress are more likely to favor social welfare policies designed to ameliorate structural inequities. Consequently, whether liberal or conservative, they are also more likely to identify as either Democrats or Independents. The results show that ideological self-identification "varies systematically by race. ...[and] the underlying determinants of Blacks placement on the liberal-conservative continuum are significantly different from that of Whites" (p. 125). The results highlight that when considering whether they are liberal or conservative, Blacks rely on beliefs about religion and social welfare, whereas Whites use beliefs about social welfare, morality, religion, and the proper role of government; additionally "the strength and direction of these relationships differ by race" (p. 125).

Chapter 5 illustrates that Black liberals and conservatives with low group consciousness are more likely to move from Democrat to Independent, and were more likely to support the Republican Party. Philpot indicates that Black people use ideological labels to compare themselves to each other, whereas Whites use them relative to the "extremes of the liberal-conservative spectrum" (p. 180). The author concludes that once "we take into account the moderating effect of group consciousness on ideological self-identification, we can see why there is not more variance in Black partisanship. [It is because] group consciousness supplants the expression of Black's ideological self-identification, thereby homogenizing party identification" (p. 182).

Lastly, Chapter 7 considers the implications of Blacks' ideological self-identification for the future of both Black politics and as future members of the GOP. Philpot highlights the main reason why more conservative Blacks are more likely to become Independents rather than Republicans — the GOP's continuing negative stance on race and racial policies. However, she also points out that the number of conservative Blacks open to recruitment by the GOP is limited.

Overall, this scholarly text is theoretically and empirically sound, thorough, and well organized. It includes a list of figures, tables, and an appendix organized by chapter containing questions, coding, demographic descriptive statistics, and the interview protocol. Political scientists, graduate students, and others interested in Black politics, history, political ideology, and partisanship will find the insights here useful. The coverage of the Black social, political and

economic experience in America would be useful to individuals uninformed about the Black experience. The author's use of mixed-methods is effective and the presentation of the data and results clearly tell the story in the data.

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**Louis Fisher.** *Supreme Court Expansion of Presidential Power: Unconstitutional Leanings.* Lawrence, KS: University Press of Kansas, 2017. xv, 352 pp. (cloth, \$39.95).

“...the Framers got this right.” So Louis Fisher writes (p. 2), and if the Supreme Court, the President, and Congress actually followed the Constitution that would be both the beginning and end of Louis Fisher’s latest fascinating book on the presidency. Unfortunately, as Fisher documents in extraordinary detail, it could be said that the framers got it right and almost everyone else got it wrong. There is a long tradition of books that assign the blame for the accelerated expansion of presidential power with the U. S. Congress, on treaties that have expanded the U.S. role in foreign affairs, and on public expectations that demand an active commander in chief. One can also find roots for this development in the changing technologies that place America in greater danger, such as President Trump’s oversized red nuclear button. Yet, while law reviews have regularly castigated the courts for a lack of proper oversight, particularly with regard to viciously inaccurate dicta such as is contained in the Justice Sutherland’s *Curtis-Wright* decision, the court’s role in the unwarranted expansion of presidential power has never been as convincingly presented as in Fisher’s newest book. This is a book that should be required reading in a variety of different classes, from law school to political science and history. And yet, stripped down to its basics, all Fisher does is make a rather simple and fundamental point: “the framers got this right.”

The basic problem, as Fisher describes on page 3, “Supreme Court support for independent presidential power is drawn from both judicial rulings and dicta carelessly added to holdings. Dicta can be demonstrably false, as with the sole-organ doctrine that found its way into the *Curtis-Wright* decision.” As Fisher demonstrates in his careful analysis of federal court decisions beginning at the Founding, the courts were not always so careless. The federal courts regularly interpreted the president’s authority consistent with the U.S. Constitution. While Fisher notes cases where these earlier courts, particularly in wartime, leaned toward greater presidential power, the federal courts carefully guarded the Founder’s original design. As America approached World War II, and especially with the erroneous dicta of the *Curtis-Wright* decision, however the Supreme Court tossed both the Constitution and history to the side. The *Curtis-Wright* decision is of particular interest. Based on a speech delivered by John Marshall when he was a member of the House of Representatives, Justice Sutherland’s decision entirely misstates Marshall’s original meaning. But even if he had not, how can an interpretation of presidential power be based on a congressional speech, whether delivered by John Marshall or anyone else? Sutherland then compounds this misuse of congressional rhetoric with the citation of copious other historical inaccuracies. While Fisher does not recommend it, the clear inference from *Curtis-Wright* and many of the federal court’s decisions in subsequent decades, is that justices would be wise to employ historians on their legal staff, as well as lawyers. Differently stated, lawyers do not make good historians. Many of the post-World War II decisions that Fisher cites would receive failing grades in even the most basic history classes. And not only have justices repeatedly and carelessly misread history, they have compounded this error by re-citing false dicta and inappropriate readings of the Constitution.

It is in this regard that I find Fisher's book most compelling. We can excuse judges for making an occasional misreading of history, but Fisher demonstrates that there is a consistent pattern of ignoring basic and inarguable facts. Such a misreading of history does severe damage to both our judicial institutions and the Founders' carefully constructed system of checks and balances. It also established the idea that the president alone is our savior in foreign affairs. As Fisher demonstrates repeatedly, but with the greatest effect with regard to the presidency of George W. Bush, presidents are decidedly fallible. We cannot trust that they alone should have the information necessary to preserve our basic freedoms or our security. Presidents sometime dissemble the truth, presenting a version of it that comports with their policy requirements. In such cases, we have rushed needlessly and carelessly to war, creating ever greater foreign policy fiascoes. The Founders warned that unbridled presidential power, such as the power of a monarch, is dangerous. Consultation with Congress and strong judicial oversight can do more to protect our nation's national defense than delegating power to an unchecked unitary executive. Consequently, as Fisher warns, "The decision to vest independent power in the President in external affairs comes at a high cost to constitutional principles, congressional authority, the system of checks and balances, and public trust in government" (p. 309). When one adds that we can hardly vouch for the stability and genius of all of our presidents, the idea of providing any individual with unbridled power raises serious risks to our nation's security. The federal courts therefore have not safeguarded America at the cost of constitutional principles. The risk runs both ways. Furthermore, as Fisher notes, "Scholarly repetition of judicial errors spreads misconceptions about presidential power" (p. 311). These misconceptions are reprinted endlessly in scholarly work, thus further propagating bad history and bad precedent. It may be useful for a committee of historians and lawyers to document the entire panoply of judicial misstatements of history in court decisions. The task of doing so should not end with Fisher's book. Rather, Fisher's work should inspire others to place court decisions in their proper historical perspective, as well as shifting the powers of the three branches back to their constitutional roots. As we face a world of ever greater uncertainty and danger, there is no greater task than bringing accountability to our constitutional system. As with so much else, that task should begin with a proper understanding of the role of history.

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