

Book Reviews

Richard L. Engstrom, Editor

William G. Mayer, ed. *The Swing Voter in American Politics*. Washington, DC: Brookings Institution Press, 2008. xi, 151. (\$44.95 cloth; \$18.95 paper.)

Every election cycle media pundits identify some group of voters as key to electoral victory. Soccer moms, Latinos, and NASCAR dads have all been the subject of such media scrutiny. William Mayer's edited volume, *The Swing Voter in American Politics*, provides a useful array of writings from political scientists, journalists, and practitioners addressing the holy grail of American politics: the identity of swing voters and why they are so uncertain about their political choices. With growing political polarization in American politics, the number of swing voters has decreased since 1972, according to Mayer, but in 2004, approximately 13 percent of the electorate were swing voters. Despite this, the Bush Cheney 2004 reelection team decided to appeal to the Republican base and focus their efforts on mobilization, rather than convincing swing voters. As Jim Campbell adeptly shows in his chapter, swing voters do not often decide the outcome of elections, demonstrating that efforts aimed at appealing to this transitory and elusive "group" are not altogether productive.

In 2008, however, Sen. Barack Obama's campaign for the presidency rested on appealing to new voters. Few pundits and observers expected Obama to win the nomination when he launched his campaign in 2007 largely because his appeal came from young voters, who often do not turn out to vote. Mayer is skeptical of the argument that both parties are "afraid they would lose control of a system suddenly inundated by millions of fractious, new, anti-establishment voters," (p. 141) yet this is arguably what propelled Sen. Obama to his unexpected victories in most Democratic primaries and caucuses in 2008. It remains to be seen, however, whether Sen. Obama can ride this wave of discontent and anti-establishment sentiment to the White House.

The authors first grapple with semantics, because it is not altogether clear who, exactly, is a swing voter. Daron R. Shaw eschews the narrative, largely kept alive by the media, that swing voters belong to some collective group. He suggests an "individual level conception of swing voting" by which idiosyncratic characteristics, rather than aggregate level data, are more appropriate for determining swing voters (p. 87). In doing so, Shaw identifies swing voters by using National Election Studies panel data to

determine how many times each *individual* voted for a particular party's candidate over the course of several presidential elections. This method relies on how individual voters say they behaved over the course of their voting histories, rather than on what they *say* pre and post one election. Since "talk is cheap," it seems to me that Shaw's measure is the most reliable vis-à-vis the other measures used in the volume. The other measures seem to be picking up what Shaw terms "floating voters" who change their minds during the course of a campaign. (Full disclosure: Shaw is my colleague at the University of Texas). At the same time, it is nonetheless instructive to examine other surveys, such as Pew, Annenberg, and Gallup to find some common elements of the phenomenon of swing voting.

Jeffrey Jones' essay in the volume provides a comprehensive analysis of swing voters as measured by the Gallup Poll since 1944. He finds that swing voters are often moderate, politically independent, and disengaged from the political process. Jones also corroborates the finding from others in the volume that in recent elections no demographic group is "consistently and significantly over-underrepresented among swing voters (p. 57)." However, a look at Table 2-8 (p. 52) indicates that in 2004 an apparently significant difference exists between urban and rural voters in that the latter were more likely to be among the category of swing voters. Perhaps a multivariate statistical analysis would have been in order to determine if this is a statistically significant difference, and if other demographic characteristics predict who might be swing voters.

Michael Dimock and his colleagues examine swing voters by analyzing Pew Research Center data, and they find that campaigns decrease the number of swing voters. This finding alone comes as somewhat of a departure from the prevailing literature on campaigns, which argue that they really do not matter in terms of changing individual vote preferences. While this still may be true in the sense that prior leanings are merely reinforced during campaigns, Dimock et al do show that more swing voters vote *against* a candidate than for the candidate. In this sense, so-called "*negative* ads" can work in driving up negatives to the point of shifting votes.

Jeffrey Stonecash's chapter examines swing voting in subnational elections, and finds that the number of swing voters are high in such elections mainly because candidates are often unknown quantities. In many cases, voters use information shortcuts, such as party identification, to make choices in subnational elections. Stonecash's data are admittedly limited, making generalizability a concern, but the findings are not altogether unusual or unexpected. Indeed, an interesting finding in Figure 5-2 (p. 110) is that it is much easier to raise a candidate's unfavorability during the course of a campaign, suggesting that even in some subnational campaigns "*negative*" ads work. In these low information campaigns, then, the fire alarm

system of oversight works in that opponents can call attention to particular votes, decisions, or personal characteristics that might raise unfavorable ratings to the point of possibly swaying election results.

Jim Campbell's chapter examines National Election Studies data to arrive at sharp conclusions about swing voters. In short, swing voters rarely impact the outcome of presidential elections. In fact, presidential candidates do not need to even carry a majority of swing voters to win elections. Since 1972, Campbell finds that precampaign swing voters only really made a difference in the outcome of the 1976 election of Jimmy Carter as president. Since 1952, a majority of the campaign swing vote also made a difference for Jimmy Carter's victory over Gerald R. Ford. Why, then, all of the attention given to swing voters? Campbell says it best: "Journalists, political junkies, and supporters of trailing candidates also want to keep the election story alive" (p. 131).

Overall, I recommend this edited volume to political scientists interested in campaigns and elections, journalists, and political consultants who might benefit from empirical evidence surrounding the existence and behavior of swing voters.

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Wilber Rich. *David Dinkins and New York City Politics: Race, Images, and the Media.* Albany, NY: State University of New York Press, 2007. 239 pp. (\$35.00 cloth.)

The election of David Dinkins as New York City's first black mayor was a watershed moment in urban politics. Despite being elected in the midst of racial and ethnic turmoil in the city, Dinkins pulled together a Rainbow Coalition of voters that rallied behind his race-neutral, centrist platform. In *David Dinkins and New York City Politics: Race, Images, and the Media*, Wilber Rich examines Dinkins' mayoralty (1990-1994), and gives special attention to the local media's treatment of his administration.

Through qualitative and contextual analyses, Rich argues that New York's media used racially-based priming and framing devices to project negative stereotypes of Dinkins to the public. Although it is debatable whether this was intentional or incidental, the media's priming tactics sullied Dinkins' image among moderates and white voters. The tactics even eroded his support among some liberal allies such as Jews and labor union members.

The media regularly insisted that Dinkins was incompetent, negligent, and too refined for the rough and tumble, working-class politics of New

York City. These labels seemed to inherit a racialized character that cultivated negative stereotypes about black politicians. Thus, as Rich points out, “Because of the white public’s stereotypes, if a black politician is called “incompetent” the label has a better chance of sticking than it does with a white politician” (p. 17). To make matters worse, Dinkins was ill-equipped to handle the media’s aggressive probing and racial signaling, particularly during the height of the city’s political disputes.

Most of the book offers a microscopic look at Dinkins’ battles with the media—or what Rich refers to as the “framing contest”—over his image and persona. During the infamous Crown Heights incident, which involved clashes between blacks and Jews, Dinkins was criticized for what the media interpreted as a lackluster response to the three-day disturbance (see Chapter 5). Yet, contrary to reports, Dinkins was actively engaged in mediating the dispute, but he was unable to convince the media that he was an honest and enthusiastic broker who could heal racial/ethnic tensions in the Brooklyn neighborhood. Dinkins’ perceived negligence was further magnified after Governor Mario Cuomo, a presumed ally, criticized his mediation strategy, and after he was observed attending the U.S. Open tennis match during the disturbance.

Underlying the media’s criticisms of Dinkins was a more complex dilemma confronting Dinkins and race-neutral black politicians who are expected to transcend the dictates of race-centered politics. In Crown Heights and other racially divisive episodes, Dinkins projected a statesman like image, which mistakenly was interpreted as aloof by whites and too conciliatory by black activists. This placed him in an unenviable position, mainly because the media expected him to denounce black activists who appeared to be too militant. However, if he repudiated these activists, black and Latino media outlets would possibly disparage him for giving into the demands of whites and the mainstream media.

This conundrum of balancing the interests of his political base and those of the media and conservatives haunted Dinkins throughout his mayoral tenure. This is exemplified in Chapters 6 and 8, which examine his salary and budget negotiations with the city’s powerful unions, including the Teamsters, the United Federation of Teachers (UFT), and the American Federation of State, County, and Municipal Employees (AFSCME). Although Dinkins worked tirelessly to negotiate deals with the unions, they criticized him for privileging the budgetary interests of the Financial Control Board and city’s pro-growth factions. These criticisms fueled the media’s suspicions of Dinkins’ presumed “incompetence,” especially after some unions bought advertisements in prominent media outlets attacking him.

Considering that black politicians such as Dinkins regularly face a hostile media, which in turn primes a political setting with racial stereotypes,

how then can they win the framing contest that Rich refers to throughout the book? Of course, black politicians need to be acutely skilled in media management and must be flexible to rapidly changing modes of communication. Furthermore, they need a cohesive staff that can effectively engage in social accounting and messaging, or the promotion of black politicians' noteworthy achievements in the corporate media. Rich portrays Dinkins staff as always a step behind and incapable of sustaining a positive image of him even when he implemented successful policies. Chapter 7, for example, documents Dinkins' crime reduction plan, *Safe Streets, Safe Initiative*, which laid the groundwork for the hiring of thousands of new police officers. After the plan was adopted, New York's crime rate dropped in almost every major category, including murders and burglaries. Yet, due to highly publicized disagreements with the governor and police union over the targeted number of new police officers, and the continuing negative coverage of crime on the nightly news, Dinkins received virtually no credit for the long term reduction in crime. More problematic was his staff's inability to convince the public of the success of his crime fighting initiative.

While the book does an excellent job at describing why Dinkins lost the framing contest, the reader is only given a snapshot of how the overall media interpreted his tenure. At the beginning of the book, Rich points to 190 newspapers, radio and television stations in the city (p. 3). Still, only a small number of these media outlets, mainly the print media (e.g. *Times*, *Post*, *Daily News*, *New Yorker*, *Wall Street Journal*, *Newsday*, *Village Voice*, and *New York* magazine), are examined in the book, and much of this attention focuses on a handful of prominent journalists. Moreover, there are only a few references in the book to the racial priming tactics of television stations, and no systematic analyses of radio stations despite the ascendance of conservative talk radio in the early 1990s.

The most glaring shortcoming of the book is the omission of Dinkins' response to and the media's coverage of the World Trade Center bombing in February 1993. The bombing, which occurred during his reelection campaign against Giuliani, most likely provided the media with another opportunity to question Dinkins' competence.

Despite these deficiencies, the book offers valuable insight into the contextual conditions shaping Dinkins' election and governance strategies. The book is also an important reminder of how difficult it is for race-neutral, black politicians to transcend their blackness, especially if the media is an active agent in priming the political environment with racial stereotypes.

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Cass Sunstein. *Worst-Case Scenarios*. Cambridge, MA: Harvard University Press, 2007. xii, 340 pp. (\$24.95 cloth.)

Does a one percent *probability* of catastrophic disaster—either human-made or natural—justify preemptive action? If such action is in fact warranted, what sort of action is reasonable? In his latest book *Worst-Case Scenarios*, Cass Sunstein—Karl N. Llewellyn Distinguished Service Professor of Jurisprudence at the University of Chicago—ruminates on the topic of catastrophes and how policymakers and average citizens should think about such events. The topic is timely, especially after the terrorist attacks of September 11th and Hurricane Katrina. The author states three objectives: 1) To understand how people respond to catastrophic events, 2) To suggest how public officials and average citizens might think more rationally about the possibility of catastrophic events, and 3) To incorporate a cost-benefit analysis into their thinking about catastrophic events. It is these three key objectives that serve as the overarching framework for Sunstein’s book.

Sunstein begins by addressing the *perceptions* people have about risk—their responses to risk generally, and worst-case scenarios specifically. Employing two issues that will certainly capture readers’ attention—terrorism and climate change—Sunstein observes that the former is much more likely to arouse public attention than the latter. But what explains this phenomenon? Sunstein makes the case that “Both sets of risks are potentially catastrophic” (p. 25). Yet, “With respect to terrorism, Americans have been fixated on worst-cases. With respect to climate change, . . . Americans have been essentially oblivious to worst-cases” (p. 26). Both represent potential dangers, but according to Sunstein, climate change represents a graver danger. Sunstein argues that cognitive availability, probability neglect, and outrage combine to render the *perceived* threat of terrorism as more tangible, which “dampens the public’s attention to the question of probability” (p. 26). A clear and cogent argument backed by empirical data renders Sunstein’s explanation persuasive.

Aware, of course, that one case study does not necessarily make a sound basis for his argument, Sunstein offers another. A comparison of the Montreal Protocol and the Kyoto Protocol is used to persuade the reader that the former was “a spectacular success story” (p. 73), while the latter has met with far less success—due in large part to the reluctance of the United States to become a cosignatory. What can be learned from this? Sunstein argues that “both the success in the Montreal and the mixed picture in Kyoto were driven largely by decisions of the United States, based on a domestic cost-benefit analysis” (p. 73). In sum, the United States saw little benefit from signing Kyoto, while the costs of that agreement appeared high. Those in power, then, shaped the American public’s opinion accordingly; and they

were successful towards that end—the Kyoto Protocol was not ratified by the United States. While the reader will easily grasp Sunstein’s argument, the analysis, while cogent, is somewhat one-dimensional. That costs certainly outweighed the tangible results of supporting the Kyoto agreement is obvious, but the reader will likely surmise that other variables have been omitted.

Sunstein continues in a manner that will appeal to readers who are practically oriented and are likely asking themselves: What can be done to encourage policymakers and average citizens to think more *rationally* about worst-case scenarios? Sunstein recommends an alternative to the “One Percent Doctrine” (OPD), which states that *any* statistically insignificant, yet *potentially* catastrophic, event should be vigorously preempted. Inspired by sundry international documents, Sunstein proposes the “Catastrophic Harm Precautionary Principle” (CHPP), which advises “When risks have catastrophic worst-case scenarios, it makes sense to take special measures to eliminate these risks, even when existing information does not enable regulators to make a reliable judgment about the probability that the worst-case scenarios will occur” (p. 119). The OPD similar to the CHPP addresses potential threats, but unlike the OPD it also considers several additional concerns.

Unlike the OPD, the CHPP takes into account “irreversibility,” which simply put, encourages policymakers and citizens to consider the long term implications of their actions—especially those that could potentially cause “irreversible harm” (p. 177). Therefore, Sunstein proposes a method by which such scenarios can be addressed, but in a less irrational and probably more effective manner. Yet, one cannot help but wonder if his alternatives’ appeal is due to its juxtaposition with the sole alternative that Sunstein describes: namely, the dubious OPD. Furthermore, with the dangers of “irreversibility” in mind, in the concluding chapter Sunstein argues for the “Principle of Intergenerational Neutrality.” It is on this point that Sunstein is most provocative and idealistic. As the principles’ name implies, Sunstein—invoking both Thomas Jefferson and John Rawls—argues that “The members of any particular generation should not be favored over the members of any other” (p. 245). Hence, policymakers and average citizens ought to seriously consider the potential effects of their decisions in light of the ramifications for future generations who, Lockean “tacit consent” aside, had no input into the decision-making process that generated the policies and effects that they must live with. On this point Sunstein’s case is intuitively appealing, yet he fails to make an *effective* case for the Principle of Intergenerational Neutrality. More normative than practical, Sunstein is likely to encounter the same problems of practical implementation as do Jefferson and Rawls. Of course, one might excuse Sunstein on this point by arguing that

his is a “thought experiment” of sorts. But coming right after an argument for a very practical approach to dealing with catastrophes, readers may be less amenable to this philosophical proposition.

Worst-Case Scenarios, like Sunstein’s numerous other books, is written for a non-specialized audience. It is not hard to imagine an average citizen easily comprehending Sunstein’s arguments. It is equally unproblematic to conceive of admirers in the academic community; undergraduates, graduate students, and scholars, will find Sunstein’s assessments of how societies deal with worst-case scenarios persuasive, and his proposed reforms moderately pragmatic, but not wildly provocative. Sunstein’s book certainly contains the potential to encourage discussion about how societies prepare for worst-case scenarios, and more importantly, how they might do so more effectively. It therefore warrants recommendation.

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George Michael. *Willis Carto and the American Far Right*. Gainesville: University Press of Florida, 2008. 336 pages. (\$45.00 cloth.)

“The lies that have been told about Hitler are just absolutely beyond the scope of anything that has been told about anybody else in world history,” Willis Carto declares while being interviewed for this book. “And of course they are absolutely believed by the American Historical Society and all of the other professional historians.”

“You see,” he says, “the Jews don’t want to debate this” (p. 129).

It is sometimes difficult to take Willis Carto seriously, let alone imagine him as an intellectual leader. Here is a man who resigned from the John Birch Society in part because he considered it too soft: The organization “would not go so far as to implicate Jews in the one-world conspiracy” (p. 48). Here is a man who conceives of the West almost exclusively in racialized terms, who believes that multiculturalism signifies the decay of civilization and advocates a new era of global racial apartheid. Here is a man for whom a set of arcane, grandiose, and often mutually exclusive conspiracy theories seems to constitute a worldview.

But taking Willis Carto seriously is just what George Michael, an assistant professor of political science at the University of Virginia’s College at Wise, proposes to do in this book. Michael, who has written two previous tomes on right-wing extremism in America (*Confronting Right-Wing Extremism and Terrorism in the USA* and *The Enemy of My Enemy: The Alarming Convergences of Militant Islam and the Extreme Right*), has come

to the conclusion that Carto is “undoubtedly the central figure in the post-World War II American far right” (p. 1).

At first, this seems like a daring assertion, given the fact that—as Michael acknowledges—almost no one in America has heard of Willis Carto, not even the most well-trained of political scientists. But Michael knows what he’s talking about, and so in *Willis Carto and the American Far Right* Michael demonstrates the scope and extent of Carto’s influence with a studied ease.

And indeed, in this telling it seems that Carto has left no part of America’s far right-wing untouched. Most famously the founder (in 1955) of Liberty Lobby, Carto helped supervise the 30-year run of its *Spotlight* newsletter as the nationally dominant publication of the extreme right. Yet that accomplishment—putting together one of the most powerful and long-lived organizations of the far right to achieve some amount of mainstream acceptability on Capitol Hill and beyond—is only the first on Carto’s list.

In 1968, Carto organized the national Youth for Wallace movement, which evolved into the near-fascistic National Youth Alliance. Shortly thereafter he established the Institute for Historical Review, perhaps the original and premier institution for Holocaust denial, and created that organization’s periodical, the *Journal of Historical Review*. (This publication has sought the imprimatur of scholarly legitimacy; at one time, as Michael notes, 18 of the 25 members of the *JHR* editorial advisory committee had Ph.D.s.) In part because of Carto’s success with that group, the Anti-Defamation League named him the nation’s leading anti-Semite from the 1970s to the 1990s.

In 1984, Carto helped start the national Populist Party, which would a few years later nominate David Duke as its presidential candidate. Carto even was instrumental in the far right’s relatively recent turn to radio airwaves; the success of his Liberty Lobby’s talk show “Radio Free America,” which debuted in the 1980s, inspired other right-wing extremists to develop radio programs of their own. More informally, Carto’s career overlaps with the Christian patriot and militia movements of the 1990s. He has been most recently a driving force behind the *American Free Press*, a journal notable both for its nativist, conspiratorial tone and for its early opposition to the War in Iraq.

Because of Carto’s wide-ranging and intricate connections, this book reads just as much as a story of the American far right in the twentieth century as it does a story of one man. In fact, it often feels more like the former than the latter: Carto’s institutional relationships are the focus of this book, and so all the narrative action takes place in the public and professional spheres. Anyone looking for more of an inside narrative, wondering what it is that would spur this once young, midwestern Army veteran—or anyone, for that matter—to become such an aggressive and outlying political voice,

will not find much satisfaction in the way of intimate or interior details. (The account we get of Carto's childhood, for instance, runs barely two pages. His 50-year marriage merits a couple of passing mentions.) This is no psychobiography, no attempt at political psychology.

Still, the particular trajectory of Carto's career has two curious refrains. The first lies in the relentlessness of his ambition to help unify a far right whose constituent groups tend toward atomization, hostility, and even outright paranoia. Interestingly, even Carto has come to regard that ambition as a futile one—"I had to learn as many, many others have learned, that such a noble sounding goal is impractical and impossible, a waste of time, a waste of effort," he tells Michael—which suggests that the idea of an ascendant far-right will not become a reality anytime soon (p. 241). For his part, Carto thinks the far right must wait for the emergence a singular, charismatic leader—someone, broadly, on the model of Hitler.

Carto himself, for all his broad and long-term authority, has not been that kind of leader. What is both puzzling and striking about this man, whose idols are all aggressive and public in their pursuits of power, is that he has sought to avoid even the slightest degree of notoriety. There might be interesting lessons to draw here about the difference between power (of which Carto has had much) and celebrity (of which he has had none). But Carto explains things in his own way. Asked by Michael to explain his secrecy, Carto muses, "Well, if I were to believe my own propaganda, I would be a target for assassination" (p. 242).

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Carol M. Swain, ed. *Debating Immigration*. New York: Cambridge University Press, 2007. xii, 316 pp. (\$70.00 cloth; \$19.99 paper.)

Debating Immigration is a breath of fresh air in the stalemated debate on U.S. immigration issues. As Carol Swain describes in the introductory chapter, the immigration debate has been hijacked by the pro-immigrant lobby and by extremist and racist anti-immigrant groups. In her words, "the racist Right was framing the debate on serious and potent issues regarding immigration and naturalization. . . . An open debate was suppressed by many people in the mainstream who feared being dismissed as racist" (p 7). This makes it difficult to have a real conversation about both the benefits and the costs of immigration to the United States. By creating a forum that brings together eminent scholars on both sides of the issue, the book serves to

clarify many issues and to present various dilemmas that arise as a result of immigration to the United States.

The edited volume comprises eighteen chapters and covers several distinct topics associated with immigration. I mention only some of the chapters that best highlight the dilemmas that immigration brings to the United States.

Noah Pickus and Peter Skerry echo Carol Swain by pointing out that “the American public’s anxieties about immigration are not fairly or prudently reduced to racism or nativism” (p. 96). They argue that although the U.S. debate on immigration is framed in terms of legal and illegal immigrants, the real issue is immigration itself. The distinction between legal and illegal is based on U.S. policy rather than distinctions between the two groups of immigrants. They argue that it is more useful to think about immigrants in terms of “vertical citizenship,” which focuses on the relationship of the immigrant to the state, and “horizontal citizenship,” which focuses on the relationship of the immigrant to the community. Rather than vilify undocumented migrants and praise legal migrants, Pickus and Skerry suggest that we evaluate migrants’ contributions on these dimensions.

Linda Bosniak elaborates on the dilemmas raised by the presence of a large undocumented immigrant population. Making illegal aliens visible to authorities and deporting them is a partial policy solution to reducing the undocumented population and to deterring future entry. But that policy generates a new set of problems for those who provide welfare and protective services in the community. This policy predicament is both real and unavoidable.

Douglas Massey describes the unanticipated consequences of policing U.S. borders more vigorously. At the same time that the North American Free Trade Agreement (NAFTA) provided for greater flows of goods, services and capital among the United States, Canada, and Mexico, barriers to the movement of individuals have grown. Vast sums have been spent to deter Mexican immigrants from entering at the prior major ports of entry, El Paso and San Diego. Rather than deterrence, the result has been the continued flow of Mexican immigrants to more sparsely populated and less policed sections of the border and the continuation of their journey to U.S. regions that have seen few immigrants to date. Migrants also tend to stay longer because of the costs associated with crossing the border. Massey concludes that U.S. policing policy has produced exactly the opposite results than those desired.

The political dimension of U.S. immigration policy is ably discussed by Peter Schuck. He documents and analyzes the “disconnect” between American public opinion and the policies adopted by the U.S. government. Americans want less immigration, as reflected in public opinion polls, while the

government has adopted policies that have doubled immigration inflows in the last two decades. Schuck attributes this disconnect between preferences and policies to the numerous and powerful pro-immigrant groups who lack an effectively organized opposition.

Carol Swain elaborates one dimension of this political debate: the consequences of immigration on the African American population. She contends that immigration has adversely affected the unemployment rate of African Americans but the Congressional Black Caucus has not effectively represented those interests in Congress. Jonathan Tilove echoes those concerns by pointing to immigration as having the potential to reinforce our old racial divide, creating a “new black/nonblack divide” (p. 218). Rather than creating a multi-ethnic society of many races, thereby undermining the potency of race in American politics and culture, immigration may well exacerbate the divide and generate yet greater societal inequality. Yet, this discussion is complemented by a positive portrait of immigrants’ contributions by Amitai Etzioni.

The usual controversies over immigrants’ impact the economy are addressed by Steven Camarota and Peter Brimelow. But Charles Westoff adds to the breadth of the debate by examining the demographic consequences of immigration. He does not weigh costs or benefits but does point out that immigration accounts for approximately 40 percent of our annual population growth. Given current flows and fertility rates of the native and immigrant populations, Westoff reports the Census Bureau population projections that show a difference in 80 million people by the year 2050, with and without immigration. This number is not trivial and has implications for the age distribution of the population, the viability of the Social Security system, the ethnic composition of the nation and the poverty level of the population, among other things. We cannot effectively discuss immigration policy without evaluating the wide ranging consequences of immigration.

The normative side of the debate is addressed as well. Stephen Macedo considers our obligations to fellow citizens versus our obligations to others in the international community. He builds a powerful case for distributive justice for members of the political community and humanitarian justice for those outside the political community. Rogers Smith points to the contradiction in U.S. policy that permits entry of immigrants but subsequently restricts immigrants’ civil liberties and human rights after they enter. In the post 9/11 era, Smith argues that we must be vigilant in our protection of civil liberties that are too frequently taken for granted.

In the context of a review, I cannot address all of the issues raised in this volume. But each author adds depth and breadth to the immigration debate within a civil discussion that is respectful of each person’s perspective. This is the type of debate we must hold more broadly if we are to move

beyond paralysis in Congress. The book succeeds not only because it opens a space for civil discussion; it also suggests that there are no silver bullets to the immigration issue in the United States. As such, it deserves the careful attention of scholars and policy analysts.

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Einer Elhauge. *Statutory Default Rules: How to Interpret Unclear Legislation.* Cambridge, MA: Harvard University Press, 2008. 386 pp. (\$55.00 cloth.)

Statutory interpretation is hardly a topic that excites many. Overshadowed by the higher profile discussions on constitutional exegesis that often pit interpretative strategies such as the intent of the Framers against various theories that espouse a living Constitution, arguments on how to read statutes are often relegated to law school or to the arcane world of administrative law. Only a small number of legal scholars, and even fewer political scientists, wade into the waters of statutory interpretation. Yet while overlooked or overshadowed, the Supreme and lower federal courts (as well as state tribunals) perhaps commit more of their work to interpreting statutes than to the Constitution.

Moreover, in recent years many critical Supreme Court decisions have been resolved by statutory interpretative rules. For example, in *Massachusetts v. E.P.A.*, 127 S.Ct. 1438 (2007), the authority of the Environmental Protection Agency to regulate greenhouse gas emissions hung on statutory interpretations of the Clean Air Act. Similarly, the Court in *Gonzales v. Oregon*, 546 U.S. 243 (2006), employed tools of statutory interpretation to invalidate the authority of the Attorney General under the Controlled Substances Act to prosecute doctors who assist patients under a state physician-assisted suicide law. Finally, almost a countless number of Court decisions have been rendered using the *Chevron* doctrine, an interpretative tool employed to adjudicate administrative agency construction of statutes. Suffice to say, statutory interpretation in actuality is an important topic, deserving not only a book to discuss but also to bring some coherence to it. This is the task of Elhauge.

Statutory Default Rules effectively arises from two important premises. First, statutory interpretation is important. Second, the topic needs a broader theory to bring order to it. The author defends the first assertion by noting that there are a lot of unclear laws and that there are a plethora of Supreme Court decisions decided by the canons or rules of statutory interpretation.

These are rules, often expressed in Latin maxims, that dictate how one should read unclear statutes. Judicial construction of statutes often encompasses questions about the scope of executive or administrative authority. Moreover, Elhauge cites statistics demonstrating Congress tracks judicial construction of its statutes, with the former quite often overriding court decisions by the passage of new legislation.

Yet while interpretative maxims exist, often as linguistic conventions, to facilitate statutory understanding, they seemingly are inconsistent with one another, with no rule dictating when one as opposed to another should be employed. The result lends the impression that judges can pick and choose these rules, giving them broad leeway to impress upon the law their own political or policy preferences. For Elhauge, a theory, grounded in separation of powers as well as politics, can supply the order that is apparently missing.

Elhauge offers what he thinks are basic default rules that the courts should follow when seeking to read unclear statutes. He begins first by asking what Congress (or any law making body) would want: Would they desire an unclear statute to be read in light of their preferences at the time the legislation was adopted (such as in 1958) or by way of what they would presently prefer, such as in 2008)? The author argues for the latter, since it would maximize the ability of the policy makers to have their intentions counted to cover the most amount of legislation and factual situations that would come before the courts. This “current preference default” rule is at the top of the hierarchy in terms of rules to guide a reading of unclear statutes. Second, if it is impossible to determine what the current preferences are, Elhauge opts for a second rule—ascertain their best estimate of the enactable preferences of the original body that drafted the law or policy. Emphasis here is upon enactable preferences. By that, seek out what could have been adopted by the body in light of what can be ascertained by the politics of the day, known or putative desires, and statements of the key participants in the original body. In arguing this position, the author engages debates of legislative history, contending, contra Justice Scalia, that they can help provide clarity when otherwise clean language and intent are unknown.

Finally, Elhauge articulates three default rules. If one cannot adopt rules in light of current or enactor preferences, seek to adopt rules that will elicit a reaction from the appropriate rule-maker, such as Congress. Instead of viewing congressional overrides as affronts to judicial power, one should view them as ways where Congress and the courts engage in a dialogue, with the later using its judicial review authority to encourage the former to revisit a statute and clarify its intent. If the above three rules cannot be followed, Elhauge offers a fourth default rule: Employ a reading of the law that parallels similar rules adopted by political subunits such as states. The

last rule, especially for the lower courts, is seek to interpret in a way that brings a reading in line with what the appellate courts would want.

While elaboration of these three major default and two supplemental default rules occupies three-fourths of the book, the remainder turns to political science and group theory to defend his arguments. Elhauge draws upon rational and public choice theory, interest group models, and institutional designs to demonstrate how his default rules best maximize preferences of policy makers and other participants in the political process. While the discussion here is not as strong as that detailing the default rules, nonetheless the author provides a powerful series of claims to show why and how empirical data about the operations of the political process seem to comport with his theory.

Statutory Default Rules is an engaging, powerful, and important work. Its strength resides in the model it offers for statutory interpretation and the richness of the information about congressional, administrative agency, and judicial interplay. Elhauge demonstrates clearly how much Congress tracks judicial interpretation of its statutes, and he recasts overrides into a tenable theory of construction. The author provides an overarching theory that does a lot to bring coherence to statutory interpretation, with the default rules providing a theory of exegesis that the linguistic maxims presently fashioned are unable to due. Finally, embedded within the book are several interesting side-bars that critique both presidential signing-statements and the attitudinal model. The main weakness is a convincing but less than a knock-down employment of political science data and theories to support his arguments. However, *Statutory Default Rules* should be read by both law professors and political scientists seeking a richer appreciation of statutory interpretation's role in governance and the policy process.

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J. Matthew Wilson, ed. *From Pews to Polling Places: Faith and Politics in the American Religious Mosaic*. Washington, DC: Georgetown University Press, 2007. xii, 324 pp. (\$26.95 paper.)

Finding its origins in a conference on Religion and American Political Behavior held at Southern Methodist University in the Fall of 2002, *From Pews to Polling Places* attempts to “take a comprehensive, multifaceted look at the relationship between faith and political action in America” (Wilson, xii). Its contribution to the literature in this subfield of American politics is particularly valuable; several chapters focus on important but often over-

looked religious groups or traditions such as Mormons, Latino Christians, Jews, Muslims, as well as secularists. Comprised of eleven chapters altogether, this volume also examines evangelical Christians, the religious left, Catholics and the historic black church.

Judging by its editor's own expectations the book is clearly a success, effectively portraying "the highly nuanced and contextual nature of religious-political interaction across American's varied faith traditions while not 'losing the forest for the trees'" (p. xii). The latter half of this goal is realized as a result of the two chapters that serve as crucial bookends for the text. In the opening chapter, Wilcox and Robinson identify an important distinction by reminding readers about two kinds of mobilization that potentially occur when religion and politics mix. The first involves the political mobilization of religion, whereby political parties or elites attempt to coax the religiously faithful into the public square. Conversely, the effort on the part of churches, synagogues, and mosques to convince their followers to actively influence the policymaking process—the religious mobilization into politics—is the second. Suffice it to say for now that this latter kind of mobilization, by religious groups as opposed to political ones, is the intended subject of *From Pews to Polling Places*, if not each of its chapters.

The closing chapter is also beneficial. Wilson draws things back together by returning the reader's attention to the bigger picture that is the enduring dilemma of faith in the public square. Following as it does a vivid series of individual snapshots of the American religious mosaic, this last chapter provides a welcome consideration of some overarching questions that emerge from this collective effort. Among others, two notable inquiries ask "how and to what extent should . . . religion be open to engagement with politics" and "how—are these competing imperatives—to engage political issues with a moral dimension while maintaining a distinct religious identity that is above politics—to be balanced and reconciled?" (p. 279). It would seem an initial answer to this twin set of questions may be found in recalling the key distinction of chapter one. In other words, does not the locus of mobilization—from outside as opposed to inside—have consequences, politically and otherwise? Is not the political mobilization of religion, an external impetus, more likely to compromise or even corrupt a religious tradition?

As noted above, the extent to which the chapters sandwiched in between these first and final ones investigate as well as illuminate the religious mobilization into politics is quite variable. A not uncommon challenge for an edited work, and *From Pews to Polling Places* proves to be no exception. Some chapters tracked rather closely with the thesis of religious mobilization, while others addressed it indirectly, at best; primarily investigating individual attitudes and behaviors instead of the actual effort by religious

organizations to encourage or entice their members to act. While a number of chapters stand well enough on their own (you would expect nothing less from the likes of Smidt or Green, two members from the original “gang of four” who have so thoroughly advanced our understanding of the relationship between religion and politics), two contributions illustrate rather nicely the inherent difficulty of collective endeavors like this one.

Mockabee’s finding of declining Catholic support for the Democratic Party is quite informative as is Campbell and Monson’s determination that Mormons possess considerable potential for political activity. Rather than a broad conservative shift among Catholics, Mockabee contends that “what has really changed...is the ideological positioning of the political parties” (p. 89). This truly is a fascinating point, to be sure, and one worthy of attention, but this seems to have more to do with the political (de)mobilization of religion than its counterpart. In comparison, the research of Campbell and Monson is more in keeping with the book’s wished-for focus on the religious mobilization into politics. By showing how the LDS Church tends to pick its political battles quite carefully, maintains a scrupulously nonpartisan stance generally, and only selectively engages the democratic process by eliciting the efforts of its membership directly, they argue “it is the very infrequency of Mormon mobilization that accentuates its effectiveness. . . . Mormons potentially matter a lot, but not too often” (p. 127).

Finally, this review would be remiss if it failed to acknowledge in particular the chapter by Harris-Lacewell. The author creatively engages the theme of this edited volume by asking what kind of ideas—in a word, theology—do African Americans encounter when seated in their pews and what difference, if any, does this make in terms of their public mindedness. While her effort is not exactly what the admonition offered in *The Re-enchantment of Political Science* (Heilke and Woodiwiss; New York: Lexington Books, 2001) had in mind, it is reminiscent of the argument made there. Put simply, theological commitments must be brought to bear on the theoretical underpinnings of the discipline if fresh new perspectives on a host of contemporary political issues are ever to emerge. Harris-Lacewell reorients the research on African American churches as a place one not only comes across resources (both organizational and personal) but, as importantly, ideas. She thus demonstrates the power of black theology, in this case comparing the effect of liberation theology with that of the prosperity gospel, and its affects on political activism.

To reiterate, *From Pews to Polling Places* is without question an important contribution to the literature of religion and politics generally and the religious mobilization into politics specifically. Besides the minor criticism lodged over the uneven nature of this edited work, it seems a chapter or two with a different methodological emphasis, say some qualitative research,

would also have been beneficial. On balance, though, this volume is of considerable value and deserves a wider reading.

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Darius Rejali. *Torture and Democracy*. Princeton, NJ: Princeton University Press, 2007. Pp. xxiii, 849 pp. (\$39.50 cloth.)

Darius Rejali's aptly titled *Torture and Democracy* is a much needed addition to the current American debate on torture. Taking on Alan Dershowitz, Mark Bowen and other proponents, the author makes his case against torture on both moral and practical grounds. On the moral side, Rejali argues that torture undermines core democratic principles of accountability, rule of law, protection of human rights, and the commitment to using no more force than necessary in the state's performance of policing functions. On the practical side, Rejali argues that torture is not an effective method of gathering information for counter-terrorist operations.

Neither of these arguments is new. Rejali's important contribution to the debate is a meticulously compiled and detailed record of the history of modern torture—who did what to whom, where and when. The author uses this record to show that many popular understandings of and narratives about torture (frequently used by proponents) are based on misreading or distortion of history and to correct these misconceptions. In doing so, Rejali makes three important claims that bear on his argument. First, waterboarding and the interrogation methods used at Abu Ghraib are correctly understood as torture, and not as “torture light,” “harsh questioning,” or some other euphemism. Second, these and other “clean” torture techniques were developed in modern democracies (mainly Britain, France, and the United States) in the 19th and early 20th centuries and spread to authoritarian states in the late 20th century. These methods were adopted, not because they are more humane or less painful than older, “scarring,” techniques, nor because they are more effective, but because they are easier to conceal and deny. Third, torture by its own nature, and the contexts within which it is used, cannot be limited to “necessary” force, but inevitably spreads beyond its intended bounds.

Rejali defines torture as “the systematic infliction of physical torment on detained individuals by state officials for police purposes, for confession, information, or intimidation.” (p. 1). Key to his argument is the distinction between “scarring” and “clean” torture techniques—those that leave lasting, visible damage (anything from welts to missing body parts) and those that do not. The clean techniques he discusses include electric shock, “clean”

beating, sleep deprivation, restraint and positional tortures, exposure to cold, asphyxiation, and others. Drawing on victims' accounts, he emphasizes that these techniques cause as much physical pain as scarring techniques, and thus constitute torture.

In chapters 6-19, Rejali catalogs the development and distribution of clean tortures, technique by technique. The author demonstrates that these first appeared before WWII in the militaries, prisons, colonies, and slave markets of Britain, France, and the United States, while authoritarian states tended to use scarring techniques. In the 1960s and '70s, one authoritarian state after another turned from scarring to clean techniques, often the same ones that democracies had already used.

In an exemplary use of qualitative research and analysis, Rejali convincingly explains this pattern by what he calls the "Universal Monitoring" hypothesis: "Public monitoring leads institutions that favor painful coercion to use clean torture to avoid detection . . ." (p. xviii). Since torture violates the principles enshrined in the 8th Amendment's prohibition of "cruel and unusual punishments" and the statement in Article 9 of the Declaration of the Rights of Man and the Citizen that "all harshness not essential to the securing of the prisoner's person shall be severely repressed by law," when democratic states do torture, they try to hide it. With a free press preventing the simple suppression of prisoners' tales, torturers turn to techniques that do not leave marks. Victims of clean torture can bear witness with their words, but the absence of visible, physical evidence makes their stories less believable and easier for the state to dispute.

Authoritarian states, safe from monitoring by their domestic press, and less concerned with concealing torture, turned to clean techniques only after the rise of international human-rights monitoring. Latin American states seeking U.S. aid, southern European states courting the Common Market, and the Soviet bloc trying to entice developing countries to the Communist side of the Cold War ideological struggle, all found reasons to claim they did not torture and to use techniques that did not visibly disprove such claims.

The author also uses this voluminous evidence to support his moral and practical arguments against torture. On the moral side, Rejali demonstrates that torture permits "harshness" far beyond what is necessary to "secure the prisoner's person," thus undermining core democratic values. Rejali rejects the idea that democratic states can use "limited" or "regulated" torture—once permitted, either openly or tacitly, torture has always expanded to involve more suspects (including many innocents) and harsher methods than those authorized. Nor has torture been successfully confined to areas outside the democratic core. French and British torture in the colonies, and American torture in war zones, all resulted in a blowback of torture used against citizens at home.

On the practical side, Chapter 21, “Does Torture Work?” argues that, while it does work to produce false confessions or to intimidate a population, it does not reliably produce accurate, useful, and timely intelligence. The historical record shows that a surprising number of people simply do not talk under torture; others deliberately deceive. Further, because torture expands to include more suspects than intended, it is inevitably used on innocents who have no information, and whose desperate confessions or naming of names therefore cannot possibly be useful. In Chapter 22, “What the Apologists Say,” Rejali shows that supposed examples of the effectiveness of torture, such as the French Paras in the Battle of Algiers, were not what they have been represented to be—paid informants and other police techniques actually produced more and better information.

The strengths of this book are its volume of evidence (amply footnoted), the explicit consideration of the reliability of that evidence, and its meticulous use to test the author’s arguments against alternate claims and explanations. It is perhaps marred by repetitiveness, with similar accounts of French torture in Algeria, for example, appearing under different headings, and Chapter 20 largely repeating and summarizing what has gone before. Still, in a book presenting a wealth of historical information in support of a complex argument, repetition can help the reader keep track of the larger picture amidst the details. Short chapters divided into sections also help keep the reader on track, although all but the most dedicated reader will at times be tempted to skim over the unpleasant details and largely similar lists of practices in different countries.

As a comprehensive “sourcebook” (p. xvii) on torture, this book belongs in most, if not all, college libraries. Sections of it could be used as supplementary reading for courses on human rights, national security, (counter-)terrorism, or criminal justice and policing.

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Michael J. Thompson, ed. *Confronting the New Conservatism: The Rise of the Right in America*. New York: New York University Press, 2007. 304 pp. (\$70 cloth; \$22 paper.)

Michael J. Thompson has edited an important and timely primer on contemporary conservatism in the United States. *Confronting the New Conservatism: The Rise of the Right in America* describes in broad brush strokes the New Right describing its origins, its founders and ideology, its multiple foci and range of interests, the coalition it has forged from various move-

ments, groups, and institutions, and its defining values. All of the volume's authors are committed to resisting this movement, hence the title of this volume, which was conceived to be an intervention. The authors are public intellectuals and academics who are part of the progressive, if not Left, movement in the United States.

There is a consensus among the authors as to the origins and founders of the New Conservatism and the events that helped to shape it. They also agree as to what differentiates the new conservative movement from its older traditions. The authors agree that the New Conservative movement was a response to the perceived failures of the New Deal, the need to wage anti-Communist struggles and the Cold War, and the perceived threats to the social fabric mounted by the successes of the Civil Rights Movement and the successive movements that emerged in its wake.

The volume is divided into three parts and contains twelve essays. Four essays in Part 1 define the New Conservatism. What makes the New Conservative movement new? Michael J. Thompson argues that the movement has appropriated traditional ideas found in liberal thought, and harnessed them to conservative stances: "it has been able to attach itself . . . to so many of the core notions of political liberalism that define American culture" (p. 11). He identified three dimensions of this new conservative thought: a radical individualism, a "resurgent capitalism," and a "provincialism" in U.S. culture partly due to suburbanization and a decline in associational life (p. 12).

Stanley Aronowitz's essay, "Considerations on the Origin of Neoconservatism," provides an analysis of the key differences between traditional liberal thought and the neoconservative movement. While the older conservatism promoted a weak national state and an isolationist foreign policy combined with a strong law-and-order platform and the protection of private property, the New Conservatives are intent on promoting and protecting an American Empire and in perpetuating the hegemony of Western values in an aggressive fashion. Their world view he identifies as "antirelativist," "binary," and unbending. Aronowitz focuses on the influence of Daniel Bell and Leo Strauss on neoconservatism and provides an analysis of an eight-year foreign policy based on Straussian principles.

Throughout the volume there is a broad agreement on who are the intellectual founders of this change in conservative thought. Founding members include Daniel Bell, Leo Strauss, Irving Kristol, Nathan Glazer, Norman Pohhoretz, and Sidney Hook. Chip Berlet in his essay "The New Political Right in the United States: Reaction, Rollback, and Resentment," delineates the contributions of William Buckley in the mid-20th century, who fused his anti-communism with an economic libertarianism and a "social traditionalism" (p. 78) drawing upon such writers as Ayn Rand and Milton Friedman.

Berlet makes note of how race was used in the “Southern Strategy” to help the transition of the Old Right to the New Right.

Part 2 focuses on neoconservatives and the domestic front: Charles Noble focuses at the neoconservatives and their attempts to dismantle the welfare state, Diana M. Judd looks at conservatives and their attempts to use religion to consolidate their political power, R. Claire Snyder analyzes the conservative ideology with regard to the issue of marriage, and Thomas M. Keck discusses the neoconservatives’ attack on the judiciary. For Snyder, the Right should be seen not as homogenous, but as an unsteady “coalition of three different strands of conservatism, historically defined as libertarianism, traditionalism and anticommunist militarism” (p. 144). Snyder connects the neoconservative attack on alternative forms of family arrangements to its valuable political role in the movement: the ideology of the family functions to solidify its coalition and thus the continual targeting of gays and lesbians “as the enemy helps the Right to maintain its base . . . [and] maintain the alliance of neoconservatives and market fundamentalists” (p. 158).

Part 3 focuses on clarifying the neoconservative ideology from a global perspective. Greg Grandin provides an exceptionally detailed, historical and thoughtful analysis of U.S. intervention in Latin America in his essay “The Imperial Presidency: The Legacy of Reagan’s Central America Policy.” Nicolas Xenos reviews the ideas of Strauss, Bloom and Fukiyama, and Lawrence Davidson contextualizes the neoconservative foreign policy within the long tradition of American expansionism and aggression and characterizes this policy as Hobbesian and Manichean. Stephen Eric Bronner concludes the volume with a short analysis of the weaknesses of progressive movements. He argues for the urgent necessity of comprehending the four related parts of the neoconservative movement, “imperialism, militarism, hypernationalism and class war,” and identifies three problems that the Left needs to tackle in order to wage a real resistance to the New Right.

The volume succeeds in describing a complex and at times unsteady social movement composed of different constituencies and whose tactics and ideology have served to decrease democracy at home and wage war abroad. To better counter this movement one has to understand it and its many parts, and this volume is successful in promoting this understanding. The volume’s jargon-free prose makes it accessible to a large audience, including undergraduate students. What is also made clear is the neoconservative movement’s vulnerabilities. In that sense, then, the volume succeeds as an intervention. What the volume does not do is make clear the attraction it has to so many of its adherents and voters. For that sort of insight, one would have to go to texts such as David Brook’s memoir *Blinded by the Right: The Conscience of an Ex-Conservative* (2002). Also, the volume gives short shrift to such individuals as Condoleezza Rice, who is mentioned only one time in

the entire volume and yet whose role in promoting a neoconservative foreign policy has been considerable.

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