

provide no operational definition of employer discretion, Baccaro and Howell's theoretical definition (p. 20) is commendably precise, considering how vaguely the concept of liberalization is often invoked by CPE scholars.

Turning to the empirics, chapter 3 presents a quantitative overview of trends in institutional configurations in 15 Western democracies from the 1970s until 2011, using a selection of classic industrial relations indicators: union and employer organization density rates, centralization and coordination in wage bargaining, social pacting, and level of conflict. With a few exceptions—notably Belgium—the overall pattern is one of cross-national liberalization qua institutional deregulation, yet of little convergence: the relative distances between countries remain.

To capture convergence in how industrial relations institutions affect employer discretion, one needs to shift focus from the form of these institutions to their function. This requires historical case analysis, which is provided in the subsequent five thoroughly researched country chapters on Britain, France, Germany, Italy, and Sweden. The cases display ample variation in institutional forms at both ends of the studied period and pose a hard test for the functional convergence argument (although, judging from chapter 3, including Belgium might have made it even harder). All five countries are found to have transformed in a neoliberal direction, through different combinations of three approaches to liberalization: dismantling of institutions that limit employer discretion and support collective regulation, facilitation of derogation from existing discretion-limiting institutions, and conversion of existing institutions to perform new discretion-enhancing functions.

A ninth chapter synthesizes the findings and highlights the active roles of employers, the state, and European integration in bringing about the observed changes. The final chapter links the decline of discretion-limiting institutions to the decline of the Fordist model of wage-led growth and to the rise of new, more export-led or debt-led growth models in the five countries under consideration.

By virtue of its well-reasoned and well-corroborated analysis of institutional convergence, Baccaro and Howell's book is undoubtedly one of major significance. Still, in my view, their work is more persuasive in documenting the decline and transformation of institutions that traditionally enabled collective regulation and union influence across Europe than in establishing conclusively that there has been "an increase in employer discretion everywhere" (p. 197).

Doing so, I would argue, would have required that employer discretion was not only theoretically defined but also operationally defined, and that its development over time was investigated in a systematic manner. However, rather than putting employer discretion as

such at the center of analysis, the book's empirical chapters take as their starting point the fate of a particular set of established industrial relations institutions, which—although clearly very important—are not the only sources of employer constraints in the three domains of employment relations. To be clear, a number of potential functional substitutes, such as employment protection legislation, work council rights, unemployment benefits, minimum wage regulations, and other individual rights, are sometimes brought up—and then mostly deemphasized—in the country chapters, but they are absent from the cross-national analysis even though for many of them long time-series data are available. Others, such as parental leave rights that may clearly affect employer discretion in employment relations, are altogether missing in the analyses.

Considering that such state interventions have been expanded across much of Europe in recent decades, readers may wonder whether a more comprehensive analysis would have reached such a clear-cut conclusion about the trajectories of employer discretion—and about the state as a liberalizing force. Relatedly, the discretion-limiting potential of nonstate, non-union actors—such as social movements, community organizations, and joint or business-driven regulatory initiatives—may also have deserved more assessment, because they are increasingly recognized by industrial relations scholars as being on the rise to fill the void left by unions.

To what extent such interventions and actors have substituted for the discretion-limiting function of traditional industrial relations institutions and whether their development follows any familiar cross-national patterns emerge as important questions for future research. Additional tasks emanating from this book, for researchers on all sides of the convergence debate, are to develop ways to operationalize and measure employer discretion and to refine some quantitative indicators of industrial relations institutions to better capture their malleable functions.

In any event, the aforementioned limitations should not detract from the fact that this book provides a powerful theoretical and empirical argument about the transformed functions of established industrial relations institutions in Europe. It is bound to become an important point of reference and source of inspiration for scholars of both CPE and industrial relations.

Prosecutorial Accountability and Victims' Rights in Latin America.

By Verónica Michel. Cambridge: Cambridge University Press, 2018. 245p. \$110.00 cloth, \$32.99 paper. doi:10.1017/S1537592719004390

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The political science literature on legal institutions in Latin America, and on judicial politics in particular, has

grown dramatically since the turn of the twenty-first century. Much of that scholarship focuses on top-down dynamics such as judicial reform; the delegation of judicial power; judicial independence, authority, and decision making; and compliance with court rulings. Scholars have also begun to examine legal institutions other than high courts, such as public prosecutor's offices (PPOs); Lesley McAllister's book on Brazil's PPO (*Making Law Matter*, 2008) is an excellent example. Bottom-up dynamics have been less emphasized. To be sure, scholars have begun to study access to justice in Latin America, considering the challenges of transitional justice in the wake of the region's last authoritarian period, as well as the range of rights now at citizens' disposal and the legal mechanisms through which they can access courts (e.g., the *amparo* and *tutela*). However, little scholarship has focused closely on citizen-initiated litigation and the legal actors it entails (with important exceptions, such as work by Rogelio Pérez-Perdomo). In that context, Verónica Michel's new book, which considers how citizens can use new forms of criminal litigation to access justice when the state fails to provide it, is a breath of fresh air.

As Michel notes, when the state agency charged with investigating and prosecuting crimes, the PPO, fails to do so—an outcome far too typical in Latin America—society suffers in two ways. First, victims' human right to a judicial remedy is violated. Second, when investigative or prosecutorial failures prevent justice from prevailing, impunity is reinforced (pp. 2–4). Increasingly, however, citizens can activate a little-known legal mechanism to address this type of state failure: the right to private prosecution. This right, which formed part of criminal procedure law in 14 of 17 Latin American countries at the time Michel wrote, allows some victims (variously defined and sometimes including relevant nongovernmental organizations [NGOs]) to initiate or participate, through representation by a lawyer, in criminal proceedings in murder cases that the state initially fails to prosecute (pp. 2–10). Although the process through which this “private prosecutor” is selected and appointed is not entirely clear, the possible impact of this legal mechanism is patent: by directly involving the victim and her interests in criminal investigation and prosecution (to which the state and the defendant are typically the only parties), this legal innovation can significantly affect criminal proceedings and their outcomes.

Michel analyzes this phenomenon in the context of homicide cases (in which the state has a clear obligation to investigate) in Chile, Guatemala, and Mexico (in the state of Chihuahua in particular). She analyzes more than 900 criminal cases including both “ordinary homicide cases” (N = 520) and “human rights cases” (when a state agent committed the homicide, N = 383; p. 10). Michel explores how and when citizens can use private prosecution to push states to investigate and prosecute murder

cases, what role private prosecution plays when they do so (in particular, whether it instigates extra-systemic review of prosecutorial decisions, thus enhancing accountability), and how it affects citizens' access to justice (p. 4). The outcome to be explained is thus simultaneously critically important *and* challenging to conceptualize, operationalize, and precisely measure. To answer her questions, Michel generates multiple types of data, conducting almost 100 interviews with those who administer and use the judicial system, engaging in archival research, and observing hearings—as well as collecting data from government agencies and NGOs that focus on these issues (p. 10).

It is difficult to discern from the introduction and the empirical chapters exactly how Michel is drawing inferences from comparison and what method she is using to do so. She mentions engaging in within-country analysis (comparing private prosecution in ordinary murder cases across judicial districts and in human rights murder cases over time) using process tracing (p. 10). However, several of the potential explanatory factors that she identifies—the form that private prosecution can take (“auxiliary” in Mexico versus “autonomous” in Chile and Guatemala) (pp. 6–7) and the strength and prerogatives of state institutions (i.e., whether impunity results from “poor” or “weak” institutions, which she suggests mark Guatemala and Mexico, respectively, or a lack of political will, as in Chile; p. 5)—seem to operate at the national level. In addition, institutional capacity (strong/weak) and political will (present/absent) are distinct phenomena whose pairing leads to four outcomes, not a dichotomy; this conflation reappears in the subnational analysis, in which Michel seems to assume that when the alleged perpetrator is a state agent, a lack of political will causes impunity (p. 5). Also, although the existence of the right to private prosecution does not vary—it is included in the Criminal Procedure Code of all three countries under study (p. 11)—allowing it to do so could have aided in discerning the effect of the right.

With regard to Michel's core national-level findings, she observes that, in all three countries, private prosecutors litigate to hold public prosecutors accountable, with the most important effects at the investigation stage (pp. 14–16). Using a logic of necessity/sufficiency, Michel argues that certain conditions must hold for this outcome to obtain. The right to public prosecution must form part of the domestic legal opportunity structure (and the more permissive the right, the greater its potential impact). Yet as Michel highlights, political context also matters. The political opportunity structure and the state's capacity and willingness to combat impunity are key factors. Further, echoing an argument Charles Epp (*The Rights Revolution*, 1998) has made about the upholding of rights in other contexts, the existence and strength of “support structures”—resources to overcome barriers to litigation and, in particular, NGOs' willingness to engage in prosecution—also affect the results of private prosecution. Finally,

victims need to be aware of their rights, feel secure pursuing them, and be able to frame matters in rights terms (pp. 24–28). Under these conditions, as well as additional factors highlighted in each empirical chapter, Michel argues that the right to private prosecution offers victims a powerful tool to enhance state responsiveness and accountability (p. 8).

The book begins with an overview (the introduction) that Michel might have used to better situate the work in the (admittedly scant) literature on the access to justice and litigation. Chapter 1 examines the role private prosecution plays as an accountability tool, and chapter 2 traces the right's diffusion across the Latin American region. Chapters 3–5 offer empirical, chronological analyses of the evolution of private prosecution in Guatemala, Chile, and Mexico, respectively; this organization makes more difficult the systematic cross-national comparison that is at least one goal of the book. The book's very brief conclusion is followed by a series of appendices and a useful glossary.

As Michel rightly notes, this terrific book breaks new ground by investigating, highlighting, and elevating exceptions to the “typical” situation of impunity—one that both reflects and exacerbates inequality, ineffective democratic institutions, and a weak rule of law. At the heart of her analysis are critical questions of citizenship and inclusion: providing citizens with tools to challenge prosecutorial discretion increases their ability to access justice and escape what Guillermo O'Donnell (*On the State: Democratization and Some Conceptual Problems*, 1993) has so evocatively referred to as “low-intensity citizenship.” The examples that Michel highlights are critically important in demonstrating that, in the face of prosecutorial failure, “revictimization” (i.e., citizens suffering from impunity as well as from crime; pp. 2, 42) is *not inevitable*. In the majority of Latin American countries, exercising their right to private prosecution inserts victims as empowered actors into a process that usually does not include them. Importantly, in exercising that right, citizens are rejecting extra-institutional options and instead using the very institutional structures that failed them in order to challenge the state—relegitimizing, validating, and strengthening it in the process (p. 17). The book thus illuminates the conditions under which institutional failure can lead to institutional fortification, and in particular how marginalized citizens—unexpected protagonists—can contribute to that outcome.

Minorities and Reconstructive Coalitions: The Catholic Question. By Willie Gin. New York: Routledge, 2017. 224p. \$155.00 cloth.

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In 1928, Al Smith—the first Catholic to run for the US presidency—faced virulent anti-Catholicism. He lost by

a landslide. The stained-glass ceiling was not broken until fellow Democrat John F. Kennedy overcame the “Catholic question” and won the presidency in a nail-biter, despite losing a number of Southern states that had been Democratic bastions.

In 1929, Australia elected its first Catholic prime minister, James Scullin. Over the next two decades, Australia would have two more Catholic prime ministers, serving for 14 of those 20 years.

In Canada, the first Catholic prime minister, John Thompson, was elected back in 1892. He was followed by a fellow Catholic, Wilfred Laurier. But after Laurier, it would be nearly four decades until Canada had another Catholic as prime minister.

In this fascinating and well-reasoned book, Willie Gin sets out to explain why the political incorporation of Catholics varied across these three nations that in many ways are culturally similar. In fact, the puzzles go deeper than merely who was elected as president or prime minister, because Catholics in the three nations fared differently in both legislative elections and executive appointments. Furthermore, the three nations vary in the extent to which Catholics are found across the political spectrum and not concentrated in one party. How, when, and why did Catholics move from being a stalwart constituency on the political left to an electoral bloc critical to both conservative and liberal parties?

If they think about the “political mainstreaming” of Catholics at all, most Americans likely assume that the story of Catholic acceptance hinges on John F. Kennedy's famous declaration to a hostile gathering of Protestant ministers: “I do not speak for my church on public matters, and the church does not speak for me.” But, as Gin details, there is much more to the Catholic story.

Contrary to a sociological explanation of Catholic acceptance being rooted in bridging across religious lines (full disclosure: an argument I have made), Gin puts politics front and center. Catholics cease to be marginalized, he argues, when they are part of a reconstructive political coalition. Importantly, a reconstructive coalition is not to be confused with a coalition of political convenience. For example, for decades the Democratic Party's coalition included many Northern Catholics, but this did not prevent fellow Democrats, typically in the South, from expressing anti-Catholic attitudes in either 1928 or 1960. The reason was that the Democratic coalition at the time was simply an assembly of voting blocs, united by a desire to win elections and not much else. In contrast, a reconstructive coalition “is not merely designed for electoral victory, but . . . also espouses a broader umbrella identity that subsumes both the majority and minority identities” (p. 10).