

and first-generation students, while discriminating against people of nonbinary gender. This last finding represents the lone instance of polarization. Democrats give nonbinary gender applicants a leg up.

In sum, there is a good deal of consensus all around. We generally all get along. Well, with two additional caveats. First, the authors assumed their groupings. Within groups of Republicans and Democrats there may exist coherent subgroups who disagree. This could be discovered by allowing for endogenous groups. Second, agreement on directional effects (weak consensus) need not imply agreement on actual admission decisions where applicants have correlated attributes. The analysis suggests that African American students would be far more likely than white students to admit a lower-income, African American applicant than a rich, white applicant with slightly higher SAT scores. Similarly, nonwhite students would advocate for more nonwhite faculty than would white students, female students for more women faculty, and so on, and so on.

Thus, even though the study reveals almost universal consensus, we can still look forward to lively campus debates about admissions criteria, with no shortage of people lining up on opposite sides of admissions and hiring decisions. Even so, how wonderful to know that though we may differ in the strength of our advocacy for diversity and inclusion, we believe in a common direction—forward.

**Lighting the Way: Federal Courts, Civil Rights, and Public Policy.** By Douglas Rice. Charlottesville: University of Virginia Press, 2020. 176p. \$39.50 cloth.  
doi:10.1017/S1537592720002601

— Laura P. Moyer, *University of Louisville*  
laura.moyer@louisville.edu

Legal scholars and social scientists alike have long debated the question of whether courts can generate social change. This debate has always been intertwined with normative concerns related to the counter-majoritarian difficulty; the academic debate also has important real-world implications for social movement strategy. In *Lighting the Way: Federal Courts, Civil Rights, and Public Policy*, Douglas Rice takes on the narrower, logically prior question of issue attention, which he describes this way: “Where do the fires start? Once started, how and when do they spread?” (p. 35). Do courts hang back and wait for Congress or the president to act, simply acting as implementers of enacted policy? Or, by leading the way, can they put pressure on the coequal branches to address an area of public policy?

In posing these questions, Rice brings together several strands of literature, including work on policy agendas by scholars like Frank Baumgartner (*Agendas and Instability in American Politics*, 1993) and Jack Kingdon (*Agendas, Alternatives, and Public Policies*, 2003) and debates within

sociolegal scholarship about the extent to which courts can be a catalyst for policy change (e.g., Gerald Rosenberg, *The Hollow Hope*, 1991). This well-written book provides an excellent synthesis of the competing perspectives on courts’ ability to “light the fire.”

The central argument of the book is that federal courts can be a leader in influencing issue attention across institutions, but only when two conditions are present. First, the policy must have a viable political constituency that would benefit or be harmed by it. Here, Rice draws heavily on the work of Michael McCann on dispute-centered framing (*Rights at Work*, 1994) and Charles Epp on support structures (*The Rights Revolution*, 1998). Second, courts must have unique power in that policy area: “for courts to systematically lead the attention of other institutions within a particular policy area without in turn being systematically influenced by other institutions, the courts must have constitutionally based policymaking power within that policy area” (p. 3). If a policy area simply has a political constituency, but the Supreme Court lacks constitutional power or typically engages in statutory interpretation, rather than constitutional interpretation, then Rice argues that courts will only be involved in reciprocal issue attention relationships with other branches. They will not, however, be the initiator.

Although the policy agendas typology that Rice adopts here allows for comparability across institutions, it has its limitations when applied to the judicial context, making the analyses less illuminating than a more refined scheme would yield. For example, it would be useful to include more detail about the types of legal claims that fall under each policy area, particularly those with labels as broad as “social welfare.”

More justification could also be provided in support of whether each broad policy area is designated as exemplifying the condition of “unique constitutional power.” The book does not lay out how frequent statutory decision making versus constitutional decision making is used in each issue area to defend its categorization, and there are reasons to question the characterization of some policy areas. For instance, in the area of civil rights, federal courts routinely engage in statutory interpretation of laws like Title VII, the ADA, and the Equal Pay Act. In addition, for two of the policy areas designated as satisfying the “unique constitutional power” condition—economic activity and civil rights—the Constitution also specifies that Congress has power in each area. Under economic activity, the Commerce Clause grants expansive power to Congress to regulate interstate commerce, and under civil rights, the Enforcement Clauses of the Thirteenth, Fourteenth, and Fifteenth Amendments state that “Congress shall have the power to enforce this article by appropriate legislation.” A little more explication about how the policy areas map onto the courts’ typical activity might clarify these issues.

To test the hypotheses on issue attention, Rice creates a series of measures for litigant mobilization, interest group mobilization, and judicial priorities. Although the variables for individual mobilization (case filings) and judicial priorities (published opinions) are reasonable proxies for the underlying concept, the presence of amicus briefs is somewhat underinclusive as an indicator of interest group mobilization, because it omits group-sponsored litigation, test cases, and intervenors. Scholars who build on this work by focusing on a particular policy area may wish to use a more refined measure to capture the extent of mobilization by interest groups.

Chapter 3 examines interbranch dynamics and makes an important contribution by including the lower federal courts in the analyses, rather than solely focusing on the Supreme Court. In areas like defense, where there is a political constituency but no unique constitutional power for courts, Rice's expectations for reciprocal influence are largely supported. When courts do possess constitutional power but no constituency exists (defined here to include law/crime and social welfare policy), there is little influence in either direction: courts are not really influencing issue attention for other branches, nor are they being much influenced. Rice explains this finding by noting that there is not sufficient "tinder" for an issue to catch fire with a political constituency. Finally, Rice finds that, in civil rights cases, activity in the federal judiciary (individual mobilization and collective mobilization) influences responses by Congress and the president in terms of public laws passed and State of the Union speeches, respectively.

A major contribution of the book is that it considers the entire federal judicial hierarchy, not simply the Supreme Court. For which policy areas is there "bottom-up" pressure for the Supreme Court to address an issue? For which issues does the Supreme Court push the lower courts to devote more attention? Rice posits there will be reciprocal issue attention dynamics present for constitutional questions "for which the Court is viewed as the most appropriate arbiter" (p. 108). This is borne out in his results in the policy area labeled "law/crime." Rice notes, "Within the judiciary, the calculus of those facing criminal penalties is different from that in any other issue area. Therefore, within the courts, those facing penalties come to form their own political constituency, leveraging the decisions of the Court and likewise influencing the attention of the Court" (p. 106). Similarly, civil rights cases also exhibit the ability of each level to generate a response from the other. Influence in economic cases appears to move only in a bottom-up fashion.

Taken as a whole, the book's conclusions do a good job of reconciling the body of conflicting findings about whether courts are primarily passive or proactive. In contrast with Gerald Rosenberg's less sanguine view of courts' capacity to precipitate social change, Rice concludes that courts are indeed able to spark greater issue attention and serve in an agenda-setting role.

A few notes about the book's limitations are also in order. It is transparent in its aim to provide a macrolevel view of issue attention dynamics in national political institutions, so readers looking for in-depth case studies will not find them here. Similarly, the book's focus is on the national level and does not explore the interplay between state political institutions (including courts) and their federal counterparts. Regardless, Rice lays the groundwork for exploration of both of these avenues and moves forward the important conversation around the question of where and how courts matter.

**Breaking the Two-Party Doom Loop: The Case for Multiparty Democracy in America.** By Lee Drutman. New York: Oxford University Press, 2020. 368p. \$27.95 cloth. doi:10.1017/S1537592720002662

— Seth Masket , University of Denver  
smasket@du.edu

One of the more distinct features of Lee Drutman's *Breaking the Two-Party Doom Loop* (2020) is that it is an advocacy book. Unlike many political science books that spend most of their chapters describing a phenomenon and then tossing out a few related policy recommendations in the conclusion, this one is guided by a specific vision of electoral reform. Drutman is transparent from the book's opening that he believes a multiparty system would produce far healthier democratic outcomes for the United States, and he offers a set of possible reforms to produce that outcome.

The current state of hyper-partisanship in US politics, Drutman argues, is crippling to democratic processes. The problem, he claims, is not so much that the main parties are too far apart, but rather that such hyper-partisanship does not work well with US governing systems. What is more, he argues, the problems are getting worse. Each new year brings further polarization. Much as Lilliana Mason (*Uncivil Agreement: How Politics Became Our Identity*, 2018) and Ezra Klein (*Why We're Polarized*, 2020) have noted in their recent works, political issues and identities that once cut across party lines now serve to reinforce those divisions. And it is not hard to imagine how the future in this system looks. For example, a Democratic victory in the 2020 presidential race would produce profound efforts to undermine, delegitimize, and obstruct the new administration's agenda; Republicans possibly winning at least one congressional chamber in 2022; further years of gridlock; and continued decline in Americans' faith in their government. This is the "doom loop" that Drutman seeks to break.

Unlike many other reform proposals, and much to Drutman's credit, he does not suggest efforts to depolarize the major parties or get members of Congress to spend more time together across party lines. Rather, he claims, the problem is the two-party system itself. In a polarized