

The analysis examines the ebb and flow of political activity in contemporary black churches, as they adjust to the changing internal and external environments in which they exist.

McDaniel also demonstrates how the political contexts of churches shape the activism of their congregations. Most enlightening and informative are his efforts to conceptualize the factors that lead to activism among clergy and congregation, respectively, as well as the manner in which the factors related to activism are interactive and mutually reinforcing. His efforts to unpack the assumptions often held by scholars of the black church about what constitutes activism are impressive, representing important contributions to the continued development of scholarship on the African American church.

Together, these two books go a long way to explain the factors that lead to activism at the individual and collective levels of the African American church community and the advantages and disadvantages of such activism. To the extent that any weaknesses exist in the two studies, they result from an unwarranted assumption about the racial homogeneity of African American church communities. Over the last two decades, a new literature has explored the impact of black ethnic diversity in expanding the agenda of black church politics. Neither of these books addresses this important diversity and its implications for the study of African American politics. Future analyses will be enriched by greater attention to the new literature on African American heterogeneity. At the same time, both Owens and McDaniel greatly contribute to the scholarship on African American churches and church activism as it moves forward.

**Same Sex, Different Politics: Success and Failure in the Struggles over Gay Rights.** By Gary Mucciaroni. Chicago: University of Chicago Press, 2008. 392p. \$60.00 cloth, \$24.00 paper. doi:10.1017/S1537592709991009

— Patrick J. Egan, *New York University*

Over the past few election cycles, the attention devoted to the issue of lesbian, gay, and bisexual rights in American politics has risen to its highest level since the birth of the modern gay rights movement at the Stonewall Riots of 1969. Most of the recent attention has focused on the controversy over same-sex marriage, which has been taken up in arenas as diverse as presidential debates, Capitol Hill, and state courts, legislatures, and ballot referenda. But important movement has also taken place on other gay rights issues, including the legalization of same-sex relations; the passage of laws prohibiting discrimination on the basis of sexual orientation and establishing enhanced punishment for antigay hate crimes; and the quest of lesbian and gay people to adopt children and serve openly in the nation's military.

In his ambitious, engaging, and thought-provoking book *Same Sex, Different Politics*, Gary Mucciaroni is the first to detail the trajectory of debates, strategies, and policies on the full range of gay rights issues in the United States and to develop a comprehensive explanation for advocates' victories and defeats. The book identifies and tackles an important question: Why do the successes and failures of the gay rights movement in the United States fail to covary with public opinion? Americans' support (as expressed to survey researchers) for six gay rights goals can be roughly placed in the following descending order: protection from employment discrimination, hate crimes legislation, open military service, legalization of same-sex relations, the right to adopt children, and same-sex marriage. But as Mucciaroni shows, this ranking is a poor predictor of whether the movement wins or loses. Only on the issue of legalizing same-sex relations—for which the support of the American public has been tepid, at best—has victory been achieved in all 50 states (due to the Supreme Court's 2003 *Lawrence v. Texas* ruling). By contrast, a change in policy now consistently favored by a strong majority of Americans—allowing lesbians and gays to serve openly in the U.S. military—remains stalled in 2009, even as Democrats control both Congress and the presidency. The other four goals—employment protection, hate crimes legislation, adoption rights, and same-sex marriage—all remain largely in the domain of state law, and on each of these issues gay advocates fare more successfully in liberal states than in conservative ones.

To solve the puzzle, the author undertakes a careful, ecumenical examination of an impressive range of data sources, including content analyses of legislative debates and news coverage, state-level public opinion, membership figures from gay rights organizations, and judicial ideology scores. Along the way, the book rejects conclusively the prevailing notion that gay rights issues are necessarily debated and settled through the lens of "moral politics," where both sides' arguments focus primarily on the first principle of whether homosexuality is morally right or wrong. Mucciaroni shows decisively that in most debates, many additional considerations—such as the impact of openly gay service members on military readiness, or the economic consequences of employment discrimination—are invoked by gay rights opponents and advocates alike.

The book locates its explanation for the movement's varying degrees of success in an interaction between the public's opinion on an issue (which Mucciaroni calls "perceived threat") and the question of whether gay rights advocates or opponents have the upper hand with regard to the political institutions involved. Important institutional actors—such as the military's top brass with regard to open service in the armed forces—can block change that is acceptable to the broader public. Similarly, stakeholders such as child welfare experts (in the case of adoption rights) and legal reformers (in the case of sodomy

laws) can make change possible even when the public's support is weak. The importance of institutional actors suggests two strategies for gay rights advocates. When public opinion and institutional actors are both supportive, a "liberal pluralist" strategy that relies heavily on the legislative process is recommended. When public opinion is unfavorable but key institutional stakeholders are friendly to policy change, then advocates should pursue a "liberal elitist" strategy, where the issue is kept purposefully at a low level of salience and the focus is on decision makers (such as judges), who are relatively insulated from constituency opinion.

The provocative implication of this explanation is that the support of institutional stakeholders—rather than favorable public opinion—is necessary and sufficient for advocates' success. Without the support of stakeholders, popular policies do not get enacted. But unpopular policies can become law when key stakeholders agree. By this reading, public opinion should be a poor predictor of whether gay rights advocates win or lose. But this assertion runs contrary to the fact that state-level public opinion on gay rights is a good predictor of whether gay advocates win victories at the state level. Thus, it may be that public opinion plays a role farther back in the chain of causality, as it may itself shape the constellation of stakeholders involved.

The role of public opinion may also help to explain the trajectory of public policy regarding one important issue that Mucciaroni purposefully (since it is not specifically about gay rights) omits from his book: the AIDS epidemic. He rightly notes that the federal government's initial response to the epidemic was slow. But the passage of the Ryan White CARE Act in 1990 and the coverage of those with HIV/AIDS by the Americans with Disabilities Act of 1991 must be counted as major victories for the gay rights movement that were unforeseen just years beforehand. Both occurred as the public became more sympathetic to those living with the disease, largely because of an evolving sense that the epidemic was affecting those beyond the gay community.

The book might have done better to consider more fully the role of party coalitions in the fight for gay rights in the United States. Gay rights victories rarely occur at any level of government unless the Democratic Party controls both the legislative and the executive branches. The fact that the national government was under unified Democratic control for only two years between 1981 and 2008 may explain a related piece of the puzzle: why gay advocates have been more successful in the states than on Capitol Hill.

The gay movement is arguably the most significant civil rights movement in contemporary American politics. With *Same Sex, Different Politics*, political science has finally taken a major step in documenting, synthesizing, and understanding advocates' efforts to win equality and full inclusion for lesbian and gay people.

### Safeguarding Federalism: How States Protect Their Interests in National Policymaking.

By John D. Nugent.

Norman: University of Oklahoma Press, 2009. 344p. \$45.00.

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— Robert A. Schapiro, *Emory University School of Law*

In recent years, federalism has been the focus of significant legal and policy debates. Freed from the taint of their role in oppressive racial practices, the states have emerged as vigorous and valued loci of political participation and influence. Both conservatives and progressives have championed state interests and decried federal overreaching, though the force of the pleas has tended to vary with the political valence of the national government.

Scholars and judges long have disputed the appropriate role of the courts in promoting a federal system. In an influential article, Herbert Wechsler argued that the structure of the national political institutions afforded states protection from federal incursions ("The Political Safeguards of Federalism: The Role of the States in the Composition and Selection of the National Government," *Columbia Law Review* 54 [April 1954]: 543–60). Wechsler emphasized the election of senators and representatives from the states, as well as the states' control over legislative districts and the selection of electors to the Electoral College. Jesse Choper endorsed Wechsler's argument in *Judicial Review and the National Political Process* (1980), and in the *Garcia* case in 1985, a narrow majority of the United States Supreme Court embraced the Wechsler/Choper approach and generally disclaimed judicial efforts to restrain the federal government in the name of safeguarding state interests.

Doubters, however, remained numerous both on the bench and in the academy. Many scholars attacked the descriptive accuracy of the political safeguards argument. The direct popular election of senators and the extensive federal supervision of the state districting process through the Voting Rights Act of 1965 and the Equal Protection Clause of the Constitution seemed to undermine the states' capacity for self-defense. Rather than guarding state prerogatives, members of Congress seemed more concerned with serving national interest groups. Though the Supreme Court never explicitly repudiated *Garcia*, in a series of decisions in the 1990s the Court backed away from the political safeguards approach and began to strike down exercises of congressional power as transgressing principles of federalism.

In *Safeguarding Federalism*, John Nugent seeks to move the debate about the political safeguards of federalism beyond the bounds of a narrow consideration of the formal, constitutional mechanisms of power. In the tradition of Wechsler and Choper, Nugent agrees that the political system in the United States protects states in many ways. However, he argues that the most important safeguards of federalism lie in "informal and extraconstitutional" (p. 9)