

responsibility as self-rule or autonomy (pp. 18–49) and responsibility as accountability to community (pp. 53, 61–68). Government may *encourage* responsibility—by fostering capacities and promoting public virtues and values (pp. 10, 113, 125, 178–89, and 183 and Chapter 5)—but it may not insist on conformity through coercion, endorsement, or indoctrination (pp. 34, 52, 64–65, 132, 165–66). Distinguishing between tolerating, subsidizing, and suppressing, the authors believe that the government will not prohibit behaviors but will condition beliefs through regulation or withhold tax exemptions (pp. 146–68).

Given his concerns regarding plenary sovereignty, Greene might ask Fleming and McClain to distinguish between inculcating virtue/values and fostering capacities for democratic and personal self-government (pp. 1–3, 10, 14, 91, 111–20, 124–45, 140–41, 178–79, 183). Fleming and McClain insist that rights are compatible with virtues (p. 2 and Chapters 4 and 5), but while the term *virtue* may be rhetorically valuable to ward off the criticisms of those who prefer thick conceptions of the good, why would legal theorists rely on a gender-fraught term with no constitutional context? Like Greene, they believe that the law is not coterminous with morality (pp. 3, 45) and they seek to distinguish between moral worth and equal citizenship (pp. 189–90), but their emphasis on virtue (and autonomy as the agreed-upon value that may be inculcated) makes them appear too perfectionist and statist to accomplish the balance they seek.

Protecting equal citizenship does not require republican claims grounded in morality, however (e.g., p. 151). Fleming and McClain's capacity approach might offer more state neutrality than virtue, and it *might* enable Greene's notion of permeable sovereignty by shoring up the resources that individuals have for making choices—especially those that are not given extra protection by the free exercise of religion clause. Examples might include education that offers the best-available science and other information required for choice and robust exit. Whereas liberalism based on virtue empowers the plenary state, liberalism based on capacities might be more neutral (though what type of capacities are encouraged will never be truly neutral). Fleming and McClain's title directs readers to Justice John Marshall Harlan's famous defense of those rights that are fundamental or "implicit in the concept of ordered liberty" (*Poe v. Ullman*), but their book does not sufficiently clarify how this defense of unenumerated rights applies to their version of liberalism—as a value, virtue, or means of determining what capacities will be necessary to encourage in citizens.

Impressively, Fleming and McClain treat gender as necessary rather than auxiliary to any argument regarding democratic theory. Neither book interrogates race in an extended or deeply meaningful manner. Both books agree that liberalism needs civil society to create independent locations of power that guard against government ortho-

doxy because they generate their own values. Greene grants authority to these groups to develop their values even if they conflict with those of the state. Fleming and McClain understand that liberalism requires civil society to secure autonomy and promote deliberative democracy by creating the "seedbeds of virtues of values" that underwrite constitutional stability (pp. 146, 113, 83, 136), but they do not adequately demonstrate how these groups remain viable alternatives if antidiscrimination law must be used to secure the equal citizenship (p. 147). Read together, these two books are invaluable to all citizens because whereas Greene underestimates the authority of religious minorities, Fleming and Greene fail to see how outright prohibition of discrimination (e.g., race, sex, or sexual orientation) imposes values rather than encouraging groups that could independently challenge liberal orthodoxy. It might be possible to empower Greene's permeable sovereignty while preserving equal protection by adopting Fleming and McClain's capacities approach.

American law in this field changes rapidly. Remarkably, these two books—without knowledge of the decisions that have been made (e.g., *Windsor*, *Hobby Lobby*)—provide insights into the clash between religious exercise and equal citizenship that are relevant and essential to political theorists, policymakers, and citizens.

Children and the Politics of Cultural Belonging.

By Alice Hearst. New York: Cambridge University Press, 2012. 214p. \$94 cloth, \$29.99 paper.

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— Sigal Ben-Porath, *University of Pennsylvania*

When a child is raised by parents whose identity is different from that of the parents who birthed him or her, to which community does he or she belong? Children born to certain cultural or racial minority groups present a uniquely complicated case for political and legal theorists, one that illuminates and questions assumptions about identity, cultural groups, marginalization, and the demands of justice. Alice Hearst takes on this complex challenge, considering the varying interests of the child, both sets of parents, and their respective communities. For each of these parties, a web of goods and harms is spawned with every policy decision. Hearst recognizes that the removal of children en masse (as was done historically in Native American communities) or one by one is "one of the chief injuries" that communities sustain (p. 13), but she nonetheless remains sensitive to the need of individual children to benefit from stable family life.

After introducing the key issues in this domain, Hearst devotes a chapter of *Children and the Politics of Cultural Belonging* to a discussion of the main approaches to multiculturalism in their relation to questions of identity development, parental and children's rights, and

community preservation. She then focuses one chapter on each of the most challenging areas in which these debates take place, namely, cross-racial adoption; Native (or Indian) American children and communities; and international adoption, mostly from orphanages in developing countries into American families.

In each of these contexts, Hearst focuses on breached boundaries: those of the communities, those of the families, and those that make up the children's own identities. Most of the cases around which the chapters revolve expose multiple vulnerabilities. Evidently, the children at the center of these cases are often vulnerable and sometimes injured from the time of their birth, burdened with the original pain that begins the process of adoption. But the ensuing idealized vision of a quick and full break from their family (and community) of origin, and a full and seamless integration within the "forever family," rarely, if ever, materializes.

The author highlights the limitations of the laws and precedents that are meant to protect these children and the institutional weaknesses of the state care and foster systems that often fail to take their best interests into account while slowly executing their procedures. Given that a child's interests regularly need to be interpreted or represented by an adult, the framework of children's rights is interrogated in this book, and shown to be less than effective in cases where the question arises about the proper representative for those interests (although the book returns to rights-based conventions, especially those of the United Nations, as desirable frameworks for solving many of the issues it raises). If the biological parents cannot or would not represent the child's interests and protect them, who should? The child's community, foster or adoptive parents, and the state are all possible substitutes, but each comes with its own set of preferences and interests that reflect back on the decisions that it would make on behalf of the child. Hearst is careful to analyze the details of these tensions, relying on legal precedence and rights frameworks but recognizing that their rigid frameworks do not always coincide with the fluidity and particularity present in individuals' lives. Therefore, her discussion is deeply informed by multicultural perspectives on identity and belonging, and by social science research on children, families, and communities.

This book's breadth is sometimes to the detriment of its readers. Hearst consults court cases; details legal and social histories of multiple intricate cases; and quotes a variety of media sources, agency reports, celebrity news (Sandra Bullock's divorce is given some attention), and a host of theoretical and empirical studies on adoption, identity, community, and culture. Sometimes it is unclear how to read the sources used in the book. For example, in the chapter on transracial adoption, Hearst discusses the controversy that surrounded the Donaldson Report, which condemned color-blind adoption policies and

demanding an acknowledgment of "race-related realities," indicating that while "color does not influence acceptance and opportunity in an ideal world, the reality of our society is still far from this ideal" (p. 81). She discusses calls from adoption proponents to treat this as "an advocacy report" (p. 82) and to avoid using it to guide policies. She does not explicitly take sides in this debate, which complicates the reading, but she lets the critics of the Donaldson Report have the last word in her discussion. However, later on in the book while discussing international adoption she notes that "studies suggest that it is important to facilitate the children's understanding of the communities and culture they have left behind." A closer look at the footnote to this statement reveals a study—"Beyond Culture Camp"—published by the same Donaldson Institute (p. 159). The neutral language—"studies suggest"—seems to indicate that Hearst attaches a high level of reliability to this study, pointing at a normative direction that would prioritize families and communities of origin over adoptive families from other racial or national communities. She goes on to rely on the "Beyond Culture Camp" report heavily in developing an argument for establishing a deeper and more nuanced connection between adopted children and their culture or nation of origin.

This rich tapestry of sources, approaches, and perspectives can leave the reader thirsty for a clear direction – not necessarily a policy template, but possibly some guidelines on how to prioritize normative values when considering placement of children outside their family and community of origin. Hearst does not fully provide such guidelines, although she does illuminate the considerations that must be part of the development of just policies in this area. She notes that beyond the two sets of families—family of origin and adoptive family—it is crucial to take into account the independent rights of adopted children, as well as the interests of the communities of origin from which adopted children are separated. Indeed, the reader's attention is drawn to these communities' losses, and their rights in the process are delineated, an important contribution to a controversial debate in which "the two sides . . . often talk past one another" (p. 82).

A closer look at the rights and interests of adopted children, not only those that arise from their need for a stable and loving home but also those related to their need for coherent and connected identities, including cultural, national, and racial identity, is key for developing a just and balanced policy on adoption, as Hearst clarifies. Similarly, taking into account the losses and interests and, indeed, the rights of communities of origin is a challenge and a promise in the development of more desirable international and domestic policies on adoption. These insights can help not only to clarify the legal and public debate on adoption but also to illuminate further perspectives of the political and theoretical debates on multiculturalism, identity, and community.