

and some would argue that it is at least as important a driver of political inequality as is race (see Larry Bartel's *Unequal Democracy* [2008]).

If the book has a weakness, it is its failure sufficiently to draw upon, and to build on, the rich literature developed by scholars of direct democracy and race for understanding how demographic change in California over the past 40 years combined with a populist mechanism (ballot initiatives) to create an outlet for a white backlash against growing racial and ethnic populations, a thesis first introduced by Bruce Cain. HoSang modifies this thesis in important ways, in part saying that the backlash is not new. However, his argument is weakened by its inattention to important literature, much of which used survey data or aggregate data from the 50 states, which would have augmented the largely historical and qualitative analysis found in the book's pages.

Despite this shortcoming, this is an important book, and its claims about the importance of race above and beyond political culture, partisan politics, or the economy are supported with rich detail. The argument focuses on meaning and discourse, which is a breath of fresh air in a field traditionally focused on quantitative measures of politics. And it allows HoSang to make the courageous assertion that California is the land of "blue state racism"—the title of the concluding chapter.

Is the author correct that California's politics represent apartheid? Or is this stepping too far? Have other states not adopted similar ballot measures as California, including voting to end affirmative action in Washington State, end bilingual education in Arizona, or adopt Official English in Colorado? Are there limitations to single-state studies that avoid analyzing policies across the 50 states? Rather than apartheid, is California struggling to balance the demands of white, Latino, African American, and Asian American populations in the new millennium, as argued by Mark Baldassare? Bowler, Nicholson, and Gary Segura have argued evidence that the racial ballot propositions mobilized Latino voters, leading to a Democratic partisan realignment in California. Is there a silver lining to California's racial politics? Others, like Zoltan Hajnal, Elisabeth Gerber, and Hugh Louch, argue that while California minorities lose on racial ballot initiatives, they tend to win most of the time in direct democracy elections on issues of taxation, education, and more. And is not the California legislature as much to blame as the voters, as slavery arose in the South without the help of direct democracy? Is the election of America's first African American president, Barack Obama, evidence that, despite a history of racial tensions, America is evolving? California, it is worth underscoring, was necessary to seal Obama's presidential victory.

Whether one agrees or disagrees with the argument presented in *Racial Propositions*, students and scholars have much to learn from this rich and thought-provoking book.

Following in the footsteps of Key, Smith, and Hero, HoSang moves the debate about race and politics to a new level.

The Politics of Citizenship in Europe. By Marc Morjé Howard. New York: Cambridge University Press, 2009. 244p. \$42.50 cloth, \$22.49 paper.

The Ironies of Citizenship: Naturalization and Integration in Industrialized Countries. By Thomas Janoski. New York: Cambridge University Press, 2010. 336p. \$90.00 cloth, \$29.99 paper.
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— Louis DeSipio, University of California, Irvine

The surge in international migration over the past half century has forced all developed countries to reassess the rules by which immigrants can make the transition to citizenship. In this same period, the importance of citizenship has grown. Increasingly, it entails not simply a legal transition for immigrants but also a new set of entitlements and civic responsibilities that creates pressures for immigrant-receiving states as well as for native populations in these countries, often native populations whose numbers are in decline.

This surge in international migration and the need to incorporate ever larger numbers of immigrants also offers a challenge for scholars. While the determinants of international migration have long been theorized and tested, the formal and informal incorporation of immigrants into their countries of migration has been undertheorized and, in many cases, simply assumed to follow immigration. Thomas Janoski and Marc Morjé Howard each seizes the analytical opportunities presented by simultaneous pressures to restructure citizenship policies in the developed world in order to develop and test models for policy change and for formal immigrant incorporation through citizenship policies and naturalization.

In *The Politics of Citizenship in Europe*, Howard analyzes the historical development of citizenship policies across Europe to assess why some countries have developed more liberal policies than others and why policies have changed in some of the countries that traditionally had restrictive policies in recent years (roughly the 1990s and early 2000s) but not in others. National citizenship policies are measured through a Citizenship Policy Index (CPI) that includes three components: *jus soli* for the children of immigrants born in the country of migration, naturalization requirements, and the tolerance of dual citizenship. Each component is measured on a scale of zero to two, with a total possible CPI of six for the most inclusive country. Through a series of case studies of the 15 older European Union states, Howard develops a typology of countries that have traditionally had restrictive policies and have maintained these policies, countries that have steadily liberalized restrictive policies, and countries that

have had historically liberal citizenship policies. Restrictive continuity appears in Austria, Denmark, Spain, Italy, and Greece. Liberalizing change has appeared in Sweden, Finland, Luxembourg, the Netherlands, and Portugal. Countries with historically liberal policies include France, Belgium, the United Kingdom, and Ireland. Germany's experience does not fit so clearly into the author's typology. There, the effects of a partial liberalization have been limited by a restrictive backlash.

What explains these different outcomes? Howard offers a two-part explanation. First, states that engaged in significant levels of colonialism ultimately developed more inclusive policies. The irony of this is not lost on Howard, who offers a thoughtful critique of how the historical mission of transforming colonial subjects evolved into a more expansive notion of national identity and tolerance of ethnic blending in the contemporary era. Second, he argues that the early adoption of democratic norms in the nineteenth century, with concomitant development of an inclusive norm of civic engagement, increases the likelihood of more inclusive citizenship policies.

In *The Ironies of Citizenship*, Janoski models naturalization rates in 18 advanced democracies (Western European immigrant-receiving countries plus Japan, Canada, New Zealand, Australia, and the United States) from 1970 to 2006. He also offers detailed, historically grounded case studies of nationality policies in these countries. Like Howard's, Janoski's model theorizes a positive effect on naturalization rates of having been a colonial power, contrasted in his model with being a short-term occupier or a settler regime in which opportunities for international migration resulted from the forced decline of the indigenous population. The model also includes political, demographic, and economic control variables. The political variables include relative left- and green-party representation in the legislature and women members of parliament. The demographic controls focus on migration rates and the economic controls include unemployment rates and GNP per capita. In very simplified form, he finds that regime history matters and that the substantive effect on naturalization rates is high. The level of left- or green-party representation in the parliament also increases naturalization rates. Economic and demographic factors proved less important in shaping naturalization outcomes.

For Janoski, then, the "irony" of citizenship is that countries that colonized others and decimated indigenous populations as part of their colonial rule are as open today to incorporating immigrants as are the settler countries that have long relied on immigrants to build their numbers and economic strength. For this process to lead to more incorporative policies in the contemporary era, the period of colonization must be long (Janoski estimates at least 50 years). A second, though less completely developed, irony of citizenship is that settler countries had to eliminate or subjugate indigenous populations as part of the process of

national development that spurred migration and, ultimately, naturalization of migrants from Europe and other parts of the world.

Each of these books advances the scholarship on immigrant incorporation in advanced democracies considerably. Janoski and Howard move the study of citizenship among immigrant communities from the shadows of the immigration scholarship to its own field. Janoski has a slight advantage in that *The Ironies of Citizenship* was published somewhat after Howard and makes some passing references to *The Politics of Citizenship in Europe*.

To a significant degree, each volume neglects the question of immigrant organization and immigrant agency. The decision to naturalize is far from automatic for many immigrants, and the administrative barriers and costs can be high. So, one question that needs to be asked is how these regime types and the structural conditions in each of the countries under study encourage immigrants to pursue citizenship. This is not simply a question of immigrant agency. Countries that provide benefits and rights to immigrants comparable to those of naturalized citizens, for example, may well reduce the incentive to naturalize. That said, naturalization rates result from the decisions of immigrants and immigrant communities about where their ultimate political loyalties lie. Nations with a richer infrastructure of immigrant civil society organizations are likely to see higher naturalization rates. Although Janoski finds that the presence of left- and green-party parliamentarians increases naturalization rates, recent naturalization patterns in the United States show that an active anti-immigrant movement in the society can spur higher naturalization rates, particularly when immigrants come to see themselves as stigmatized by the larger society. Thus, the immigrant position in each of these countries and the resources immigrants have to respond to societal pressures need more attention.

A smaller concern arises in Howard's study. One of the three components of the CPI is tolerance of dual citizenship. At a theoretical level, it is not so clear that this component should be of equal value to the other two. *Jus soli* and naturalization are arguably more central to immigrant incorporation than is tolerance of dual citizenship and should have higher weight in the CPI. My assessment would be that dual citizenship is the outcome of successful immigrant incorporation; once settled and naturalized, immigrants can use their new position to advocate for greater tolerance of dual citizenship. I am also concerned that tolerance of dual citizenship is somewhat more difficult to measure than Howard indicates. While many countries have policies that prohibit dual citizenship, the practice on the ground is often considerably different and often offers idiosyncratic exceptions for some nationalities.

Despite these concerns, each of these volumes is a necessary and welcome read to better understand the process of immigrant political incorporation in advanced

democracies. They set a high bar for the next generation of studies of immigrant political incorporation that analyze indicators other than naturalization and nationality.

The Immigration Battle in American Courts. By Anna O. Law. New York: Cambridge University Press, 2010. 280p. \$90.00.
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— Luis Fuentes-Rohwer, *Indiana University*

The leading narrative of US immigration law in the federal courts is told very easily. Under the doctrine of plenary powers, the federal courts defer as a matter of course to the choices of other political actors. This means that noncitizens will not find any relief in the courts and must focus their efforts instead in the political process, a tall order for a disenfranchised population. Told this way, however, the story loses much of its richness and nuance. It is also woefully incomplete. In this important book, Anna Law challenges this conventional wisdom. Under the burden of a growing caseload, she argues, the federal courts have been forced to adapt accordingly. But different courts have adapted differently. The US Supreme Court has removed itself from the day-to-day handling of immigration questions and focused instead on its policymaking responsibility. In contrast, Law argues that the Courts of Appeals continue to play an error-correcting role while also finding room for its judges to express their policy preferences. This is a story where exogenous factors play a direct role in the development of institutions. It is not a linear and path-dependent story, by any means. Rather, Law offers a story in which immigration laws and the federal courts interact in dialectical fashion, and where each influences and shapes the other. The consequences for the immigrant litigant are significant.

The choice of immigration law as a topic of study is important. As the author explains in the introductory chapter, noncitizens are devoid of many rights in the American polity. For this reason, they offer an inimitable example of a “discrete and insular minority” deserving of judicial protection. But this very insight makes the immigration example a hard test case for the proposition that courts perform distinct functions because due to this lack of rights, it follows that the federal courts would be “marching in lock step” in this area of the law (p. 7). Here is where the empirical evidence gets in the way of this traditional story.

The book makes three general arguments. The first is that institutional context matters. The Supreme Court and the Courts of Appeals operate in unique institutional contexts, which in turn filter and shape the judges’ perceptions of what their roles should be and how they should be filling them. For example, the Supreme Court is the court of last resort in the constitutional system, the one institution where final appeal lies. The Courts of Appeals are instead middle courts, designed to carry out the interpretations of the Supreme Court and nothing more. They

have no independent will or interpretive space of their own. These two contexts have obvious consequences for the ways that judges view their roles. For a Supreme Court justice, the Court’s caseload offers opportunities to affect national policy vis-à-vis Congress and the president. For Court of Appeals judges, however, their role consists of ensuring that district court judges conform to the Supreme Court’s readings of the law. Their main role is one of error correction. Put another way, while a justice professes fidelity to law as he or she understands it, a circuit judge professes fidelity to the Supreme Court. Independence in this second context is at a minimum.

Second, the book argues that these judicial roles have changed over time. The advent of a growing caseload, coupled with jurisdictional changes as well as structural changes in the composition of the federal courts, means that the Supreme Court has evolved into an institution reserved for decisions concerning leading questions of law and policy. Law points to the Evarts Act of 1891 as the moment when the Court began to evolve into the policymaking institution it is today. Unsurprisingly, she further argues that the Courts of Appeals continued with their error-correcting function. But she further argues that the Courts of Appeals are also performing policymaking functions. That is, these courts are able to decide for themselves on the meaning of vague and/or unclear statutory language and whether to defer to other institutional actors or not. This is because of the pressures of a mushrooming caseload, coupled with the decreasing likelihood that the Supreme Court will grant certiorari on any given case. The Supreme Court can no longer monitor the Courts of Appeals adequately, nor does it care to.

Third, Law argues that as these institutional settings have changed and evolved over time, they have had direct and lasting consequences for every actor who must take part in the process and for the institutions themselves. For the noncitizen litigant, for example, pressures stemming from the huge caseload have led to a streamlined process that not only leads to long delays but often disposes of cases with no more than a cursory review. Circuit judges and their staff feel this pressure from a growing caseload as well, in the sense that they must spend more time deciding immigration appeals than other issues, and must also spend much energy trying to figure out how to handle these many cases properly. The different circuits have chosen to handle these problems differently; for example, whereas the Second Circuit has given special consideration to immigration appeals, such as the creation of a nonargument calendar where asylum cases could be decided without the benefit of oral argument, the Ninth Circuit has not.

From the vantage point of the noncitizen wishing to engage the immigration system, the overall picture presented by this book is not a good one. At the lower levels, and due to the burdens of a crushing caseload,