Along with a systematic review of the letters, *Civic Hope* includes interview data from editorial page editors. Most (88.1%) letters get published. Those that are rejected lose out for predictable reasons: they are too long, libelous, filled with obscenity, or hard to follow (pp. 129–30). Editors admitted that letters come from "regulars," meaning those who wrote all the time; "angry" commentators, those who had a bone to pick; and "people who are not happy with their government" (pp. 130–31). These are predictable, time-tested roles of such letters. Michael Schudson, among others, used missives to the *Boston Gazette* to help tell the story of how the notion of a "good" citizen in the United States came to be defined (*The Good Citizen: A History of American Civic Life*, 1998, p. 28). However, the interviews with the editors about letter writers suggest there is something special—not ordinary—about those who write. Although they may live in places that make less news, they are not average Janes and Joes. They take their citizenship more seriously than other people, and they feel upset that others are not so inclined.

Although there is plenty of granular and interview data in the book for readers to like, Hart also uses a big data approach to bring the voices of letter writers to readers. Using a software he developed, Hart analyzes and maps the sound and word choices of letter writers, as opposed to politicians and journalists. Hart hypothesizes that letter writers might act as a harmonizer of sorts and find the middle ground between presidents (who are too optimistic) and journalists (who tend to be dour). "Writers weigh the good and the bad," he explains, like "referees in a tug-of-war" (p. 147). This refereeing sometimes sounds like sermonizing, and sometimes it is more like fortune telling. The sermonizing, of course, can be irksome. Indeed, part of the pleasure of reading letters to the editor comes from the irritation they generate. Reading another's "bad" opinion produces a sense of superiority in readers, Hart writes. But even this egoism comes with a benefit: letters to the editor work as a kind of "gentle spring rain" (p. 178) against the frenetic online process of networked news and social media commentary. Here, Hart may overestimate the power of letters to overcome internet chatter. He deplores the nature of online commentary and argues that the steps required in writing, addressing, mailing, editing, and then printing letters adds a deliberative solemnity to the process that cannot be ignored. What is less certain is how much longer readers will look for these letters or see them as different from the online comments Hart finds so distasteful.

As a whole, the book is a vital contribution to literatures in voter apathy and voter behavior in political communication and political science. If there is a true weakness in the book it is its strictly American focus. Except for a few mentions of international journalists, there is little of interest for scholars outside the United States. Even so, *Civic Hope* is an outstanding work of empirical scholarship that deserves a place on every bookshelf.

Religious Freedom, LGBT Rights, and the Prospects for Common Ground. Edited by William N. Eskridge, Jr. and Robin Fretwell Wilson. Cambridge: Cambridge University Press, 2019. 542p. $145.00 cloth, $44.99 paper.
doi:10.1017/S1537592719004249

— Darel E. Paul, *Williams College*
dpaul@williams.edu

In 2016 the US Commission on Civil Rights issued the report *Peaceful Coexistence: Reconciling Non-Discrimination Principles with Civil Liberties*. Despite the title, the commission seemed to argue that reconciliation was unlikely because, in the words of Obama-appointed chairman Martin Castro, "religious liberty" and "religious freedom" stood largely as "code words" for every form of bigotry and intolerance in the United States. Castro's rather injudicious assertion is the jumping-off point for this collection of "thirty-five crisp, consciously accessible thought pieces" (p. 1) organized into nine parts on the prospects for common ground between religious freedom and LGBT rights in the United States since *Obergefell*. The clear majority of essays both seek for and claim to have found such ground. Although constitutional scholars and lawyers dominate the list of authors, among the book's strong points is its inclusion of legislators, policy makers, and religious authorities as well. The volume strives for and largely accomplishes balance between the number and quality of pieces from each side in the debate. Its overall tone is measured, tolerant, and optimistic, clearly fulfilling the editors' hope that "reconciliation" (p. 6) can be achieved in a period of considerable national division.

The volume covers many different arenas of conflict and potential cooperation. The issue of public accommodations dominates the discussion, but churches and religiously affiliated organizations in higher education, health care, and adoption services are all discussed. Several pieces recognize the similarity of abortion and euthanasia as issues to the legal, cultural, and political position of LGBT rights in today's United States. Constitutional law frames the analysis. Although some writers give attention to politics, political philosophy, and ethics, the task of "balancing rights" to (or "balancing interests" in) liberty and equality takes center stage.

With a volume of this size, a built-in shortcoming is its inclusion of so many authors from so many diverse perspectives, tending toward a cacophony of voices that undermines the editors' optimism in finding common ground. Several authors, such as Alan Brownstein, Douglas Laycock, Dennis P. Hollinger, Holly Hollman, and Robin Fretwell Wilson, explicitly invoke the concept of "human dignity" shared by advocates of both religious liberty and LGBT equality. Yet, even though both socially

conservative and socially progressive authors indeed express a common commitment to dignity, there is (not surprisingly) little agreement on what dignity demands regarding the legal protection of conscience and the legal enforcement of nondiscrimination. At least seven essays offer robust "guiding principles for mediating conflicts" between liberty and equality rights (even though not all are included in the section of that name). They advocate analyses based on "dignity harms" (Douglas NeJaime and Reva B. Siegel), distinguishing "the truly public from the truly private" (Ronald J. Krotoszynski Jr.), "private property and freedom of association" (Andrew Koppelman), "implied-consent institutionalism" (Michael A. Helfand), the liberty of "close associations" (B. Jessie Hill), distinguishing legal "shields" from legal "swords" (Ryan T. Anderson), and the principle, "regulate the business, not individual workers" (Robin Fretwell Wilson)—all the while showing little common ground between them. Two authors—Steven D. Smith and Marc O. DeGirolami—even argue against the entire civil rights framing of the debate, convinced it serves only to reinforce rather than resolve disagreement. Such disharmony should temper optimism that any "rights-based approach" to resolving social conflict is the country's best foot forward.

Three contributors—Thomas C. Berg, Archbishop William E. Lori, and Ryan T. Anderson—offer a dramatically different tack based not on rights but instead on "the common good." Rather than appealing to the centrality of individual "conscience claims" (Intisar A. Rabb) or "identity" (Leith Anderson), these three instead invoke philosophical-legal arguments based on civic virtue, natural law, or what Lori boldly calls "the objective moral order" (p. 174). Such arguments appeal to an older form of First Amendment jurisprudence, one "that emphasized truth seeking and common democratic deliberative process to those that made authenticity and self-actualization paramount" (DeGirolami, p. 275). It is no coincidence that the authors invoking the common good are Catholics, serve on the law faculty of Catholic universities, or both. The volume's evangelical and Mormon contributors instead remain wedded to traditional (Ana)Baptist commitments to state neutrality and moral pluralism. Some—Hollinger, Shirley V. Hoogstra and colleagues, and Jason R. Moyer—even condemn outright what they call a "Christendom" model tied to Catholic thought and instead praise the "confident pluralism" of evangelical legal scholar John Inazu and his defense of liberty as the highest public goal.

Such commendation of pluralism from social progressives, as well as evangelicals and Mormons, begs a crucial question, however: What are the social and political limits to pluralism? Coeditor William Eskridge (formerly on the Georgetown University law faculty) is among the few non-Catholic contributors to recognize this practical matter. Although Americans are more tolerant of pluralism than most, no society can or would wish to encompass the full scope of human moral diversity. Liberty and equality are certainly American values, but so too are fraternity and solidarity—on which depends not only our civil rights but also our entire system of taxation, redistribution, and public spending. What foundation can support a common moral project to preserve and nurture not only individuals but also an actual society?

In their introduction Eskridge and Robin Fretwell Wilson offer the so-called Utah Compromise struck in 2015 between religious conservatives and LGBT rights advocates as an explicitly political model of cooperation and reconciliation. The legislation extended religious freedom while simultaneously introducing LGBT nondiscrimination into state housing and employment law for the first time. It preempted local ordinances and contained a "non-severability clause" that would eliminate all new protections in the event those of either side were invalidated by a court ruling. Wilson herself helped draft the bill, and two conservative Utah politicians instrumental in passing the legislation contribute essays praising it as "common ground" (Senator J. Stuart Adams) and an instance of "shared-space solutions" (Governor Michael O. Leavitt).

The relevance of the Utah Compromise is limited in a practical sense, however. Even though State Senator Stuart Adams claims the Utah Compromise is a "stable law," the LGBT rights organization Equality Utah continues to press for its extension to public accommodations, Salt Lake City council members push for a city public accommodations ordinance, and the Salt Lake City mayor's office joined an amicus brief in the *Masterpiece Cakeshop* case in support of the State of Colorado and against baker Jack Phillips. Moreover, the compromise is applicable only to red states yet to incorporate sexual orientation and gender identity (SOGI) into their nondiscrimination law. In blue states, religious conservatives have already been defeated, and thus it is too late for them to negotiate any form of compromise. With such disparate conditions across the 50 states, it is difficult to imagine how a federal law could unify the country. Would California sacrifice its understanding of equality to advance it in Alabama? Would Texas allow the federal government to impose a public accommodations law on it to protect religious conservatives in Massachusetts?

Twice in the conclusion to his essay, Douglas Laycock observes that progressives and conservatives "have to live with each other" (p. 36). Short of either national conversion or national disintegration, there is indeed no escaping one another. Yet it is ironic that authors mostly given to liberal commitment have written a collection of essays during what many on both the Left and Right see as the twilight of liberalism and presume the authority of the law in the wake of one of the most divisive Supreme Court

https://doi.org/10.1017/S1537592719004249 Published online by Cambridge University Press

confirmation hearings in US history. Future "peaceful coexistence," if it is to be had at all, demands far more political creativity than has yet been dreamt of in legal philosophy.

Administrative Burden: Policymaking by Other Means. By Pamela Herd and Donald P. Moynihan. New York: Russell Sage Foundation, 2018. 360p. $37.50 paper.
doi:10.1017/S1537592719004729

— George A. Krause, *University of Georgia*
gkrause@uga.edu

Pamela Herd and Donald P. Moynihan have penned a landmark study explaining how administrative burdens affect outcomes associated with US policy making. This volume will influence a broad spectrum of students in the related fields of public administration and public policy. The authors convincingly show how governments, for several decades, have sought to make it more difficult for those eligible for government benefits or rights to enjoy them as intended. The accepted wisdom in the study of administrative burdens such as red tape rests on the notion of ineffective, albeit benign, public administrators or poor policy implementation design. Instead Herd and Moynihan offer both a more realistic and original alternative explanation centered on the observation that these adverse administrative burdens are often set in motion much earlier during the policy process. Specifically, they argue that administrative burdens are often the direct result of the explicit political choices and compromises made by elected officials required to enact public policies, and they translate into imposing barriers for citizens to receive government benefits; they also favor one group of citizens with considerable political power at the expense of others who do not have it, as laid out in chapter 1, "Understanding Administrative Burdens."

Herd and Moynihan offer a compelling logic for understanding how public bureaucracies both make and implement administrative decisions that adversely affect those citizens who would benefit most from receiving government policy benefits and hinder their exercise of their constitutional and legal rights. The central argument is that administrative burdens impose multiple layers of costs on citizens that are difficult to overcome, especially for those with limited means. These multiple layers of costs effectively ensure that citizens cannot gain access to government benefits and exercise rights that they are entitled to receive. These administrative burdens are conceived by the authors as coming in three general forms (p. 23, table 1.1), which I summarize here:

1. **Learning Costs:** The costs of information and search to determine eligibility for government benefits (i.e., the costs the potential recipient incurs in the effort to learn about a program and evaluate its eligibility requirements). These costs stem from language, cultural, or geographic barriers that make it difficult for citizens to ascertain their benefits and rights afforded to them by government law. They are crucially important because they can serve as a "barrier to entry," discouraging individuals from seeking and attaining government benefits that they are entitled to under the law.
2. **Compliance Costs:** These costs pertain to the ability of citizens to do what is necessary to merit the receipt of government benefits (i.e., transaction costs). Compliance costs range from meeting the requirement of formal proof of eligibility to the pecuniary costs incurred by citizens to satisfy eligibility requirements of an extralegal or discretionary nature that are imposed on citizens by public administrators.
3. **Psychological Costs:** These costs, which are of a nonpecuniary nature, make it difficult for citizens to attain the requisite learning and compliance needed to enjoy government benefits that they are entitled to receive. These costs typically relate to "downstream" effects such as stigma associated with receiving government benefits, the loss of personal agency due to overbearing administrative oversight, and concerns whether the government benefits are truly worth the effort required to attain them.

The policy and historical breadth of *Administrative Burden* is most impressive. Herd and Moynihan marshal a plethora of qualitative evidence from an eclectic and compelling set of cases, ranging from the distribution of government benefits (Affordable Care Act of 2010 and the evolution of Social Security policies adopted during the mid-twentieth century) at the US federal government level to the protection of civil rights (voting and election administration) and civil liberties (women's reproductive health and abortion policies) across the US states. The conclusions drawn from these case studies point to how administrative burdens provide an effective mechanism for elected officials to target policy benefits and rights to select constituencies, while making it extremely costly for the least powerful constituencies to be served by government. The useful, as well as practical, solutions offered by the authors in chapter 10, "Toward an Evidence-Based Approach to Administrative Burden," are rooted in "evidence-based" prescriptions that address both the political and policy-related sources of administrative burdens. These proposals include enhancing administrative policy transparency, increasing the role of evidentiary-based judicial review, and having greater administrative autonomy and professionalism.

The lessons obtained from this book transcend the study of public administration and policy. Because administrative burdens are the direct result of political