

Miriam Smith

Political Institutions and Lesbian and Gay Rights in the United States and Canada. New York: Routledge, 2008, 244 p.

Miriam Smith's *Political Institutions and Lesbian and Gay Rights in the United States and Canada* offers a compelling examination of comparative legal and political developments related to lesbian, gay, bisexual, and queer (LGBQ) rights in both the United States and Canada. Using an analysis grounded in historical institutionalism, Smith showcases a collection of key moments in policy development that contrast the relative ease and rapidity of policy change in Canada with the slow pace of policy change in the United States. In comparing these two cases, Smith chronicles detailed developments in the criminal regulation of homosexual sodomy, the development of anti-discrimination protections, and the emergence of same-sex marriage.

Smith builds upon scholarship that argues the shift to the Right in the US is not simply the product of a more conservative and religious electorate or political culture. Rather, movements such as the Christian Right have made strategic use of the features of US political institutions that encourage the radicalization of the Republican Party. With this in mind, Smith uses a historical institutionalist approach to challenge the assumption that US political culture, public opinion, and American religiosity represent independent or primary forces in limiting the success of lesbian and gay rights claims. She argues that although these factors have hindered advances in lesbian and gay rights, they do so as a result of their relationship with political institutions. Further, she demonstrates that policy decisions create influential policy legacies (a particularly compelling part of her analysis, especially considering the gaps in lesbian, gay, bisexual, transgender, and queer (LGBTQ) policy studies), which in turn impact the nature of those relationships and the trajectory of policy decisions and debates.

Smith emphasizes four key political institutional differences for explaining the policy variation between Canada and the United States: Westminster parliamentarism versus the US presidential system, the structuring of federalism and jurisdiction, differences in the role that the courts play, and different policy legacies. She focuses on specific cases that then highlight the impact of these differences. For example, although Canada decriminalized sodomy in 1969, the United States did not follow suit until the *Lawrence* decision in 2003. This meant that during the same thirty-five-year period, Canadian advocates for LGBQ rights were advancing anti-discrimination laws, equal access to Charter rights, and relationship recognition, while their US counterparts were stuck trying to repeal anti-sodomy laws. Although many countries have experienced the journey from the decriminalization of sodomy to the legalization of same-sex marriage (as was the case in Canada), some queer scholars question the notion

that LBGQ human rights are teleological in nature and argue for long-term historical analysis of these trends. Smith clearly demonstrates that the late repeal of anti-sodomy laws in the United States relegated the queer community to the margins. In this way, many US states (such as Colorado) were able to justify withholding civil rights claims from gay and lesbian citizens. Examples like these highlight the benefits of a historical institutionalist perspective and nuance debates that are often characterized as crude culture wars or straightforward progressions from economic to political to cultural rights.

As a corrective tool, *Political Institutions and Lesbian and Gay Rights in the United States and Canada* offers social movement organizations the opportunity to examine their relationships with political institutions in order to effect change and have maximum impact. Smith makes a compelling argument for the role of institutional rather than social factors in developing and opposing policy outcomes for lesbian and gay human rights. This insight calls for an investigation into the direction of social mobilization for the advancement of LGBTQ rights and also opens up the question of what kinds of solidarities can be formed between different rights-seeking groups. Smith's analysis might open up interesting dialogues with Jasbir Puar's recent work on homonationalism and queer of colour critiques that examine the connections between LGBTQ movements and rights, and marginalized communities (such as refugees, immigrants, and Muslims) who face increasing surveillance and punishment from the state. As Smith also acknowledges, it would be very useful to extend this analysis to policy debates centred on gender identity and transphobia. As with her previous work, in this book Smith gives LGBTQ organizations the tools to examine the potential for solidarity with other social movements, as well as the historical context necessary for negotiating counter-movement and backlash responses.

This is an important book and will be useful and relevant for a diverse and interdisciplinary audience. By discussing LGBTQ politics as a subject of ordinary policy analysis rather than as a special case or peripheral topic, this study does two key things. First, it is a provocative and detailed guide to the history of lesbian and gay human rights and legal/political struggles in Canada and the United States—a history that has been neglected in mainstream scholarship on historical institutionalism, comparative politics, and American political development. Second, it is a sophisticated reflection on the complex nature of policy change in both the United States and Canada and the benefits of a historical institutional approach. Because of its clear and accessible approach to its topic, *Political Institutions and Lesbian and Gay Rights in the United States and Canada* is a valuable resource for any student of comparative law or politics, human rights, sociology, gender studies, and queer studies. Its rigorous scholarship and generous spirit of engagement with contending theories or approaches makes it both a crucial intervention and a pleasure to encounter.

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Nicolas Mariot et Claire Zalc

Face à la persécution. 991 Juifs dans la guerre. Paris, Odile Jacob, 2010, 304 p.

L'ouvrage de Nicolas Mariot et Claire Zalc est original à plus d'un titre. Adoptant une approche résolument micro-historique et monographique, les auteurs se proposent de suivre sur toute la durée de la seconde guerre mondiale les trajectoires et le destin souvent tragique de la population des Juifs de la ville de Lens. Ce faisant, il s'agit de mesurer au plus près des vies individuelles de ces Juifs lensois dont le lecteur découvre les noms, les familles, les occupations ou les adresses, les effets et les conséquences concrètes de la politique d'exclusion antisémite dans la France occupée.

L'approche des auteurs est singulière également quant à la méthode adoptée : bien loin de s'en tenir à des analyses qualitatives, comme le font la plupart des recherches adoptant une perspective micro-historique, les caractéristiques sociales, les itinéraires, les décisions des acteurs étudiés, ainsi que les dispositions antisémites dont ils sont les victimes (identification, aryanisation, rafle, déportation, extermination) font aussi l'objet d'un traitement quantitatif. Derrière ce choix méthodologique assez inédit, il s'agit de renouveler l'analyse sociologique des décisions individuelles et de leurs motivations, en particulier en situation extrême. Là où les recherches sur les guerres et les crises tendent à expliquer les choix des individus à travers un prisme sinon moral, du moins rapporté à des normes ou à des valeurs (obéissance ou consentement, naïveté ou lucidité, résistance ou collaboration), cette étude se propose de donner toute leur place non seulement aux dispositions des acteurs, mais plus encore à leurs réseaux de sociabilité (familiaux, professionnels . . .) ou à la situation historique et sociale précise dans laquelle les acteurs ont eu à agir. Par exemple, lorsqu'il s'agit de comprendre ce qui détermine le choix de se déclarer comme Juif à la suite de l'ordonnance du 18 novembre 1940 qui fait obligation « à toute personne juive [de] se présenter sans délais auprès du préfet de l'arrondissement dans lequel elle a son domicile pour se faire inscrire sur un registre spécial », les auteurs soulignent (avec des tests khi-carré à l'appui) l'importance de la situation familiale ou de la variable âge et, au contraire, la faible signification de la variable du statut professionnel : les jeunes et célibataires se déclarent beaucoup moins que les chargés de famille, et ce quel que soit leur statut social. Ce qui influe sur le choix de se plier ou non à l'injonction étatique ne semble pas relever de