

Deliberative Choices: Debating Public Policy in Congress. By Gary Mucciaroni and Paul J. Quirk. Chicago: University of Chicago Press, 2006. 296p. \$50.00 cloth, \$20.00 paper.
DOI: 10.1017/S1537592707070399

— Paul S. Martin, *University of Virginia*

Gary Mucciaroni and Paul Quirk have done the field a service by reminding us that Congress is a deliberative body, even if it is not always a *good* deliberative body. The authors foreshadow their findings, stating: “Congressional debate is only moderately realistic and informed. Listeners encounter a considerable volume of distortions, omissions, and even falsehoods, with apparent potential to mislead” (p. x). They base this conclusion on a study of effects claims made during three significant policy debates: Welfare Reform in 1995 and 1996, the Estate Tax Repeal in 1999 and 2000, and the Telecommunication Deregulation Act of 1996. Effects claims are claims made during debate about the likely effects of the legislation or amendment under consideration: Reforming welfare will reduce illegitimate births; current tax rates depress incentives to invest; deregulation will help the telecommunications industry grow. The heavy lifting in the book comes from the authors’ assessments of the validity of these effects claims (and rebuttals) based on contemporary knowledge of the issues that would have been available to members of Congress.

I found the empirical chapters on Welfare Reform, Estate Tax Repeal, and Telecommunications Deregulation well written and persuasive about both the types of claims that are routinely made and the degree to which they were supportable at the time. Serious readers will quibble here and there with some of the choices the authors make, but to their credit, Mucciaroni and Quirk make their own decision making transparent and encourage readers to weigh the evidence for themselves. The evidence and arguments are sophisticated enough to be used in graduate seminars on Congress or lawmaking, but the prose is easily understood by advanced undergraduate students, making this book useful across the board.

In addition to providing a compelling framework for us to evaluate congressional debates, the authors offer a theory using the reasoning that representatives must choose between the force of an appeal (given acceptance) and the likelihood that an appeal will be accepted, and then generate a number of testable hypotheses about when and where we will find a higher quality of discourse in Congress. There are too many specific findings to detail in a short review, but they find better debate when bipartisan coalitions form, when debate is in the Senate rather than in the House, when interest groups are mobilized on either side of the debate, and with lengthier debates. These conclusions are based, however, on debates during a relatively short range of time during the 1990s and over three major issues. My guess is that the authors would welcome fur-

ther case studies both across time and issue space to further test these findings.

While I believe that readers will benefit from *Deliberative Choices*, there are two major points that I found problematic. At the top of the list is the nagging question of how the quality of congressional deliberation translates into good public policy. The authors examine debate to see how intelligent the decision making on congressional policy is, but the skeptical reader may be uncomfortable accepting that floor debates in the House and Senate accurately reflect congressional decision making on policy. In other words, we do not know how closely related front-stage performances are to back-stage decisions.

The second question that sat on my shoulder while reading this book was for whom does Congress debate? One of the normatively disappointing findings of the book is that debate was of a higher quality during floor proceedings on the Telecommunications Act than it was on Welfare Reform or the Estate Tax repeal. As the authors point out, the mass public was not engaged in telecommunications reform, but interest groups were out in spades. And one of the more startling findings is that debate over welfare reform pitted dubious claim against dubious claim, much of which was not rebutted (few seemed willing to defend the morals of welfare recipients). With the quality of debate seeming to decline with citizen interest, I expected greater consideration of how misinformation in congressional debates filters down to confusion in the mass public, but the authors have left that rock unturned for an ambitious graduate student.

Because these points are not fully developed, we do not get a full accounting about how and when congressional deliberation matters. While the primary audience of this book will be Congress scholars, the findings should be equally important to students of the mass public. If you combine this book with research on mass misinformation (such as James H. Kuklinski et al., “Misinformation and the Currency of Citizenship,” *Journal of Politics*, 62 [May 2000]: 791–816), you will be forced to wrestle with the following question: If only about a quarter of congressional debate is reasoned and informed, how can we expect the citizenry to do much better?

The Constitution as Social Design: Gender and Civic Membership in the American Constitutional Order.

By Gretchen Ritter. Stanford: Stanford University Press, 2006. 400p.
\$70.00 cloth, \$29.95 paper.
DOI: 10.1017/S1537592707070405

— Beau Breslin, *Skidmore College*

Gretchen Ritter takes the American Constitution seriously. Like few others, she views the country’s fundamental charter as announcing far more than a design for government institutions and a series of individual rights guarantees. The importance of the Constitution, she insists,

extends deeper than can be captured by examining the text's most obvious features. It "creates and regulates a *social order*" (p. 8), a comprehensive understanding of public and private life. "The constitutional order acts as an instrument of social design," claims Ritter; it endorses certain relationships over others, while also choosing to recognize certain members of the polity as privileged (p. 9). Traditional conceptions of the marital relationship or of the role of particular classes of people in the public realm, for example, are fostered and perpetuated by the constitutional scheme, not because the words of the text necessarily command it but because the nature of a constitution—an instrument that embraces a particular political and social order—makes it so.

Therein lies the problem. Certain groups lack constitutional recognition, and for Ritter that problem is particularly acute when focusing on the plight of women. At the outset, Ritter admits that the book is fundamentally about the relationship of American women to their constitutional order. She notes a profound interest in the intersection between "gender politics" and "constitutional development." More specifically, the book explores two central questions: first, how "civic membership is gendered, and how the terms of civic membership available to men and women shape their political identities, aspirations, and behavior"; second, how conceptions of civic membership have influenced the American constitutional experiment (p. 3). In short, Ritter is concerned with how the constitutional order is both responsible for, and influenced by, the position of women as less than full members of the American polity. Her general conclusions confirm this interplay.

An important book, *The Constitution as Social Design* offers a fresh perspective on an old line of inquiry. Much of the material for the author's central argument will be familiar to scholars and students of constitutional law, gender politics, and American political development, and yet Ritter manages to reframe and repackage the evidence to present a powerful case for women to cry foul. The author navigates the well-documented historical landscape of gender politics with profound subtlety, beginning with the early attempts to raise the political status of women during the nineteenth century and, later, through the ratification of the Nineteenth Amendment, the involvement of women in various twentieth-century wars, and the debate surrounding the constitutional right of privacy. However, the work is far more than a historical treatise. It is also a volume devoted to identity politics, constitutional jurisprudence, and political theory. In most instances, Ritter seamlessly weaves all of these perspectives into a vivid and coherent image of the struggle for full civic membership.

Ritter is at her best when describing attempts to amend the constitutional text. Her descriptions of the personalities and the policies related to the passage of the Nineteenth Amendment and the failed Equal Rights

Amendment, for instance, dovetail nicely with her higher purpose in exploring the themes of constitutional recognition, liberal individualism, and political equality. In general, her discussion about the Thirteenth, Fourteenth, Fifteenth, and Nineteenth Amendments nicely illustrates the perpetual struggle to use constitutional means to alter civic perceptions. Ritter's chief point is that constitutional recognition does not just occur when texts are amended. It takes more than an addition to the constitutional instrument for groups like women to participate as equals in the crafting of the public good. She is also remarkably adept at explaining the importance of the judiciary and the centrality of appellate court decisions in the development of women's constitutional status. The chapters on jury service, labor, equality, and privacy are replete with critical references to cases that have further stifled attempts by women to gain a greater degree of civic power.

This is not to suggest that *The Constitution as Social Design* is flawless. Perhaps in part because the territory is so well traversed, Chapter 8 on the constitutional right to privacy is comparatively thin. Ritter begins the chapter with a description of the "legal genealogy of privacy" in which she rather quickly arrives at a discussion of the constitutional controversies surrounding contraceptives and abortions. She then goes on to explore the concept of privacy in greater theoretical detail, this time focusing less on decisions involving procreation and termination and more on the equally critical "positions" of "the home," "the doctor," and "the decision maker." Here, she makes an important historical inference: that the dominant paradigm of husband as master over the wife in decisions involving family planning has been replaced in recent years (and as a result of the jurisprudence of privacy) by the equally unsettling paradigm of doctor as master. This is an interesting and critical point that warrants further development.

More problematic is Ritter's final chapter, entitled "The Politics of Presence," in which she makes a rather unsuccessful attempt to provide some normative relief to readers who are (appropriately) disquieted by her historical and theoretical conclusions. She "proposes an alternative ideal of civic membership" (p. 308) based on the principles of "embodiment" and publicness. That is, she attempts to draw from feminist theory, critical race theory, and disability studies, a conception of civic membership that highlights a woman's physical place in the world, and that uses such physicality to make meaningful inroads into the sphere of full political participation. The result of this discussion is a disjointed conclusion that leaves the reader a bit puzzled; a general problem made more pronounced because it was so unnecessary. Ritter's historical, theoretical, and jurisprudential analysis throughout the book is so compelling that it stands on its own two feet. We can see that something needs to be done to shore up women's civic membership; a short examination

of a prescription for change does not add much to that realization.

Yet despite faltering a bit at the end, *The Constitution as Social Design* represents a significant contribution to the field of American constitutional development. At a meta level it brings to the fore one of the most troubling (and oft-repeated) historical paradoxes: that the American constitutional scheme—still the model for so many constitutional framers around the world—not only permits but also furthers the systematic marginalization of entire populations from participating in the civic discourse. Ritter's scholarship points out that men are still capable of crafting the common good—that is, fully participating as civic members of the polity—whereas women are still seen as connected to the dialogue only in less obvious ways. What is troubling is that America's Constitution is largely to blame.

Where Women Run: Gender and Party in the American States. By Kira Sanbonmatsu. Ann Arbor: University of Michigan Press, 2006. 264p. \$70.00 cloth, \$24.95 paper. DOI: 10.1017/S1537592707070417

— Tracy Osborn, *Bridgewater State College*

In recent years, scholarship in the subfield of women and politics has met with a puzzling trend. The percentage of women in state legislatures, once steadily growing, has leveled off and even decreased in recent years. It is from this puzzle that Kira Sanbonmatsu's book begins: Why is the growth of women's representation in the state legislatures slowing down, and what do political parties have to do with it? Sanbonmatsu's argument is thoughtful, detailed and compelling, and she generates a bounty of information for scholars of women and politics, state politics, and political parties.

The author's analysis focuses on whether stronger political parties will attempt to influence the prenomination process in order to draw women candidates into office, thus increasing the representation of women in the state legislatures. On the one hand, Sanbonmatsu expects that parties may enhance women's representation by acting as recruiters who find more women candidates to run in the primaries. On the other hand, parties may act as gatekeepers by making their preferences known in the primaries through endorsements, financial assistance, or discouragement of potential opponents. Because of assumptions about women as candidates, this gatekeeping function could stifle women's candidacies and lower the number of women in office. She tests these alternatives using three main data sources: in-depth semistructured interviews with state and legislative party leaders, state legislators, and other actors, such as interest groups in Alabama, Colorado, Iowa, Massachusetts, North Carolina, and Ohio; a mail survey of state party and legislative leaders and Ohio state legislative candidates; and a quantitative analysis of women nominees for major parties.

Contrary to her expectations, Sanbonmatsu finds that strong parties do not facilitate, and in fact can hinder, the development of a deep pool of women candidates. In Ohio, for example, where party recruitment is strongest, legislators report that potential women candidates are often not on the radar of party leaders when they recruit; rather, they recruit from informal social networks that some legislators refer to as "good ol' boy" networks. Conversely, in Alabama, weak parties do not offer women opportunities to be self-starters; lack of confidence in women candidates by interest groups and state public opinion remain enough to suppress the draw of women to the candidate pool.

One of the most significant contributions of Sanbonmatsu's research is her analysis of perceptions among potential candidates and party leaders. Interviews with women and men legislators reveal that there is a substantial gender gap in perceptions about the nomination process; for instance, 78% of men candidates think the party is equally encouraging of men and women candidates, but only 34% of women believe this (p. 139). Moreover, stereotypes that have been dismissed in scholarly literature, such as campaign finance differences between men and women, are perceived as quite real by the legislators she interviews. There seems to be an interesting disconnect between what political scientists find in research about women candidates and what party leaders perceive about women candidates, indicating that understanding perception can be as important in research about women candidates as analyzing the realities of outcomes.

Sanbonmatsu's analysis also sheds interesting light on our knowledge about political parties. In Chapter 3, she notes that legislative campaign committees in the states often engage in more political recruiting than do state or local party leaders. Though congressional work has identified the influence of Hill committees in the congressional campaign, this reveals a trend toward the increasing power of these committees at the state legislative level as well. Additionally, it is clear that parties vary widely in their attempts to control nominations. Some, like the Massachusetts Democrats, have such a majority that they give recruiting and gatekeeping little thought; others, like both parties in North Carolina, engage in a sort of preprimary intended to weed out candidates and avoid competition in a primary. Sanbonmatsu's interviews with party elites in the states are among the most in-depth sources of knowledge about party organization at the state level.

A notable problem in this research is both a testament to the author's research skill and a detriment typical of state legislative research. Explanations abound in the existing literature for the shallow pool of women candidates: Public opinion in a state is not conducive to women's success, women perceive less of a chance to win and therefore hesitate to run, or women do not run because of disproportionate responsibility in the home. Each of these