

approach. Because the Fed is in such a unique institutional position, his clarifications, observations, and interpretations of the organizational processes that determine Fed behavior and policy are in themselves a major contribution.

In summary, this book has much to recommend it. There is a tendency among scholars to focus on a single causal explanation of policy. Morris recognized in his research that this would be a major mistake in trying to understand monetary policy in the United States. He uses rational choice theory to make predictions about policy choice, and his empirical analyses support his theoretical models. If a student came to me wanting to study the Fed, this would be the first book I would recommend reading.

Constituting Workers, Protecting Women: Gender, Law, and Labor in the Progressive and New Deal Years. By Julie Novkov. Ann Arbor: University of Michigan Press, 2001. 336p. \$44.50.

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Trained in both law and political science, Julie Novkov has made a major contribution to an understanding of the transitions from the Progressive Era to the New Deal that will be especially important for new institutionalist scholars of the Supreme Court, for students of American political development, and for scholars of gender and politics, women's history, and labor history. It also instructs those activists both inside and outside the legal community who turn to the courts.

This is a richly theorized work that engages in a careful investigation ranging well beyond the confines of Supreme Court case law. Novkov's data come from all reported cases in state and federal courts from 1873 to 1937 that involved legal regulation of workers in the workplace. She finds the Supreme Court's position in *West Coast Hotel v. Parrish* foreshadowed by earlier rulings in state high courts. She also draws on arguments made before the Court and the arguments of advocates.

One new argument Novkov makes is that *West Coast Hotel v. Parrish*, a pivotal case of the 1937 New Deal Court, is actually a culmination of a line of development that began even prior to *Lochner*, rather than a repudiation of it. Reading against the traditional portrait in which *West Coast Hotel* is a radical break with the past and a capitulation of the Court to the will of Congress and the President, Novkov argues that the innovation lay in the extension of the standard developed for female workers to all workers. The new framework considers the extent to which the legal community came to envision male workers "as subjects in need of protection" (p. 270) as well. By "centering the gender of regulated workers in the analysis of the legal battles" (p. 2), Novkov instructs previous analysts of this era, including Howard Gillman, whose institutionalist approach she draws upon (*The Constitution Besieged: The Rise and Demise of Lochner Era Police Powers Jurisprudence*, 1993), how the intersection of women's history and labor history that prevailed in *Lochner* still helped direct the Court's reasoning in *West Coast Hotel*. While Bruce Ackerman, Robert Post, Cass Sunstein, Howard Gillman, and Barry Cushman have also contributed importantly to revisioning this era, they have not, in Novkov's view, recognized the centrality of gender in framing the debate over worker liberty and public interest.

The author also draws on scholars who have recently been reweaving constitutional narratives to take account of the significant role played by other actors in the interpretive community (e.g., Ronald Kahn, "Institutional Norms and the Historical Development of Supreme Court Politics: Changing 'Social Facts' and Doctrinal Development," in *The Supreme Court*

in American Politics: New Institutional Interpretations, ed. Howard Gillman and Cornell Clayton, 1999; Charles Epp, "External Pressure and the Supreme Court's Agenda," in *Supreme Court Decision-Making: New Institutional Approaches*, ed. Cornell Clayton and Howard Gillman, 1999), engaging in a rich examination of what has been recently termed "outside-in" scholarship.

Novkov's work extends the recent body of scholarship on the role of maternalists in shaping the modern welfare state (e.g., Theda Skocpol, *Protecting Soldiers and Mothers*, 1995). The roots of modern employment law and the modern doctrine of liberty "have grown in deeply gendered ground," she argues (p. 35). In fact, "much of the doctrinal framework for the modern interventionist state arose through battles over female workers' proper relationships with the state" (p. 13).

Novkov is centrally concerned with the questions of how doctrinal change occurs. This is a richly complex process in which judges do not monopolize control; the process extends beyond the formal boundaries of law. Attorneys and activists also help shape the discussion over doctrine; in the Progressive Era, social science research conducted within a maternalist framework played an important role. During periods of contestation, decisions leave ambiguities and lacunae in doctrine that are taken up and used by other actors involved in the process of interpretation. Investigating doctrinal change requires Novkov to engage textual analysis of cases and briefs, as well as social debate over protective legislation.

The "period of negotiation," during which courts were addressing attempts, both inside and outside the legal community, to balance and channel tensions and conflicts occasioned by the rise of a modern industrial economy and a modern regulatory state, begins with Myra Bradwell's attempt to use the new Fourteenth Amendment to argue for substantive rights (liberty and equality). Novkov ends this period of negotiation with *West Coast Hotel* but continues her consideration briefly into the early 1940s.

A key concept in Novkov's analytical framework is that of "nodes of conflict." These are contested narrative spaces, or "moments in the development of doctrine during which the various groups of actors who have access to the legal community struggle among themselves and with each other to establish their interpretations of a particular legal concept or phrase as the dominant norm" (p. 16). She organizes her book around four such nodes or periods of investigation, devoting a chapter to each of them. The first node, from 1873 to roughly 1897, is described as a period of "generalized balancing" between Fourteenth Amendment liberty and more traditional police power, where the courts did not consider statutes in specifically gendered terms. The second period, from 1898 to roughly 1910, is characterized in terms of "specific balancing" between workers' liberties and the state's power to regulate; judges and lawyers began to advance a separate analysis for cases involving protective legislation for women. The third node of conflict, from 1911 until 1923, represents a shift toward "labor-centered analysis," in which women's legislation was foregrounded and courts looked at the laborers themselves that statutes sought to protect. Doctrinal lines in litigation concentrated primarily on women's characteristics, more than on the issues they faced as members of the working class. The final period, from *Adkins* (1923) through *West Coast Hotel*, was a period of "gendered rebalancing," in which debate over the legitimacy of minimum wages took place in the context of a larger question over "whether the state had the legal capacity to regulate the terms and conditions of labor for all workers" (p. 183). Novkov argues that this debate featured gender rather than class. Whether or not the periodization of these debates is quite as neatly delineated as she argues, the

identification of areas of contestation in these four different nodes of conflict is extremely useful.

If Novkov's story is one in which New Deal workers are brought into the logic of protection developed during a struggle involving women's labor—so that class piggybacks on gender—is there any sense in which this story is a partial victory for and vindication of the maternalist strategy? For Novkov, “some paths bear more risks of co-optation by hostile actors than others” (p. 265), and maternalism was such a path. Women's organizations saw their political advocacy transformed into legal language, but Novkov tells a cautionary tale: “[R]eformers need to think carefully about the legal categories they create and how the next set of arguments down the road will transform these categories” (p. 265). Maternalist feminists should have been more wary of their allies; some judges and pro-regulation attorneys-general were seeking to validate statutes reinforcing traditional gender roles. Novkov yearns for a deeper rebalancing on the basis of gender than maternalists were able to achieve—one less dependent on the state's interest in reinforcing and protecting women's maternal roles. While one could wish for a fuller discussion of the consequences of the *West Coast Hotel* perspective for workers and for the relationship between work and citizenship in the New Deal era, *Constituting Workers, Protecting Women* is a powerful piece of scholarship.

Democracy in Suburbia. By J. Eric Oliver. Princeton: Princeton University Press, 2001. 263p. \$47.50 cloth, \$17.95 paper.

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In this pathbreaking book, J. Eric Oliver proposes to answer an ambitious and important question: Has suburbanization brought about a decline of civic engagement in America? This question is, obviously, immensely important because more than half of all Americans live in suburbs. Whatever they think and how they vote and however much they participate in the civic life of their communities has enormous consequences, not only within the suburbs but also for the nation as a whole. The question is also consequential in light of the national debate that seems to have been provoked by the recent work on social capital. As Oliver notes, Robert Putnam has blamed suburbanization for part of the alleged loss in social capital in America. The general claim that suburbs have killed community and civic engagement is hardly new, and it has recently been amplified by (among others) advocates of the new urbanism. Oliver boldly states that “such claims are without any empirical basis” (p. 2), and he takes it as his task to supply the missing evidence that might answer the question. In doing so, he has produced a remarkable book, literally the first one ever published to present definitive evidence on the crucial issue of the impact of the suburbs on American democracy.

Oliver derives most of his data on political activity from the 1990 Citizen Participation Study conducted in 1989 and 1990. More than 15,000 Americans were interviewed by telephone to ascertain their voluntary and political activities and demographic characteristics, and more than 2,500 follow-up interviews were conducted to gather more detailed information. By merging data from this study with city- and metropolitan-level census information on economic and social characteristics and data from the 1996 American National Elections Study, Oliver has constructed a unique series of data sets. By constructing contextual models employing multivariate regression analysis, he is able to bring to bear a formidable array of evidence to show that suburbia does influence civic participation.

Scholars have long assumed, and asserted, that small communities promote personal connections and civic participation. Oliver's evidence bears this out: His data show that the residents of small communities tend to contact local officials more, to attend board meetings and meetings of organizations, to vote more frequently in local elections, and to participate in informal civic activities. In general, these relationships hold even when social context varies significantly; city size matters to some degree, for example, regardless of varying education levels.

Things get much more ambiguous when Oliver considers the influence of social-class segregation on civic participation. He offers convincing evidence that metropolitan areas are highly segregated between rich and poor, and that municipal boundaries tend to match up with these patterns. He shows that populations trapped within poorer municipalities tend to participate at a lower rate, a finding that will surprise no one. But he also shows, somewhat unexpectedly, that people living in homogeneous affluent suburbs also participate less. Why is this so? According to Oliver, “the exclusionary practices that help create and sustain a suburb's affluence also limit the range of social problems and political conflicts within their borders” (p. 95). Homogeneity breeds boredom, while diversity within a governmental unit creates issues that sustain residents' interest. This finding offers a refreshing new angle on an old debate over the merits and consequences of governmental fragmentation. Should the suburbs be organized to encourage political engagement across class and racial lines, or should they be regarded merely as a marketplace offering people the “choice” of sorting themselves out? Not only does Oliver contest the basic premise of the public choice model by pointing out that only the affluent can exercise any reasonably free market choice (a familiar argument); he also argues—from his evidence—that political fragmentation breeds an escape from politics that erodes a “sense of connection and obligation to the larger society” (p. 98).

The relationships between racial segregation and civic participation appear to be more complex. Oliver's data show that the residents of predominantly white cities tend to participate less than do people living in racially mixed places, but there are many nuances. Many racially mixed cities may be “overpoliticized” because they tend to be more crowded and more beset by a variety of social problems. This fact may encourage people to escape to more peaceful pastures. When they do so, they may be striking a bargain to give up political engagement altogether.

Near the end of this book, Oliver reaches the conclusion that “America's current arrangement of local political institutions is not conducive to maximizing the civic capacity of its communities or promoting the benefits of civic engagement for its citizens” (pp. 2–6). Rarely do they live up to Oliver's “authentic governing principle” that “America's municipalities and other local institutions . . . should function so as to bring together most people within a geographic vicinity to collectively solve problems related to their area” (p. 5). Nor do contemporary governance arrangements nurture what Oliver calls “civic capacity,” which he defines as “the extent to which a community's members are engaged in both political and civic activities” (p. 6). Are these goals so important that they justify a renewed commitment to reform metropolitan governance? Or are Americans more attached to the metropolis as marketplace than as fertile ground for civic engagement? Oliver's book allows us to bring a fresh perspective to such questions. It virtually forces the reader to step outside old debates and assumptions and examine anew the consequences of America's preference for fragmented governmental arrangements.