

and *Republican Liberty*, 2008, pp. 140–77). “Before the 1650s there was no body of political thought in England that could be identified as republican,” counters Zagorin (p. 77). But Skinner’s interpretation does not require a republican “body of political thought,” merely the existence of prominent writers advocating republican *conceptions of liberty*, a quite different claim—and one that Skinner supports with ample evidence. Zagorin also objects to Skinner’s position by stating that Hobbes’s theory of liberty was framed “not as an answer to the republican theory but as a development of his civil science” (p. 78). This is questionable on three counts: It is mere assertion, needing further detail; it is a false dichotomy, since the two positions are compatible; and it misrepresents Skinner, who avoids the false dichotomy by arguing that Hobbes’s theory of liberty was both an answer to republican theory and a development of his civil science. Skinner is also criticized rather sketchily in a tantalizing footnote where Zagorin simply announces, without further comment, that “Skinner . . . is mistaken, I think, in stating . . . that Hobbes was not an exponent of a pure negative theory of liberty” (p. 154).

Hobbes’s political advice is usually neglected, even though each of his main political works has a chapter giving counsel to sovereigns (*Elements of Law*, Chapter 28; *De Cive*, Chapter 13; *Leviathan*, Chapter 30). Yet most interpretations of Hobbes are overly philosophical. Many scholars see the state of nature as hypothetical, and believe that a fundamental problem for Hobbes is whether we really could get out of the state of nature. But Hobbes also saw the state of nature as something real; there was a state of nature during the civil war, for example. An equally fundamental problem for him is thus how to avoid going back to a state of nature. Mainstream scholars who discuss Hobbes’s practical advice usually overemphasize the importance of fear. Yet Hobbes also says a great deal about education—“the key to the maintenance of social order” (Sharon Lloyd, *Ideals as Interests in Hobbes’s Leviathan: The Power of Mind over Matter*, 1992, p. 219). For example, civil disorder arises partly through faulty opinions “which are gotten by education,” but faulty opinions can still be “taken away . . . by time and education” (*The Elements of Law*, Chapter 28, section 8). Reading republican texts like those of Aristotle and Cicero is like “the biting of a mad

Dogge” producing rabies (*Leviathan*, Chapter 29), but teaching “absolute obedience to the laws of the King” should bring “lasting peace” (*Behemoth*, Part 1).

Zagorin does not initially get the right emphasis here, depicting the state of nature “largely as a hypothetical condition” (pp. 39, 45), and stressing how Hobbes sought to supplement the law of nature with fear (pp. 55–56, 62). Only briefly does Zagorin mention education as a tool for averting disorder (pp. 32, 81, 104). Nonetheless, he makes an extremely important statement in writing that Hobbes’s work “belongs in certain respects to the broad genre of European literature of . . . advice to princes” (pp. 84–85). And he is entirely right to emphasize equity, a very significant norm for Hobbes (pp. 92–95) and one underplayed by most commentators. Equity is a law of nature that requires “the equal distribution to each man, of that which in reason belongeth to him” (*Leviathan*, Chapter 15). Zagorin sees equity as “the fullest expression of equality and fairness in the treatment of human beings . . . and the highest standard of moral reason and rectitude, from which neither the sovereign nor the civil law can be excepted” (p. 94). He accurately captures Hobbes’s repeated emphasis on the high standards required by good sovereigns, and does this neatly with a subsection entitled “Hobbes’s Very Moral Sovereign” (p. 84), perhaps the most important idea in the book.

Of course, equity is only a *moral* standard for the sovereign, who remains unbound by *practical* checks like civil rights or mixed government. Zagorin is right to emphasize “a broad strain of humanity and liberalism” in Hobbes’s arguments on religious toleration (pp. 119–28), but Hobbes remains an absolutist: From a contemporary perspective, it is “a serious deficiency in his moral and political theory” that he does not supplement the sovereign’s moral standards with a fuller set of rights for subjects (p. 128).

Overall, this short and clear book is a valuable contribution to the literature. The first two chapters advance our understanding of Hobbes’s ideas on natural law; Chapter 3 has a noteworthy account of the moral constraints on sovereigns; and the final chapter’s defense of Hobbes’s humane theory is neatly encapsulated by the clever pun in the title “Hobbes, The Moral Philosopher” (p. 99).

*Hobbes and the Law of Nature* was Zagorin’s last book; he died three months before it was published.

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## AMERICAN POLITICS

### Lobbying and Policy Change: Who Wins, Who Loses, and Why.

By Frank R. Baumgartner, Jeffrey M. Berry, Marie Hojnacki, David C. Kimball, and Beth L. Leech. Chicago: The University of Chicago Press, 2009. 360p. \$66.00 cloth, \$24.00 paper. doi:10.1017/S153759271000383X

— McGee Young, *Marquette University*

With the publication of this volume, the long-standing critique of interest group research as theory rich and data poor can finally be put to rest. Five coauthors have teamed with (by my count) 52 undergraduate and graduate students for an extraordinarily rich study of policymaking between 1998 and 2002. The extensive trove of data collected (and archived at <http://lobby.la.psu.edu/>) yields insights that make this book required reading for all students and scholars of American politics.

Assumptions about the influence of lobbyists are rampant in critiques of policymaking. The heavenly chorus of pluralism rings with an upper-class accent, we are frequently reminded. Policy adjusts only incrementally because lawmakers are unable to overcome the influence of vested interests. But are these assumptions borne out empirically? The great knock on studies of policymaking has been that they are either based on case studies, where all sorts of anecdotal evidence can be found to support an interest-group-influence hypothesis, or the data collected are so generic that even basic causal relationships are difficult to establish. What is missing is evidentiary data that capture the particulars found in case study research but are distributed across a diverse enough set of cases to allow for more sophisticated methodological techniques to be employed. Thus, Frank Baumgartner and his colleagues, with their small army of assistants, set out to collect case-study-type data in sufficient quantity to allow for aggregate data analysis.

The authors approach their question of “Who wins in Washington?” with a multifaceted research design impressive enough in its breadth to deserve some attention here. To start, they sample from a comprehensive list of House and Senate lobbying disclosure reports to identify a random universe of participants. After initial interviews with their sample population, the authors assemble a list of 98 issues on which each organizational representative had worked most recently. These range from patent extension to chiropractic coverage under Medicare, some very broad and some very specific. Interviewers endeavored to determine the relevant sides of each issue and identify its key players. Separate subsequent interviews were then arranged where possible with representatives from each side of the issue, as well as with a government official working on that issue. All told, the authors interviewed 315 respondents.

Individual interviews anchor the empirical research in this volume, though the authors also effectively mine publicly available information. The net effect of this research approach is an analysis that paints a vivid picture of how advocates interact with one another, but it is made even more robust by the selective deployment of the vast amount of contextual data collected by the authors. Indeed, one of the lasting contributions of this collaboration will be the online database with 258,000 files ready for entrepreneurial researchers to download.

The authors organize their findings around four main observations. First, they note that struggles over policy necessarily involve efforts to change the status quo, which are “statistically uncorrelated to *preexisting levels* of power or mobilization” (p. 20). That is, bias in the system does not necessarily imply bias in the process of policy change. The second observation involves the multidimensionality of policy impacts. Rarely does a single group feel the impact of a policy change, and even then the implications of the

change might extend to other groups. As a result—and this is the authors’ third observation—it is mainly coalitions that organize to change or defend the status quo. As they put it, “‘lone ranger’ lobbying is far from the norm” (p. 22). Finally, after interviewing hundreds of lobbyists and government officials, they find that issue attention is at a premium in Washington DC. There are so many potential issues that the public agenda can encompass only a small fraction at any given time. Thus, a major lobbying challenge is simply getting others to care about your issue.

Separate chapters describe the effects of partisanship and elections, the forces that shape interest group arguments, the various tactics that advocates employ, and the ways in which participants try to frame the issues on which they are working. Each of these chapters contains keen insights. For example, the authors observe that bipartisanship is more difficult to sustain as an issue receives greater attention, suggesting that hopes of visible bipartisan lawmaking are largely misplaced.

Within the set of broad observations are two findings that are sure to raise the eyebrows of readers. First, as hinted at previously, the authors argue that resources are not decisive factors in determining policy change. Rather, they postulate something like an efficient market hypothesis: “Whatever biases are inherent in the system of interest-group mobilization . . . these biases are already there, reflected in the status quo” (p. 240). Thus, any changes in existing policy would be equally as likely to reflect a challenge to the status quo as it would the wealthy and powerful shoring up their positions.

The second counterintuitive finding is that policy change tends to be nonincremental. Here, the evidence suggests that a punctuated equilibrium or friction model better describes the pace and extent of policy change (p. 34). Because of the status quo bias of existing institutions and interest group coalitions, efforts at policy change typically fail even when there is a compelling reason to make a marginal policy adjustment. In fact, it is only when conditions change appreciably that enough momentum can be generated to push through such adjustments. Given the discordance between old policies and new demands at that point, when these opportunities arise the solutions are far from incremental.

What is striking about these findings is not that they are necessarily groundbreaking—after all, we have long known about the difficulty in establishing an empirical connection between money and policy outcomes, and the punctuated equilibrium model of policy change is nearly two decades old. Rather, what stands out is the absence of engagement with the fairly extensive literature on policymaking and policy change produced by scholars of American political development, despite the fact that they are asking nearly identical questions. Valuable theoretical and empirical work on policy change has appeared in recent years from Paul Pierson, Kathleen Thelen, Jacob Hacker,

and others, in many cases reaching strikingly different conclusions than what is found in this work. For example, Hacker's (2004) idea of "policy drift" would intersect in interesting ways with both of the findings discussed here.

Moreover, Baumgartner and his colleagues seem surprised by the centrality of government actors in lobbying coalitions, noting that they constitute 40% of the advocates in their study. While this may be a departure from the "two lobbyists and a legislator" (p. 304) framework of many interest group scholars, the entrepreneurial government official is pretty much a stock character in the research of historical institutionalists. It would be incredibly fruitful for these two subfields to engage each other more rigorously.

In sum, *Lobbying and Policy Change* engages broad themes that are central to the research of interest group scholars, but also to a much larger universe of academics and practitioners. The principal question strikes at the heart of normative concerns about our democracy. If the final analysis concludes that interest group influence is less capable of changing policy than we fear, it is no more comforting that a major reason for this is the status quo bias of existing institutional configurations and interest group mobilization. Still, this is the most important book on lobbying and interest group influence in at least a generation and will be foundational for many interest group scholars to come.

**Louis D. Brandeis and the Making of Regulated Competition, 1900–1932.** By Gerald Berk. New York: Cambridge University Press, 2009. 282p. \$85.00.

**An Entrenched Legacy: How the New Deal Constitutional Revolution Continues to Shape the Role of the Supreme Court.** By Patrick M. Garry. University Park: The Pennsylvania State University Press, 2008. 192p. \$35.00 cloth, \$25.00 paper.  
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— Ken I. Kersch, *Boston College*

While these books share a preoccupation with the ways that ideas underwrite and infuse institutions, and with the clash between wonted ways and new paradigms faced by the American state in the early twentieth century, they evince nearly opposite sensibilities and argue for opposing positions on the emergence of US constitutional modernity. Gerald Berk's *Louis D. Brandeis and the Making of Regulated Competition* anatomizes and celebrates the innovations of reformist "people's lawyer," Woodrow Wilson advisor, and Supreme Court Justice Louis D. Brandeis in fashioning a new approach to market regulation designed to advance the nation's traditional commitments to freedom, equality, and democracy under novel economic conditions. Patrick Garry's *An Entrenched Legacy* animadverts against the same initiatives and innovating spirit that Berk celebrates as having wrecked the institutional design instan-

tiated in the US Constitution by its Founders with the aim, and effect, of protecting American liberties.

Berk's ambitious book is an intricately crafted study of the genesis, goals, and functioning of the Federal Trade Commission (FTC), in which Brandeis played a critical role. The unprecedented concentrations of economic power in the late nineteenth and early twentieth centuries raised profound questions about the fate of the nation's creedal commitments under the existing institutional order. Advocates of laissez-faire denied that there was a problem, insisting that no, or few, institutional reforms were necessary. The reformers were divided into Populists, who supported markets, but only once they were cleansed of undue concentrations of economic power through the vigorous (nonbureaucratic, legal) enforcement of antitrust laws, and (New Nationalist) Progressives, who accepted that large agglomerations of corporate economic power were a concomitant of modernity, saw the Populist program as reactionary and nostalgic, and advocated that instead of destroying the massive new enterprises, the nation build a powerful new regulatory state that would function, where necessary, as an effective countervailing force.

Berk's subject is the creative "third way" reformism—"regulated competition"—proposed by Brandeis, and instantiated in the new FTC, as a way to bridge the internal divisions that threatened to cripple the reformist camp, and, Brandeis insisted, most effectively advance the nation's values and its capitalist economy. As a business lawyer—and progenitor of today's management consultants—Brandeis had been renowned for his insatiable appetite for the concrete facts concerning how specific businesses and industries actually worked, his evangelism for scientific management, and his impatience with the conceptualism and abstractions of those who, from the comfort of their studies, purported to deduce ostensible laws of economics and business and then impose them through law. (Accordingly, he buried himself in engineering and industry journals and spoke to accountants, spurning the economics literature and economists.) Brandeis's experience (including, seminally, with railroads and the Massachusetts shoe industry) had convinced him that many of the most bedeviling practices of modern industry—which businessmen had defended their right to engage in, tooth and nail, in the name of economic laws—were, in fact, little more than artifacts of industry convention and ignorance. (Accounting conventions that nonsensically valued volume over profitability, for instance, provoked the sort of "cutthroat competition" that, in time, led to monopoly power.)

Stepping outside the terms of the Populist-Progressive debate, Brandeis proposed that the new agency, rather than proceeding via preconceived formulas, would delve deeply into the nature of specific markets, deciding the best way forward through an inductive, contextual, and pragmatic assessment. Informed by republican values, the