

Book Reviews

The Constitution of a Federal Commonwealth: The Making and Meaning of the Australian Constitution by Nicholas Aroney. Cambridge: Cambridge University Press, 2009. pp. xix + 426. £27.99, pb. ISBN: 978 0 521 71689 5, £65.00, hb. ISBN: 978 0 521 88864 6.

This is an important book on the institutional design of federalism by a leading Australian constitutional scholar. Nicholas Aroney investigates the constitutional doctrines on offer to the Australian colonial authorities in the second half of the nineteenth century and deftly charts their choice of federal theories during the political process of constitution-writing that culminated in the 1901 Australian constitution. The book is a useful contribution to imperial history, unravelling the many legal processes that kept British and Australian authorities united in their shared attempts to devise a form of self-government appropriate to the then-newest international experiment in federalism. More than this, the book is an excellent investigation of the historical origins of the Australian federal system, with unusually detailed coverage of the prevailing political theories of federal constitutionalism: with impressive sketches of how the colonial framers interpreted such luminaries on federalism as Madison, Bryce, Freeman, Dicey, and Burgess.

James Bryce is especially prominent among the historically influential theorists of federalism noted by Aroney. Bryce's sustained interest in Australia is matched by the widespread acceptance by Australian political authorities of Bryce's line on federalism, which is not anchored in concepts of responsible parliamentary government as favoured by Dicey. Aroney makes much of Bryce's informed sympathy for US federalism which provided Australian admirers of Bryce with a source of political inspiration free from the responsible government tradition of strong party control over the legislature. This use of Bryce as publicist of federalism helps explain the difference between the weak Canadian and strong Australian upper (or federal) house of parliament.

Students of legislatures will find plenty here to interest them. For starters, the Australian story of constitution-writing is a good example of the capacity of elected politicians to use the conventional arts of statecraft in the service of national (indeed, international or at least imperial) statesmanship. Elected politicians often get a bad press as self-serving grafters; so, too, federalism often gets a bad press, as a recipe for dysfunctional and unstable policymaking. Combine the two together and we can expect the worst. Instead, Aroney provides readers with a detailed picture of a half-century of constitutional reform managed by elected politicians who understood the need to balance institutional innovation with public acceptability. It is unusual in a work of legal scholarship to find such open acknowledgement of the importance of due parliamentary process. Aroney

frequently notes the impressive nature of colonial parliamentary deliberation as part of his general case for federalism as a device to protect overlapping and reinforcing arenas of public deliberation.

Students of Westminster-derived parliamentarism will note Aroney's unusual US-derived frame of reference. He is an enthusiast for federalism, by which he does not mean the imposition of a superior authority over subordinate political entities. Nor does he mean the reservation by subordinate entities of 'state rights' against the imposed superior authority. Aroney uses the Australian case to illustrate what he takes to be the distinctive nature of Australian federalism, with a 'federative logic' reflecting a distinctive compact or covenant among the federating polities rather than between the old layer of formal authority and the new later one of national authority, as the arrangement is often described. Another prominent theme is the contrast between the Canadian and Australian designs for federalism. The Canadian federation emerged in the wake of the US civil war at a time when many feared the corrosive illiberal potential of state rights. Australian colonial authorities rode a later wave of interest in federalism with its own set of more openly democratic preoccupations. One of Aroney's refrains is the contrast between the design principles of Canadian and Australian federalism, although one should bear in mind that he is writing about constitutional intentions more than practical effects. Each of these two federal nations has moved quite some distance away from the neat outlines framed by their original constitutionalists.

Two dimensions of this book are worth close note. First, it uses the Australian experience of framing a federal constitution with a parliamentary government to tease out a general model of federal inter-parliamentary relations involving national and sub-national legislatures. Aroney's general thesis is that Australian federalism rests on a partnership between the two levels of government reflecting the primary role of the Australian states as the historic drivers for the formation of the federal polity known as the Commonwealth of Australia and framed in the 1901 constitution. In this reading, the Australian Commonwealth is more than the national government based in Canberra: the Commonwealth is the national component of the federal polity that includes the states as the original authorities for the new federated political system.

Second, the legitimacy of both states and the emergent Commonwealth rests on the willing consent of 'the people' who exercise multiple forms of sovereignty: as citizens (or at least voters) of states as well as of the federated Commonwealth. The 1901 constitution was accepted through a referendum process reflecting the pre-federation sovereignty of colonial citizens exercising political rights regulated by whatever Australian colony (soon to become states of the new Commonwealth) in which they resided. The rules of the constitutional game can be altered only through subsequent referendum, with two tests of voter acceptability: a majority of votes overall, plus a majority of the six federated states. This second test allows three of the less populous states to veto constitutional changes endorsed by national majorities based in the more populous

states. Aroney spells out the institutional logic of the Australian variant of federalism that ties the ambition of the Commonwealth government to the interests of the states. Further, Aroney emerges as an advocate not so much of the states as veto players or spoilers but of the blended system of shared responsibilities binding the two levels of government together. Alas, contemporary practice tilts far in the direction of federal dominance. But it is a blessing to have available such a detailed benchmark of original intentions.

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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, IL: University of Chicago Press, 2009. pp. xiv + 341. £45.50, hb. ISBN: 978 0 226 03944 2, £16.50, pb. ISBN: 978 0 226 03945 9.

Lobbying and Policy Change is an impressive undertaking that is likely to become a standard resource for students of interest groups, public policy, and agenda change. In adopting the design they do, the authors overcome the artificially narrow lens with which most scholars study interest groups. The 98 issues, randomly selected from interviews with lobbyists who identify their 'most recent' endeavours, span four years (1999–2002) and two administrations. Identified as well are some 2,221 non-neutral participants who compete for advantage in the policy process.¹

Chapter 1 presents an overview of the project, a careful discussion of its scope and methods, as well as an invitation to use the massive amount of data made available at the project's website (<http://lobby.la.psu.edu>). Chapters 2–4 provide groundwork on (1) the scope of the policy change in contention; (2) the community of activists whose interests structure the conflict; and (3) the source and character of obstacles to be overcome. Remaining chapters provide increasingly more nuanced tests of the determinants of advocacy behaviour and policy change. Each chapter contains one or more anecdotes that befit the developing lessons. The stories add much to the overall pleasure and credibility of the presentation.

Readers benefit throughout from seeing the emerging evidence interpreted against major scholarly contributions to date. On the whole, the findings affirm more established, empirical generalisations than they disrupt. For example, challengers of the status quo encounter more obstacles than do defenders. Bold change requires a massive investment of time and coordination. And advocacy groups supplement their resource deficiencies by joining fluid, ad hoc coalitions. The authors break new and important ground with their insight that the conflict over these issues, no matter how complex, splits roughly into two camps – the defenders and challengers of the status quo. The controversies give rise, what

is more, to a distinguishable number of *sides*. In 20 per cent of the conflicts, only one side emerges, and two-sided controversies dominate (59 per cent).

The authors use these findings to test their bearing on tactics, arguments, resource biases and more. Some counter-intuitive results follow. For example, over the course of negotiating consensus, students of heresthetics tell us to expect adversaries to reframe alternative outcomes to their advantage. Yet, in these cases, we see a notable lack (5 per cent) of strategic manipulation. Also, we might expect the champions who engage in one-sided fights to be assured of victory, when, more often than not, they lose. The several authors bring to this volume a large store of experience and insight. Their interpretation of results is masterful and adds much to the contribution of the piece.

Lobbying and Policy Change is valuable for what it accomplishes and what it leaves undone for others to accomplish. I suggest three possibilities by way of example: Explicitly examine disparate issue types to see how policy demands, sides and arguments correspond with the preference distributions of awaiting decision makers. Investigate how well the parties to these 214 identified sides comport with our understanding of social network theory. Or pursue further the authors' normative conclusion that mobilisation for policy change is 'heavily skewed toward professional communities of corporations, professionals and institutions therefore away from the average citizen'.

Note

- 1 The authors conduct an average of three interviews with each of their sampled lobbyists and supplement their understanding of the cases with an extensive public record – hearing testimony, floor debates, floor votes, media coverage and more.

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The European Parliament by David Judge and David Earnshaw. Basingstoke: Palgrave Macmillan, 2nd edition, 2008. pp. xii + 356. £24.99, pb. ISBN: 978 0 230 00142 8.

It is not very many years since it was rather rare to find any detailed academic attention being given to the European Parliament (EP). This is emphatically no longer the case. But even within what is now a rapidly expanding literature, the second edition of this book will be particularly welcome. The book fills almost perfectly a very particular niche, located between general textbook introductions to Europe's only directly-elected institution and the rapidly expanding body of detailed political science research. And that it fills this niche very well is hardly surprising, given that the two authors comprise a highly knowledgeable

Brussels insider and one of the most widely respected and insightful figures in comparative legislative studies.

As with the first edition of this book, this version makes a serious effort to locate the EP within the comparative literature on legislatures, and also to draw upon the broader political science literature, particularly institutionalist perspectives. This willingness to ground study of the EP within broader frameworks of understanding pervades the whole book, but is particularly evident in the opening chapter, which explicitly seeks to locate the study of the EP within general thinking about legislatures, as well as considering where the chamber is located within the EU's system of governing institutions. This is then followed by a particularly enjoyable chapter on the EP's historical evolution: this chapter includes some lesser-known gems (such as the fact that the new chamber, in its original manifestation as the Common Assembly of the European Coal and Steel Community, set up a committee to propose radical constitutional reforms and advances in European unity on only its second *day* of existence!). Successive chapters in the book then examine, respectively, the elections to the parliament; the representative role of those elected as MEPs; the evolving role of political party groups in the chamber; other aspects of the internal organisation of the chamber; the EP's growing formal powers; and the practical influence that the EP can and at least sometimes has exerted over decision-making and policy-making in the European Union.

In a few instances – generally on subjects where a detailed research literature is still lacking – the book does come to read rather like a (somewhat advanced level) textbook. But in many areas it draws expertly upon, and is also unafraid to critique, much of the growing body of detailed research literature on the EP. The book also, in a few places, introduces elements of the authors' own original research. All of this adds up to a highly valuable book. And while some may be a little disappointed that the book contains no proper conclusion chapter, perhaps the most important lesson that the rest of the study should teach its readers is that, in the life of a complex institution like the EP, there are no neat conclusions!

ROGER SCULLY © 2010
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Wreckers or Builders? A History of Labour MEPs 1979–1999 by Anita Pollack. London: John Harper Publishing, 2009. pp. xix + 337. £20.00 (€27.00), pb. ISBN: 978 0 9556202 9 4.

Since June 2009 there have been just 13 Labour Members of the European Parliament (MEPs). Among the victims of Labour's poor showing was Richard Corbett, a former parliamentary official who was widely respected for his

commitment to the Parliament's constitutional cause. That Corbett should have lost to a British National Party MEP was painfully symbolic of how low Labour had sunk but also how the United Kingdom's relationship with Europe had been changing. In the autumn of the same year, David Harley, a former Secretary General of the Group of the Party of European Socialists, unexpectedly retired as Deputy Secretary General of the Parliament. With his departure, Labour's representation within the European Parliament at administrative level further dwindled, echoing what was happening at the political level. It was not always like this. There was a period in the late 1990s when the European Parliament seemed almost to 'belong' to Labour. In the 1994 European elections Labour won no fewer than 62 seats (out of 87). Pauline Green was elected Leader of the Socialist Group and in March 1997, anticipating Labour's General Election victory, Julian Priestley was appointed as Secretary General of the European Parliament. This book charts Labour's progress in the Parliament, from anti-Marketeer dominated rump (just 17 MEPs) in 1979 to the high-water mark of Pauline Green's leadership (1994–99) to the dramatic electoral slump of June 1999 (down to 29 MEPs). Over those 20 years Labour came 'in from the cold', shrugging off its anti-Marketism, embracing the internal market, balanced by a social Europe, and taking its place as a major player in the mainstream of European centre-left politics. Anita Pollack lived through it all, starting as an assistant to Barbara Castle (the European Parliamentary Labour Party's first leader in 1979) and serving as an MEP from 1989 until 1999, when the electoral axe fell. *Wreckers or Builders* is an extraordinary work. Pollack has drawn on her own experience, interviews with MEPs, MPs and officials and parliamentary and political documentation to give a detailed account of how the European Parliamentary Labour Party evolved. Concentrating on individuals and events, Pollack paints a rich and detailed portrait of a process that began with a moody and rebellious adolescent and ended with a mature and measured adult. For those who lived through this process, the book will, I am sure, be obligatory reading (and I suspect it will have been found in quite a few Christmas stockings). Political and European Parliament junkies will also enjoy the many episodes and incidents Pollack relates. For those not directly or indirectly involved, the account is probably too detailed for cover-to-cover reading but it will remain nevertheless an authoritative reference work covering an important period in the Labour Party's history. Pollack hints at the end that another volume, covering the 1999–2009 period, is in the pipeline. I hope that she does indeed write it and that John Harper Publishing (to be commended for producing this volume) again enables us to gaze into the fascinating world that Pollack so lovingly portrays.

MARTIN WESTLAKE © 2010
European Parliament

Cabinets and Coalition Bargaining: The Democratic Life Cycle in Western Europe edited by Kaare Strøm, Wolfgang C. Müller and Torbjörn Bergman. Oxford: Oxford University Press, 2008. pp. xv + 443. £60.00, hb. ISBN: 978 0 19 829786 4.

For some years now, Torbjörn Bergman, Wolfgang C. Müller and Kaare Strøm have been leading a major transatlantic research project on parliamentary government in Western Europe. To date, their findings have been published in three major collective volumes published by OUP, of which this is the third, as well as in a number of special issues of journals and numerous stand-alone book chapters and journal articles. The scale of this work, as well as its uniformly high quality, is a tribute to effective research leadership, on the one hand, and to assiduous scholarship, on the other. Taken together, this is a corpus of work which contributes enormously to our understanding of representative government, and which will remain a standard for many years to come. This present volume takes up the story of the first volume, which also dealt with coalitions, and which mainly consisted of configurative country studies – all comparably developed in terms of issues and questions, and comparably framed in terms of headings and data. Here, the editors step away from that focus on countries, and offer instead a set of strictly comparative analyses which build from the country-level data.

Forging an original set of analyses within what is already an over-worked field is far from easy, of course, but this volume claims a number of particular strengths, among which is the attempt to address the whole rounded story of the life cycle of coalition politics. That is, it combines within one holistic treatment an analysis of the processes of coalition formation, coalition governance, and coalition termination – arguing that the inter-relationship between these phases is such that none of the later ones can be understood without an appreciation of what came earlier, while none of the earlier ones can be understood without some appreciation of what politicians anticipate will happen further down the road. This, they claim, remedies a persistent shortfall in the voluminous coalition literature, in that authors in the field have often tended to see each phase in isolation. As is argued in one of the introductory chapters, ‘what happens between coalition formation and termination is still poorly understood’.

The editors are also rightly critical of the strained relationship between theory and data in much of the existing literature. In some cases, very sophisticated theories are built on or tested with relatively crude or inadequate data, and the danger remains, they argue, that ‘scholars will employ *some* existing data (as long as it bears *any* relationship to their theoretical concerns) rather than collect the really appropriate information’. In other cases, a number of closely researched empirical studies are developed that fail to address or even connect with the more important theoretical questions, even though these latter tend to be mined by theoretically more ambitious analysts. The way forward, they argue, combines ‘better theory’, ‘better data’, and ‘better methods’, and this particular volume is intended as a major step in that direction.

It also succeeds as such. The core of the volume is a series of eight chapters, all authored or co-authored by highly skilled scholars who have already been engaged in the configurative country analyses, and hence are sensitive to the nuances of real politics, that deal with the whole process of the life-cycle from formation to electoral consequences. These include chapters on coalition agreements, on portfolio allocation, on conflict management within coalitions, and on the ways in which governments come to an end – sometimes even a crashing end. These chapters are then framed by four lengthy and careful analyses of the literature, theory and empirics that are penned by the editors and various colleagues. The result is a collection that is impossible to summarise, but one that constitutes an important final volume in an important series in comparative political research. This is a major achievement.

Incidentally, it should be noted that Bergman and his colleagues have now made their extremely valuable data-set available to the wider scholarly community at <http://www.pol.umu.se/ccpd/>.

PETER MAIR © 2010
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The People's Congresses and Governance in China: Toward a Network Mode of Governance by Ming Xia. Abingdon/New York: Routledge, 2008. pp. 300. £65.00, hb. ISBN: 978 0 415 34950 5.

Three decades after the founding of the People's Republic of China (PRC), Deng Xiaoping launched his reform policies in the late 1970s, which are responsible for transforming a centrally planned economy into an emerging world economic power. Whilst a vast and growing amount of literature has contributed to understanding the politics of contemporary China, the big question of whether the country's economic success is going to be followed by political democratisation remains a dividing factor in the academic community. By explaining how the world's largest legislature, the Chinese National People's Congress (NPC) and, especially, the Local People's Congresses (LPCs) relate to politics, Ming Xia in *The People's Congress and Governance in China: Toward a Network Mode of Governance* offers an insight into the complexity of China's legislative system. In particular, Xia's study on the Provincial People's Congresses (PPCs), which are the empirical focus of the book, presents a timely addition to the scholarly accounts on a much under-researched topic.

Beginning with the network mode of governance theory in the introductory chapter (Chapter 1), Xia moves on to describe how the PPCs (mirroring the revitalisation of the NPC at the national level) have become institutionalised to serve the need to legalise and legitimise Deng's reform programme (Chapter 2). This line of argument is developed further in Chapter 6. Against this general background, Chapter 3 discusses the institutional mechanisms of the PPCs. Turning

to the electoral process, Chapter 4 argues that the way in which individual people's deputies (PDs) and PPC officials are selected as the political elite, shows a minimal electoral link between the 'elected' and those who are represented (p. 100). This is followed in Chapter 5 by a discussion of the provincial-level legislative process, in which each PPC needs to ensure success in law making by soliciting support from a wide range of political institutions: the Party, the government and PPCs in other provinces are all involved in a grand scheme of consensual politics development. In exploring the potential of PPCs as power players, Chapter 7 highlights the relationship between the legislative system and the Party system – a deep-rooted contradiction: the People's Congresses are the highest organ of state power as defined in the constitution on the one hand and the Communist Party is the ultimate source of political power and leadership on the other. By means of conclusion, Chapter 8 endorses an optimistic view of the future of Chinese politics, echoing an earlier statement that, in the long run, 'democratization would become inevitable once the PPCs have achieved a high degree of institutionalization' (p. 66).

What appears to be a debatable point of the book is the application of the network mode of governance to explain Chinese legislative politics. On the one hand, the author has devoted much of the discussion to explaining the institutional linkages between the PPCs and other political actors, which would seem to necessitate a network approach of analysis. In the meanwhile, it is also an established argument of the book that, at the micro-level, 'the PPCs themselves have turned into a hierarchical structure' (p. 65); and that 'the Party is obviously the most important part of the environment in which the PPCs evolve' (p. 82) at the macro-level. Readers would certainly benefit from a clearer account at the outset on the meaning of networks and the relationship between networking and empowerment.

On the whole, students in contemporary Chinese politics in general and legislative studies in particular will benefit immensely from the detailed empirical analyses presented in this book.

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