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The Politics of Unfunded Mandates: Whither Federalism? *by Paul L. Posner. Washington, DC, Georgetown University Press, 1998, 246 pp. $55.00.*

Paul Posner's book is a pioneering quantitative and qualitative study of a hot intergovernmental topic—federal mandates on state and local governments. Posner examines mandates enacted by Congress from 1983 through 1990 and in 1996. During 1996, staff of the U.S. Advisory Commission on Intergovernmental Relations (ACIR) prepared a report, as required by the Unfunded Mandates Reform Act of 1995 (UMRA), which recommended altering or terminating some mandates. Approximately 300 social welfare, environmental, labor, disability, and related interests opposed the report and flooded an ACIR conference on mandates. Especially visible were wheelchair-bound individuals. The commission killed the report in a party-line vote orchestrated by the White House. When a Democratic ACIR member seemed poised to support the report, another Democrat blurted, "Didn't the White House tell you how to vote?" Three months later, Congress defunded the thirty-eight-year-old ACIR—a move orchestrated by House Republicans. Such is the politics of mandates.

Posner discusses the rise of mandating since the mid-1960s and surveys the political and socioeconomic forces that foster mandating. Emphasis is given to changes in the party system that disconnected members of Congress from their historic moorings to state and local government interests. A useful addition to the analysis would have been the "one person, one vote" revolution of 1962–1964 which, together with the rise of the media and primaries as well as the equality revolutions of the 1960s, reoriented political incentives from the interests of places (states and localities) to the interests of persons. This thread ties together the rise of mandating in both Congress and the state legislatures, along with the shift in grants-in-aid from places to persons.

For Posner, mandates include direct orders, crosscutting requirements, crossover sanctions, partial and total preemptions, and major grant conditions. This definition broadens the book's scope but stretches the usual definition of mandates as direct orders and goes beyond UMRA's coverage. The author really analyzes federal encroachments on state and local powers, not all of which are unfunded mandates.

Of key value is Posner's analysis of House and Senate roll-calls. Mandates prevailed in 55 percent of the votes. Republicans supported mandates more than Democrats. Republicans and conservatives tended to endorse mandates that restricted welfare, preempted state and local regulation of the economy, and legislated moral and social policies nationwide. Democrats and liberals tended to oppose such mandates while supporting stricter environmental mandates, requirements that state and local officials implement policies according to national rather than local priorities, and, to a lesser extent, mandates that shifted costs to state and local governments.

This summary cannot do justice to Posner's analysis or convey the full extent of mandating because, as Posner notes, only thirteen of thirty-one significant mandates went to roll calls. Therefore, he provides case studies of two broadly supported mandates: asbestos removal from schools and preschool education for handicapped children. The forces at work in mandating are well illustrated, including occasional state and local support for mandates. State and local officials rarely defeat unwanted mandates, but they often secure modifications during legislative consideration.

Posner also analyzes 1996 congressional action in order to test UMRA's impact. Overall, UMRA has not been reliably prophylactic, although it has enhanced the leverage of opponents of particular mandates. Posner concludes that Congress's centralization hares are still outrunning its devolution turtles.

Ideally, the analysis would have included mandates from 1965–1982 when Democrats prevailed in Congress and in state and local organizations. The empirical results might have been a bit different. Nevertheless, this superb study should be read by every student of American federalism. Its breadth also makes it classroom friendly.

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Making Race and Nation: A Comparison of the United States, South Africa, and Brazil *by Anthony W. Marx. New York, Cambridge University Press, 1998. 408 pp. Cloth, $29.95; paper, $18.95.*

As the twentieth century draws to a close, race remains nearly as potent a force as when W. E. B. Du Bois identified it as the problem of the century almost 100 years ago. In *Making Race and Nation*, Anthony Marx seeks to account for the continued salience of race and the nature of race relations in three countries over the last century. He attempts to answer three questions: How and to what extent were such relations prefigured by earlier history? How did political and economic processes during this century shape divergent racial orders? And how did challenges from below emerge, interact with, and force changes in racial domination from above? Ultimately, Marx links race making to nation building, arguing that the impetus for resolving conflict by means of nation-state building was integral to race making and to the unmaking of legal racial domination. Marx also suggests the reverse: that issues of race have been integral to nation-state building.

The book investigates three cases: the United States, South Africa, and Brazil. In three different sections Marx examines how the enactment or not of legal racial domination during the twentieth century was shaped by earlier experiences of colonialism, slavery, and miscegenation; the circumstances that shaped the particular racial orders that were enacted in each place; and finally, how state policy shaped and was shaped by black protest.

In brief, Marx finds that early historical practices and cultural distinctions did not automatically determine the future trajectory of race relations in the three societies. "Only the legacy of greater colonial unity and stability in Brazil, contrasted with violent division in South Africa and the United States, proved persistently determinant" (p. 79). Instead, the divergence in postabolition experiences—the relative lack of formal racial domination in Brazil compared to Jim Crow in the United States and apartheid in South Africa—is attributed to the degree of internal conflict in the three countries. In the United States and South Africa, racial domination was used to foster unity among divided populations (North-South divisions in the USA, Afrikaans-English antagonisms in South Africa) and so to consolidate the state. In Brazil, not riven by such divisions, official race discrimination was not established; rather, the nationalist project included blacks within an official racial democracy, despite continued discrimination. Black protest eventually forced changes in all three countries, with the nature and timing of that protest depending greatly upon the level of racial domination and identity consolidation. In all three cases, Marx contends, black protest emerged during periods of flux—transitions in state rule and race policies. As Marx notes in his conclusion, the findings of his book suggest the need for further research into the way in which other legal exclusions may have been used elsewhere to reinforce nation-state unity.