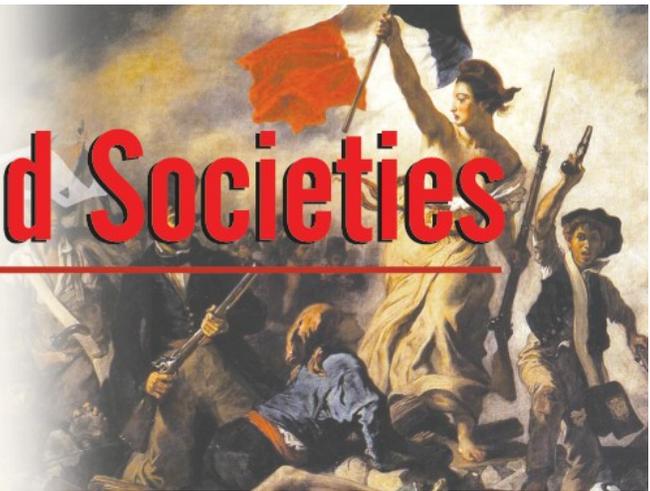


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States, Power, and Societies

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Symposium on Regulation

Following several decades of “so-called” deregulation, we seem to be embarking on a new era of regulatory proposals. Was it really an era of market fundamentalism (Block says no)? Is the new era of regulatory proposals simply a response to the devastating economic, financial, and housing crises (Domhoff and Stryker cite numerous regulatory outages), a “new progressive era”, the “triumph of conservatism”, the victory of experts, the global spread of neoliberalism (as Schneiberg argues), or some other phe-

nomena? We invited several scholars to give us their thoughts. We are grateful for their input and think you will enjoy reading the responses of William Domhoff on the future possibility of regulation (and the restoration of Sociology); Fred Block on regulation and the financial sector; Robin Stryker on the need to maintain regulatory vigilance for workplace fairness and diversity; and Marc Schneiberg on international markets and regulation (KCS).

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A New Era of Regulation?

Fred Block UC, Davis

The convergence of a deep economic crisis with Barack Obama's election forces us to consider whether the era of market fundamentalism that began with Ronald Reagan's

election in 1980 has finally come to an end. And that, in turn, provokes immediate concerns as to whether the Obama Administration is bold enough and has sufficient distance from Wall Street to rebuild the U.S. economy without the speculative bubbles

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De-Regulation and Re-Regulation: From Capital to Labor and Employment

Robin Stryker University of Arizona

Given the stock market crash and Great Recession of 2008, it's not surprising that we are now talking about re-regulating banks and financial markets. The Glass-Steagall Act separating investment from commercial

banking was one of the great New Deal achievements. At the end of the go-go 1990s, Former Texas Senator Phil “the economy is fundamentally sound” Graham rode the on-going deregulatory tide to sweep away even that remaining regulatory safeguard. Any student of US history and political-economy easily could have predicted that an economic

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Regulation is Dead, Viva Regulation!

Mark Schneiberg*
Reed College

In an odd twist of fate, globalization, neoliberalism, and the victory of the market brought with them not the demise, but rather the resurgence of regulation in the current period. Between 1990 and 2002, the OECD and Latin America alone created more than 20 new national regulatory agencies *per year* for utilities, finance, competition policy and social regulation, and over 30 per year between 1996 and 2001 (Jordana et. al. 2009). Liberalization and privatization only accelerated this trend. Privatization in Western Europe more than tripled the odds of new agency creation (Gilardi 2005). Even Britain's exemplary "big bang" of financial liberalization went hand in hand with the creation of new agencies for securities and banking, five self-regulatory organizations, and volumes of new rules. And coinciding with these national developments has been a Cambrian explosion of certification programs, rule-making bodies, standards and directives at the transnational level. Regulation, it seems, has grown with globalization and the market, challenging conventional

wisdom along two broad fronts.

First, arguments about regulatory "races to the bottom" only partly describe the interdependencies among nations associated with globalization, and founder on findings that unchecked spirals of regulatory arbitrage are relatively rare. Economic interdependence may as, if not more, commonly promote "California effects" or "trading up dynamics" (Vogel and Kagan 2004). Producers seeking to export to rich and regulated markets in the EU or USA are forced, often reluctantly, to upgrade facilities to meet those jurisdictions' environmental, quality or safety standards. But once they make those investments, firms develop interests in their home country's raising standards, either to disadvantage domestic rivals or realize scale economies across markets. They may even forge "Baptist-bootlegger" coalitions with reformers to "import" higher standards.

Furthermore, ministries and regulators from different nations have observed and interacted within one another increasingly intensively in recent decades, crystallizing communities of prac-
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Rules, Rules, Everywhere's Rules

G. William Domhoff
UC, Santa Cruz

When *States, Power, and Societies* asked me to write a few words about regulation, (and even encouraged some off-the-wall comments), I began with a few ideas starting with the mundane and moving to the ridiculous. The mundane begins with the most recent examples of regulatory outrage, including the failures of the Food and Drug Administration to protect Americans from the predations of agribusinesses and fast food chains. But that is old hat and there are thousands of examples over the decades concerning the way in which various regulatory agencies have been captured by the groups they are supposed to regulate. Then there's the fact that some industries found government regulation useful and asked that it be implemented, such as in communications and aviation many decades ago, but there are many case studies on that dimension, too.

Somewhat more interesting is the fact that a series of minor and not-so-minor changes in government regulations and outright deregulation led to most of the economic disasters of the past 28 years. I think this story is best told in left-liberal economist Dean Baker's *The United States Since 1980* (Cambridge University Press, 2007) because it stresses that there was no one turning point, just many small ones from many different sources, all under the cover of the omnipresent anti-government ideology

that was given refurbished clothing and a few new buttons by Reagan, monetary economists, supply siders, and other con artists.

The disaster of deregulation leads to an intellectually interesting point that I first learned about through the work of Michael Mann, as best explained in the first two volumes of his magisterial *The Sources of Social Power* (Cambridge University Press, 1986, 1993). Territorial regulation--put another way, regulation of personal, familial, economic, and other disputes within a given area--is the fundamental task of "the state," the task that makes it "potentially autonomous." (By the way, does anyone still believe the autonomy thesis for the United States, whether in the historical institutionalist or structural Marxist version, after decades of Reagan, Bush, Clinton, and Bush? Can any strong advocates from the 1970s generation admit that they were empirically wrong even while showing theoretical sophistication?) But I digress.

If we take Mann's insight seriously, then I think we can think about regulation as existing only within the realm of power. Yes, some regulation arises within small groups of cooperating citizens, and there were informal regulations, customs, and informal sanctions within pre-state societies, but for a long time now regulation is ruling, and ruling is power. Regulation is
(Continued on page 6)

Block: A New Era of Regulation? (continued)

that have plagued the economy for three decades.

With such establishment figures as Paul Volcker favoring more substantial banking reforms than Obama's top advisors, there has been anxiety that the new administration is either too timid or still too befuddled by free market ideas to do anything about the excessive growth of the financial sector, exemplified by the \$437 billion of revenues expected in 2009 by 23 top U.S. financial institutions (*Wall Street Journal*, October 14, 2009). While these concerns are understandable, there are several factors that increase the probability of serious banking reforms and make it more likely that we are already at the dawn of a "post-market fundamentalism" era.

First, it is important to clarify the nature of the historical period that just ended. Despite the constant invoking of the "free market" and "limited government" as celebrated by Hayek and Friedman, the period from 1980 to 2008 did not reduce the size of government in the U.S. or even separate the government from the marketplace. The widespread use of the term "deregulation" is an intellectual scandal; throughout this period, it was always re-regulation that allowed firms to escape obligations to employees, communities or the public, while they continued to rely on governmental action to help them secure a continuing flow of profits.

This is particularly important for making sense of the financial crisis. The Federal Reserve and other banking regulators systematically looked the other way during a huge expansion in predatory lending, particularly targeted at poor and minority households. And the same regulators also stood on the sidelines as powerful financial interests successfully blocked any efforts to control the spectacular growth of the derivatives market. Yet, the Fed and a host of other government agencies were actively promoting the expansion of highly suspect mortgage lending and facilitated the growth of markets for Credit Default Swaps and Collateralized Debt Obligations. In fact, it was the Federal Government that first introduced the whole idea of securitizing loans and selling them off in bonds. Moreover, the frequent phone calls between the head of Goldman Sachs and the Secretary of the Treasury were not unique to the crisis; they were in constant communication all along.

In short, the captains of finance and the captains of industry embraced the rhetoric of market fundamentalism because they wanted lower taxes and favorable re-regulation, but they never wanted smaller government. In fact, one reason that they employ vast armies of lobbyists in Washington is to make sure that Big Government keeps up the flow of services and subsidies to

them. This point has been made very clearly by John Braithwaite and his collaborators (*Regulatory Capitalism*) who argue that the so-called era of "neo-liberalism" saw a huge expansion of regulatory institutions both within government and in the private sector--reflecting needs for coordination that are far more extensive than what markets can possibly provide.

The crisis has finally brought to the surface the tensions within the conservative coalition between these cynical business interests and their grassroots allies on the Christian Right who actually believe the rhetoric of the free market and limited government. Back in September, the first financial bailout package was defeated in the House of Representatives when a third of the Republicans ignored both the Bush Administration and Wall Street's claims that the bailout was necessary to avert financial Armageddon. Even though most of them came from extremely safe Republican seats, they were still reluctant to ignore the distaste at the grassroots for Big Government bailouts.

To be sure, over the last ten months, Congressional Republicans have shown remarkable unity in opposing every initiative of the Obama Administration. Still, it seems highly doubtful that the business-Christian Right coalition can be put back together under the same old market fundamentalist ideology. What seems more likely is that the Republican Right will abandon the more libertarian elements of Reaganism and increasingly gravitate towards a kind of free market corporatism or fascism that embraces a strong state to defeat both foreign and domestic enemies and to re-institutionalize conservative family values. So even if Obama loses his re-election bid in 2012, we are unlikely to see an actual revival of the type of conservative governance that began with Reagan. But what are the prospects that Obama will be able to carry out reforms that protect the economy from financial excesses and lay the basis for a period of more broadly-shared economic growth?

It is important to realize that there are very powerful international pressures for the U.S. to carry out serious financial reforms. A crisis that was indisputably "made in the USA" came very close to setting off a conflagration that would have wrecked almost every financial institution on the planet and produced catastrophic levels of unemployment everywhere. Within the U.S., the causes of the crisis are still only dimly understood because of the continuing influence of free market ideas. But elsewhere in the globe, people understand that in order to maximize their hefty annual bonuses, thousands of Wall Street bankers and traders made risky and highly leveraged bets

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Stryker: De-Regulation and Re-Regulation (continued)

Tsunami would follow.

Such predictive acumen does not entitle political sociologists to gloat, however, because the mass suffering caused by current double digit national unemployment is way too severe. And we haven't even gotten to those who are so discouraged they don't seek work or to the numbers on foreclosures and homelessness. Though I'm usually more optimistic than this, at this point I suspect that any new regulatory legislation that gets passed will be too little, as well as way too late. But financial regulation is not my main subject.

That subject is regulation of employment. With a tight job market, it is especially important that regulatory frameworks designed to increase workplace fairness and diversity be enforced aggressively. We got exactly the opposite from the Supreme Court in the recent, high profile case of *Ricci v. DeStefano*, decided June 29, 2009.

This was the New Haven firefighters' case that got a lot of attention for two reasons. First, the media—and the Court itself—mostly interpreted it as a blatant case of reverse discrimination against whites. Second, Sonia Sotomayor, then up for Supreme Court confirmation, got excoriated by many commentators for her short opinion on behalf of the Second Circuit Court of Appeals. The Second Circuit simply upheld the federal district court's grant of summary judgment for the City of New Haven. When only whites and Hispanics passed an objective test for promotion used by the New Haven police department, the City withdrew certification of the test, on the grounds that, had the test been used, New Haven might have been subject to liability for race discrimination in employment under Title VII of the 1964 Civil Rights Act. Under this scenario, Title VII liability would have stemmed from New Haven adopting a practice that, although neutral on its face, had a *disparate or adverse impact* on African-American firefighters seeking promotion.

As it was, the case came to court because the white and Hispanic firefighters who would have been promoted but for the test's decertification sued for race discrimination in employment using the *disparate treatment* theory of discrimination under Title VII. The majority opinion, written by Justice Kennedy on behalf of himself, and of Justices Roberts, Scalia, Thomas and Alito, did not just reverse Sotomayor. The Court ruled substantively that Title VII made it impermissible for New Haven to discard the test. White and Hispanic firefighters suing under disparate treatment were the ones entitled to summary judgment—a judgment that they had indeed been victims of race discrimination.

What's the big deal? Lest your eyes glaze over at what may ap-

pear to be technical-legal fine print, note that numerous scholars, including yours truly, have argued that protecting the disparate impact standard of liability is essential for effective anti-discrimination enforcement (e.g., Stryker 2007). Robert Belton, Professor of Law at Vanderbilt University, contended that the 1971 case that established disparate impact as a legally valid enforcement strategy was as important to American progress in civil rights as was the 1954 school desegregation case, *Brown v. Board of Education* (Belton 2004).

With a tight job market, it is especially important that regulatory frameworks designed to increase workplace fairness and diversity be enforced aggressively.

In *Ricci*, the Court majority suggested there might be a fundamental conflict between the disparate treatment and disparate impact methods of proving employment discrimination. More than that, the Court violently twisted precedent under 14th amendment Equal Protection jurisprudence to suggest that allowing disparate impact methods of proving discrimination in violation of a federal statute—Title VII—might turn out to be unconstitutional. In his concurrence, Justice Scalia was blunt:

I join the Court's opinion in full but write separately to observe that its resolution of this dispute merely postpones the evil day on which the Court will have to confront the question: Whether, or to what extent are the disparate impact provisions of Title VII of the Civil Rights Act of 1964 consistent with the Constitution's guarantee of equal protection?... The war between disparate impact and equal protection will be waged sooner or later...

Reading Justice Scalia's opinion, it is hard to escape the inference that if he had his druthers, he would have used *Ricci* to declare disparate impact unconstitutional. That is a problem for those of us who believe in the continued necessity of strong anti-discrimination enforcement governing the workplace.

As Justice Ginsburg argued for the dissent in *Ricci*, disparate impact and disparate treatment always have been viewed as *co-equal* and *complementary routes* to proving employment discrimination. Proving disparate treatment requires Title VII plaintiffs to show that employers *intended* to discriminate, and this can be very hard to do. Meanwhile, disparate impact allows plaintiffs to make their initial case for employer misbehavior by showing the group-disproportionate *impact* of a selection device or process. Then, in order to avoid Title VII liability, employers have to show that their selection device was valid. That is, they have to show it accurately predicts job performance (Stryker 2001).

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Block: A New Era of Regulation? (continued)

on complex and unpredictable financial instruments. When the housing market in the U.S. turned down, all of these bets turned sour, leaving the financial sector to plummet into crisis.

At its recent meeting in Pittsburgh, the Group of Twenty--now the world economy's official coordinating arm-- agreed to new principles for financial compensation to attack this problem. A significant portion of any bonus payments to employees of financial institutions will be deferred and even clawed back if it turns out that the bets ended up losing money for the institution. One major global bank, Credit Suisse, has already announced that it is restructuring its compensation along these lines and others--including U.S. institutions are likely to follow--or find themselves excluded from participation in foreign markets. Recently, the Federal Reserve Bank has announced that it will extend its regulatory oversight to include the compensation plans of financial institutions. If these measures are accompanied by aggressive regulation to force financial institutions to limit their borrowing, they can reduce the dangers of speculation.

Another ground for optimism can be found in the Obama Administration's political strategy. From the start, Obama and his advisors understood that the Congressional Republicans were going to play the obstruction card. For this reason, they have worked feverishly on pretty much every major issue--the stimulus plan, the auto bailout, health reform, climate change legislation, financial reform-- to find business allies who will support their legislative efforts. And the strategy has been remarkably

successful; the Administration has had some business support on all of these efforts. This is because of big businesses' heavy dependence on government; they cannot all risk engaging in the politics of obstruction.

The Obama people are smart political sociologists. They recognize that businesses have a huge amount of political clout and that it is pretty much impossible to pass anything against the unified opposition of the business community and the Republican Party, no matter what the polling data shows. It is for this reason that they have studiously avoided the full throated populist attacks on Wall Street that many of their left critics advocate. That strategy would almost certainly backfire by creating a unified block of opponents.

But my guess is that their strategy could change again after the 2010 mid-term elections. Since the opposition party usually does very well in a President's first mid-term election, the Republicans would suffer a defeat if they picked up only ten House seats and lost a few more Senate seats. So if the Obama Administration can administer this third consecutive electoral defeat to the Republicans, Washington politics will shift again. A minority of Republicans in the House and Senate will abandon the strategy of across-the-board obstruction to assure their own political survival. With that shift, the Administration-- pressured from below by a variety of progressive constituencies-- would then have substantially more space to pursue a serious reform agenda.

Stryker: De-Regulation and Re-Regulation (continued)

In fact, since 1971, when the Supreme Court decided the case of *Griggs v. Duke Power*, it has been settled that when employers use objective tests to screen for hiring or promotion and those tests have disparate impact on minorities or women, employers must show the tests are job-related to avoid Title VII liability under disparate impact. Since the 1975 *Albemarle* case, it has been clear that job-relatedness means predictive of job performance. Clearly, the basic idea is a reasonable one. Tests that disproportionately screen out minorities and women will violate the US commitment to provide equality of opportunity, unless they *do* accurately predict job performance. Even if employers have validated a given test, under extant disparate impact precedent, plaintiffs can still win a Title VII challenge, if they can show that there are equally valid alternative selection devices with less adverse impact.

Now we can examine what really happened in *Ricci*. From the research consensus in industrial-organization psychology, we know that the best way to construct a test for promotion to a

leadership position in fire-fighting is to use one of the many assessment centers that conduct simulations to test applicant performance skills in situ. Such tests typically are valid and have much less adverse impact than paper and pencil cognitive tests of the sort used by New Haven. That is why many cities and counties now use assessment centers to screen firefighters for leadership positions. Inexplicably New Haven did not do so. The test New Haven used had numerous other issues pertaining to test validation and disparate impact as well, including issues involving test item weighting, cut off scores and performance rankings.

Even with a Supreme Court intent on using *Ricci* to create new evidentiary standards for what counts as sufficient threat of disparate impact liability, enough red flags were raised about validation that the Court should have sent the case back to be tried under the new evidentiary standards it enunciated. The Court did not do so. What it *did* do suggests that the Court is positioning itself to pursue further the idea that disparate impact violates the

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Schneiberg: Regulation is Dead, Viva Regulation! (continued)

tice that now take the independent regulatory authority for granted as the rational form for managing competition policy, privatization and environmental issues. Since the 1980s, these socio-institutional interdependencies have subjected nations to “horizontal” dynamics of diffusion in which peers’ growing commitments to the independent regulatory authority exerts pressures on industries still “at risk” to follow suit, net of domestic or other external pressures. Nor is it possible to ignore the growth of fully transnational systems of discourse, networks and organizations. A dizzying array of transnational bodies now populate the world stage, ranging from the EU and the WTO to the Forest Stewardship Council and the International Accounting Standard Board, which have served either as rule-making and monitoring bodies in their own right, or as platforms for fostering regulation and capacities for intervention within nation states (Djelic and Sahlin-Andersson 2006; Heidenreich and Zeitlin 2009). Here, too, globalization provides foundations for expanded regulatory activity.

Second, casting the last three decades mainly as “deregulation” risks obscuring both the relationships between regulation, markets and competition, and some of the early 21st century’s central tendencies, namely, the reconstruction, rather than the elimination, of regulation, and the proliferation of new forms. Regulation is not merely an overlay, add-on, or more or less fit container for either naturally occurring or already existing markets. Nor are regulation, markets and competition intrinsically antithetical forces. Rather, regulation constitutes markets. Choices about regulation are choices about the kinds of markets and economies that we will have (Berk 2009). And making markets presupposes regulatory and institutional infrastructures not just to fix stable property rights, organize exchange systems and

otherwise define basic market parameters, but also to police, enforce and nurture competition. This is true for markets in general. This is most tangibly true in newly liberalized and privatized infrastructure industries, where states have had to develop new capacities and intervene in wholly unanticipated ways to define rules and terms for entry, ensure access and make competition possible.

In fact, neoliberalism, its attacks on the state, and its demands for free markets have simultaneously generated pressures for new and increasingly complex regulatory interventions to make and expand markets, creating policy dilemmas (Krippner 2007), and pressures for reforms that combine private regulation, states, transnational organization and market forces in novel ways. Cap-and-trade. Multi-tiered systems of collective and individual self-regulation. Private and public certification programs. Transnational rating and ranking agencies. Soft law regimes. Deliberative and experimentalist governance. All of these flowed, directly or indirectly, from neoliberal critiques of “command and control” regulation. Yet “deregulation” is far too thin a conceptual edifice for describing these forms or for addressing fundamental questions that remain about their effects, their relative efficacies, and the kinds of markets order these forms produce. It is likewise too thin an edifice for considering progressive reforms that go beyond what might be nostalgic calls for a return to regulation, warts and all. The genie, I suspect, is well and fully out of that bottle. But in that odd twist of fate, neoliberalism and globalization may have given birth to regulatory systems with unanticipated possibilities, putting regulation firmly back on the agenda.

**This article draws upon Schneiberg and Bartley (2008, 2010)*

Domhoff: Rules, Rules, Everywhere’s Rules (continued)

about who bosses whom and who benefits and the other usual power issues.

And that brings me to the ridiculous. Would it be possible to fashion a set of regulations that could make use of markets in a complex society such as the United States if a liberal-left-labor coalition were somehow, finally, able to gain power by somehow capturing people’s imagination and trust in the face of a Dow above 10,000 and an unemployment rate over 10% in many large states? I know I have raised the issue before, and everyone has shrugged, or figured it was irrelevant, but Don Quixote, my role model, never gave up either. Can we do better than strong policing (regulation) of the market, as Douglas Massey advocated in *Return of the “L” Word* (Princeton, 2005)?

Could Congress become a planning agency that instructs various agencies of the government to carry out its wishes through a wide range of regulations? Could we not have large-scale investments by the government that would supplement and compete with private investments, highly progressive taxes, carbon taxes, subsidies for renewable energy sources, health insurance via Medicare-for-all, large Earned Income Tax Credits, and much else? Would that be enough to inspire activists and win people’s votes? Can the study of power and regulation for egalitarian ends finally reduce economics to a handmaiden of sociology and politics?

Stryker: De-Regulation and Re-Regulation (Continued)

14th amendment.

In short, *Ricci* is the latest Exhibit A for current deregulatory activism aimed at weakening Title VII of the 1964 Civil Rights Act. You may recall that Congress passed the Civil Rights Act of 1991 in large part to overturn a 1989 Supreme Court opinion that also re-interpreted Title VII to undermine disparate impact. But because the earlier episode involved interpreting *federal legislation* Congress could intervene to undo the Court's deregulatory activism. If the Supreme Court judges disparate impact to violate the US *constitution*, there can be no such Congressional intervention to restore the disparate impact theory of liability for employment discrimination. So now is the time to expend legal and political capital in defense of disparate impact.

More generally, Title VII, like all regulatory legislation, is only as good as the enforcement strategies and legal interpretations that implement it. With all regulatory legislation, we have to keep our eyes perpetually on the politics of regulatory enforcement.

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2009 Section Award Winners

BEST ARTICLE AWARD

Committee: John Skrentny (Chair), David Brady, Gianpaolo Baiocchi, Rory McVeigh, and Nathan Martin.

Ho-Fung Hung, (Co-Winner). 2008. "Agricultural Revolution and Elite Reproduction in Qing China: The Transition to Capitalism Debate Revisited." *American Sociological Review* 73:569-588.

Hung returns to the classic sociological question of the origins of industrial capitalism and considers Qing dynasty China as an interesting negative case. This study engages a range of prominent explanations for the rise of capitalism, and illuminates key features of 18th and 19th century China through a detailed historical case study and comparisons with Japan in the 18th and 19th centuries, Tuscany in 14th to 15th centuries, and 18th century England. While existing prominent explanations have focused on the agricultural purpose, Hung shows that the answer lies in the peculiar class politics of Qing China. In China, families of the urban elite opted for reproduction strategies centered more on positions as gentry or officials within the state, not in commerce.

Jason Kaufman, Harvard University (Co-Winner). 2008. "Corporate Law and the Sovereignty of States." *American Sociological Review* 73:402-425.

Kaufman provides a detailed historical analysis of the diffusion of corporate charters for in New England from the colonial era until the first half of the nineteenth century. This study adds to our understanding of modern corporate law and organization—and as a result, informs debates regarding institutional durability and change—by uncovering over a century of political conflict, struggles over power, and often-heated debate.

BEST BOOK AWARD

Committee: Pamela Paxton (Chair), Greta Krippner, Javier Auyero, Frederick Solt and Denis O'Hearn

Brian Steensland. 2008. *The Failed Welfare Revolution: America's Struggle over Guaranteed Income Policy*. Princeton: Princeton University Press.

The Best Book Award committee received 24 entries and 5 books were identified as finalists. Of the submissions, the committee decided to award the prize to Brian Steensland for his book *The Failed Welfare Revolution: America's Struggle over Guaranteed Income Policy*. The committee praised Steen-

sland's book as beautifully written and superbly argued. During the 1960s and 1970s, policymakers worked to replace the U.S. welfare system with guaranteed income plans, with one proposal nearly passing into law. Steensland reconstructs the history of guaranteed economic security proposals and shows that their demise was due partly to the cultural challenge posed by eliminating the distinction between the "deserving" and "undeserving" poor. The historical research the argument rests on is meticulous, and very well presented. Overall, Steensland's book provides both a thorough case study and lays out a framework for a very promising cultural analysis of the state in both advanced and underdeveloped countries.

Section Information

As of September 2009, the Political Sociology section has 853 members of which 307 are students

Honorable mention goes to Ann Mische's impressive *Partisan Publics: Communication and Contention across Brazilian Youth Activist Networks* (Princeton University Press 2008).

BEST GRADUATE STUDENT PAPER

Committee: Ann Hironaka (Chair), Malcolm Fairbrother, Kathleen M. Fallon, Erik Larson, Monica Prasad, Djordje Stefanovic, Liza Weinstein

Christopher A. Bail (Co-Winner). 2008. "The Configuration of Symbolic Boundaries against Immigrants in Europe." *American Sociological Review* 73:37-59.

Christopher's paper uses fuzzy set analysis to analyze the symbolic boundaries demarcating "us" from "them" for 21 European countries, with implications for the ease with which immigrants may be incorporated in these countries.

Lauren A. Rivera (Co-Winner). 2008. "Managing Spoiled National Identity: War Tourism and Memory in Croatia." *American Sociological Review* 73:613-634.

Lauren's paper draws on Goffman's theories of stigma to analyze the ways in which the state of Croatia has framed its history in order to downplay its "difficult" recent past.

Abstracts

RECENT BOOKS

Susan Eva Eckstein. *The Immigrant Divide: How Cuban Americans Changed the U.S. and Their Homeland* (Routledge Press 2009).

Are all immigrants from the same home country best understood as a homogeneous group of foreign-born? Or do they differ in their adaptation and transnational ties depending on when they emigrated and with what lived experiences? Between Castro's rise to power in 1959 and the early twenty-first century more than a million Cubans immigrated to the United States. While it is widely known that Cuban émigrés have exerted a strong hold on Washington policy toward their homeland, Eckstein uncovers a fascinating paradox: the recent arrivals, although poor and politically weak, have done more to transform their homeland than the influential and prosperous early exiles who have tried for half a century to bring the Castro regime to heel. The impact of the so-called New Cubans is an unintended consequence of the personal ties they maintain with family in Cuba, ties the first arrivals oppose.

This historically-grounded, nuanced book offers a rare in-depth analysis of Cuban immigrants' social, cultural, economic, and political adaptation, their transformation of Miami into the "northern most Latin American city," and their cross-border engagement and homeland impact. Eckstein accordingly provides new insight into the lives of Cuban immigrants, into Cuba in the post Soviet era, and into how Washington's failed Cuba policy might be improved. She also posits a new theory to deepen the understanding not merely of Cuban but of other immigrant group adaptation.

Margaret R. Somers. *Genealogies of Citizenship: Markets, Statelessness, and the Right to Have Rights* (Cambridge University Press 2008)

Winner of the 2009 Giovanni Sartori Book Award from the American Political Science Association

Genealogies of Citizenship is a remarkable rethinking of human rights and social justice. As global governance is increasingly driven by market fundamentalism, growing numbers of citizens have become socially excluded and internally stateless. Against this movement to organize society exclusively by market principles, Margaret Somers argues that socially inclusive democratic rights must be counter-balanced by the powers of a social state, a robust public sphere and a relationally-sturdy civil society. Through epistemologies of history and naturalism, contested narratives of social capital, and Hurricane Katrina's racial apartheid, she warns that the growing authority of the market is distorting the non-contractualism of citizenship; rights, inclusion

and moral worth are increasingly dependent on contractual market value. In this pathbreaking work, Somers advances an innovative view of rights as public goods rooted in an alliance of public power, political membership, and social practices of equal moral recognition - the right to have rights.

RECENT ARTICLES

Harold L. Wilensky. "U.S. Health Care and Real Health in Comparative Perspective: Lessons from Abroad." *The Forum* (2009) Vol. 7. 1-18.

Among the 19 rich democracies I have studied for the past 40 years, the United States is odd-man-out in its health-care spending, organization, and results. The Obama administration might therefore find lessons from abroad helpful as it moves toward national health insurance. In the past hundred years, with the exception of the U.S., the currently rich democracies have all converged in the broad outlines of health care. They all developed central control of budgets with financing from compulsory individual and employer contributions and/or government revenues. All have permitted the insured to supplement government services with additional care, privately purchased. All, including the United States, have rationed health care. All have experienced a growth in doctor density and the ratio of specialists to primary-care personnel. All evidence a trend toward public funding. Our deviance consists of no national health insurance, a huge private sector, a very high ratio of specialists to primary-care physicians and nurses, and a uniquely expensive (non) system with a poor cost-benefit ratio. The cure: increase the public share to more than 65% from its present level of 45%. In regards to funding the transition cost and the permanent cost of guaranteed universal coverage: no rich democracy has funded national health insurance without relying on mass taxes, especially payroll and consumption taxes. Whatever we do to begin, broadbased taxes will be the outcome. Three explanations of "why no national health insurance in the U.S.?" are examined.

Guest access to this article is available at <http://www.bepress.com/forum/vol7/iss2/art7/>

RECENT DISSERTATIONS

Michelle Bata. *Global State-Building and the Transformation of Nationalism: Spain in the European Union, 1977-2002.*

The emergence of supranational organizations like the European Union (EU) raises questions fundamental to the sociological study of regions and nation-states. Hypothetically, the EU could provide regions within nation-states most of the governmental services that they currently receive from the state. For regions

Abstracts (continued)

with strong ethnic and cultural identities that have sought to break away from the nation-state over time, decreased political and economic dependency may provide the autonomy that they have been seeking. On the other hand, if the emergence of supranational organizations like the EU represents state-building at the global level, then the EU can pose a threat to regional groups seeking autonomy from the nation-state. At issue is how the growing influence of supranational organizations like the EU is affecting the demand for autonomy within ethnically, politically, and culturally distinct regions.

This dissertation attempts to answer these questions by examining variations in nationalism over time for three regions in Spain (Basque Country, Galicia, Catalonia) from 1977-2002. In order to begin to answer this question, I created a new dataset of protest events in Spain in order to assess variations in demands for autonomy over time. The protest event counts were incorporated into a comparative historical analysis that seeks to explain the effects of the influence of the evolving European Union (EU) on contentious demands for autonomy within those three regions; the variations in the protest event counts over time were

analyzed against additional economic and political data collected from archival materials.

I find that, while nationalism declined overall over time, it did not disappear but rather took on a different character. The classical manifestations of nationalism transformed into distinct movements centered on human rights. I argue that this transformation took place as a result of three interrelated factors: 1) Forced cooperation between the regions and the central Spanish government; 2) Elite abandonment of the nationalist movement; and 3) The state of the regional economies. In contrast to what extant theory might predict, my results indicate that nationalism continues to exist for the following reasons: 1) The EU has not rendered the nation-state irrelevant, but rather has altered their competencies; 2) The EU has not resolved the tensions between the nation-state and regions, but rather has created new ones; and 3) The EU has not leveled the economic playing-field between regions, but rather has opened them up to new forms of competition. In conclusion, this dissertation argues that supranational organizations like the EU have altered the relationship between regions and nation-states, thus transforming – but not solving – the nationalist question.

Note from the Editors

We are excited about the opportunity to serve as Editor and Associate Editor for *States, Power, and Societies*. We will strive to continue the excellent tradition established by previous editors David Brady and Gianpaolo Baiocchi. We hope to provide a forum for stimulating commentaries from our members. We invite and encourage you to submit commentaries. Think of the newsletter as your blog! We think that the Symposia have been a captivating feature and an excellent venue for reflection on the important political debates of today, and will continue them. We also will continue David Brady's practice of publishing brief abstracts of recently published books and dissertations. In future issues we envision symposia on topics such as the welfare state and health reform, and the impact of political sociologists as activists/public sociologists. We welcome all member input

on these or any other topics. Send us your commentaries and/or your ideas for commentaries. In addition, the Associate Editor will be initiating a column entitled "Graduate Horizons." The purpose of the section will be to introduce aspiring political sociologists to promising new research areas and novel modes of engagement with the polity and the public sphere. To this end, we strongly encourage graduate students to submit ideas for articles, symposia, interviews, and another content that will be of use to them.

Kathleen C. Schwartzman, Editor
Garrett Andrew Schneider, Associate Editor

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