

democratizing project, moreover, will not resemble idealized deliberative democracy. It will involve agonistic contestation between dominant and subordinate groups (125); and genuine democratic solidarity will be achieved only insofar as contestation over public memory in debates over minority group rights reveals “the existence of a state organized on the basis of both cultural difference and racial hierarchy” (171–72).

Hooker offers provocative discussions of each of these topics. Her characterization of the U.S. liberal theorists Rawls and Dworkin as offering a version of multiculturalism is debatable, however, although this does not affect her substantive argument. The liberal multiculturalism of the Canadian theorists stands out partly because it provides a stark counterpoint to the liberal individualism of Rawls and Dworkin. The latter focus on class inequality, most famously in Rawls’s concern for the “least advantaged” members of society, and both are concerned with racial discrimination. Yet I would suggest that the fact that Rawls and Dworkin both treat racism as “epiphenomenal” (61–64) is best explained by their over-riding emphasis on class inequality. As with many early Marxist approaches to racism, they both seem to regard racial inequality as secondary to deeper class-based inequalities.

Hooker herself downplays the intersection of race and class. She already covers substantial ground in a compact analysis, so this may be asking for too much. Nonetheless, her suggestion that we rethink the basis of political solidarity in diverse polities “as the product of structural conditions that require people to develop contingent solidarities” (37) begs for attention to the shifting political economy of class, race, and labor migrations as the next step in developing such a theory.

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*The Robust Federation: Principles of Design.* By Jenna Bednar. (Cambridge University Press, 2009.)  
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Jenna Bednar’s *The Robust Federation: Principles of Design* is a timely and important book. It aims to explain how a federal constitution can produce strong, flexible, and resilient governments. Both scholars and policy makers have come to consider federalism a promising means to achieve a number of social goals. In several conflict-ridden and heterogeneous countries, for example, hopes for peace and stability are pinned on federalism or decentralization measures that allow the regions autonomy.

Yet “the very features that make a federal structure appealing for a heterogeneous society—decentralization and regional semi-independence—also build new opportunities for transgressions” (2). Indeed, federations are faced by a contradiction that threatens to jeopardize their potential benefits: the tension between enforcing the rules that govern the distribution of power between federal and regional governments (compliance), and maintaining sufficient flexibility for these rules to reflect changing circumstances (adaptation). How can a federation be strong yet flexible? How can a federation be, as Bednar puts it, robust?

Bednar’s answer is that the robustness of federations depends on a set of institutional “safeguards” that prevents both federal and regional governments from transgressing on each other’s authority, yet at the same time allows for this distribution of authority to adapt to new public demands and a changing society. Her theory contributes to scholarship on comparative federalism and institutions, by emphasizing that institutions do not work in isolation from one another. The degree to which federalism can generate benefits, such as encouraging competition conducive to economic growth, is contingent on several institutions that complement, reinforce, and correct one another.

The book is primarily theoretical. Inspired by the insights of the Founding Fathers, especially the writings of James Madison, Bednar develops a formal theory of how the institutional safeguards help keep federations together (three of the eight chapters are followed by a mathematical appendix). She illustrates her theory with what she calls empirical “intuitions” of safeguards in the European Union, the United States, and Canada, but she does not empirically test it.

The safeguards function as trigger mechanisms. They must be strict enough to prevent severe attacks on the distribution of power by either federal or regional governments, but not so strict that this distribution fails to adapt to societal changes. The most basic safeguard against transgressions in any federation is retaliatory noncompliance. One can think of Québec, where the threat to secede has been motivated by a sense that the federal government is limiting the province’s autonomy. Because such retaliation carries the danger of state disintegration and even violent conflict, it is potentially costly for both the transgressor and the punisher. Hence, Bednar argues, federal robustness is better maintained through institutional safeguards—structural, popular, political, and judicial.

Structural safeguards are institutions that restrain the federal government from encroaching on the

regions' authority. The separation of executive, legislative, and judicial powers can help ensure that one interest does not dominate others, as can the incorporation of regional actors at the federal level through, for example, regional representation in the legislature or power sharing in the executive.

By popular safeguards, Bednar refers to the power of the people to "patrol the boundaries of federal and state authorities" (110) through elections, punishing politicians that break the rules. Political safeguards, in contrast, place the responsibility for federal robustness on politicians. Building on Filippov et al. (2004), Bednar suggests that the political party system can bind politicians at different levels of government together, creating both a sense of sympathy and incentives for these politicians to cooperate and respect the internal boundaries of the federation. Finally, judicial safeguards refer to how courts monitor the distribution of powers within the federation and create common understanding by interpreting constitutional rules.

No safeguard is by itself sufficient for ensuring federal robustness, but combined they complement and reinforce one another. For example, while structural safeguards may prevent the federal government from encroaching on regional governments' jurisdictions, they do not prevent regional governments from disrespecting the distribution of authority. The political safeguards can step in and fill that gap: in a party system where politicians at different levels depend on one another for staying in power, *both* federal and regional-level politicians have incentives to respect the boundaries. Indeed because each institutional safeguard has a different threshold and is unable to enforce perfect compliance, they manage to create a balance of compliance and adaptation, as "governments can experiment around the edges of the distribution of authority at little cost, and the system as a whole may learn from what they find" (184).

Bednar emphasizes that the book "will not offer an ideal design—there is no 'perfect' constitution in an appendix—but it does offer design principles" (4). The premise of the book is that the robustness of a federation depends on institutional context—not just one institution, but several. In the conclusion, it becomes clear that societal context matters as well: "Language differences, differences in legal code, and even population settlement history may cause particular safeguards to be more or less capable" (215). This is an important point, especially as federalism is often proposed as a means to manage heterogeneous societies (think of recent debates about federalism in Iraq). It is worth asking

*how* such community traits influence the institutional safeguards. Bednar's aim is not to test how the safeguards' effects may be conditional on noninstitutional variables, but she carefully discusses the promises and perils of each safeguard. For instance, she notes the possible adverse (and unintended) consequence of political safeguards in a heterogeneous society. Indeed, mutual dependence between federal and regional-level political parties can contribute to minority group exploitation by allowing nondemocratic pockets to exist: "Political safeguards fail completely to guard against these opportunistic enclaves; in fact, it is the mutual dependence, the key mechanism of the political safeguard, that makes these enclaves possible" (118, fn. 27). While Bednar convincingly underscores the importance of auxiliary institutions, our understanding of federalism can further benefit from theorizing and testing the ways in which the robustness of federations may also depend on societal context.

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*Treaty Politics and the Rise of Executive Agreements: International Commitments in a System of Shared Powers.* By Glen S. Kurtz and Jeffrey S. Peake. (Ann Arbor: The University of Michigan Press, 2009.)

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This provocative and persuasive book is a direct challenge to the growing body of literature in the field of presidency studies that argues for a more unilateralist or direct action approach to the understanding of presidential power. The authors examine the presidency from a more Neustadtian perspective and argue that a more nuanced and political understanding of presidential power is in order.

The authors begin with the accepted wisdom regarding why presidents have resorted to the use of executive agreements over treaties in reaching international agreements, arguing that "a strong conventional wisdom had emerged: modern presidents routinely evaded Congress (and the requirements set forth in the Constitution) by using executive agreements instead of treaties" (ix). Presidents use executive agreements "strategically" in an effort to bypass Congress and govern alone, legislating unilaterally. This "evasion hypothesis" predominates the literature, but is it true?

The evasion hypothesis is one of the legs upon which the unilateralist approach stands. If untrue, the foundation of the unilateralist approach is severely weakened. To the extent that presidents can and do act as independent