

Justin Grimmer in chapter 12, and Lee Drutman in chapter 13—these contributions provide important new insights into how lobbying shapes the policy-making informational environment.

This book's focus is exclusively on the US federal government, with a heavy dose of attention given to Congress, all of which is understandable given the predilections of the editors. They rightly point out that a focus on comparative or subnational accountability is likely beyond the scope of their text. Nevertheless, as a scholar of US state politics, it would have been nice to see some nod toward the ongoing work in state politics research that builds on many of the arguments the book reexamines. Mary A. Kroeger's article ("Bureaucrats as Lawmakers," *Legislative Studies Quarterly*, 47, 2022) and John Cluverius's piece ("How the Flattened Costs of Grassroots Lobbying Affect Legislator Responsiveness," *Political Research Quarterly*, 70(2), 2017) would make excellent companions for those looking to extend this text's lessons to the subnational level. The book also avoids any case studies of specific institutional reforms and how they succeeded or failed in altering the information environment, which might have been a nice practical addition to the stellar work already included. In the end, however, no book can do all things at once, and this text does an excellent job at what it sets out to do.

In sum, for any scholar looking to think more carefully about the interplay between information and accountability at the US federal level or for anyone looking for a strong collection of essays engaging with how changes in the political environment might require us to reevaluate long-standing theories in political science, this is a must-read work. It provides a strong foundation to build future studies on, and many of the essays will be required reading in my own seminars moving forward.

Why Congress? By Philip A. Wallach. New York: Oxford University Press, 2023. 336p. \$29.95 cloth.
doi:10.1017/S1537592724000331

— Ruth Bloch Rubin, *University of Chicago*
blochrubin@uchicago.edu

These days, Congress has few defenders. Some complain that the first branch of the federal government is too parochial, its members pursuing narrow interests over the needs of most Americans. Others decry the institution's incrementalism, insisting that contemporary problems demand concerted interventions and big ideas, not the haphazard and small-minded policy making characteristic of Congress. Still others observe that polarization has rendered the legislature ineffective or, worse yet, transformed it into a kind of Orwellian theater where lawmakers parrot sound bites for a constituency of

journalists and television cameras. In his engaging new book *Why Congress*, Philip Wallach explains why, in our divided polity, Congress's parochialism and incrementalism remain necessary features of its institutional design.

Wallach begins his defense of Congress with some political theory. The legislature's "plural, representative nature," he argues, "makes it the only body in our system capable of setting our national priorities while respecting the diversity of our vast citizenry" (5). Congress, as its detractors so often complain, is a place where factions bump up against each other and dissenting voices are given room to shout. Channeling James Madison, however, Wallach argues that this cacophony is salutary and not a worrisome indicator of pathology. The messiness we observe in Congress reflects the messiness inherent in our extended republic. So, too, Congress's incrementalism is not an obstacle to good policy making. Rather, it is essential to it. Wallach contends that lawmakers' crawl to consensus reflects their efforts to synthesize competing perspectives, with the result that their solutions to problems are ones that nearly everyone can accept.

Rejecting the view that these design choices work in theory but not in practice, Wallach takes the reader on a tour of twentieth-century legislative history, pinpointing moments in time where Congress worked as Madison intended and those where it did not. Part I focuses on the good: Congress's efforts to see America through World War II and its slow embrace of civil rights in the 1960s. Part II tracks the bad, documenting 1970s-era legislative reforms and 1990s-era partisan developments that together rendered Congress more dysfunctional than it had been in the mid-twentieth century.

It is in this turn to history that skeptical readers may begin to question the book's defense of the first branch. For starters, Wallach provides a weak standard against which to judge Congress. He argues that the institution "worked" when it "succeeded in holding America together when immense strains might have pulled the nation apart" (43). Although scholars fearful of democratic backsliding might find this benchmark entirely appropriate, it seems unlikely to satisfy a modern-day Wilsonian who favors a more muscular executive on the ground and who is oriented toward more *effective* government, rather than one that simply avoids collapse. Likewise, students of history may be troubled by the claim that Congress's halting embrace of civil rights "enabled Southern representatives to accept the inevitability of their defeat and then tell their constituents to obey the law of the land" (7). With southern lawmakers serving as the driving force behind the creation of White Citizens' Councils in many southern states, it is hard to sustain the claim that they meekly acceded to the imposition of a new political order founded on racial equality. Given our present politics, readers might doubt that "a lasting settlement on civil rights" has yet been won (7).

Whatever doubts one might have about Congress's achievements in the mid-twentieth century, it is hard to deny that the legislative reforms passed in the 1970s made the first branch a more dysfunctional place. Like today's tech industry, liberal reformers saw in Congress's hierarchical committee system a target in need of disruption. Their efforts to weaken committee authority by decentralizing power to subcommittees fragmented the institution, creating new hurdles to collective action and offering new access points for special interests. These reforms also encouraged rank-and-file members to delegate greater power to their leadership in the hopes of more efficiently navigating the new institutional terrain. Wallach points to Newt Gingrich's speakership as the apogee of strong leadership. But in empowering party leaders to control the flow and content of legislation, lawmakers helped create the Congress we know well today: an institution where picking fights with one's partisan adversaries is prioritized over attempting to negotiate. As Wallach writes, centralizing power has yielded "worse policy, less policy, and endless litigation." It has "flattened" lawmakers' capacity to faithfully represent their constituents by forcing our multidimensional politics into the unyielding strictures of polarized partisan warfare (174).

Why Congress wraps up its tour of legislative history in the present, detailing lawmakers' struggle to enact comprehensive immigration reform in first two decades of the twenty-first century and their tentative response to the COVID-19 pandemic. It is here, readers are told, that we can see the real costs of sublimating parochialism and incrementalism in favor of hierarchy and expediency. In both cases, Wallach argues that legislative leaders sought quick fixes when they ought to have encouraged members to grapple with the difficult questions that each policy problem presented.

But even though Wallach's diagnosis resonates, it is hard to know what he makes of the fact that a variety of structural forces—ideological and geographical sorting prompted in part by the Civil Rights Act of 1964 and the Voting Rights Act of 1965, the rise of a hyperpartisan media, and the increased costs of conducting campaigns, to name only a few—have pushed lawmakers to reject the spirited, yet substantive, clashes that *Why Congress* valorizes.

Absent a clearer sense of *why* Congress has evolved as it has, it is difficult to know how the first branch might do better or whether indeed doing better is even possible in today's political climate. Are there reforms that might help us recover the legislative ethos of the mid-twentieth century without returning to the exclusionary politics that arguably fostered it? One gets the sense that Wallach is an optimist on this score, which is a refreshing change from much of the cynicism reflected in most contemporary political science scholarship. But given

his considerable talents as a student of Congress, there is an inevitable sense of disappointment that Wallach does not offer a roadmap. We might all agree on the destination, but the challenge is to figure out how to get there.

Constitutional Contagion: COVID, the Courts, and Public Health. By Wendy E. Parmet. Cambridge: Cambridge University Press, 2023. 200p. \$75.00 cloth, \$24.99 paper.
doi:10.1017/S1537592724000471

— Daniel Sledge , University of Oklahoma
Daniel-Sledge@ouhsc.edu

Wendy E. Parmet's important new book, *Constitutional Contagion: COVID, the Courts, and Public Health*, revolves around the question of how much authority governments possess in the domain of public health—and what the appropriate limitations on that authority might be. Parmet is a leading scholar of public health law, and *Constitutional Contagion* offers a detailed discussion of the politically contested development of public health jurisprudence in the United States from the colonial period through Reconstruction, the pivotal 1905 *Jacobson v. Massachusetts* case, and through the volatile past few years. It contributes not only to the literatures on public health law and on American political development and governing institutions but also to a growing, COVID-informed literature on politics and public health. The book will therefore be of interest to any reader seeking to better understand the massive shifts in how courts have dealt with public health interventions in the years since the COVID-19 pandemic began.

Parmet's central focus is the challenge that the pandemic posed to the US public health infrastructure and to the legal frameworks that have long underpinned it. Among the myriad court cases that she discusses, the most important is the 2020 Supreme Court case, *Roman Catholic Archdiocese of Brooklyn v. Cuomo*. In *Archdiocese*, the Supreme Court found that an executive order issued by New York governor Andrew Cuomo limiting the number of people permitted in religious services in areas where COVID-19 was rapidly spreading violated the First Amendment rights of worshippers.

The Court's decision, Parmet argues, represents the culmination of a long trend in US public health law away from a deference to conceptions of the public good and toward a jurisprudence in which individual liberty claims often trump arguments about protecting collective health, safety, and well-being. In the post-*Roman Catholic Archdiocese* world, Parmet suggests, public health interventions have been reconceptualized as potential threats to protected individual liberties.

This is a bold argument. Parmet lays the groundwork for it through a perceptive discussion of the Court's pre-