

disciplines, such as psychology and communications. By so doing, they enrich existing discussions of what motivates and shapes political discussions. In addition, the authors expertly use a wide range of methodological tools, including survey experiments, open-ended text responses, physiological measures of arousal, and more. They also provide a model of political discussions that constructively offers significant benefits over an older and widely used approach: the model proposed by Michael MacKuen's book chapter entitled "Speaking of Politics" (in John A. Ferejohn and James H. Kuklinski, eds., *Information and Democratic Processes*, 1990). In all of these ways, the book is both an impressive study of political discussions and an example of thorough research.

In a few places, the book may leave the reader with questions or wanting more. At the core of many of the analyses are questions where respondents indicate what they think they would do, what motivates them, and other related perceptions (see, for example, pp. 83, 115, and 157). These kinds of perceptions—and perceptions generally—are crucially important in social and political life, as others have already documented. Additionally, Carlson and Settle add nonperceptual data to go along with these measures at several key points. At the same time, the authors do not spend much time discussing what their focus on self-reported perceptions implies about their framework. Are there parts of the processes in each of the 4Ds that people are not aware of and cannot report? How might more unconscious, implicit, or unrecognized processes influence those reported in the research presented here? Given the direct focus of the book on discussions as a social process, this seems to be a fruitful avenue worth pursuing.

The discussion of motivations in the book (laid out most completely on pp. 24–31) emphasize three motivations—"accuracy," "affirmation," and "affiliation." With this emphasis, Carlson and Settle move us forward past more simplistic notions of motivation that have plagued other political science research. However, more could be said about motivations to round out this element of the authors' framework. When do individuals come to pursue one of these motivations more than the others? Some of the motivational research in psychology explores how some motivations come to overwhelm others and the stark consequences this can have for interpersonal behavior and politics, which seems relevant here. Even if people continue to value all of these goals, a discussion of how they juggle all three and the situational factors that disrupt that balancing would likely be a productive addition to the approach described in this book.

Within political science and computational social science, there is growing interest in the analysis of open-ended texts and textual analyses. These tools seem directly relevant to the authors' objectives, especially in chapters 6 and 7, which focus on the discussion portion of the 4D

framework. Surprisingly, though, these chapters contain little analysis of the content of political discussions. To be clear, the authors do provide an impressive analysis of different physiological experiences before and during political conversations along with survey responses to a vignette experiment that includes open-ended data. However, there is no direct analysis of what people actually discuss (or leave unsaid) in political conversations. Collecting and analyzing this kind of data certainly comes with high obstacles and barriers but seems like it could be used to explore the discussion component of the framework in greater detail.

As a final point, more could be said about the role of institutions and structures in how people navigate political discussions. This does not undermine the book's central focus—to propose a framework for understanding how people steer through political conversations and considerably expand the perspective of researchers working in this area. On the other hand, one of the ways that political science contributes to this kind of psychologically oriented work is through explorations of how institutions, power, and structures shape psychological phenomena. Examples of this kind of work can be found in research on deliberation and discussions in politics (see, for example, Karpowitz and Mendelberg's 2014 book *The Silent Sex*); a section on these types of factors would further strengthen this already impressive book and research agenda.

What Goes Without Saying is an excellent example of innovative, careful research that both pushes theories in political science and provides an example of impressive empirical research. Beyond that, it gives an important perspective to those looking to study and improve political discussions in the United States. It will doubtlessly lead to many fruitful academic conversations and insights in this critical area of research.

Before Bostock: The Accidental LGBTQ Precedent of *Price Waterhouse v. Hopkins*. By Jason A. Pierceson. Lawrence:

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On June 15, 2020, the US Supreme Court decided *Bostock v. Clayton County*, declaring that the 1964 Civil Rights Act's Title VII prohibitions on discrimination on the basis of sex in the workplace must be understood to protect individuals from discrimination on the basis of one's sexual orientation or gender identity. This decision is a significant victory for LGBTQ rights and extends much-needed substantive legal protections to LGBTQ individuals in the workplace. Notably, the majority was comprised of an unexpected coalition of six justices that crossed ideological lines with Justice Gorsuch writing the

opinion joined by Chief Justice Roberts and Justices Ginsburg, Breyer, Sotomayor, and Kagan.

In *Before Bostock*, Jason Pierceson offers a compelling analysis that recasts the *Bostock* decision from an unexpected LGBTQ legal win to the logical culmination of decades of Title VII litigation by activists, civil rights groups, and courageous individuals, as well as legal theorizing by judges, lawyers, and legal scholars alike. Pierceson traces the federal courts' evolving statutory interpretation of Title VII across the decades to elucidate how and why these six justices, in Justice Gorsuch's words, agreed that "[h]omosexuality and transgender status are inextricably bound up with sex. Not because homosexuality or transgender status are related to sex in some vague sense or because discrimination on these bases has some disparate impact on one sex or another, but because to discriminate on these grounds requires an employer to intentionally treat individual employees differently because of their sex" (pp. 160–61).

As the title of the book indicates, Pierceson focuses much of his attention on how the US Supreme Court's 1989 decision in *Price Waterhouse v. Hopkins*, which recognized that gender stereotyping in the workplace is "sex" discrimination and constitutes a Title VII violation, inadvertently paved the way for the *Bostock* decision. While *Price Waterhouse* at least theoretically (disagreements remained in the lower courts) extended Title VII protections to transgender employees who now had legal recourse to challenge their terminations based on their failure to conform with gender stereotypes, the same was not true for gay and lesbian workers.

As such, equally important to Pierceson's analysis is the Court's 1998 decision in *Oncale v. Sundowner Offshore Services, Inc.* Here, in a unanimous decision written by Justice Scalia, the Court ruled that Title VII's prohibitions on sexual harassment (itself a product of the Court's statutory interpretation) include same-sex sexual harassment. Focusing on purpose, rather than legislative intent, Scalia explained, "male-on-male sexual harassment in the workplace was assuredly not the principal evil Congress was concerned with when it enacted Title VII. But statutory prohibitions often go beyond the principal evil to cover reasonably comparable evils, and it is ultimately the provisions of our laws rather than the principal concerns of our legislators by which we are governed" (p. 81). Pierceson explains that *Oncale* is "pivotal in connecting *Price Waterhouse* to issues of sexual orientation," thereby enabling the *Bostock* majority to determine that Title VII's prohibitions on sex discrimination include both gender identity and sexual orientation (p. 14). At the same time, Pierceson's analysis suggests that Justice Scalia's approach to interpreting Title VII in *Oncale* informed and, arguably, provided cover for Justice Gorsuch to engage in a similar type of statutory analysis in *Bostock* in spite of opposition from three of his conservative brethren who rejected his reasoning and dissented.

Arguably, the book's most significant contribution is Pierceson's focus on the federal courts' approach to statutory interpretation, as opposed to constitutional interpretation, which is a much-needed addition to the law and courts scholarship. As Pierceson makes clear, statutory interpretation implicates unique approaches and considerations, including questions of legislative intent and how antecedent legislative history informs new legislation and policies, and *Beyond Bostock* demonstrates these competing considerations at work in the context of Title VII sex discrimination litigation. In particular, Pierceson effectively illustrates how the "costs" associated with statutory interpretation are often lower than constitutional interpretation for conservative judges because legislatures retain the power to "correct" judicial interpretations of statutes via the legislative process if court decisions are out of step with public opinion or legislative majorities. While the conservative establishment's reaction to the understanding of "sex" expressed by Justices Gorsuch and Roberts in *Bostock* does not seem to be any less vitriolic because it involves a statute as opposed to the Constitution, the Court's decision was in line with public support for protecting LGBTQ individuals from workplace discrimination and did not instigate Congress to take steps to limit protections from sex discrimination. To the contrary, congressional legislative efforts in the area of LGBTQ rights continue to focus, albeit unsuccessfully, on expanding civil rights protections.

Furthermore, Pierceson's extensive evaluation of the opinions of federal district and appellate court judges and Supreme Court justices in Title VII sex discrimination cases makes clear that an appointing president's political party does not directly correlate to one's judicial decisions in this area of law because of the complexities and liberties of statutory interpretation. As such, the reader comes to understand Justice Gorsuch's *Bostock* opinion as consistent with his commitment to a textualist analysis (as opposed to legislative intent or history) which required him to rely on the plain meaning of the word "sex" and conclude that "it is impossible to discriminate against these identities without discriminating because of sex" (p. 163).

Pierceson concludes that the future of *Bostock* and its full legal reach remain to be seen because the federal courts will inevitably be asked to weigh in on a number of related issues including, but not limited to, the meaning of the word "sex" in other federal laws and policies such as Title IX and religious exemptions to compliance with local, state, and federal civil rights protections for LGBTQ individuals (here, the replacement of Justice Ginsburg with Justice Barrett and Chief Justice Roberts's sympathies suggest that a majority might be receptive to these religious freedom arguments). At the same time, however, Pierceson is correct that the *Bostock* decision is evidence that "activists can carefully leverage the judicial process to achieve their goals, using the resources of a dynamic and evolving legal system" (p. 171). And while much work

remains to be done, the *Bostock* precedent will inevitably inform how judges approach these and other issues moving forward. That being said, rights-based and court-focused strategies are often long plays, as Pierceson's analysis makes clear, and it is imperative that activists and allies focus their efforts on a broad array of locations of injustice and across institutions, to include the courts, to facilitate transformative change and advance LGBTQ interests and rights in the here and now. This is especially true in light of the backlash against trans rights that followed the *Bostock* decision as a number of states and locales passed transphobic legislation, and as violence against trans individuals increases each year.

In closing, Pierceson covers a lot of legal ground in *Before Bostock*, and individuals interested in the evolution of Title VII in the context of sex discrimination will enjoy his attention to the details of the many lower court, EEOC, and Supreme Court cases. For a book that focuses a great deal of attention on the nuances of judicial decision making, Pierceson avoids legal jargon in favor of a writing style that is accessible to a broad audience, to include undergraduate and graduate students. As a law and courts scholar who was surprised by the Court's *Bostock* decision, *Before Bostock* enhanced my own understanding of how and why the majority reached its decision, and I think that others will similarly benefit from Pierceson's research.

The Cost of Doing Politics: How Partisanship and Public Opinion Shape Corporate Influence.

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Government policies—regulations, taxes, subsidies—can make or break a corporation, so it's no surprise that businesses devote considerable resources to influencing political decisions. Business groups differ from other interest groups, however, in that influencing government is a sideshow to their primary purpose of selling products. Consequently, they must keep an eye on how their political activities are viewed by customers, investors, employees, and other stakeholders. Surprisingly, there is little research on how these considerations constrain corporate political activities, a gap this book by Jane L. Sumner begins to fill.

One of the book's contributions is simply to call attention to the ways that consumer opinion constrains corporate involvement in politics, with a particular emphasis on boycotts (chap. 3). I would frame things even more broadly, recognizing that businesses are concerned not only with how consumers view their political activities but also how they play with investors, especially socially responsible investment funds; employees, who may avoid

working for companies that don't reflect their values; and politicians, who may retaliate against companies that oppose their positions (as Disney learned recently when it ran afoul of the Republican-controlled government in Florida over a law on classroom education).

In addition to framing the general issue, the book lays down an initial empirical case for the importance of these constraints on corporate behavior. Chapter 4, which investigates how ordinary people respond to corporate political activities, is particularly interesting. Some believe that the public has a distaste for corporate political activity. Results reported from a vignette survey experiment suggest that things are more nuanced—voters dislike political spending *that supports causes they dislike*. If generalizable, this finding argues against simplistic interpretations of public opinion surveys on corporate spending. It also offers lessons for managers of corporations: If a company's stakeholders are primarily of one ideological orientation, political activity may build goodwill.

The follow-up question is: If the public dislikes a company's political activity, does this affect the company's bottom line? Chapter 5 addresses this with a novel textual analysis of reports that each publicly traded corporation files annually with the Securities Exchange Commission. A keyword search from the risk analysis section of annual reports finds that 3.1% mentioned "boycotts" as a risk and 1.0% mentioned boycotts together with "social media." On the face of it, most companies do not seem worried about boycotts instigated through social media, but there are some companies that feel exposed, especially those engaged directly with consumers. The chapter shows that large companies were more likely to mention boycotts as a risk than small companies. This is probably because big companies are more in the public eye, their actions are more likely to be noticed, and activists are more likely to view attacking them as a way to gain attention. The chapter argues at length that the companies that are worried about boycotts are not concerned because of potential lost revenue but because of damage to their brand, but this distinction seems artificial because a brand has value only to the extent that it generates net revenue. Although the evidence does not show that most companies are worried about social media backlash or that boycotts materially harm their bottom lines, it does offer hints that the issue may be percolating, and that more research would be valuable.

Chapter 6 closes the circle by exploring whether the risk of consumer boycotts causes companies to alter their political activities. The primary evidence here comes from lobbying and campaign contribution data. Sumner observes that most companies do not lobby directly but rather rely on trade organizations to make their case. She suggests they do that to veil their political activities, which is plausible, but not demonstrated empirically. The author also notes that few companies make campaign contributions. These basic facts are important for putting corporate