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David T. Canon. *Race, redistricting and representation. The unintended consequences of black majority districts*. Chicago. University of Chicago Press, 1999. xiv + 324 pages. \$50.00 (cloth); \$18.00 (paper).

“Districting” refers to the drawing of lines on a map to create the constituencies from which legislators are to be elected. In the United States, redistricting, the redrawing of constituency boundaries, customarily takes place in conjunction with the decennial census, but litigation may force redistrictings at other times. While there is a voluminous Public Choice literature on the link between legislative behavior and constituency characteristics (much of it tied to the idea of “shirking”), despite some early attention to the effects of boundary delineation on district heterogeneity and bicameral agreement in *The Calculus of Consent*, only a handful of economists (most notably Amihai Glazer, Mark Crain and Peyton Young, and more recently, Tom Gilligan and John Matsusaka) have written directly about issues connected to districting. In my view, this is a quite unfortunate omission, since analyses of the partisan, racial and policy consequences of districting/redistricting choices, of the normative issues involved in choice of optimization functions by key players in the redistricting game, and of the role of the courts in arbitrating redistricting disputes, can both provide insights into many key issues in democratic theory and serve as a natural domain to which to apply game-theoretic and other rational choice approaches.

While economists who study political institutions have largely neglected redistricting, the same cannot be said in political science, especially in the last decade or so. And there is a voluminous literature on redistricting (hundreds of articles) in law journals (mostly from a constitutional and statutory interpretation perspective), as well as important empirical work on this topic in the field of political geography. In political science, those who have written on this topic from a rational choice theory perspective include Bruce Cain, Gary Cox, Matthew McCubbins, Guillermo Owen, and myself, and younger scholars such as Katrina Sherstyuk, Michael McDonald, Ken Shotts, and Micah Altman. While the principal foci of work on redistricting used to be either malapportionment or the partisan consequences of line-drawing, since the mid 1980s it is the racial aspects of redistricting about which most has been written.

In 1965 Congress passed a Voting Rights Act (VRA), one of whose key provisions (Section 5) specified that those jurisdictions with a history of low levels of minority political participation (initially seven states of the deep

South, later portions of as many as 22 states) would have all aspects of their electoral process subject to oversight by the U.S. Department of Justice (DOJ) – with no change in electoral rules permitted in covered jurisdictions unless it was “pre-cleared” by the Civil Rights Division of DOJ. In 1969, the Supreme Court held that Section 5 applied to decennial redistrictings within the covered states. In the 1970s and 1980s round of districting, DOJ objected to states using at-large or multi-member district election procedures for legislative or congressional elections in areas of the state with significant minority population on the grounds that, in the presence of patterns of voting that were polarized along racial lines (e.g., with whites tending to vote for whites and blacks for blacks), such rules would tend to submerge minority voting strength and thus make it difficult or impossible for minority voters to elect candidates of choice. It was up to the jurisdiction to convince DOJ that the districting plans they put forward were not racially dilutive, and few succeeded. Many jurisdictions at all levels of government were required by DOJ to shift to single member districts that more fairly reflected the existence of minority population concentrations in the jurisdiction. In 1982, when the Voting Rights Act was renewed, an amendment to Section 2 (whose constitutionality was upheld by the Supreme Court in 1986) expanded the possibility of private challenge to electoral provisions that could be shown to have the effect of diluting minority voting strength, even if there was no proof of *intentional* discrimination.

Largely as a consequence of Section 5 and Section 2 of the VRA there was a huge increase in the number of black elected officials in southern city councils, state legislatures, and in Congress. Virtually all of these were elected in single member districts that were “majority minority” in composition. In the House of Representatives, the largest decadal gains occurred in the 1990s round of redistricting, a period in which the VRA became what I (in 1993) referred to as a “brooding omnipresence.” In the 1990s, legislatures drew lines with substantial numbers of majority minority districts in anticipation of either DOJ preclearance denial or Section 2 litigation challenge if they did otherwise (and they were prodded to do so by the sizeable number of black legislators who had been elected in the 1980s largely thanks to VRA-related districting interventions or threats thereof). Nonetheless, in many southern states, DOJ found the state’s legislative or congressional plans unsatisfactory, and these states had to redraw their 1990s lines to satisfy DOJ unless they wished to sue DOJ in federal court (an avenue that in previous decades had proved largely fruitless).

The VRA’s influence on the racial compositions of legislative and congressional districts also had what appeared to be strong implications for partisan change, as Democrats began to lose their position of dominance in the South.

Indeed, some claimed that it was the creation of black majority and Latino majority districts that “soaked up” Democrats that eventually cost the Democrats their control of Congress by permitting neighboring districts to fall into Republican hands because the proportion of minority/Democratic voters in them had concomitantly been reduced.

Beginning in the 1980s and intensifying after the 1990s redistrictings, the VRA came under a two-pronged attack: on the one hand, the normative and constitutional backlash against race-conscious forms of government intervention triggered strong opposition to race-conscious redistricting (aided by popular revulsion to the very peculiar shapes of some of the majority-minority districts), and, on the other hand, many white Democrats were increasingly concerned that the Act was hurting them in the South. An uncouth 200 mile long district, sometimes no wider than a single lane on an interstate highway, cleverly carved out by a Democratically controlled legislature to create a second (bare) black majority district in the state in a fashion that was hoped to have only limited consequences for the fates of white Democratic incumbents in neighboring districts, led to a landmark North Carolina congressional case, *Shaw v. Reno*. In *Shaw*, the Supreme Court set down a new districting test: jurisdictions were constitutionally prohibited from using race as a preponderant factor in drawing lines even if neither whites nor blacks could prove that their voting strength had been unconstitutionally diluted by the ways in which the lines were drawn. Purely race-conscious districting was characterized as a form of political “apartheid.” In a series of (mostly 5-4) Supreme Court decisions since 1993, involving (usually successful) *Shaw*-type challenges to majority-minority districts, the Supreme Court sought to come to grips with how to operationalize the *Shaw* test. In the eyes of most commentators they have failed miserably in this task; and the dissenting justices in these cases have frequently lambasted the majority’s sloppy reasoning.

Because of the dramatic reshaping of the American political landscape traceable to (or at least allegedly blameable on) race-conscious redistricting, the importance of the normative issues involved in deciding upon appropriate redistricting criteria, and the unsettled nature of post-*Shaw* voting rights case law, race and redistricting has become a very hot topic, indeed. There are half a dozen books by political scientists on race and redistricting written in the last several years alone, most of which have been published by top university presses. Among these, Canon’s *Race, Redistricting and Representation* is one of the very best (perhaps *the* best) of a very good bunch. This is a book to be commended – a must read for anyone interested in the complex interplay between “real politics,” judicial activism, and basic normative issues in democratic theory that pit the ideal of color-blind justice against the realities of color-conscious voting patterns (especially in the U.S. South). In addition

to a balanced discussion of the legal issues in districting and a useful detailed discussion of the political history of the districting challenged in *Shaw v. Reno*, Canon offers an insightful incentives-driven model of supply-side politics that should be of great interest to Public Choice-oriented scholars. This model predicts when black candidates are likely to run for office, the nature of the campaigns which they are likely to conduct in their pursuit of office, and how responsive they will be to their white and black constituents if they are elected (Chapter 3, jointly written with Matthew Schousen and Patrick Sellers), and then tests this model via a sophisticated use of multiple types of empirical evidence (Chapters 4–5).

Canon's supply side model posits three types of black politicians vis-à-vis how they incorporate race into their campaigns, constituency relations, and voting behavior. One type is the candidate who is "color-blind," who looks for commonalities and rejects the view that issues have differential implications for constituents of different races. Another type is the "difference-oriented" candidate who sees her primary responsibility to the members of her own race. A third type is the "balancing" candidate, who recognizes that attitudes toward certain issues may be strongly linked to race, but who tries to serve both the blacks and the whites in her constituency by being attentive to the concerns of each group. Various Supreme Court justices in *Shaw* and subsequent cases appear to be of the opinion that black representatives elected from districts drawn specifically to be majority black will inevitably be "difference oriented" candidates, while whites elected from "ordinary" white majority districts are likely to be equally attentive to their white and the black constituents. The armchair social science theorizing of someone in a black robe is not, however, a good substitute for empirical analysis.

Canon is able to classify black politicians in terms of their representational style by tracking the behavior of congressional representatives in a multitude of ways, including which groups they give speeches to, where they locate their district offices, the racial composition of their staffs, and the topics of their floor speeches and press releases. He has also conducted extensive interviews of legislators and staff. His work shows the severe limitations of relying on floor voting measures such as ADA or NOMINATE (or even LCRR) to identify representational differences between white and black legislators. In Canon's view, given racially polarized voting patterns, the size of the black proportion in the district shapes the incentives for politically savvy black candidates to choose to run. In Democratic primaries won by black candidates, Canon shows that the presence or absence of a serious white candidate is the best predictor of whether or not the black Democrat will follow a difference-oriented strategy. If there is not a white candidate to attract the votes of white Democrats, then a black candidate who seeks to appeal to white as well as

black voters may well gain election over one whose appeal is only to black voters, at least in situations where white Democrats make up a substantial minority of the primary electorate.

Many of the "majority-minority" districts created in the 1990s round of redistricting had substantial white non-Hispanic minorities, and thus attracted bi-racial primary competition in at least the first election under the new lines. Thus, the minority representatives elected from such districts have often been "balancing" candidates, not candidates of "difference." Indeed, Canon argues that race-conscious districting has, on balance, actually fostered the election of candidates whose appeal is not purely along racial lines and whose orientation is to service to their entire electoral constituency, especially once we go beyond floor votes to ascertain the ways in which white representatives elected from constituencies with substantial numbers of black voters have been relatively insensitive to the special concerns of their black constituents (Representative Boggs, or Representative Rodino, notwithstanding). I find Canon's supply side model and the empirical evidence he presents about style differences among black politicians to be compelling, and an important corrective to the views of Carol Swain and others about the supposed lack of linkage between the race of the representative and the responsiveness of that representative to the concerns of racial minorities in her district. Nonetheless, I also have no doubt that Canon's position will prove to be controversial. But, at minimum, now and for some time to come, it will set the standards for what evidence-based arguments about race and redistricting must look like.

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Bruno S. Frey (Ed.), *Economics as a science of human behavior: Towards a new social science paradigm*. Extended Second Edition. Dordrecht: Kluwer Academic Publishers, 1999. 249 pages. \$120.00 (cloth); \$50.00 (paper).

In his preface, Frey says, "Economics tends to become a branch of applied mathematics; the majority of all publications in professional journals and books are full of axioms, lemmas and proofs, and they are much concerned with purely formal deductions. Often, when the results are translated into verbal language, or when they are applied empirically, disappointing[ly] little of interest remains. The book wants to show that another type of economics exists . . ." (p. vii).

It is unusual to begin a review with a quotation from the book, but in this case Frey characterizes his book better than I could. He is interested in problems outside of formal economics, but of much more interest to the average economist than the usual article in economics journals. He is aware of, and in fact emphasizes, the career motives that lead most American economists into writing the kind of article he objects to. He is also aware of the limitations imposed on European economists by radically different career structures. He feels that with a common market, European economists may approach the American model, but he's not very happy about that.

The articles by Frey and his colleagues in this collection fit neither model. He looks into problems which have not been subject to economic analysis, but which should have been. He is interested in actual human preferences, not just those normally used in formal models. In particular, he finds a number of cases where behavior is morally motivated and where the offer of rewards for virtue may actually turn people against the virtuous act. Here he has some good and surprising empirical evidence of cases in which this has happened.

I was particularly interested in the article on *Patriarchy in China*. In this case, he had a co-author, Barbara Krug, and, although I am something of a specialist on China, I learned a good deal. A number of his other articles are co-authored, mainly with associates in his work. Some of the articles have appeared elsewhere but in all cases they have been substantially rewritten. I'm sure most readers of *Public Choice* will find them interesting.

The important part of this book, however, is the demonstration that economists can work outside the traditional areas. Further, economic techniques can be applied in these areas and techniques do not need to depend on the mechanisms so often displayed in the journal articles to which Frey objects. Altogether, this is an excellent demonstration that economists can do work which is both more interesting and more important than the conventional American work.

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