

Nelson Rockefeller's Dilemma: The Fight to Save Moderate Republicanism. By Marsha E. Barrett. Ithaca, N.Y.: Cornell University Press, 2024. 400p. \$36.95 cloth. doi:10.1017/S1537592724002378

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Marsha E. Barrett's book, *Nelson Rockefeller's Dilemma: The Fight to Save Moderate Republicanism*, is an impressive effort to detail Nelson Rockefeller's rise to the national political stage and his role as a stander-bearer of the Republican establishment at a critical moment in party development. While many efforts to understand today's modern Republican Party start with Barry Goldwater—as he represented the GOP's rightward turn—they pay little attention to the man who represented the Republican establishment from which Goldwater and the contemporary GOP diverged.

Part I of the book starts with Rockefeller's decision to run for governor of New York as a moderate Republican who embraced civil rights and the New Deal. At both the state, and then national level, Rockefeller was fighting against a growing conservative strain in his party. Initially, he had had some success. For example, Richard Nixon, the eventual Republican nominee in 1960, feared that Rockefeller might run to his left in the primary or not support him in the general election. To secure his support, Nixon adopted a stronger civil rights plank to placate the Rockefeller wing.

Part II details Rockefeller's 1964 campaign for the Republican nomination. Rockefeller's candidacy in 1964 stood in sharp relief against the ascendant conservative wing led by Barry Goldwater. Barrett argues that Rockefeller's embrace of civil rights proved an obstacle to his winning the GOP nomination in a party that had increasingly turned its back on commitment to racial progress. Rockefeller saw his job as preventing the party from being taken over by "extremists" and directed "away from its traditional path of moderation" (p. 139). It is hard to read parts of this chapter without thinking of more recent transformations of the Republican Party. In describing Goldwater's victory in the California Republican primary, Barrett writes, "Rockefeller's high-profile loss to a candidate who a year before was thought to be an impossible choice struck a decisive blow" for his campaign (p. 140).

But Barrett also sees that Rockefeller and moderate Republicans, not just Goldwater, were to blame for the party's shift to the right on civil rights. Moderate Republicans acquiesced or stayed silent in the face of the party's turn, she argues. This was, in part, because Rockefeller and presumably other northern Republicans were trying to swim in the opposite direction of the Republican electorate, which had already shifted right. To push against Goldwater, then, potentially created electoral peril for the Rockefeller contingent. One could also ask this question of Trump's transformation of today's

Republican Party. Was Trump able to rise in 2015–2016 because establishment Republicans stayed quiet and did not present enough pushback? Or was their silence explained by the same source that enabled Trump's rise: the Republican electorate was already receptive to Trump's message and resisting it would create electoral danger for more moderate voices?

Part II ends by describing Rockefeller's own turn to the right on race through supporting tough-on-crime legislation and "law and order" politics. This, Barrett argues, allowed Rockefeller not only to maintain his traditional support for civil rights but also to appeal to racial conservatives in the party. As she writes, Rockefeller's 1966 gubernatorial campaign "represents a pivotal moment in Rockefeller's career that makes it possible to understand how the twentieth century's most iconic moderate Republican...could also be the progenitor of the 1970s' most shockingly punitive drug laws" (p. 198).

Part III focuses on the end of Rockefeller's time as governor of New York. Rockefeller's 1970 gubernatorial campaign marked his shift rightwards, especially with the targeting of economic policies, like welfare, that held racial undertones. In 1971, Rockefeller pushed for welfare reform and in 1973, he introduced a program that imposed life sentences for drug dealers, even in small amounts, in an effort to reduce addiction. At the time, *The New York Times* called Rockefeller's drug laws, "political hysteria."

The end of Rockefeller's professional career is well documented—he became President Ford's vice president—but it is more interesting when situated in the context of his rightward turn at the state level. Despite efforts to placate the conservative tide in his party, the right of the GOP disdained Rockefeller during his tenure as vice president. Because of this, Ford asked Rockefeller to step down when he ran for re-election in 1976.

Barrett's book details a critical figure in US politics and should be of interest to readers across a range of academic backgrounds. To a political scientist, it offers a deep look into a critical era of party development and focuses on a political operative who is often glossed over. Reconstructing the political choices that Rockefeller faced—as well as how he negotiated those contradictions—makes an important contribution to contemporary understanding of this era.

Death Penalty in Decline? The Fight against Capital Punishment in the Decades since Furman v. Georgia.

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The question featured in the title of this book of essays asking whether the U.S. death penalty is in decline may

initially seem easily answered by recent events. After several presidential elections where one party has officially opposed the death penalty, the most recent race involves two candidates who will not assert such an opposition, including one candidate who oversaw the most federal executions in more than a century during 2019–2020. Meanwhile, states continue to carry out the death penalty and to sentence prisoners to death. One may wonder where the “decline” is.

Yet, the question is worth addressing. During the last two decades, for various reasons, executions have drastically dropped while largely being limited to smaller geographic areas. While some of that decline is due to problems with lethal injection as an execution method, other reasons include growing concerns about capital punishment in general. For example, in the last few decades, more than in any other time in U.S. history, a number of states have either abolished the death penalty or imposed a moratorium on executions.

So, the collection of essays in *Death Penalty in Decline? The Fight against Capital Punishment in the Decades since Furman v. Georgia* provides a timely examination of this drop in the use of the death penalty. The book explores the punishment in the context of the U.S. Supreme Court’s 1972 landmark decision in *Furman v. Georgia*, which in effect temporarily suspended the death penalty in the United States on the grounds that it violated the Eighth Amendment’s ban on cruel and unusual punishment. The work is edited by Professor Austin Sarat and brings together death penalty scholars offering different perspectives on *Furman*’s legacy.

In *Furman v. Georgia*, a majority of the Supreme Court Justices, in separate and varying opinions, ultimately concluded that the death penalty as administered at the time was unconstitutional. The case’s result, and the Court opinions concerned about the arbitrary use of capital punishment, led many at the time to believe *Furman* marked the end of the death penalty in the United States. But almost immediately, states rewrote their death penalty statutes to allay some of the Justices’ concerns, and the Supreme Court upheld a more regulated (and ostensibly less arbitrary) use of capital punishment 4 years later in *Gregg v. Georgia*. Yet, *Furman*’s impact remains. In particular, it left behind a lingering critique of the death penalty as an arbitrary, discriminatory, and inhumane punishment that is disproportionately utilized against the poor and the racially minoritized.

Sarat breaks the book into two parts. The first part of the book looks back to *Furman v. Georgia*, assessing that landmark decision and its legacy. The second part of the book further uses *Furman* as a starting point in addressing the question of whether the United States today is “on the road to abolition” of the death penalty.

In the first chapter, John Bessler discusses how *Furman* could have had a major impact on criminal justice reform

but ultimately did not. Instead, he argues, the Supreme Court failed to adequately address the inhumaneness of the death penalty, which he asserts is a punishment akin to cruel torture. By contrast, Linda Ross Meyer in the second chapter focuses on the latter part of the language of the Eighth Amendment’s ban on cruel and unusual punishment, critiquing the Court for failing to embrace that the death penalty is in fact “unusual.” In particular, Meyer concludes that it is “unusual” to treat human beings as something less than human as the death penalty does.

In the final chapter of the “Looking Back” section, Carol Steiker and Jordan Steiker explain how *Furman v. Georgia* initiated a change in capital punishment jurisprudence to create a death penalty system much different than the one that existed in 1972 when that case was decided. Today, they further explain, executions are relatively rare, and the death penalty exists in many fewer states than it did in 1972. Therefore, among their conclusions is that capital punishment has become less of a political issue—and thus that a Supreme Court decision abolishing the death penalty today would not result in the political backlash that greeted *Furman* in the 1970s.

The second section of the book expands on that comparison of how the death penalty today differs from the death penalty at the time of *Furman*. Sara Mayeau examines the modern anti-death penalty movement and its relationship to Catholicism. In her chapter, she notes how the Catholic Church shifted its position on the death penalty in the decade after *Furman*. Yet, she explains, the Church’s support for death penalty abolition never manifested the same political support that has developed around its position on abortion.

In the next chapter, Corinna Barrett Lain focuses on the similarities between today’s death penalty and the death penalty at the time of *Furman*. She argues that the death penalty of today is dying, much as it seemed to be doing before *Furman* was decided. As she sees it, death penalty abolitionists learned from *Furman*’s backlash. Instead of only focusing on the courts, abolitionists are finding success in state legislatures. Lain asserts that states in recent years have abolished the death penalty not because of a sudden moral aversion to state-sanctioned killing. Instead, states have realized the punishment no longer makes sense as a practical matter, not least given the tremendous financial costs involved in maintaining a capital punishment system that meets the Supreme Court’s post-*Furman* specifications.

Finally, James Martel takes a more pessimistic view of the post-*Furman* death penalty and the possibility of abolition than the other authors. Invoking the writings of philosopher Walter Benjamin, Martel focuses on state-sanctioned violence and the state’s need to have the authority to kill. He concludes that even as the state’s use of the death penalty may decline, the state’s violence continues in other forms such as police killings. Martel

warns that state killings will remain a part of the law in some form, noting it is likely “that the death penalty will continue on in its zombie existence, killing increasingly rarely, maybe effectively stopping to kill altogether, but never quite abolishing the power that gives the law its vital life in the first place” (p. 218).

Together, the different authors provide an important range of perspectives on the jurisprudence of the death penalty and its connection to *Furman v. Georgia*. That case created a major rupture in the legal history of the death penalty in the United States. *Furman* required the Court and legislatures to start again after 1972, and this book considers many of those changes in the context of the recent decline in the use of capital punishment.

One limitation from the book’s overall focus on *Furman* arises from the fact that most of the opinions in that case ignored the full historical connection between race and capital punishment. Some of the book’s authors, however, briefly reflect on that history. For example, Bessler provides some background leading up to the *Furman* decision, including the role of racism in capital sentencing and the work of NAACP Legal Defense Fund lawyers in death penalty litigation. Furthermore, both he and the Steikers

discuss another landmark Supreme Court decision, *McCleskey v. Kemp*, where the Supreme Court rejected constitutional challenges to the death penalty based on racial disparities in Georgia’s capital sentencing.

A book of chapters by different authors, of course, does not present a singular thesis in the same way one writer would. And the book does not attempt to present a personal critique of the death penalty in the way that books like Bryan Stevenson’s 2014 *Just Mercy* or Sister Helen Prejean’s 1993 *Dead Man Walking* do. Nor does it attempt a comprehensive history of the U.S. death penalty or even an in-depth legal history of the lawyers’ work and the Justices’ decision in *Furman*, as do other books such as Evan J. Mandery’s 2013 *A Wild Justice*. But by featuring scholars discussing different aspects of *Furman*’s impact, Sarat and the chapter authors have produced an important intellectual discussion of the modern death penalty, finding both common ground and some points of disagreement. Sarat here has done an excellent job of collecting and cultivating these different perspectives into a book that provides readers with outstanding insight into the impact of a landmark Supreme Court case and into the questionable future of the death penalty in the United States.

COMPARATIVE POLITICS

Contested Liberalization. Historical Legacies and Contemporary Conflict in France. By Jonah Levy. Cambridge: Cambridge University Press, 2023. 334p. £25.99 cloth.
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A recurring question in political economy is why economic liberalization is more contested in France than in other developed countries. Jonah Levy’s book attempts to answer this question by analyzing the economic and political history of France over the last few decades. The main concept used is *dirigisme*, the post-war economic model based on the state, which, thanks to a competent administration, was supposed to make up for the shortcomings of the private sector by directing investment and production toward activities that could make France a leading industrial power.

First, this model was successful, but it ran into difficulties from the 1970s onward in an increasingly globalized economic environment. According to Levy, it is at the root of the low level of liberalization in France because it has left its mark on economic policies, political actors, and institutions. Its dismantling from the 1980s onward was

facilitated by the creation of a what Levy calls *social anesthesia state*, “a mammoth, passively oriented welfare state” that compensates the victims and opponents of liberalization but puts a strain on public finances, crowding out investment. The imprint of dirigisme has left its mark on the political system, whose main actors, even on the right, have never fully embraced liberalism, making France a case of “liberalization without liberals.” Finally, dirigisme has favored a political system in which the government imposes reforms from above without consulting the social partners, thus preventing the building of broad coalitions supporting liberalization.

This situation has continued under Macron’s presidency, when reforms imposed from above faced a strong social opposition (Gilets jaunes) which was defused by an intensive use of the resources of the social anesthesia state. The book concludes with a chapter in which Levy explores the avenues for an inclusive, negotiated liberalization likely to receive broad support and capable of combating the call of “populism.”

There is much to be said about this book, both in general and in detail. The first comment concerns the methodological bias that consists in examining the *contestation* of liberalization rather than liberalization itself. The aim is then to explain an anomaly or even an offense to reason. The necessity and self-evidence of liberalization are