reverence the memory of the great men who devised the American constitutional system . . . their wise avoidance of dangers which had wrecked all preceding attempts at popular government" (p. 109).

The constitutionalism celebrated in this collection was that informed by the principles of Hamiltonian Federalism and, later, Whig, and Republican nationalism. They, like Herbert Croly and James Beard (yes, Beard) had a barely disguised contempt for Antifederalism and for the Jeffersonian/Jacksonian celebration of "states' rights" through the protection or imposition of culturally backward local customs (including slavery) and the vigorous and popular use of state police powers to favor parochial interests and norms regarding religion, the economy, and the family. This legacy is a decidedly mixed one for today's Republican Party whose electoral base now resides in the South and Midwest, the earlier bastions of both states' rights and radical populism.

What is offered here are some strong ligaments of a coherent "forensic history" of the kind defended by John Phillip Reid (The American Constitution and the Origins of Anglo-American Liberty, 2005). This history, long abandoned in England but still alive in America, is primarily shaped to combat unchecked centralized power, whether populist, parliamentary, military, executive, or administrative. Anchored in institutional memory and legal precedent, this history must be periodically rewritten to identify threats to and reaffirm the centrality of a nation of free citizens. Without the difficulties and embarrassments of philosophies of natural rights (e.g.: French Revolution, Antifederalists), constitutional conservatism honors both devolution of and separation of powers under the aegis of a strong and authoritative national state, but one not to be confused with big and intrusive government. Two recent books, Philip Hamburger's *Is Administrative Law Unlawful?* (2014), and Daniel R. Ernst's *Tocqueville's Nightmare: The Administrative State Emerges in America, 1900–1940* (2014), could serve as major components in this tradition.

Ironically, it was none other than Roscoe Pound, doyen of Progressive jurisprudence, who termed administrative discretion "justice without law"—and by law he meant decisions premised on the assumption of pre-existent and stable rights. Rules issued as executive prerogative might temporarily serve prevailing needs but should never become permanently entrenched beyond legislative and judicial control. Writing in 1907 (46 *American Law Register*) in response to the explosion of electorally inspired exercises of state police powers through quasi-autonomous administrative bodies, Pound's critique, like that of Taft, Root, Hughes, Coolidge and Hoover—and later echoed in President Eisenhower's warning of an emerging military-industrial-scientific complex—demonstrated an almost instinctive fidelity to American constitutional memory and precedent.

Financing Medicaid: Federalism and the Growth of America's Health Care Safety Net. By Shanna Rose. Ann Arbor, MI: University of Michigan Press, 2013. 322p. $95.00 cloth, $35.00 paper.
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— Michael K. Gusmano, *The Hastings Center*

The Medicare and Medicaid programs will celebrate their 50th anniversaries in 2015. While Medicare was envisioned by supporters and opponents alike as a potential stepping stone to national health insurance, Medicaid was not. In contrast to Medicare, which is based on social insurance principles, Medicaid is a means-tested social welfare program. Medicaid was not even mentioned by President Johnson when he signed the law that created both programs. Since its adoption, Medicare expanded to include patients with end-stage renal disease in 1972 and the Medicare Modernization Action of 2003 expanded the program to include drug coverage (Medicare Part D), but it never became a model for universal coverage in the United States. During the past 50 years, however, Medicaid has expanded dramatically and today, with 66 million enrollees, is the largest health insurer in the country. A centerpiece of the *Patient Protection and Affordable Care Act* of 2010 (ACA) was the expansion of Medicaid. The U.S. Supreme Court's decision in *National Federation of Independent Business v. Sebelius* has limited the Medicaid expansion because the Court's decision made it easier for states to opt out. The current polarization of American politics encourages Republican governors to do so, but it remains a crucial dimension of the ACA's strategy for extending health insurance coverage.

In *Financing Medicaid: Federalism and the Growth of America's Health Care Safety Net*, Shanna Rose offers an explanation for Medicaid's unexpected growth that centers on the role of state governors and the National Governor's Association (NGA) in shaping policy. In doing so, she draws on the concepts of "path dependence" and "policy feedback" to solve the Medicaid expansion puzzle. She argues that the "institutional logic" (p. 17) of Medicaid, along with the influence of U.S. governors on federal policy, help us better understand why the Medicaid program has defied expectations. Her case study also illustrates how bargaining between the executive branch of the federal government and the states has shaped the size and nature of the U.S. health care safety net. Furthermore, Rose's book demonstrates that, not only does lobbying by governors help to explain Medicaid's continual growth, the financial incentives of the Medicaid program help to explain the growth of the NGA as a force in American politics.

Medicaid is a means-tested welfare program that is jointly financed and administered by the federal and state governments. The federal government matches state

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spending based on a formula in which lower-income states receive a higher Medicaid matching rate than higher income states. States that agree to participate in the program must meet minimum federal standards for eligibility and coverage, but for most of its history, the law has allowed for enormous variation among the states. By 1990, the federal government had expanded Medicaid to include all pregnant women and children with incomes below 133 percent of the federal poverty level and required states to phase-in coverage of all children in families with incomes below 100 percent of poverty. The ACA Medicaid expansion requires participating states to offer coverage to everyone within 138 percent of the federal poverty level. The federal government will cover 100 percent of the costs associated with the Medicaid expansion between 2014 and 2016 and 90 percent of these costs in subsequent years.

Studying the program's history, generous federal matching rates are key to understanding pressure from state governors to protect, and at times, to expand the program. Rose argues that the open-ended nature of Medicaid grants to the states provides governors with opportunities to bring substantial federal money into their states. Despite his belief that the financing structure of Medicaid, like the Kerr-Mills program on which it was based, was "basically unsound fiscally" (p. 53), Governor Rockefeller of New York developed "an ambitious Medicaid plan" (p. 51). In the decades since, governors across the country have followed suit.

The financial incentives Medicaid provides to the states are so irresistible that efforts of governors often defy partisan expectations and the policy preferences of governors. Despite the fact that governors often worry about the implications of Medicaid for their state budgets, complain about federal government mandates, and occasionally threaten to eliminate their Medicaid programs, they usually end up supporting its expansion (p. 241). Although Democratic governors are more likely to push for Medicaid expansion and resist calls for federal government retrenchment, Republican governors often join them, much to the chagrin of national party leaders. The rejection of proposals to turn Medicaid into a block grant and cap the federal government financial obligations are compelling examples of how the desire to retain Medicaid's federal match has often led Republican governors to take positions that conflict with those of the national party. Rose documents the rejection by state governors, including many Republicans, of efforts by Presidents Ronald Reagan (p. 90), George H.W. Bush (p. 148), and George W. Bush (p. 205) to transform Medicaid into a block grant. Rose explains that converting Medicaid to a block grant is appealing to many governors because it would provide states with substantial discretion over how to spend Medicaid money, which they like, but it would also "shift enormous financial risks from the federal government to the states—risks that many state officials are not willing to assume" (p. 211).

The current debate over the ACA's expansion of Medicaid represents an interesting test of Rose's argument. In the wake of the *NFIB v. Sebelius* ruling, state decisions about Medicaid expansion have broken down primarily along party lines. Republican resistance to Medicaid expansion at the state level, however, is already beginning to erode. Republican administrations in Iowa, Michigan and Pennsylvania negotiated waivers with the federal government that will allow them to expand Medicaid on terms that allow them to claim victory over the Obama administration while accepting the new federal matching money. The state of Indiana has a pending waiver that would also lead to an alternative Medicaid expansion plan. It appears that, even in the current political environment, the lure of federal Medicaid money is too great for the states to resist.

The historical evidence supporting Rose's argument is compelling, but she acknowledges that the intergovernmental lobby and the institutional legacy of Medicaid's financing structure are not sufficient factors on their own to explain the expansion of Medicaid. She claims that her goal is not to provide a "comprehensive account of all the factors that have shaped Medicaid's development" (p. 18). Instead, her aim is to offer a "crucial piece of the puzzle that has thus far been the subject of limited study" (p. 18). She highlights a number of other factors that contribute to our understanding of Medicaid politics. These include pressure from health care providers and advocacy groups, broad public support for the Medicaid program as a safety net and—in the tradition of John Kingdon's (2010) *Agendas, Alternatives and Public Policies*—"policy entrepreneurs."

The importance of policy entrepreneurs jumps out as particularly important in Rose's account of Medicaid's history. The efforts of Governor Richard Riley (R-SC) to mobilize the support of southern governors and Representative Henry Waxman (D-CA) are crucial for understanding Medicaid's growth since the 1980s (p. 110). In the 1980s, Governor Riley lobbied the federal government to allow states to expand Medicaid eligibility for pregnant woman and infants. Within the Congress, Representative Waxman was, and is, an important ally of state efforts to fight against Medicaid block grant proposals, increase federal matching funds, and expand Medicaid eligibility.

Financing Medicaid is a well-written, carefully researched book that contributes to our understanding

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of health policy, federalism, and policy change. Critics of policy feedback are unlikely to be convinced by this book because the theoretical model that Rose adopts is still too underdeveloped to address concerns about the inability of this theory to predict policy change. Nevertheless, her case study provides an interesting and important example of how policy institutions create incentives that make it more difficult to change the subsequent direction of policy.

COMPARATIVE POLITICS

Practical Authority: Agency and Institutional Change in Brazilian Water Politics. By Rebecca Neaera Abers and Margaret E. Keck. Oxford: Oxford University Press, 2013. 288p. $99.00 cloth, $34.95 paper.
doi:10.1017/S1537592715000808

— Chris Ansell, *University of California, Berkeley*

Much like their earlier work on local grassroots democracy (Rebecca Abers) and environmental activism (Margaret Keck), this book provides a rich, historically grounded account of the development of a distinctive type of politics in Brazil—in this case, the institutional politics around water management. But also as in their earlier work, Abers and Keck manage to successfully inflect this context-sensitive account with much more general theoretical importance. While the very concept of "water management" sounds technical, they illuminate the high politics of water in Brazil and reveal how the control of water becomes a complex and innovative arena for the negotiation of state–society relations. Exploring the creation and development of river basin committees, *Practical Authority* helps us understand both the limits and the possibilities for participatory forums of policymaking and implementation.

The book begins with the authors' announcement of their sense of surprise as they learned to decipher the complexity of Brazilian water politics. While landmark legislation envisioned a new integrative form of water management that would give a new role to civil society, neither the legislation nor subsequent state policy provided guidance or support to implement this new vision. Abers and Keck were originally interested in the ways in which the river basin committees authorized by the law would function as participatory forums. To their surprise, a more fundamental and interesting issue was why, in the first place, these committees evolved in such different directions. In some cases, the committees never got off the ground; in others, they took off, only to become moribund later; still others developed gradually, building momentum through time.

As their investigation deepened, the authors focused on the institution-building process in these river basin committees and how it interacted with the wider political environment. The central concept that they develop to interpret this process is what they call "practical authority." In the relative vacuum of formal authority, river basin committees had to create a legitimate claim to govern. Abers and Keck find that successful committees did this by developing a capacity and reputation for problem solving, by building relational social capital between different groups, and by avoiding political contestation during their formative period. These committees achieved practical authority when they became recognized as having a legitimate and rightful role in making water resource decisions. This kind of institution building depended on creative and skilled leadership, as well as active experimentation, and was ultimately an ongoing process and a contingent achievement. Changing politics, leadership succession, or the decline of problem-solving capacity could lead to a reversal of fortune and the loss of practical authority.

As Abers and Keck explain, Brazil's particular path of democratization turned it into a crucible of experimentation with participatory modes of democracy. They began their research intrigued with the participatory potential of river basin committees, and their research does indeed demonstrate that a wide variety of groups—including local, state, and federal agencies, environmental groups, universities, and business interests—participate in the most active river basin committees. However, their view of these committees as vehicles of civic engagement was tempered by the nature of the political process they encountered. "Greater numbers of participants," they write, "do not necessarily make a policy more democratic, either in the sense of who decides or who benefits" (p. 196). While clearly expanding the number of groups engaged in water policy, the river basin committees have not functioned particularly well as representative bodies. Instead, they appear to represent the groups who have invested in building the committees as institutions.

I would like to have learned more about the limits of the river basin committees as participatory and representative bodies. From their discussion, I infer that these bodies function more like what might be called "policy networks" than they do like the participatory fora conjured up by Porto Alegre's famous experiment in participatory budgeting. Yet the authors have clearly made the choice here that what river basin management tells us about everyday politics and institution building is more interesting than what it tells us about democracy. For Abers and Keck, the institutional and political evolution that they trace speaks fundamentally to wider debates concerning how we conceptualize institutional change.

The authors begin their analysis by describing the setting in which institutional change occurs, which they characterize as one of institutional *entanglement*. Brazil, they observe, has become a "complex network

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