

BOOK REVIEW/COMPTE RENDU

Miriam Smith, *Political Institutions and Lesbian and Gay Rights in the United States and Canada*. New York: Routledge, 2008, 244 pp. \$US 95.00 hardcover (978-0-415-98871-1)

This book addresses one of the most intriguing questions of our era: how Americans and Canadians seem to have become so different over the last quarter century. While Canadians were apparently becoming increasingly liberal and tolerant, Americans were caught up in a series of reactionary causes and events. Perhaps the most iconic of these differences has been the development of same-sex marriage. While Canada moved steadily toward becoming the third country in the world to legislate same-sex marriage in 2005, the United States was rushing headlong in the opposite direction. Thirty-nine of the fifty states had entrenched so-called “Defense of Marriage Amendments” (DOMA) in their constitutions to forestall any possibility of same-sex marriage and twenty-one of these states had legislated “super-DOMA”s that not only prohibited marriage but pre-emptively moved to ban even lesser forms of civil union or domestic partnership among same-sex couples, attacking even the few gains won in union contracts, universities, and corporations that had brought workplace benefits to all employees. The result is that on the Ontario-Michigan, or Alberta-Montana borders, same-sex couples now face radically different legal environments, with human rights legislation and marriage recognition on one side, and an active right to discriminate on the other.

This phenomenon raises a host of complex sociological questions about how two neighbouring countries could have evolved in such sharply different directions. Following closely on the heels of David Rayside’s *Queer Inclusions, Continental Divisions* (Toronto 2008), this book positions itself as a must-read entry into the field of Canada-US relations. Smith forcefully advances the thesis that with its “focus on the configuration of the executive, the legislature and the courts along with the meta-institutional rules or the constitutional rules that govern the interaction of these elements in shaping the terrain of political struggle” (p. 8), “historical institutionalism” is the key theory for understanding this difference. Particular criticism is aimed at “political culture” as an explanation of the difference. Marshalling public opinion polls that show that Canadians and Americans do not appear to be all that different on

the critical social issues of the 1990s and 2000s, Smith argues that “political culture” cannot explain much, nor can an examination of “social movement resources, money or organization” (p. 194). Even taking account of differences in scale between the two countries, the Canadian gay and lesbian movement has been comparatively underresourced and underorganized. To employ more sociological language, political opportunity structure is key.

The book makes very effective use of the tools of political science and in constructing a solid case for the impact of particular state institutions in shaping political expression. In Canada, “centralization of the parliamentary and party systems and the lack of direct democracy mechanisms” (p. 92) surely do make a significant difference, as Smith argues, when compared to the United States. Differences between the Canadian Charter of Rights and Section 15 of the Constitution on the one hand, and the Fourteenth Amendment to the US Constitution on the other, are indeed important, as are constitutional divisions of power between federal and state/provincial governments in criminal and marriage law. Although it may be more a matter of emphasis than a question of who is right or wrong, sociologists typically remain more interested in the social constituencies, frames, and discourses that underlie state institutions than in state institutions themselves. Despite a claim that “the sociological setting of the two societies is similar” (p. 111), other parts of the book point to a range of significant sociological differences. While sociologists may be equally unimpressed by the concept of “political culture” derived from public opinion polling, there are a number of social actors, each generating framing discourses, that contribute to the unfolding of social questions like gay marriage. Militaries and police, contending religious organizations, Québécois and Anglo-Canadian rivalry, labour unions, social democrats, and the gendered inflection of national self-images all add up to a unique social mix that defines and impels such issues as gay marriage. While state institutions may be vehicles, inhibiting or facilitating popular action, they are not its animators. Regardless of public opinion polls, we are left with the fact that at the turn of the millennium, Canadian officials largely avoided direct confrontation with couples who would marry, showing a sense of shame in manifesting mean spiritedness in the face of those who sought to affirm their relationships, while US officials actively prosecuted mayors who performed same-sex marriages hauling them through ugly trials. In the end, perhaps surprisingly, same-sex marriage has even found its way into Canada’s national self-image, which takes a certain subversive pride in having trumped the panic-stricken American reflex to expel its gay, les-

bian, bisexual, and transgendered citizens from the body politic. Perhaps there is still “political culture” that requires explanation here.

As a whole, though, this book is much more than its central thesis. It provides definitive narratives of the unfolding of events in each political context. It also reviews a great many additional contenders and factors that played some role in the particular outcomes of the same-sex marriage debate in each country, among them, “the impact of the AIDS crisis, the growing number of same-sex couples (especially women) who were deliberately choosing to have children, the growing egalitarianism of gender roles in heterosexual marriage, the decline of religious authority, and the growing importance of marriage to obtaining public and private benefits” (p. 111). That richness is sure to provide new fodder for more PhD dissertations to come, especially as cracks in the reactionary American edifice become increasingly evident in such places in Massachusetts and Connecticut. *Political Institutions and Lesbian and Gay Rights in the United States and Canada* is sure to become a don’t-miss book for anyone interested in Canada-US differences, the political construction of social issues, or gay and lesbian studies.

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