

The Iowa State Constitution, by Jack Stark. The Oxford Commentaries on the State Constitutions of the United States. New York: Oxford University Press, 2011. xvi, 198 pp. References, bibliographical essay, table of cases, index. \$150.00 hardcover.

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Historians no longer have to defend the notion of studying state constitutions. Leading constitutional and legal scholars like Donald Lutz, Kermit Hall, and G. Alan Tarr (who wrote the foreword for the series in which this volume appears) have overturned assumptions that state constitutions are nothing more than cumbersome, formulaic documents overburdened by legal code and only interesting in comparison to the U.S. Constitution. Tarr's foreword introduces the overall focus of the series: the role of state charters in buttressing the "new judicial federalism" (xiv). Following his lead, Jack Stark—like most of the other authors in this series—emphasizes how the state charters have provided greater protections for individual rights than those afforded by the federal constitution.

Greenwood Press originally published Stark's guide to the Iowa state constitution in 1998 as part of its earlier State Constitution Reference Guides. Oxford University Press has now reissued and standardized that series (46 volumes to date) to create a useful basis for a uniform study of state constitutions. Like all volumes in the series, *The Iowa State Constitution* consists of a historical overview of the constitution, a list of amendments, a clause-by-clause case-law analysis of the current constitution, a table of relevant legal cases, and a brief bibliography.

In his overview essay Stark explains that the Iowa constitution adopted in 1857 has never been revised, despite a mandated call for a popular vote on constitutional revision every ten years. He attributes its longevity to an orderly and flexible amending procedure, which has allowed it to be regularly amended. Among the essay's great strengths is the readable and well-contextualized discussion of the historical background. Although such reference books are rarely intended to be read from cover to cover, Stark's excellent discussion rewards a careful perusal. The strong central core in the book illuminates the relationship among the state judicial, legislative, and executive branches. Stark argues throughout his essay (and later in the analysis of specific provisions) that Iowa courts have consistently deferred to the state legislature and to the governor rather than "engaging in judicial activism" (81–82).

Part two consists of a case-law analysis of each section of the constitution—that is, the most recent version available to Stark in 1998.

He is careful to explain judicial decisions and statute law to non-legal specialists. Perhaps one of the most impressive strengths is Stark's thoughtful investigation of unintended constitutional restrictions that have forced the Iowa legislature to create imaginative solutions. For example, in 1887, a creative financing scheme made it possible for Des Moines to build improvements and pay for them with a special fund, which in turn allowed the city to circumvent a constitutional prohibition against the incursion of constitutionally mandated debt limits (175–76). Such subtle analyses, set in a rich, erudite context that makes use of the English constitutional heritage and Dickensian literary allusions, make this a particularly successful addition to the series.

Social, political, and cultural historians, however, would have benefited from more comparisons across state constitutions, particularly in the Midwest. Stark also wrote the Wisconsin volume for the series, and although he does briefly refer to that state constitution, the streamlined format of the series did not permit him to extend that discussion or to include references to other states in the region. That is a missed opportunity and renders the book less useful for historians and students than it might have been.

Of greater concern is the fact that although the publisher standardized the volumes in the series, it did not revise the original work published in 1998. Even so, there are dozens of new typographical errors not present in the original volume—some of which seriously alter the meaning of the text. More problematic is the failure to include two important amendments to the Iowa State Constitution passed since Stark's original volume was published. In 1998 an amendment to Section 1 of Article 1 included women in the general statement on the rights of persons (“all men *and women* are by nature free and equal”); another removed the \$100 limit to the maximum penalty allowable for cases to be tried summarily before a judge. When the Polk County District Court ruled Iowa's Defense of Marriage Law unconstitutional in 2007, the decision—based in part on the 1998 amendment to the equal protection clause—certainly reached into the legislature's domain, contradicting Stark's argument that the Iowa judiciary rarely interferes with the legislative branch. The fact that the book was reissued three years after the Iowa Supreme Court marriage case, *Varnum v. Brien*, renders this omission nearly inexplicable.

Still, Stark's work is deeply researched and subtly reveals an astonishing breadth of knowledge. This volume will be a useful resource for legal and political historians as well as for constitutional scholars.