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Book Reviews

The Politics of Precedent on the U.S. Supreme Court *by Thomas G. Hansford and James F. Spriggs II. Princeton, NJ, Princeton University Press, 2006. 176 pp. $29.95.*

Which provides the best explanation of Supreme Court decisions, the law or the justices' policy preferences? Over the years, political scientists have disagreed as to which most influences the Court's decisions, often arguing that one of these issues rules to the exclusion of the other. In their excellent study of the interpretation of precedent in the Supreme Court, Thomas Hansford and James Spriggs demonstrate that both law and politics matter, as these are not mutually exclusive concepts regarding judicial behavior. Perhaps more important than this essential finding, the authors exhibit how good social science can and should be executed.

Scholars have long debated how precedent, the body of law in the United States, is utilized by the Court. Those invested in attitudinal or strategic approaches to explaining judicial behavior generally contend that the justices' preferences on policy issues represent a prevailing goal or influence. Others claim that devotion to the law, irrespective of policy or politics, is the overriding factor in judicial decisions. The authors innovatively meld these concepts in explaining how the Court interprets precedent. In particular, they develop a parsimonious theory regarding how and why the Court interprets precedent, then proceed to test their theory under disparate conditions with various data.

Their theory is based on two key factors: that justices interpret precedent, first, to influence current legal policy and, second, to justify new policies in current opinions. In other words, following *stare decisis*, the legal doctrine that judges should abide by judicial edicts of the past, legitimizes the Court's policy choices and, more generally, the Court itself. By viewing precedent in this manner, the authors employ precedent as a dependent variable, instead of an explanatory variable, as it ordinarily is applied in judicial studies. With a concept they dub "precedent vitality" (p. 22), the authors argue that some precedents are more authoritative than others; moreover, precedent vitality is a dynamic process that depends not on the age of the precedent but instead on how the precedent is treated by subsequent Courts. Thus, a combination of precedent vitality and the justices' preferences explains the Court's interpretation of precedent.

After positing their theory, the authors utilize various statistical models, including logit, survival, and event count analyses, as appropriate, to test their theory, and the results generally comport with their theory. However, perhaps their most important contribution concerns measurement of the dependent variable. The authors use *Shepard's Citations*, a legal citation service detailing how subsequent courts treat prior precedents. Lawyers, judges, and law professors religiously use *Shepard's*; it is a vital tool within the legal community. Although political scientists have employed *Shepard's* more than occasionally, with few exceptions, it has not been used to operationalize dependent judicial variables. Employing *Shepard's* to decipher how courts treat precedent is a legitimate and appropriate use of this citation index, but there has been some trepidation among judicial scholars about applying *Shepard's* in this fashion. While one may quibble with some of the authors' proxies for their independent variables, there should be no doubt regarding the appropriateness of *Shepard's* as a coding mechanism. The authors have demonstrated in convincing detail how *Shepard's* is a reliable and valid measure for this purpose.

The authors have done a commendable job in showing how both law and politics matter when the Supreme Court interprets precedent. Even if scholars are not well versed in utility theory or the empirical methods employed in this book, the authors' uncluttered explanation of the substance of their theory and findings makes *The Politics of Precedent* accessible to any student of the Supreme Court.

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Logics of Hierarchy: The Organization of Empires, States, and Military Occupation *by Alexander Cooley. Ithaca, NY, Cornell University Press, 2005. 191 pp. $35.00.*

For some time now, countless international relations scholars have scrutinized the anarchic nature of the international system, even though the history of international politics is replete with security and economic arrangements that are hierarchical, that is, that require the curtailment of some freedom of action, and that display different degrees of institutionalization. To be fair, there have been a few sophisticated studies of hierarchy, but Alexander Cooley rightly laments what, for the most part, remains a "caricatured understanding of the politics of hierarchy" (p. xi) and undertakes to remedy this shortcoming.

Drawing on the institutional literature in economics, and particularly such renowned scholars as Alfred Chandler, Ronald Coase, Oliver Williamson, and Douglas North, Cooley transfers their work on modern firms, networks, and franchises to the political realm. Much like these economists, he distinguishes between two ideal types of firms: the unitary (U) form (organized along functional lines) and the multidivisional (M) form (organized territorially). He then