

Michael F. Salamone. *Perceptions of a Polarized Court: How Division Among Justices Shapes The Supreme Court's Public Image.* Philadelphia, PA: Temple University Press, 2018. xi, 198 pp. (\$94.50 cloth, \$32.95 paper).

In *Perceptions of a Polarized Court*, Michael Salamone endeavors to provide insight on the dynamics involved in how the public views the nation's High Court. His fundamental argument is that dissent by the justices in the institution's legal decisions affects how people assay the decisions of the Court. However, the public typically receives decision outcomes through the media and, accordingly, he considers that interaction as well.

Theoretically, his primary argument is intuitive and straightforward – if the Court issues decisions that lack consensus, then the public will perceive the institution's decisions less favorably. However, as we soon learn, such matters do not always work out as we might reasonably expect. Given the current state of a polarized citizenry and the salience of Supreme Court personnel decisions, this study is especially timely and compelling. It is well-written and its empirical analysis thoughtful and well-executed. It is recommended reading for anyone studying public opinion or the Court.

In the book's introduction and first two chapters, the author outlines his approach and basic arguments. He introduces his basic premise in compelling fashion – comparing and contrasting the tasks before Chief Justice Earl Warren in *Brown v. Board of Education of Topeka* (1954) and Chief Justice John Roberts in *National Federation of Independent Business v. Sebelius* (2012). In the former case, the nation was provided with a unanimous decision by the High Court, whereas – in more polarized times – the public received a divided opinion in the latter. Both Chiefs “shared a reverence for unanimity,” but Roberts dealt with a Court that Salamone dubs “hyperpolarized” (p. 2). The next chapter reviews the extant literature on public perceptions of the Court and the more limited literature on media and Court interplay. That the Court depends on public backing and cares about how the public perceives it are well-known. Less well-established is how the media portrays and, arguably, manipulates the Court's image. This latter aspect may have been developed in more detail, but Salamone does set up his later empirical assessment of media phenomena rather well here. Perhaps more attention could be paid here (and elsewhere) to the rich vein of literature on institutional policy agenda-setting which suggests that controlling the questions an institution handles (e.g. certiorari decisions) is possibly as important as dictating the substantive outcomes.

In his final analytical chapter Salamone employs an experimental approach to assess whether division among justices affects public perception of the Court's decisions and, if so, how. Of course, division may manifest itself in degrees – unanimity, close decisions (e.g. 5-4 vote), and split, but not close decisions (e.g. 8-1 vote). Specifically, he considers whether division (or the lack thereof) affects respondents' agreement and acceptance of case outcomes. While some of his findings are expected (e.g. unanimity promotes acceptance of decisions on certain legal issues), other findings may be somewhat counterintuitive to some readers. For instance, under certain

conditions, a 5-4 split is associated with higher acceptance of decisions. Salamone explains that such a result may be driven by respondents who feel that such a split evinces an element of procedural fairness and due deliberation in the decision. We could also imagine that if it is an outcome is inconsistent with a respondent's prior ideological inclinations, then such a split result at least suggests that their ideologically allied justices did not 'cave' to the other side and that perhaps, in the future, they will ultimately gain the majority of the Court. In his final chapter, Salamone again considers the modern hyperpolarized Court against Courts of yesteryear that were typified as revealing less division to the media and public. Does such dissent harm the Court's image or its ability to govern? As discussed above, the results are mixed and hinge on contextual concerns. He concludes, "It is clear there are certainly some public image effects that stem from division and polarization, but the concern that dissent is harmful appears to be overblown" (p. 151).

Salamone's study provides valuable insight into the very complex dynamic of Court institutional workings and media and public perceptions of legal outcomes. His disciplined focus on the effects of justices' division on public perception is both the advantage and shortcoming of the book. There are many other considerations that might affect how the media and public view Court decrees, and the Court as an institution. This very thoughtful treatment on the effects of polarization among governing elites stands as an excellent introductory point of reference for future study on how the public views policy outputs as well as the implications of division within governing institutions.

Jeffrey L. Yates
Binghamton University