Book Reviews

Richard L. Engstrom, Editor

Crenson, Matthew A., and Benjamin Ginsberg. *Downsizing Democracy How America Sidelined Its Citizens and Privatized Its Public.* Baltimore: The Johns Hopkins University Press, 2002. 312 pp. ($29.95 Cloth).

Most political scientists constantly debate the value of public participation in the political process. Generally it is accepted that public participation is a good thing in any form of democracy because public participation is supposed to keep government honest, open, and produce a more informed citizenry. For more than two hundred years, America was considered exceptional because of its ordinary citizens doing extraordinary things and contributing their service in democratic institutions. Citizens affected change through mobilization and made their desires known by applying mass political pressure to the political elites. Through the decades following the Republic's founding, the traditional needs for citizen participation had their foundations in the need to raise an army of citizen soldiers, collect taxes from citizens, serve on juries of one's peers, and to serve as citizen administrators for the various governmental agencies created to extend the Republic's influence westward while, albeit reluctantly at times, extending the suffrage to those once excluded from the electorate. Certainly the movement histories of this country (civil rights, women's liberation, environmentalism, and consumer protection) have provided a strong impetus to political leaders at all levels of government to give more "power to the people." Likewise, the famous anecdote attributed to Al Smith, the Governor of New York, 75 years ago suggested that the ills of democracy could only be cured by more democracy.

However, Crenson and Ginsberg suggest in *Downsizing Democracy* that citizen participation is no longer becoming necessary to the political process. They engage in a provocative argument that institutional changes have enabled political elites to make civic participation irrelevant in Western government. Using America as their model, they relate how contemporary political elites have successfully reduced their dependence on popular political participation through the use of other alternatives such as litigation, judicial strategies, term limits, and lobbying to secure and exercise political power that is independent of mass politics. Now, they argue, government no longer needs its citizens. The idea of a collective citizenry and the factors that promoted citizen mobilization into a force of change has all but

disappeared due to a litany of institutional changes. Mandatory taxes are now used instead of bonds to fund for war, citizen armies have been replaced with all volunteer forces and its sophisticated inventory of technologically advanced precision munitions, the development of polls, the contraction of unions, and career civil servants with professional bureaucracies and cadres of experts have replaced the "Jacksonian" citizen administrators as the allocators of public services.

Although most Americans still view each other as fellow citizens with common cause and commitments, government is more and more viewing citizens as something less and less important. Rather, government perception of the public is one that is without a collective identity and is better described as a public that is an aggregate of disconnected individuals out to satisfy their personal needs in the marketplace. The authors' primary premise suggests that devolving federal government programs to amorphous state contractors, the use of lobbying, term limits, litigation, judicial strategies, bureaucratic processes, along with the increasing privatization of government work directly to affect political change, has effectively marginalized the mass American electorate. The result is that citizens are becoming customers of government services. Taking its cue from business, the customer mindset permeates politics as exemplified in Vice President Gore's report on reinventing government, which quoted Gore as saying "A lot of people don't realize that the federal government has customers. We have customers. The American people." The entire report avoids the use of the word "citizen." The marginalizing of public participation is further emphasized by the authors when they point out that in the aftermath of the terrorist attacks on September 11, 2001, President George W. Bush told Americans the best thing they could do for their country was to shop and travel while the government conducted a war against terrorism!

Crenson and Ginsberg refer to this marginalizing of the electorate as "personal democracy." It is personal because the alternatives, e.g., relying more and more on large donors, special interest groups, and litigation to effect or block political change, distinguishable from the popular democracy that required political elites to mobilize non-elites in order to achieve political goals. Interestingly enough the processes identified by the authors have not been intended to restrict public access to political decision-making, rather, the opposite has occurred in that barriers to political participation have been lowered. Freedom of information statutes, sunshine laws, mandatory public hearings, public notice and comment requirements, and increased access to courts through class action suits all seem to suggest an enhanced public opportunity to engage in the formulation of public policy. However, the realities of the new processes have blunted citizen participation because they are not "customer friendly." How often does a citizen look at the

Federal Register for opportunities to comment on new regulations, attend public hearings or litigate on behalf of the public interest? Instead of citizen participation in the political process, there exists a cadre of political and economic elites, and their ever-present lobbyists, that have almost captured total access to public decision-makers, thereby eliminating the need to mobilize citizens in support of their desired policies. Crenson and Ginsberg add that both political parties are also contributors to this erosion of citizen mobilization. Neither party is enthusiastic regarding meaningful voter reforms, such as weekend voting, that would increase turnout and possibly contribute to an increased electoral uncertainty within what are now often predictable political bases.

Personal democracy establishes limits not only on political participation, but also on the substance of politics itself by ensuring that a deep chasm of social problems remains ignored by both parties. Personal action is no substitute for political mobilization and for the ordinary citizen the most potent political resource is still the power of numbers. Having to deal with the government one on one is almost always a recipe for certain defeat.

In sum, Crenson and Ginsberg have provided an innovative and compelling argument that better explains continuing low voter turnout and declining citizen participation. The challenge to scholars not only in political behavior, public policy, and democratic theory but to scholars from a host of related disciplines is to acknowledge and address the problem that perhaps "politics has become too important to be left to politicians."

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Oppenheimer, Bruce I., ed. *U.S. Senate Exceptionalism*. Columbus: The Ohio State University Press, 2002. xi, 399 pp. ($64.95 cloth).

The essays in this volume grew out of a conference on Senate Exceptionalism hosted by Bruce Oppenheimer at Vanderbilt University in October 1999. Participants at this conference were asked to "explore more fully the unique features of the Senate and their consequences" (Oppenheimer, p.4). Oppenheimer argues that these "unique features" have received little attention from congressional scholars, and believes that a focus on Senate exceptionalism will not only promote a greater understanding of the institution, but also serve to persuade congressional scholars that the Senate is as worthy of attention as the House of Representatives. He correctly notes that "congressional scholars have focused their research more heavily on the House of Representatives than the Senate" (p.6). "A major purpose of that conference

and of this book is to stimulate additional research on the U.S. Senate," Oppenheimer states early in the Acknowledgements (p. vii).

The claim that the Senate is exceptional, or unique, is based on a set of characteristics that differentiate the institution from other legislatures. These characteristics can be divided into two general types. First, the U.S. Constitution grants the Senate specific powers and responsibilities that distinguish the institution not only from the House of Representatives, but also from other second chambers throughout the world. These constitutional features include a unique representational basis, staggered terms of office, the same basic legislative power as the lower chamber, executive powers to confirm presidential appointments and ratify treaties, and judicial powers to try impeachment cases. Second, the Senate has a number of institutional features derived from a willingness to respect the power of individual members that differentiate it from other legislatures. Best known among these features are the filibuster, an open amending process, and the hold system. Probing the link between constitutional and institutional features is something that is not pursued in this volume but is worthy of further investigation.

The essays collected in this volume cover most of the characteristics that differentiate the Senate from other legislatures. Six essays cover the various consequences that flow from the Senate's peculiar electoral and representative arrangements; another six look at institutional development and policymaking; and two examine the impeachment process. Concluding essays by David W. Rohde and Lawrence C. Dodd draw together insights from the preceding essays and offer suggestions for future research. Although the range of topics covered is impressive, there is no discussion of the Senate's confirmation or ratification powers in the volume. Such omissions are surprising given that these executive functions are two of the keys ways in which the Senate differs both from the House of Representatives, and most other second chambers in the world. The volume also suffers from the lack of an essay that systematically examines the exceptionalism of the Senate. Most legislatures have unique features of one sort or another, and the danger is that all could be viewed as exceptional according the argument advanced in this volume. Is the Senate more exceptional than the British House of Lords, for example? Needed is some measure of "legislativeness" against which legislatures can be compared.

David W. Rohde highlights the importance of a comparative approach in his essay. He makes the point that "We cannot know if the Senate is exceptional in some significant way unless it is compared to something" (p.346). Rohde is correct to stress the need for greater comparative research, but his call to arms raises significant conceptual and methodological questions. A comparison is necessary for something to be identified as exceptional, but if something is exceptional what is the point of comparison?

Something that is exceptional or unique cannot meaningfully be compared, as there is nothing to compare it with. Lawrence C. Dodd implicitly recognizes this point in his essay. Dodd suggests that Senate exceptionalism means that a "new form of theoretical analysis" is required to understand the institution (p.351). He argues that social psychological theories of adaptive social learning may be better suited to explaining the Senate than the rational choice approaches that have dominated studies of the House of Representatives. Rohde and Dodd effectively champion two different approaches to the study of the Senate. Rohde calls for a comparative approach that needs a common theoretical basis while Dodd suggests a Senate-oriented approach that needs a distinct theoretical basis.

The quality of the individual essays in the volume is extremely high, and together they serve as a showcase for congressional scholarship. Common and important findings that emerge from the essays include the importance of ideology in Senate elections, the sensitivity of Senate elections to public opinion, the connection between the protection of individual prerogatives and institutional development, and the importance of parties in decision-making processes. These findings mean that conventional wisdom about the Senate needs to be recast. Most obviously, it is clear that the Senate is neither the "cooling saucer" described by George Washington, nor the world's greatest deliberative body. The essays show that the Senate is a complex, dynamic institution worthy of further study. Oppenheimer asks that the success of the volume "should be measured by its effectiveness in stimulating research and scholarly debate about the Senate rather than in ending it" (p.11). By this criterion the volume is a success. It is also a success, however, in terms of the quality of its scholarship.

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Orth, John V. *Due Process of Law: A Brief History*. Lawrence: University Press of Kansas Press, 2003. xi,102 pp. ($25.00 cloth; $9.95 paper).

In his book *The Structure of Scientific Revolutions*, Thomas Kuhn portrays the history of science as a series of "gestalt shifts" that precipitate new paradigms of perception and understanding. According to Kuhn, orthodox scientific worldviews are displaced when scientists who pursue competing paradigms identify anomalies in "normal science" and ultimately persuade their colleagues to join with them in new scientific communities. Thus did Newton's view that gravity is strictly a function of mass give way to Einstein's contention that the laws of physics and gravity change in the

geometry of space-time. Professor John V. Orth's new book, *Due Process of Law: A Brief History*, applies Kuhn's thesis to the evolution of due process from its origins as "the law of the land" in the Magna Carta in 1215, through the tumultuous era of the *Lochner* Court, to contemporary controversies over fundamental rights, privacy, and reproductive freedom.

Like a good law professor, Orth proceeds by way of hypotheticals. The first, which arises out of Sir Edward Coke's decision in *Dr. Bonham's Case* (1610), asks whether it is a violation of due process for someone to be a judge in his own cause. The underlying lesson—that justice requires a neutral tribunal—is grounded in the vision of due process as a set of procedural rules that guarantee citizens a fair opportunity for notice and a hearing before they may be deprived of life, liberty, or property. Orth uses this point to explore the debate between two leading commentators on English law in the colonial period, Edward Coke and William Blackstone, over the nature and scope of judicial review. Early American justices such as James Iredell, Samuel Chase, and John Marshall used the concept of due process and its cousin, the Supremacy Clause (or the "supreme" law of the land), to check both the executive and the legislative branches. This empowered the Supreme Court to issue broad-ranging opinions about common law, natural law, and public policy under the guise of constitutional interpretation.

Orth's second hypothetical poses a deceptively simple question: Does a statute that takes A's property and gives it to B violate due process? Applied creatively by American lawyers, the answer illuminates several competing models of due process that vied for orthodoxy before the American bench and bar throughout the nineteenth and early twentieth centuries. As Orth aptly phrases it, "the hidden ambiguity of this taking paradigm . . . permitted a great deal of change while maintaining the appearance of continuity" (p. 14).

An early approach to the hypothetical, based on the assumption that "property" is land, can be traced back to Justice Joseph Story in *Wilkinson v. Leland* (1829). According to Story, it would be unconstitutional for the legislature to transfer real estate from A to B because to do so would deprive A of his day in court. Under this logic, not only would A be denied the right to adjudicate the taking of his property, but it also would offend the principle of separation of power for the legislature to "usurp" the judicial function of assigning property rights in individual cases.

In contrast, during the heyday of industrialism in the late nineteenth century, attorneys expanded the definition of "property" and "liberty" to embrace intangibles such as freedom of contract. This position, known as economic substantive due process or "*Lochnerizing*," placed limits on the power of the legislature to assign benefits and burdens to entire classes of persons, including employers and employees. Using this framework, the

Court focused on several questions: Does the transfer from A to B take place for a sufficiently good public purpose? Is there a reasonable relationship between legislative means and ends in the statute that sanctions the taking of property? Is the very act of taking this form of property forbidden by the constitution? During the period between 1890 and 1937, American courts frequently used this framework to strike down legislative regulations of business in wage-hour, licensing, and utility rate cases.

Unfortunately, Orth's truncated format leaves him little room for an in-depth exploration of academic commentary on this important period in American constitutional history. Although Chief Justice Rehnquist has described the concept of economic substantive due process as "erroneous," neoconservative scholars such as Michael J. Phillips and James W. Ely, Jr. have issued revisionist interpretations that seek to legitimize the connection between economic libertarianism and due process. This debate may prove crucial to the Supreme Court's evolving approach to regulatory takings of property in environmental and land-use cases. While Orth declines to weigh-in on this controversy, the materials he cites in the bibliography provide a sound basis for further reading on the subject.

Orth's third hypothetical addresses the Court's post-1937 vision of due process in individual liberty and personal autonomy cases: Is it a violation of due process to take from A? This form of non-economic substantive due process stresses a broader conception of individual liberty than was the case in previous eras. As Orth expresses it, "Liberty, which Blackstone had defined as unrestrained locomotion, and which nineteenth-century jurists had redefined to include freedom of contract, had now become 'the right to be left alone'" (p. 80). As applied to fundamental rights cases, such as *Roe* and its progeny or those asserting a right to refuse medical treatment, the Court articulates its new due process framework as being grounded in "rights and liberties which are, objectively, deeply rooted in this Nation's history and tradition" and "implicit in the concept of ordered liberty." The very breadth and majesty of this test is a testament to the vitality of the Due Process Clause as it has evolved over the American experience. A doctrine that began as a limit on the power of the executive and the legislature to resolve titles to land, and later transformed into a policy blocking legislative regulation of business, finally became a rule guaranteeing individuals autonomy over their personal lives.

Orth's command of the subject matter and his ability to condense complex ideas into accessible form make this an excellent book. Yet, in applying Kuhn's concept of scientific paradigms to the history of due process, he overlooks the possibility that the Supreme Court may be distinguishable from Kuhn's scientific community. Because it issues authoritative interpretations of the Constitution from a position of power, the Court may differ

from natural scientists who are free to accept or reject proffered paradigms on the basis of persuasion and reason alone. Given the acrimony that often attends the Court's constitutional rulings—as the seminal due process cases of *Lochner* and *Roe* attest—the community of legal scholars might best be characterized as being in a pre-paradigmatic state, at least when they are free to argue in the court of public opinion. But borrowing Kuhn's concept does help Orth reach his goal, which is to explain how a seemingly simple phrase like "due process of law" came to have such a complex array of meanings. For undergraduates without training in the law, this concise book offers a readable and scholarly introduction to the topic. For legal professionals, and those undergraduates wishing to do further research, it includes, in summary fashion, the thrust of more sophisticated academic arguments and criticism. On balance, Orth's book offers a cogent portrait of the various models of due process that have arisen during the past 800 years of Anglo-American legal history.

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Simon, Leslie David, Javier Corrales, and Donald Wolfensberger. *Democracy and the Internet: Allies or Adversaries?* Washington, DC: Woodrow Wilson Center Press, 2002. xii, 109 pp. ($11.95 paper).

The importance of communication between a nation's leaders and its citizens, and the necessity of an informed citizenry to the success of democratic institutions are issues that have long framed academic debate. The importance of the newest mode of communication, the Internet, has not only made that debate richer; it has given it a greater sense of urgency. This short monograph, part of the Wilson forum series, is most useful as an introduction to the types of questions one should be asking about the relationship between the Internet and democracy. Laying out the groundwork for future analysis, the three essays in this volume perhaps leave us with more questions than they answer. Given the relative newness and ever-changing nature of the topic, however, framing the relevant questions as the authors do performs an important service to the political science and communications communities.

Leslie Simon's preface, as well as much of his first chapter, provides the general framework for what is to follow. How does the Internet expand the scope and promise of democracy? Under what types of regimes will it be most likely to expand and for what reasons? Simon offers a useful if brief history of the creation of the Internet, "born in the intellectual ferment and

freedom of the campuses in the 1970" (p. 5). He then lists the democratic benefits of Internet expansion (erosion of borders, free flow of information, facilitation of free association, to name a few), as well as its potential problems (creation of a digital divide, violation of privacy, hacking). Addressing the relatively slow growth of the internet in the Middle East, Simon outlines the types of regimes and economic conditions under which the internet, and its democratic effects, can prosper. As is the case throughout the essays, the case studies are meant only to be suggestive. Readers will have to look elsewhere for more complete and compelling evidence.

Javier Corrales' chapter, "Lessons from Latin America," is the richest and most detailed of the three, even if its title is somewhat misleading. Latin American countries are useful for analysis because they are, for the most part, intermediate regimes in which, unlike in highly democratic or highly undemocratic countries, "the Internet is likely to have a more noticeable democratic impact" (p. 31). The limited rise of the Internet in Latin American countries (only three percent in most countries have access by the author's estimate) provide only some of the examples that Corrales uses to illustrate his points. This chapter's main benefit, even more so than the others, is in the hypotheses and topics for future analysis that the author lays out (Table 3, pp. 56-57), but can only begin to answer with his examples. What is the relation between market forces and Internet growth? To what extent does the Internet empower the disenfranchised? To what extent does it increase the power of established elites? How important is the state in coordinating Internet access and growth, and what are its incentives to do so? Corrales introduces these questions within the broader context of democratic theory, providing the reader with a useful roadmap for further exploration.

As an "Americanist," I was perhaps most intrigued with Donald Wolfensberger's essay on "Congress and the Internet." The tragedy of September 11 and the anthrax scare, according to the author, provided members of Congress with perhaps their greatest incentive and opportunity for creative Internet use. Unfortunately, the security firewalls that separated members and their staffs from their computers in closed office buildings limited those opportunities, and illustrated in stark fashion both the promise and frailties of dependence on modern communication. Wolfensberger's main contribution is, as with the other authors, in presenting information about the growing use of the Internet within the context of broader questions about democracy and representative institutions. Commenting on a Stennis Center's report, he lays out both an optimistic and a pessimistic future. Will the Internet "lead to a more enlightened and engaged citizenry" with closer and more productive ties to its representatives, or will the free and immediate flow of information convert the Congress from a responsible,

deliberative institution into one "in which public opinion will replace deliberative decision-making in determining national policies" (p. 73)? Perhaps playing his pessimistic hand, Wolfensberger concludes that Congress's relation to the Internet can be defined in terms that many scholars use to characterize congressional performance as more reactive than proactive, moving even further away from Madison's vision of an institution that refines and enlarges the opinions of the general public (p. 91).

This volume will disappoint those who seek detailed information and analysis. In that regard, it does not differ much from several other recent edited volumes on the topic. Its "case studies" are loosely defined and developed. This reader also feels that more should have been discussed about the potential for invasion of privacy even by democratic regimes and the ability and perhaps desire of those regimes to filter information accessible to their citizens. But taken as it should be, an introductory forum that helps us to begin our discussion of the Internet and its place in democratic and not so democratic societies, it serves its purpose well. Addressing the present and future development of the Internet in regimes ranging from the least to most democratic, this volume's authors provide the reader with a useful framework for further reflection and study.

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Ward, Artemus. *Deciding to Leave: The Politics of Retirement from the United States Supreme Court*. Albany: State University of New York Press, 2003. xiii, 344 pp. ($86.50 cloth; $29.95 paper).

A great amount of research rightly has been devoted to examining appointments to the United States Supreme Court. Much less scholarly attention has focused on the creation of Court vacancies that allow presidents to exercise their appointment powers. Artemus Ward, a Northern Illinois University political scientist, wrote *Deciding to Leave* to help us better understand Supreme Court turnover. The book has two major purposes: (1) to explain how and why justices voluntarily leave the Court, and (2) to analyze existing and suggested institutional arrangements that influence departures.

To accomplish these goals, Ward divides the Court's history into distinct periods based on the justices' work environment and the availability of retirement benefits. For each period Ward discusses the justices who surrendered their seats. As such, the book is organized and presented in a

manner similar to Henry Abraham's classic study of Supreme Court appointments, *Justices and Presidents* [New York: Oxford University Press (1974)].

Onerous circuit riding obligations dominated the first period (1798-1800). Voluntary departures were common. Six of the nine justices who left the Court did so by resignation, serving an average of less than two years. Health conditions incompatible with the demands of circuit service frequently precipitated the resignations. The period from 1801-1868 was characterized by the reduction of circuit riding duties and an increase in Court caseload. With no pension provisions yet adopted, the justices, often for financial reasons, held on to their posts for long periods. Eighty-three percent of the justices retained their positions until they died. As a consequence, the Court regularly endured members who were physically or mentally disabled.

In response to the disability problem, Congress in 1869 passed the first judicial pension program. It allowed justices to step down at full pay once they reached the age of 70 with at least ten years of federal judicial service. As a result, between 1869 and 1936 thirty-six justices left the Court, almost half of whom did so voluntarily. Congress enhanced retirement provisions in 1937 as part of a strategy to defeat Roosevelt's Court-packing plan. The new law allowed retiring justices to enter "senior status." Senior justices retained their official title, received their pensions, and were permitted to engage in part time service in the lower federal courts. Between 1937 and 1954, half of the departing justices did so voluntarily. Significantly fewer retained their positions after they had lost the ability to serve competently. Of the seven justices who died in office during this period, only two (Stone and Butler) exceeded the age of seventy. The others died at relatively young ages.

The modern period (1954-1999) began when Congress extended pension eligibility to justices who reached the age of 65 with at least fifteen years of federal judicial experience. This period was marked by departure patterns in stark contrast with earlier years. No justices died in office. All seventeen who left judicial service did so voluntarily. Here Ward finds partisan timing to be a significant factor in the justices' decisions to leave the bench.

The issue of postponing retirement until an ideologically compatible president is in office is one of great interest to Ward. He concludes that opportunities for such political timing are enhanced by easily achieved pension eligibility and favorable working conditions. In the contemporary period, retirement eligibility is not difficult to earn. Justices may assume senior status after age 65 when the sum of their age and years of federal judicial service equals 80 (the so-called "Rule of 80"). Given the tendency of recent presidents to appoint justices who already have years of service in the lower federal courts, this standard becomes relatively easy to achieve. Once

qualified for senior status, the justice is free to select whatever time he or she desires to step down. Additionally, increases in life expectancy have expanded political timing opportunities after senior status is attained.

The justices enjoy better working conditions than in any previous era. With the Court accepting fewer cases for plenary review than in the past, workload is decreased. The justices have more law clerks than in earlier periods, and these clerks are doing a greater portion of the work (certiorari review and opinion drafting) than ever before. This workload reduction decreases the burden of remaining in service until a politically appropriate time to retire.

To curtail opportunities for political timing, Ward argues that retirement eligibility should become more difficult and the job demands should increase. He suggests, for example, that retirement eligibility might be changed from the current "Rule of 80" to a "Rule of 100" or even a "Rule of 120." Under such conditions, justices would be reluctant to step down for political reasons before becoming eligible for a pension. Additionally, they would be more likely to depart soon after qualifying for senior status rather than continuing in service until the political climate is right. Adopting such reforms, however, could lead to undesirable consequences. The position of Supreme Court justice might become less attractive, thus reducing the pool of well-qualified candidates, and longer serving justices could return the Court to the years when disabilities were common.

Ward acknowledges the disabilities issue and suggests that it would be worthwhile to consider some form of mandatory retirement age (say, age 75) or capping the number of years an individual could serve (perhaps at 18 years). Ward admits that such changes could not be implemented without a constitutional amendment.

Deciding to Leave is a fact-filled volume that covers two centuries of Supreme Court history. Some may quibble about certain decisions Ward makes, such as including Robert Harrison as a justice. Harrison, of course, although confirmed in 1789, declined the appointment and died shortly thereafter. Also, there are some isolated factual errors, such as asserting that John Clarke left the Court in part because of the unremitting anti-Semitism of Justice Van Devanter. Other scholars identify Justice McReynolds, not Van Devanter, as the source of Clarke's discontent. Researchers with a more quantitative orientation will undoubtedly have trouble accepting some of Ward's conclusions because they are based on subjective judgments flowing from patterns of anecdotal data.

None of this detracts significantly from the overall worth of the volume. It is an interesting read, full of historical documentation. The book contains a rich supply of quoted passages from letters, memoranda, diaries, and the public record that bring life to the justices often agonizing decisions

to leave the bench. Ward's book, read in conjunction with David N. Atkinson's *Leaving the Bench* [Lawrence: University of Kansas Press (1999)] and a handful of quantitative studies [for example, Christopher J.W. Zorn and Steven R. Van Winkle, "A Competing Risks Model of U.S. Supreme Court Vacancies, 1789-1992," *Political Behavior* 22: 145-66 (2000)], offers students of the Court a well-grounded understanding of Supreme Court turnover.

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