

it from the probably impossible task of definitively addressing its title's subject. The book includes Russell Kirk and Friedrich Hayek as neoconservatism's forbears and Rush Limbaugh and Ann Coulter as its offspring, invokes Daniel Bell's skepticism of the Great Society but elides his contempt for neoliberalism, and dwells more on the politics of Barry Goldwater than of Democratic hawk Henry "Scoop" Jackson. Nor do intellectual allies escape the onslaught; John Ikenberry "has his own questionable political agenda" (p. 158), while Justin Vaïsse's intellectual history is "naïve" (p. 207). The Barack Obama administration's executive aggrandizement, financial sector bailout, and human rights enforcement by drone embody Drolet's target as much as the neoconservative opposition, and thus this engaging book is best described as a broad indictment of much of contemporary American politics.

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American Politicians Confront the Court: Opposition Politics and Changing Responses to Judicial Power by Stephen M. Engel. *New York, Cambridge University Press, 2011. 408 pp. \$32.99.*

The reconciliation of judicial power with democracy has preoccupied American scholars and politicians since the Founding era. The counter-majoritarian difficulty of life-tenured judges overturning the work of the democratic branches has sometimes been justified as essential to a written constitution that aims to limit the power of government and control majority tyranny. Others have criticized the exercise of judicial power as undemocratic and illegitimate. Over the centuries, presidents, candidates for the presidency, and members of Congress have used various tools at their disposal to challenge the Supreme Court and its exercise of power. And yet, despite this persistent questioning of the Court's legitimacy, its place in the American political system appears more fixed and more important than it has ever been. How should we understand this seemingly contradictory development?

Stephen Engel's thorough and historically rich exploration of this question makes an important contribution to the burgeoning American political development literature about the Supreme Court. He demonstrates that early challenges by politicians to the Court's authority focused on efforts to weaken and undermine the legitimacy of the Court, while more-recent challenges are better characterized as attempts to "harness" (p. 38) judicial power, to better serve the political agendas of the politicians. The central insight of the book is that this changing approach to challenging judicial power is best explained by understanding the development of the party system and the "ideational transformation" (p. 55) that occurred over time. Using case studies that focus on confrontations between the Court and Presidents Jefferson, Jackson, Van Buren, Lincoln, Roosevelt, and Nixon, Engel traces

the move from a civic republican worldview that rejected the notion of a legitimate opposition to a democratic pluralist worldview in which competition and opposition were seen as not only legitimate, but essential to a functioning democratic system. These notions of the legitimacy of opposition had implications for how to approach the question of constitutional interpretation, and thus, the legitimacy of Supreme Court rulings that challenged the dominant political regime.

In the early Republic, when the party system was just being born, disagreements over what the Constitution meant were seen as threatening the very survival of the system, and originalism was viewed as the only proper approach to interpretation. Thus, if the Supreme Court interpreted the text as requiring something different from what the party that controlled the White House and Congress said it required, its legitimacy had to be challenged. There was widespread agreement that the Constitution had a fixed meaning and that all three branches had an obligation to follow that meaning. Engel shows that over time, as the party system developed and various crises of the day had to be addressed, the notion of legitimate opposition developed, and with it, a changed understanding about constitutional interpretation. In the crucible of the Civil War, the dreadful consequences of a belief that there could be only one legitimate view about what the Constitution meant were revealed. By the time of Franklin Roosevelt's confrontation with the Court over the New Deal, the notion of a "living constitution" that could adapt to the changing times had emerged.

Engel's insights about the connections between the concept of a legitimate opposition, approaches to interpretation, and challenges to judicial power have important implication for American politics today, and he recognizes this in the closing chapters. The return to originalism, advocated by The Federalist Society and some of the judicial appointments of recent Republican presidents, raises the question of whether originalism must go hand in hand with delegitimizing the opposition. As he notes, there is no reason to believe that the democratic pluralist resolution of the countermajoritarian difficulty "is fixed." The notion of "illegitimate opposition ... remains a potentially potent rhetorical trope" (p. 377).

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Decision Making by the Modern Supreme Court by *Richard L. Pacelle, Jr., Brett W. Curry, and Bryan W. Marshall*. New York, Cambridge University Press, 2011. 279 pp. Cloth, \$85.00; paper, \$27.99.

Social science researchers face the challenge of balancing the competing demands of parsimony and comprehensiveness when attempting to explain human behavior. In the study of Supreme Court decision making, scholars