

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

have generally chosen the former, creating models of decision making that prioritize one factor at the expense of other considerations. In *Decision Making by the Modern Supreme Court*, Richard Pacelle, Brett Curry, and Bryan Marshall opt for the latter, rejecting the notion that any of the three dominant models (attitudinal, legal, and strategic) of Supreme Court decision making exhaustively explains the Court's collective decisions. Rather, the authors construct an integrative model of Supreme Court decision making predicated on two theses. First, each model has something to contribute to our understanding of Court decision making. Second, the varying conditions faced by the Court will affect how each of these models impacts the Court's decisions. The authors argue that case context (constitutional vs. statutory review) and salience (civil rights vs. economic) structures when each model is likely to impact Court decision making. In the case of constitutional civil rights cases, attitudinal factors are predicted to dominate. For statutory economic decisions, legal factors are hypothesized to be most important. When the Court hears statutory civil rights cases or constitutional economic cases, strategic considerations are expected to play a central role (p. 52).

To assess their integrative approach, the authors engage in an extensive review of case law and utilize quantitative methodology to model the decisions of the modern Supreme Court. The empirical model uses factors such as the Court's collective preferences (attitudinal), precedent and issue evolution (legal), and separation-of-powers considerations (strategic) to test which factors determine the Court's collective decisions. The results are largely consistent with expectations. Attitudinal considerations are strongest in the case of constitutional civil rights decisions, while legal factors primarily govern statutory economic cases. For constitutional economic cases and statutory civil rights cases, the evidence supports independent contributions from all three models.

The evidence supporting the attitudinal and legal models is clear. The demonstrated impact of legal factors represents an important addition to a burgeoning collection of research demonstrating the need to "take law seriously" when examining judicial behavior. The robust influence of issue evolution also highlights the need for more scholarship examining how the Court's agenda-setting process directly affects its decisions on the merits. The evidence is less clear for strategic factors, particularly in terms of Court–Congress relations. While the preferences of the House, at times, appear to influence the decisions of the Court, the preferences of the Senate fail to do so. While the authors do not offer a definitive explanation, they speculate that the electoral connection of the House might provide an incentive for the Court to be more responsive to the House's preferences (pp. 135, 204). This explanation appears plausible, but suggests that the Court is then constrained by the public (with the House serving as its proxy) and only instrumentally by Congress. While this would not require the authors to reconsider strategic behavior generally, it would seemingly require rethinking how (or with respect to what) the Court behaves strategically. As a result, the inconsistent evidence for strategic behavior does not detract from the overall success of the book.

Decision Making represents an important contribution to the study of judicial behavior. The merging of case law analysis and statistical modeling sheds important light onto the complex, nuanced process of Supreme Court decision making. Rather than succumbing to the temptation of offering a “one-size-fits-all” approach, Pacelle, Curry, and Marshall not only take on many of the difficult challenges associated with explaining judicial behavior, they embrace them. Scholars of judicial politics would be well served to follow their lead.

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Digitally Enabled Social Change: Activism in the Internet Age by Jennifer Earl and Katrina Kimport. Cambridge, MA, MIT Press, 2011. 272 pp. \$32.00.

In this fascinating new book, Jennifer Earl and Katrina Kimport take up the compelling question of whether Internet-based mobilization simply allows activists to “supersize” their efforts by enhancing the scope and speed of organizing, or whether it signals fundamental changes in the social processes related to political mobilization. *Digitally Enabled Social Change* draws from a systematic analysis of a random sample of Web sites promoting electronic tactics (e-tactics) and e-mobilization to test whether the Internet has transformed activists’ “repertoire of contention” (p. 16–17) and other dynamics related to political organizing. Their quantitative study is supplemented with interviews of Web site organizers.

The analysis of how activists take advantage of the possibilities of the Web centers on the concept of “technological affordances,” or “the actions or uses a technology makes easier” (p. 32). The authors assess how well different activist Web sites leverage these affordances. The authors compare different types of Web sites—such as those that serve as “warehouses” for electronic petitions and other e-tactics, those linked to a particular social movement organization or campaign, or those created and maintained by one or two individuals. They also compare sites that host e-tactics with those that simply link to other Web site hosts, and their investigation yields sometimes subtle yet instructive differences among these sites.

The results support both the “supersize” theory of Internet activism and the “theory 2.0” argument that some fundamental change is unfolding. For instance, reduced costs of activism alter the biographical constraints on potential activists, thereby expanding the possible pool of activists and organizers. Also, reduced organizing costs and the decentralized character of the Web appear to make formal organizations less essential to political mobilization than in the past. Electronic activism takes on a larger range of issues and is less connected to existing social movements than other forms of activism.

The implications of these trends are considered in the book’s closing chapters, and the authors raise some important ideas about whether the rise of