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*Judicial Review in State Supreme Courts: A
Comparative Study* by Laura Langer

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substantive chapter, and the appendices contain much repetitive material, as does the concluding chapter. But readers must be wary of skimming passages that are mostly redundant because new material that may help clarify the difficult abstractions is sometimes interjected. The redundancies reduce the power of the book's message.

Third, the book is overlarded with jargon (not just principal-agent jargon) and with abstractions. For example, the author is enamored with "endogenous" and "exogenous," which have a technical (and counterintuitive) meaning in terms of the statistical model, and the overuse of which may leave the reader confused. Furthermore, the style of presentation is altogether too abstract. For example, "policy innovations," or "shocks," or "perturbations" play an important role in the analysis. But determining exactly what is meant by the terms requires concentrated effort, and virtually all of the explanations are provided in abstract form—most clearly in the course of elaborating upon a complex equation on page 32. In the substantive chapter, we learn that the bureaucracies' reactions to "shocks" show "sophisticated" and "strategic" behavior, which means that they exercise considerable degrees of autonomy from the president and Congress. But the lengthy discussion provides no illustration of this "sophisticated" behavior that would move us out of the realm of abstraction.

Krause has made a significant contribution to our understanding of presidential-congressional-bureaucratic relationships. His major contribution is that he pounds another nail—perhaps the final one—in the coffin of principal-agent theorizing and brings us back to traditional political analysis, which understands that these relationships are highly complex and variable from one bureaucracy to another and from one policy area to another. Furthermore, he demonstrates that however important one of the political branches might be at a given time, American bureaucracies retain sufficient power resources so as to exercise significant degrees of political autonomy—but that political outcomes always are contingent.

Judicial Review in State Supreme Courts: A Comparative Study. By Laura Langer. Albany: State University of New York Press, 2002. 192p. \$62.50 cloth, \$20.95 paper.

Donald R. Songer, *University of South Carolina*

Interest in strategic approaches to an understanding of judicial decision making, including the implications of the separation of powers (SOP), has grown dramatically in recent years. Unfortunately, almost all the research on these SOP interactions has been limited to those involving the U.S. Supreme Court. Laura Langer's book provides a refreshing alternative to the exclusive Supreme Court focus by examining the significance of separation of powers concerns for the exercise of judicial review by state supreme courts.

Langer starts by making a convincing case for the importance of studying judicial review in state supreme courts. She demonstrates that these courts are important policymakers, tackling a number of important issue areas for which no review by the U.S. Supreme Court is possible.

The basic thesis of this book is that judicial review in state supreme courts is shaped by the pursuit of political ambitions, the institutional rules and arrangements governing courts in the states, the nature of the policy adjudicated by the court, and the political context in which the courts operate. Strategic models of judicial behavior are developed to explain both agenda decisions of the courts and the decision on the merits stage. Under a strictly attitudinal model, judges would vote their personal ideological preferences without regard to the

contextual and institutional features of state politics. In contrast, Langer argues that judges will be reluctant to overturn state laws in salient policy areas when other state elites hold divergent views unless there are institutional features that tend to shield the judges from the sanctions of other elites.

To test these strategic models, Langer examines all constitutional challenges to state action in four issue areas decided by state supreme courts for the period 1970–93. She hypothesizes that the extent to which judges behave strategically will be directly related to the saliency of the issue under consideration.

In the most ideologically salient area, campaign and election laws, the results largely fit the predictions of the strategic models. Most notably, courts are less likely to docket constitutional challenges to legislative decisions when the ideological distance between the court and other elected elites is large. However, the presence of institutional features that might protect courts, including a difficult constitutional amendment process and a judicial retention process in which judges do not need the direct support of either the governor or the legislature, increases the chances that a constitutional challenge will be docketed. In the decisions on the merits, the evidence is mixed. As predicted by the attitudinal model, the personal preferences of the judges are strongly related to their votes, while the ideological distance between the court and other elites does not have the effect predicted by strategic models. However, several institutional features that might protect judges from retaliation by other elites do increase the chance that a challenged law will be overturned.

For the least salient policy area, welfare laws, agenda-setting decisions are much more consistent with an attitudinal explanation. Most notably, as the ideological distance between the court and other elites increases, the probability that the court will hear a constitutional challenge increases. However, at the merits stage the results are inconclusive.

Overall, this book makes a significant contribution to our understanding of the role of courts in the American political system. The focus of most of the previous literature on the U.S. Supreme Court has made it impossible to adequately understand the role of institutional features and, consequently, has made it impossible to adequately test strategic models of judicial decision making. In general, the design of this study is more sophisticated than the design of most "tests" of either the attitudinal or strategic models of U.S. Supreme Court decision making, and as a result, its findings may suggest new insights for understanding Supreme Court behavior in a broader perspective. For example, the findings that state supreme courts under certain conditions will engage in strategic, rather than strictly attitudinal, voting raises questions about the widely assumed (e.g., see Segal and Spaeth, *The Supreme Court and the Attitudinal Model*, 1993) but untested theory that the factors necessary for attitudinal voting on the U.S. Supreme Court include docket control and its status as a court whose decisions are not subject to further judicial review. In contrast, the widespread finding of extensive attitudinal voting on the U.S. Supreme Court would be predicted from the findings of Langer's study that a number of institutional features possessed by the Court all decrease the probability of strategic voting. Among those features are the presence of an intermediate appellate court, long judicial terms, the difficulty of the executive or legislative branches to affect the retention of the judges, and the difficulty of constitutional amendment. This study further enhances our understanding of the effects of separation of powers by demonstrating that the effects that vary substantially across issue areas depend on the saliency of the issue. It is unfortunate that the importance of issue saliency is absent from most studies of separation of powers effects on the U.S. Supreme Court.

The careful design, extensive data collection, and rigorous analysis make Langer's study an important contribution to the understanding of strategic decision making by appellate courts. Nevertheless, some of the choices on analytical design and operationalization of variables tend to reduce the impact of what remains a fine study in spite of these limitations. Most disappointing, the manner in which the "legal" variables are operationalized makes it difficult to draw any significant conclusions on the relative impact of the legal model versus the impacts of strategic versus pure attitudinal models. The key legal variables are whether or not the court's opinion relies on independent state grounds and on the level of scrutiny employed (see p. 52). Unfortunately, neither of these variables is independent of the decision, and thus it is inappropriate to use them to "explain" those decisions.

Less troublesome, the methods sections need to more clearly define some of the variables. In particular, many readers will not be familiar with the measure of judge ideology adopted (see p. 44) and may need further assurances that the ideology of judges and the ideology of other state elites are really measured according to a common metric that makes it reasonable to compute distance scores between the two measures.

Finally, while the direct effects of the independent variables in the models are interesting and theoretically important, it would have been useful to explore the interactions between judge ideology and/or ideological distance and some of the institutional variables.

The Dynamics of Rules: Change in Written Organizational Codes. By James G. March, Martin Schulz, and Xueguang Zhou. Stanford: Stanford University Press, 2000. 228p. \$55.00 cloth, \$24.95 paper.

Elinor Ostrom, *Indiana University*

James March, Martin Schulz, and Xueguang Zhou address the fascinating question of how rules evolve in a complex organization with a unique data set. Stanford University was founded in the decades before the turn of the last century. The authors searched and coded a vast Stanford archive of materials on rules related to student contact, the student honor system, faculty appointment and tenure procedures, faculty governance, and finally rules related to accounting, purchasing, and other administrative functions of a university. They are able to examine questions concerning the external and internal stimulants to rule creation, change, and suspension. No other book equals this one in regard to the breadth of the questions asked and the mode of analysis.

The basic approach of March and his colleagues is to examine how rules evolve over time in response to internal or external problems. They see rules as recording history and accumulating the learning that individuals in an organization acquire, including the ways to cope with repetitive problems. Because they see rules as a written residue of past efforts to regularize responses to internal and external problems, they argue that one has to do historical analysis in order to understand the problems that generated the creation or modification of the rules at an earlier period. Thus, they explore a wide diversity of external or internal factors occurring over time that are posited to affect rule origin or change. Some rules may be very useful in solving a particular problem in a specific era but become an unused residue at a later time. In other words, all organizations may have rules-in-form that are rarely used, due to the fact that the problem-set they help to solve has changed over time and no one has had their attention called to the fact that a rule is no longer necessary.

Further, the authors address important questions related to organizational structure and change. They develop competing hypotheses that are analyzed with the fantastic data set they have developed. One set of competing hypotheses relates to the effects of changes in one rule on changes in other rules. Given assumptions about bounded rationality, a core question has to do with how members of a complex organization pay attention to the possibility of changing rules. The four hypotheses they develop are 1) The Contagion Hypothesis: "Changes in one rule generate attention to other rules, thus increase changes elsewhere"; 2) The Competition Hypothesis: "Changes in one rule distract attention from other rules, thus decrease changes elsewhere"; 3) The Multiplier Hypothesis: "Changes in one rule necessitate changes in others, thus increase changes elsewhere"; and 4) The Substitution Hypothesis: "Changes in one rule substitute for changes in others, thus decrease changes elsewhere" (p. 70).

In addition to these four hypotheses, they address a host of others that focus on when rules are adopted, how fast they are modified, and when they are dropped. They ask whether internal sources of problems related to conflict of interest or to technical coordination are most responsible for rule changes. They also examine environmental factors, including the proportion of the university's budget stemming from federal government sources. They use sophisticated multivariate statistics to examine their long series of event histories.

Among the surprising findings of this study is that increases in federal government funding are associated with *negative* rates of rule revision rather than positive rates, as most organization theorists would expect (p. 187). They also find that rule change is faster in meeting diverse pressure from the technical environment (involving accounting and purchasing) than it is in meeting the political pressures that exist on all university campuses (p. 190). Their findings also challenge some of the conventional views that changes in rules are stimulated primarily by the effort to manage complexity. They find "very few size and program effects in any of our models of rule birth and rule change" (p. 170).

Scholars interested in the study of institutional arrangements will find this a valuable part of their library. The methodology is one that needs to be applied to a diversity of organizations. Following an organization from its very founding is an excellent way of studying the growth of rules as a function, both of the internal coordination problems of a growing organization and the external problems that any university has faced, especially during the twentieth century. The concept of rules as "carriers of knowledge" turns out to be a powerful way of approaching the study of rules.

Institutional theorists with both a rational choice and a sociological approach to organizations will find valuable aspects in this book. Chapter 1 presents a healthy skepticism about the optimality of rules and the presumption made by some that changes in rules usually result in improvements in outcomes rather than the reverse.

Not surprisingly, March and colleagues adopt a strong assumption that individuals use a logic of appropriateness. They assume that individuals "act to fulfill identities, defining what is implied by a particular identity or what is expected, socially or morally, in a particular situation" (p. 6). The identities of individuals, however, are somewhat too strongly presumed to stem from rules. After the recent Enron scandal, one has a hard time accepting the following: "Rules define organizational identities and boundaries and stabilize linkages with other organizations. Accountants do what proper accountants do. Managers do what proper managers do. Each follows rules that define appropriate behavior for the role he or she plays" (p. 9). If only that were to have characterized the behavior of the accountants and managers of Enron and other