

purpose is not to help individuals satisfy their preexisting preferences. Instead Davis embraces the democratic principles of contestation and conflict as a means to allow diverse members of society to navigate their differences and find collective values. For public lands, these collective values include cultural heritage, egalitarianism, and freedom. Davis provides empirical evidence, such as the large numbers of volunteers on public lands and the high percentages of survey respondents who express support for keeping public lands public, to show that individuals have preferences beyond individual interests. The notion of the social construction of preferences through politics has been an important theme in political science, including scholarship in natural resource management (Edella Schlager and William Blomquist, *Embracing Watershed Politics*, 2008; Ronald D. Brunner, Christine H. Colburn, Christina M. Cromley, Roberta A. Klein, and Elizabeth A. Olson, *Finding Common Ground: Governance and Natural Resources in the American West*, 2002).

In the political-bureaucratic realm, Davis lays out the case that privatizers make an overly simplistic assumption about the motivation driving bureaucratic behavior: budget maximization. Although this assumption is not new to politics (see, for example, William Niskanen, *Bureaucracy and Representative Government*, 1971), Davis argues that it overlooks more powerful motivations. Here the author provides a nice overview of public administration scholarship about the forces shaping bureaucratic behavior, which can be viewed on a continuum from professional/insulated/expert at one end to flexible/open/accountable at the other. He describes how the Forest Service has shifted from the former to the latter over time, while state and local forest agency personnel have not. To examine bureaucratic motivation, Davis summarizes scholarship showing that public servants are often motivated by professionalism, dedication, and autonomy and are less likely to be motivated by self-interest than are private sector employees. In this chapter Davis also addresses the criticism that federal public lands decisions are made by bureaucrats following centralized commands from afar, who are out of touch with the local stakeholders. He describes arguments that scholars have made that local control would be undemocratic for nationally owned resources, and he points out that federal lands have decentralized management that often works with locals through collaborative arrangements.

The book ends with a description of the first major public land issues of the Trump presidency: reducing the size of several national monuments and increasing oil and gas production. Davis then lists numerous strategies for turning widespread public support for public lands into strategies to defend them, focusing on issue framing and coalition building. He describes longer-term threats (population growth, cultural shifts away from the outdoors, climate change) and opportunities (growing support for environmental protection) for a robust public land base.

Throughout, I found this to be an engaging book. It is also eminently accessible. Davis is not a neutral bystander in this debate. He lays his cards on the table with the title and preface, where he states that the book “unapologetically makes the case for public lands on biological, economic, and political grounds” (p. xiii). The author’s own photographs of public lands show his love of these places. The tone makes for lively reading, yet at the same time it may be off-putting to those who think privatization of public land has merits. For example, Davis describes the privatization advocates’ “audacious claims” (p. 53), “more mercenary motives” (p. 53), and “obtuse refusal to identify any objective standards” (p. 58). This tone may be at odds with his desire to “build as broad a coalition as possible,” because “the movement to protect public lands needs a grand coalition that can cut across class, cultural, and political boundaries” (p. 196).

Overall, this book makes important connections to a variety of political science literatures. Readers will gain a fuller understanding of the arguments for and against keeping federal public lands in the public domain and, in particular, their ecological, economic, and political dimensions.

Inconsistency and Indecision in the United States

Supreme Court. By Matthew P. Hitt. Ann Arbor: University of Michigan Press, 2019. 234p. \$75.00 cloth.
doi:10.1017/S1537592719004195

— Pamela C. Corley, *Southern Methodist University*
pccorley@smu.edu

What happens when the United States Supreme Court hands down a decision without a clear rationale behind it? In Matthew Hitt’s new book, he admirably undertakes an examination of these types of decisions, which he calls “unreasoned judgments,” explaining not only the circumstances under which the Court makes these judgments but also their impact on lower federal courts, Congress, and the public.

The main contribution of the book is that it addresses an important and interesting question comprehensively and systematically. The book is empirically sophisticated, testing theoretical predictions with analytic rigor. In the preface, Hitt argues that a well-functioning constitutional court should be both decisive and consistent; however, he asserts that these goals seem to conflict: a “court that prioritizes decisiveness will generate more unreasoned outcomes as it resolves to tackle complex but important cases. And a court that maximizes the logical consistency of its opinions will inevitably avoid . . . some of those complex but important cases” (pp. xxiii–xxiv). The author defines a consistent judgment as one that is supported by reasoning, which itself is supported by a majority of justices on the Court.

In the first chapter, the author presents his theory for unreasoned judgments, which includes four conditions (the last condition is for plurality decisions only): jurisdiction, case characteristics, preference, and doctrinal. Hitt argues that unreasoned judgments are more likely in cases with mandatory jurisdiction, complex cases, cases in which the justices deviate from unidimensional alignment, and cases in which “the justices’ preferences over long-run doctrine outweigh their concerns over the consistency of the immediate judgment” (p. 15). In chapter 2, the author provides his definition for unreasoned judgments, which include not only plurality decisions—which are decisions where “a majority of justices agree on a judgment but write several separate opinions, none of which carries a majority” (p. 28)—but also certain *per curiam* decisions, which other studies have not examined. Although earlier literature has focused on plurality opinions, Hitt argues that certain *per curiam* decisions are also unreasoned judgments: “The brevity of the reasoning in these cases makes it difficult to ascertain what legal rationale was applied in the case and how lower courts ought to deal with similar disputes” (p. 26). *Per curiam* opinions have not received sufficient attention by scholars, and thus understanding these decisions and differentiating among them are essential to understanding Supreme Court decision making, the importance of the content of opinions, and their impact. Hitt includes *per curiam* decisions “issued after oral argument and which are accompanied by at least one separate opinion” (p. 32) as unreasoned judgments, recognizing that not all *per curiam* opinions are alike and that some are actually easy cases, but that if the case was orally argued and resulted in a separate opinion, it is not an easy one.

This is a novel measurement strategy, and Hitt convincingly validates these opinions as not easy ones. However, it is not entirely clear what these cases look like, given an example Hitt provides, which is a one-line *per curiam* decision (*Friedrichs v. California Teachers Association*) that was not accompanied by a separate opinion (p. 26). The author also mentions *Bush v. Gore*, which is obviously a very different *per curiam* opinion from *Friedrichs*, and brevity is not the problem in that case. And if it is brevity that is the problem, the author could have included additional information about these opinions, such as the number of words or the number of precedents cited and compared that to consistent judgments. In short, the reader would benefit from a more thorough discussion of these types of *per curiam* opinions.

Chapter 3 provides the reader with an empirical test for Hitt’s theory of inconsistency: he finds support for many of his hypotheses. For example, the author finds that the Court is less likely to issue an unreasoned judgment when there is a circuit split, but is more likely to do so when it strikes down an act of Congress or when the voting coalition is disordered.

Hitt then investigates the frequency of inconsistency over time in chapter 4: he finds that after 1988, when the Court had almost complete discretion over its docket, both the rate and incidence of unreasoned judgment decreased. This made me wonder whether the change in the number of law clerks over time has had an impact as well. Ultimately, Hitt concludes, “Agenda control reduces the probability that the Supreme Court will produce an inconsistent decision, but the mechanism by which this result is achieved seems to be that the Court may simply avoid cases that are potentially problematic” (p. 82).

In chapters 5–7, Hitt examines the impact of unreasoned judgments. Chapter 5 addresses how lower federal courts treat unreasoned judgments; Hitt includes both district courts and circuit courts of appeal, which previous studies have not done. Hitt finds that federal judges cite and positively treat unreasoned judgments less frequently than other opinions, but that lower federal judges do not criticize unreasoned judgments any more frequently than consistent opinions. Chapter 6 analyzes the response of Congress to unreasoned judgments, whereas chapter 7 examines the response of the public via a survey experiment. Congress does not appear to respond to unreasoned judgments with an increase in criticism of the Court and neither does the public, with the exception of individuals who do not know much about the Court. Hitt also finds that the Court does not appear to damage the public’s acceptance of its decisions or its institutional loyalty when it issues an unreasoned judgment; however, the Court can damage trust in government, but only among individuals with a lower knowledge of politics or the Court.

Hitt concludes his book with a discussion of whether we need a new “inferior” court, arguing that no one court is capable of simultaneously fulfilling both goals of resolving conflict decisively and providing clear and logical reasons for its decisions. He ultimately concludes that “reducing inconsistency at the Supreme Court level through enhanced agenda control likely facilitated more systematic uncertainties in the form of unresolved conflicts. Given the limited societal consequences of unreasoned judgments, this trade-off therefore may have left the state of American government worse off than it was in a more decisive era” (p. 157). *Inconsistency and Indecision* is a valuable contribution to the field, representing a significant advance in our understanding of Supreme Court decision making and of the impact those decisions have on lower courts, Congress, and the public.

The Rise of the Representative: Lawmakers and Constituents in Colonial America. By Peverill Squire. Ann Arbor: University of Michigan Press, 2017. 344p. \$85.00 cloth.
doi:10.1017/S1537592719003979

— Garrison Nelson, *University of Vermont*
garrison.nelson@uvm.edu

When Vermont’s Ethan Allen and his fabled Green Mountain Boys seized Fort Ticonderoga in 1775, they