

broader literature on judicial legitimacy. One of these key findings, however, is more controversial. Among the most important and interesting contributions of the book is the strong and robust finding, developed in Chapters 3 and 4, that citizens' policy agreement with court outputs is powerfully associated with judicial legitimacy. In this way, Cann and Yates level a significant challenge to positivity theory, as developed by James Gibson and Gregory Caldeira. This will likely be a key site of debate in the legitimacy literature for some time to come.

From here the authors turn to judicial impact, which they define as court influence in "the overall policy outputs of state government" (p. 83). But as in the rest of the book, their question does not concern the actual extent of judicial impact, but rather citizen perceptions of impact and how those perceptions are related to other attitudes about courts. They argue that, like assessments of judicial legitimacy, beliefs about judicial impact are powerfully informed by citizens' knowledge of courts and policy agreement with court decisions.

In other words, knowledge of courts and policy agreement with court outputs drive both judicial legitimacy and perceptions of judicial efficacy. In the authors' words, "knowledge of courts is associated with what might be described as 'positive' feelings toward courts on two counts—they are legitimate and important policymakers" (p. 97). By the same token, respondents who agree with judicial outputs view the court as more legitimate and as an important policy maker. In this way, Cann and Yates show that a variety of citizen attitudes about courts and their outputs are tightly interwoven. This finding has important implications—for example, perhaps "specific" and "diffuse" support for courts are more closely linked than we have long thought—and should be taken seriously by scholars working on questions concerning public opinion of courts.

For all its considerable strengths, the book's shortcomings must also be noted. First, if a great value of the book is the argument that policy agreement drives legitimacy, then the measurement of policy agreement becomes quite important. Yet the authors do not actually measure policy agreement with the courts. Instead they ask the sample, "How often would you say you agree with the decisions reached by your state's highest court?" (p. 140). This key question, meant to tap actual policy agreement, assumes that citizens have monitored their state court and have knowledge of multiple specific decisions it has rendered. These are very strong assumptions indeed. Second, and more importantly, the analyses underpinning the arguments discussed earlier are correlational. There is no experimental component, no leveraging of the panel structure of the CCES, to pin down the causal story. For this reason, we simply cannot be sure in which direction the causal arrow runs: perhaps people who like their court merely assume that their policy preferences are winning more often than not, for example.

These criticisms aside, *These Estimable Courts* is an important book that contributes to numerous debates in the literature. After reading it, we are left with a richer understanding of public opinion of state courts. The book is accessible enough to be read by undergraduate students and would make a great addition to undergraduate and graduate course syllabuses on the topics of courts, state politics, and public opinion.

Billionaires and Stealth Politics. By Benjamin I. Page, Jason Seawright, and Matthew J. Lacombe. Chicago: University of Chicago Press, 2018. 224p. \$75.00 cloth, \$25.00 paper. doi:10.1017/S153759271900152X

— Alexander Hertel-Fernandez, *Columbia University School of International and Public Affairs*

Among the many firsts of the Donald J. Trump presidency is the fact that Americans now have their first billionaire head of state, buttressed by one of the wealthiest cabinets in modern U.S. history. Are we entering an era of government of billionaires, by billionaires, and for billionaires? And if so, what are the implications for American democracy?

A growing body of research seeks to answer these questions, and Benjamin Page, Jason Seawright, and Matthew Lacombe offer an important and lively addition to that work with *Billionaires and Stealth Politics*. Before we can understand the influence that wealthy Americans might have on governmental decisions, however, we need to know what the affluent want—and that is no easy task, as the authors explain. Unlike with the mass public, researchers cannot rely on traditional sample survey methods to capture the political views of the very wealthy. Page and Seawright, together with Larry Bartels, have previously made important strides by studying a representative sample of multimillionaires in the Chicagoland area. But even that heroic effort could not reach the more rarefied set of billionaires. And yet given the immense economic gains that U.S. billionaires have enjoyed, as well as recent journalistic accounts of their political activities, we have good reason to think that these mega-elites might command outsized political influence, above and beyond that of mere millionaires.

Page, Seawright, and Lacombe thus propose an alternative approach to documenting the views of the 100 wealthiest billionaires in the United States. They first systematically scoured the internet for public statements uttered by these individuals related to two contentious economic issues (taxation and Social Security) and three social issues (immigration, abortion, and gay marriage). The authors then compared the content and frequency of these pronouncements with political actions taken by their subjects, including making disclosed federal campaign contributions to issue-specific political action committees, working as bundlers of campaign donations,

and serving on boards or advisory panels for policy-focused advocacy groups. At each step the authors describe their methods, including strengths and limits, in refreshingly frank and accessible prose.

Setting aside the prominent exceptions of individuals like Tom Steyer, Sheldon Adelson, or Charles and David Koch, the authors summarize their conclusion as follows: “most of the wealthiest US billionaires *say little or nothing in public*, over an extended period of time, about the specifics of major policy issues” (p. 130). This silence, the authors point out, is especially resounding when the concrete political actions pursued by billionaires run up against public opinion, as with Social Security and tax policy. Despite the fact that many wealthy individuals spend much time and money on efforts to privatize or retrench Social Security and cut taxes, those individuals rarely reveal their views in public. Why risk public backlash when these individuals can operate behind the scenes, deploying “stealth politics” instead?

The authors complement the summaries of their extensive web-scraping efforts with a series of colorful case studies chosen to validate their coding: these studies include some prominent billionaires likely to be well known to readers (Warren Buffett and David Koch) and others who are less so (John Menard Jr.). In addition to providing helpful context, the vignettes also suggest the specific mechanisms through which billionaires might affect U.S. politics. We learn, for instance, about how Menard, the founder and owner of a large Midwestern home improvement chain, made very large and early contributions to conservative Wisconsin governor Scott Walker’s election campaigns. We also hear about how Menard has used his control of a large retail business to promote conservative causes and Republican candidates to his many employees, for instance, by tacitly requiring rank-and-file workers to take at-home civics courses that boost the free market and attack taxes and regulations. Both actions suggest important vehicles for the political influence of the wealthy: in low-salience domains of state politics and in the control of private-sector businesses where they can use employees as a political resource.

In one of their most intriguing contributions, Page, Seawright, and Lacombe consider how conservative billionaires might use the federated structure of U.S. government to engage in “boundary control,” stymieing governmental action at the federal level while promoting one-party Republican control in the states. This chapter thus begins to move away from describing the preferences of the wealthy to considering how the wealthy might use particular political institutions to advance their policy objectives. Joining a long line of work stretching back to E. E. Schattschneider and Grant McConnell, their findings stress just how susceptible state and local governments are to capture by well-organized elite interests.

It is a testament to the wealth of fascinating descriptive analysis offered by the authors that readers are likely to end each chapter with ideas of how to apply the findings and concepts to new questions. I briefly sketch out three directions for future research hinted at in *Billionaires and Stealth Politics* that deserve more attention.

First, given the focus of the book on the preferences of billionaires, it is natural that the authors have taken an individual-level perspective on their research subjects. But what stands out from the authors’ qualitative case studies is just how central political organizations are to the influence exercised by billionaires (emphasis in the original). More attention needs to be paid to the organizations—their structure, tactics, and consequences—in which the billionaires are investing. In ongoing work with Theda Skocpol, I have focused on a subset of elite-funded groups: donor consortiums. But much more work remains to be done to consider how and why wealthy individuals decide to invest in various efforts instead of others; it is especially important to consider donations other than election-time giving, which represents only a small fraction of the money invested by billionaires and millionaires in nonprofits and support groups.

In addition to focusing on political organizations, more remains to be learned about the relationship between ultrawealthy individuals and the businesses they may own or direct. In *Billionaires and Stealth Politics*, the authors tend to assume a more or less direct connection between the corporate sources of billionaires’ wealth and their political interests. In some cases, this elision makes sense, as with Menard (with his retail empire) or Robert Rowling (a hotel, gym, and extractive resource baron). Both men have sought deregulatory policies that would directly benefit their corporate bottom lines. But in other prominent cases the picture is more muddled. Understanding the intersection of personal ideological outlooks, corporate interests, and political advocacy would be a very helpful next step in the study of wealthy Americans’ political entanglements.

Finally, the authors hint at tactics through which wealthy Americans might be able to exploit political institutions to carry out their policy objectives against the wishes of the public, especially through federalism. It would be fascinating, however, to expand on the boundary control theory to explain how billionaires and wealthy donors can use campaign contributions not only to support one-party governments but also to directly shape policy outcomes. Similar analyses could be done to assess billionaires’ strategies for achieving political change in other venues, such as through the parties, the judiciary, and the regulatory state.

Given how little we know about these broader questions, it is clear just how valuable a contribution *Billionaires and Stealth Politics* makes to our understanding of American plutocrats in an era of high and rising economic inequality. The book thus merits reading by anyone interested in issues of inequality, representation, and

power—and anyone concerned about the threat these wealthy individuals may pose to our democracy.

The Company They Keep: How Partisan Divisions Came to the Supreme Court. By Neal Devins and Lawrence Baum. New York: Oxford University Press, 2019.

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— Jeffrey R. Lax, *Columbia University*

This exciting book foregrounds for the first time a powerful influence on the decisions of the Supreme Court justices—that of the elite legal networks. Their influence comes from social psychological pressure, with the justices taking cues from them and seeking their approval; it is thus not a matter of deliberate choice, but of unconscious psychology. Neal Devins and Lawrence Baum argue that this elite aspect of the external environment matters more than other external influences or policy goals.

One aim of the book is to “document and explain the widely noticed fact that the polarization of the parties has spilled over to Supreme Court appointments,” with Democrats appointing liberals and Republicans conservatives. Presidential selection—and the seriousness with which both sides now take it—is the primary reason for polarization (p. 13). The rise of conservative legal networks is the second major force.

The book’s main goal is to demonstrate the influence of elite networks on the makeup of the Supreme Court and on the justices once seated. What of the standard claims that the justices’ own policy preferences simply, or not so simply, drive their behavior? The authors point out that the justices have little personally at stake in policy, but can obtain psychological rewards by making elites happy (of course, this assumes that said elites have policy goals themselves). The authors also present an elaborate and potentially persuasive critique of claims about generic public influences on the Court (pp. 39ff).

The structure of the book is straightforward. Chapter 2 makes the core arguments about social psychology and the influence of elites. Chapter 3 gives some history and works through the nature of and changes in polarization over time. Chapter 4 develops these concepts, situating the Court in a polarized world, and Chapter 5 concludes.

The authors give a fresh new reading of Court history, explaining why justices who were expected to be more conservative positioned themselves or drifted to the left (from the 1950s to the 1980s) and why current justices are so very conservative, attributing this to the rising power of the conservative legal network. In contrast, the “liberal legal network is much larger than the conservative legal network, and, consequently, Democratic presidents are less likely to be captured by a subset within it” (p. 129). Some might find the history too “just-so,” in which the pre-New Deal justices followed a largely conservative elite to oppose regulation and

then the New Deal justices curried favor with later elites who preferred regulation. Similarly, elites were previously split on civil liberties, but then moved toward favoring civil rights, pushing the justices, including notable Republican appointees, leftward on such issues. To be sure, if everyone is trending, then we do not need to see justices as followers. Others will see as overstated the claims of homogeneity in opinion of the elites in the 1970s and 1980s.

This history is written with an eye toward two themes and three related points. The two themes are elite influence and the new phenomenon of perfect partisan sorting into ideological camps. The main points are as follows: (1) only those who are tied to ideologically oriented subsets of elites get on the Court now; (2) pressures from the elected branches of government or the public do not matter, compared to elite pressures; and (3) there are norms that set judicial politics apart, such as collegiality and legal thinking. The authors argue that the justices embrace such norms because they care about their reputation among elites (p. 11), so this brings us back to the second point.

Polarization is not completely new. Indeed, modern conflict on the Supreme Court lacks some of the drama of the past. Consider the well-publicized squabbling of the New Deal cohort (Jackson, Black, and Douglas being key figures in such stories), or the impeachment threats and other legal threats of the 1960s and 1970s (Warren, Fortas, and Douglas again), or the flaring tempers and personal conflicts behind the scenes from various years (McReynolds, Black, White, Frankfurter, and of course Douglas again). But what is new in the current polarization is something that is completely different from the past: for the first time (at least in the vaguely modern era) we have a completely clean sorting of the Court, with the partisan blocs and ideological blocs perfectly aligned (powerfully demonstrated on pp. 72–73 and elsewhere). Republican dominance of the Court did not use to mean conservative dominance, but now the two go hand in hand. There is an unstated irony in all this: the current justices come from the legal system and have stronger ties to legal interest groups and thus their polarization has followed, whereas in earlier times justices often came from the political arena and yet were less polarized.

The authors lay down a bold marker, wanting the theory of elite influence to explain the partisan divide itself: “This book tells the story of how party polarization turned the Supreme Court into a Court in which ideological divisions follow party lines” (p. 2). The elite story they tell certainly does connect nicely to the boldness of the partisan divide, even if does not necessarily fully explain the divide itself.

This book’s explicit argument is a carefully reasoned and important contribution to the scholarly literature. I would not judge the book by dramatic flourishes such as this statement: “Elite polarization explains the partisan division on the modern Supreme Court” (p. 145). The