

# Introducing the Court

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Linda Greenhouse, [The U.S. Supreme Court: A Very Short Introduction](#) (Oxford University Press 2012).

*The U.S. Supreme Court: A Very Short Introduction* is indeed a very short book (far shorter than most law review articles), but it is no “Supreme Court for Dummies.” To the contrary, it is a sophisticated, yet accessible, addition to Oxford’s *Very Short Introduction* series.

This much the author’s identity gives away. Though she now teaches at Yale Law School and no longer covers the Supreme Court full time, the fabulous Linda Greenhouse remains one of Court’s most astute students. (And she continues to write an opinion column for *The New York Times* website, which should never be missed for its insights on the current Court.)

*The U.S. Supreme Court* begins as it should, with the Court’s origins. In twelve pages, Greenhouse conveys the predictable—e.g., the foundations of judicial power (Article III, the Judiciary Act of 1789, and *Marbury*)—but also cases and details that rarely receive mention, much less attention, in intro books. I think here of the pre- and post- *Marbury* opinions in *Hayburn’s Case* (1792) and *Stuart v. Laird* (1803).

Chapters 2 and 5 explore the Court at work, with chapter 2 examining how the Justices approach the Constitution and statutes. Wisely, Greenhouse doesn’t attempt to cover the gamut of methods, which would require *A Very Long Introduction*. She instead expertly contrasts theories dominant on today’s Court—Scalia’s version of originalism and Breyer’s pragmatism—via exemplary cases. Her use of *District of Columbia v. Heller* (2008) is especially effective.

Chapter 5 focuses less on the Court’s decision making and more on its procedures. This could be dry material but not in Greenhouse’s hands. Her analysis of case selection, oral argument, and opinion writing goes beyond the obvious “just the facts” stuff, and into the realities of the workaday world of the Court. To take but one example, most texts provide only the basics about oral argument—seating arrangements, time limits, and perhaps a story or two about influential or exceptional arguments. There is some of that here, but Greenhouse goes deeper, explaining what makes for high quality advocacy. As she tells it, successful Supreme Court lawyers can’t afford to focus exclusively on their case but must think about its meaning in the larger scheme of things. “To test the implications of a lawyer’s argument,” she tells us, “justices will often vary the actual facts in order to pose intricate hypothetical questions—to which ‘Your Honor, that is not my case’ is not an acceptable answer.” (p. 51).

Chapters 3 and 4 turn to the Justices and Chief Justices, respectively. Were I charged with covering these topics in 25 (mini) pages, I wouldn’t have known how to start. Happily, Greenhouse did. In Chapter 3, she sets her sights not on any era or group of Justices in particular, but on how the Court’s composition has changed over time, especially the increasing diversity on some dimensions (race, gender, religion) and its decline on others (geographic representation, professional experience). Explaining these changes leads to an instructive discussion of the appointment process and the various calls to revise it.

Chapters 6-8 move outside the Court—to its relations with the other branches of government (6), the public (7), and the world (8). The first two are a treat because, again, Greenhouse manages to move

beyond the prosaic while avoiding the pedantic. But Chapter 8 is the real stroke of genius. Of all the introductions to the Court sitting on my bookshelf, none contemplates its global connections. Greenhouse shows why this is a true sin of omission. Particularly illuminating is the material on the twin issues of the importation of foreign law and the exportation of American practices.

If your students—undergraduate, graduate, or law—are looking for a brief introduction to the Supreme Court, as mine often are, this is the book to recommend. In addition to the riveting textual material, it contains a well-edited (and annotated) appendix of further readings. As for you Supreme Court junkies: don't make the mistake of discounting it. I've been studying the Court for nearly thirty years and still learned new things, whether small factoids or different ways to think about an institution that, as Greenhouse rightfully notes, continues to "occup[y] a place in the public imagination." (p. 87).

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