and Brenner 1990; Boucher and Segal 1995; Segal, Boucher, and Cameron 1995). While conclusions from this research are not always consistent, it seems that justices more often vote strategically when they wish to affirm lower court decisions than if they want to reverse the decisions because of the Court's traditionally high reversal rates on the merits. Brenner (1979) suggests and Boucher and Segal (1995) agree that in the United States voting to grant certiorari with the intent of affirming a lower court decision is riskier than voting to grant with the goal of reversing the decision. This reflects the Court's high reversal rate. Justices hoping to affirm, therefore, need to pay more attention to the odds of success, since they are lower, than justices planning to reverse.

These three hypotheses lack an explicit temporal dimension; that is, they do not take into account trends or cycles in the issues selected by the Court for review or long-term shifts in priorities. The fourth perspective, ***agenda dynamics***, corrects this myopia. Pacelle (1991; 1995) shows how the agenda of the U.S. Supreme Court has shifted over the sixty years since the start of the New Deal to emphasize civil rights and civil liberties issues while de-emphasizing questions involving federalism and regulation of the economy. This shift was signaled by "footnote 4" in *U.S. v. Carolene Products Co.* (304 U.S. 144 (1938)) in which Justice Stone enunciated a "preferred position" doctrine declaring that laws affecting "discrete and insular minorities" demanded the Court's "strict scrutiny" while issues of government policies affecting the economy warranted attention only if they lacked some "rational basis." Pacelle's analyses highlights the importance of understanding the historical roots of current priorities in the Court's agenda setting process and how these priorities change over time.

The American literature on the certiorari process is not without contradictions, weaknesses, and ambiguities. It is not an easy task to isolate jurisprudential factors from the policy concerns of justices (Baum 1993). Furthermore, the findings dealing with litigant resources or the effectiveness of interest groups are not duplicated at the merits stage or in other courts (e.g., Sheehan, Mishler, and Songer 1992; Epstein and Rowland 1991; Olson 1990). Moreover, while the literature tends to gravitate toward one or the other of these perspectives for analytical purposes, the perspectives are not mutually exclusive. Perry's (1991, 278) model of how U.S. justices "decide to decide," for example, while stressing the jurisprudential aspects of the certiorari decisions nevertheless includes an "outcome mode" that incorporates aspects of