

A Theory of Justices' Retirement

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Abstract

This paper introduces a formal model of Supreme Court retirement, in which the justices, the President and the Senate are rational agents who aim to shift the median ideology of the Court as close as possible to their own ideologies. The model shows that the probability of retirement depends on a set of personal, contextual, and political variables. It provides a rigorous theory for the effect of extant variables, and identifies variables that have not previously been fully appreciated. In particular, it shows the impact of the ideologies of the non-retiring justices and whether the ideology of the retiring justice is moderate or extreme. This more complete explanation of strategic judicial retirements raises empirically testable predictions to differentiate among the disparate findings of the existing literature.