

A Matter of Opinion? How Unexpected Opinion Authors Influence Support for Supreme Court Decisions

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Abstract:

Examples abound of Supreme Court justices writing opinions because their ideological preferences or identity characteristics run counter to a case outcome. The justices believe that in certain salient cases, tasking an incongruent justice with explaining a controversial decision can underscore the legal soundness of the opinion and increase support for it. Does it work? Using survey experiments in which 2,230 participants read about a pro-abortion or pro-death penalty ruling written by justices of different ideologies and genders, we find the answer is sometimes, and not like the justices expect. Our results show that incongruent opinion writers do not broadly increase support for a Court decision, but their presence can modify support and reduce some partisan differences in response.