

The Public's Motivated Response to Supreme Court Decision-Making

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ABSTRACT

This article analyzes how the public perceives the Supreme Court's decision-making in *Burwell v. Hobby Lobby Stores, Inc.* (2014) and *National Federation of Independent Business v. Sebelius* (2012). Using theories of motivated reasoning and cognitive dissonance, I hypothesize that whether an individual approves or disapproves of the Court's decision will influence how they perceive the Court's decision-making. Specifically, those who approve of the Court's decision are more likely to be motivated to perceive the Court's decision-making in a legalistic fashion. However, those who disapprove of the decision are more likely to be motivated to perceive the Court's decision-making in a non-legalistic fashion. I find support for these hypotheses in analysis of both cases. The results presented in this article suggest that scholars need to consider how the public reacts to individual Court cases when studying how the public perceives the Court's decision-making. Further, these findings help explain the growing literature that finds individuals perceive the Court as less legitimate when the Court rules contrary to their interests.

KEYWORDS

Legitimacy; public opinion;
Supreme Court

The Supreme Court projects an image of itself as legalistic and politically neutral. In deciding cases, the Justices claim to not make law; rather, they simply apply the law to cases. This image presents the Court as isolated from the influence of politics and ideological considerations. Despite this presentation as legalistic and politically neutral, political scientists have found compelling evidence that the Justices are influenced by politics and that the Justices' decision-making is largely driven by their own ideologies (Segal and Spaeth 2002). Thus there are two images of the Court: one where the Court is different and separate from politics, and one where the Court is not unlike other branches of government and is motivated by political or ideological considerations.

Understanding which image of the Court the public accepts is important because it has implications for the Court's legitimacy. Extant research finds that both the legalistic image and the political image of the Court are present in the public's perception of the Court. Whether one views the Court as legalistic or as political is largely a function of an individual's race, education, and awareness of the Court (Scheb and Lyons 2000). However, extant research is limited because it focuses on broad conceptions of the Court's decision-making, asking respondents in general how they believe the Court makes its decisions. This is problematic because case-level factors may influence how individuals perceive the Court's decision-making.

In this article, I argue an individual's approval or disapproval of a Supreme Court decision influences whether individuals perceive the Court as a legalistic institution or as an institution motivated by non-legalistic considerations such as ideology, partisanship, and religion. Specifically, I argue that individuals who approve of a decision made by the Court will be motivated to see the Court as a legalistic

institution, while those who disapprove of a decision made by the Court will be motivated to see the Court as a non-legalistic institution.

I test and find support for this argument using data on individual perceptions of the Court's decision-making in the case *Burwell v. Hobby Lobby Stores, Inc.* (2014) and in the case *National Federation of Independent Business v. Sebelius* (2012). Individuals who approve of the Court's decision are more likely to see it as motivated by legalistic considerations. Individuals who disapprove of the Court's decision are more likely to see the Court as motivated by non-legalistic considerations. The results presented here have implications for the ongoing debate of whether and how ideological congruence with the Court's decisions influences how individuals perceive the Court's legitimacy. Specifically, I accept the growing body of literature that claims ideological congruence influences legitimacy judgments, but I suggest this process occurs through mechanisms established within traditional legitimacy theory, notably by altering individuals' perceptions of procedural fairness. I conclude by recommending scholars pay greater attention to how case-level features influence perception of the Court's decision-making.

Public Perception of Supreme Court Decision-Making

The Court projects an image of legalistic neutrality. During his confirmation hearing, Chief Justice John Roberts provided a clear statement of this idea. According to Chief Justice Roberts, the role of a judge is analogous to the role of an umpire. The role of the umpire is not to decide the rules of the game but only to enforce them. Likewise, the role of the judge is not to make law but to apply it. The Court reinforces this legalistic image through the use of legal symbols (Perry 1999; Gibson, Lodge, and Woodson 2014). Though the image of legalistic neutrality is the image offered by the Court, research in political science finds that this image is largely a false one. Segal and Spaeth (2002) find that Justices' decision-making is largely predicted by their own personal ideologies. Segal and Spaeth (2002, 86) conclude, "Rehnquist vote[d] the way he [did] because he [was] extremely conservative; Marshall voted the way he did because he [was] extremely liberal." While not all political science scholars agree with the starkness of the conclusions drawn by Segal and Spaeth, none deny the centrality of ideology in influencing the decision-making of the Justices (Epstein and Knight 1998; Maltzman, Spriggs, and Wahlbeck 2000; Bailey and Maltzman 2011; Pacelle Jr., Curry, and Marshall 2011).

Thus there is a divide in how the Court presents itself and the findings from political science research on how the Court makes its decisions. The Court presents itself as different and separate from politics, while political science research presents the Court very much as a political institution. Because of the Court's status as a counter-majoritarian institution and its need for the public to accept and implement its decisions, it is important to understand how the public perceives the Court and its decision-making (Bickel 1962; Gibson, Caldeira, and Baird 1998; Gibson, Caldeira, and Spence 2005).

Extant research on how the public perceives Supreme Court decision-making finds that the public is divided between viewing the Court as motivated by legalistic concerns and by ideological concerns. Scheb and Lyons (2000) find that 27.1 percent of survey respondents believed in the legalistic conception of the Court, while the remaining participants viewed the Court as being influenced by either other political institutions, ideology, or public opinion.¹ They find that those who believe the Court is a legalistic institution tend to be white, politically moderate, attentive to the Court, and more formally educated. Further, they find that perceiving the Court as a legalistic institution is associated with greater support for the Court, while believing the Court is influenced by ideology or separation of powers concerns is associated with decreased support for the Court.

Using an experimental design, Baird and Gangl (2006) come to similar conclusions. Participants in their analysis were randomly assigned to read mock news reports framing the Court's decisions in either political terms or legalistic terms. Their findings indicate that participants asked to read the

¹Unfortunately, Scheb and Lyons (2000) do not give the percentage of their respondents who fall into other categories so it is not possible to determine how prevalent the other views of the Court are.

political description of the Court viewed the Court as less procedurally fair than those asked to read the legalistic description of the Court. Thus viewing the Court through the lens of politics decreases an individual's perception of the Court's legitimacy.

Gibson and Caldeira (2011) find that the public is somewhat mixed in its perception of the Court as a legalistic institution or political institution. They find that 57.3 percent of respondents believe judges base their decisions on their own personal beliefs, 48.4 percent believe that values and political views influence judicial decision-making, and 39.2 percent believe partisan affiliations influence judges' decisions. Gibson et al. (2010) use participants' perception of the Court's decision-making to predict respondents' perception of the Supreme Court's legitimacy. Their main findings (Table 1 Model III) are somewhat ambiguous. They find those who assert judges' political views are relevant to their decision-making perceive the Court as more legitimate, yet at the same time, those who believe judges are more than just politicians in robes also perceive the Court as more legitimate. Thus the findings seem to indicate that support for the Court is higher for both those who believe the Court is legalistic and for those who view the Court through a political lens. Gibson and Caldeira (2011) interpret these ambiguous results as respondents recognizing that judges do have discretion but exercise it in a principled manner.

Motivated Reasoning and Perceptions of Decision-Making

Based on extant research, it is clear that how individuals perceive the Court matters and has implications for the Court's support. Further, it is clear from the current literature that scholars are unable to come to firm conclusions about how individuals perceive the Court's decision-making. One potential reason is that each study analyzes only Supreme Court decision-making at the macro level without reference to specific cases. This is problematic if case-level attributes, such as the issues being litigated or approval or disapproval of the outcome, influence how individuals will perceive the Court's decision-making. In this article, I argue that approval and disapproval will influence how individuals perceive the Court's decision-making and that the issues being litigated will help inform individuals about aspects of the Court's decision-making.

Scholars are increasingly analyzing how specific cases influence public opinion toward the Supreme Court. For example, Gibson, Caldeira, and Spence (2003) found that the Court's decision in *Bush v. Gore* (2000) had no effect on the public's evaluation of the Court's legitimacy. More recently, using survey experiments, Bartels and Johnston (2012) found that ideological disagreement with a single Supreme Court decision can cause participants to view the Court as less legitimate, while Christenson and Glick (2015b) have come to similar conclusions using panel surveys. In another study, Christenson and Glick (2015a) found that not only did ideological incongruence cause a decrease in an individual's perception of the Court's legitimacy, but also ideological incongruence affected perceptions of the Court's legitimacy more for people who viewed the Court in legalistic terms. While scholars are increasingly studying how specific cases influence how the public evaluates the Court's legitimacy, this is the first study to analyze how specific cases influence how the public perceives the Court's decision-making. Specifically, this article claims individuals who approve of the Court's decision are more likely to see the Court as being motivated by legalistic considerations, while those who disapprove of the Court's decision are more likely to see the Court being motivated by non-legalistic considerations such as ideology, party, gender, and religion.

Motivated reasoning is a biased decision-making process where decision-makers are predisposed to find authority consistent with their attitudes more convincing than cited evidence that goes against desired outcomes (Braman 2009, 4–5). In the foundational study on motivated reasoning, Lord, Ross, and Lepper (1979) had participants read two research articles on capital punishment, one that found evidence that capital punishment produced a deterrent effect on crime and one that found no evidence that capital punishment produced a deterrent effect on crime. Lord, Ross, and Lepper (1979) found that participants rated the article that confirmed their own beliefs to be more convincing and of higher quality than the article that was contrary to their beliefs. Lord, Ross, and Lepper (1979) also found evidence that individuals engage in motivated reasoning as a means to serve their egos. Individuals have a

desire to have their beliefs and attitudes seen as correct; thus when individuals come across sources that reinforce the correctness of their beliefs or attitudes, it helps serve their ego to see that source as principled, high-quality, and convincing. Later research by Kunda (1990) found that decision-makers are not aware they are engaging in motivated reasoning and believe themselves to be engaged in objective or principled evaluation of evidence.

I believe a similar process will occur when individuals learn of a Supreme Court decision with which they agree. Because these individuals want to have their beliefs and attitudes validated as correct to improve their ego, they will be motivated to see the Court as being motivated by legalist considerations. This is because Court decisions based on legal considerations are viewed as more convincing and credible than legal decisions based on other considerations (Tyler 2001; Braman and Easter 2014; Woodson 2015; Audette and Weaver 2015). Thus I posit Hypothesis 1.

Hypothesis 1 Individuals who approve of the Court's decision will be more likely to perceive the Court as being motivated by legal considerations.

While individuals who approve of the Court's decision are likely to be motivated to see the Court as behaving in a legalistic manner, those who disapprove of the decision are motivated by non-legalistic considerations. Individuals confronted with a Court decision of which they disapprove face cognitive dissonance. Cognitive dissonance is the theory that individuals strive for internal consistency in their cognitions. When individuals face inconsistent cognitions (dissonance), they become psychologically uncomfortable and are motivated to reduce the dissonance (Festinger 1957). When individuals are exposed to a Court decision contrary to their beliefs, they are faced with dissonance. These individuals hold the belief that their preference is the correct understanding of the issue while the Court is telling them that their preference is incorrect. To resolve this dissonance, the individual has two options: update their preferences to be aligned with the Court or perceive the Court in a way that delegitimizes the authority or correctness of the Court's decision. Since individuals rarely update their preferences based on contrary information, I expect the latter to occur (Redlawsk 2002). Thus I formulate Hypothesis 2.

Hypothesis 2 Individuals who disapprove of the Court's decision will be more likely to perceive the Court as being motivated by non-legal considerations.

Motivated Response to the Court's Decision-Making in *Burwell v. Hobby Lobby Stores, Inc.* (2014)

To test Hypothesis 1 and Hypothesis 2, I rely on data from the July 2014 Kasier Health Tracking Poll. The Kasier Health Tracking Poll is a nationally representative random-digit telephone sample of 1,507 adults. After removing respondents with missing data, there were 1,374 respondents remaining. The survey was conducted between July 15 and July 21, 2014, which was between 14 and 21 days after the *Burwell* decision was announced.

The survey asked respondents questions about their attitudes toward the Supreme Court's decision in *Burwell v. Hobby Lobby Stores, Inc.* (2014). In *Burwell*, the Court ruled that the Religious Freedom Restoration Act of 1993 permitted for-profit companies to deny their employees health coverage of contraception to which the employees would otherwise be entitled, based on the religious objections of the company's owners.

Two features help establish the non-legalistic considerations respondents who disapprove of the Court's decision will be motivated to perceive the Court as relying on. The first is the secondary image of the Court is prominent in public discourse, specifically that the Court is motivated by ideological considerations. This can manifest itself in two ways. Those who disagree can believe the Court is motivated by their personal ideologies, or they can believe the Court is motivated by their partisanship. I state these expectations formally in Hypothesis 2.a and Hypothesis 2.b.

Hypothesis 2.a. Individuals who disapprove of the Court's decision will be more likely to perceive the Court as motivated by ideological considerations.

Table 1. Distribution of most important considerations.

Consideration	% Selecting Consideration
The Justices' Analysis of Law	22
The Justices' Ideology	17
The Justices' Religious Beliefs	13
Party of the Justices' Appointing President	12
The Views of Average Americans	8
The Justices' Gender	6
None Played Major Role	19
Don't know/Refused (not read)	2
Some Other Factor (not read)	1

Hypothesis 2.b. Individuals who disapprove of the Court's decision will be more likely to perceive the Court as motivated by the party of the Justices' appointing president.

The second feature that helps establish the non-legalistic considerations those who disapprove of the Court's decision will rely on when evaluating the Court's decision-making are legal issues involved in the case. The issues of health care and access to birth control both have gender and religious dynamics. Health care and birth control are generally perceived to be women's issues, and birth control is often viewed as a religious issue (Huddy and Terkildsen 1993; Layman and Carmines 1997). Further, religious opposition to birth control was the reason the case was litigated in the first place. Individuals who disapprove of the Court's decision may use the fact that gendered and religious issues were present as a quick heuristic to believe the Justices' gender and/or religious beliefs influenced their decision-making in this particular case. I state these expectations formally in Hypothesis 2.c and Hypothesis 2.d.

Hypothesis 2.c. Individuals who disapprove of the Court's decision will be more likely to perceive the Court as motivated by the gender of the Justices.

Hypothesis 2.d. Individuals who disapprove of the Court's decision will be more likely perceive to the Court as motivated by the religious beliefs of the Justices.

I draw my dependent variables from a question that asked respondents which consideration they felt played the most important role in the Justices' decision in the *Burwell* case. Table 1 provides the considerations respondents could choose from and the distribution of each consideration. The distribution suggests that the notion that the Supreme Court acts in a legalistic way is prominent, as the modal respondent believed the Justices' analysis of the law was the most important consideration in their decision-making. However, the notion that Justices are motivated by ideology is present as well, with 17 percent of respondents perceiving it as the most important consideration in the Justices' decision-making. The idea that the Justices are influenced by their religious beliefs and the partisanship of their appointing president is present as well, with 13 percent and 12 percent of respondents, respectively, believing these were the most important considerations.

Key to this analysis is that there is variation in how individuals perceive the Supreme Court's decision-making in the *Burwell* case. Hypothesis 1 and Hypothesis 2 posit that this variation will be explained by whether respondents approve or disapprove of the Court's decision. Using this question, I construct four binary variables indicating whether respondents believed that the Justices' analysis of the law, the Justices' ideology, the Justices' religion, and the party of the Justices' appointing president were the most important consideration. These variables will serve as my dependent variables of interest.

The independent variable of interest is whether respondents approved or disapproved of the Court's decision. Individuals who were not aware of the Court's decision or erroneously believed the Court ruled that for-profit companies were not allowed to deny employees contraception coverage were informed of the Court's decision before being asked whether they approved or disapproved of the decision. Forty-nine percent of respondents disapproved of the decision, 47 percent of respondents

Table 2. Summary statistics *Burwell* analysis.

Variable	Mean	Std. Dev.	Min.	Max.
Approves of Decision	0.504	—	0	1
Follows Decision	2.211	1.11	1	4
Knew Outcome	0.569	—	0	1
Ideology	2.16	0.775	1	3
Partisanship	2.902	1.616	1	6
Age Group	4.18	1.649	1	6
African American	0.124	—	0	1
Catholic	0.203	—	0	1
Education	4.843	1.935	1	9
Female	50.56	—	0	1

approved of the decision, and 4 percent volunteered that they did not know or refused to answer the question. Respondents who replied “do not know” or refused to answer were dropped from the analysis presented here.

In addition to approval of the decision, I control for other factors previously shown to influence perceptions of the Court’s decision-making, such as how closely respondents followed the case, whether the respondent knew the outcome of the case, respondent ideology and partisanship, and demographics. Controlling for considerations such as how closely respondents followed the case and whether respondents knew the outcome of the case is imperative because this suggests respondents have higher levels of exposure to the Court. Extant research shows that individuals with greater awareness of the Court have greater esteem toward the Court, which may lead to seeing the Court in a more legalistic fashion (Gibson and Caldeira 2009b, a). Through formal education processes, individuals are socialized to the idea that the Court is different in American politics in the sense that it is a principled legal decision-making body rather than a political body (Casey 1974; Perry 1999). Through greater socialization to the legalistic concept of the Court, respondents with high levels of education may be more attached to the Court as a legal institutions. I control for African-Americans because research has shown that African-Americans evaluate the Court in different ways than whites (Gibson and Caldeira 1992; Clawson and Waltenburg 2008). The summary statistics for my independent variables are presented in Table 2.

Since my dependent variables of interest are binary, I fit five logistic regressions to predict whether the respondent identified each consideration as the most important consideration. The results to these regressions are presented in Table 3.²

Looking to column 1 in Table 3, one can see that Hypothesis 1 finds support in the analysis. Those who approved of the Court’s decision were significantly more likely to think the Justices’ analysis of the law was the most important consideration in the Court’s decision-making. Looking to column 2 through column 5 in Table 3, one can see Hypothesis 2 and three of its four secondary hypotheses find support in the analysis. Respondents who express approval of the decision are less likely to perceive Justices as being motivated by their ideology, gender, and religion than those who express disapproval of the decision. The effect of decision approval only failed to reach conventional levels of statistical significance in predicting the likelihood a resident would state that the party of the Justice’s appointing president was the most important consideration ($p = .066$). Figure 1 displays the change in predicted probability of a respondent stating each consideration was the most important when moving from disapproval of the decision to approval of the decision. The results indicate that when individuals approve of the Court’s decision, they are motivated to perceive the Court as acting legalistically, and when individuals disapprove of the Court’s decision, they are motivated to perceive the Court as acting non-legalistically.

²The results presented here are robust to alternative modeling specifications, such as a single multinomial logit or a single binary logit model, which estimates the likelihood a respondent would choose legal considerations as the most important considerations opposed to any of the non-legal considerations.

Table 3. Logistic regression: Most important consideration in *Burwell*.

	(1) Law	(2) Ideology	(3) Religion	(4) President's Party	(5) Gender
Approval of Decision	0.579** (0.189)	-0.512** (0.182)	-0.638** (0.222)	-0.385 (0.209)	-0.974** (0.356)
Followed the Case	-0.157 (0.082)	-0.234** (0.081)	-0.084 (0.094)	-0.204* (0.092)	-0.141 (0.141)
Knew Outcome	0.484** (0.179)	0.628*** (0.175)	-0.466* (0.206)	-0.250 (0.195)	0.690* (0.319)
Ideology	0.170 (0.129)	-0.109 (0.120)	-0.133 (0.140)	-0.187 (0.135)	-0.478* (0.212)
Partisanship	0.104 (0.061)	-0.030 (0.060)	-0.097 (0.072)	-0.094 (0.0711)	-0.060 (0.108)
Age	-0.043 (0.051)	-0.039 (0.048)	-0.124* (0.057)	0.059 (0.057)	-0.177* (0.080)
African American	0.267 (0.277)	-0.438 (0.260)	-0.267 (0.286)	0.632** (0.244)	-0.0411 (0.395)
Catholic	0.643*** (0.180)	-0.557** (0.208)	-0.972** (0.307)	0.0288 (0.230)	0.0476 (0.340)
Education	0.117** (0.042)	0.152*** (0.041)	-0.100 (0.055)	-0.0403 (0.0504)	-0.0380 (0.0776)
Female	0.182 (0.159)	-0.140 (0.152)	-0.0476 (0.191)	-0.117 (0.182)	0.412 (0.275)
Constant	-3.638*** (0.568)	-1.239* (0.512)	0.179 (0.603)	-0.774 (0.592)	-1.558 (0.869)
Observations	1374	1374	1374	1374	1374

Note. Standard errors in parentheses.

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Motivated Response to the Court's Decision-making in *National Federation of Independent Business v. Sebelius* (2012)

Analysis of the *Burwell* decision showed that the public displayed motivated responses to the Court's decision-making as posited by Hypothesis 1 and Hypothesis 2. Specifically, individuals who approved the Court's decision perceived the Justices as being motivated by their analysis of legal factors, while individuals who disapproved the Court's decision perceived the Justices as being motivated by non-legalistic factors such as their ideology, gender, religion, and partisanship. To further test Hypothesis 1 and Hypothesis 2, I analyze the public's response to the Court's decision in *National Federation of Independent Business v. Sebelius* (2012). In *Sebelius*, the Court decided that under the Taxing and

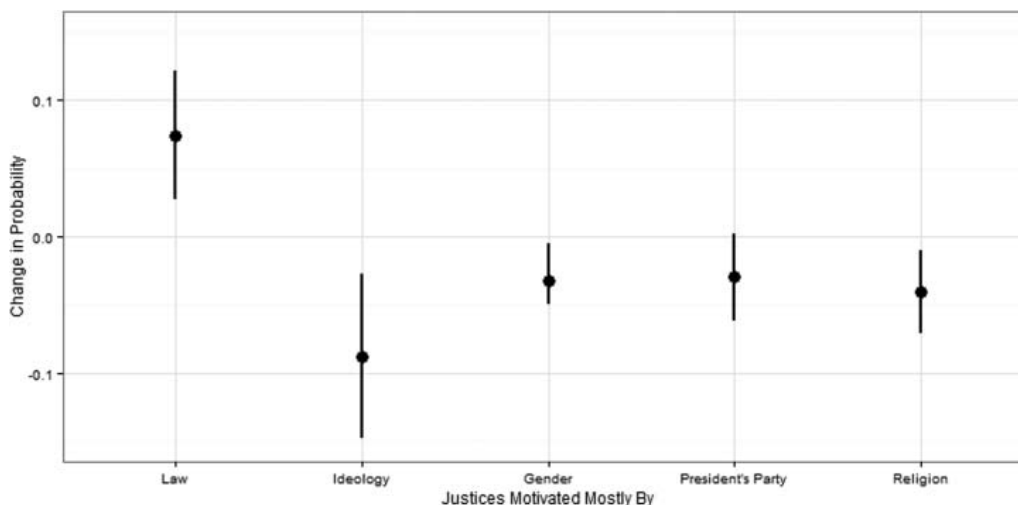


Figure 1. The effect of decision approval on perception of the Court decision-making in *Burwell*.

Spending Clause, Congress had the authority to pass the Patient Protection and Affordable Care Act, which required that most Americans purchase health insurance.

To test [Hypothesis 1](#) and [Hypothesis 2](#) in the context of the *Sebelius* decision, I use data from a nationally representative random-digit telephone survey conducted by CBS News/*New York Times* fielded July 11–15, 2012. The Court issued its decision in the *Sebelius* case on June 28, 2012. The survey included 1,089 respondents.

The dependent variable of interest is a question that asked individuals, “Do you think the ruling by the U.S. Supreme Court that upheld most of the 2010 health care law was mainly based on legal analysis or mainly based on the Justices’ personal or political views?” Thirty-four percent of individuals believed the Court was motivated mainly by legal analysis, while 49 percent of individuals believed the Court was motivated mainly by personal or political views, and the remaining 17 percent responded didn’t know or volunteered both (2 percent total) as a response. Using these responses, I created a binary measure that indicates whether the respondent indicated that they felt the Court was motivated mainly by legal analysis.³

The primary independent variable of interest is a question that asked individuals, “As you may know, the Supreme Court upheld most of the 2010 health care law. Do you think the Supreme Court’s decision to keep the health care law mostly in place was a good thing or a bad thing?” Forty-seven percent of respondents believed the decision was a good thing, 41 percent believed the decision was a bad thing, and the remaining 12 percent responded don’t know.⁴ Using these responses, I created a binary measure that takes the value of 1 when the respondent indicated that they felt the Court’s decision was a good thing.⁵ I also control demographic and political characteristics. The CBS News/*New York Times* Poll did not include questions regarding their respondents’ knowledge of the decision or how closely they followed the decision, so these characteristics cannot be controlled for here. The summary statistics to the *Sebelius* analysis are presented in [Table 4](#). While some of the descriptives are non-representative of the population, I correct for this by using the sampling weights provided by the survey firm in my analysis.

If [Hypothesis 1](#) and [Hypothesis 2](#) are confirmed in the context of the *Sebelius* decision, and the public displayed a motivated response to the decision, then it is expected that those who viewed the Court’s decision as a good thing will be more likely to believe the Court was motivated mainly by legal analysis than those who viewed the Court’s decision as a bad thing. To test these expectations, I fit a logistic regression model. The results are presented in [Table 5](#).

As the positive and statistically significant coefficient for the good thing variable indicates, the public did display a motivated response in the context of the *Sebelius* decision. Thus [Hypothesis 1](#) and [Hypothesis 2](#) can be confirmed. The results are displayed as predicted probabilities in [Figure 2](#). Substantively, the difference between a person who thought the decision was a good thing and a person who thought the decision was a bad thing was .30.

Discussion and Conclusion

Overall, the results are supportive of [Hypothesis 1](#) and [Hypothesis 2](#). Individuals who approved of the Court’s decision perceived the Court to be motivated by legal considerations. Individuals who disapproved of the Court’s decision perceived the Court to be motivated by non-legal considerations. Specifically, individuals who disapproved of the decision believed the Court was motivated by ideology, religion, partisanship, and gender. This suggests that case-level features do influence individual perceptions of the Supreme Court’s decision-making. Accordingly, scholars should pay greater attention to perceptions of decision-making in individual cases.

³All results presented here are robust to the coding decision of whether to include don’t knows or to treat them as missing. In this analysis, don’t knows are included.

⁴Readers may be concerned about potential collinearity between responses to this question and a respondent’s partisanship or ideology; however, there is no evidence of collinearity between these variables. The correlation between responses to this question and partisanship or ideology never exceed $r > .5$.

⁵All results presented are robust to the coding decision or whether to include don’t knows or to treat them as missing. In the analysis presented, they are included.

Table 4. Summary statistics.

Variable	Mean	Std. Dev.	Min.	Max.
Decision a Good thing	0.473	—	0	1
Democrat	0.313	—	0	1
Republican	0.279	—	0	1
Liberal	0.203	—	0	1
Conservative	0.354	—	0	1
African American	0.093	—	0	1
Age Group	3.013	0.938	1	5
Education	3.356	1.198	1	6
Female	55.83	—	0	1

Table 5. Logistic regression: Predicting legalistic decision-making.

	(1) Legal Considerations
Ruling a Good Thing	1.395*** (0.241)
Democrat	0.133 (0.257)
Republican	−0.00849 (0.260)
Liberal	−0.233 (0.279)
Conservative	−0.634** (0.243)
African American	0.343 (0.331)
Age Group	0.184 (0.098)
Education	0.261** (0.084)
Female	−0.164 (0.201)
Constant	−2.357*** (0.570)
Observations	1089

Note. Standard errors in parentheses.
* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

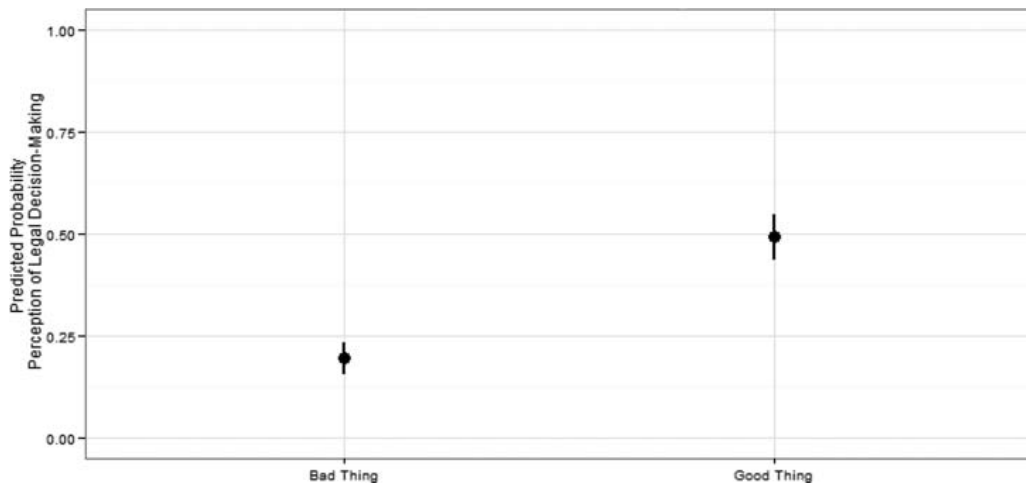


Figure 2. The effect of reaction on perception of the Court decision-making in *Sebelius*.

There are limitations to this study. First, the two cases analyzed were highly salient cases. The results could then be limited to salient cases. Second, the two cases analyzed were both health care cases—thus potentially limiting the results to the particular issue of health care. Future research should analyze the public's response to cases of varying levels of salience and cases that cover a broad range of issues to determine if the findings presented here hold in other contexts. The survey questions used for the dependent variable are also a limitation. In each survey, respondents had to pick one consideration they viewed as most important. By asking respondents to choose only the most important consideration, potentially interesting variation is masked in how heavily respondents weighted considerations they did not deem most important. Future research should develop new questions that allow respondents to state to what degree they felt certain considerations influenced the Court's decision-making.

While there are limitations, these findings have implications for the ongoing debate of whether ideological congruence with the Court influences an individual's perception of the Court's legitimacy. Traditional theories of legitimacy argue ideological congruence should not influence legitimacy judgments. Instead, legitimacy judgments are a function of whether an individual believes the decision-making process is procedurally fair (Tyler 2001 2006). In the judicial politics literature, this view has been most prominently adopted by Gibson and his coauthors (Caldeira and Gibson 1992; Gibson, Caldeira, and Baird 1998; Gibson, Caldeira, and Spence 2003 2005; Gibson et al. 2010; Gibson, Lodge, and Woodson 2014; Gibson and Nelson 2015). However, an emerging literature suggests legitimacy judgments are influenced by ideological congruence (Bartels and Johnston 2012; Johnston, Hillygus, and Bartels 2014; Christenson and Glick 2015a, b). Specifically, this literature advances the notion of negativity bias, which claims that when the Supreme Court rules contrary to an individual's preferences, the individual will view the Court as less legitimacy.

I view the findings presented in this article as a bridge between the traditional theories of legitimacy, which rely on procedural fairness, and the new theories of legitimacy, which rely on ideological congruence. When faced with a decision they approve of, individuals are motivated to see the Court as a legalistic institution as it validates their preferences. Viewing the Court as legalistic is associated with viewing the Court as more legitimate (Scheb and Lyons 2000). However, when individuals are faced with a Court decision with which they disagree, they face cognitive dissonance. To resolve this dissonance, individuals view the Court's decision-making as a function of non-legalistic considerations. In the context of the *Burwell* case, respondents viewed the Court as motivated by ideology, partisanship, religion, or gender. In the context of *Sebelius*, individuals who believed the decision to be a good thing were more likely to view the Court acting in a legalistic manner compared to those who believed the decision was a bad thing. When individuals perceive the Court as being motivated by these factors, they view it as less procedurally fair and less legitimate (Scheb and Lyons 2000; Braman and Easter 2014; Woodson 2015; Audette and Weaver 2015). Thus it is not necessarily that ideological congruence or ideological incongruence on their own cause a change in legitimacy judgments, but rather ideological congruence or ideological incongruence alter the perception of the Court's decision-making, which causes a change in legitimacy judgments.

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Appendix

Question Wording

Burwell Survey

Followed the Case

Next, please tell me how closely you have followed these stories that have been in the news recently. The Supreme Court's decision in a case about whether for-profit companies should be required to cover birth control for women in their workers' health plans

- Very closely
- Fairly closely
- Not too closely
- Don't Know/Refused

Knew Outcome

As you may know, last month the Supreme Court announced its decision in a case about whether for-profit companies should be required to cover birth control for women in their workers' health plans. As far as you know, did the Court decide that privately held companies

- MUST pay for coverage prescription birth control in their workers' health plans
- may choose NOT to pay for coverage of prescription birth control in their workers' health plans if the company's owner has religious objections

Approval of Decision

[Though not everyone has had a chance to hear about it/As you noted], the Supreme Court decided that privately held for-profit companies may choose NOT to pay for coverage of prescription birth control in their workers' health plans if the company's owner has religious objections. Do you approve or disapprove of the Court's decision in this case?

- Approve
- Disapprove
- Don't Know/Refused (not read)

Most Important Consideration. Dependent Variable

Which of these do you think played the MOST important role in the Justices' decision on this case?

- The Justices' analysis and interpretation of the law
- The Justices' personal liberal or conservative views
- The Justices' own religious views
- Whether a Justice was appointed by a Republican or Democratic president
- The views of average Americans
- The Justices' gender
- None of these played a major role
- None of these/Some other factor (volunteered)
- Don't know/Refused (not read)

Sebelius Survey

Decision a Good Thing

As you may know, the Supreme Court upheld most of the 2010 health care law. Do you think the Supreme Court's decision to keep the health care law mostly in place was a

- Good thing
- Bad thing
- Both (volunteered)
- Don't know/No Answer (not read)

Law or Politics. Dependent Variable

Do you think the ruling by the U.S. Supreme Court that upheld most of the 2010 health care law was based mainly on

- Legal analysis
- Personal or political views
- Both (volunteered)
- Don't know/No answer (not read)