

The Independence of Ideology of U.S. Supreme Court Justices

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1 Introduction

In this paper, I investigate the causal effect of the U.S. Supreme Court (SC) judges' party affiliation on their perceived ideology to determine the independence of their decision-making from political bias. This is important for challenging the long-held perception that the judiciary acts independently of their preferences or bias and in line with established legal principles. First, the paper outlines the current literature around judicial politics and it discusses some of the attempts to measure the ideology of the U.S. SC judges. I then outline the empirical framework I use to create a model for estimating a judge's ideology from their political preference — including the assumptions made for the model.

Second, I describe the characteristics used in estimating the model for ideology and what this implies about the make-up of the U.S. SC. I also discuss the sources of the data and how Segal and Cover derive the ideology scores. Third, I discuss the results of the regression analysis conducted and what the implications are for judicial ideology. My results show that the party affiliation of a judge prior to their nomination does in fact explain their perceived ideology. While I make arguments for the causal connections of the model, I also discuss the limitations of the model and why ideology may not be a good proxy for the actual decision-making processes of judges in U.S. SC cases. Many scholars have argued about the circular nature of some of these measures and the limitation of using third-party sources for determining political preferences. I share this view with regards to the limitation of the analysis conducted. However, the results in this paper indicate that even the highest office in the U.S. judiciary might not be immune to bias, and as such we should be willing to question the process by which we create established precedents.

1.1 Background

Many judicial politics scholars have made previous attempts at estimating the ideological leanings of SC judges. Glendon Schubert’s work presents a comprehensive view of the ideologies of all SC judges serving from the end of the Roosevelt era to the beginning of the Johnson administration (Martin & Quinn, 2002; Schubert, 1965). Using multidimensional scaling techniques, he finds that the political and economic liberalism of judges are the primary dimensions that explain votes on cases by the SC from the late 1940s to the early 1960s (Martin & Quinn, 2002). Schubert later shows that the political and economic liberalism views structure behaviour through the Vinson and Warren Courts as well (Schubert, 1974). The attempt to use latent variable models to measure ideal points is also seen in the work of Rohde and Spaeth, who find that freedom, equality, and ‘*New Dealism*’ are the three dimensions that influence the Warren Court and the first five terms of the Burger Court (Rohde & Spaeth, 1976).

Since then, more novel approaches to measure judicial preferences were taken by Segal and Cover by analysing the content of newspaper editorials at the time of the judges appointment to the SC (Segal, Epstein, Cameron, & Spaeth, 1995). This combined with Epstein et al. and Martin and Quinn’s work on judicial preferences have provided direct and indirect trackers of the ideological leaning of the SC (Epstein, Walker, & Dixon, 1989; Martin & Quinn, 2002). Using the Segal and Cover measures (Segal et al., 1995) and Epstein’s classification of liberal and conservative votes (Epstein Lee & Roberts, n.d.), we test the independence of judicial decisions — a core principle in the court of law. In theory, on assuming the role of a SC justice, a judge’s decision is expected to be free of bias and decisions made on the merits of the case. This concept is taught to all members of the legal institution, and the wider public has a reasonable expectation for nothing less. The ability to infer a judges ideology, and thereby their decision-making process, from their political preference, has the potential to undermine centuries of established legal doctrines. It further limits our trust in the judiciary as an arm of the state independent of the executive and legislative branch.

1.2 Segal and Cover Ideology Measures

The ideological measures introduced by Jeffrey A. Segal and Albert D. Cover in 1989 derive independent measures of ideology by analysing the content of newspaper editorials written

between the time of judge's nomination to the SC and their confirmation (Segal & Spaeth, 2002; Epstein et al., 1989). Segal and Cover, in a sense, take the opinions of editorial writers as a reliable indicator for the representations of judicial candidates' preferences. These have then been translated into ideological values or scores that range from 0 (unanimously conservative) to +1 (unanimously liberal), where 0.5 is considered a moderate. The measures have been tested against votes cast by the judges post appointment, with the results indicating a high correlation between the two (Segal et al., 1995) (see figure 1 below).

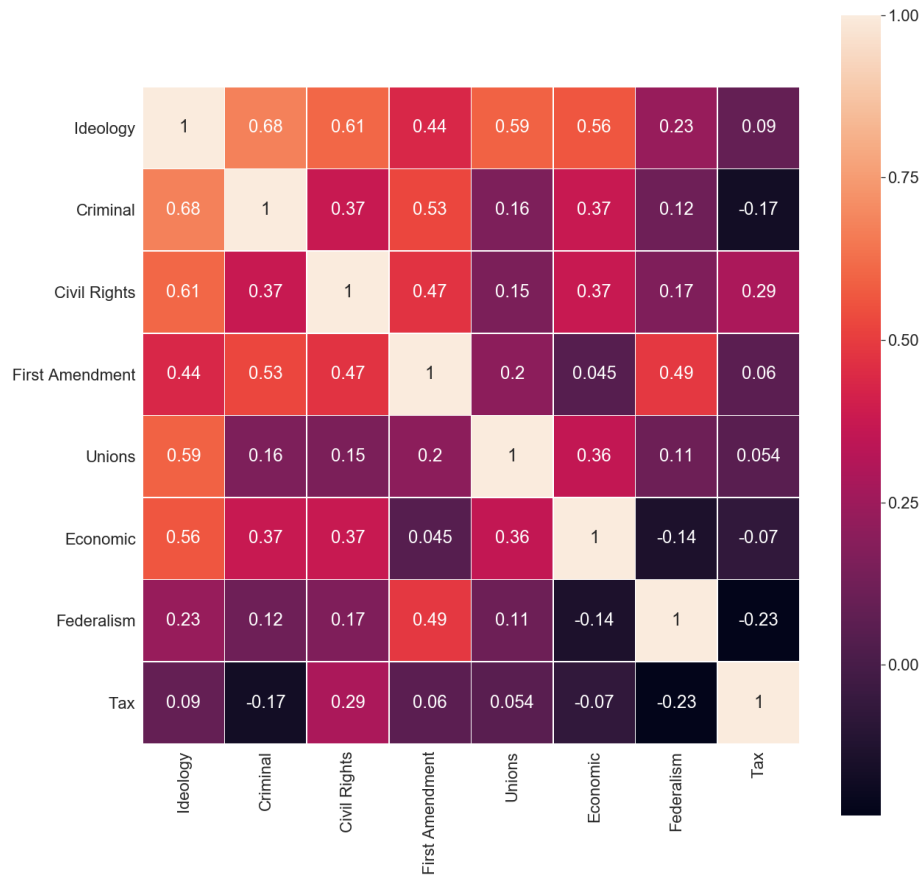


Figure 1: Heat Map of Ideology and Votes Cast on Issues by Judges in the SC

While there are questions as to the reliability of these measures, which will be discussed

later in the limitations, Segal and Cover provided necessary caveats that are considered in this analysis. Namely, that the editorials do not necessarily convey accurate perceptions of the political preferences of judges, and the measures should not be seen as surrogates for all preferences across all issues considered by the SC, but a reasonable indication of their specific preferences over civil liberties and rights issues (Segal et al., 1995; Epstein, Martin, Quinn, & Segal, 2007). They note: *‘because the statements in newspaper editorials deal almost exclusively with support by the justices for civil liberties and civil rights, we use as our dependent variable the votes of ... justices in all formally decided civil liberties cases’* — (Segal et al., 1995). This is corroborated by the higher correlation seen between ideology and the voting patterns of judges for civil rights cases (correlation, 0.61) and criminal cases (correlation, 0.68) in figure 1.

1.3 Effects of Political Preference on Ideology

The analysis I conduct will consider how and whether the political preference of a judge, represented by their party affiliation prior to joining the SC, influences their perceived ideological leanings for cases — and in turn, their decisions or votes. The main explanatory variable I consider is the judge’s registered political affiliation prior to appointment as a justice of the SC, which signifies their own self-proclaimed ideological stance. I also use confounding variables to isolate the effect of party affiliation and see if the judge’s attributes improve our model. These attributes include: (i) socio-biological factors that would have affected their life experiences, i.e. their race, gender and the year they were born (to indicate what sort of issues they would have contended with); and (ii) socio-economic factors such their economic class, whether they were exposed to a tradition of judicial service and the level of education achieved.

2 Empirical Framework

2.1 Regression Analysis

This section describes my empirical strategy for estimating the influence of political preference and attributes on judge ideology. I model the ideology of a judge j ($y_{j;t}$) as a function

of the judge's party affiliation at the time of nomination (t):

$$y_{j;t} = \beta_0 + \beta_1 C(\text{parnom})_{j;t}$$

The challenge, however, is that a judge's ideology may change over time and this is not captured in the Segal and Cover measures which provide a point estimation. We could get around this issue by substituting for the Martin and Quinn ideology measures which are tracked over time. However, using these measures will require a more complicated model. For that reason, to derive meaningful results from this analysis, I make the assumptions below to limit the scope of the analysis, thereby attempting to produce interpretable results.

Assumption 1: *Ideology measures are reflective of judge ideology at the time of nomination (n)*

$$t = n$$

$$y_j = \beta_0 + \beta_1 C(\text{parnom})_j$$

Over time other factors could strongly sway judges voting patterns, including political pressure, group think and clerk influence (Epstein et al., 2007; Bonica, Chilton, Goldin, Rozema, & Sen, 2019). As the Segal and Cover measures were conducted at the time of nomination, a point estimate is appropriate in this case as we will be analysing it against existing attributes, at the time of nomination, to see how these would have shaped the judge's ideology up to that point. This gives us a like for like comparison at a specific period (n).

Assumption 2: *Party affiliation produces the main effects in the model*

$$\text{controls} = \begin{pmatrix} \beta_3 C(\text{famses})_j \\ \beta_4 C(\text{famjud})_j \\ \beta_5 C(\text{lawschn})_j \\ \beta_2 C(\text{birth})_j \\ \beta_6 C(\text{race})_j \\ \beta_7 C(\text{gender})_j \end{pmatrix}$$

The socio-economic and socio-biological variables are used as controls. The birth period

is used as a control because of the perception that over time, societies tend to become more liberal (Hayek, 2012). Also considering that the U.S. SC still has some ways to go in socio-economic, gender and racial representation, it is necessary to control for these effects on the output of the model. Likewise, as demonstrated in Bonica et al. (2015), there is evidence to suggest that attendance of law school, particularly at elite institutions, could influence a lawyer’s ideological leaning — moving them towards liberalism (Bonica, Chilton, & Sen, 2015). I control for this effect in the results to accurately identify the effect of party affiliation on their ideology.

3 Supreme Court Data

3.1 Sources

3.1.1 Supreme Court Voting Data

The SC Database, provided by Spaeth et al., spans all four centuries of the court’s decisions, from its first decision in 1791 to the court’s recent decisions in 2017 (Harold J. Spaeth & Benesh, n.d.). It includes the voting record of each judge and hand codes each vote as liberal, conservative, or unspecifiable. Epstein et al. use this to determine the percentage of votes that are liberal or conservative for the issues considered by the SC (Epstein Lee & Roberts, n.d.). As this is justice-centred, it allows the comparison of the behaviour of one or more of the judges with that of others.

3.1.2 Supreme Court Justice Data

This Justice Attribute Database, provided by Epstein et al., contains information on all persons officially nominated to serve on the SC of the United States (Epstein Lee & Roberts, n.d.). It excludes persons whose nominations were not officially transmitted to the Senate for confirmation, e.g., Douglas Ginsburg, nominated by Ronald Reagan in 1987, as his nomination was withdrawn before its official submission to the Senate. It draws on various sources to obtain the information for each judge, but the social and personal attributes cover only the judges’ pre-nomination years. The SC Justice Data also include the corresponding Segal and Cover ideology scores. For our analysis, we care about the effect of preference and attributes on ideology for confirmed judges. So we will exclude nominees that were not confirmed to the SC.

3.1.3 Variable Categories

The data obtained from Epstein et al. and the SC database were re-coded to reduce the number of categories and prevent over-fitting due to the small population size. These are as follows:

- Party Affiliation (*parnom*): The party affiliation variable indicates what political party the judge registered with prior to their nomination to the SC. As the variable spans generations of changes in parties in the U.S. these are coded as categorical variables with 1 for ‘*broadly Democratic*’, 2 for ‘*broadly Republican*’ and 3 for ‘*Independent*’.
- Economic Status (*famses*): This indicates the economic class of the family of the judge. They are coded as categorical variables with variables 1 for ‘*lower-class*’, 2 for ‘*middle-class*’ and 3 for ‘*upper-class*’.
- Judiciary Exposure (*famjud*): This indicates whether or not a parent of the judge had served in the judiciary, thereby exposing them to the judiciary at a young age. They are coded as binary variables with 1 for ‘*no parent served in the judiciary*’ and 2 for ‘*yes, at least one parent served in the judiciary*’.
- Attended Law School (*lawschn*): This indicates whether a judge attended law school prior to their nomination. These are coded as binary variables with variable 1 for ‘*attended a law school*’ and 2 for ‘*did not attend or unclear if they did*’.
- Birth Period (*birth*): This indicates the period in which the judge was born. They are coded as categorical variables in fifty year periods starting from 1700-1749 to 1950-1999.
- Race (*race*): The binary race variable indicates whether or not a judge is ‘*white*’ (1) or ‘*not white*’ (2).
- Gender (*gender*): The binary gender variable indicates whether or not a judge is ‘*male*’ (1) or ‘*not male*’ (2).

3.2 Descriptive Analysis

The important summary statistics for the variables are presented in table 1 and figures 2 and 3 — and they provide an interesting overview of the characteristics of the judges. The data

includes the information for a total of 113 judges, which excludes the recently appointed Associate Justice, Brett Kavanaugh. From table 1 below, it appears that the data is skewed towards older judges as the average year of birth falls in the 1800s. This is likely a result of the increase in life expectancy, which has reduced the rate at which judges are replaced in the SC. We can also see that, in terms of characteristics, a larger proportion of the judges fall into the upper-class category in terms of their family economic status (58%), and unsurprisingly, a large proportion of them are white (97%) and male (96%) (see table 1).

Table 1: Justice Attributes: Mean Ideology by Attributes

	Count	Percentage Distribution (%)	Mean Ideology
Party Affiliation			
Broadly Democrat (1)	59	52.2	0.7
Broadly Republican (2)	46	40.7	0.3
Independent (3)	8	7.1	–
Economic Status			
Lower-Class (1)	26	23.0	0.7
Middle-Class (2)	22	19.5	0.5
Upper-Class (3)	65	57.5	0.4
Judiciary Exposure			
No (1)	88	77.9	0.5
Yes (2)	25	22.1	0.8
Attended Law School			
Yes (1)	69	61.1	0.5
No (2)	44	38.9	0.3
Birth Period			
1700 to 1749 (1700)	9	8.0	–
1750 to 1799 (1750)	22	19.5	–
1800 to 1849 (1800)	29	25.7	–
1850 to 1899 (1850)	29	25.7	0.7
1900 to 1949 (1900)	19	16.8	0.5
1950 to 2000 (1950)	5	4.4	0.4
Race			
White (1)	110	97.3	0.5
Not White (2)	3	2.7	0.7
Gender			
Male (1)	109	96.5	0.5
Not Male (2)	4	3.5	0.7

The statistics also provide insight into the judges who were exposed to a tradition of judicial service. Only 22% of judges had a parent who had previously served in the judiciary,

and these tended to be judges born in the 1800s (see table 1). As for education, we see that the distribution skews towards more judges having attended law school, though this was not considered a requirement for an appointment before the early 1900s. Table 1 and figure 3 also indicates some correlation between the attributes of judges and their ideology, even though the categorical nature of the data makes it hard to discern patterns. The characteristic which stands out as correlated to the ideology of the judge is their self-identified party affiliation. The correlation with party affiliation at the time of nomination, while worrying, could be seen as an expected bias because it tells us their political views do not change immediately once nominated to the SC.

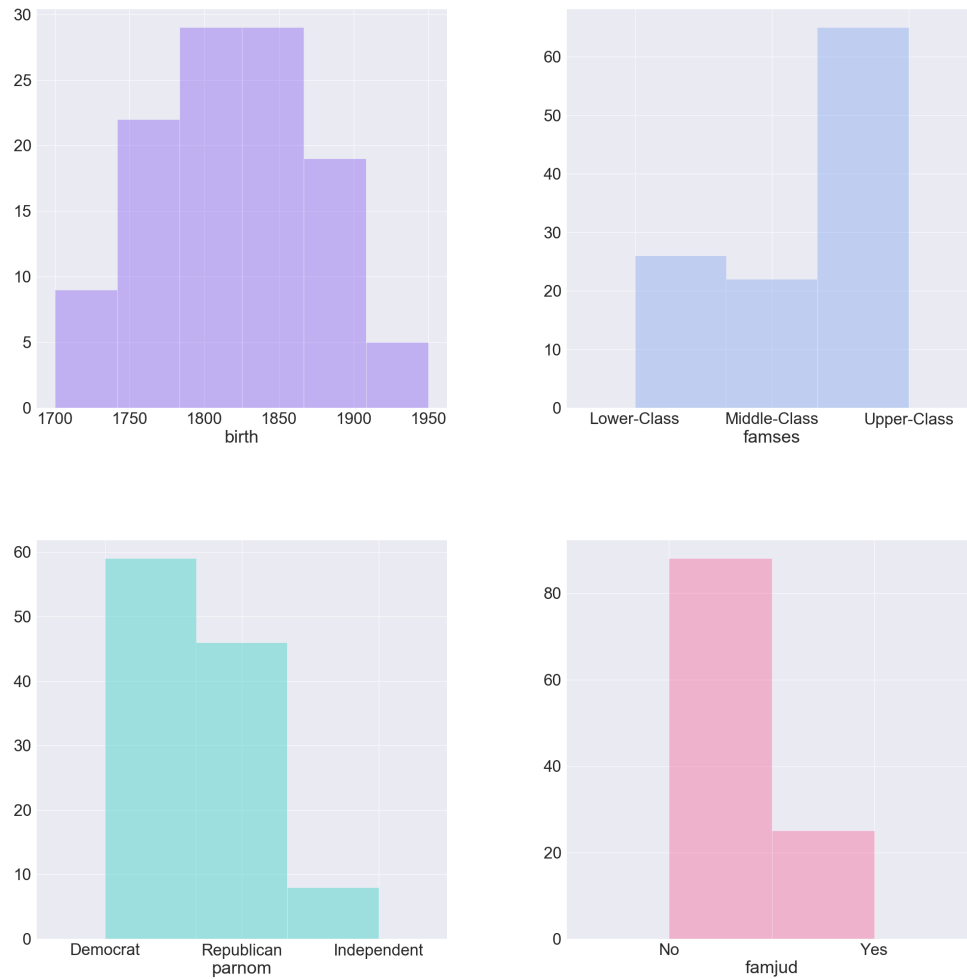


Figure 2: Histogram Plots of Key Attributes Showing Count Distribution

The histogram plots in figure 3 also reveals some interesting points worth noting. First, the distribution of the data by the family economic status of the judge shows us that judges who grew up in an upper-class economic environment tend to lean more towards conservatism. In particular, the distribution of ideology shows that as we move from lower-class to upper-class, the mean ideology shifts from liberal to moderate and conservative ideology. We also see an ideological rift by party affiliation — between the *broadly Republican* and *broadly Democrat* judges. These descriptive statistics start to paint a picture of bias in the SC as it seems the mean ideology of group (by category) is linked to either the socio-economic, socio-biological or self-identified political preference of judges.

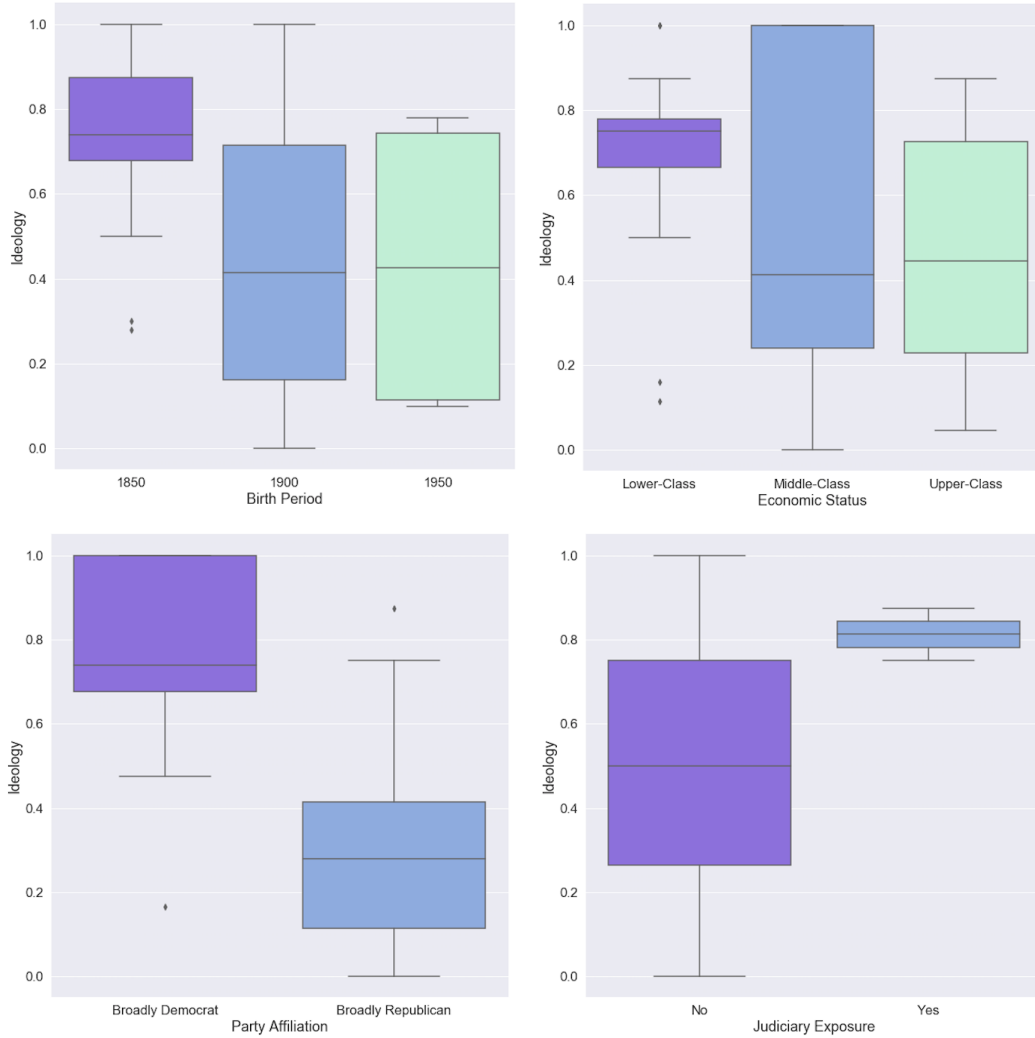


Figure 3: Box Plots of Ideology by Attributes

3.3 Problems with Missing and Limited Data

As expected, we have some missing data for our ideology scores. This is explained by the fact that the ideology measures were conducted recently, so it is limited by the newspaper editorials available for each judge — and the further back we go, the harder it is to obtain this information. With regards to the voting records, not all judges have records for specific issues, for example, Justice Neil Gorsuch who was recently appointed in 2017 is yet to vote on any case pertaining to criminal procedure (Epstein Lee & Roberts, n.d.). For the next analysis, I focus on the ideology scores and exclude the voting records for further analysis due to the limited time and scope of this paper, and as for the missing ideology scores, my model will only use judge data for which we have ideology scores.

4 Results

4.1 Primary Results

Categorical linear regressions were performed to estimate the models. The dependent variable (ideo) ranges from 0 (unanimously conservative) to +1 (unanimously liberal), where 0.5 is considered moderate. Table 2 summarises the results of the regression models produced for the ideology of the judges. It displays the coefficient estimates for: (i) the first base model, which uses the first set control variables (*socio-biological factors*); (ii) the second base model, which uses all control variables (*socio-economic and socio-biological factors*); and (iii) the final model, which includes the explanatory and control variables, as well as the corresponding standard errors. Statistically significant coefficients at the 99%, 95%, and 90% confidence levels are identified with ***, **, and *, respectively. Comparing the R^2 of the models, we see that the final model accurately explained 72% of the variation in ideology measures. As such, the final model will be my choice model. To test the model at the judge level, I predicted the ideology measure of the recently appointed Associate Justice, Brett Kavanaugh, which put him in the range of 0 to 0.15, i.e. a strong conservative candidate. Considering the media attention around his appointment, this may not come as a shock to many spectators.

The results of the final model reveal that a judge's party affiliation before nomination was a significant predictor of perceived ideology regardless of whether they were *broadly Democrat*, *broadly Republican* or an *Independent*, confirming our hypothesis that party af-

Table 2: Models of Party Affiliation and Ideology

	<i>Dependent Variable: Justice Ideology (ideo)</i>					
	Base Model 1 OLS	Results	Base Model 2 OLS	Results	Final Model OLS	Results
Party Affiliation (<i>parnom</i>)					Broadly Republican	-0.42*** (0.07)
					Independent	-0.00*** (0.00)
Economic Status (<i>famses</i>)			Middle-Class	-0.13 (0.12)	Middle-Class	-0.06 (0.09)
			Upper-Class	-0.24* (0.13)	Upper-Class	-0.19* (0.09)
Judiciary Exposure (<i>famjud</i>)			Yes	0.40* (0.22)	Yes	0.62*** (0.16)
Attended Law School (<i>lawschn</i>)			No	-0.47 (0.30)	No	-0.53** (0.21)
Birth Period (<i>birth</i>)	1750 - 1799	-0.00 (0.00)	1750 - 1799	-0.00 (0.00)	1750 - 1799	0.00*** (0.00)
	1800 - 1849	-0.00 (0.00)	1800 - 1849	-0.00 (0.00)	1800 - 1849	-0.00*** (0.00)
	1850 - 1899	0.37*** (0.07)	1850 - 1899	0.37*** (0.07)	1850 - 1899	0.30*** (0.05)
	1900 - 1949	0.07 (0.06)	1900 - 1949	0.09 (0.07)	1900 - 1949	0.16*** (0.05)
	1950 - 1999	-0.12 (0.11)	1950 - 1999	-0.03 (0.12)	1950 - 1999	0.11 (0.09)
Race (<i>race</i>)	Not White	0.21 (0.18)	Not White	0.06 (0.20)	Not White	0.02 (0.14)
Gender (<i>gender</i>)	Not Male	0.29* (0.17)	Not Male	0.33** (0.17)	Not Male	0.16 (0.12)
Intercept		0.33*** (0.05)		0.43*** (0.06)		0.568*** (0.06)
<i>N</i>		39		39		39
<i>R</i> ²		0.28		0.41		0.72

Standard errors in parentheses.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

filiation does affect the perceived ideology of a judge. As for the controls, the birth variable was statistically significant for most judges except for those born in the periods 1750 to 1799 and 1950-1999. The coefficients on birth had no clear discerning trend but showed that the judges born at a later period (from 1850 onwards), all else equal, were more liberal than the older judges. This was specifically the case for judges born between 1850 to 1899 — around the civil war era. The calculated impact of the coefficient for this category (0.30) means that all else equal, being born between 1850 to 1899 results in a significant shift towards a liberal ideology compared to the baseline (judges born between 1700-1749). As the Segal and Cover measures are more likely to indicate the specific preferences over civil liberties and rights issues, this perhaps provides a plausible explanation as to why these judges have a stronger leaning towards liberal views. The results indicate that coming from a higher-income background also increases the conservatism of a judge compared to those from a lower-income background (the baseline). This, however, was only statistically significant at 90% confidence levels.

For the remaining control variables, we see a statistically significant relationship between judges' exposure to judicial service through a parent that makes them more liberal. The *race* and *gender* variables appear not to have any significant effect on ideology, but as explained earlier in the descriptive analysis, the diversity or demographic of the judges is quite limited. As such, these variables are unlikely to produce meaningful interpretability unless we have more data. The attendance of law school, while significant at 99% confidence level does not appear to have a substantial effect on the likelihood for a judge having a liberal ideology — rather the opposite. Bonica et al.'s paper suggests that elite law schools tend to make lawyers more liberal, but this does not appear to have filtered into our population. There are potentially many reasons for this but most important is likely the fact that our *lawschn* variable has not distinguished between a judge attending an elite law school or otherwise.

Generally, the results shed some light on the question of whether party affiliation shapes the perceived ideology of a U.S. SC judge. Simple univariate results do not control for other characteristics affecting the ideology such as those outlined above, while this multiple regression analysis allows us to distinguish the effect of other independent factors to see the residual impact of party affiliation on ideology.

4.2 Robustness Checks & Limitations

Although our final model provides some guidance as to how ideological measures may be shaped, there is limited causal inference that can be made on the actual voting patterns of judges — even excluding the issue of our limited sample size. As the Segal and Cover scores are measured indirectly through sources such as the media, it implies that the media is a reliable authority on the personal preferences of the judges. Considering that our laws set out specific precedents and legislature that the judges are meant to interpret, it is difficult to see latent effects of their attributes or preferences on voting patterns through a third-party opinion, no less before they are appointed to the SC. Epstein et al. also provide variables that track the votes of each judge and whether they are perceived as liberal or conservative votes — given the issue and the effect on society. Perhaps a more reliable measure for further justice level analysis is to see the influence of their party affiliation and characteristics against their voting records. Due to the limited scope initially set out in scope for this paper, I will not conduct this analysis as it requires significant data preparation and wrangling. However, it is worth noting that they offer the opportunity to analyse a more direct indicator of a judge’s decision-making process than the ideology measures. This also helps with the issue of the population size as while the number of judges does not change, the number of cases voted on goes into the thousands, enabling granular analysis of patterns in judicial decision-making across issues.

Most political analysts studying the behaviour of key figures confront measurement problems, but scholars of judicial politics, in particular, face severe hurdles in pinpointing the ideologies of judges who are supposed to be ideologically removed from their political preferences in cases. The approaches to the study of legal decision-making require observers to identify the preferences (or attitudes) of jurists from sources independent of the votes they cast. However, using the actual votes provided by Epstein et al. also presents issues. Taking into consideration the fact that judges, unlike other political actors, are not disposed to uncovering their attitudes and values, scholars have used their votes as surrogates for those beliefs (Epstein et al., 1989). A noteworthy criticism of this attitudinal model, as Segal and Spaeth explain, is that it employs circular reasoning since the preferences and attitudes used to explain the judges’ votes are based on these self-same votes (Segal & Spaeth, 2002). Early attitudinal theorists used the results of their cumulative scales and factor analyses to explain the judges’ votes, with the scales and factors used to evidence the explanatory

power of the attitudinal model (Segal & Spaeth, 2002; Epstein et al., 1989). As the judicial process literature assumes that political preferences are the most critical determinants of the vote, this has been viewed as a circularity problem that limits the strength of the claims that can be made.

Furthermore, one must question how this might also be limited by the potential for ideologies or decision-making heuristics of judges to evolve or change over time. The results from Epstein (2007) indicate that while in the short-term ideology may prove useful for indicating preferences and voting patterns, in the longer-term the ideological boxes into which presidents, senators, and the public place judges at the time of their nomination are not fixed (Epstein et al., 2007). Drifts to the right or, more often, the left appears to be the rule, not the exception (Epstein et al., 2007). We thereby have to think of more evolved ways for analysing judicial behaviour — and many scholars have already done significant work on this. Andrew D. Martin and Kevin M. Quinn employ Markov chain Monte Carlo methods to fit a Bayesian measurement model of ideal points (policy preferences on a one-dimensional scale) for all the judges based on the votes in every contested SC case since 1937. Although this still approach faces the *circularity problem*, it could be substituted for the Segal and Cover scores to see the variation of the effects of preferences over time (Martin & Quinn, 2002).

5 Conclusion

The statistical model presented in this paper represents one of the first efforts to systematically determine the preferences and characteristics that influence the independence of a judge’s ideology using an explanatory variable that is beyond expected legal considerations. First, we see that multiple regression analysis is a relatively accurate way of predicting a SC judge’s Segal and Cover ideology score. For example, our test case with Brett Kavanaugh showed some promising results in indicating that he would ideologically lean towards a conservative view on the Segal and Cover scale — though he may still surprise us in practice. Our final model also shows that the party declared by the judge prior to nomination is a significant variable, indicating that regardless of their prior history this is a good way to infer their perceived ideology once they are appointed to the SC.

Second, the model says something about the effects of the period a judge was born, their economic status, exposure to the judiciary through a parent. It shows that these could have

possible effects on the perceived ideology of a judge. While this may not directly translate into the actual votes cast by the judge, it signals to us that there may be an underlying bias in the thought process of a judge, which the public (through the media) has picked up on. Third, it is as interesting to know what is not statistically significant as what is statistically significant. Most notably, according to our results, gender and race could also play a role in the ideological score of a judge, i.e. non-male and non-white judges tend to have more liberal ideological scores than male and white judges do. While the limited nature of the data makes this a problematic causal connection to make, it does speak to a broader issue with regards to the make-up of the SC. Undoubtedly, the nomination to the highest court of the country is partly based on merit, but what does it say to the public whose ideology is being represented in the SC if the make-up is not representative of the people. If indeed the characteristics of a judge influences their ideology and decision-making, a predominantly white and male SC makes for laws that are not representative of the public's view or preferences.

Finally, all of this analysis was limited by the fact that the measurement of ideology requires observers to identify the preferences of jurists from third-party sources. I say this not to discard of all the analysis conducted but as a word of caution to emphasise the limitations of the model. Realistically, the model perhaps gives us a better than average guess on what the ideological leaning of a judge might be, but to use it as a benchmark for how a judge might vote or a reliable estimate of their actual ideology is tenuous at best and at worst, wrong statistical analysis. It does, however, tell us that the judiciary might not be as removed as it might assume from the political and socio-economic bias we are all prone to. So, it is worth taking a step back to scrutinise the motivations and decision-processes to ensure the personal and political do not feed into the judicial.

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