

Impact of a Supreme Court Decision on the Preferences of Americans regarding Abortion Policy

Raphael Thomadsen¹

Robert Zeithammer²

Song Yao³

Abstract

We examine the effect of a U.S. Supreme Court decision regarding abortion laws on Americans' preferences for political candidates. The decision was leaked in advance of the official announcement, and we track the evolution of political preferences from before the leak to after the leak, and eventually after the formal announcement. The abortion issue was already very important to voters before the leak, but the Court's decision did not simply make it more important for everyone. We find that the decision decreased the importance weight of abortion for Republicans while increasing it for independents/non-voters. Further, the decision increased Republican support for candidates who want to ban abortions, although this effect is diminished for candidates that oppose exceptions for rape, incest, or the mother's health. Non-affiliated voters move sharply away from candidates who want to ban abortions without exceptions. The decision also resulted in a lasting polarization along gender lines whereby men became more likely to vote for a candidate that supports a ban on abortion, while women are less likely to support candidates that ban abortions.

¹ Professor of Marketing, Olin Business School, Washington University in St. Louis. thomadsen@wustl.edu

² Professor of Marketing, UCLA Anderson School of Management.

³ Associate Professor of Marketing, Olin Business School, Washington University in St. Louis.

1. Introduction

This paper examines how the information that the legality of abortion was no longer guaranteed in the United States affected Americans' preferences towards candidates for political office. The new information appeared in two distinct steps: First, on May 2, 2022, *Politico.com* released a leaked draft of Justice Alito's decision in the *Dobbs v. Jackson Women's Health Organization* (hereafter, *Dobbs*) case. This draft showed that there were 5 Justices who would vote to completely overturn the 50-year-old *Roe v. Wade*, which provided the right to abortions in all of the U.S. Before the leaked draft, the conventional wisdom was that the Supreme Court would allow further limits on abortion, but not outright bans. Media coverage of the leak was extensive. Many analysts focused on the implications of the leak for the 2022 Congressional elections, with much of the press arguing that the announcement would help the Democrats win elections in the fall, 2022 (E.g., Hounshell 2022). The final decision was almost unchanged from the leaked draft, and was released on June 24, 2022.

Theory is ambiguous about the effect of this ruling on voting preferences of Americans. First, the extensive media coverage associated with the case may strengthen preferences of all voters by bringing the issue of abortion to the foreground of the political discourse. On another hand, loss aversion would predict that "pro-choice" voters who lose the right they value would react more strongly than "pro-life" voters who attain the goal they have been fighting for decades. Finally, the ruling may have no effect because abortion has been a central issue in the political landscape for years, and preferences towards specific abortion policies could be settled in voters' minds.

We measure the effect of *Dobbs* by running identical conjoint surveys at three points in time: 1) five weeks before the leak, 2) five days after the leak, and 3) two weeks after

official decision. Conjoint surveys present respondents' choices of hypothetical products, and then use these choices to estimate each individual's preferences (Green and Srinivasan 1978, Cattin and Wittink 1982, Green, Krieger and Wind 2004). In our analysis, the products respondents choose between are candidates for a U.S. Senate seat. The hypothetical candidates differ from each other in terms of political party as well as their stances towards six key issues: abortion, taxes, illegal immigration, climate change, health insurance, and poverty. A key advantage of conjoint surveys over conventional polls about the impact of abortion policy on voting intentions is that conjoint analysis includes multiple additional attributes of political candidates, and thus does not suffer from focalism bias (e.g. Schkade and Kahneman 1998). This multi-attribute focus is also well known to generate reliable measures of how much importance each respondent places on each attribute.

We analyze the survey results through two measures standard in conjoint analysis research: importance weights and simulated vote shares. Surprisingly, we do not find an increase in importance of abortion among Democratic voters predicted by the loss-aversion theory. Instead, the *Dobbs* decision decreased the importance weight of abortion for Republicans and increased it for independents/non-voters. In terms of the simulated voting shares, the *Dobbs* decision had a short-lived polarizing effect along party lines followed mostly by retrenchment to pre-leak positions. Further, the decision also durably polarized voters along gender lines, with men increasing their support for candidates who support abortion bans with exceptions for rape or health, and women decreasing their support for such candidates. While different groups of people were thus polarized in their relative preference for abortion rights vs. a ban with exceptions, we find the decision solidified a distaste for bans without exceptions.

In addition to the importance of the findings of the paper in their own right, we note that there is a large literature in both marketing and political science about how preferences get formed. For example, there has been a debate about whether preferences are constructed (see e.g. Slovic 1995 or Lichtenstein and Slovic 2006 for a summary of this literature) or not (e.g. Simonson 2008). Such discussions on preference formation have appeared in the political science literature, too (See Druckman and Lupia 2000). While we cannot disentangle the cause of any changes we observe, we note that the situation we study involves several of the potential triggers for shifting preferences that are listed in Druckman and Lupia (2000). In particular, the events around the *Dobbs* decision led to increased salience of the abortion issue, and also echoed concerns people may have about abortion in a way that brought recency to the issue. Related to this discussion is also the role of framing in terms of preferences (e.g., Tversky and Kahneman 1985, Quattrone and Tversky 1988). While we do not focus on the mechanism driving preference formation, our study does show that a change in the status quo changes people's political preferences. However, it is impossible for our data to distinguish whether this is because of the wide attention this decision received (which would be consistent with preference formation at the time of the decision), or because the impact of voting for a candidate who wants to ban abortion is now more consequential, since such a ban could actually be enforced.

2. Data

Our analysis is based on three identical surveys, starting on the following Saturdays at 2pm Pacific time:

- 1) March 26, 2022, about five weeks before the decision was leaked to the media.

2) May 7, 2022, five days after the decision was leaked to the media.

3) July 9, 2022, about two weeks after the decision was formally announced on June 24.

We matched the timing and day-of-the-week of the surveys to minimize sample selection effects that could come from surveying people at different times of the day or days of the week.

We next describe the samples that we used and the specific survey design. The data, code, and analyses appear at the following website: <https://tinyurl.com/roe-wade-conjoint>.

2.1 Sampling strategy

Our survey respondents were recruited using Prolific.co. Table 1 provides a summary of the break-down of the sample by several demographic characteristics. We selected Prolific’s “Representative sample” panel of Americans, where the sample is balanced according to Sex, Age, and Ethnicity. Unfortunately, we have found that this sample is more educated, votes more, and leans more Democratic than Americans as a whole. To correct this bias for our analysis, we report all results by party affiliation and weigh our results according to how the respondents voted in 2020.⁴ The weights are calculated separately for every survey run, not only de-biasing the results but also removing minor fluctuations in representativeness across the three runs as potential explanations for differences in average preferences between runs.

⁴ We weight each respondent who voted for candidate j by $\frac{ActualVotes_i}{SampleVotes_j \cdot Wave_k}$ where $ActualVotes_i$ reflects the actual population voting for Biden, Trump, a third-party candidate, or not voting, and $SampleVotes_j \cdot Wave_k$ is the fraction of respondents in wave k (1 = before leak, 2 = after leak but before decision, 3 = after decision) that report voting for each of the two hypothetical candidates or not voting, respectively. The Web Appendix Table W1 gives these numbers for each of the waves.

Table 1 Sample Breakdown

Demographic		actual	before leak	after leak	after decision
gender	male	49.5%	47.3%	49.2%	46.8%
	female	50.5%	49.6%	49.8%	51.7%
education	high school or less	27.9%	13.9%	15.6%	14.1%
	some college / assoc. degree	25.4%	32.3%	31.6%	33.3%
	4-year college degree	23.5%	32.3%	35.2%	36.6%
	masters and above	14.4%	21.5%	17.6%	16.1%
age	18 to 24	13.0%	15.9%	15.6%	13.3%
	25 to 44	26.8%	35.4%	34.9%	34.8%
	45 to 64	25.2%	38.0%	38.9%	41.7%
	65 and over	16.8%	10.8%	10.6%	10.2%
race and ethnicity	Native American	1.7%	2.3%	2.3%	1.0%
	Asian American	6.0%	9.6%	7.0%	5.6%
	Black and African American	12.4%	13.9%	12.0%	13.6%
	Hispanic	18.7%	6.0%	6.6%	6.1%
	White	57.8%	70.8%	77.1%	78.0%
2020 election	Biden	34.0%	58.9%	62.1%	62.9%
	Trump	31.0%	21.3%	19.9%	19.2%
	Other candidate	1.3%	6.0%	4.7%	2.8%
	Did not vote	33.8%	13.9%	13.3%	15.1%

Respondents were directed to a survey run on Sawtooth Software's platform. All respondents were required to take the survey either on a desktop computer or a tablet because the conjoint-analysis format we used does not work well on phones. As is standard practice in survey analysis, we eliminated the approximately 10 percent of respondents who sped through the survey (took less than 6 minutes to complete the survey). These restrictions resulted in 353 useable respondents before the leak, 301 after the leak, and 391 after the decision.

2.2 Survey design and estimation

We ask respondents to imagine that they are voting for a U.S. Senate candidate, and need to choose between two candidates. The candidates differ along seven policy attributes: political

party, climate change, income tax, illegal immigration, health insurance, poverty, and abortion. Before asking respondents for their voting preferences, we describe each attribute and its levels on a separate page, randomizing the order of the attributes between subjects.

Table 2 Conjoint Analysis design

Attribute	Level 1	Level 2	Level 3	Level 4	Level 5
Party affiliation	Democrat	Republican			
Income tax	+\$2,000/year	Same as today	-\$2,000/year		
Health insurance	Medicare for all	Expand Medicaid	Privatize	Keep as today	
Poverty	Tax credits to households	Job training	Employer tax breaks	No change from today	
Illegal immigration	Build the wall & enforce	Increase enforcement, no wall	Expand legal options	No change from today	
Abortion	Legal up to 28 weeks	Legal up to 12 weeks	Illegal with exceptions	Illegal without exceptions	
Climate change	Carbon tax	Stricter energy standards	Green energy subsidy	Infrastructure to counter	No change from today

We designed the levels of each attribute to capture current and proposed policies by both political parties. We tried to explain the levels in a neutral tone and adopt language used by party advocating each policy. Table 2 lists all the attributes and their levels. The precise phrasing of survey, instructions, as well as the ordering of the survey and the context it was given can be found at <https://tinyurl.com/roe-wade-conjoint>.

Most of the attribute levels in Table 2 are self-explanatory, so we only clarify a few of them in this paragraph. Regarding the health-insurance attribute, we explicitly focus only on working-age Americans, with the level “Privatize” defined as repealing “The American Care

Act, sometimes called Obamacare.” The “Tax credit” level of the Poverty attribute was defined as a refundable tax credit of \$1000 per month to all American adults and \$500 per month per child with a phase-out at \$250,000.

Most relevant for the purposes of this paper are the four levels of abortion laws we included, described as follows:

- Legal up to 28 weeks: Abortion is legal everywhere in the US for all abortions before 28 weeks of pregnancy, or to protect the health, life and well-being of the mother.
- Legal up to 12 weeks: Abortion is allowed for the first 12 weeks of pregnancy, and then is banned except to protect the health, life and well-being of the mother.
- Illegal with exceptions: Abortion is always banned, with exceptions for rape/incest and the mother’s health. That is, abortion is allowed in cases of rape or incest, or in cases to protect the health, life and well-being of the mother.
- Illegal without exceptions: Abortion is always banned, with no exceptions.

Once the above attributes and levels were defined, survey respondents were told “Now, imagine the US Senate seat in your state is open. Starting on the next page, you will see two candidates for US Senate running for the open seat in your state described in terms of the policies they support. Please select the politician you would vote for if these were the only candidates.” The respondents then were presented with 20 pairs of choices. We used a partial-profile approach where only 4 attributes were shown at the time, with randomization handled by Sawtooth Software, in order to keep each choice easier to read and comprehend. Figure 1 shows an example of such a choice. The estimation was conducted within Sawtooth Lighthouse version 9.14.0, running for 50,000 iterations before saving every fifth MCMC

draw for another 50,000 iterations. We then used the resulting 10,000 posterior draws per respondent to conduct all of our analysis.

Figure 1: Screenshot of a sample conjoint question

If these were the only candidates running for the open US Senate seat in your state, which one would you vote for? Assume the candidates' policies are the same on all other issues not shown below.

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Abortion	Illegal with exceptions	Legal up to 12 weeks
Health insurance	Privatize	Keep as today
Poverty	Tax credits to households	Employer tax breaks
Climate change	Carbon tax	Green energy subsidy
	Select	Select

3. Individual-level measures of interest

We focus our examination of the survey results on two measures of interest standard in conjoint analysis research: importance weights and simulated vote shares, both averaged over $N=10,000$ MCMC parameter draws after convergence. The starting point of both measures are the individual-level “partworth” utility draws $u_{i,a,k,n}$ for individual i , attribute a , attribute-level k , and MCMC draw n . An individual i places a mean importance weight $IW_{i,a}$ on attribute a defined as

$$IW_{i,a} = \frac{1}{N} \sum_{n=1}^N \frac{\max_k(u_{i,a,k,n}) - \min_k(u_{i,a,k,n})}{\sum_{a'=1}^A \max_k(u_{i,a',k,n}) - \min_k(u_{i,a',k,n})}. \quad (1)$$

Importance weights capture the range of utility levels within an attribute as a percentage of the total range of utility levels across all attributes. It is meaningful to compare importance weights across people who took the same survey, but the actual percentage number does not have a meaning outside of a particular survey design.

One person's importance weight of abortion captures the difference between the person's most preferred and least preferred levels of abortion policy, so an average importance weight across a group of people is a useful measure of how strongly that group feels about abortion policies even when individual members do not agree on their preferred policies. Simulated vote share is a natural counterfactual statistic with choice-based conjoint data because voting choices are directly measured in the data, and the average vote share across a group of people is a relevant estimate of the proportion of votes a candidate would receive.

To bring the vote-share counterfactuals close to the data-generating process, we always pit two candidates against each other in our simulations. One candidate supports abortion choice for the first 28 weeks of pregnancy, a position we refer to as *Roe*. We denote this pro-*Roe* candidate as $d(p_d)$, where the vector p_d collects the pro-*Roe* candidate's positions on other issues. The $d(p_d)$ candidate competes against another candidate, $r(a, p_r)$, who has position a on abortion and positions p_r on the other issues. The simulated probability individual i would vote for candidate r advocating abortion policy a based on the MCMC draw n is dictated by the logit model assumed in the estimation:

$$Pr_{i,r(a,p_r),n} = \frac{\exp(u_{i,a,n} + \sum_{s=2}^7 u_{i,p_r(s),n})}{\exp(u_{i,a,n} + \sum_{s=2}^7 u_{i,p_r(s),n}) + \exp(u_{i,Roe,n} + \sum_{s=2}^7 u_{i,p_d(s),n})} \quad (2)$$

In equation 2, s indexes the six attributes other than abortion, and $p_x(s)$ represents the position of candidate $x \in \{d, r\}$ on issue s .

To complete our analysis, we need to define the candidates' positions on all attributes other than the abortion attribute. We consider two simulated races: a) a single-issue competition in which the two candidates are identical except for their position on abortion, i.e., $p_d(s) = p_r(s)$ for all $s \neq \text{abortion}$ and b) a competition between archetypal representatives of the two major parties, i.e. a Democratic $p_d = (\text{Democrat, Increase Income Tax by \$2K/year, Expand legal immigration options, Medicare for all, Green energy subsidy, Tax credits to households to alleviate poverty})$, and Abortion legal up to 28 weeks competing with a Republican $p_r = (\text{Republican, Reduce Income Tax by \$2K/year, Build a border wall and enforce immigration laws, Privatize healthcare, do nothing new about climate or poverty})$. The first setting is a good approximation of a closed primary in which abortion is the main difference between candidates, while the second setting is a good approximation of a general senate election. As noted in Section 2.1, we weight each of the respondent's probability of voting for each candidate based on the respondent's 2020 Presidential vote choice. See that section for more details.

Note that we include "Did Not Vote" as a group of Americans. We include this to note that our vote shares are meant to reflect the preferences of Americans rather than to predict election outcomes. In an extension in Web Appendix W2, we also explore setting the weight of "Did Not Vote" to zero in order to capture preferences of likely voters at the expense of ignoring 14 percent of our sample.

4. Results

4.1 Importance Weights

We begin by examining the importance of abortion to Americans at the three points in time when our survey was administered. The posterior weighted averages and standard deviations of individual mean importance weights can be found in Table 3 (see equation 1 for definition of individual-level mean importance weight). The key take-away from Table 3 is that the population-average importance weight of abortion remains remarkably stable through time. We therefore do not find any evidence that abortion became more (or less) important after the leak or after the decision.

Table 3: Importance Weights, population average

Survey	abortion	time effects on abortion	party	income	immigration	climate	healthcare	poverty
before	27.4%		7.5%	10.1%	14.6%	13.1%	17.5%	9.9%
SE	0.7%		0.4%	0.5%	0.5%	0.6%	0.6%	0.5%
after leak	27.0%	-0.4%	8.4%	10.1%	14.3%	13.5%	16.6%	10.2%
SE	0.8%	1.0%	0.4%	0.5%	0.6%	0.6%	0.6%	0.5%
after decision	27.8%	0.4%	7.8%	10.7%	14.0%	12.1%	17.1%	10.5%
SE	0.7%	0.9%	0.4%	0.5%	0.5%	0.5%	0.5%	0.5%

Note to Table: The shaded cells contain temporal differences of interest. Using the Normal approximation, variance of the difference is computed as the inverse of total precision.

While abortion clearly did not, on average, become more important over time, the population averages in Table 3 mask substantial changes in importance for some groups of Americans. When we break down the importance-weight averages by party affiliation in Table 4, we find that the Dobbs decision polarized partisan voters by making abortion less important to Republicans and more important to everyone else. Even before the leak of the decision, Democrats considered abortion to be more important than Republicans did, but the

difference in importance more than doubled by the time the decision was announced. The decrease in importance among Republicans is consistent with the theory that having overturned *Roe*, Republicans felt they could rest on their laurels and focus on other issues.

Table 4: Importance Weights by party affiliation

	abortion	time effects vs. before	party	income	immigration	climate	healthcare	poverty
Democrats								
before	29.7%		6.9%	8.3%	14.4%	12.1%	19.2%	9.4%
SE	0.8%		0.4%	0.5%	0.6%	0.6%	0.7%	0.5%
after leak	29.1%	-0.7%	7.6%	9.5%	13.5%	12.6%	17.9%	9.8%
SE	0.9%	1.2%	0.5%	0.6%	0.6%	0.6%	0.6%	0.5%
after decision	31.0%	1.2%	6.8%	8.9%	13.6%	11.3%	18.0%	10.3%
SE	0.8%	1.1%	0.4%	0.5%	0.6%	0.5%	0.5%	0.5%
Republicans								
before	26.4%		8.8%	11.4%	14.8%	13.9%	14.8%	10.0%
SE	1.0%		0.7%	0.8%	0.8%	0.8%	0.8%	0.7%
after leak	24.6%	-1.8%	10.3%	9.9%	15.5%	14.3%	14.9%	10.5%
SE	1.2%	1.6%	0.8%	0.9%	1.0%	0.9%	1.0%	0.8%
after decision	23.9%	-2.5%	9.7%	13.1%	14.6%	12.9%	15.6%	10.3%
SE	1.0%	1.4%	0.7%	0.8%	0.8%	0.8%	0.8%	0.7%
Other								
before	24.9%		7.1%	11.5%	14.6%	13.6%	18.0%	10.5%
SE	1.1%		0.6%	0.8%	0.8%	0.8%	0.9%	0.7%
after leak	26.1%	1.3%	7.8%	10.9%	14.2%	14.2%	16.3%	10.6%
SE	1.1%	1.6%	0.7%	0.9%	0.9%	0.9%	0.9%	0.8%
after decision	27.4%	2.6%	7.1%	10.5%	14.0%	12.5%	17.6%	10.9%
SE	1.1%	1.5%	0.6%	0.7%	0.7%	0.7%	0.8%	0.6%
Democrats-Republicans								
before	3.36%		-1.91%	-3.10%	-0.31%	-1.87%	4.45%	-0.62%
SE	1.32%		0.76%	0.95%	1.00%	0.98%	1.05%	0.87%
after leak	4.46%	1.1%	-2.63%	-0.43%	-1.95%	-1.77%	2.98%	-0.65%
SE	1.48%	2.0%	0.93%	1.03%	1.16%	1.10%	1.15%	0.92%
after decision	7.05%	3.7%	-2.83%	-4.16%	-1.02%	-1.53%	2.44%	0.06%
SE	1.26%	1.8%	0.75%	0.96%	0.98%	0.90%	0.94%	0.81%

Note to Table: The shaded cells contain differences of interest. **Differences** for these numbers that are significant at the **5% level are bold**, and differences significant at **10% level are bold italic**.

Another effect hiding inside the lack of change at the population level is polarization effect across genders. When we break down the importance-weight averages by gender in Table 5 we find that abortion gains importance among women while losing importance among men. The gap nearly doubles from 2.3% before the leak to 4.1% after, but the difference is not statistically significant.

Table 5: Importance Weights by gender

	abortion	time effects on	party	income	immigration	climate	healthcare	poverty
Males:								
before	26.2%		7.4%	10.2%	14.3%	13.2%	18.7%	9.9%
SE	0.8%		0.5%	0.6%	0.6%	0.7%	0.7%	0.6%
after leak	25.2%	-1.0%	8.7%	10.4%	14.7%	13.8%	16.9%	10.3%
SE	0.8%	1.1%	0.5%	0.7%	0.7%	0.7%	0.7%	0.6%
after decision	25.6%	-0.6%	8.2%	10.9%	14.3%	12.4%	17.9%	10.6%
SE	0.7%	1.1%	0.5%	0.6%	0.6%	0.6%	0.6%	0.5%
Females:								
before	28.5%		7.8%	10.0%	14.8%	12.9%	16.2%	9.8%
SE	0.9%		0.4%	0.6%	0.7%	0.6%	0.6%	0.6%
after leak	28.6%	0.1%	8.1%	9.7%	13.8%	13.4%	16.4%	10.1%
SE	1.0%	1.3%	0.5%	0.6%	0.7%	0.6%	0.7%	0.6%
after decision	29.7%	1.2%	7.5%	10.6%	13.7%	11.9%	16.4%	10.4%
SE	0.9%	1.2%	0.4%	0.6%	0.6%	0.6%	0.5%	0.5%
Females - Males								
before	2.30%		0.42%	-0.20%	0.45%	-0.35%	-2.52%	-0.09%
SE	1.17%		0.63%	0.84%	0.90%	0.91%	0.94%	0.80%
after leak	3.38%	1.1%	-0.61%	-0.71%	-0.94%	-0.42%	-0.55%	-0.15%
SE	1.27%	1.7%	0.74%	0.91%	0.95%	0.93%	0.99%	0.79%
after decision	4.08%	1.8%	-0.77%	-0.36%	-0.62%	-0.57%	-1.58%	-0.17%
SE	1.12%	1.6%	0.63%	0.81%	0.84%	0.81%	0.81%	0.74%

4.2 Simulated vote shares

While examining importance weights provides useful information about preference shifts, it can mask individual differences in the direction of these changes. For example, Democrats and Republicans both put the greatest weights of importance on abortion compared to the other issues we sampled, but the two groups differ in their preferred policy. Democrats most prefer having the fewest restrictions on abortion while Republicans most prefer an abortion ban with exceptions for rape/incest and health. To preserve these differences, we conduct our analysis using simulated vote shares.

We consider two scenarios defined in Section 3 above: a single-issue race, as well as a contest between prototypical Democrat and Republican candidates. Note that in the single-issue race, an r candidate that supports a right to an abortion up to 28 weeks would match their d opponent, and thus obtain a 50% vote share regardless of voter preferences. In every period, any deviation of r 's share from the 50% benchmark can be attributed solely to abortion preferences. In other words, the single-issue race isolates the differences in utility our respondents derive the focal change in abortion policy. For this reason, the single-issue races will be our main lens for analyzing the impact of *Dobbs* on abortion preferences.

While a single-issue race is good at isolating the abortion issue, it cannot capture changes in preferences about other policies over time. For example, people may respond to the *Dobbs* decision by becoming more partisan, perhaps reflecting a strategic calculation that the party that controls the government may affect policy beyond just the positions of their particular candidate. On the other hand, including preferences for other attributes – especially party – risks that the results are confounded by other events that occurred during our survey period. For example, according to [fivethirtyeight.com](https://www.fivethirtyeight.com), Biden's average approval-

disapproval numbers were 42.0%-52.8% on March 26, 42.2%-52.4% on May 7, and 38.4%-56.4% on July 9. Our simulation of the prototypical candidates accounts for these changes.

Table 6: Simulated vote share of an anti-abortion (with exceptions) candidate who faces a candidate supporting abortion rights

Groups	Participants	before	after leak	diff leak-b4	after decision	diff after – b4
Single Issue Race						
All	Americans	37.4%	34.1%	-3.3%	37.5%	0.2%
	SE	1.2%	1.4%	1.9%	1.2%	1.7%
Political affiliation split	Democratic	16.6%	12.7%	-3.9%	14.4%	-2.2%
	SE	1.3%	1.6%	2.1%	1.4%	1.9%
	Republican	61.9%	71.6%	9.7%	66.8%	4.9%
	SE	2.5%	2.8%	3.8%	2.6%	3.6%
	Other	41.4%	31.3%	-10.1%	38.4%	-3.0%
	SE	2.5%	2.8%	3.7%	2.4%	3.5%
Gender split	Male	34.3%	38.4%	4.1%	40.4%	6.0%
	SE	1.8%	2.0%	2.7%	1.8%	2.6%
	Female	41.4%	30.5%	-10.9%	35.4%	-6.0%
	SE	1.6%	1.8%	2.4%	1.6%	2.2%
Prototypical Candidates						
All	Americans	34.5%	33.6%	-0.9%	36.5%	2.0%
	SE	1.4%	1.6%	2.2%	1.5%	2.0%
Political affiliation split	Democratic	8.0%	7.7%	-0.2%	7.7%	-0.3%
	SE	1.3%	1.7%	2.2%	1.6%	2.0%
	Republican	67.9%	75.7%	7.9%	75.8%	7.9%
	SE	3.0%	3.3%	4.4%	2.9%	4.2%
	Other	37.4%	33.2%	-4.2%	34.1%	-3.4%
	SE	3.1%	3.6%	4.8%	3.1%	4.4%
Gender split	male	31.0%	37.4%	6.4%	40.3%	9.3%
	SE	1.8%	2.3%	2.9%	2.1%	2.7%
	female	39.0%	30.6%	-8.4%	33.5%	-5.6%
	SE	2.2%	2.2%	3.1%	2.0%	2.9%

Note to Table: The shaded cells contain temporal differences of interest. **Bold** = 5% significance, **Bold italics** = 10% significance

We begin considering the payoff to an anti-abortion candidate who supports a ban on abortion with exceptions, as reported in Table 6. In aggregate, there are only small shifts in

the population-level simulated vote shares from the *Dobbs* decision. However, we observe a significant shift towards anti-abortion candidates among Republicans, which seems to dissipate somewhat over time in a single-issue race but not in the prototype race. Democrats do not exhibit any significant shifts. The remaining respondents (independents and non-voters) shift in favor of the pro-abortion candidate, but only in the short run. Overall, the single-issue race simulations demonstrate that the leaked decision only had a short-term effect in shifting the preferences by party, followed by a re-entrenchment into the initial positions. The prototype race simulations captures the shift in overall multi-attribute preferences, and suggests that Republican candidates may benefit from the *Dobbs* decision but only among their own partisan voters.

A more lasting polarization happens across genders, with females shifting their votes away from anti-abortion candidates and males doing the opposite in both types of races. In fact, the decision actually flips the gender preferences: before the leak, more women support anti-abortion candidates than men, but after the leak more men than women support anti-abortion candidates. This pattern is consistent with media reports that the *Dobbs* decision galvanized the support for abortion rights among women. It also suggests that there is an (unreported, as far as we know) opposing trend of increased support for abortion restrictions among men.

We next turn our attention towards how *Dobbs* changed people's views towards abortion bans that do not make exceptions for rape or a woman's health. Table 7 shows the analogue of Table 6 when the anti-abortion candidate advocates for banning abortion without exceptions.

Table 7 Simulated vote share of anti-abortion (without exceptions) candidate who faces a candidate supporting abortion rights

Groups	Participants	before	after leak	diff leak-b4	after decision	diff after – b4
Single Issue Race						
All	Americans	32.04%	25.74%	-6.30%	28.72%	-3.32%
	SE	1.23%	1.24%	1.75%	1.18%	1.70%
Political affiliation split	Democratic	11.55%	6.97%	-4.58%	7.88%	-3.67%
	SE	1.23%	1.11%	1.66%	0.99%	1.58%
	Republican	55.31%	59.55%	4.24%	54.58%	-0.73%
	SE	2.53%	2.91%	3.86%	2.58%	3.61%
	Other	37.06%	22.52%	-14.54%	29.99%	-7.07%
	SE	2.62%	2.64%	3.72%	2.37%	3.53%
Gender split	Male	29.51%	28.91%	-0.60%	30.95%	1.44%
	SE	1.73%	2.05%	2.68%	1.76%	2.47%
	Female	35.47%	23.18%	-12.29%	27.04%	-8.43%
	SE	1.64%	1.34%	2.12%	1.49%	2.22%
Prototypical Candidates						
All	Americans	32.59%	30.58%	-2.01%	32.54%	-0.05%
	SE	1.20%	1.41%	1.85%	1.23%	1.72%
Political affiliation split	Democratic	6.48%	6.07%	-0.41%	5.22%	-1.26%
	SE	1.32%	1.64%	2.11%	1.38%	1.91%
	Republican	64.85%	71.68%	6.83%	69.38%	4.53%
	SE	2.51%	2.79%	3.75%	2.56%	3.59%
	Other	35.97%	29.06%	-6.91%	30.68%	-5.29%
	SE	2.53%	2.76%	3.74%	2.41%	3.49%
Gender split	male	29.68%	34.47%	4.79%	36.54%	6.86%
	SE	1.72%	2.42%	2.97%	2.09%	2.71%
	female	36.41%	27.41%	-9.00%	29.27%	-7.14%
	SE	2.16%	2.05%	2.98%	1.87%	2.86%

Note to Table: The shaded cells contain differences of interest, either share increases from advocating for exceptions or the temporal differences in these share increases (marked by “diff”)

We observe that overall there is a decrease in support for abortions bans without exceptions, an effect that is especially pronounced among Democrats, independents, and women. We also observe that bans without exceptions blunt the increased support that

Republicans and men had towards bans with exceptions. The results for the prototypical candidates show greater support for the Republican candidate over time than we observe for the single-issue race, perhaps reflecting Biden's lower support at the time of the latter survey. Table A1 in the appendix shows the difference in the anti-abortion candidate's simulated vote share between Tables 6 and 7. This table shows that given a ban, every group we study prefers exceptions to abortion bans for cases involving rape and the woman's health.

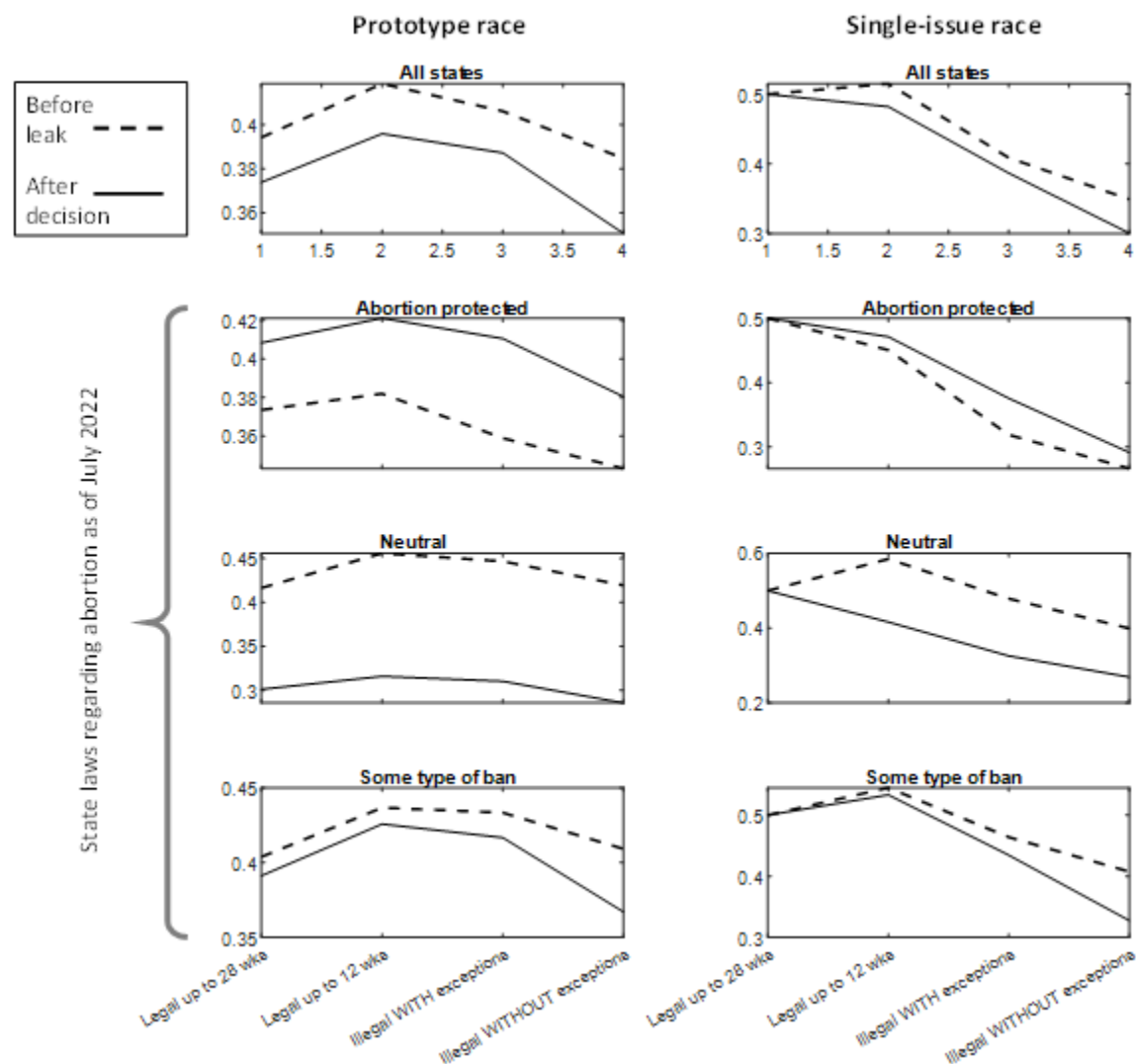
4.3 Republican best response to a pro-abortion candidate

What Republican Party position on abortion maximizes their candidate's chance of winning an election against a Democrat? From the results discussed so far, it is immediate that a candidate that advocates for a ban with exceptions is better positioned than a candidate advocating for a ban with no exceptions, but these results do not tell us how such a policy compares to the success of a candidate that supports abortion rights. We now explore this question, as well as how the answer depends on the state where the contest is held, by simulating the contest for all levels of abortion policy. For this analysis, we focus only on the likely voters (defined as voters who report voting in the 2020 Presidential election).

Figure 2 shows the results of our simulation, with the prototype candidates on the left and single-issue candidates on the right. The top panel shows our estimate of vote shares among all likely voters, and the next three panels break down the vote shares by state laws regarding abortion. Specifically, we use data from the Wall Street Journal to classify each state as either protecting abortion, neutral to abortion, or having some sort of ban on the

books.⁵ We then use the zip code of each respondent to match respondents to abortion-ban status. For clarity, we omit the post-leak measurement and focus on the after-decision (July 9) vs. before-leak (March 26) comparison.

Figure 2: Best response of a Republican candidate to a pro-abortion candidate



⁵ <https://www.wsj.com/articles/where-abortion-is-legal-and-where-it-loses-protections-without-roe-v-wade-11656080346>. Accessed Aug. 6, 2022

It is immediate from the left column of Figure 2 that, among the four levels used in our study, the Republican position that would garner the most support against an prototype Democratic candidate is to advocate legalizing abortion until 12 weeks. Surprisingly, this recommendation holds in every type of state. The right-hand column then implies that the best response in a single-issue national race shifted from advocating for 12 weeks to simply matching the opponent's 28-week policy. This shift is most profound in neutral states, whereas the states with some sort of ban continue to support the 12-week limit. The graphs also re-enforce that an abortion ban without any exceptions for rape, incest, or health is extremely unpopular.

5. Discussion and Conclusion

This paper documents the effect of the *Dobbs* decision on political preferences of Americans using conjoint, which allows us to avoid focalism bias, as well as control for the importance of abortion relative to other policies. The approach also allows us to use simulation to measure the likely impact of candidates choosing different policies. Our timing also allows us to distinguish fleeting short-term effects from longer-term effects.

We find that the leak increased the importance weight of abortion for non-voters and independents, but reduced it for Republicans. Surprisingly, we do not detect an increase in importance among Democrats, and the growing gender divide is also modest and not statistically significant.

The effects of party affiliation on simulated voting, on the other hand, are more fleeting than the effects on importance weights: after increased polarization from the leak, perhaps due to the shock surprise of the announcement, partisans mostly retrenched to their

initial positions in a race between a pro-*Roe* candidate and a candidate advocating a ban with exceptions for rape, incest, or health. In contrast to the rapid retrenchment along partisan lines after the post-leak polarization, we find the Dobbs decision had a more lasting polarizing effect along gender lines, making women more pro-abortion and men more anti-abortion.

Conditional on a ban, every group we study shifted in favor of having exceptions, not just after the leak, but even more strongly after the decision. This implies that advocating for a ban without exceptions is a dominated strategy in just about every contest. So what is the best strategy? We analyze the Republican strategy that maximizes the chance of winning in a contest with a pro-abortion opponent, and find that advocating for keeping abortion legal until 12 weeks is the best response among the four possible policies we considered. Of course, a party's chosen actions are the result of a combination of strategy and inherent values.

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Appendix: Table A1: Share increase of the anti-abortion candidate from advocating for exceptions in a single-issue race

Groups	Participants	before	after leak	diff leak-b4	after decision	diff after – b4
Single Issue Race						
All	Americans	5.31%	8.31%	3.00%	8.82%	3.51%
	SE	1.18%	1.35%	1.79%	1.23%	1.70%
Political affiliation split	Democratic	5.02%	5.69%	0.67%	6.49%	1.47%
	SE	1.23%	1.46%	1.91%	1.27%	1.77%
	Republican	6.57%	12.01%	5.44%	12.20%	5.63%
	SE	2.32%	2.78%	3.62%	2.61%	3.49%
	Other	4.32%	8.76%	4.44%	8.37%	4.05%
	SE	2.37%	2.60%	3.52%	2.27%	3.28%
	SE	2.37%	2.60%	3.52%	2.27%	3.28%
Gender split	Male	4.83%	9.50%	4.67%	9.42%	4.59%
	SE	1.62%	1.98%	2.56%	1.77%	2.40%
	Female	5.94%	7.29%	1.35%	8.34%	2.40%
	SE	1.55%	1.80%	2.38%	1.56%	2.20%
Prototypical Candidates						
All	Americans	1.95%	3.05%	1.10%	3.97%	2.02%
	SE	0.73%	0.99%	1.23%	0.88%	1.14%
Political affiliation split	Democratic	1.49%	1.66%	0.17%	2.48%	0.99%
	SE	0.73%	1.05%	1.28%	0.93%	1.18%
	Republican	3.02%	4.06%	1.04%	6.37%	3.35%
	SE	1.55%	2.04%	2.56%	1.90%	2.45%
	Other	1.45%	4.14%	2.69%	3.39%	1.94%
	SE	1.54%	2.10%	2.60%	1.81%	2.38%
	SE	1.54%	2.10%	2.60%	1.81%	2.38%
Gender split	male	1.36%	2.97%	1.61%	3.78%	2.42%
	SE	0.87%	1.40%	1.65%	1.21%	1.49%
	female	2.62%	3.21%	0.59%	4.21%	1.59%
	SE	1.15%	1.36%	1.78%	1.23%	1.68%