Judicial self fashioning: Rhetorical performance in Supreme Court opinions

Rosamond Elizabeth Thalken [iD]
Cornell University, USA

David Mimno
Cornell University, USA

Matthew Wilkens
Cornell University, USA

Abstract

Justices on the United States Supreme Court use rhetorical strategies to maintain institutional legitimacy. In the court opinion, a strategy called the *monologic voice* presents a flattering depiction of the Court. The monologic voice occurs through two tones, the *individualistic* and *collective*, which respectively maintain the Justices' legitimacy through critique and the Court's legitimacy through unification. We train large language models to identify these rhetorical features in 15,291 modern Supreme Court opinions, issued between 1946 and 2022. While the fraction of collective and individualistic tones has been relatively consistent between 1946 and 2022, the Rehnquist Court used the collective tone at a higher rate than any other Court. In recent terms, 2021 and 2022, we find suggestions of another rhetorical shift, as all Associate Justices of the Roberts Court, excluding Chief Justice Roberts, used the individualistic tone at a historically high rate.

Keywords

Judicial rhetoric, large language models, United States Supreme Court

Corresponding author:
Rosamond Elizabeth Thalken, Cornell University, 107 Hoy Rd, Ithaca, NY 14853-0001, USA.
Email: ret85@cornell.edu

The United States Supreme Court is the preeminent institution of American law. While the Court benefits from long-standing institutional legitimacy, its members actively maintain that legitimacy by reinforcing perceptions of the Court as apolitical and driven solely by the law (Gibson and Caldeira, 2009). Nominated and confirmed Justices persuade the American public and political actors about the Court's continued authority by presenting this idealized version.

Reinforcement of legitimacy occurs through functional and rhetorical symbols—like the courthouse, the gavel, or the robe (Carlson et al., 2019)—and through explicit communication of the Justice's role. In a well-known example, Chief Justice Roberts compared at his confirmation hearing the ideal judge to a baseball umpire:

> Judges and Justices are servants of the law, not the other way around. Judges are like umpires. Umpires don't make the rules, they apply them. The role of an umpire and a judge is critical. They make sure everybody plays by the rules, but it is a limited role. Nobody ever went to a ball game to see the umpire.

Roberts depicts the "Justice as umpire," emphasizing that a Justice must be able to make an objective decision based on legal rules, case circumstances, and precedent. Prior work shows that Justices craft judicial personas like the "Justice as umpire" while engaging in public discourse including interviews and speeches (Glennon and Strother, 2019; Krewson, 2019; Strother and Glennon, 2021). These judicial depictions do not map perfectly onto the substantive decisionmaking and philosophy of the judge. Instead, they are a positive and idealized version of the judge.

In this work, we study the rhetorical maintenance of judicial legitimacy in an on-the-bench and formalized setting: the court opinion. The judiciousness crafted in court opinions is defined through rhetoric and discourse, and does not necessarily have any systematic relationship with the legal content of opinions. Instead, judicial personas are carefully edited, filtered, and curated to engage with or deflect criticism of a given moment. They are an element of the "collegial game," in which Justices strategically calculate how to further their policy interests, build coalitions, and reinforce their position on the Court (Maltzman et al., 2009). The crafting of judicial personas is an ongoing rhetorical project that spans public statements, oral arguments, confirmation hearings, and, perhaps most calculatedly, the text of opinions themselves.

To identify the development of judicial personas in court opinions, we examine an isomorphic rhetorical theory, the *monologic voice*. The monologic voice is one of four rhetorical features described by Robert A. Ferguson as distinguishing the judicial opinion from other legal texts (Ferguson, 1990).[1] According to Ferguson (1990), the monologic voice occurs when a Justice provides a flattering description of the institutional role of the judge and the Court. It is a process of "judicial self-fashioning" through which Justices self-present as virtuous, capable, and compelled by the law, and depict the Court as unified. They might do so by ruminating on judicial philosophy, the societal role of the judge and the court, or their stances in prior cases. When evaluating the appropriateness of a ruling or stance, they insert the judge or the Court as a central figure. This rhetorical form is strategic in that it is intended to convince readers and the American public that a set of independent judges "work within the spirit of justice for all" (Ferguson, 1990: 208).

Table 1. Examples from Ferguson and Langford's analyses of the monologic voice and its collective and individualistic tones.

Author	Tone	Example
Ferguson	Collective	"It can never be emphasized too much that one's own opinion about the wisdom or evil of a law should be excluded altogether when one is doing one's duty on the bench."—Justice Frankfurter, *West Virginia State Board of Education v. Barnette* (1943)
Langford	Individualistic	"If it were a question whether I agreed with that theory, I should desire to study it further and long before making up my mind. But I do not conceive that to be my duty, because I strongly believe that my agreement or disagreement has nothing to do with the right of a majority to embody their opinions in law."—Justice Holmes, *Lochner v. New York* (1905)

Though the monologic voice is a useful term to describe this rhetorical strategy, Justices may not use or know the term. It should also be differentiated from modes of legal reasoning (Thalken et al., 2023), which Justices consciously use to determine outcomes in cases. The monologic voice is best understood as a layer of rhetoric added on top of case-specific details and interpretation.

While Ferguson emphasizes legitimacy stemming from collective unity, another legal scholar, Catherine Langford, suggests that the monologic voice has a specific *individualistic* tone used in dissent. This individualistic tone challenges the "institutionalized" or *collective* voice of the majority court (Langford, 2009: 2). When writing with an individualistic voice, the Justice is "liberated from the constraints of speaking for the Court" and writes with a more personal and stylized voice (Langford, 2009: 3). The balance between collective and individualistic monologic voices has a "democratizing effect" made through the performance of political protest and oppositional reasoning (Langford, 2009: 7). By studying the rhetoric used to develop institutional and judicial legitimacy, we can find how the individualistic and collective tones complement each other, presenting the Court as both democratic *and* unified; hence, as legitimate. Examples from Ferguson (1990) and Langford (2009)'s analyses are included in Table 1.

Langford and Ferguson establish the monologic voice by studying two politically salient Supreme Court cases. Their work accounts for deep, contextual information about how rhetoric functions within each case. Given Langford and Ferguson's close study, however, the generalizability of the monologic voice remains unclear, and neither scholar comments on changes in rhetorical strategies across eras on the Supreme Court. With supervised machine learning and a dataset of 15,291 Supreme Court opinions, we identify and trace diachronic changes in the two tones of the monologic voice, the individualistic and the collective. We analyze in turn the question of rhetorical legitimation strategies across eras of the Court: when and under what circumstances should it appear primarily as a *unified* Court or as a *democratized* body?

Based on this prior scholarship, we anticipate that the monologic voice and its collective and individualistic tones are influenced both by case context and strategy. We hypothesize that Justices writing with the majority will primarily use the collective tone, while Justices in the minority will mainly use the individualistic tone. However, as a

rhetorical strategy, we expect that the choice between an individualistic and collective tone is not entirely bounded by the type of opinion. Instead, it may be a countering and rhetorically strategic move: in periods where the Court is or is perceived to be divided or fractured, the Court likely relies on the collective tone; in periods where the Court is or is perceived to be excessively powerful, the individualistic tone would become more present. Finally, we expect that a Justice's role on the Court will make a difference in the rhetoric they use, and that Chief Justices will rely more on the collective tone than Associate Justices.

We use natural language processing techniques to operationalize the monologic voice, and its individualistic and collective tones, in modern Supreme Court opinions issued between 1946 and 2022. We use a series of large language models, fine-tuned to classify the sentences in those opinions according to a hierarchical set of labels, first between rhetoric and non-rhetoric, then within rhetoric between monologic and non-monologic, and, finally, between individualistic or collective tones within monologic. We identify and trace the monologic voice throughout these opinions, confirming that opinion type (majority, concurring, dissenting, or *per curiam*) is a significant predictor of the presence and tone of monologic voice. We find suggestions that Justices writing a minority opinion are allowed rhetorical flexibility that may not be available or wise for majority writers.

Our results show that the Court uses the collective and individualistic tones at varying rates over time. Most notably, the Rehnquist Court (1986–2005) used the collective tone more than any other Court, at a significant increase of more than 30% compared to the decade prior. Chief Justice Rehnquist led this increase in collective tone, increasing his collective tone from (an already high) 13% to 18% in his second year as Chief Justice. This peak collective tone occurred alongside the addition of six new Justices within 8 years and at a time of increasing ideological division. The collective tone abruptly declined between 2001 and 2002, a historical moment with heightened questioning of the Court's legitimacy after the controversial *Bush v. Gore* decision. Subsequently, the Roberts Court (2005-current day) used significantly less individualistic tone in comparison to any prior Court, but there are indications of a rhetorical shift in recent terms. In 2021 and 2022, all Associate Justices of the Roberts Court—but not Chief Justice Roberts—have used an increased individualistic tone. Chief Justice Roberts, in contrast, used barely any individualistic tone, and instead continued writing opinions with a collective voice. Whereas Rehnquist initiated a court-wide rhetorical shift toward the collective, Roberts has attempted to retain collectivity even as the rest of the Court becomes more individualistic.

Building judicial and institutional legitimacy

Prior work challenges assumptions that the Court is immune to or insulated from political pressure, as the public's opinion influences the future efficacy and enforcement of its decisions (Badas, 2021; Caldeira, 1986). The Court is less likely to strike down laws during periods when it is ideologically distanced from Congress (Segal et al., 2011), and behaves with more constraint when dealing with "lateral cases" that rely on nonjudicial actors to implement their rulings (Hall, 2014). The Court also exercises more self-restraint in periods of Congressional or public hostility (Clark, 2009).

Studies have also considered whether the Court responds to public opinion, and have found at least some relationship between public opinion and the Court's decisions (Badas, 2021; Strother, 2019).

Certain Justices, such as the Chief Justice, may be more or less concerned with institutional legitimacy. Multiple studies find that the Chief Justice is more intent on maintaining legitimacy than are Associate Justices (Fettig and Benesh, 2016; Mark and Zilis, 2019; Wilhelm et al., 2020). For example, the Chief Justice is more likely than fellow Justices to vote in alignment with public opinion (Badas, 2021). This concern for legitimacy may be due to the Chief Justices' substantive role as managerial and administrative leader of the Court and the symbolic use of their name to denote an era on the Court (e.g., the "Roberts" Court).

External maintenance of judicial legitimacy. Legitimacy is built and maintained through strategic public communication. The more exposure the public has to the Court, the more they perceive it as legitimate (Gibson and Caldeira, 2009). Exposure to judicial symbols typically increases institutional support and acquiescence to decisions, even decisions with which individuals disagree (Gibson et al., 2014).

Justices actively participate in maintaining the Court's legitimacy, both through voting patterns (on the bench) and through public communications (off the bench) (Glennon and Strother, 2019). Judges perform judiciousness in off-the-bench discourse, discussing their judicial role and philosophy during interviews, speeches, and public appearances (Glennon and Strother, 2019; Krewson, 2019; Strother and Glennon, 2021). On the bench, the development of a judge's identity occurs during court proceedings, including oral arguments and opinion writing. Tracy (2009) finds that judges on the New York Court of Appeals develop judicial identities (e.g., philosophy, personality, stances, and politics) during oral arguments. Court opinions legitimize the stance of the authoring judges, but they also attempt to delegitimize the opposing Justices (Tracy, 2016). During tumultuous periods, such as high-profile and controversial confirmation hearings, Justices retain legitimacy by emphasizing their judiciousness (Gibson and Caldeira, 2009).

Internal dynamics and rhetorical constraints. The drafting of court opinions does not simply entail individual Justices writing their exact legal stances without external influence; rather, it is a "collegial game" in which Justices must make strategic calculations to build coalitions with other Justices to further their policy interests (Maltzman et al., 2009). Opinion authors strategically choose when and how to incorporate preferences of other Justices to optimize their policy preferences and success in the immediate case. In this way, the drafting, editing, and issuing of court opinions is an agglomeration of rhetorical and interpersonal constraints that impact rhetoric and strategy in the opinion. Regardless of attribution, the opinion is the work of many hands, given the prevalence of law clerks in the drafting process (Carlson et al., 2019). All opinions are developed through iterative drafting and revision, and the majority opinion authors design their opinion based on fellow judges' preferences or to counter dissenting and concurring opinions. The Chief Justice plays a distinct and critical role as the usual assigner of majority opinion authorship, as they have the power to select the author most aligned with their own stance, but must also consider practical considerations, such as a given Justice's current workload (Maltzman et al., 2009).

Data and methods

Corpus. Our corpus consists of 16,964 modern United States Supreme Court opinions, issued from 1946 to 2022. We exclude opinions shorter than 100 words from our analysis, leaving 15,291 opinions and 8017 unique cases in our analysis.[2] We include all opinion types, including majority, concurring, dissenting, and *per curiam*, though other research tends to omit *per curiam* opinions (Carlson et al., 2016, 2019; Hausladen et al., 2020). Of the total opinions, 7147 are majority, 2900 are dissenting, 2146 are concurring, and 1098 are *per curiam*. Over time, there has been a decline in the number of total opinions issued per year, most rapidly during the 1990s after Congress gave the Supreme Court more leniency in the number of cases it was obligated to hear through the Supreme Court Case Selections Act of 1988. However, the proportion of each opinion type has remained relatively steady over time, with majority opinions remaining at around 60% of opinions filed, and a slight proportional increase in concurring opinions (Figure 1).

We employ minimal preprocessing of the opinions, but omit any sentences that include only case citations or headers. We include footnotes, though other work (e.g., Carlson et al., 2016, 2019) has removed them.

The size of our corpus prevents us from identifying rhetorical traits by hand in every opinion. Instead, we turn to machine learning. We train a sequence of classifiers to predict increasingly specific and nested language traits: first identifying rhetoric then, within rhetoric, the monologic voice then, within instances of the monologic voice, between individualistic and collective tone (Figure 2). We label a subset of sentences drawn from the corpus for each of our target types and use the labeled data to train a classifier to identify that rhetorical type in the remainder of the corpus.
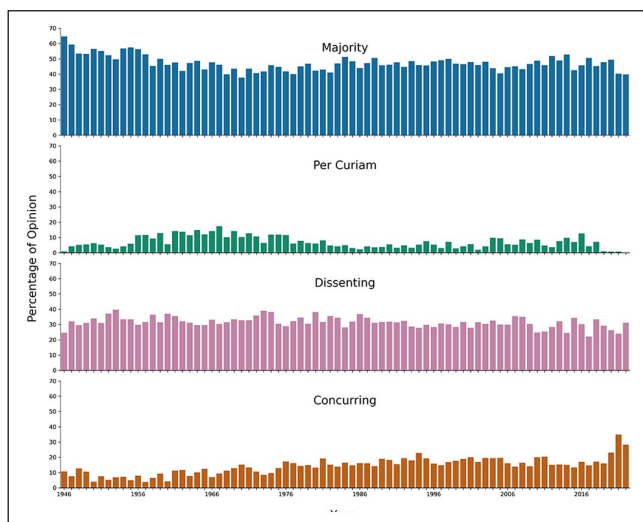
Figure 1. The distribution of opinion types has remained relatively stable for 70 years, with a gradual increase in concurring opinions over time. Some recent *per curiam* opinions are missing from our dataset.
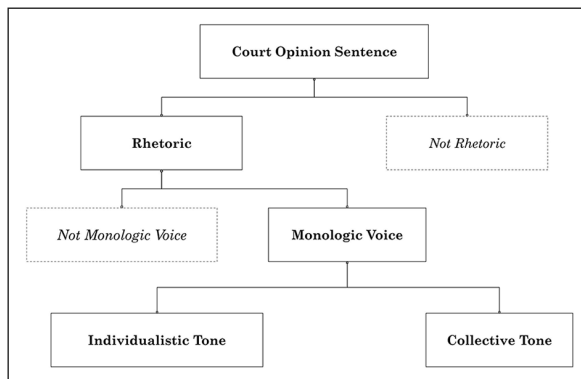
Figure 2. The hierarchical relationship between our three tiers of classification. All classes are binary.

Identifying rhetoric. Because we expect the monologic voice to occur in only a small fraction of sentences, we first identify sentences that are broadly rhetorical using binary logistic regression. Sentences are assigned the "rhetoric" label if they contain interpretation beyond a simple description of case facts, including analysis, argumentation, persuasion, or claim making. For example, in *Crist v. Bretz* (1978), Chief Justice Burger writes that "All things 'good' or 'desirable' are not mandated by the Constitution." Because Burger's statement about the reach of the Constitution allows for a counter-position, we labeled this sentence as rhetorical. Non-rhetorical sentences include descriptions of generally agreed-upon facts, such as "In this case, the District Court relied on both grounds for exclusion," in Justice Breyer's concurrence from *General Electric Co. v. Joiner* (1997) or Justice Thomas's statement that "a general dictionary published earlier in the century similarly defined 'witness' as 'a giver of evidence'" in *United States v. Hubbell* (2000). Neither the District Court's relied-upon grounds nor the dictionary's meaning of "witness" can be contradicted, even though they may be part of a rhetorical argument developed over paragraphs and pages. The rhetoric label increases the likelihood that a sentence will include the monologic voice, though we acknowledge that there are limitations due to the various scales and subtleties at which rhetoric exists. While we choose to discount case description as rhetoric, there is a rhetorical choice made in deciding which case circumstances to highlight, how to present them, and in what order.

To collect a variety of opinions for the labeling task, we label sentences from 10 politically salient cases (Epstein and Segal, 2000), with 19 total corresponding opinions. We then add 36 randomly sampled non-salient opinions, with 55 total opinions read and labeled in full. We label 8001 sentences and then vectorize the sentences by their term frequency-inverse document frequency (TF-IDF) and train and test a logistic regression classifier with 10-fold cross validation. From a majority-class baseline accuracy of 0.65, our logistic regression classifier reaches a 0.80 F_1 accuracy at predicting rhetorical sentences from non-rhetorical sentences, with 0.80 precision and 0.80 recall. Rather than using a more advanced large language model to classify rhetoric, we are able to use a

Table 2. Monologic classification scores for the logistic regression and DistilBERT models, trained on the same data.

Classifier	Precision	Recall	F_1
Baseline			
Majority class	0.55	0.74	0.63
Personal pronoun	0.87	0.87	0.87
Logistic regression			
Overall	0.84	0.84	0.84
Monologic sentences	0.88	0.47	0.68
Non-monologic sentences	0.83	0.97	0.90
DistilBERT			
Overall	0.92	0.92	0.92
Monologic sentences	0.86	0.82	0.84
Non-monologic sentences	0.94	0.95	0.95

simple machine learning model, logistic regression, with sufficient performance. We apply this classifier to make predictions on all sentences in the corpus as either rhetorical or non-rhetorical. In the entire corpus, our trained logistic regression model predicts 46% of sentences as rhetorical.

Identifying the monologic voice. We then begin a second, more detailed, round of labeling to categorize whether rhetorical sentences use the monologic voice. If a sentence's focal point is the Justice or the Court and it discusses judicial duties, the legitimacy of a prior decision, or the purpose of the Court, it is assigned the monologic label. A lead coder labeled 5982 rhetorical sentences as either monologic or non-monologic. An additional coder with domain expertise (a law student) annotated 500 of the same sentences, reaching substantial agreement (Cohen's *kappa* = 0.67). To make predictions, we first use a logistic regression classifier on the labeled sentences in TF-IDF structure, but find logistic regression to be poor at predicting the monologic voice (Table 2).

Based on the poor performance of the logistic regression model on the monologic label, we use a large language model, DistilBERT. DistilBERT is a transformer-based language model, a derivative of BERT, characterized by lower memory requirements with performance nearly equal to that of the full BERT model (Sanh et al., 2019). Like BERT, DistilBERT is pre-trained on English-language texts, including all English-language Wikipedia entries and a large corpus of books. It can be fine-tuned on a specific dataset to become domain and task specific (Devlin et al., 2019). We fine-tune a pre-trained DistilBERT model on our labeled sentences, and find that it greatly outperforms the logistic regression model's prediction accuracy, with a 0.92 F_1 measure (Table 2).

Monologic voice results

This fine-tuned model predicts that 19% of all court opinion sentences employ the monologic voice in the rest of the dataset. We use the *fightin' words* method (Monroe et al., 2008) to find words that comparatively distinguish the two classes of documents, in this

Table 3. Top 50 words that differentiate the monologic class from the non-monologic class, identified by the fightin' words method. Words most associated with either class are listed first.

Monologic words	Non-monologic words
We, follows, attempted, central, our, critical, issued, beyond, often, violates, back, appear, testimony, opinion, source, voluntary, my, heard, hold, full, aside, issues, needs, caused, think, specific, agree, child, applicable, latter, health, hand, turn, far, actually, matters, reverse, constitutionality, double, hearings, war, old, organizations, body, search, me, alternative, oil, taxation, taxpayers, significantly, take, conclude, text, believe, motor	Court, state, states, his, he, see, united, act, may, federal, law, they, district, their, also, one, us, congress, could, government, petitioner, evidence, new, time, right, case, made, statute, courts, action, part, petitioners, claim, justice, order, use, first, respondents, general, rights, section, two, tax, id, shall, interest, supra, even, thus, upon, property, authority, brief, amendment, fact, might, whether, them, her, public

case, monologic and non-monologic sentences. We use Hessel (2020)'s implementation of the fightin' words algorithm, finding the log-odds ratio of a token with an informative Dirichlet prior drawn from all opinion sentences, and then identifying significant words according to their corresponding *z*-scores (Table 3). By doing so, we have an additional interpretative measure beyond close reading the sentences predicted as monologic. Based on fightin' words scores—and as we would expect—words indicative of the monologic voice emphasize the role of the Court, the Justice, and the judicial process (Table 3).

Words such as *follows, hold, think, agree, doubt, believe*, and *reverse* actively convey the Court's decision-making process, though none are case-specific. The monologic voice also emphasizes the significance of a case, using words such as *harm, matter, critical, better*, and *necessity*. In contrast, non-monologic voice words are much more descriptive and case specific, especially given the prevalence of third person pronouns like *he, his, their, they*, and *her*. These descriptions extend to other roles (*respondent, jury, petitioner, employees*), institutions (*federal, district, congress, government, board*), or the citation of evidence (*evidence, supra, section*). The words that most distinguish the two classes from each other are pronouns. The monologic voice uses personal pronouns *we, our, my*, and *me* whereas the non-monologic words include third-person pronouns.

Our model relies heavily on personal pronouns for predicting whether or not a sentence is monologic. We find that by simply marking all sentences with a personal pronoun we could match 95% of all monologic predictions made by our fine-tuned DistilBERT model. However, sentences without a personal pronoun, but with the words *court* or *plurality*, were also often correctly predicted as monologic, though both words could reference an external court, depending on contextual information. Other sentences might have a personal pronoun, but they are not predicted as the monologic voice if they do not primarily discuss the Court. For example, when Chief Justice Roberts writes in *McCutcheon v. Federal Election Commission* (2014) that "Any regulation must instead target what we have called '*quid pro quo*' corruption or its appearance," the presence of "we" is incidental, and the subject of the sentence remains *quid pro quo* corruption.

The existence of monologic-predicted sentences without pronouns and non-monologic-predicted sentences with pronouns demonstrates that the fine-tuned model
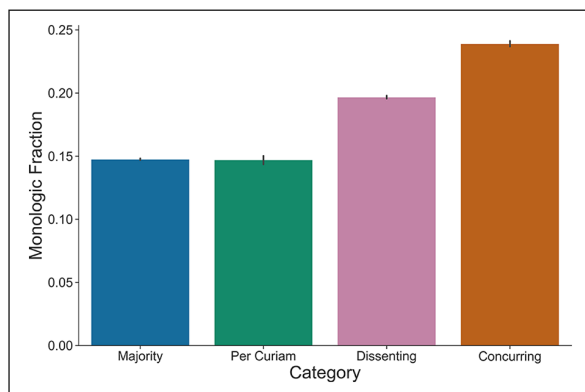
Figure 3. The fraction of sentences predicted as the monologic voice for each type of opinion. Collective opinions use the monologic voice at a lower rate.

has learned beyond the identification of pronouns, and that the context surrounding a pronoun determines whether a sentence uses the monologic voice.

Monologic fraction by opinion category. Majority opinions use less monologic voice than minority opinions (Figure 3). Majority opinions tend to be longer and filled with more case description and evidence, whereas concurring and dissenting opinions build off and respond to the majority. The concurring opinion likely uses the monologic voice most often because of the delicate position of a concurring Justice. In a concurring opinion, a Justice must carefully explain how they and another judge could reach the same conclusion with diverging reasoning. Given the simple and brief nature of most *per curiam* opinions, it is predictable that this opinion type would have the lowest proportion of monologic sentences.

The monologic arc. Majority and minority opinions use the monologic voice at different points within an opinion. Figure 4 shows the average proportion of the monologic voice throughout an opinion; we can read this figure as depicting a monologic arc. Dissenting and concurring opinions use a high fraction of the monologic voice throughout their entirety, but especially at the beginning and end of the opinion. The monologic voice in *per curiam* and majority opinions increases gradually over the opinion. Majority opinions include an overview of case details; rhetorical argumentation occurs increasingly after case facts are presented. Minority authors use the monologic voice to emphasize their own position in relation to the rest of the Court, and they do so most intensively at the beginning and end of opinions.

Changes over court terms. Identifying historical periods with greater or lesser use of the monologic voice provides an alternate rhetorical picture of the Court beyond case-specific voting habits or argumentation. We find that the monologic voice has been used consistently by the modern Supreme Court, though it fluctuates between 1946 and 2022 (Figure 5). While the Warren and Burger Courts used the monologic voice to a similar
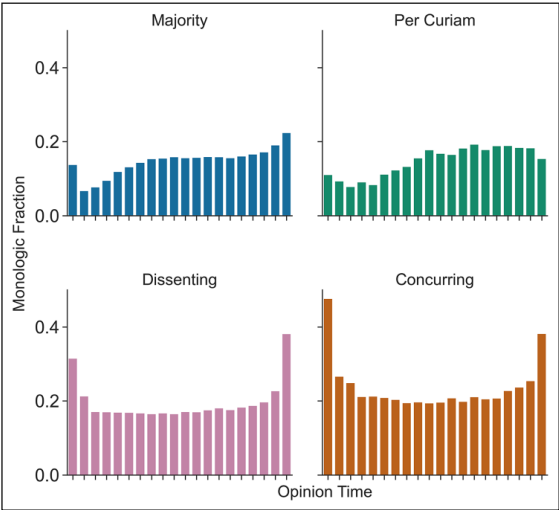
Figure 4. Minority and majority opinions have a different monologic arc when assessing the proportion of monologic sentences across normalized opinion "time" for each opinion type.
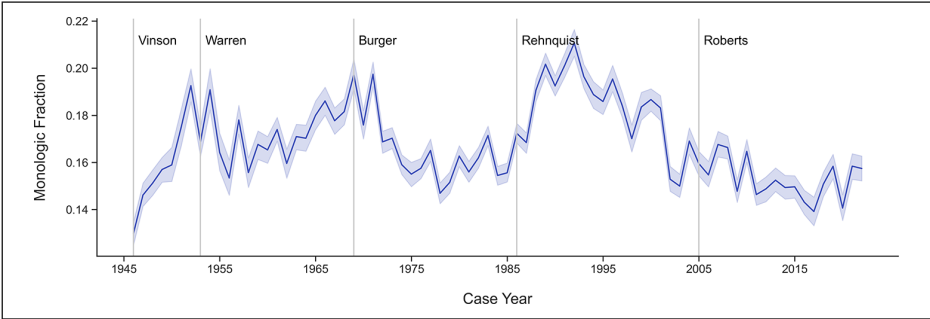
Figure 5. Changes in overall fraction of monologic voice across the entire corpus. There are variations in monologic voice use throughout the years, with a decline after the mid-1990s.

degree, there was an uptick in monologic voice at the beginning of the Rehnquist Court, in the late 1980's, before a decline in use between the Rehnquist and Roberts' Courts, with a medium Cohen's *d* effect size (Table 4).

It is possible that changes in the monologic voice between Courts could be due to unusually high or low usages by specific Justices or due to retirements and appointments changing the composition of the Court. Figure 6 splits the monologic voice fraction by Justice and year. The initial increase and subsequent decrease in monologic voice frequency in the Rehnquist Court reflects a nearly Court-wide rhetorical shift both by new members and by previously appointed members.

In this section we have considered the monologic voice as a unitary phenomenon. Collapsing distinctions between the individualistic and collective tones, while useful as

Table 4. Cohen's *d* effect size value between the monologic proportion value for each Court. Negative numbers show a decrease between Courts, and the higher the number the greater the effect size.

Courts	Effect size (Cohen's *d*)
Vinson–Warren	−0.14*
Warren–Burger	0.04
Burger–Rehnquist	0.12*
Rehnquist–Roberts	−0.31**

*Small Cohen's *d*. **Medium Cohen's d.
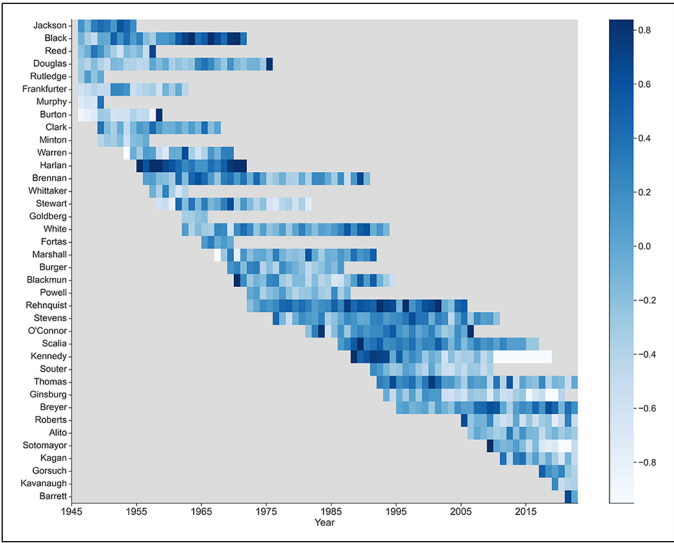
Figure 6. Overall monologic voice ratio for each Justice, by year. The increase around 1985 and decrease around 2003 are broadly shared by all justices.

a tool of high-level analysis, obscures the intricacies of legitimating the Supreme Court, given the Court's need to appear as both a united and a democratic institution. For this reason, we next break the monologic voice into two constituent aspects, the individualistic and collective tones.

Identifying the individualistic and collective tones

As a final binary classification task, we label the individualistic and collective tones in our monologic-predicted sentences. We label a random subset of 1,818 monologic-predicted sentences as either individualistic or collective, resulting in 562 sentences labeled as individualistic (about 31%) and 1256 sentences labeled as collective (about 69%).

Table 5. Classification scores for DistilBERT's prediction accuracy between individualistic and collective tones. The language model shows consistently high precision and recall for all three categories relative to strong baselines.

Classifier	Precision	Recall	F_1
Baseline			
Majority class	0.69	1.0	0.82
Collective personal pronoun	0.95	0.93	0.94
Individualistic personal pronoun	0.98	0.86	0.92
Logistic regression			
Overall	0.89	0.95	0.91
Collective tone	0.99	0.91	0.95
Individualistic tone	0.80	0.98	0.88
DistilBERT			
Overall	0.96	0.96	0.96
Collective tone	0.97	0.98	0.97
Individualistic tone	0.96	0.92	0.94

We label sentences as *individualistic* when Justices write about their own virtue or capabilities, describe their stances on prior cases, cast disdain on other Justices, or present their personal judicial philosophy. For example, Justice Holmes writes about performing his judicial duties in his dissent in *Lochner v. New York* (1905): "I regret sincerely that I am unable to agree with the judgment in this case, and that I think it my duty to express my dissent." We label sentences as *collective* when Justices emphasize the Court's legitimacy or capabilities, describe the extent of the Court's authority, or present the Court as responding to a higher power (e.g., the law, American public, or constitution). Justice Blackmun's statement in *Roe v. Wade* (1973), that "Our task, of course, is to resolve the issue by constitutional measurement, free of emotion and of predilection" is an example of the collective tone, given the emphasis on the Court's duty and purpose.
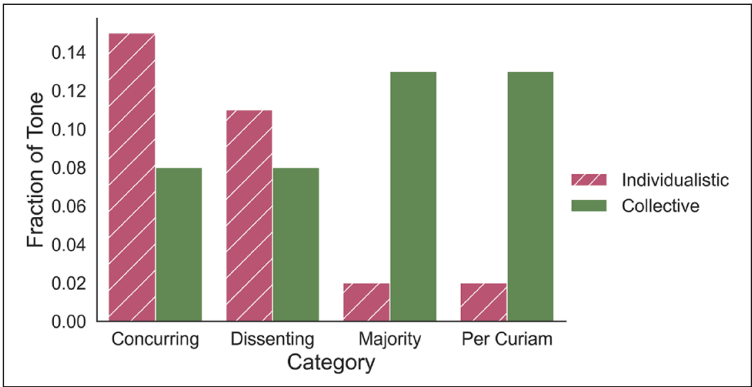
Individualistic and collective tone results

With this labeled data, we train and fine-tune another binary DistilBERT classifier to predict whether a given monologic sentence is individualistic or collective, reaching strong performance for both classes (Table 5). We use this trained model to predict whether monologic sentences in the entire corpus are either individualistic or collective. Figure 7 depicts the nested relationships and proportion of each possible class.

Individualistic and collective fractions by opinion category. We expected majority authors to write with a collective tone and minority authors to write with an individualistic tone, but we find that the collective tone is highly common even in concurring and dissenting opinions (Figure 8). Even when writing in the minority, Justices use the collective tone, drawing on the institutional significance of the Court. However, as expected, majority and *per curiam* opinions lack the individualistic tone. The lack of individualistic tone in
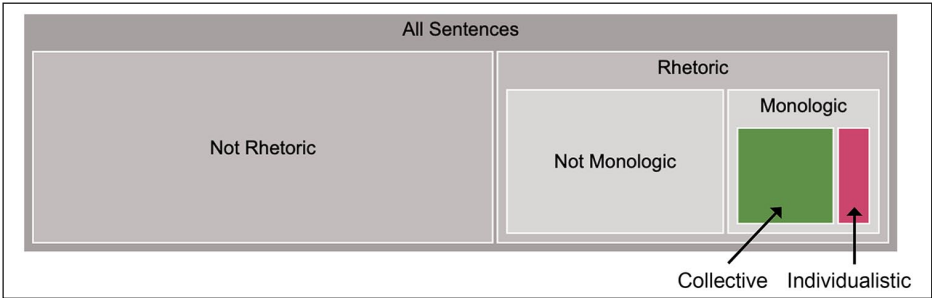
Figure 7. The proportion of each nested label class out of all Supreme Court Sentences.

Figure 8. Fraction of collective tone and individualistic tone in each opinion type.

majority opinions demonstrates how majority authors protect the power and cohesion of the Court.

Figure 8 groups all opinions within four distinct categories, yet the division of votes or purpose of the opinion plays a role in the amount of individualistic or collective tone. First, we consider whether the collective and individualistic tones are used more or less in unanimous majority decisions in comparison to majority decisions with a counterparty present. We compare the average fraction of individualistic and collective tones when the vote is unanimous, versus all other voting situations. A case being unanimous does not impact the collective tone, but if a case is not unanimous then the majority opinion uses slightly more individualistic tone (Table 6).

Similarly, we would expect the collective and individualistic tone to be used differently in highly divided cases, where the majority party is one vote away from becoming the minority. We compare the differences in collective and individualistic tone when the majority party has only five votes to all other scenarios. In any opinion type, we find no significant difference in the collective tone when comparing greatly divided cases to all other cases (Table 7). In contrast, the individualistic tone is more common in majority opinions when the Court is divided. Authors writing dissenting and concurring opinions

Table 6. Individualistic and collective fractions in majority opinions issued in unanimous cases vs. non-unanimous cases. The difference between the unanimous and not unanimous individualistic tones fraction is significant at $p < 0.001$, as measured by a permutation test.

Tone	Unanimous	Not unanimous	p Value
Individualistic	0.009	0.013	<0.001
Collective	0.139	0.140	0.386

Table 7. Collective tone in different types of opinions when the Court is divided (five votes in the majority). Significance is calculated with a permutation test.

Category	Not divided	Divided	p Value
Majority	0.139	0.142	0.028
Per curiam	0.146	0.146	0.488
Dissenting	0.081	0.084	0.09
Concurring	0.080	0.088	0.054

Table 8. Individualistic tone in different types of opinions when the Court is divided (five votes in the majority). Significance is calculated with a permutation test.

Category	Not divided	Divided	p Value
Majority	0.011	0.015	<0.001
Per curiam	0.014	0.011	0.162
Dissenting	0.176	0.160	0.001
Concurring	0.269	0.236	0.002

Table 9. Individualistic and collective tones in regular versus special concurrences. Significance is calculated with a permutation test.

Tone	Regular	Special	Significance
Individualistic	0.152	0.166	<0.001
Collective	0.081	0.087	<0.001

use less individualistic tone in divided cases, where there are more members in the minority (Table 8). Except for *per curiam* opinions, all differences are significant at $p < 0.05$.

We consider the differences in individualistic and collective tones in types of opinions within our four primary categories in one additional way: comparing special and regular concurrences. In a regular concurrence, a Justice agrees with both the opinion and the stance of the majority, but writes an opinion to make an additional point. In a special concurrence, the Justice may have voted with the majority, but they disagree with or use different reasoning than expressed in the majority opinion. We compare the collective and individualistic tones in regular versus special concurrences, and find that special concurrences use more individualistic tone than regular concurrences (Table 9). As with

Table 10. Top 50 words that differentiate the collective tone from the individualistic tone, identified by the fightin' words method. Words most associated with either class are listed first.

Collective tone	Individualistic tone
We, our, us, whether, held, state, federal, granted, cases, must, states, act, law, congress, may, question, recognized, case, court, conclude, consider, statute, rule, appeals, need, action, decide, first, claim, petitioners, decisions, decision, upon, government, said, right, issue, constitutional, thus, claims, clause, certiorari, power, found, id, their, hold, proceedings, order, rejected	Sustained, my, observed, me, they, sustain, imposes, majority, voting, apparently, dissent, join, respectfully, involves, opinion, crimes, test, concur, assessment, focus, believe, new, issued, agree, you, caused, would, view, seems, benefits, ought, majoritys, whose, often, anything, habeas, ante, authorize, opportunity, ways, something, mr, character, arrest, guilty, violates, write, justice, understand, todays

the previous results, differences in the collective tone for these cases are statistically indistinguishable.

Features of the individualistic and collective tones. Again using the fightin' words algorithm, we identify the word-level features that differentiate the individualistic from the collective tone (Table 10). Though both classes use author-centric personal pronouns (e.g., *we, our, us, my,* and *me*), the individualistic tone uses language that is directed toward the counterparty, such as *you* or *majority*(*s*). The individualistic tone uses direct and critical language such as *imposing, critical, necessity,* and *violates*. This tone distinguishes the author and their position as they refer to the majority with disapproving language. Using a more neutral vocabulary, the collective voice describes decision making (e.g., *decide, consider, decisions,* etc.) and discusses prior rulings (e.g., *recognized, held, rejected, granted*). This voice presents the Court as a unified and enduring institution.

The individualistic and collective tones reinforce legitimacy, but legitimacy can be reinforced with different means, such as by maintaining the Court's unity or critiquing the counterparty. Opinions with the highest proportion of individualistic and collective tones, measured by their fraction of individualistic and collective sentences, exemplify how the different monologic tones provide a judicial persona alongside case-specific details (Table 11).

Mishkin v. New York and *Mackey v. United States* respectively use the highest fraction of individualistic and collective tones. Justice Black's dissent in *Mishkin v. New York* argues against the Court's decision concerning the proper application of New York's anti-obscenity statute; Black is explicitly disdainful toward the majority's vote and reasoning as an overreach of the Court's power. Justice White, writing for the majority in *Mackey*, describes the Court's decision on whether to retroactively apply two prior decisions (*Marchetti v. United States* (1968) and *Grosso v. United States* (1968)) in the immediate case.

Opinions like *Mishkin v. New York* and *Mackey v. United States* would rarely be grouped together, yet they both are filled with the monologic voice, albeit using opposing tones. Justices Black and White write with concern about the prolonged development of the Court's decisions, its duties and power, and not simply the immediate case. But

Table 11. Excerpts from cases with the highest fraction of different monologic tones.

Case	Tone	Percentage	Text
Mishkin v. New York (1966), Justice Black's dissent	Individualistic	76.2	I wish once more to express my objections to saddling this Court with the irksome and inevitably unpopular and unwholesome task of finally deciding by a case-by-case, sight-by-sight personal judgment of the members of this Court what pornography (whatever that means) is too hard core for people to see or read. If censorship of views about sex or any other subject is constitutional, then I am reluctantly compelled to say that I believe the tedious, time-consuming and unwelcome responsibility for finally deciding what particular discussions or opinions must be suppressed in this country should, for the good of this Court and of the Nation, be vested in some governmental institution or institutions other than this Court.
Mackey v. United States (1971), Justice White's majority opinion	Collective	14.5	Guided by our decisions dealing with the retroactivity of new constitutional interpretations of the broad language of the Bill of Rights, we agree with the Court of Appeals that Marchetti and Grosso should not have any retroactive effect on Mackey's conviction. . . But, in overruling Kahriger and Lewis, the Court's purpose was to provide for a broader implementation of the Fifth Amendment privilege, a privilege that does not include at its core a concern for improving the reliability of the results reached at criminal trials. There is no indication in Marchetti or Grosso that one of the considerations which moved the Court to hold that the Congress could not constitutionally compel citizens to register as gamblers and file related tax returns was the probable unreliability of such statements once given.

while White uses the collective tone in *Mackey* to maintain some congruence across the Court's changing stances, Black maintains his own unchanging beliefs across cases. When writing for the majority, White must emphasize the collective decision of the Court, demonstrating implicitly that, even when overturning prior decisions, the Court's reasoning progresses logically over time. White's opinion works to craft the Court's unified face. When writing separately as a dissenter, Black critiques the majority. These opinions demonstrate the diverging rhetorical means of the individualistic and collective tones, but they also show how the two tones align with the needs of a given situation.

The opinion with the highest balance between the individualistic and collective tones is Justice Fortas' concurrence in *Bloom v. Illinois* (1968) (Table 12). We define a high balance as the opinion with the highest minimum individualistic and collective fraction (i.e., *balance = min(individualistic, collective)*). Fortas' concurrence incorporates both

Table 12. Excerpts from cases with the highest balance of monologic tones.

Case	Individualistic	Collective	Text
Bloom v. Illinois (1968), Justice Fortas' concurrence	34.37%	34.38%	I need not quarrel with the specific conclusion in those specific instances. But unless one adheres slavishly to the incorporation theory, body and substance, the same conclusion need not be superimposed upon the jury trial right. I respectfully but urgently suggest that it should not be. Jury trial is more than a principle of justice applicable to individual cases. It is a system of administration of the business of the State. While we may believe (and I do believe) that the right of jury trial is fundamental, it does not follow that the particulars of according that right must be uniform. We should be ready to welcome state variations which do not impair—indeed, which may advance—the theory and purpose of trial by jury.

individualistic and collective rhetoric, as he performs a mediating role between the majority's ruling and his personal stance. Fortas alternates between individualistic and collective monologic voices, and upholds the legitimacy of the Court while still centering his unique perspective.

Factors impacting the collective and individualistic tones. Justices could simply have personal stylistic tendencies, preferring to use the individualistic or collective when authoring opinions. Figure 9 shows how much each Justice uses the collective, individualistic, and general monologic voice in all opinions for which they are the primary author. There is an inverse relationship between the collective and individualistic tones at the Justice level, as Justices who often use the individualistic tone tend to use the collective tone less often, and vice versa (Pearson's $r=-0.46$, $p=0.003$).

So far, we have only considered opinion- or Justice-level variables in isolation. However, the individualistic and collective tones are likely affected by a combination of factors. For this reason, we test the combined impact of independent variables on the collective and individualistic tone through a multiple linear regression model.

Our Justice-level independent variables include seniority, ideology, and role. Seniority is simply the number of years since the Justice joined the Court. Ideology is a Justice's Martin-Quinn average score, for the year the opinion was issued (Martin and Quinn, 2002). Role is a binary value representing Chief or Associate Justice. For opinion-level independent variables, we include the opinion category and the number of votes in the majority. *Per curiam* opinions are omitted from this analysis, as we have no role, ideology, or seniority measures for *per curiam* opinions.

We fit a multiple linear regression model to predict either individualistic or collective fraction based on these independent variables. Table 13 shows each independent variable's coefficient and significance value.

Based on the model's coefficients, the independent variables dealing with the type of opinion have the biggest impact on the individualistic and collective tone. Regardless of
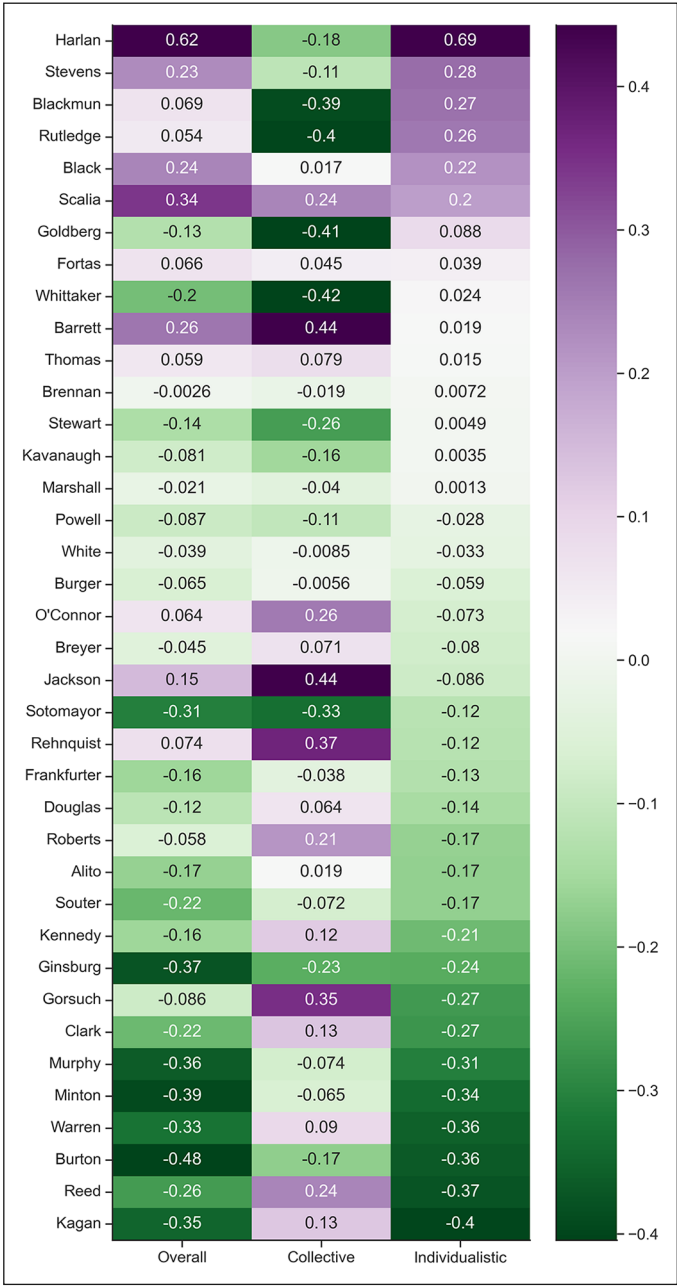
Figure 9. Justices listed in descending order according to those who write with the most individualistic voice (by z-score) at the top, and those who write with the least individualistic tone at the bottom. Columns show the overall, collective, and individualistic monologic voice fraction for each Justice in each opinion type.

Table 13. Coefficients and their statistical significance as found through the multiple linear regression model. The left columns represent the coefficients for the collective fraction and the right for the individualistic.

Variable	Collective fraction		Individualistic fraction	
	Coefficient	Significance	Coefficient	Significance
Ideology	0.0003	0.265	0.0032	0.000
Seniority	0.0003	0.000	0.00004	0.771
Chief Justice	0.0105	0.000	−0.0093	0.004
Dissenting	0.0073	0.000	0.0561	0.000
Concurring	0.0051	0.001	0.1396	0.000
Majority	0.0628	0.000	−0.1013	0.000
Majority votes	−0.0007	0.096	0.0027	0.000

the other variables, a majority opinion will use significantly more collective tone and significantly less individualistic tone. If the opinion is a dissent or concurrence, the author will write with significantly more individualistic tone, though there will be little difference in the collective tone.

A Justice's ideology and seniority have minor impact on the tone they use, other than a slight positive relationship between conservatism and the individualistic tone. However, a Justice's *role* on the Court is related to the rhetorical tone they employ. If the author is the Chief Justice, they will use significantly more collective tone and significantly less individualistic tone than Associate Justices.

Diachronic changes in the individualistic and collective tones. Above, in Figure 5, we found that there was an increase in the overall monologic voice during the late 1980s. By plotting the average of individualistic and collective tones in every year in our corpus, we find that this is due to an increase in the collective tone (Figure 10). While the overall levels of the individualistic and collective tones in 1946 and 2022 are similar, there are temporary changes in the tones. There is a drastic increase in collective tone just after the start of the Rehnquist Court and a sudden decrease in collective tone just before the end of the Rehnquist Court.[3] Across the modern Court, the largest jump in collective tone occurs between 1987 and 1988 and the largest drop in collective tone between 2001 and 2002 (both of these drops are statistically significant, at $p < 0.001$; Figures A1 and A2 in the Appendix depict this difference). Between these years, the collective tone occurs in more than 13% of opinion sentences, other than in the years 1988 and 1989, where the collective tone was still above 12%.

Across opinions, the collective tone is used 31.6% more often between 1988 and 1997 compared to the decade prior, 1978–1987 (i.e., the collective tone increases from 10.7% to 14%). This result is significant, at $p < 0.001$. In the decade following 1997, the collective tone declined 14.3%, relative to the prior decade ($p < 0.001$). All Justices on the Court, other than Justice Blackmun, used high fractions of the collective voice during the early 1990s (Figure 11). Between 1991 and 1993, all Justices other than Blackmun used the collective voice in at least 11.5% of sentences. Most Justices also used less collective
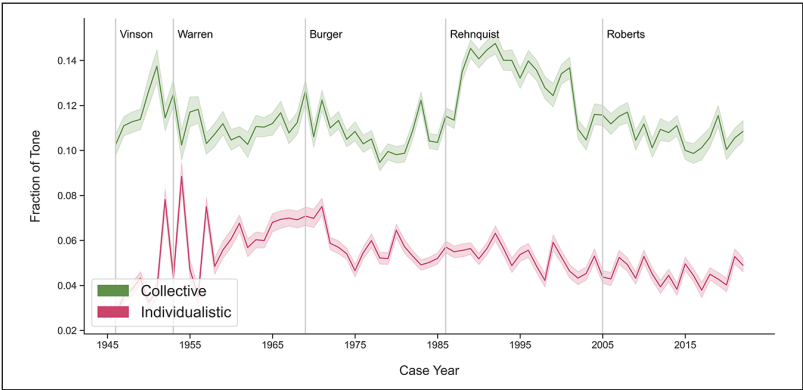
Figure 10. The fraction of collective, and individualistic monologic tones over years on the modern Supreme Court. Lighter shading shows standard deviation.
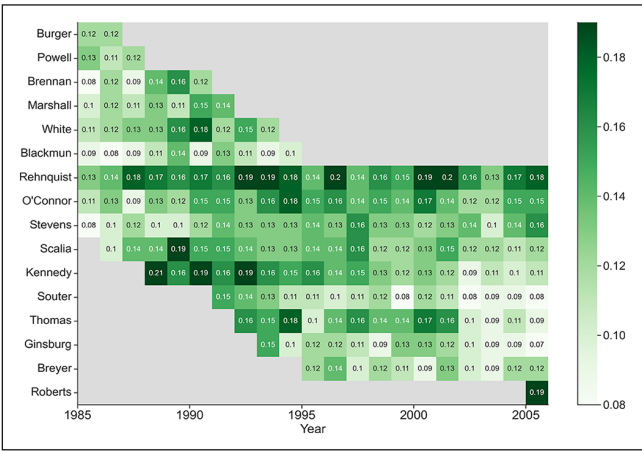
Figure 11. Fraction of collective tone used by each Justice between 1985 and 2005.

tone during the final years of the Rehnquist Court, decreasing especially between 2001 and 2002. There is no similar trend in the individualistic tone (Figure 12).

Changes in rhetoric during the Rehnquist court. There are a number of potential explanations for the sudden increase and decrease in collective tone at the beginning and end of the Rehnquist Court. Perhaps more straightforward to theorize is the increase in collective tone at the beginning of the era. Retrospective legal scholarship suggests that there are important differences between the earlier and later Rehnquist Courts (McGinnis, 2002; Rubenfeld, 2002; Schroeder, 2001). Merrill (2003) argues that the first period was one in which the Court was *in flux*: it welcomed six new Justices in just 8 years; a full calendar of cases; changing majority coalitions; and a high proportion of cases regarding
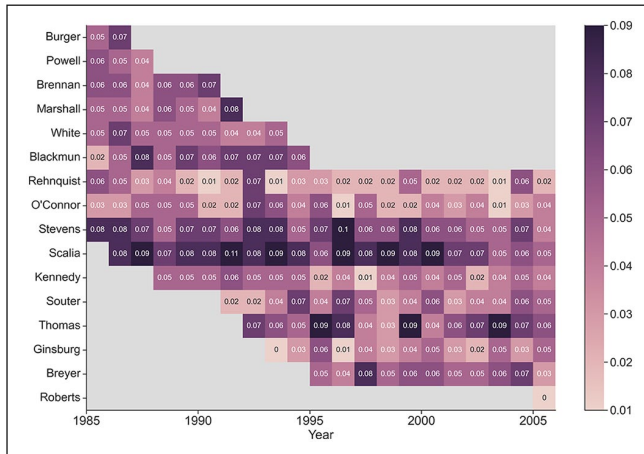
Figure 12. Fraction of individualistic tone used by each Justice between 1985 and 2005.

social questions. This period ended around 1994 and was followed by a period of unprecedented membership stability on the Court. During the earlier *in-flux* period, members had to build coalitions, learn each other's behavior, and adjust to norms. They had to play the collegial game, especially in the drafting of opinions (Maltzman et al., 2009). We theorize that the collective tone became an integral tool for furthering internal and external legitimacy during this period. Internally, the collective tone could be used to form alliances and build collegial relationships. Externally, to political and legal actors and to the public, it presented the Court as judicially united, even during a period of turmoil.

The sudden decrease in collective tone between 2001 and 2002 is more complicated. If static or changing membership explains changes in the collective tone, it is possible that the collective tone became less essential during the later Rehnquist Court, when membership had stabilized and the same Justices served together for around a decade. Yet the sudden drop in collective tone also occurred a year after the landmark and controversial *Bush v. Gore* decision. The decision in *Bush v. Gore*, which effectively ended the 2000 presidential election and solidified George W. Bush as president, saw widespread public, legal, academic, and political criticism of the Supreme Court. The questioning of the Court's legitimacy after *Bush v. Gore* must be considered as a factor in changes to legitimating rhetoric. Like a number of prior decisions, this decision divided the five conservative Justices from the four liberal Justices. Unlike prior decisions, the case was extremely salient, the outcome of the decision appeared political, and there was a conflict of interest in that the Court effectively selected the person who would appoint future members of the Court (Balkin, 2001).

Bush v. Gore resulted in extreme criticism of the Court, with attention to the extent of its power, its ideological fracture, and the partisan motives that may affect how members vote. If there was ever an existential crisis around the Court's legitimacy, this would have been it. Yet we see the collective tone, a rhetorical tool for depicting unity and collegiality, decline almost immediately following it. One explanation could be that

the Court became cautious around concerns regarding Court overreach, and downplayed the authority of the Court, limiting the collective tone used. Another explanation, concerned more with the internal workings of the Court, may be that *Bush v. Gore* had such an extreme effect on the Court that even the rules of the internal collegial game had changed, or members were less likely to present themselves as united due to the serious divisions that had been displayed so publicly.

Withstanding these Court-wide fluctuations, Chief Justice Rehnquist used the collective tone more than any Associate Justice. From 1986 to 2004, almost 20 years, there were only 5 years where Chief Justice Rehnquist did not have the highest collective fraction of all Justices. Rehnquist wrote with the collective tone at a relatively high rate before becoming Chief Justice, but noticeably altered his rhetorical tone soon after becoming Chief Justice. For the 14 years before becoming Chief Justice, Rehnquist's collective tone averaged 13.1%. While Chief Justice, from 1986 until his death in 2005, his collective tone averaged 16.6% ($p < 0.001$). During the year of his appointment, 1986, Rehnquist's collective fraction was 13.5%. Rehnquist's collective voice was especially high over the next 2 years, at 18.4% and then 16.8% respectively. While we find no significant court-wide trend in individualistic tone during this period, Rehnquist wrote with less individualistic tone after becoming Chief Justice. Before becoming Chief Justice, he used the individualistic tone 5.4% on average. After becoming Chief Justice, Rehnquist used the individualistic tone in only 2.9% of opinion sentences.

A rhetorical turning point. Compared to the Rehnquist Court, the Roberts Court uses a historically normal rate of individualistic and collective tones (Figure 10). Yet in recent years, the Roberts Court could be described as a Court *in flux*, with four new Justices in 4 years (though our data does not include any opinions by Justice Ketanji Brown Jackson). In the same period, ideological division between its most conservative and most liberal members has been extreme (Martin and Quinn, 2002). The Court has been subject to heightened media coverage and public attention, especially given high-profile decisions like *Dobbs v. Jackson Women's Health Organization* (2022). Criticism has been directed toward Chief Justice Roberts, with headlines declaring that Roberts is the "lonely chief" (Gerstein, 2022), is "officially irrelevant" (Chen, 2022), or that Roberts has "lost control" of the Court (Farias, 2020; Lithwick, 2021; Vladeck, 2022).

In the 2021 and 2022 terms, in years when the Court has come to be perceived by external actors as highly divided, we do not see a reliance on the collective tone, as might have been expected (Figure 13). In the last 2 years of our dataset, all Justices—other than Roberts—wrote with more individualistic tone (Figure 14). In the wake of newly-appointed Justices—with high-profile and polarizing nomination hearings—and the overturning of longstanding precedents, based on the Rehnquist Court's approach toward a tumultuous period, we would have expected this Court to present a collective face, to counter criticism about division and partisanship. We observe instead that all Associate Justices, excluding Chief Justice Roberts, wrote with more individualistic tone in 2021 and 2022 than they did before those years.

Roberts' individualistic tone plummeted over the past decade, and he used nearly no individualistic tone in 2021 and 2022 (2.0% in both years). This decline has occurred in striking contrast to his individualistic tone a decade prior, at a high 10.0% in 2013 or
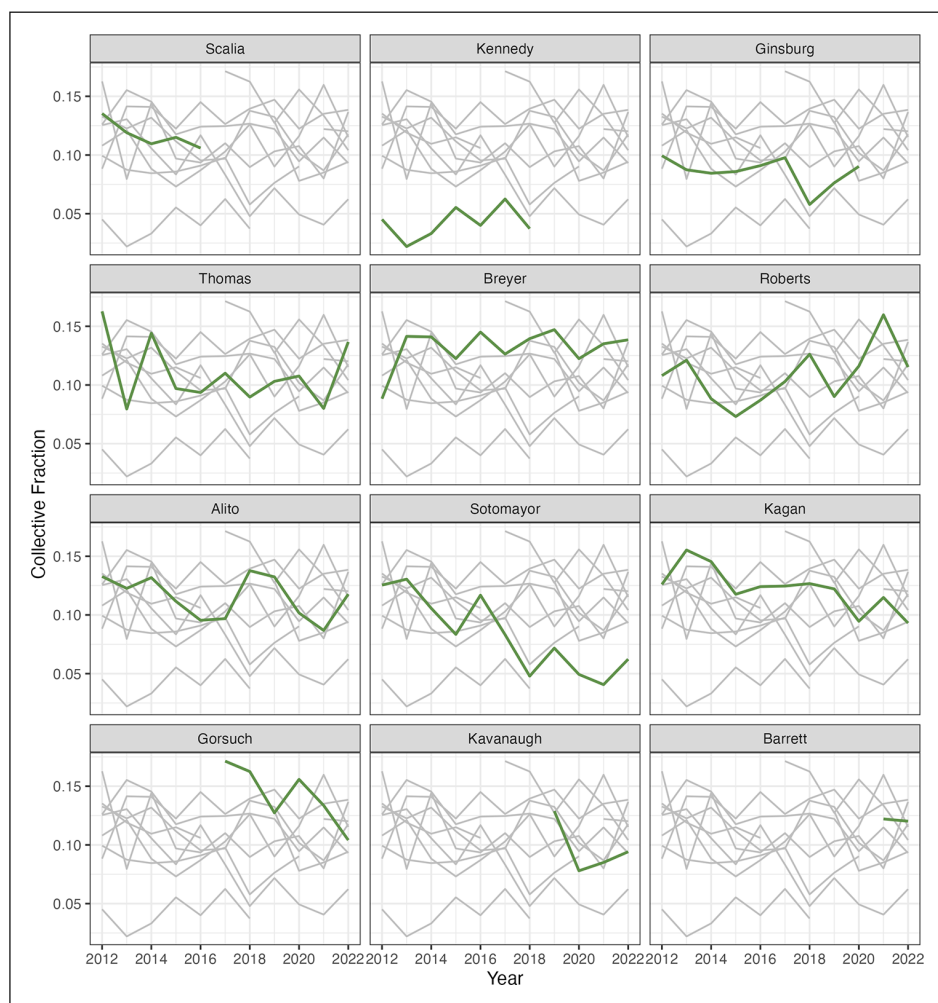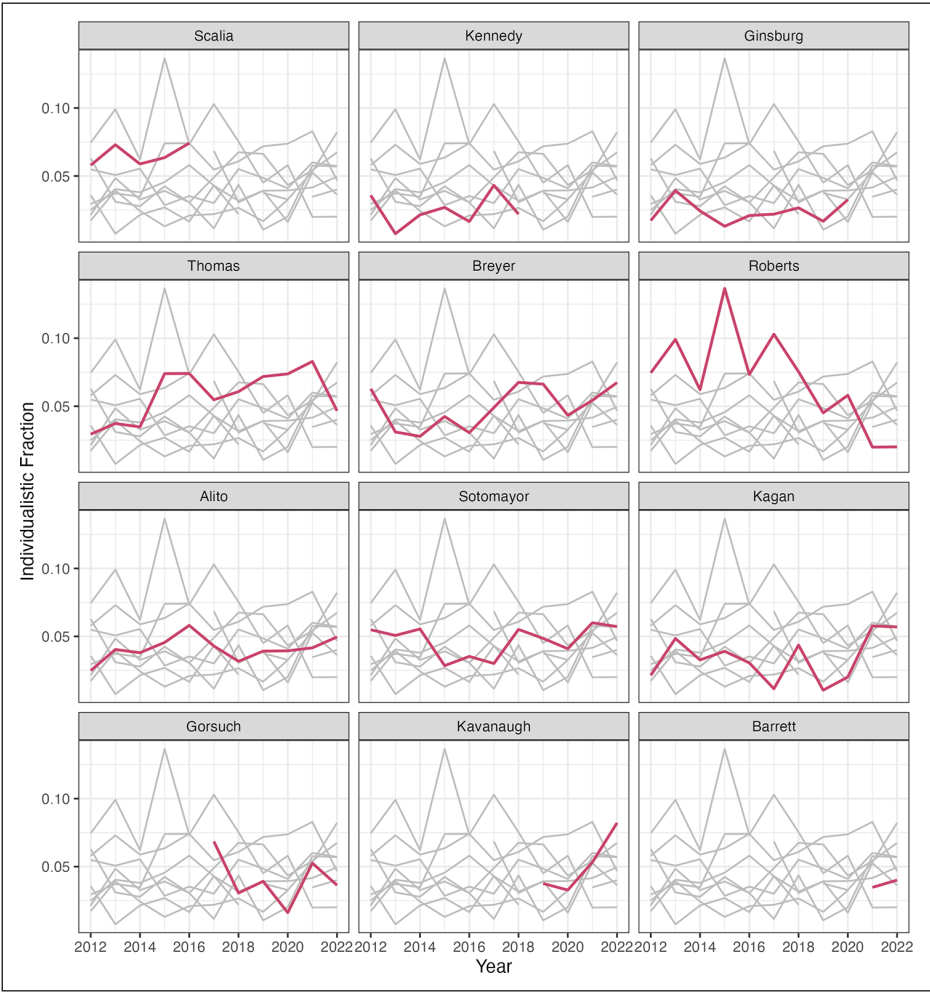
Figure 13. Changes in collective fraction in the last decade (2012–2022).

13.7% in 2015, for example. Compared to the slightly lower rates of collective voice used by the other members of the Court, Roberts used a slightly higher rate of collective tone in 2021 (16.0%) and 2022 (11.5%), though this difference is not as striking as his individualistic tone in those years.

It is premature to say whether this is the beginning of a long-term rhetorical change, but there is a contrast between the *in-flux* Rehnquist Court and the *in-flux* Roberts Court. Whereas Chief Justice Rehnquist was the first of many Justices to rely on the collective voice during a period of change, when Chief Justice Roberts nearly eliminated his use of the individualistic tone, all other Associate Justices on the Roberts Court wrote more individualistically.

Figure 14. Changes in individualistic fraction in the last decade (2012–2022).

The rhetorical role of the chief justice. This result suggests a recent change in the Court's legitimating rhetorical strategies, away from the collective and toward the individualistic. Yet it also depicts how Roberts, the Chief Justice, has attempted to maintain a collective face in a period of turmoil. Roberts has responded to increasing individualistic tone across the rest of the Court by nearly eliminating individualistic rhetoric from his writing. The prior Chief Justice, Rehnquist, used collective rhetoric more than any other Justice on the Court, beginning immediately after he was appointed Chief Justice. That the two most recent Chief Justices are either leaders or resistors of rhetorical trends in the periods they preside reflects the responsibility of the role. Our research supports prior work suggesting that the Chief Justice may be more concerned with upholding the

Court's institutional legitimacy than are the other members of the Court (Badas, 2021). Our results also hint at how effectively a Chief Justice can influence the rhetoric of fellow Justices. While both Chief Justices Rehnquist and Roberts might have used more collective and less individualistic tone during periods of turmoil, Rehnquist's collective turn was undertaken by the rest of the Justices, while Robert's avoidance of individualistic tone was not. For whatever reason, while Chief Justice Roberts continues to protect the institutional legitimacy of the Court by using a collective and unifying tone, the rest of the Justices portray the Court as individualistic.

Conclusion

Future work could investigate the monologic voice and individualistic and collective tones throughout the next years of the Roberts Court or attend to Ferguson's other elements of the judicial genre: the declarative tone, interrogative mode, or the rhetoric of inevitability. Our study assumes that rhetoric can be studied in separation from legal reasoning, as rhetoric is used to communicate a decision but not to determine a Justice's stance. Another study might consider the complex relationship *between* rhetoric and modes of legal reasoning and jurisprudence. Finally, the decline in collective tone after the *Bush v. Gore* decision is deserving of additional focused study.

Our work performs a computational study of judicial rhetoric, identifying the monologic voice and its individualistic and collective tones in a corpus of 15,291 opinions, issued between 1946 and 2022. To do this, we train models to identify the monologic voice and its individualistic and collective tones based on hand-annotated opinions. We find that while the collective and individualistic tones are relatively consistent over time, an uptick in collective tone for a more than decade-long period during the Rehnquist Court suggests that the Court presents a collective face during tumultuous periods. By analyzing the judicial rhetoric of individual Justices, we find that the two most recent Chief Justices, Rehnquist and Roberts, are rhetorical outliers while leading the Court. We find glimpses of a shift in rhetorical strategy in 2021 and 2022, as Justices other than Chief Justice Roberts became more individualistic and less collective in their rhetoric. In these moments where the Court's rhetoric shifts more toward the individualistic or the collective, we see evidence not of jurisprudence or voting habits, but of rhetorical strategies intended to legitimize the Court.

ORCID iD

Rosamond Elizabeth Thalken   https://orcid.org/0000-0001-6290-074X

Notes

1. According to Ferguson (1990), the judicial genre has four rhetorical traits: the *monologic voice*, the *interrogative mode*, the *declarative tone*, and *rhetoric of inevitability*. The interrogative mode occurs when rhetorical questions guide the opinion toward its conclusion. The declarative tone presents clear and definitive answers to the interrogative mode's questions. The rhetoric of inevitability presents the decision as inevitable, given the constitution, precedent, and case circumstances.
2. We use Garrett Fiddler's dataset at https://www.kaggle.com/gqfiddler/scotus-opinions, derived from CourtListener. Opinions from 2021 and 2022 were collected by the first author.
3. We compare whether the results in Figures 5 and 10 are simply a factor of the number of separate opinions issued across time with a correlation test, comparing fraction of separate opinions to the monologic voice, individualistic fraction, and collective fraction, and find no relationship.

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Appendix
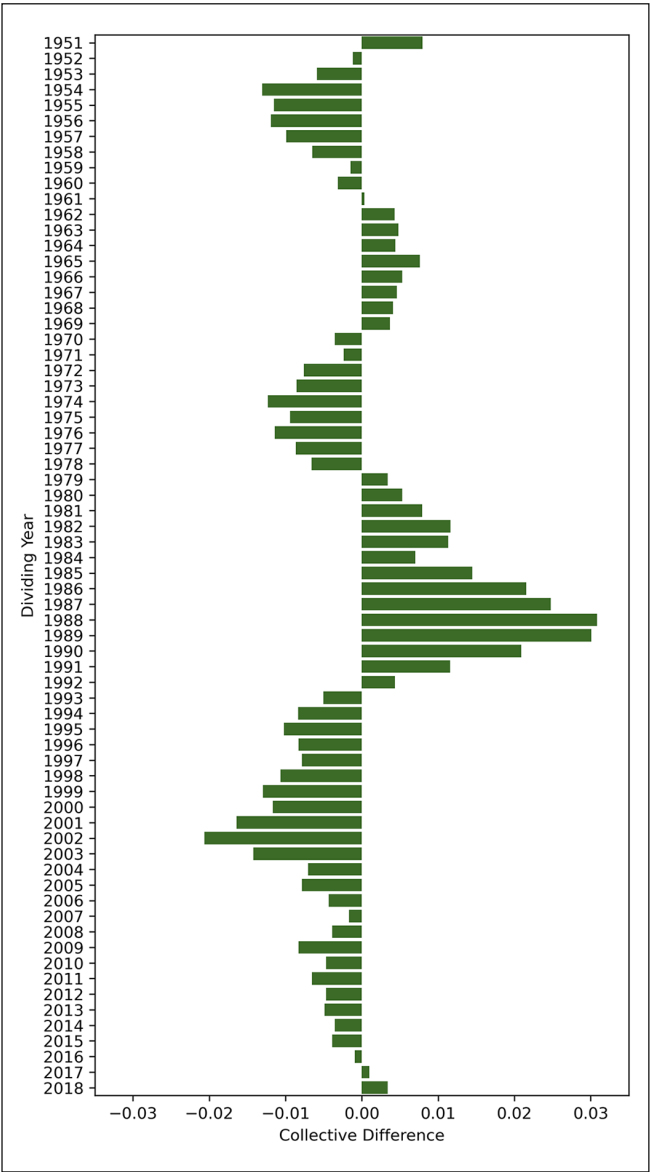
Figure A1. Difference in collective tone when comparing data from 5 years prior to 5 years including and after a given year. For example, the top line (1951) compares the years 1946–1950 to 1951–1955, and the latter period used just under 0.01 more collective tone.
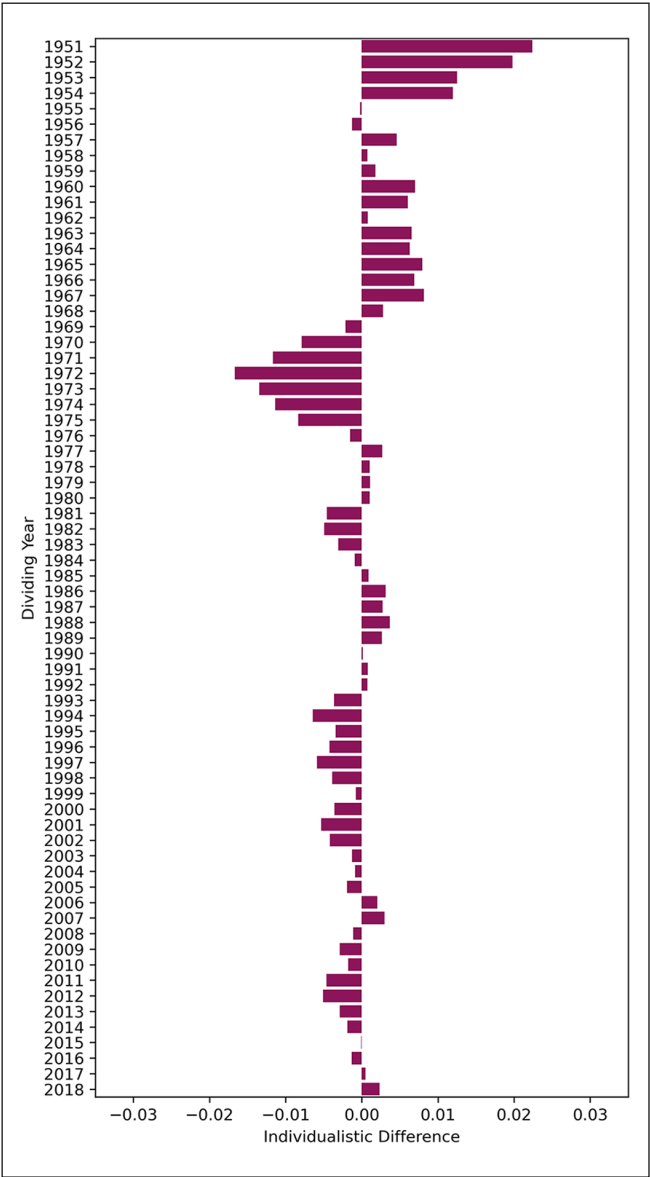
Figure A2. Difference in individualistic tone when comparing data from 5 years prior to 5 years including and after a given year. For example, the top line (1951) compares the years 1946–1950 to 1951–1955, and the latter period used just under 0.02 more individualistic tone.