

## Research Question

- ❖ What style of moral reasoning do **Amici curiae** make use of in their briefs to the USSC?
- ❖ How does it compare to the style used by litigants in the case?

## Parties in USSC litigation

- ❖ **Petitioners** – Petitioned the USSC
- ❖ **Respondents** – Subjects of the petition
- ❖ **Amici curiae** (“Friends of the court”) – Other interested parties

## Moral Foundations Theory

Haidt & Joseph (2004)

- ❖ 5 categories of moral concerns:
  - ❖ Authority (*comply; protest*)
  - ❖ Harm (*safety; suffered*)
  - ❖ Fairness (*rights; prejudice*)
  - ❖ Loyalty to the ingroup (*enemy; member; together*)
  - ❖ Purity (*integrity; pervert*)
- ❖ Moral Foundations Dictionary (Graham et al., 2009)
  - ❖ A set of terms associated with each concern

## U.S. Supreme Court Oral Arguments Transcripts

(from ConvoKit, Chang et al., 2020)

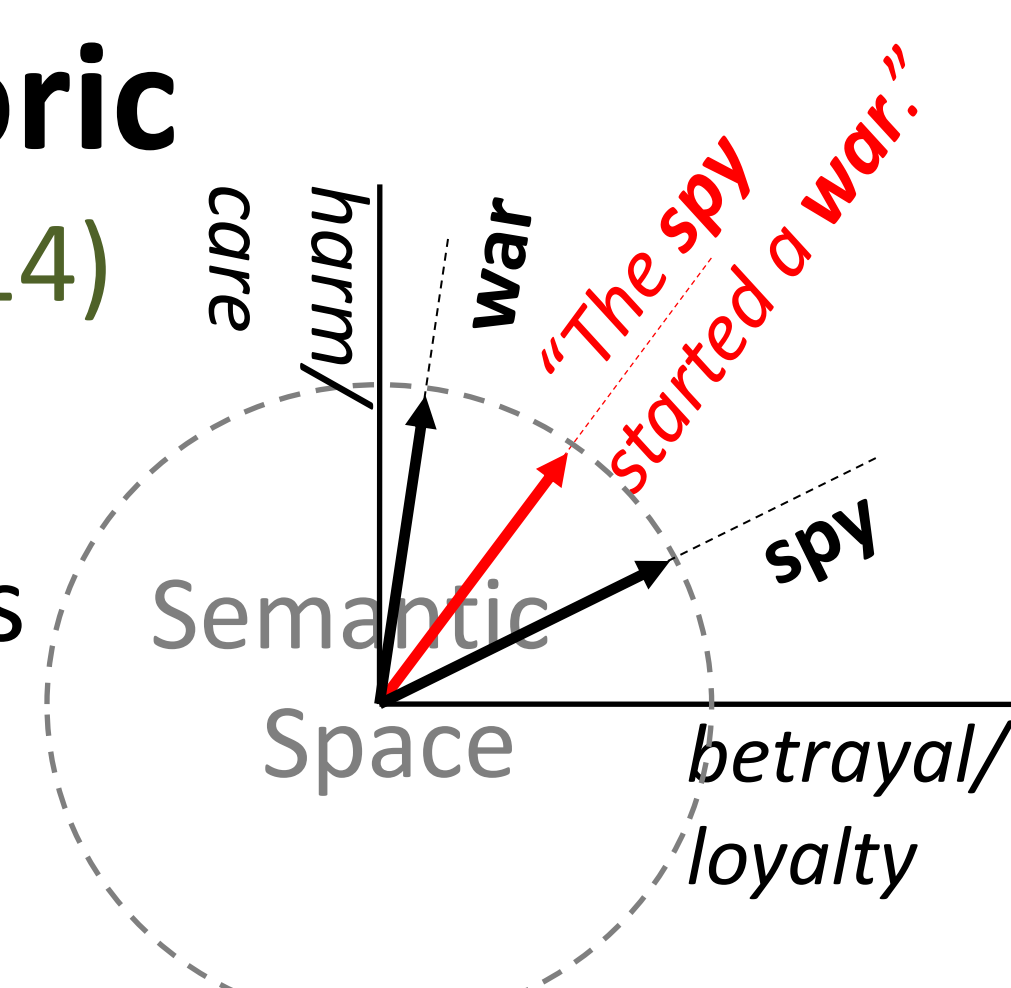
6,733 Cases ❖ 1955-2019 ❖ 1.7M utterances

## Measuring Moral Rhetoric

(based on Sagi & Dehghani, 2014)

- ❖ Words as vectors in a *semantic space*
- ❖ **Data points:** Utterances in USSC arguments
- ❖ **Basic measure:** Mean moral reasoning

## Semantic Spaces

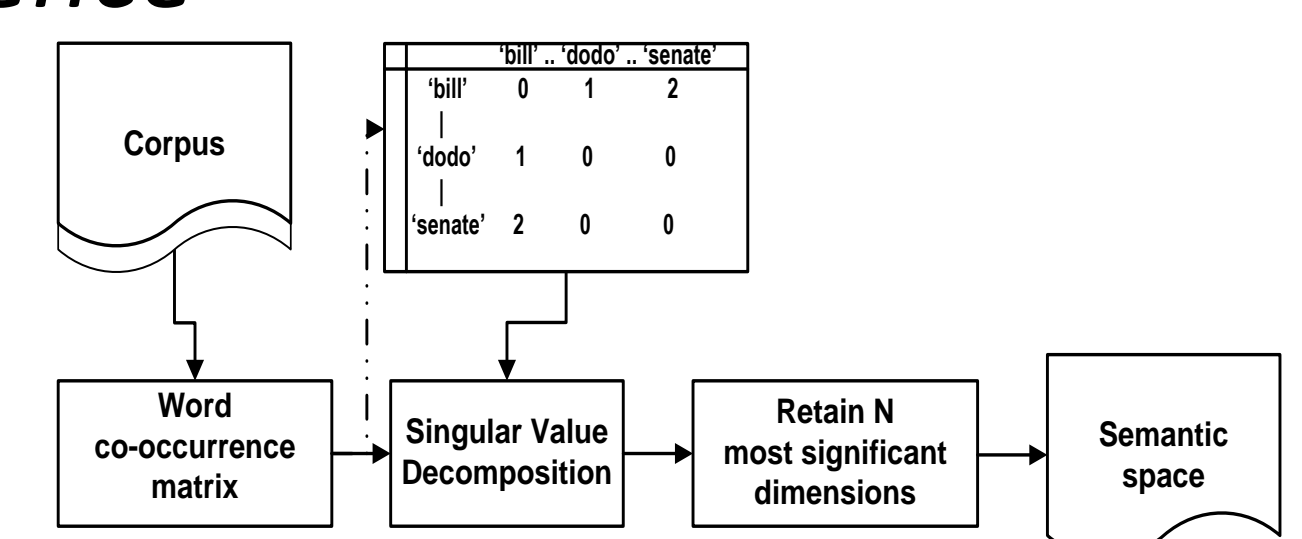


**Topicality:** Words that occur together likely relate to the same topic

- ❖ Based on patterns of *word co-occurrence*

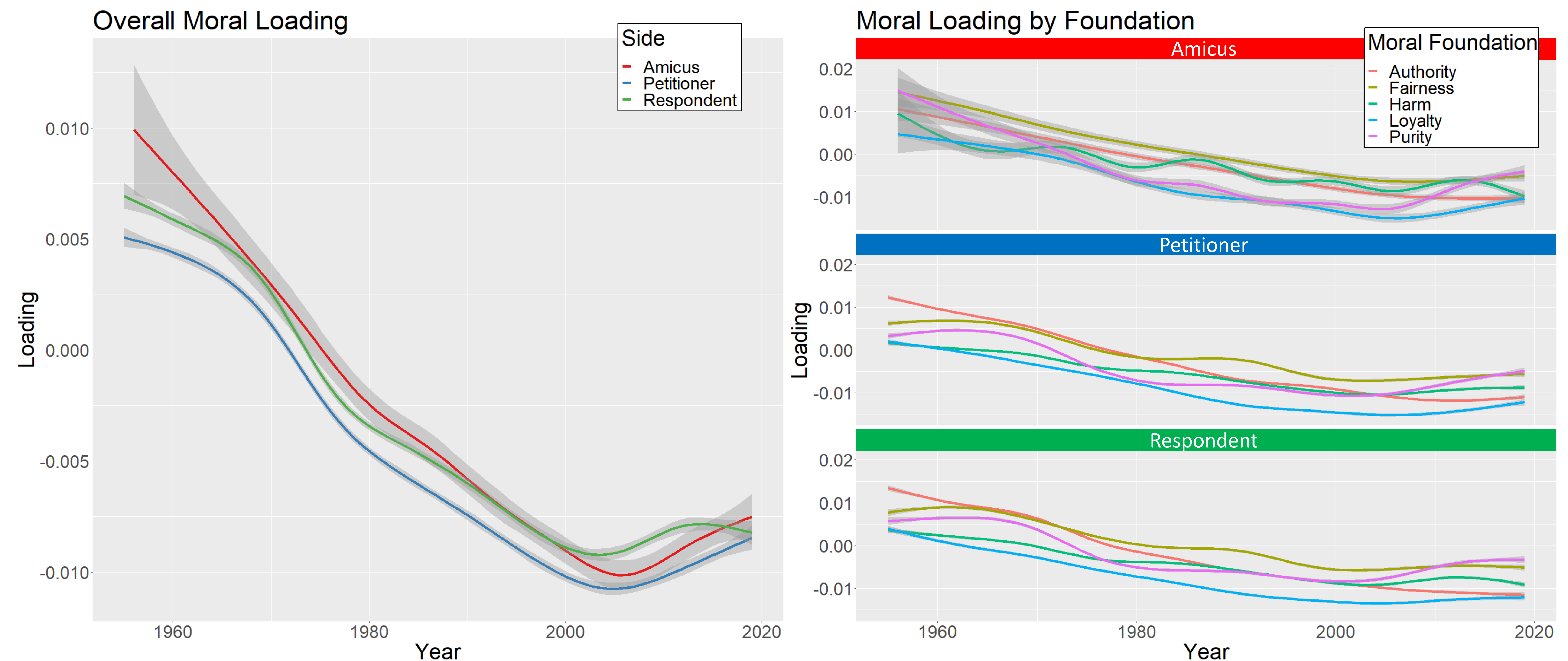
(Infomap; Takayama et al., 1999)

- ❖ Linear space generated using Singular Value Decomposition



**Respondents**, and **Amici curiae**, rely *more heavily* on moral appeals than **Petitioners** in their oral arguments

## Results



## Sample Utterances (from Pasquantino v. United States; 03-725)

**Mr. Dreeben (Respondent; overall loading .16):** “... The third reason is that the creation of international schemes to defraud, like the smuggling scheme in this case, poses independent threats to the United States Government because international criminal organizations are particularly difficult for the United States to deal with..”

**Ms. Brill (Petitioner; overall loading .09):** “... And so the District Court became, essentially, part of the tax enforcement apparatus of the Government of Canada by performing that assessment in the first instance. And so anytime that we impose criminal or civil liability in a manner that affects the tax policies of another country, we are enforcing that rule ...”

## References

- Chang, J. P., Chiam, C., Fu, L., Wang, A., & Zhang, J. (2020) ConvoKit: A Toolkit for the Analysis of Conversations. *Proceedings of SIGDIAL Conference*, 57-60.
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- Sagi, E., & Dehghani, M. (2014) Moral Rhetoric in Twitter: A Case Study of the U.S. Federal Shutdown of 2013. *In P. Bello, Guarini, M., McShane, M., & Scassellati, B., Proceedings of the 36th Annual Conference of the Cognitive Science Society* (pp. 1347-1352).
- Takayama, Y., Flounoy, R., Kaufmann, S. & Peters, S. (1999) Information retrieval based on domain-specific word associations. *In Cercone, N. and Naruedomkul K. (eds.), Proceedings of the Pacific Association for Computational Linguistics (PAACLING'99)*, Waterloo, Canada. 155-161.

