

Measuring Division: The Language of Dissent in the Supreme Court and American Polarization

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Abstract

Political polarization in the United States has been widely examined through legislative behavior, electoral politics, and mass political discourse. Far less attention, however, has been paid to how polarization is discursively constructed within elite judicial institutions. This paper examines how ideological conflict is enacted and negotiated through the language of dissenting opinions in the U.S. Supreme Court. Rather than treating polarization solely as a function of voting behavior or ideological scores, the study adopts a corpus-assisted discourse analytic approach to examine how disagreement is patterned linguistically across time.

Dissenting opinions are treated as a distinctive institutional discourse genre. While they permit explicit disagreement, they remain constrained by norms of judicial legitimacy, professionalism, and institutional authority. This tension makes dissents a particularly revealing

site for examining how ideological conflict is rhetorically managed within the Court. The analysis focuses on shifts in evaluative stance, rhetorical framing, and linguistic markers of disagreement across judicial eras, asking whether these patterns align with broader trends in American political polarization.

The study draws on a diachronic corpus of Supreme Court dissenting opinions spanning the nineteenth century to the present, constructed using digitized judicial texts from the Caselaw Access Project. Texts are extracted, cleaned, and annotated with metadata including year of decision, justice identity, Court era, and ideological orientation. Using corpus-driven keyword analysis, measures of evaluative language, lexical diversity, modality, and semantic similarity modeling, the study identifies patterns of rhetorical divergence. Quantitative findings are interpreted alongside institutional and historical context to understand how ideological conflict is expressed within judicial discourse.

Keywords: Diachronic Corpus Analysis, Supreme Court Dissents, Institutional Discourse, Political Polarization, Evaluative Language

Introduction

The United States Supreme Court is institutionally designed to operate at a remove from electoral and partisan politics. However, public and scholarly discourse increasingly describe the Court as polarized (Devins & Baum, 2017; Gooch, 2015). This tension raises a central puzzle for scholars of judicial politics: How can an institution structured to maintain neutrality and legal professionalism come to resemble the ideological divisions of the broader political system?

Empirical research on judicial polarization has largely addressed this question by examining behavioral outcomes. Studies typically focus on voting patterns, ideological scores, and coalition formation, often relying on measures such as Martin–Quinn or DW-NOMINATE scores to map ideological distance among justices (Clark, 2009; Duffy, 2018). These approaches demonstrate increased ideological sorting and clearer alignment between justices and partisan positions over time. However, they capture polarization primarily as it manifests in decisions and votes, leaving other dimensions of judicial behavior comparatively understudied.

One such dimension is judicial rhetoric. Supreme Court opinions are communicative texts through which justices justify decisions, articulate disagreements, and address multiple audiences. Dissenting opinions, in particular, constitute the Court’s most explicit institutional expression of conflict. They allow justices to challenge majority reasoning, signal alternative legal frameworks and, at times, speak beyond the Court to the public or future courts.

Scholarship suggests that dissents can serve strategic and institutional purposes, including coalition maintenance, agenda setting, and the preservation of alternative doctrinal paths (Clark, 2009; Hume, 2019). If polarization is reshaping the Court, it may be reflected both in how justices vote and write, especially when they dissent. Even so, large-scale, systematic analysis of dissent rhetoric over time is limited. Thus, current accounts of judicial polarization overlook an important expressive dimension of institutional conflict—one this study seeks to address.

Research Question, Theory, and Expected Contributions

This study asks whether the language of dissent in Supreme Court opinions has become

more combative over time. Specifically, it examines whether polarization is reflected not only in voting behavior but in rhetorical expression—measured through tone, linguistic divergence, and expressive intensity. By shifting attention from outcomes to language, the study contributes to judicial politics in four ways. First, it adopts a text-as-data framework that treats judicial opinions as analyzable linguistic artifacts. Second, it centers dissents as the Court’s most explicit site of institutional disagreement. Third, it provides a long-run historical analysis spanning multiple eras of constitutional conflict. Finally, it demonstrates how computational methods—when integrated with legal and political theory—can refine understanding of polarization in elite institutions, addressing critiques that such approaches prioritize prediction over contextual interpretation (Németh, 2022).

Theoretically, one might expect dissent rhetoric to become more combative as ideological sorting intensifies across American institutions. Justices appointed by increasingly polarized political actors may hold more sharply opposed constitutional worldviews, and dissents may serve as vehicles for moral condemnation, ideological signaling, or public persuasion. The Court’s growing centrality in politically salient disputes and the expansion of its external audience may further incentivize pointed or emotionally charged language. At the same time, institutional constraints complicate expectations of steady escalation. The Supreme Court depends on legitimacy and professional norms that emphasize doctrinal reasoning over partisan confrontation. Justices operate within a shared legal culture that prizes coherence, precedent, and restraint. Moreover, rhetorical tone may vary with docket composition: eras dominated by foundational constitutional conflicts may generate sharper language than periods centered on

technical statutory disputes.

These considerations yield three competing expectations. A linear polarization hypothesis predicts steady growth in rhetorical combativeness. An episodic conflict hypothesis anticipates spikes in divergence during historically salient disputes but no cumulative trend. An individual style hypothesis suggests that variation is driven primarily by justice-specific writing strategies rather than broad temporal change.

Together, these expectations imply that polarization need not produce monotonic rhetorical escalation. Instead, dissent language may reflect the interaction of ideological disagreement, institutional norms, historical context, and individual judicial behavior. The analysis that follows evaluates these competing explanations through a long-run examination of dissent rhetoric.

Review of Literature

Judicial polarization has emerged as a distinct research agenda within the broader study of American political polarization. While polarization research has traditionally focused on Congress, parties, and mass publics, scholars have increasingly turned their attention to the Supreme Court as its decisions have become more salient in public discourse. Gooch (2015) attributes this shift to the Court's growing contrast with the openly polarized elected branches, the analytical appeal of studying a small set of elite institutional actors, and the Court's evolving relationship with public opinion. As the Court has assumed a more prominent role in resolving politically charged disputes, the assumption that it operates independently of broader political

polarization has become increasingly contested.

Conceptually, polarization is generally understood as ideological distance combined with change over time. Devins and Baum (2017) describe polarization as a product of partisan sorting and heightened ideological consciousness, emphasizing not only policy disagreement but also affective hostility toward opposing views. Similarly, DiMaggio et al. (1996) define polarization as an increase in the extremity of distance between opposing positions rather than simple dispersion. These frameworks share an emphasis on polarization as a dynamic process, implying that meaningful analysis must account for temporal variation rather than static snapshots. Applied to the Supreme Court, this perspective suggests that polarization should be examined across institutional eras, not merely within isolated terms or Courts.

Despite broad agreement on conceptual foundations, scholars diverge in how polarization is operationalized. Most empirical studies of judicial polarization rely on vote-based measures, particularly adaptations of NOMINATE and DW-NOMINATE scores originally developed for legislative roll-call data. These measures have been widely used to estimate ideological positions and distances among justices (Clark, 2009; Duffy, 2018). Other approaches examine distributional properties of voting behavior, such as variance or kurtosis, to infer levels of polarization (Myers, 2007). While these methods provide valuable insights into judicial behavior, they face important limitations. Clark (2009) argues that vote-based measures may be less informative when ideological variance is constrained or when case selection limits observable disagreement. More fundamentally, such approaches capture outcomes rather than expression, potentially overlooking how conflict is articulated within the institution.

Research on dissent rhetoric complicates linear narratives of polarization. Hume (2019) contrasts a polarization hypothesis—predicting increasingly confrontational language as ideological distance grows—with a coalition maintenance hypothesis, which posits that justices strategically moderate dissent rhetoric to preserve institutional relationships. His findings support the latter, showing that overtly impolite language declined over time and was often directed toward ideologically proximate colleagues rather than distant opponents. Quantitative studies similarly rely on dictionary-based sentiment analysis to measure rhetorical tone. Bryan and Ringsmuth (2016) develop a domain-specific lexicon to detect emotive language in dissents, while Hume (2019), using LIWC, finds that dissent tone in the Roberts Court was relatively restrained and in some respects becoming milder. Together, these results suggest that rhetorical expression may reflect strategic adaptation within institutional constraints rather than unrestrained ideological escalation, underscoring the need for careful interpretation of sentiment measures in legal contexts.

Recent advances in natural language processing (NLP) have expanded the methods available for studying political polarization, but their application to elite institutional texts remains uneven. Németh (2022) critiques polarization research for its heavy reliance on social media data and its tendency to prioritize predictive performance over contextual interpretation. In response, scholars have proposed triangulated frameworks that integrate multiple linguistic indicators, such as semantic divergence, lexical choice, and sentiment (Karjus & Cuskley, 2024). Corpus-based studies of institutional discourse, including analyses of public health agencies (Ireland, 2024) and corporate communication (Fuoli, 2018), demonstrate the value of domain-

sensitive linguistic analysis. More recently, Lu and Chen (2025) apply NLP methods to judicial texts, illustrating the promise of high-dimensional representations while highlighting ongoing concerns about interpretability and transparency in legal settings.

Taken together, the literature reveals several persistent gaps. Studies of judicial polarization continue to emphasize voting outcomes at the expense of rhetorical expression. Linguistic analyses often rely on short time horizons or methods developed for social media rather than elite legal discourse. Moreover, few studies integrate computational techniques with historical and institutional context in a way that permits interpretable long-run analysis. This paper addresses these gaps by conducting a historically grounded, text-as-data analysis of Supreme Court dissent rhetoric, linking linguistic patterns to institutional norms, issue context, and competing theories of polarization.

Data and Methodology

This study draws upon a corpus of U.S. Supreme Court opinions spanning the nineteenth through twenty-first centuries. The unit of analysis is the individual opinion text. Each observation corresponds to a single authored opinion associated with a decision year and, where available, metadata identifying the opinion type and authoring justice. The dataset integrates multiple archival sources in order to maximize temporal coverage and institutional continuity. To ensure comparability across eras, only opinions with identifiable text content and valid decision years were retained.

The corpus includes both majority (or “opinion of the Court”) and dissenting opinions.

Concurrences are included in the broader dataset but treated as non-dissenting opinions unless otherwise specified. Decision years were extracted either directly from metadata fields or, where necessary, parsed from associated date strings. Observations outside the defined temporal range or containing empty or corrupted text fields were excluded from analysis.

The dataset contains several key variables. The primary independent variable of interest is opinion type, operationalized as a binary indicator distinguishing dissenting from non-dissenting opinions. The principal temporal variable is decision year, which enables long-run historical aggregation and time-series analysis. Additional variables include document-level token count, used as a proxy for opinion length, and a continuous sentiment score derived from sentence-level tone estimation. Where available, justice identifiers permit individual-level analyses of rhetorical divergence.

Working with historical judicial data presents several challenges. Metadata conventions vary substantially across eras, and some older opinions lack standardized opinion-type labels. Formatting differences, archaic language, and inconsistent archival practices introduce additional noise. To address these issues, a multi-stage ingestion and validation procedure was implemented, standardizing column names, verifying temporal ranges, and removing incomplete observations. These steps ensure that the corpus reflects consistent textual units suitable for longitudinal analysis while acknowledging the inherent imperfections of historical judicial archives. This study adopts a text-as-data approach in RStudio to evaluate rhetorical divergence between dissenting and majority opinions. The methodology proceeds in several stages: classification of opinion type, text preprocessing, construction of document-level measures,

temporal aggregation, and estimation of a rhetorical polarization metric.

Dissent classification follows a two-stage rule-based procedure. Where metadata explicitly identifies an opinion as a dissent, it is coded accordingly. Majority opinions, concurrences, and per curiam decisions are coded as non-dissenting. In cases where metadata is missing or ambiguous, a text-based fallback rule is applied, identifying dissents through the presence of phrases such as “I dissent,” “we dissent,” or “dissenting opinion.” This approach balances precision and coverage, recognizing that historical labeling practices are inconsistent. Although rule-based classification may introduce minor misclassification risk, it provides a reproducible method appropriate for large-scale analysis.

Text preprocessing is conducted using established corpus-linguistic procedures. Opinion texts are tokenized, lowercased, and stripped of punctuation and numerical characters. Common English stopwords are removed to reduce noise and enhance comparability. These steps standardize textual inputs across centuries of stylistic and formatting variation to consistently represent each opinion’s lexical content. After preprocessing, opinion length is measured using document-level token counts. Length serves both as a descriptive variable and as a control in supplementary modeling, as longer opinions may naturally exhibit greater lexical variability and potentially different sentiment distributions. Using token counts rather than page numbers or citation counts ensures cross-era comparability.

Tone is estimated using sentence-level sentiment analysis. Each opinion is segmented into sentences, and a validated sentiment lexicon is applied to generate a sentiment score for each

sentence. These scores are then averaged to produce a document-level sentiment measure. While sentiment analysis does not capture doctrinal nuance or strategic irony, it provides a scalable proxy for evaluative tone across a large corpus of legal texts. Importantly, the measure captures relative differences between dissenting and majority opinions rather than absolute emotional intensity.

Temporal aggregation proceeds by computing yearly averages of key variables. For each year, the number of dissenting opinions, the share of opinions that are dissents, mean token count, and mean sentiment scores are calculated. To assess rhetorical divergence, the study constructs a polarization proxy defined as the absolute difference between mean dissent sentiment and mean majority sentiment in a given year, to capture the extent of divergence between dissent and majority tone at the aggregate level.

To interpret changes in language beyond tone alone, the analysis incorporates two additional diagnostic tools. Keyness analysis using chi-square statistics identifies words disproportionately associated with dissents relative to non-dissents. Collocation analysis of frequent bigrams examines shifts in phrase-level patterns across historical eras. Together, these techniques provide insight into not only whether rhetoric diverges, but how it differs lexically.

As a supplementary diagnostic, a logistic regression model predicts the probability that an opinion is a dissent as a function of year, log-transformed opinion length, and sentiment score. This model does not claim causal inference; rather, it evaluates whether temporal trends persist after accounting for structural features of opinions. Coefficient estimates are interpreted

descriptively to assess whether dissent likelihood increases independently of rhetorical tone or verbosity.

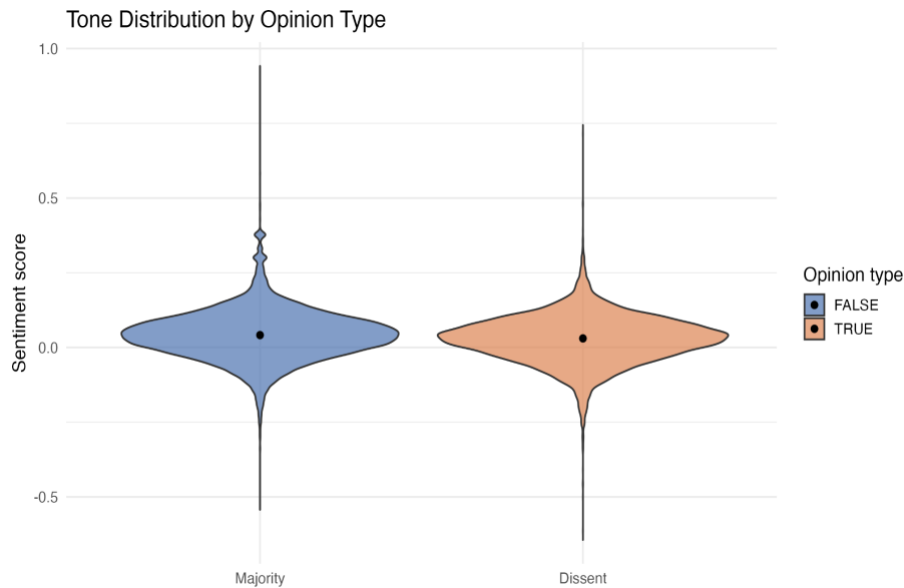
Results

The empirical analysis evaluates whether dissenting language exhibits a long-run increase in rhetorical combativeness and whether divergence between dissent and majority tone grows systematically over time. Findings do not support a linear escalation narrative. Instead, patterns of rhetorical divergence are episodic, historically contingent, and heterogeneous across justices.

Figure 1 presents the distribution of document-level sentiment scores for dissenting and majority opinions. Dissents exhibit slightly lower mean sentiment and noticeably greater dispersion relative to majority opinions, indicating modestly more negative and more variable evaluative tone. However, the distributions overlap substantially, suggesting that dissents are not uniformly hostile texts. Rather, they occupy a distinct but bounded rhetorical space within judicial writing. The difference is statistically observable yet substantively moderate, consistent with the idea that disagreement is articulated through structured legal reasoning rather than sustained antagonism.

Figure 1

Distribution of Sentiment by Opinion Type



Temporal trends further complicate expectations of steady escalation. As shown in Figure 2, yearly average sentiment for dissenting and majority opinions moves largely in parallel. When majority tone becomes more negative or more positive in a given period, dissent tone typically shifts in the same direction. This co-movement indicates that broader stylistic conventions or issue contexts influence both opinion types simultaneously. Importantly, the gap between the two lines does not widen systematically across the full time series. Instead, divergence fluctuates around a relatively stable baseline.

Figure 2

Mean Sentiment by Year: Dissent vs Majority

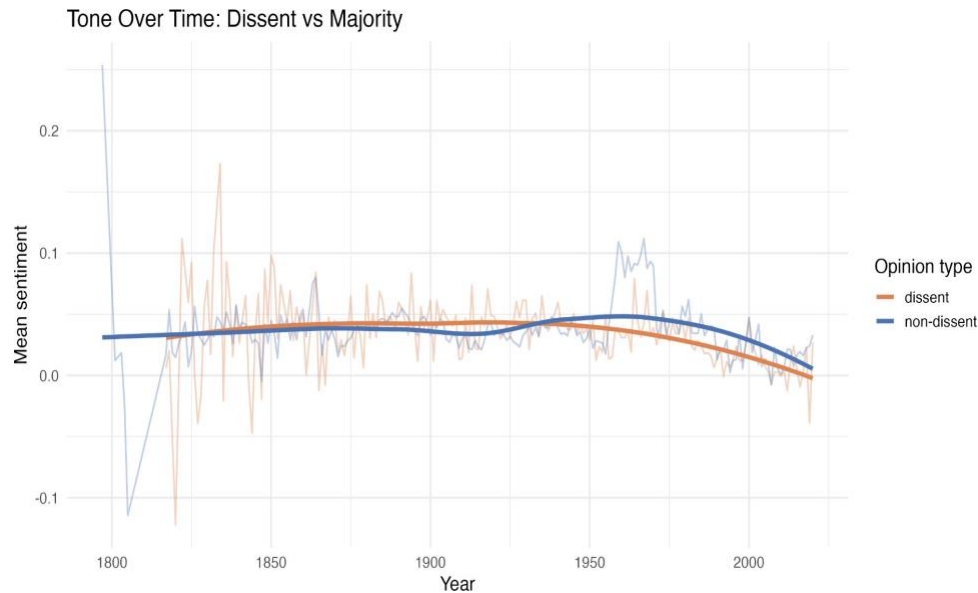
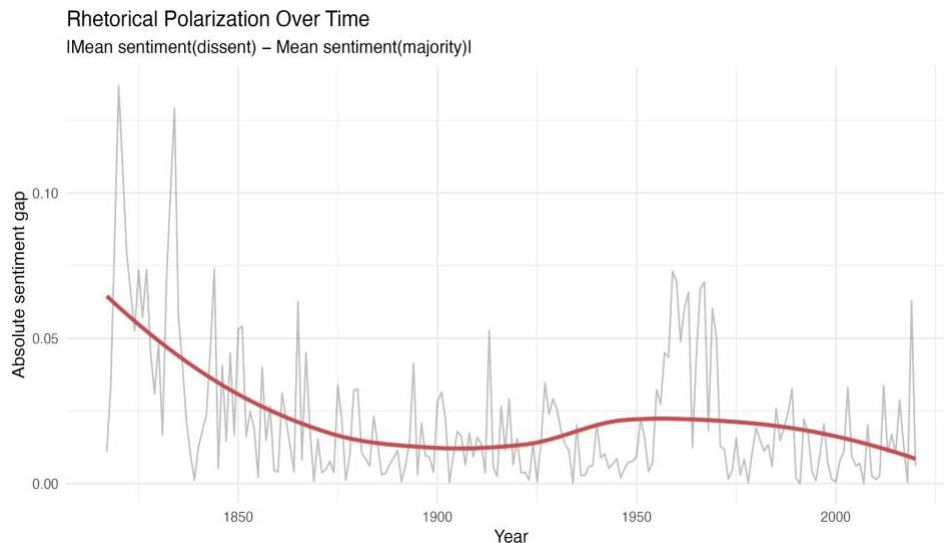


Figure 3 plots the study's central polarization metric—the absolute difference between mean dissent sentiment and mean majority sentiment in each year—to capture rhetorical divergence. The series exhibits episodic spikes followed by reversion to lower levels. These fluctuations undermine the linear polarization hypothesis and instead support the episodic conflict expectation. Periods of heightened divergence are concentrated in historically salient eras rather than accumulating progressively over time.

Figure 3

Rhetorical Polarization Over Time (Absolute Tone Gap)



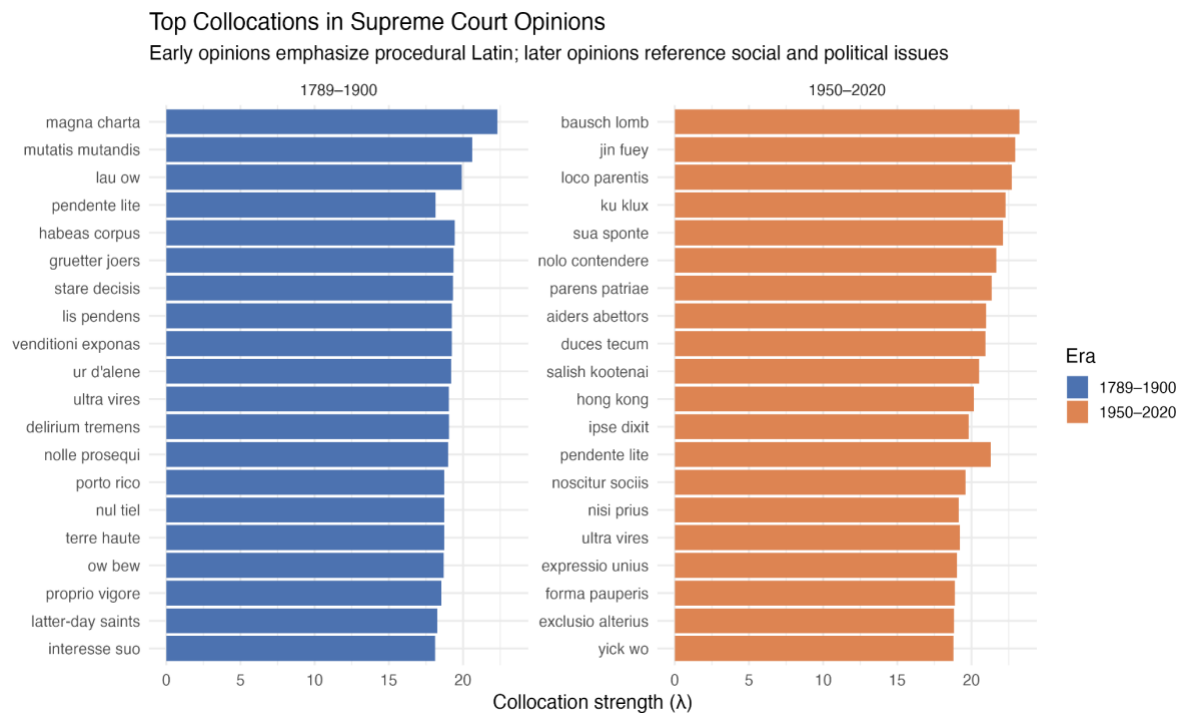
Visible increases in tone gap correspond to significant historical events. Divergence rises sharply during the Civil War and Reconstruction, coinciding with constitutional disputes over slavery, federal authority, and national sovereignty. A second sustained elevation appears in the mid-twentieth century, corresponding to landmark civil rights cases regarding segregation, voting rights, and criminal procedure. Recent upticks also occur in the late twentieth and early twenty-first centuries, overlapping with disputes involving abortion, religious liberty, executive power, and electoral regulation. These modern peaks do not consistently exceed earlier historical highs, indicating that contemporary rhetorical polarization is not unprecedented. Nonetheless, it is likely that existential institutional conflict heightened normative disagreement and tone divergence in rhetoric.

Lexical diagnostics further illuminate the character of dissent rhetoric. Keyness analysis identifies words disproportionately associated with dissents relative to non-dissents, revealing systematic but evolving lexical differentiation. Dissents more frequently employ evaluative and contrastive language, while majority opinions tend to emphasize institutional or doctrinal terminology. Importantly, the specific markers of dissent vary across eras, indicating that rhetorical expression adapts to the substantive issues before the Court rather than converging on a stable vocabulary of hostility.

Figure 4 illustrates bigrams across historical eras. Earlier periods show more procedural and formal bigrams, while later periods show phrase patterns more closely associated with socially salient constitutional disputes. This shift supports the interpretation that spikes in rhetorical divergence are partly driven by changes in issue composition. When the Court adjudicates morally charged or politically contentious questions, dissent rhetoric becomes more distinct from majority reasoning. When the docket is dominated by technical or procedural matters, divergence narrows.

Figure 4.

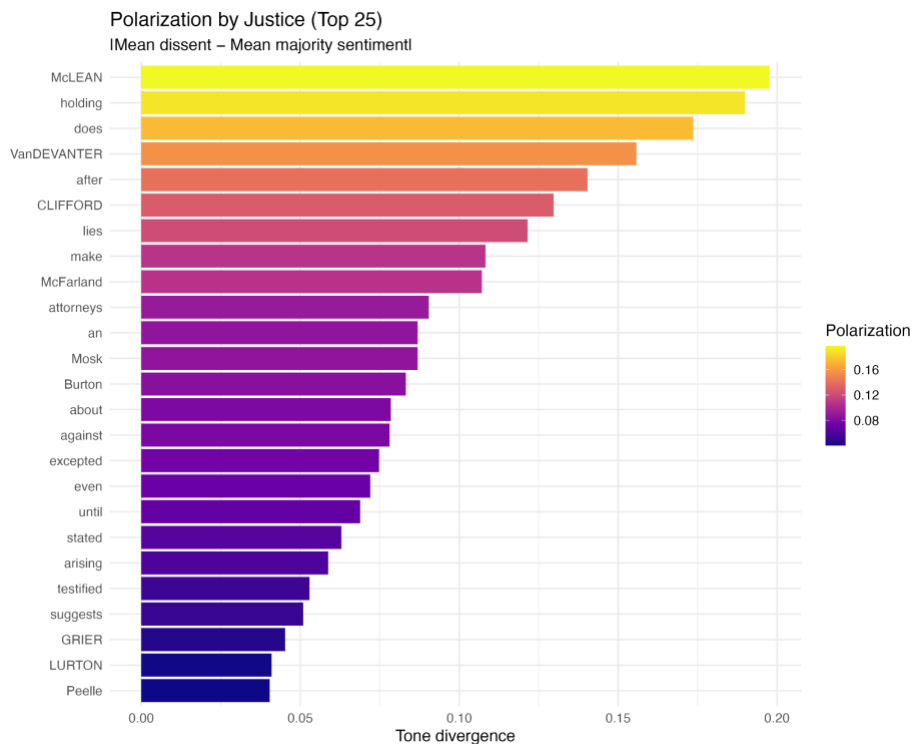
Bigrams Across Historical Eras



Justice-level analysis introduces further nuance. Figure 5 ranks justices by the absolute difference between their mean dissent sentiment and their own majority sentiment. The results reveal substantial heterogeneity. Some justices exhibit pronounced divergence between their dissenting and majority tone, while others maintain relatively consistent rhetorical styles regardless of opinion type. This variation supports the individual style hypothesis and suggests that aggregate temporal patterns may partly reflect compositional changes in Court membership rather than uniform institutional transformation.

Figure 5.

Justice-Level Tone Divergence



All things considered, the results indicate that rhetorical polarization in Supreme Court dissents is real but bounded. Dissents are modestly more negative and more variable than majority opinions, and divergence increases during moments of intense constitutional conflict. However, rhetorical combativeness does not increase steadily across the nineteenth, twentieth, and twenty-first centuries. Instead, it appears episodic and context-driven. These findings challenge the assumption that rising ideological polarization necessarily manifests as escalating rhetorical hostility within judicial writing and suggest that institutional norms and issue context play central moderating roles.

Discussion and Limitations

The findings suggest that rhetorical conflict within the Supreme Court is neither uniformly escalating nor unbounded. Rather than displaying a steady increase in combative language, dissent rhetoric fluctuates in response to historically salient disputes, issue domains, and institutional dynamics. This pattern complicates narratives that equate broader political polarization with inevitable rhetorical intensification within the Court. While ideological division is visible in voting coalitions and public discourse, its expression in judicial writing appears more constrained and episodic.

These results imply that judicial polarization is best understood as bounded and context-driven. Spikes in rhetorical divergence correspond to periods of heightened constitutional conflict, but they do not accumulate across time. The Court's language reflects moments of intense disagreement—such as during disputes over slavery, civil rights, or highly salient social issues—yet it repeatedly returns toward a more moderated baseline. This cyclical pattern suggests that rhetorical expression responds to institutional pressures and issue context rather than to a singular, linear trend of ideological radicalization.

Institutional norms play a central role in moderating rhetorical escalation. The Supreme Court depends upon public acceptance of its authority, and overtly partisan or excessively hostile language risks undermining perceptions of legal neutrality. Professional legal culture reinforces expectations of reasoned argument, doctrinal engagement, and stylistic restraint. Even when justices disagree sharply on constitutional interpretation, they operate within a shared framework

of legal reasoning that tempers overt antagonism. These legitimacy and professionalism constraints help explain why dissent rhetoric does not escalate indefinitely, even in eras of heightened ideological division.

The distinction between rhetorical and behavioral polarization further underscores the need to reconsider how polarization is conceptualized and measured. Vote-based metrics capture ideological alignment and coalition formation, but they do not necessarily reveal how disagreement is articulated. The present analysis suggests that linguistic divergence and voting divergence may follow different trajectories. Justices may polarize in their votes while maintaining relatively stable rhetorical norms, or they may strategically adjust tone in response to audience considerations without altering coalition structures. Consequently, equating polarization exclusively with ideological distance in voting patterns risks overlooking important dimensions of institutional behavior.

By demonstrating that rhetorical polarization is episodic, constrained, and partially decoupled from voting behavior, this study encourages a more multidimensional understanding of judicial polarization. Language, like votes, provides insight into institutional conflict, but it operates under distinct normative and strategic constraints. However, several limitations qualify the interpretation of these findings. First, sentiment analysis serves as an imperfect proxy for rhetorical combativeness. The sentiment measure employed here captures general evaluative tone based on lexical patterns, but it does not directly measure hostility, moral condemnation, or strategic rhetorical force. Judicial writing often embeds disagreement within formal doctrinal reasoning, and negative sentiment scores may reflect technical critique rather than combative

expression. Conversely, strongly worded doctrinal disagreement may be rhetorically sharp without containing lexically negative language. As a result, sentiment should be interpreted as an approximate indicator of tone rather than a definitive measure of antagonism.

Second, the classification of dissents also relies on a hybrid rule-based procedure combining metadata labels with text-based fallback rules. Although this approach maximizes coverage and maintains transparency, it is not immune to error. Historical records may contain inconsistent or incomplete opinion-type labels, and textual markers such as “I dissent” do not appear uniformly across eras. Some concurrences may contain dissent-like language, and some dissents may lack explicit lexical cues. While misclassification is likely limited, even small errors could introduce noise into aggregate measures.

Third, results are sensitive to preprocessing and dictionary choices. Decisions regarding tokenization, stopword removal, and lowercasing influence the textual representation of opinions. Similarly, sentiment dictionaries are constructed from general language corpora and may not fully capture the semantic conventions of legal discourse. Alternative preprocessing pipelines or domain-specific lexicons could yield modestly different tone estimates. Although the procedures used here are consistent and reproducible, they inevitably reflect methodological tradeoffs.

Finally, computational text analysis struggles to capture nuanced rhetorical strategies including sarcasm, irony, doctrinal subtlety, or shifts in argumentative structure. Judicial combativeness may manifest through legal reasoning, citation patterns, or structural framing

rather than through overtly negative vocabulary. Sentence-level averaging further smooths localized bursts of rhetorical intensity, potentially obscuring sharp passages embedded within otherwise measured opinions. For these reasons, the findings should be understood as identifying broad patterns of linguistic divergence rather than exhaustively characterizing the qualitative texture of dissent rhetoric.

Future Direction and Conclusions

The present findings open several avenues for further inquiry into judicial rhetoric and polarization. First, future research would benefit from issue-area-specific analysis. The results suggest that rhetorical divergence fluctuates alongside historically salient disputes, implying that aggregating across the entire docket may obscure meaningful variation. Disaggregating opinions by doctrinal domain—such as civil rights, federalism, economic regulation, or executive authority—could clarify whether certain issue areas consistently generate sharper rhetorical divides. This approach would allow scholars to disentangle temporal effects from shifts in the substantive composition of the Court’s caseload.

The development of supervised models tailored to legal discourse may improve measurement precision. Domain-specific classifiers trained to detect legal aggression, moral language, or evaluative framing could complement dictionary-based sentiment analysis. Recent advances in NLP, including contextual embeddings and transformer-based models, make it feasible to construct models calibrated specifically to judicial texts. Such models could capture subtler dimensions of rhetorical strategy that general sentiment lexicons may overlook, while

still maintaining interpretability and transparency. Comparative institutional analysis also offers an opportunity to situate Supreme Court rhetoric within a broader judicial landscape. Examining dissent language in lower federal courts, state supreme courts, or international constitutional courts could reveal whether rhetorical boundedness is unique to the U.S. Supreme Court or characteristic of apex courts more generally, allowing scholars to test whether legitimacy constraints and professional norms operate similarly across judicial systems.

Ultimately, this study set out to examine whether dissenting language in United States Supreme Court opinions has grown more combative over time. Moving beyond vote-based measures of judicial polarization, it treated judicial writing as empirical data and measured rhetorical divergence between dissents and majority opinions across more than a century of institutional history. The results do not support a narrative of steady rhetorical escalation. Although dissenting opinions are, on average, slightly more negative and more variable in tone than majority opinions, the divergence between the two does not increase monotonically across time. Instead, rhetorical gaps expand and contract in response to historically salient disputes and shifts in issue composition.

These findings invite a reframing of judicial polarization as episodic and historically contingent rather than cumulative. Periods of heightened rhetorical divergence correspond to moments of constitutional crisis or morally charged conflict, including disputes over slavery, civil rights, and contemporary rights-based controversies. Yet these spikes are followed by reversion toward more moderate baselines. The Court's language appears shaped not only by ideological disagreement but also by institutional norms, professional legal culture, and

legitimacy constraints that temper overt rhetorical hostility. More broadly, this analysis also underscores the importance of integrating rhetorical evidence into the study of judicial politics. Voting behavior remains a central indicator of ideological alignment, but it captures only one dimension of institutional conflict. Dissents are not merely signals of disagreement; they are texts that articulate, frame, and justify division. Examining their language provides insight into how justices present disagreement to colleagues, lower courts, and the public.

Methodologically, the study demonstrates the value of text-as-data approaches for long-run institutional analysis. Computational tools enable systematic examination of thousands of opinions that would be infeasible to analyze through close reading alone. Even when hypotheses are not directly confirmed, such methods refine theoretical understanding by revealing patterns that challenge prevailing assumptions. In this case, the absence of steady rhetorical escalation is itself informative, suggesting that polarization within elite legal institutions does not necessarily mirror patterns in electoral politics.

Incorporating rhetoric into studies of legal institutions enriches both conceptual and empirical accounts of polarization. Judicial disagreement unfolds not only through votes but also through words. Understanding how those words change—and when they do not—provides a more complete picture of institutional conflict and its limits. Collectively, these directions suggest that rhetorical analysis can deepen understanding of judicial polarization when paired with doctrinal specificity, individual-level modeling, methodological refinement, and institutional comparison.

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