

CAN THE SUPREME COURT

settle policy—and unsettle the public?

Public reactions to Windsor and Perry in 2.5 million tweets

Using Twitter to Study Public Discourse in the Wake of Judicial Decisions

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The Court changed the rule. What happened to the argument?

JUNE 26, 2013

United States v. Windsor

DOMA §3 unconstitutional under Fifth Amendment principles

Hollingsworth v. Perry

No standing; the judgment against Proposition 8 remained in place

A liberal—but incomplete—policy shift

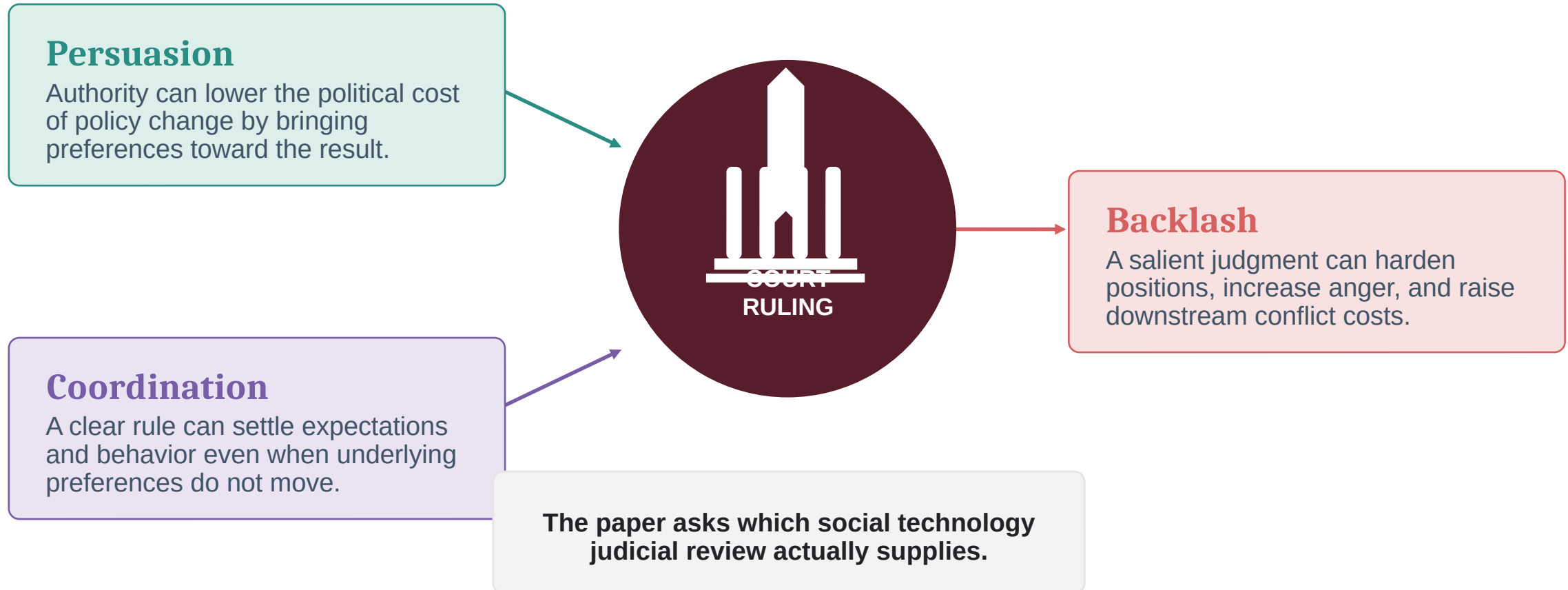
The Court did not yet establish a nationwide constitutional right



The legal outcome is observable. The social response is the dependent variable.



Legal finality and social settlement are different outcomes





Three accounts make observably different predictions

OUTCOME	Legitimation deference to authority	Structural response discussion reinforces groups	Thermostatic response policy prompts counter-demand
Policy support	moves toward the ruling →	supporters ↑ opponents ↓	left and right counter-react
Anger	falls—especially among opponents ↓	opponents ↑ supporters ↓	rises at ideological extremes ↑
Intensity	likely falls ↓	may rise on both sides ↑	rises with counter-demand ↑

KEY TEST

Does institutional authority soften opposition—or sort people into more opposed camps?



A sharp legal event inside a high-frequency stream of speech

MARCH 26

JUNE 26

AUGUST 10



Observation window



Observation window

**Windsor + Perry****2.5M+**

same-sex-marriage tweets

335,399

tweets on decision day

≈700

frequent accounts in panel

1,400

human-coded training tweets

DESIGN NOTE

A before/after observational design: the ruling is the event—not a randomized treatment.



Two samples separate public attention from within-account change

DAILY STREAM

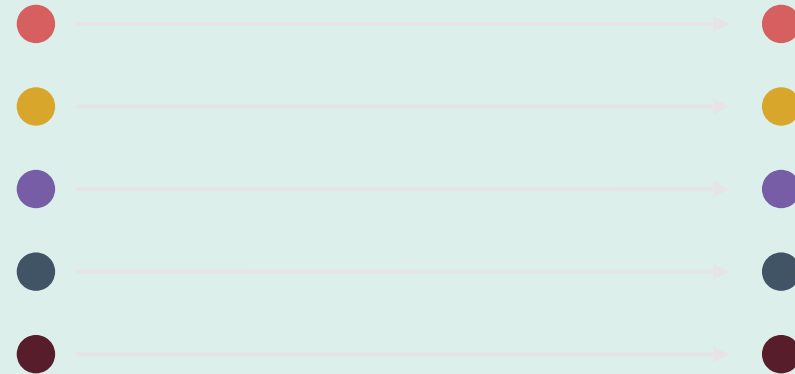
Who is speaking today?



Large, changing cross-section of issue-related tweets each day

ACCOUNT PANEL

How do the same speakers change?

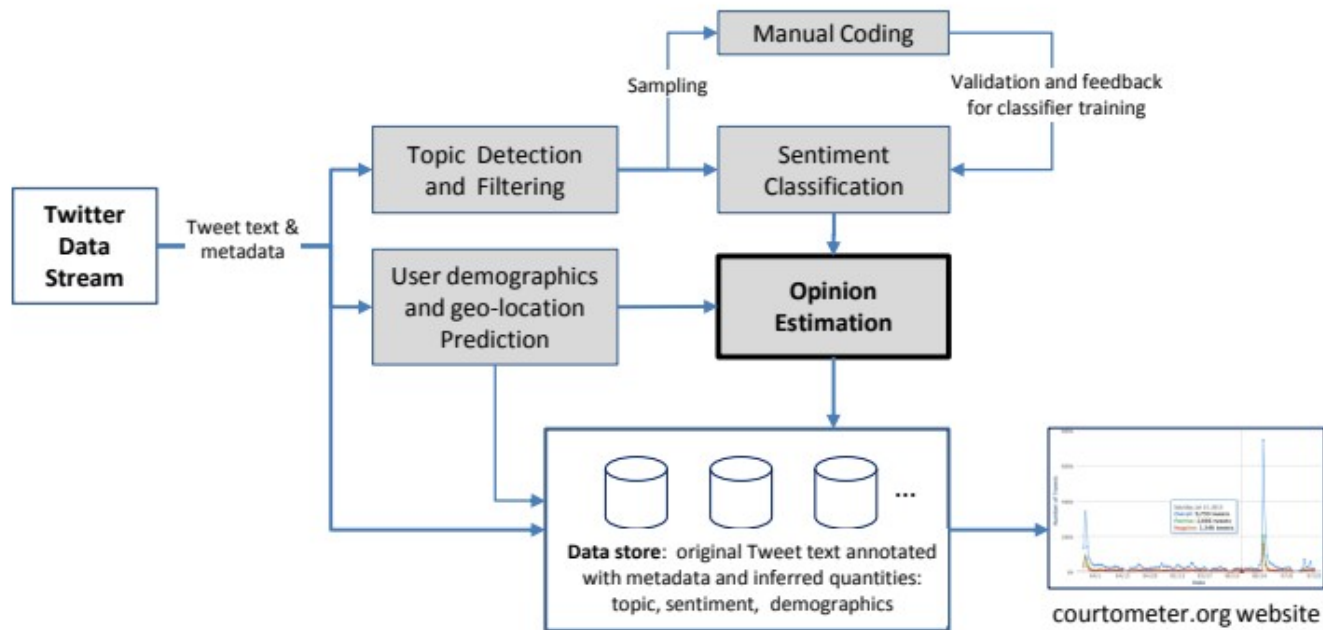


Frequent accounts tracked continuously—without being recruited into a survey panel

When both samples move together, simple compositional turnover becomes a less satisfying explanation.



From public speech to theoretically meaningful quantities



A reusable architecture—not a one-off word count

SUPPORT

supportive · neutral · opposed

INTENSITY

intense · dispassionate

ANGER

pleased · neutral · angry

The claim is about revealed public discourse—not private preferences.



Measurement is imperfect—but the errors are visible

10-fold cross-validation

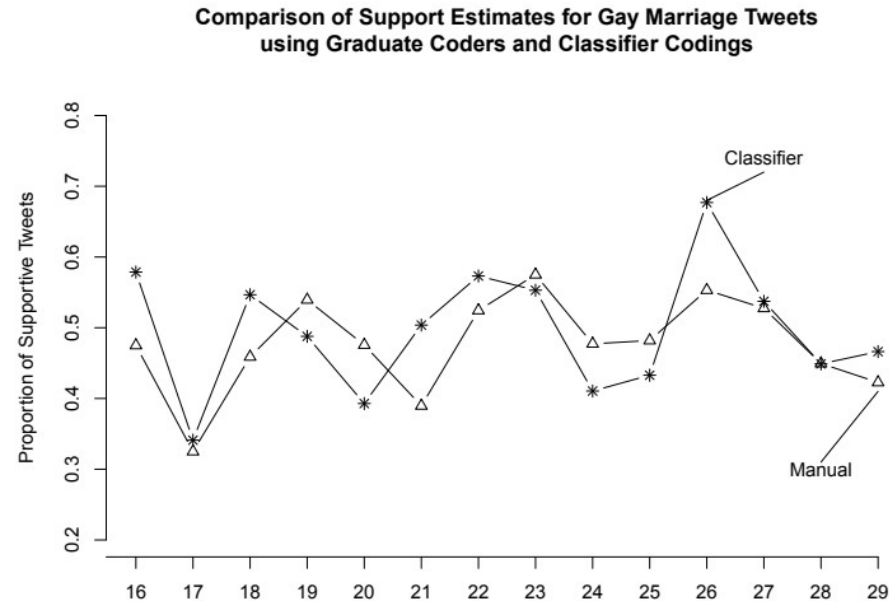
68% support classification accuracy
73% intensity classification accuracy
69% anger classification accuracy

What works best

Supportive and neutral tweets; intense versus dispassionate speech.

Harder cases

Rare opposition and anger categories.

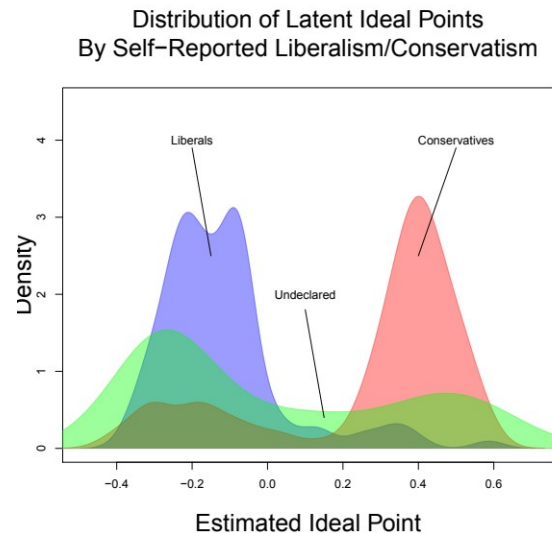


Daily classifier estimates track the hand-coded series

The main inference relies on patterns and contrasts—not on pretending each label is error-free.



Follower networks recover ideology—but ideology is not issue position



1. Infer latent distance

People are less likely to follow accounts far from them in ideological space.

2. Validate against profiles

Self-described liberals and conservatives separate strongly on the recovered scale.

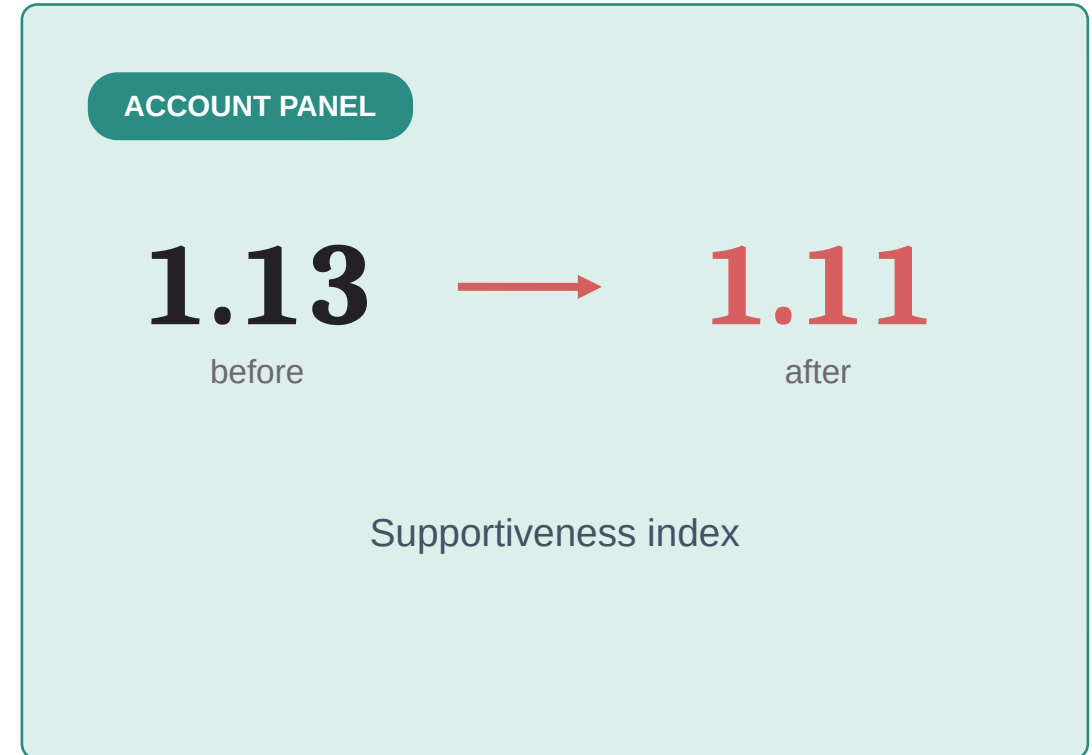
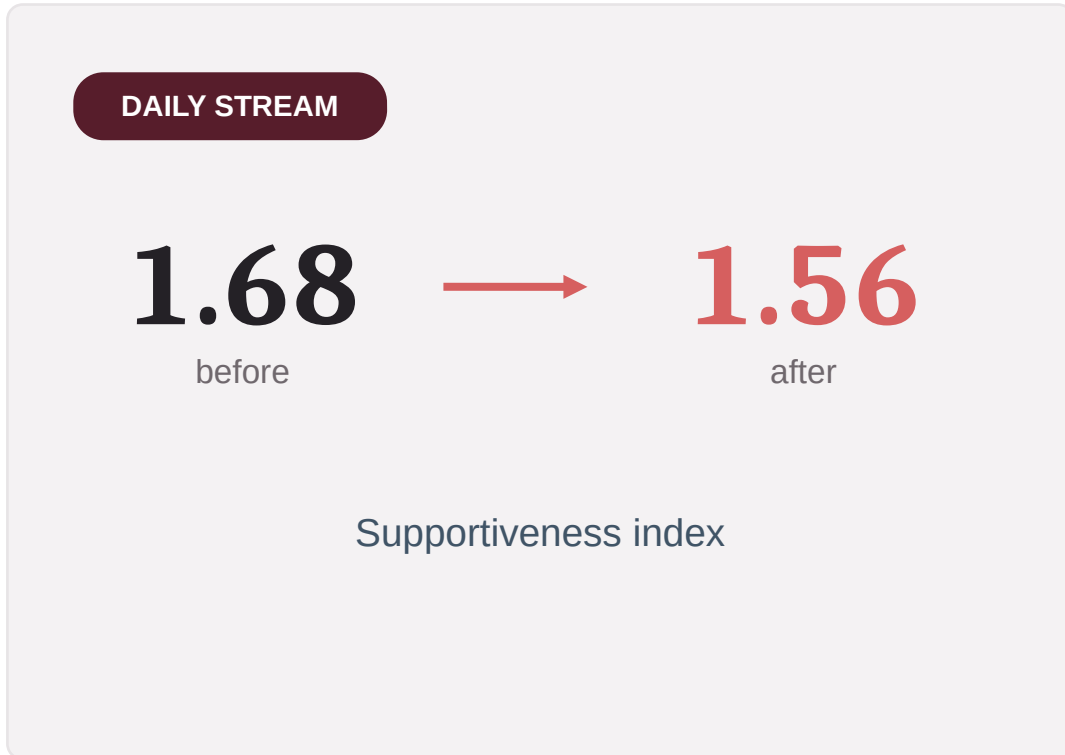
3. Keep the concepts distinct

General ideology and prior support for marriage equality need not sort the same people.

That distinction becomes the central empirical result.



No aggregate movement toward the Court's policy



Statistically detectable because N is enormous; substantively small and in the wrong direction for legitimation.



Prior policy position predicts polarization; ideology does not

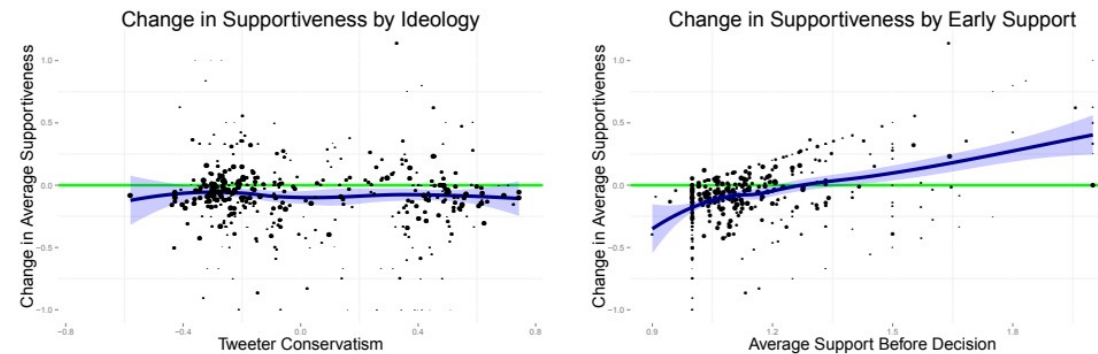


Figure 5: *Change in panelists' supportiveness after the Supreme Court's decisions, as a function of conservatism and early support.* Left-hand panel shows signed change in panelists' average supportiveness as a function of their estimated latent conservatism. Right-hand panel shows signed change in panelists' average supportiveness as a function of their average support before the Supreme Court decisions. All change measures exclude Tweets on the day of the Supreme Court's decisions. Lines are locally-weighted GAM regressions with 95% confidence intervals. Points are sized proportional

NEAR-FLAT

general ideology

UPWARD

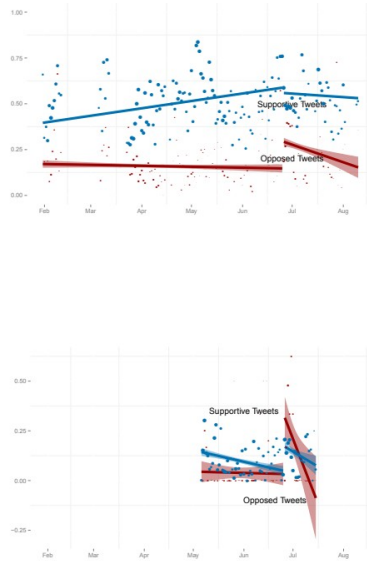
prior issue support

Supporters became more supportive; opponents became more opposed.



Emotion moves faster—and more sharply—than policy support

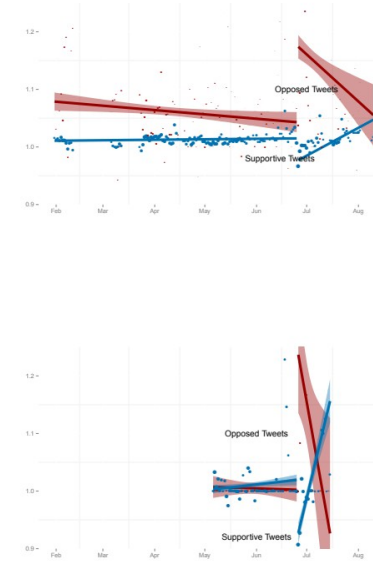
Intensity among supportive and opposed Tweets



INTENSITY

Both supportive and opposed speech spike, then fade.

Anger among supportive and opposed Tweets



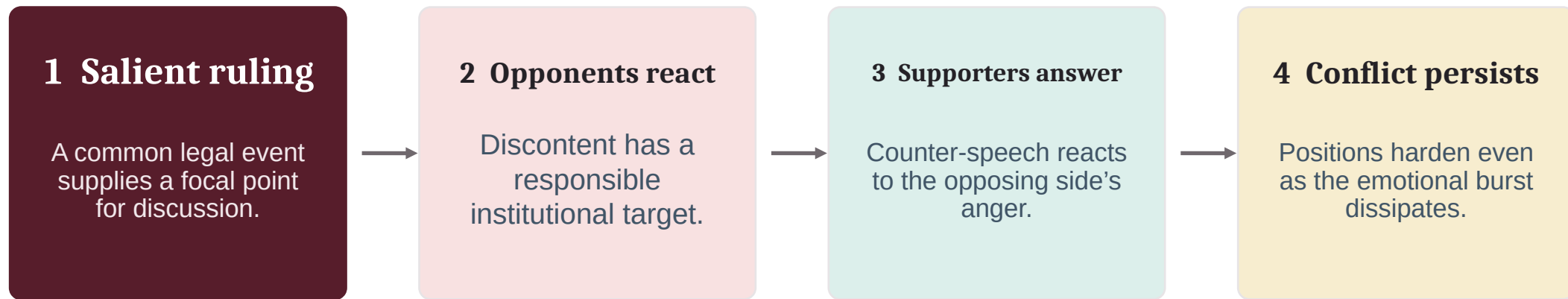
ANGER

Opposition spikes; supportive speech becomes less angry at first.

The response is pronounced but short-lived—exactly the kind of burst surveys are likely to miss.



The likely mechanism is structured response—not deference



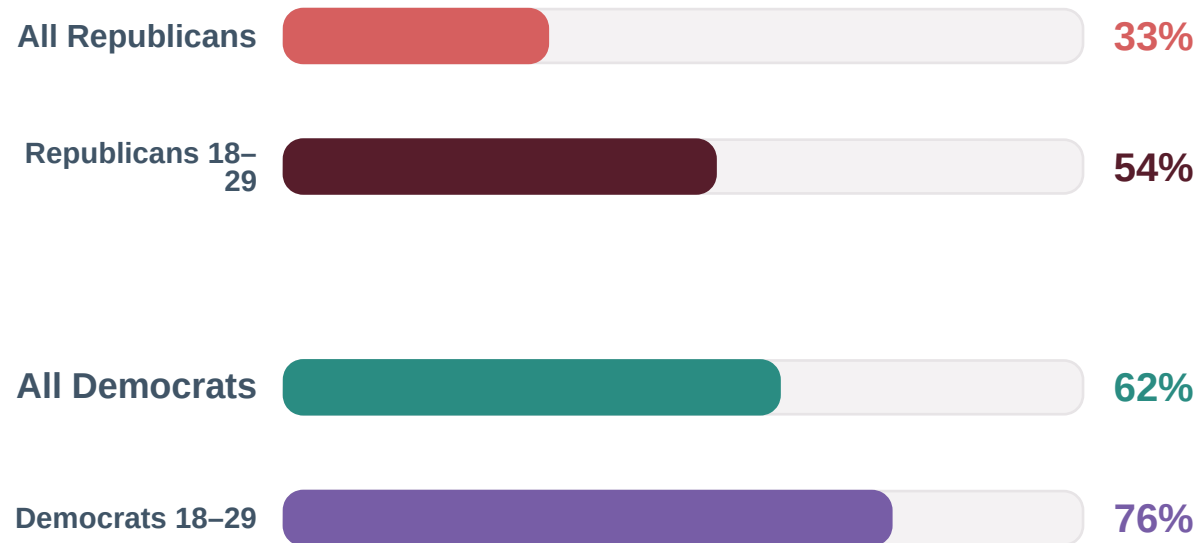
Inference: the observed sequence is consistent with Franklin and Kosaki's discussion-group mechanism; the design does not directly identify each conversational link.

A decision can end litigation while beginning a new round of social interaction.

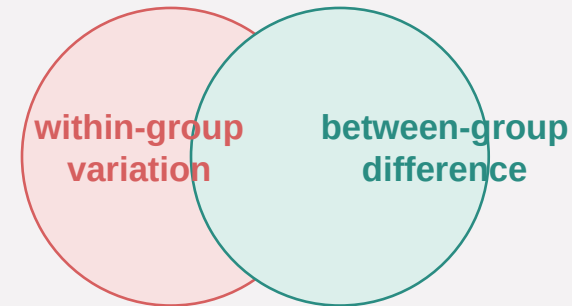


Why no liberal-conservative split? Look at age within party

Support for same-sex marriage, spring 2013



Structural response needs group separation



A younger Twitter population compresses the partisan gap on this issue.

The result is not “no polarization.” It is polarization along the grouping that is actually coherent on the policy.



What the Court settled—and what it left unsettled

LEGAL SETTLEMENT

The judgment changed

- ✓ Federal recognition rules under DOMA §3
- ✓ The practical status of California's Proposition 8
- ✓ Immediate rights, obligations, and administrative expectations

SOCIAL SETTLEMENT

The judgment did not settle

- ✗ The public meaning or legitimacy of marriage equality
- ✗ Agreement among the most committed issue groups
- ✗ A nationwide constitutional right—that came later in Obergefell

Judicial authority can coordinate behavior without producing opinion convergence.



What this design can—and cannot—support

STRENGTHS

Real-time behavior

Daily speech captures short-lived reactions that survey waves miss.

Two samples

Cross-section and fixed panel offer complementary checks.

Theory-linked measures

Support, intensity, anger, and ideology map to explicit predictions.

Transparent error

Human coding and validation reveal classifier weaknesses.

LIMITS

No national sample

Twitter participants—especially frequent speakers—are selected.

No untreated counterfactual

Before/after patterns are not a fully identified causal effect.

One issue and era

Marriage equality in 2013 may not travel to other rulings or platforms.

Measurement error

Rare opposition and anger are the hardest classes to detect.

Defensible claim: the decisions reorganized discourse among Twitter participants—not “the Court caused national opinion to polarize.”



Three contributions—and a sharper next test



1

Institutional

Judicial legitimacy need not become policy legitimization.



2

Methodological

Language data recover emotional dynamics absent from sparse surveys.



3

Normative

Brief emotional shocks may reshape mobilization and deliberation.

NEXT TEST

Compare many rulings that vary in salience, ideological direction, unanimity, remedy, and implementation costs—then trace replies, retweets, and offline participation.

TAKEAWAY

Courts can win the case without winning the argument.

01

No aggregate legitimation of the policy

02

Opinion groups polarize—even when ideological groups do not

03

Emotion responds immediately, asymmetrically, and briefly

Questions