

Worldviews and Judicial Decision Making at the U.S. Supreme Court

Paul Lohse

Arizona State University

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Abstract

The Attitudinal Model asserts that U.S. Supreme Court justices decide cases based on their political ideologies (See Segal and Spaeth 2002). Many judicial politics scholars regard this model as the most powerful in predicting how the justices will vote on a case. There exist many attempts to define political ideologies. The least complex definition is that they are systems of ideas (See Ball, Dagger and O'Neill 2019). Political ideologies, nonetheless, are not the only system of ideas. Worldviews are another, and their impact on political decision making remains largely unexplored. This exploratory paper examines the affect that the personal worldviews of the justices have on their court rulings using a qualitative analysis. To assess the impact of worldview, this study categorized ten justices into five dimensions of worldview articulated by Anthropologist Clyde Kluckhohn (1956) with personal memoirs written by the justices. This study then sought linkages with the justices' categorizations and their decisions in significant cases. Some interesting connections were discovered.

Introduction

Following the U.S. Supreme Court's shift to the ideological right following president Donald Trump's many appointments to the high court, the American media increasingly attribute judicial decision making to worldview. A report from *The New York Times*, for example, tells their readers that Justice Samuel Alito has publicly said that American law should follow Christian worldview (Wegman 2024). The *Washington Post* reports that Justice Amy Coney Barrett just prior to her nomination to the Supreme Court spoke at a conference whose purpose was to infuse Christian worldview into every area of American law (Brown and Swaine 2022).

The American media's attribution of worldview as a cause of judicial decision-making fits incompletely at best with the work that judicial politics scholars have done. Judicial politics scholars have in large embraced three models to explain the choices that the justices make, the legal, strategic and attitudinal models, with the latter two putting political ideology at the core of the choices that justices make (see Segal and Spaeth 2002; Epstein and Knight 1997).

Have judicial politics scholars then overlooked worldview as a powerful motivator of judicial decision making? In answering this question, those who study judicial politics must better understand worldview. Is worldview independent of political ideology, the same, or do political ideology and worldview overlap in ways that have yet to be fully explored or understood?

Correctly showing the dimensions of worldview let alone linking it with judicial decision making is a mammoth task, which this paper does not aim to accomplish. Rather this paper will describe relevant research done by anthropologists, social psychologists, philosophers and political scientists. This paper will then examine the impact of worldview on the justices' legal decisions through anthropologist Clyde Kluckhohn's worldview conceptualization (see Ibrahim and Kahn 1987). The intent of this paper is then exploratory and to consider the value and utility of future research.

Political Ideology

Judicial politics scholars are best versed in political ideology. Political ideology is most often described as a system of ideas. Phillip Converse, for example, in his famous paper, described ideological sophistication as constraint between political beliefs (2006). An ideologically sophisticated American conservative, for example, would expect another conservative to hold the same positions on gun control and abortion. Political theorists Terence Ball, Richard Dagger, and Daniel O'Neil (2019) similarly describe ideology as systems of ideas holding explanatory, evaluative, orientative, and programmatic functions.

The justices on the U.S. Supreme Court (one would hope at least) are keenly ideologically aware. Professors Jeffrey Segal and Richard Spaeth (2002) argue that they decide cases based on their personal ideologies. "Simply put, Rehnquist votes the way he does because he is extremely conservative; Marshall voted the way he did because he was extremely liberal" (2002, 86). The duo found strong empirical support for this conclusion by regressing the justices' decisions in civil rights decisions on ideological assessments done by the media prior to the justices taking office.

Lee Epstein and Jack Knight (1997) similarly put political ideology at the center of their strategic model of judicial making. They argue nonetheless that the justices must behave strategically to achieve the policy outcomes that best align with their ideological preferences. The justices' decisions then do not always strictly align with their ideological attitudes and values. One example they give is Justice Brennan's support of intermediate scrutiny rather than his preference of strict scrutiny in *Craig v. Boren*, 429 S. Ct. 190 (1976). In the case, a teen and barkeeper challenged an Oklahoma law requiring males to be 21 years old to purchase alcohol because the law discriminated based on sex. The authors suggest that Brennan may have taken this position because he thought his colleagues would take offense to his true preference and decide in favor of rational basis, his least preferred outcome.

The Concept of Worldview

If the extant research argues that political ideology drives judicial decision making, why then are journalists and now increasingly scholars attributing legal decisions to worldview? To begin it might be helpful to consider the concept and its origins. The term originates from the German word *Weltanschauung*, which combines *Welt*, or world, with *Anschauung*, meaning view. English speakers appropriated the word in the middle 19th Century (Merriam Webster 2024).

Conceptually, worldviews are broad. A worldview might encompass one's political ideology, but it is not limited to ideology. A worldview can include all the beliefs and assumptions that shape one's perspective on life. Psychologist Mark E. Koltko-Rivera illustrates their magnitude, writing, "A given worldview encompasses assumptions about a heterogenous variety of topics, including human nature, the meaning and nature of life, and the composition of the universe itself, to name a few" (2004, 3), Koltko-Rivera tells us nonetheless that social scientists must do more to operationalize the concept for it to be useful, as worldview can be conceptualized in different ways (2004).

Those who study philosophy, psychology and anthropology are much further along in achieving this goal than political scientists. Psychologist Milton Rokeach (1973) tells us that worldviews include three different types of beliefs. The first are existential beliefs. These beliefs are descriptive of the world and are true or false. Next are evaluative beliefs. Here, an object is judged to be good or bad. Finally, prescriptive and proscriptive beliefs decide that a course of action or objective is best. The beliefs in this final category are also known as values.

Religion and philosophy were a source of early existential beliefs. These included the origins of the Gods, theogony, and the Earth's creation, cosmogony. Friedrich Nietzsche saw worldview as also including the ends to which human effort should be directed. Nietzsche also sees worldviews

as legitimately coexisting, each holding independent validity (2017). German Philosopher Wilhelm Dilthey (1970) saw worldview as answers to important questions, particularly the meaning of life in the face of death.

Psychologist Sigmund Freud (1933) saw worldviews less nobly than did Dilthey. For Freud worldviews were “handbooks for life.” They were cognitive tools that people adopted to help them through the challenges and complexities of life. For Freud, each worldview was constructed from a hypothesis. These hypotheses, in turn, told their adherents how they should act to solve problems.

Freud saw worldviews as elective. His contemporary, psychologist Carl Jung, saw worldview as psychologically intrinsic. For Jung, worldviews are culturally transmitted. People remain largely unconscious of them. Jung believed that worldviews address questions of reality. For example, is there life after death? While worldviews remain unconscious, individuals act on them, Jung believed. For Jung, worldviews are “emotional” rather than intellectual (1954).

Psychologist George A. Kelly (1955) eschewed both Freudian and Behaviorist perspectives on worldview. Kelly saw worldview as a mental representation of the world. He asserted that individuals constructed personal worldviews through life experience. Like scientists, they observed patterns that became the bases of their personal truths. Kelly’s conceptualization does not include dimensions. Kelly did see however an individual’s psychology as helping to shape the creation of personal worldviews.

Psychologist Derald W. Sue (1978) conceptualized worldview as having two principal variables: locus of control and responsibility. With control, one can have control over an outcome. This is internal control. If one does not have control over a result, then control is external. Sue’s second variable is locus of responsibility. With outcomes, one can either place blame on an individual or the larger society. Linked together, these two variables create four outcomes: internal control-internal responsibility, external control-internal responsibility, external control-external responsibility, external control-external responsibility.

internal responsibility, and external control-external responsibility. For Sue, each combination represents a unique worldview.

Philosopher Stephen Pepper (1942) saw worldview emanating from “root metaphors.” These metaphors offered early humans an understanding of the world, which became the bases of worldviews. Pepper dismisses his first two metaphors, animism and mysticism, and asserts that formism, mechanism, organicism, and contextism offer viable ways for societies to be successful. Mechanism, for example, conceptualizes the world as a machine. Parts of the world affect others, much like a gear in a watch might turn another. With this knowledge, a society can better plan.

Psychologist Joseph R. Royce (1964) based his worldview conception on epistemic approaches to reality. He sees four: authoritarianism, rationalism, empiricism and institutionalism. With authoritarianism, for example, a person regards something as true because the message originates from a source of authority.

Psychologist Lawrence S. Wrightsman (1964, 1992) saw worldview through the lens of human nature. His six dimensions of worldview are based on different faucets of human nature, which include trustworthiness versus untrustworthiness, strength of will and rationality versus lack of will and irrationality, altruism versus selfishness, independence versus conformity to group pressures, complexity versus simplicity, and variability versus similarity.

Psychologist Abraham H. Maslow (1970) did not give his undivided attention to worldview. He's best known of his theory of human motivation and hierarchy of needs. In Maslow's hierarchy, a human or a different animal must meet basic needs like nourishment before addressing less foundational needs like love and esteem. Maslov asserts that each step in his scale constitutes a worldview. “For our chronically and extremely hungry man ... life itself tends to be defined in terms of eating,” he writes (1970, 39).

In his writings on peak experiences, Maslow asserts that some people achieve transcendence after reaching self-actualization. This final step, which is not part of his original scale, represents a need to connect holistically with the world. They no longer see themselves as an individual but as a part of something larger (1969, 1971).

Other scholars have considered mystical experience as a basis of worldview. Philosopher W. T. Stace (1960) described characteristics of these experiences. Some of Stace's descriptions make ontological statements about the world, which psychologist Ralph Hood (1975) used to operationalize Stace's worldview concept. The dimensions include the unifying quality, the inner subjective quality and the ego quality.

Psychologist Mark Koltko-Rivera (2004) observes that existing conceptions of worldview capture many important conceptual dimensions while disregarding others. Disregarding parsimony, Koltko-Rivera builds from Rokeach's typology of beliefs: existential, evaluative and prescriptive or proscriptive. Koltko-Rivera finds seven important belief families. These include human nature, will, cognition, behavior, interpersonal, truth, and world and life. Each of these families encompasses prior worldview research. One important dimension of Kluckhohn's worldview conceptualization is also human nature, for example.

Kluckhohn's Worldview Conceptualization

Studying the Navajo in Arizona, anthropologist Clyde Kluckhohn originated an important conceptualization of worldview (1951, 1956). Kluckhohn never constructed a scale. Psychologists Farah Ibrahim and Harris Kahn (1987) nonetheless did, developing a five-dimension scale based on his work.

Kluckhohn believed that societies embrace values to solve universally held problems, hence his conception fits in Rokeach's prescriptive-proscriptive worldview domain. Societies

nonetheless do not have to adopt the same values to address life challenges. Kluckhohn's worldviews exist at three separate levels: the individual, groups, and the society.

Ibrahim and Kahn (1987) based their worldview dimensions or orientations on Kluckhohn's five existential categories, which include human nature, social relationships, nature, time, and human activity. Worldviews constitute the sum of the attitudes expressed for each of the orientations. For each orientation, Ibrahim and Kahn included multiple categories that an individual, group, or society might identify with. These include:

Human Nature Orientation: Individuals, groups, and societies make value judgments about human nature. In this orientation, there are three ways to view human nature: (a) bad, (b) good and bad, or (c) bad.

Relationships Orientation: Individuals, groups, and societies must decide what the ideal relationship is between people. Ibrahim and Kahn give three alternatives: (a) lineal-hierarchical, (b) collateral-Mutual, or (c) individualistic. Those in the first category value structured relationship where people hold unequal power. Those in the second category believe that different groups in society should work together towards mutual benefit. Those in the third category believe that society should prioritize the individual.

Nature Orientation: Individuals, groups, and societies develop attitudes towards nature. Ibrahim and Kahn offer three categorical alternatives: (a) harmony, (b) subjugation and control, and (c) power of nature. In the first category, humans exist harmoniously with nature. Nature then neither controls people, nor vice versa. In the second category, humans control nature with the opposite being true in the third.

Time Orientation: Ibrahim and Kahn give three alternatives for humans' orientation with time: (a) past, (b) present, or (c) future. People then can focus on and direct their energies towards either the past, present, or future. One would expect then that a person with a past time orientation

would value tradition and look to the past for direction. A person with a future orientation, on the other hand, might be more attracted to innovation and modernity.

Activity Orientation: This orientation decides what the ideal human modality is. In Ibrahim and Kahn's scale there are three alternatives: (a) being, (b) being-in-becoming, and (c) doing. In the first category, a person, group, or society values being. In the second category existence is directed towards development. The third category is like the second, but the goals are clearly defined. Justice William O. Douglas, for example, set a goal for himself to learn how to swim.

Recent Efforts by Scholars to link Worldview with the Supreme Court's Decisions

Those who study politics have also shown greater interest in the role that worldview plays in Supreme Court decision making. There have been several notable efforts. The first is by journalism professor Joseph Russomanno. In *The Stench of Politics*, he operationalizes worldview as either fixed or fluid. Those with a fixed worldview prefer tradition, while those with a fluid worldview desire or are open to change. Building on research by political scientists Marc Hetherington and Jonathan Weiler (2018) on fear and political polarization, Russomanno asserts that fear helps decide which worldview one has. Those who are fearful often adopt the fixed worldview while those who are less fearful embrace its fluid counterpart.

In his effort to link worldview with judicial decision making, Russomanno describes the rulings of the justices with fixed and fluid worldviews. One example that he gives is *Shelby County v. Holder*, 133 S. Ct. 2612 (2013) where justice Antonin Scalia ruled in favor of Shelby County in its lawsuit against the Justice Department. In the case, the county sued the Justice Department to end oversight of its elections. The Voting Rights Act of 1965 gave the federal government the ability to intervene in the elections of states and counties with past racial discrimination. This included Shelby County. Scalia's decision to give his support to Shelby County also embraced historical

tradition, one where blacks and other minorities were often denied the right to vote. This is consistent with a fixed worldview, according to Russomanno.

In his book, Russomanno makes several assertions about ideology, worldview and judicial decision making. First, he tells us that ideology cannot explain judicial making on its own. Second, political ideology is of lesser importance than worldview in explaining judicial decision making. Russomanno writes, “The views held by Supreme Court justices ... reflect more than politics or ideology. A primary factor is worldview ...” (2022, 23).

In *Clashing Worldview in the U.S. Supreme Court*, James Davids, Erik Gustafson, and Sherena Arrington (2021) also attempt to link worldview with judicial decision making. They assert that people must make existential decisions about the world and these choices are the basis of worldview. The first question is who is man? In answering this question, one must answer several others. These include who created man? What happens to him after death? Finally, what gives life purpose? Taking all of this into account, a person must decide whether God exists.

Naturalists, the authors tell us, do not believe in God while theists do. The belief or lack of belief in God causes people to make very different assumptions about the world. Naturalists believe in a material world governed by natural laws. Theists, on the other hand, see God existing independently of nature. Naturalists assert that man acts autonomously. Theists, on the other hand, believe that man is a moral agent of God. Both groups, according to the authors, see man as fundamentally good, with the theists seeing man as marred by sin.

It would make sense then that the authors would compare a theist with a naturalist on the U.S. Supreme Court. The authors do not do this. Rather, they argue that naturalism has influenced the Protestant church. While some churches like justice William Rehnquist’s Congregationalist adhered strictly to the tenants of theism, justice Harry Blackmun’s Methodist church had embraced tenants of naturalism.

This divergence colored the worldviews of the justices and ultimately their decision making, the authors assert. They attribute Blackmun's willingness to take progressive positions with his naturalist influenced worldviews. One example they give is with the interpretation of the 14th Amendment, prohibiting the states from taking away rights guaranteed by the U.S. Constitution. Founding father James Madison saw the division between state and national power as an important check on its abuse. The 14th Amendment takes power away from the states and gives it to the federal government. While Rehnquist took a conservative position more consistent with a theist perspective, Blackmun was much more eager to apply Constitutional rights to the states, an approach more consistent with naturalism, Davids et al. tell us.

Concerns with Recent Research

These recent efforts to link worldview with judicial decision making are certainly important. Nonetheless some concerns remain. First, why did Russomanno (2022) and Davids et al. (2021) not build on prior work on worldview by philosophers, psychologists, anthropologists and other scholars? The authors in both studies operationalized worldviews in ways that are inconsistent with the work done before them. How valid are these operationalizations and how completely do they describe the worldview concept?

Second, do these conceptualizations of worldview really measure political ideology? The classic definition of conservatism is to maintain tradition. Conservatives, Ball, Dagger, and O'Neill (2019) tell us, do this because they find human nature to be flawed and people untrustworthy, particularly with novel approaches to governance. The conservative ideological perspective aligns perfectly with Russomanno's notion of a fixed worldview or Davids et al.'s theological conservatism in the Protestant churches. These worldview dimensions all show resistance to change, same as ideological conservatism.

Methodology and Sampling

To assess the effect that worldview has on judicial decision making, this paper endeavors to do two things: First, assess the justices' worldviews and secondly compare them against their decisions.

Regarding the first challenge, this research selects Clyde Kluckhohn's operationalization of worldview. As of now, worldview schemas do not fully capture the dimensions of this concept. Consequently, this research must decide how to best operationalize worldview. Kluckhohn's values-based approach to worldview remains influential and important. In addition to societies and groups within the societies, his conception describes worldview at the individual level, like those held by the justices. Using Kluckhohn's model represents an important first step in linking research done on worldview with the study of judicial politics, as previous work did not make use of these conceptualizations.

Next, this research gathered data about the justices from their memoirs. Justices on the U.S. Supreme Court, of course, write books. Sometimes, the justices will choose a particular topic to write about. For example, justice Neil Gorsuch explores the legal and ethical issues of assisted suicide in *The Future of Assisted Suicide and Euthanasia* (2009). In *Other People's Money and How the Bankers Use It* (2009), Justice Louis Brandeis gives his progressive perspective on the concentration of wealth and power during the first progressive era in American politics. Justices also write about their lives. Often, they describe formative events in their own personal lives and the effect they had on the development of their personal characters and outlooks. Justice William O. Douglas, for example, developed his personal fortitude hiking and exploring the Cascade Mountains of Washington State following the death of his father and surviving intestinal colitis as a child. These autobiographies give an excellent opportunity to gain insight into the justices' worldviews.

Some university and commercial websites give lists of books written by Supreme Court Justices. Examining lists from the Brooklyn Law School (2024) and goodreads (2024) in addition to a Google search, this research has found several autobiographies. These include *Lovely One* by Ketanji Brown Jackson, *My Beloved World* (2014) by Sonia Sotomayor, *My Own Words* (2016) by Ruth Bader Ginsburg, *My Grandfather's Son* (2007) by Clarence Thomas, *Lazy B: Growing Up On a Cattle Ranch in the American Southwest* (2002) by Sandra Day O'Connor, *Of Men and Mountains* (2012) and *Go East, Young Man* (1974) by William O. Douglas, *The Memoirs of Chief Justice Earl Warren* by Earl Warren (1977), *The Making of Justice: Reflections on My First 94 Years* (2019) by John Paul Stevens, *Memoir of Roger Brooke Taney, LL.D., Chief Justice of the Supreme Court of the United States* (1872) by Roger Taney and coauthor Samuel Tyler and John Marshall's personal autobiography (1827).

With the sampling of autobiographies, this research followed six suggestions on qualitative research given by Sarah Curtis, Wil Gesler, Glenn Smith and Sarah Wash (2000). They aggregated their list from work done by other researchers on best qualitative practices. They advise that qualitative selections should not be based on equal statistical probability of selection but rather purpose or theoretical considerations, which originate from either a research question or evolving theory.

The previous research suggests that worldviews are held by most if not all people. Justices today appear more inclined to write memoirs; nonetheless, it is important to include the autobiographies of the justices who came before them as worldview would have been equally as likely to have influenced their decisions. One way to accomplish this is by selecting autobiographies from different judicial eras. In his textbook *The U.S. Supreme Court*, judicial politics scholar Lawrence Baum (2023) divides the Supreme Court's history into three eras. The first era lasted from 1890 to the 1930s. During this time the Court gave its attention to economic

regulation by the federal government. During the second era, which lasted from 1937 to 1969, the Court turned its attention to civil rights. Baum's final era extends from 1969 to the present. In this era, the Court also continues to address civil liberties yet moves in an ideologically conservative direction.

Research on the justices also offers some other sampling considerations. One area of research on the courts examines who becomes attorneys, judges, and justices on the Supreme Court (See Baum 2023). Historically, white men from upper class backgrounds have gotten these jobs. The justices today are more diverse with women and racial minorities holding seats on the Court. It is important then that they are included in the sample. Additionally, this research has proposed linkages between political ideology and worldview. It is also important that the sample includes conservative and liberal justices.

Three of the justices, Sandra Day O'Connor, John Paul Stevens and William O. Douglas reflect on their experiences on the U.S. Supreme Court in *Out of Order: Stories from the History of the Supreme Court* (2013), *Five Chiefs: A Supreme Court Memoir* (2011), and *The Court Years, 1939-1975: The Autobiography of William O. Douglas* (1980). These were not included because this research is hoping to measure the effect of worldview established prior to the justices joining the Court and not shaped by the Court itself.

Unfortunately, this research was unable to include autobiographies from the first period. From Baum's first era, this research located Chief Justice William Marshall's biography at the Marshall Library at the University of Michigan. The autobiography is handwritten in cursive and very difficult to read. Subsequently, this research was unable to include it. This research did also find Roger Taney's autobiography, It was too late to include in the sample. His autobiography will be included in future drafts.

Taking this into account, this research selected four justices' autobiographies to include. From the second, era, this research selected William O. Douglas' *Of Men and Mountains* (2012) and Earl Warren' *The Memoirs of Chief Justice Earl Warren* (1977). From the contemporary era, Sandra Day O'Connor's *Lazy B: Growing up on a Cattle Ranch in the American Southwest* (2002) and Sonia Sotomayor's *My Beloved World* (2014) were included. The justices served during two of Baum's three historical periods. They are of different races and genders. They were also appointed by both Republican and Democratic presidents, Douglas by Franklin Roosevelt, Sotomayor by Barack Obama, Earl Warren by Dwight Eisenhower, and O'Connor by Ronald Reagan.

This research then attempted to classify each of the justices selected according to each of the dimensions of Kluckhohn's worldview schema. Many justices gave reasons to believe that they held inconsistent values. Justice Douglas, for example, describes nature as threatening and menacing. He also finds nature to be delicate, easily destroyed by what man does. These inconsistencies were noted. In the appendix, tables 2-5 give a more thorough description of the classification of the justices in Kluckhohn's schema.

Worldviews of the Justices

The categorization of each of the four justices in this study is as follows:

William O. Douglas: The justice was born in 1898 to Julia Bickford Fisk and William Douglas Sr., a Presbyterian minister with the same name in Maine Township, Minnesota. Douglas contracted a virus at the age of two and developed what he called infantile paralysis but was later confirmed to be intestinal colic. His doctors told his mother that Douglas would most likely lose his legs. His mother did everything that she could to help Douglas rubbing salt water into his legs every two hours for several months. Following the death of his father at six, his family later moved to Yakima, Washington where later the young Douglas took up hiking in the Cascade Range, an archipelago of

high volcanic peaks stretching from British Columbia to California, to regain his leg strength. Having gained a passion for adventure Douglas later journeyed east to Columbia Law School riding a freight train through the western mountains. President Franklin D. Roosevelt nominated Douglas to the Supreme Court in 1945.

This research categorized Douglas according to Kluckhohn's worldview schema as follows: With human nature, Douglas sees people as both good and evil, giving examples of each type of person in *Of Men and Mountains*. In the relationships dimension, this research saw him as individualistic, having won courage and self-determination through his adventures in Washington's Cascades. In Kluckhohn's nature dimension, this research classified him as believing that people had control over nature. Douglas certainly describes nature as powerful perhaps even scary, but he and others always prevailed through experience, intelligence and resourcefulness. Meeting challenges head-on in nature, Douglas develops an in-the-present time orientation. This research categorizes his activity orientation as being-in-doing, as Douglas grows and develops from the challenges that he faces in nature, and doing, as Douglas sets definable goals for himself like learning how to swim.

Sandra Day O'Connor: The first female justice on the Supreme Court was born in El Paso, Texas in 1930. Her father was the owner of the Lazy B Ranch, a cattle ranch straddling the border between Arizona and New Mexico. O'Connor nonetheless began her schooling at the Radford School for Girls, a private school in El Paso, where she lived with her grandmother. O'Connor later convinced her parents to allow her to attend school in nearby Lordsburg so that she could live at the ranch before returning to El Paso to attend Austin High School. Stanford University accepted her at 16 where she discovered a passion for law after taking an undergraduate class taught by a law school professor. After graduating from Stanford's law school, O'Connor applied for jobs as an attorney and was rejected to all of them. She had greater success finding work in politics and

government. Nominated by President Ronald Reagan, O'Connor began her job as a Supreme Court Justice in 1981.

Like Douglas, this research saw O'Connor as seeing human nature as both good and evil with O'Connor giving descriptions of bad and good behavior. In Kluckhohn's relationship dimension, O'Connor like Douglas is individualistic having also risen to challenges given by the natural world and asserted her independence from her parents. O'Connor nonetheless does not seemingly believe that humans have control over nature. In her autobiography, she discusses how the cattle at the ranch depended on water. A failure of a pump or a lack of rain then might kill the herd very quickly. Nature then has power over humans. Like Douglas, O'Connor lives in the present, meeting challenges head on. This research categorized O'Connor activity orientation as being. O'Connor was obviously a highly successful person in life. In her book nonetheless she fails to describe how she won admission to Stanford and accomplished other noteworthy things. Perhaps, success came naturally because there is no strong evidence of goal setting or developing abilities.

Sonia Sotomayor: The first Hispanic justice on the U.S. Supreme Court was born in 1954 in New York City. Her family had previously left Puerto Rico, an island and U.S. territory in the Caribbean with a strong Hispanic heritage. Growing up in the Bronx, Sotomayor had both a mother and father but also an extended family nearby to help her grow and develop. She developed juvenile diabetes at a young age. Sotomayor attended both Catholic elementary and high schools where she pursued her interests through clubs and activities. Sotomayor later graduates at the top of her class at Princeton University and goes on to study law at Yale. She returns to New York, where she became an assistant district attorney. She was nominated to the Supreme Court by President Barack Obama in 2009.

Sotomayor also sees both good and evil in people in her descriptions of them. Her father, for example, became an alcoholic yet worked very hard to support his family financially. Sotomayor

does not develop the individualism of Douglas or O'Connor. She's very much a member of a large extended family whom she depends on. Nonetheless like Douglas and O'Connor Sotomayor does not condone hierarchy. In her book, she often expresses a dislike of the nuns, who use their authority to belittle and demean their students. Sotomayor contrasts the condition of the natural environment with her descriptions of the beaches at both Puerto Rico and New York. Recognizing the effect that people have on the environment, this research categorizes her orientation towards nature as man having subjugation and control. Sonia Sotomayor is engaged with family and school activities. She does not have a strong desire to recreate or return to the past and she gives her attention to her day-to-day challenges. She has a present time orientation. Sotomayor like Douglas does set achievable goals. She also learns from her experiences, so this research categorized her activity orientation as being and being-in-doing.

Earl Warren: Chief Justice Earl Warren was born in 1891 in Los Angeles, California to parents of Scandinavian descent. He grew up in a small railroad town near Bakersfield, California. His father worked for both the Southern Pacific and Santa Fe railroads. Never achieving the education that he wanted, Warren's father encouraged his son to pursue education, which he did, earning both an undergraduate and law degree from The University of California at Berkeley. As a child, Earl Warren lived through a period of strong population and economic growth in California, which he participated in, picking up jobs whenever he could. Warren was also a musician, playing the clarinet. After graduating from law school, Warren served in the U.S. army in World War II before returning home to practice law. Warren became governor of California in 1943. Warren began his tenure as chief justice in 1953 after President Dwight Eisenhower nominated him.

Like the other justices studied, Warren's human nature orientation was both good and evil. He sees the evil that men do like organizing cock fights but also the good. This research categorized Warren's relationships orientation as collateral mutual. Warren like Douglas expresses disdain for

the monopolies and trusts that controlled American politics and societies at the time. He's less individualistic than Douglas or O'Connor, taking jobs and participating in community events. Warren's orientation towards nature was harmonious. Warren appreciates California's natural beauty, yet he doesn't view nature as threatening or man as the principal aggressor. Living through a period of rapid economic growth in California, Warren seems more optimistic about the future than others in the generations that followed. This research categorized his time orientation as future and his activity orientation as doing, as Warren sets definable goals for himself, becoming an officer in the U.S. army is one, graduating from Berkeley despite his struggles with trigonometry.

Linking Worldviews with Judicial Decision Making

This research selected two of each of the justices' significant rulings and looked for linkages between their worldview categorizations in Kluckhohn's schema and their rulings. Below are the cases selected and possible connections with worldview:

William O. Douglas, *Sierra Club v. Morton*, 92 S. Ct. 1361 (1972): In the case, the Walt Disney Company had intended to build a ski resort in the Mineral King Valley in the Sierra Nevada. The proposed site was in the Sequoia National Forest, federal lands adjacent to Sequoia National Park. The Sierra Club sued Rogers Clark Ballard Morton, the U.S. Secretary of the Interior, to halt the project, which had been approved by the U.S. Forest Service. U.S. district judge William Thomas Sweigert agreed with the Sierra Club, issuing an injunction which Morton appealed. The 9th Circuit Court of Appeals overturned the injunction declaring that the Sierra Club lacked standing because the club itself would not be directly affected by the decision. The U.S. Supreme Court agreed with the lower court that the Sierra Club lacked standing. Justice William O. Douglas nonetheless writes a famous dissent where he argued that objects in nature like a mountain, lake or glacier can assume personhood much like a ship, corporation or other man-made object.

As noted previously, this research categorized Douglas' orientation on nature as subjugation and control. In Douglas' eyes nature was vulnerable to man. If Douglas had conquered the Cascades with his backpack, hiking boots, and sourdough bread starter, the Sierra Nevada in Douglas' mind would also fall to the bulldozers, cranes, pollution and people that the Walt Disney Company would bring in to build the ski resort, only the devastation would be much more brutal. It makes logical sense that Douglas took the position he did given his worldview concerning the natural world.

William O. Douglas, *Griswold v. Connecticut*, 85 S. Ct. 1678 (1965): Planned Parenthood League of Connecticut executive director Estelle Griswold opened a birth control clinic in New Haven, Connecticut. State police shortly thereafter visited the clinic, where Griswold confessed to breaking an 1873 state law that prohibited women from using birth control. Griswold was arrested a week later with Yale School of Medicine gynecologist C. Lee Buxton. They were convicted in a Connecticut court and fined \$100 each. A Connecticut court of appeals and the state supreme court affirmed the ruling of the trial court. The U.S. Supreme Court nonetheless overturned the verdict on appeal. In a 7-2 decision, Douglas declared that while the U.S. Constitution did not explicitly give a right to privacy, other rights, taken together, created emanations or penumbras, a term from physics that describes the superheated space surrounding a sun. According to Douglas, the U.S. Constitution like a sun extended beyond its boundaries. Connecticut then had violated a right to privacy given by the U.S. Constitution.

Considering Douglas' categorizations in Kluckhohn's worldview dimensions it comes as little surprise that he ruled in favor of individual rights. As previously noted, Douglas' worldview orientation in Kluckhohn's relationships dimension was individualistic. Douglas had built up his leg strength, learned to swim and met the challenge of the Cascade Range through personal grit and determination. We might also look to Douglas' time orientation in his decision. Douglas certainly

doesn't look to the past for inspiration. He then has no reason to decide in favor of Connecticut's status quo, its 1873 law.

Sandra Day O'Connor, *Planned Parenthood of Southeastern Pa. v. Casey*, 112 S. Ct. 2791 (1992): In *Casey*, a consortium of five abortion clinics, physicians who provided abortions, and one physician who did not sued the governor of Pennsylvania, Robert Patrick Casey, to stop him from enforcing provisions of the Pennsylvania Abortion Control Act of 1982 because it violated constitutional protections established in *Roe v. Wade*, 113, 93 S. Ct. 705 (1973) . On appeal to the U.S. Supreme Court, justice O'Connor joined justices Anthony Kennedy and David Souter in writing a plurality opinion following the Courts 5-4 decision to decide in favor of the plaintiffs. The *Casey* decision upheld *Roe's* constitutional right to an abortion. The decision nonetheless imposed a lesser standard on the government in regulating abortion when it adopted an undue burden standard in place of *Roe's* stricter trimester system.

In her plurality opinion, O'Connor upheld *Roe*, yet also made it easier for the government to restrict abortion. Using Kluckhohn's worldview schema, one might attribute O'Connor's support of *Roe's* right to an abortion to her individualist social orientation. It logically follows that O'Connor would fully support or at least be sympathetic to individual rights. This research categorized O'Connor's time orientation as present. It follows then that O'Connor would not wish to undo stare decisis by reversing *Roe*. In fact, she tells us exactly this in her decision—that she wishes to respect legal precedent. An in-the-present time orientation might also contribute to pragmatism, which this judgment seems to have, as it does not give the conservatives or liberals the victory that they wanted.

Sandra Day O'Connor, *Lawrence v. Texas*, 123 S. Ct. 2472 (2003): In 1998 Texas police arrested John Geddes Lawrence Jr. and Tyron Garner after they discovered the men having sex at Lawrence's private residence. The police entered the apartment after they received a phone call

from Garner's former boyfriend who told the police that a man had a weapon inside. The men were fined after pleading no-contest to breaking the state's anti-sodomy law. After appeals by both Lawrence and Texas to its courts, Lawrence appealed the ruling to the U.S. Supreme Court, which ruled in favor of Lawrence in a 6-3 decision, the Court declared that the U.S. Constitution protected consensual sexual relations under the due process clause of the Fourteenth Amendment. O'Connor wrote a concurring opinion where she found that the source of the right originated from the equal protection clause of the Fourteenth Amendment, as the Texas law criminalized sexual relations between males and not females.

In *Lawrence v. Texas* as in *Casey*, Justice O'Connor decided in favor of personal rights. In doing so, she interpreted the law less broadly than her more liberal colleagues. The due process clause coupled with a Constitutional right to privacy gave broader, more powerful protections to homosexual couples. Had Texas also made illegal sexual relations between women, O'Connor's argument would not be tenable. This research categorized O'Connor's time orientation as being in the present. On her dad's cattle ranch, the cowboys and herself often had to discover solutions to problems. This may have been just that—a pragmatic effort on her part to give personal liberties while not straying too far from her conservative base. As an individualist, we can see why O'Connor would rule in favor of individual rights. She clearly did not rule in favor of hierarchy. At this point in time, Texas had socially and legally discriminated against same sex couples, with homosexuals being at the bottom of the metaphoric totem pole. This research categorized O'Connor's human nature orientation as good and bad. It is highly unlikely that she saw homosexuals as fundamentally bad, rather they were imperfect people who deserved personal liberty.

Sonia Sotomayor, *Schutte v. Coalition to Defend Affirmative Action*, 134 s. Ct. 1623 (2014): In 2006 Michigan voters amended the state's constitution following approval of a citizen initiative. The citizen initiative prohibited the state from taking into consideration race, gender, color, ethnicity

or national origin in public employment, college admissions or contracts. The measure effectively ended affirmative action in Michigan. In 2008 U.S. District Judge David Lawson dismissed a challenge to the amendment asserting its constitutional validity. His decision was later overturned by the Sixth Circuit Court of Appeals, which decided that the constitutional amendment placed a burden on minority interests. On further appeal, the U.S. Supreme Court disagreed in a 6-2 decision deciding that the Fourteenth Amendment's equal protection clause did not prohibit the states from making unlawful affirmative action. Sotomayor joined Justice Ruth Bader Ginsburg in a dissent. They argued that Michigan's elected lawmakers had enacted affirmative action, hence the policy had democratic legitimacy. They also described the long history of racial discrimination in the United States and asserted that affirmative action was an effort to correct longstanding racial inequality with Sotomayor proudly declaring that she was personally the beneficiary of affirmative action.

This case is complex. One might see a student denied admission to a school as the result of affirmative action as the victim, denied the right to a fair competition. One might also see the beneficiary of affirmative action as the victim, denied the personal resources and social connections that had they had would have made them more competitive. Justice Sotomayor took the later position. This research categorized her relationships orientation as collateral mutual. In New York, she worked together with her extended family members for their collective benefit. Does it come as any surprise then that Sotomayor would prioritize greater collective than personal equality. This research found her time orientation to be in the present. Not looking to the past, Sotomayor embraces affirmative action as part of modernity, with more equal opportunity between the races and sexes being desirable.

Sonia Sotomayor, *Citizens United v. Federal Election Commission*, 130 S. Ct. 876 (2010):
The U.S. Congress prohibited electioneering by corporations in 2002 following the passage of the

Bipartisan Campaign Reform Act. In 2008 Citizens United a 501(c)(4) nonprofit conservative organization intended to run advertisements on television promoting a film it had produced and air it on DirecTV. The movie was critical of Hillary Clinton, who was running for president that year. The Federal Election Commission found the film to be an electioneering communication and unlawful to broadcast prior to an election. Citizens United challenged the decision in the U.S. District Court for the District of Columbia, which ruled against the organization, finding that the movie was a work of express advocacy against Clinton. The organization appealed to the U.S. Supreme Court, where a 5-4 majority held that Citizens United's advertisements and movie were protected by the first amendment. The decision made legal all political expenditures.

Sotomayor joined justices John Paul Stevens, Ruth Bader Ginsburg and Stephen Breyer in a legal dissent arguing that the American people cannot hold confidence in their democratic institutions if they believe that corporations were buying them. The government then had a legitimate interest in its restrictions on corporate spending during elections.

With a mutual-collateral social orientation, Sotomayor does not prioritize the interests of those on top of the social, political and economic hierarchy, the corporations and wealthy. It is expected then that she would side against their interests. With a present time orientation, she most likely does not want to see the past recreated. America, of course, had endured a period of extreme wealth and power concentration more than a century ago. She, like the original progressives, most likely finds this undesirable. This research categorized her human nature orientation as good and evil. In her autobiography, she describes people in the position to do evil as evil. The New York City police officers demanding bribes from the Hispanic business owners is an example. Surely, trusts and monopolies that emerge with their ability to decide elections would also be in the position to do evil.

Earl Warren, *Brown v. Board of Education*, 74 S. Ct. 686 (1954): In 1951 the Topeka Public Schools informed the parents of a black student that their daughter would not be allowed to attend the high school closest to their residence. Rather, their daughter would be bussed to a black high school. Prior to the U.S. Supreme Court's ruling in *Brown*, the separation of races was lawful under the separate-but-equal doctrine established by the Court's decision in *Plessy v. Ferguson*, 16 S. Ct. 1138 (1869). That ruling declared that the legal separation of races did not violate the equal protection clause of the Fourteenth Amendment if the facilities were equal. Responding to the decision, the Brown and twelve other black families unable to send their children to white schools collectively filed suit against the Topeka Board of Education in U.S. District Court. The trial court sided with the district, finding that the education facilities, teachers, and curriculum for both black and white children were equal. The U.S. Supreme Court heard the case on appeal in early 1953 yet was unable to decide with some justices intending to dissent. The Court reheard the case later that year and the justices collectively issued a 9-0 decision in favor of the appellants overturning *Plessy*. Warren wrote the Court's opinion declaring that separate-but-equal was not equal and as a result not in accordance with the equal protection clause of the Fourteenth Amendment.

This research classified Warren's time orientation as future. It's possible that Warren viewed racism and segregation as part of the past and not the modern world that California up until this point in time had personified the best. Warren's social orientation was determined to be collateral-mutual. He doesn't believe that good education should be the exclusive privilege of the select few, in the case of the South during segregation, the white students. This research found Warren's activity orientation to be doing. Warren certainly set goals for himself with school. In his memoirs he describes the challenges that he faced in high school and later the University of California. For Warren, these were obstacles to overcome to achieve his goal of graduating. Lacking good schools, Warren may have seen blacks as unable to take the same pathway of achievement that he had.

Earl Warren, *Miranda v. Arizona*, 74 S. Ct. 686 (1954): Phoenix police officers arrested Ernesto Miranda in 1963 on charges that he kidnapped and raped an 18-year-old woman. Following interrogation, Miranda signed a statement confessing to the crime. The Phoenix police did not inform Miranda of his right to remain silent, a court-appointed attorney, or that prosecutors could use his written and oral statements against him. An Arizona trial court convicted Warren on multiple charges, sentencing him to multiple decades in prison for each. His attorney, Alvin Moore, appealed the trial court's judgment to the Arizona State Supreme Court on the basis, arguing that Miranda's confession was not voluntary and consequently not admissible. The Arizona State Supreme Court upheld the trial court's judgement. Moore then appealed the judgement to the U.S. Supreme Court, which reversed the ruling in a 5-4 decision sending Miranda's case back to Arizona for a retrial. Warren wrote the majority opinion for the Court, where he asserted that police must inform suspects of their constitutional rights during interrogation because of its coercive nature.

The state of Arizona borders California along the Colorado River. For Warren, this case certainly was not unfamiliar territory geographically or ethnically, with many Hispanics living in both states. With a future time orientation, Warren may have viewed brutal often manipulative and unfair police interrogations as medieval, something that was part of the past and not the future. His social orientation, mutual collateral, suggests that he held concern for the different groups in society, including Hispanics like Miranda who might be especially vulnerable to police interrogation tactics. Seeing people as both good and evil, Warren may have been less apt to hold the assumption that Miranda was guilty, and the police had done their jobs with their interrogation.

Patterns and Possibilities that Emerged

In this very small sampling of justices and their worldviews, some patterns did emerge. First, it should be noted that of the cases selected, all but *Sierra Club v. Morton* and perhaps *Schuetz v. BAMN* are focused on questions of civil rights given by the U.S. Constitution. All the

justices in this sample, including Reagan appointee O'Connor, gave their support to greater civil rights protections by the U.S. Constitution. These justices also either shared or lacked worldview orientations in Kluckhohn's schema. This research categorized none of the justices as having a past orientation. The expansion of rights under the U.S. Constitution does not appear to have any connection to valuing the past. Those justices who value modernity appear to universally advocate for greater rights. The same pattern emerged with social orientation. All these justices who also advocated for greater rights held a lineal hierarchical relationships orientation. They either were oriented towards the individual like Douglas and O'Connor or towards the larger society like Sotomayor and Warren. Finally, all the justices shared the human nature orientation that people were both good and evil. They may have been more inclined to give greater rights because they saw people as partially or mostly good and consequently not in need of government to act like a parent. The justices with the good and evil worldview orientation nonetheless seem to also act on the belief that people are evil. One can see this in Sotomayor's dissent in *Citizens United v. Federal Election Commission*. She doesn't trust the corporations, the wealthy and powerful, to protect American democracy.

Some possible linkages also emerged. William O. Douglas was notable for his strong support of environmental protections. This research found that he ultimately came to see the natural world as vulnerable to man. He and those that he knew had met and overcome the challenge of nature. This, of course, could be accomplished on a larger scale with irreversible environmental consequences. It comes as little surprise then that Douglas saw the natural world as vulnerable and in need of government protection. There may also be a linkage between the being in doing and doing activity orientations. Justice Oliver Wendell Holmes saw the interpretation of the law as pragmatic. Justices with these worldview orientations might focus more on solving problems. We would expect these justices to give their attention to adapting law to the changing

needs of society. The 1960s saw much social unrest and change. Is it any surprise that the justices on the Supreme Court also changed law.

Worldview and Ideology

This paper asserted that both Rossomano and Davids et al. operationalizations of the worldview concept were proxies for political ideology. It must be confessed that Kluckhohn's dimensions of worldview also share much overlap with political ideology also. Take conservatism, for example. The most basic definition of conservatism is the maintenance of tradition. Many of Kluckhohn's orientation categories do exactly this. One category in the time orientation, for example, is orientation towards the past. Conservatives generally look to the past for direction and guidance because the novel approach has most likely not been tried and tested. With the relationship orientation, the lineal hierarchical category aligns with conservatives. Conservatives generally wish to maintain a hierarchical social order with individuals playing roles that they are best suited to. With Kluckhohn's human nature orientation, conservatives most often hold the belief that people are fundamentally bad.

Kluckhohn's individualism category in his social orientation may offer an opportunity to test the concept of worldview because it exists with both conservatives and liberals. Many conservatives were at one time classical liberals. They believe in freedom and autonomy from government but do not always agree that government should protect and preserve tradition. Individualism, too, is often present in liberals, with many disdaining both the government and tradition in society. Justice William O. Douglas was arguably one such person. It should be noted that the classical left-right ideological scale does not include individualism. The lesser used two dimensional scale, however, does.

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Appendix

Table 1: Five Existential Categories and Range of Variations*

* As shown by Ibrahim and Kahn (1987)

Human Nature

What is the character of human nature?

1. Bad: Human nature is evil.
2. Good and Bad: Human nature is a combination of good and evil.
3. Good: Human nature is good.

Relationships

What is the modality of people's relationships?

1. Lineal-hierarchical: ordered positional succession within a group, continuity through time and primacy of group goals.
2. Collateral-Mutual: primacy given to goals and welfare of lateral extended groups.
3. Individualistic: primacy given to individual goals.

Nature

What is the relationship of people to nature?

1. Harmony: People and nature coexist in harmony.
2. Subjugation and control: people can subjugate and control nature.
3. Power of Nature: nature is powerful and controls people.

Time Orientation

What is the temporal focus of human life?

1. Past: a focus on the past
2. Present: a focus on the present
3. Future: a focus on the future

Activity Orientation

What is the modality of human activity (i.e., self-expression)?

1. Being: preference for activities that provide spontaneous expression of the self.
2. Being-in-becoming: emphasis on activity which has as its goal development of all aspects of the self as an integrated being.
3. Doing: preference for activities which result in measurable accomplishment by external standards.

Table 2: William O. Douglas/Of Men and Mountains

Human Nature

What is the character of human nature?

1. Bad: Human nature is evil.
2. Good and Bad: Human nature is a combination of good and evil.
3. Good: Human nature is good.

Notes: Douglas is critical of the personal characters of some of the attorneys in his hometown of Yakima. Douglas writes, "I was not easily impressed with some of the town lawyers ... Some whom I saw in action in the courtroom seemed either pompous or shifty. Some seemed to have snide tricks up their sleeves ... They did not seem to have truth in their hearts" (1914, location 2125). Subsequently, Douglas sings the praises of men he admired, many of whom were leading politicians and civil servants of his time. Douglas writes, "There was Hiram Johnson in California and William Borah in Idaho ... They seemed to know the truth. They were not cowed by anyone. They were clean, strong men like Gifford Pinchot" (1914, location 2125-2134).

Relationships

What is the modality of people's relationships?

1. Lineal-hierarchical: ordered positional succession within a group, continuity through time and primacy of group goals.
2. Collateral-Mutual: primacy given to goals and welfare of lateral extended groups.
3. Individualistic: primacy given to individual goals.

Notes: Having overcome polio and a difficult childhood, Douglas emerged from his youth as a rugged individualist. He meets challenges with willpower and grit. His experiences in the Cascade Mountains contributed towards this individualism. Towards the beginning of his autobiography, Douglas expresses concern that society had lost this personal quality that he so loved. Douglas writes, "Once man leaned that heavily on people he was not free to live ... He lost the feel of his own strength, the power of his own soul to master any adversity" (location 194). Douglas was critical of those on top of the social hierarchy who gained wealth and power during the Gilded Age. While praising Senator William Borah, Douglas also attacks the monopolies and trusts that had emerged. Douglas writes, "Borah was crying out against the trusts and monopolies in sugar, steel, lumber, cooper ... He opposed the concentration of financial power that made it possible for a few bankers produce a panic or win an election or sway a legislature ... He stood on the side of the underdog" (location 2134)

Nature

What is the relationship of people to nature?

1. Harmony: People and nature coexist in harmony.
2. Subjugation and control: people can subjugate and control nature.
3. Power of Nature: nature is powerful and controls people

Notes: Justice Douglas recognizes nature as having the ability to harm, even kill. Nonetheless, in his stories himself and others were able to meet the challenge of nature through experience, intelligence, happenstance, even instinct. In the chapter *Fear Walks in the Woods*, Douglas tells us that "... there are only two serious dangers in the mountains. The animals can be put aside ... The forest fire and avalanche are different" (1800). Douglas then tells a story about the

resourcefulness of forest service examiner Douglas Ingraham when trapped by a forest fire. Douglas also tells a story of a personal encounter with a mountain lion at night. Douglas and his friends respond to this danger through personal resourcefulness and action.

Time Orientation

What is the temporal focus of human life?

1. Past: a focus on the past
2. Present: a focus on the present
3. Future: a focus on the future

Notes: Justice Douglas was certainly aware of his past. As a justice on the Supreme Court, he was able to retell stories from his youth with amazing detail. While he does tell us that he desires to return to the Cascade Mountains while listening to a case at the U.S. Supreme Court, he shows no desire to recreate the past. Likewise, he doesn't see the future as necessarily a utopia to barrel towards. His criticism of a lack of self-reliance is one example of how he does not necessarily see the future as better. Justice Douglas improves himself, but it's through meeting challenges that he experiences

Activity Orientation

What is the modality of human activity (i.e., self-expression)?

1. Being: preference for activities that provide spontaneous expression of the self.
2. Being-in-becoming: emphasis on activity which has as its goal development of all aspects of the self as an integrated being.
3. Doing: preference for activities which result in measurable accomplishment by external standards.

Notes: Justice Douglas sets definable goals for himself. In his book, he tells the story of a friend encouraging him to swim with him in a mountain lake. While his friend was a very good swimmer, Douglas was fear stricken. Following this experience, Douglas resolves to become a proficient swimmer by going to the Yakima YMCA pool. Douglas also grows and develops through personal experience. Here, the goal is not defined. Hiking in the Cascade Mountains, he learns about the threat posed to him by the different animals, for example. Douglas writes, "... but it has been my experience that one can get into trouble with the black or brown bear only if he succeeds in maneuvering himself between a mother and her cubs."

Table 3: Sandra Day O'Connor/Lazy B: Growing Up on a Cattle Ranch in the American Southwest

Human Nature

What is the character of human nature?

1. Bad: Human nature is evil.
2. Good and Bad: Human nature is a combination of good and evil.
3. Good: Human nature is good.

Notes: In her book Sandra Day O'Connor describes people with interesting or notable qualities. Some like Jim Black were bad. According to O'Connor Jim would let his cattle graze on

O'Connor's father's Lazy B. Ranch. He also physically abused his wife and child. He was an alcoholic, according to the neighbors that O'Connor interviewed as a child. O'Connor also tells us that the cowboys at her father's ranch were hardworking and often highly skilled like with Jim Brister.

Relationships

What is the modality of people's relationships?

1. Lineal-hierarchical: ordered positional succession within a group, continuity through time and primacy of group goals
2. Collateral-Mutual: primacy given to goals and welfare of lateral extended groups.
3. Individualistic: primacy given to individual goals.

Notes: As a child, Sandra Day O'Connor was not afraid to assert her independence. She describes swimming with her cousin Flournoy in a steel-rimmed tank. Her parents had planned a trip to Lordsburg and asked the girls to get dressed. O'Connor and her cousin refused her parents' order, diving under the water to avoid being roped. Sandra also asserted her independence when she told her parents to enroll her in the Lordsburg public schools so that she could live her parents' ranch. Prior to this she had attended a private school in El Paso. According to O'Connor her father did not have a top-down leadership style. He expected that his cowboys could do different jobs, yet he never explicitly assigned them to specific jobs.

Nature

What is the relationship of people to nature?

1. Harmony: People and nature coexist in harmony.
2. Subjugation and control: people can subjugate and control nature.
3. Power of Nature: nature is powerful and controls people.

Notes: Unlike Justice Douglas, O'Connor seems to believe that nature ultimately has the upper hand. At her father's ranch, they had made efforts to make sure that the cows had enough water to drink by digging wells and building windmills to pump the water. The pumps nonetheless could easily fail, and a lack of rain could kill the herd. O'Connor quotes herself writing, "Well, if there is a God, I wish he would make it rain again ... The cows are thin and there is no grass for them" (143).

Time Orientation

What is the temporal focus of human life?

1. Past: a focus on the past
2. Present: a focus on the present
3. Future: a focus on the future

Notes: In her book, O'Connor describes experiences and events that happen to her and those who she was around at her ranch. These people often find themselves in unusual and difficult predicaments and rise or fail to meet the challenge (much like with Douglas). She does not have a particularly strong affinity for the past and sees the people who came before her as fallible

rather than perfect people. Her story about the death of the owner of a ranch her father bought at the hands of a federal agent during Prohibition illustrates this.

Activity Orientation

What is the modality of human activity (i.e., self-expression)?

1. **Being: preference for activities that provide spontaneous expression of the self.**
2. Being-in-becoming: emphasis on activity which has as its goal development of all aspects of the self as an integrated being.
3. Doing: preference for activities which result in measurable accomplishment by external standards.

Notes: Justice O'Connor spent little time describing how she won admission to Stanford and later its law school. She does tell us that she decided to attend its law school because she enjoyed an undergraduate course taught by a law professor. O'Connor then does not seem to be especially goal oriented. O'Connor often engages in activities that are spontaneous and fun like swimming in a farm tank with her cousin and adopting exotic pets like bobcats. She appreciates hard work and natural talent, yet her focus never seems to be on self-improvement.

Table 4: Sonia Sotomayor/My Beloved World

Human Nature

What is the character of human nature?

4. Bad: Human nature is evil.
5. **Good and Bad: Human nature is a combination of good and evil.**
6. Good: Human nature is good.

Notes: In her book, she describes many instances of bad behavior. Her own father, while having many good qualities, was an alcoholic who mistreated her mother. She describes gang violence and under-the-table payoffs of New York City police officers by local business owners for their protection. In an extemporaneous speech, Sotomayor selects the murder of a woman in a New York alleyway. For Sotomayor, human nature also has the potential for good. Sotomayor describes for example the help that her family sought for her in treating her diabetes.

Relationships

What is the modality of people's relationships?

4. Lineal-hierarchical: ordered positional succession within a group, continuity through time and primacy of group goals.
5. **Collateral-Mutual: primacy given to goals and welfare of lateral extended groups.**
6. Individualistic: primacy given to individual goals.

Notes: Growing up in an extended and well-connected family, Sotomayor doesn't develop the individualism of William O. Douglas or Sandra Day O'Connor. She accepts the help of others and does not attempt to accomplish everything on her own. She does nonetheless recognize this quality in others, writing, "Janet was a radical individualist with a completely uncensored approach to the world, a ticking time bomb in a Catholic school" (110). She does appear to

harbor some dislike and resentment for the nuns at her Catholic schools, who were often condescending and brutal in their punishments, so she does have some distaste for authority.

Nature

What is the relationship of people to nature?

4. Harmony: People and nature coexist in harmony.
5. Subjugation and control: people can subjugate and control nature.
6. Power of Nature: nature is powerful and controls people

Notes: Growing up in New York City, Sotomayor was never immersed in the natural world for extended lengths of time. In her book, she did however describe the differences between the beaches in New York City and Puerto Rico, observing a remarkable difference. Sotomayor writes, “We went to the beach in Luquillo. It was nothing like Orchard Beach in the Bronx ... the water is still warm and clear, and the sand is perfectly white. When you look down into the water you can see the bottom” (624). She makes a connection between what people do and the condition of the environment, with the New York beaches having been degraded by its population and industrial activity.

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Time Orientation

What is the temporal focus of human life?

4. Past: a focus on the past
5. Present: a focus on the present
6. Future: a focus on the future

Notes: Sotomayor takes a strong interest in her family’s history. She is very curious about both her father and mother, their early years, and the events that led them to being in a lackluster, arguably dysfunctional marriage. Sotomayor, as noted, is a member of an extended family and she spends much time etching the histories and relationships between the members. Sotomayor and her family members nonetheless seem to have little desire to return to Puerto Rico and their past. She seems very present and involved in her school activities, particularly the ones that she is interested in like her high school’s debate club.

Activity Orientation

What is the modality of human activity (i.e., self-expression)?

4. Being: preference for activities that provide spontaneous expression of the self.
5. Being-in-becoming: emphasis on activity which has as its goal development of all aspects of the self as an integrated being.
6. Doing: preference for activities which result in measurable accomplishment by external standards.

Notes: Sotomayor like Douglas does set defined goals for herself at times. She writes about how she endeavored to become a top student at her Catholic school and asking another student for advice. Sotomayor writes, “... I also noticed, a handful of kids, the same ones every time, routinely got the top marks. That was the camp I wanted to join” (71). Sotomayor

also learns and grows through her personal experiences. Sotomayor, for example, watches New York City police officers demand under-the-table gifts in exchange for their protection of local businesses. This causes her to develop her perspective on corruption in government. As noted, she was often very involved and immersed in family and school activities.

Table 5: Earl Warren/The Memoirs of Chief Justice Earl Warren

Human Nature

What is the character of human nature?

7. Bad: Human nature is evil.
8. **Good and Bad: Human nature is a combination of good and evil.**
9. Good: Human nature is good.

Notes: Warren, like the other Supreme Court justices examined in this paper, recognizes that people are often evil. In one passage he describes cockfights, where men attached steel spurs on the legs of roosters so that they would tear each other to the death for sport. Warren writes, “It was cruelty personified” (24). Perhaps also cruel, Warren describes the California Bar Association’s efforts to stop law school graduates from practicing law following their return from World War II. Desiring to control access to the profession, the association’s membership enforced the requirement that law school graduates pass the bar exam—a process that could easily take more than a year. Warren, nonetheless, finds much good in people, even those who he disliked at times. For example, he rekindles a relationship with his high school principal, who did not allow Warren to graduate until he was overruled by those above him. His father tried to give Warren the education that he himself never received.

Relationships

What is the modality of people’s relationships?

7. Lineal-hierarchical: ordered positional succession within a group, continuity through time and primacy of group goals.
8. **Collateral-Mutual: primacy given to goals and welfare of lateral extended groups.**
9. Individualistic: primacy given to individual goals.

Notes: During his childhood, Warren was actively engaged in his community taking on jobs and playing his clarinet at community events. He develops less quickly as a child and is shy, but he’s generally not disagreeable. He develops relationships with those in his community and depends on them, so he’s unlikely an individualist. Warren did show antagonism sometimes to those with power. Like Douglas, Warren has a dislike for the monopolies, particularly the railroads. He writes, “... I was dealing with people as they worked for a gigantic corporation that dominated the economic and political life of the community” (30).

Nature

What is the relationship of people to nature?

7. **Harmony: People and nature coexist in harmony.**
8. Subjugation and control: people can subjugate and control nature.
9. Power of Nature: nature is powerful and controls people

Notes: In his book, Earl Warren describes his admiration for the natural beauty of California. He writes, "... it was a place of surpassing beauty. The entire countryside became ... a veritable crazy quilt of wildflowers" (24). Unlike O'Connor, Warren doesn't find nature threatening. By his childhood the California wilds had been tamed and the grizzly bear and wolves gone. Warren spends much of his childhood taking on jobs, participating in California's great industrial and population expansion. He doesn't see human activity as damaging the environment. Nature exists alongside of it.

Time Orientation

What is the temporal focus of human life?

7. Past: a focus on the past
8. Present: a focus on the present
9. Future: a focus on the future

Notes: Warren was of Scandinavian descent. He retells some of his family's history, but he does not tell his readers that it was a better time. His father is from a poor family and not receive the education that Warren did. His father worked for the Southern Pacific and later the Santa Fe railroads, which did not treat their workers especially well. His father tried to give Warren a better education for a better life. Warren lives through a time of growth and prosperity in California. He's a participant in it and mostly optimistic about the future. He does encounter obstacles and setbacks in his day-to-day life but his focus is usually on the attainment of a future goal.

Activity Orientation

What is the modality of human activity (i.e., self-expression)?

7. Being: preference for activities that provide spontaneous expression of the self.
8. Being-in-becoming: emphasis on activity which has as its goal development of all aspects of the self as an integrated being.
9. Doing: preference for activities which result in measurable accomplishment by external standards.

Notes: Warren sets objectively quantifiable goals for himself. For example, following the start of WWII, he endeavored to become an officer in the army. He was unsuccessful in his first two attempts and was not successful until his third which happened after he had joined as an enlisted army. Warren describes his efforts to graduate from both high school and later the University of California at Berkeley. He admits to not being the best student in mathematics and a trigonometry exam almost held back his graduation in college.