

Faculti Summary

<https://faculti.net/supreme-bias/>

This video video discusses observations of racial and gender bias in Supreme Court confirmation hearings, particularly highlighting the differences in how male senators question female nominees and nominees of color. The speakers, who are researchers, note that during recent hearings, subtle biases have been observed, such as questioning the competence of female and minority nominees more than their male counterparts.

They ground their analysis in social science research, collecting extensive data from every Supreme Court confirmation hearing since 1939, amounting to over 40,000 statements. They apply ingroup-outgroup theory, which posits that individuals favor those who are similar to them, to interpret the behavior of predominantly white male senators towards diverse nominees.

The researchers found that these biases manifest in the form of different questioning styles, interruptions, and skepticism regarding the qualifications of female and minority nominees. They argue that much of this bias is implicit, but conscious partisanship exacerbates it, especially when the nominee does not share the senator's political or racial background.

To address these biases, the researchers suggest structural reforms, including making senators aware of their biases and implementing staggered 18-year terms for justices to reduce the high stakes associated with confirmations. They believe these changes could foster a more equitable confirmation process and better represent the American populace in the Supreme Court.