



COMMON MISCONCEPTIONS

Courts Are Immune to Outside Influences

The “veil of ignorance” described by John Rawls, author of *A Theory of Justice*, suggests a self-interested rational person or judge making a decision is uninfluenced by extralegal factors such as gender, race, or social class. A perfect system for making legal decisions would ignore extraneous influences. In reality, social, legal, and political matters influence court decisions and the veil of ignorance fails. Two major constraints influence the courts’ decision making. *Constraints of facts* are legal influences that require a related case be considered before making a ruling.

Constraints of law require that the justices consider which laws apply to the case based on interpretation of the Constitution, statutes, and precedent. Political and personal influences outside of these areas, however, may factor into decisions. Outside influences include public opinion, special interest groups, and politicians. Inside influences entail personal beliefs, political association, and professional relationships. Subjective decisions (based on extralegal factors) are not uncommon, although the court attempts to rule based on objective criteria.