

## **Duane Rudolph**

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## ***On Moral Outrage in Judicial Opinions***

This paper addresses two questions that have been largely overlooked in the legal literature on moral outrage. The first question is somewhat descriptive: What exactly do courts mean when they express moral outrage? In other words, what is the hermeneutic content of judicial expressions of moral outrage, and why is it useful to understand such content at this point in time? The second question is normative: once we understand the hermeneutic content of moral outrage and its bearing on this particular moment, should judges express moral outrage in their opinions? Drawing from legal hermeneutical theories, this paper examines American case law in which judges express and reject expressions of moral outrage to provide a framework for approaching judicial outrage. The paper argues that judges should express moral outrage when faced with constituencies whose voice has historically been—or is at risk of being—muted.