

A Review of *Political Culture and Judicial Behavior*

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Over twenty years have passed since the publication of Glendon Schubert's *Judicial Decision-Making* (1963). This book blazed a new path for the analysis and understanding of judicial decision-making. While Schubert proposed various "experimental" techniques in this early work, his contributions concerning understanding judges in terms of attitudinal theory and ideology was published in *The Judicial Mind: the Attitudes and Ideologies of Supreme Court Justices, 1946-1963* (1965).

In the present volumes, Schubert has directed his efforts toward a comparative study of supreme court judges in Switzerland and South Africa. In essence, he applies his original attitudinal model described in *The Judicial Mind* to the courts in these countries. But there are significant additions and refinements in his new work.

Schubert's innovations are both substantive and methodological. In addition, he sets his insights not only within the larger framework of political science generally, but also within the social sciences as a whole. His focus on the newer contributions of biopolitics is especially noteworthy.

The choice of Switzerland and South Africa allowed Schubert to interview all the judges sitting on the Supreme Courts of those countries—an option never available to scholars of the U.S. Supreme Court. Schubert administered highly sophisticated psychological tests to these jurists. In addition, Schubert studied the decisional output from these courts. He then applied such statistical techniques as varimax factor analysis, canonical factor analysis, q-techniques, causal path analysis, and regression analysis to the voluminous data that he gathered in the field.

Among the attitudinal and ideological differences for Swiss and South African judges were those predicated on language. These insights are especially interesting because they point to much more deeply rooted factors than previously had been thought by most scholars. These results proved significant in explaining other factors, such as party affiliation.

In essence, Schubert's contributions concerning attitudinal and ideological factors set forth some

twenty years earlier would have constituted an important contribution alone within the context of these new applications. However, Schubert's framework in this two volume work makes a much more significant, new contribution. Schubert integrates the impact of language, religion, ethnicity, and social class. This integration is based both on the psychological instruments administered to the judges through interviews, as well as upon the judges' output, the decisions themselves. In other words, Schubert integrates pre-attitudinal, attitudinal, and decisional output. It is this synthesis that expands Schubert's earlier attitudinal and ideological contributions to the new biosocial frontiers of political science.

In view of Schubert's contributions, the scope and depth of this two volume work, reviewer criticism appears somewhat inappropriate. This work is intended for the expert in judicial behavior and biosocial studies. As a result, it is not easy to read. But the generalist in political science can refer to one of the Schubert monographs or journal articles dealing with various high points of his broader study. Accordingly, the difficulty of this work is not a serious problem because the generalist and beginning student can go elsewhere.

The real flaw for the specialist is twofold. First, there is, at least in spots, a statistical overkill of the data. Some data are highly significant from a statistical point of view, while other data are not. Schubert readily admits in the text when multiple correlations are low, for example. There is merit in presenting those data not representing strong statistical relationships in that it warns other scholars where not to tread. However, in a voluminous work such as this one, the sheer volume of statistical analyses confuses even those who are mathematically oriented.

The other criticism is minor. Schubert chooses to present the majority of his findings in graphic representation. Probably, Schubert personally finds graphic representation superior to mathematical form. However, I would have preferred to have been given the data in matrix form, especially with eigenvalues, complete equations, and determinants. While such representation does not help to formulate theoretical explanation, it does convey to the reader statistical significance and reliability. But the work is already voluminous, and perhaps it was simply not possible to include even more data.

Schubert's comparative orientation to the study of subcultures and their influence upon judicial institutions is innovative. While this work will not attain a broad readership because of its highly technical orientation, it makes a major contribution to biosocial studies as well as to judicial behavior.

Political Culture And Judicial Behavior

Glendon Schubert



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