

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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contribution to the literature and will be of particular interest to scholars and students of judicial behaviour and comparative law

American Political Scientists Glenn H. Utter, Charles Lockhart, 2002-10-30 This dictionary offers the only comprehensive collection of profiles of American political scientists each of whom contributed significantly to the intellectual development of American political science from its beginnings in the late 19th century to the present This second edition includes 22 new and 110 revised entries reflecting new scholarship that emerged during the 1990s Numerous experts helped the editors develop this consensus group of the 193 political scientists who have made the most important theoretical contributions over the years with attention to varied approaches and the different subfields Alphabetically arranged entries focus on the main ideas and major works by each scholar listing list the most important publications by and about the individual There are numerous cross references to show how the work of one scholar has influenced another in the discipline Appendices list the political scientists by degree granting institutions and by major fields A short bibliography points to important general readings about the profession A general index makes this major reference easily accessible for broad interdisciplinary research

American Political Culture Michael Shally-Jensen, Mark J. Rozell, Ted G. Jelen, 2015-04-28 This all encompassing encyclopedia provides a broad perspective on U S politics culture and society but also goes beyond the facts to consider the myths ideals and values that help shape and define the nation Demonstrating that political culture is equally rooted in public events internal debates and historical experiences this unique three volume encyclopedia examines an exceptionally broad range of factors shaping modern American politics including popular belief political action and the institutions of power and authority Readers will see how political culture is shaped by the attitudes opinions and behaviors of Americans and how it affects those things in return The set also addresses the issue of American exceptionalism and examines the nation s place in the world both historically and in the 21st century Essays cover pressing matters like congressional gridlock energy policy abortion politics campaign finance Supreme Court rulings immigration crime and punishment and globalization Social and cultural issues such as religion war inequality and privacy rights are discussed as well Perhaps most intriguingly the encyclopedia surveys the fierce ongoing debate between different political camps over the nation s historical development its present identity and its future course By exploring both fact and mythology the work will enable students to form a broad yet nuanced understanding of the full range of forces and issues affecting and affected by the political process

Handbook of Biology and Politics Steven A. Peterson, Albert Somit, 2017-05-26 The study of biology and politics or biopolitics has gained considerable currency in recent years as articles on the subject have appeared in mainstream journals and books on the subject have been well received The literature has increased greatly since the 1960s and 1970s when this specialization first made an appearance This volume assesses the contributions of biology to political science Chapters focus on general biological approaches to politics biopolitical contributions to mainstream areas within political science and linkages between biology and public policy The volume provides readers with a comprehensive

introduction to the subject **Recalibrating Reform** Stuart Chinn,2014-04-21 Stuart Chinn highlights this phenomenon dubbed recalibration as a regular companion to reform and highlights the barriers to and possibilities for change in American politics **Courts, Law, and Politics in Comparative Perspective** Herbert Jacob,Erhard Blankenburg,Herbert M.

Kritzer,Doris Marie Provine,Joseph Sanders,1996-01-01 This comprehensive book compares the intersection of political forces and legal practices in five industrial nations the United States England France Germany and Japan The authors eminent political scientists and legal scholars investigate how constitutional courts function in each country how the adjudication of criminal justice and the processing of civil disputes connect legal systems to politics and how both ordinary citizens and large corporations use the courts For each of the five countries the authors discuss the structure of courts and access to them the manner in which politics and law are differentiated or amalgamated whether judicial posts are political prizes or bureaucratic positions the ways in which courts are perceived as legitimate forms for addressing political conflicts the degree of legal consciousness among citizens the kinds of work lawyers do and the manner in which law and courts are used as social control mechanisms The authors find that although the extent to which courts participate in policymaking varies dramatically from country to country judicial responsiveness to perceived public problems is not a uniquely American phenomenon **The Common Law System in Chinese Context** Berry Fong-Chung Hau,2019-07-25 Under the 1984 Sino

British Joint Declaration on the future of Hong Kong the previous capitalist system and life style shall remain unchanged for 50 years This concept has been embedded in the Basic Law of Hong Kong The future of the Common Law judicial system in Hong Kong depends on the perceptions of it by Hong Kong s Chinese population judicial developments prior to July 1 1997 when Hong Kong passes from British to Chinese control and the Basic Law itself All of these critical issues are addressed in this book It applies survey and statistical analysis to the study of the attitudes toward and the values inherent to the Common Law judicial system in the unique cultural and economic milieu of Hong Kong in transition *Politics and the Life Sciences* Robert H. Blank,Samuel M. Hines Jr.,Odelia Funke,Joseph Losco,Patrick Stewart,2014-10-21 This book examines the development of biopolitics as an academic perspective within political science It reviews the work of the leading proponents of this perspective and presents a comprehensive view of biopolitics as a framework to structure political inquiry

Understanding Jurisprudence Raymond Wacks,2021 Understanding Jurisprudence provides an illuminating and engaging introduction to the central questions of legal theory It is the perfect starting point for those new to the subject

The Problems of Jurisprudence Richard A. Posner,1993-03-15 Here one of America s most distinguished scholar judges shares with us his vision of the law Posner argues for a pragmatic jurisprudence one that eschews formalism in favor of the factual and the empirical Laws he argues are not abstract sacred entities but socially determined goads for shaping behavior to conform with society s values *The Oxford Handbook of Political Science* Robert E. Goodin,2011-07-07 Drawing on the rich resources of the ten volume series of The Oxford Handbooks of Political Science this one volume

distillation provides a comprehensive overview of all the main branches of contemporary political science political theory political institutions political behavior comparative politics international relations political economy law and politics public policy contextual political analysis and political methodology Sixty seven of the top political scientists worldwide survey recent developments in those fields and provide penetrating introductions to exciting new fields of study Following in the footsteps of the New Handbook of Political Science edited by Robert Goodin and Hans Dieter Klingemann a decade before this Oxford Handbook will become an indispensable guide to the scope and methods of political science as a whole It will serve as the reference book of record for political scientists and for those following their work for years to come

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