

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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The Pioneers of Judicial Behavior Nancy L. Maveety,2009-11-16 Examines the contributions of the pioneers of research into judicial behavior

Routledge Handbook of Judicial Behavior Robert M. Howard,Kirk A. Randazzo,2017-10-02 Interest in social science and empirical analyses of law courts and specifically the politics of judges has never been higher or more salient. Consequently there is a strong need for theoretical work on the research that focuses on courts judges and the judicial process. The Routledge Handbook of Judicial Behavior provides the most up to date examination of scholarship across the entire spectrum of judicial politics and behavior written by a combination of currently prominent scholars and the emergent next generation of researchers. Unlike almost all other volumes this Handbook examines judicial behavior from both an American and Comparative perspective. Part 1 provides a broad overview of the dominant Theoretical and Methodological perspectives used to examine and understand judicial behavior. Part 2 offers an in depth analysis of the various current scholarly areas examining the U S Supreme Court. Part 3 moves from the Supreme Court to examining other U S federal and state courts and Part 4 presents a comprehensive overview of Comparative Judicial Politics and Transnational Courts. Each author in this volume provides perspectives on the most current methodological and substantive approaches in their respective areas along with suggestions for future research. The chapters contained within will generate additional scholarly and public interest by focusing on topics most salient to the academic legal and policy communities.

The Transformation of the Supreme Court of Canada Donald R. Songer,2008-12-27 In the last half century the Supreme Court of Canada has undergone major upheaval. The most drastic change occurred with the adoption of the Charter of Rights in 1982 which substantially increased the Court's role in resolving controversial political and social issues. The Transformation of the Supreme Court of Canada examines the impact of institutional changes on the proceedings and decisions of the Court from 1970 to 2003. The first book on the Supreme Court to incorporate extensive in depth interviews with former justices this study provides both insiders accounts of how decisions are made and an empirical analysis of more than 3 000 Court decisions. Drawing on this extensive commentary and statistical data Donald R Songer demonstrates that the Court has remained a politically moderate and democratic institution despite its considerable power and influence. The most comprehensive account of its kind to date. The Transformation of the Supreme Court of Canada makes a significant

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

Law, Ideology, and Collegiality Donald R. Songer, 2012 In a ground breaking study on the nature of judicial behaviour in the Supreme Court of Canada Donald Songer Susan Johnson C L Ostberg and Matthew Wetstein use three specific research strategies to consider the ways in which justices seek to make decisions grounded in good law and to show how these decisions are shaped within a collegial court The authors use confidential interviews with Supreme Court justices analysis of their rulings from 1970 to 2005 and measures that tap their perceived ideological tendencies to provide a critical examination of the ideological roots of judicial decision making uncovering the complexity of contemporary judicial behaviour Examining judicial behaviour through the lens of three different research strategies grounded in qualitative and quantitative methodologies Law Ideology and Collegiality presents compelling evidence that political ideology is a key factor in decision making and a prominent source of conflict in the Supreme Court of Canada

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

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

Criminal Justice Theory Edward Maguire, David Duffee, 2015-02-11 Criminal Justice Theory Second Edition is the first and only text edited by U S criminal justice educators on the theoretical foundations of criminal justice not criminological theory This new edition includes entirely new chapters as well as revisions to all others with an eye to accessibility and coherence for upper division undergraduate and beginning graduate students in the field

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

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

Attitudinal Decision Making in the Supreme Court of Canada C. L. Ostberg, Matthew E. Wetstein, 2011-11-01 This book provides a comprehensive exploration of ideological patterns of judicial behaviour in the Supreme Court of Canada Relying on an expansive database of Canadian Supreme Court rulings between 1984 and 2003 the authors present the most systematic discussion of the attitudinal model of decision making ever conducted outside the setting of the US Supreme Court The groundbreaking discussion of the viability of this model as a unifying theory of judicial behaviour in high courts around the world will be essential reading for a wide range of legal scholars and court watchers

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

The European Court of Human Rights between Law and Politics Jonas Christoffersen, Mikael Rask Madsen, 2011-06-09 The European Court of Human Rights between Law and Politics

provides a comprehensive analysis of the origins and development of one of the most striking supranational judicial institutions. The book brings together leading scholars and practitioners to cast new light on the substantial jurisprudence and ongoing political reform of the Court. The broad analysis based on historical legal and social science perspectives provides new insights into the institutional crisis of the Court and identifies the lessons that can be learned for the future of the European Convention on Human Rights and Fundamental Freedoms. The European Court of Human Rights is in many ways an unparalleled success. The Court embarked during the 1970s upon the development of a progressive and genuinely European jurisprudence. In the post Cold War era it went from being the guarantor of human rights solely in Western Europe to becoming increasingly involved in the transition to democracy and the rule of law in Eastern Europe. Now the protector of the human rights of some 800 million Europeans from 47 different countries, the European system is once again deeply challenged this time by a massive case load and by the Member States' increased reluctance towards the Court. This book paves the way for a better understanding of the system and hence a better basis for choosing the direction of the next stage of development.

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 goals for shaping behavior to conform with society's values.

Whispering the Techniques of Language: An Emotional Journey through **Political Culture And Judicial Behavior**

In a digitally-driven earth where screens reign great and immediate transmission drowns out the subtleties of language, the profound techniques and psychological nuances hidden within words often get unheard. However, set within the pages of **Political Culture And Judicial Behavior** a fascinating fictional prize pulsating with raw thoughts, lies an extraordinary quest waiting to be undertaken. Written by a skilled wordsmith, this enchanting opus attracts viewers on an introspective journey, lightly unraveling the veiled truths and profound affect resonating within the very fabric of each word. Within the emotional depths with this poignant evaluation, we can embark upon a honest exploration of the book is core styles, dissect its captivating writing style, and succumb to the effective resonance it evokes deep within the recesses of readers hearts.

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