

Dimensions of judicial decision-making

Lessons from American empirical studies

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The Hungarian scientific studies and political essays analyze the Constitutional Court's decisions from two perspectives: legally (ie. legal reasoning) and politically (ie. political consequences). Both political science literature and political essays repeat what traditional legal realists say. A more realistic approach towards jurisprudence was first articulated in connection with the decision-making of American Supreme Court justices (and other American courts' judges), which was later followed by a number of empirical studies. Some of these studies contributed to the view of judicial decision-making as not simply an ideologically driven vote, but as an outcome of a process influenced by multiple factors. This essay aims at introducing the main directions and findings in these American empirical studies from the beginning up, mainly to enrich the reasoning in Hungarian political scientific literature and also to urge empirical studies on Constitutional Court's decision-making that is still lacking behind the theoretical analyses.

Keywords: constitutional review, judicial decision-making, American political science, Supreme Court, legal realism

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OUTLINE OF THE ARTICLE

- I. Introduction
- II. Judicial decision-making in American empirical studies
 - 1. *Early studies: ideology-driven votes*
 - 2. *Decision-making based on ideology and law*
 - 3. *Recent studies: judges as labor market participants*
- III. Conclusion - What can we learn from it all?

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