Abstract

This paper introduces a new scale intended to measure and compare the degree to which personal ideologies affect Supreme Court justices’ rulings in different countries. The scale measures three parameters in selected issue areas: dissent rate, existence of ideological direction in justices’ dissenting opinions, and degree of consistency in ideological direction.

Initial scaling results are presented, comparing the degree of attitudinal decision making in the Supreme Courts of Canada, Israel and the US in political rights cases. Using an original dataset containing all votes in political rights cases between 2000 and 2005, we find that the impact of ideologies is most notable in the US Supreme Court. The Canadian and Israeli Supreme Courts show a similar degree of attitudinal decision making, though a slightly higher rate of attitudinal decision making is noted in Canada.