

# *Are Taiwan Constitutional Court Justices Political?*

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March 2018

Prepared for presentation at the Comparative High Court Decision Making Workshop, the Hebrew University of Jerusalem, December 16-17, 2018.

## Abstract

*In the Taiwan Constitutional Court (TCC) Justices' decision-making, is there really no place for the attitudinal model? Or, is it rather the case that students of the TCC cannot find the smoking gun of ideologically motivated judicial behavior because the sensor used is just not good enough? If the TCC is indeed an ideologically homogeneous court composed mainly by moderate jurists, what explains the marked and increasing disagreement among the TCC Justices? We seek to answer these questions. Although we cannot develop an exogenous measure of TCC Justices' pre-existing ideologies to test the use of the attitudinal model due to the dearth of data, and although the number of the TCC's decisions is not large enough to sustain a meaningful ideal point estimation, we take advantage of the rising opinion dissensus on the TCC to study the inferred judicial votes of the TCC Justices served during 2003 and 2015. By analyzing and comparing the Justices' inferred voting records in the political and non-political cases, we find some circumstantial evidences that political ideology works behind the scene of decision-making in the TCC, albeit most of the Justices can be considered ideological moderates.*

Keywords: Taiwan Constitutional Court, ideal point estimation, the attitudinal model, judicial philosophy, judicial activism