FROM SIMPLICITY TO COMPLEXITY: The Development of Theory in The Study of Judicial Behavior

James L. Gibson

This article assesses the development of theories of judicial behavior in the United States in the past few decades. It is argued that the study of judicial behavior has been relatively balkanized, with some advances within particular theoretical contexts, but with little successful effort at integrating different approaches within a comprehensive theory. Although I develop no such comprehensive theory in this article, I do argue that the predominant frameworks for analyzing judicial behavior—attitude theory, fact pattern theory, role theory, small group theory, organization theory, and environmental theories—are not incompatible and can be at least partially integrated. In order to accomplish the desired integration, there are three desiderata:

* The most general and useful unit of theoretical analysis is the individual decision maker.
* Nonindividual level theories can and should be articulated to include propositions about the underlying microlevel processes.
* Comprehensive theory can best be developed through models that incorporate influences stemming from various levels (e.g., group, institution, environment) but that ultimately focus on the individual.

Thus, theories of judicial behavior must become more complex if they are to achieve a higher level of explanation and prediction.

Since the publication of Pritchett’s *The Roosevelt Court* in 1948—which can fairly be said to have ushered in the modern era of judicial behavior research—scholars have expended great effort trying to understand judicial decision making. Armed with various methods and theories, researchers have for the last three and a half decades systematically assaulted the “purple curtain.”

James L. Gibson, Department of Political Science, University of Houston.

As a consequence, it might be assumed that much is understood about judicial decisions. But, despite a series of very significant theoretical advances, little cumulative and comprehensive theory has been created. The most striking deficiency of judicial behavior research is its lack of theoretical decision-making models that (1) comprehensively include the multitude of stimuli affecting decisions and (2) explain or predict a considerable portion of the variation in decision making. Several new theoretical frameworks have been generated as a result of evolving substantive foci in the field, but research that integrates various theories is much too rare. Indeed, the field of judicial behavior may be more balkanized today than ever before.

Because of the lack of cumulativeness, extant theories are generally not complex. That is, they rarely consider multiple and various exogenous concepts; their understanding and explication of endogenous processes are limited; and only occasionally do they purport to be generally applicable. In this sense, simplicity is the dominant attribute of theory in the field. While simplicity is frequently said to be a desirable attribute of theory, simplicity need not imply parsimony and understanding of basic laws of political behavior.

This essay presents an argument for the integration of alternative theoretical approaches to judicial decision making. Specifically, I argue the following:

- The most general and useful unit of theoretical analysis is the individual decision maker.
- Nonindividual level theories can be usefully articulated to include propositions about the underlying microlevel processes.
- Comprehensive theory can best be developed through models that incorporate influences stemming from various levels (e.g., group, institution, environment) but that are ultimately focused on the individual.

This essay begins with a simple and widely accepted model of decision making and then embellishes it so that it becomes more complex and comprehensive; that is, it moves from simplicity to complexity.

Caveats

The above indicates what this article is about; it may also be useful to state what the article is not about. The ultimate endogenous concept for this analysis is a particular judicial behavior—decision making. The aftermath of the decision—that is, the factors affecting the translation of deci-