

Discussion Group on Comparative Constitutional Law and Theory

Professor Matej Avbelj, New University (Slovenia)

**Lecture: 'Multidimensional Measuring of Judicial Ideology
– the case of Slovenian Constitutional Court'**

Date: Monday, 11.02.2019, 6:00 p.m.

Venue: Room 6012, Sigmund Freud University
Freudplatz 1, 1020 Vienna



'Multidimensional Measuring of Judicial Ideology – the case of Slovenian Constitutional Court'

The talk will present the conceptual framework and the empirical methodology of an on-going research on the role of ideology in the decisions of the Slovenian Constitutional Court. The research in the Slovenian Constitutional Court benefits from public availability of all court decisions, including information on voting by individual judges, as well as from publication of all affirmative and dissenting separate opinions. The literature review has demonstrated that the research on judicial ideology in the courts of European countries and international courts is still rare. It is argued that this lack of research can be explained by the conceptual, empirical and methodological challenges posed by judicial ideology. The conceptual framework to be presented is, contrary to the mainstream unidimensional methodological approach, based on a multidimensional conception of ideology, which is empirically operationalised along the economic, social and authoritarian dimension with five possible ideological positions on each dimension. It has been empirically confirmed that the three dimensions do indeed capture distinct elements of ideology that are not overly correlated with each other. The talk will also demonstrate that the hence developed methodology is able to account for ideological differences between judges. This confirms that (judges') ideology is a complex multidimensional set of values and convictions that cannot be reduced to simply equating ideology with (possible) political affiliations.

Biography

Matej Avbelj is Associate Professor of European Law at the Faculty of Government and European Studies and a Prorector at the New University in Slovenia. He also lectures at the European Faculty of Law. Dr. Avbelj graduated from Ljubljana Faculty of Law, obtained an LL.M at NYU School of Law and defended his PhD at the European University Institute. He has written extensively in the fields of EU law, constitutional law and legal theory. His books include: *The European Union under Transnational law* (Hart, 2018); *Research Handbook on Legal Pluralism and EU Law* (Edward Elgar 2018, co-edited with Gareth Davies); *Kadi on Trial: A Multifaceted Analysis of the Kadi Trial* (Routledge 2016, co-edited with Giuseppe Martinico and Filippo Fontanelli); *Constitutional Pluralism in the EU and beyond* (Hart 2012; co-edited with Jan Komarek). Dr. Avbelj has been awarded several fellowships and research grants and has acted as a guest lecturer at many universities in Europe and the USA. Recently he acted as a Senior Humboldt Research Fellow at the WZB, Berlin. He has (co)-organized several successful international research conferences, served as a member of editorial board of various legal journals and participated in a number of professional international associations and international academic projects. He has also acted as an adviser to the Slovenian National Assembly on constitutional amendments and served on the strategic boards of the Ministry of Justice and the Ministry of Foreign Affairs of the Republic of Slovenia. Dr. Avbelj is also active in various Slovenian civil society organizations. He is currently a head of the research project on the “Ideology in the Courts: the Influence of Judges’ Worldview on their Decisions”, which is generously supported by the Slovenian Research Agency.