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What do we know about the Middle Eastern constitutional courts?

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published in

High Courts in Global Perspective

2021

[Link to publication in VU Research Portal](#)

citation for published version (APA)

Aydin Cakir, A. (2021). What do we know about the Middle Eastern constitutional courts? In N. Garoupa, R. Gill, & L. Tiede (Eds.), *High Courts in Global Perspective: Evidence, Methodologies and Findings* (CONSTITUTIONALISM AND DEMOCRACY). University of Virginia Press.

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What Do We Know about the Middle Eastern Constitutional Courts?

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THE MIDDLE East is a region that refers to the lands around the southern and eastern side of the Mediterranean Sea and it includes several countries. Although there is not a clear demarcation line that can help us to determine the borders of this region, Turkey, Syria, Iraq, Iran, Lebanon, Israel, State of Palestine, Jordan, Saudi Arabia, the United Arab Emirates, Kuwait, Yemen, Oman, Bahrain, Qatar, and Egypt can be presented as the core Middle Eastern countries. The majority of these countries are Muslim and Arab, and most of them are ruled by authoritarian regimes. The common belief is that under the rule of authoritarian regimes the judiciary is not independent and cannot efficiently control and constrain the executive and ruling elite. In this regard, the constitutional courts are perceived as symbolic institutions. Although this assumption seems quite logical, it is very important to test it against empirical evidence and explain the decision-making processes of the Middle Eastern constitutional courts.

The objective of this essay is to critically review the existing literature on the Middle Eastern constitutional courts and look at the empirical strategies that are used to analyze their judicial behavior. Although the legal systems and structures of constitutional courts differ across the region, analyzing the empirical studies on the Middle Eastern constitutional courts provides a general framework to understand the main problems and opportunities in studying the judicial behavior in other countries with similar political regimes.

The literature review presented in this essay excludes the studies that use qualitative methods or the studies that evolve around theoretical and normative discussions. One should also note that this literature review extensively depends on the studies written in English. It has overlooked the studies written in Arabic and Hebrew, and this is an important limitation. For this reason, looking at this literature review one should not conclude that the constitutional courts in the Middle East is an understudied topic in the legal or political science field. In the Middle Eastern countries, many legal scholars study the structure, jurisdiction, and workings of the constitutional courts, but they do so from a theoretical and normative perspective and publish their studies mostly in their native language.

This essay reviews the empirical studies on the Middle Eastern constitutional courts. The first part presents and evaluates the breadth and scope of the literature from a theoretical and methodological perspective. It discusses the general gaps, unresolved theoretical puzzles, and methodological challenges. The second section of the essay presents possible future research topics. The final section includes a general overview of the literature and offers concluding remarks.

EMPIRICAL EXPLANATIONS FOR THE JUDICIAL BEHAVIOR OF THE MIDDLE EASTERN CONSTITUTIONAL COURTS

Explaining the judicial behavior of constitutional courts is of great importance not only in the field of legal studies but also in political science. Focusing especially on the behavior of the US Supreme Court, many scholars have tried to empirically explain the decision-making process in the Court. Since the 1990s an increasing number of scholars have tried to study this topic from a comparative perspective, and this has increased the number of empirical studies on Latin American and some European constitutional courts. Yet when it comes to understanding the judicial behavior of the constitutional courts in other parts of the world, we come across a very limited literature. When we focus specifically on the Middle Eastern constitutional courts, we see that only few studies have tried to empirically explain the behavior of these courts, and most of the studies look only at the Egyptian, Turkish, or Israeli constitutional courts.

The Supreme Constitutional Court of Egypt

Compared to the Turkish and Israeli cases, the number of the empirical studies on the Supreme Constitutional Court of Egypt is quite low.

Tamir Moustafa (2007), offers one instance of a quantitative study and uses simple descriptive statistics to explain the assertiveness of the court despite the rule of the authoritarian regime in the country. By looking at the Egyptian Supreme Constitutional Court decisions taken between the years 1980 and 2000, Moustafa (2007) argues that the ruling elite in Egypt has established an independent judiciary that is capable of protecting property rights in order to attract foreign direct investment. This study is very important in terms of challenging the assumption that judicial independence will not exist under authoritarian regimes. It overtly demonstrates the importance of studying judicial behavior in the context of authoritarian regimes. By looking at the percentages of the final decisions where the laws are found unconstitutional, Moustafa (2007) tries to show that despite the authoritarian government, the court has taken decisions against the ruling elite.

The Turkish Constitutional Court

When we look at the literature on the Turkish Constitutional Court (TCC), it is possible to say that until very recently the existing literature has been dominated by qualitative studies arguing that judicial bureaucrats are state-elites and the TCC defends the values and interests of the Kemalist state-elites (Kogacioglu 2003, 2004; Özbudun 2010; Shambayati and Kirdiş 2009; Tezcur 2009). Yet, this argument has not been tested with empirical evidence. Coding all TCC abstract review cases between 1984 and 2007, Hazama (2012) has tried to systematically examine whether constitutional review in Turkey is more likely to protect elite interests or to control and constrain the executive branch of government. In order to explain the decision-making process of the court, Hazama (2012) has looked at the identity of the litigants (state-elite versus non-state-elite opposition party) and referral reasons (based on secular-unitary state principles or horizontal accountability). Conducting binary logistic analysis, he has found that the TCC was no more likely to accept unconstitutionality claims by state-elite parties than by non-state-elite parties. Furthermore, he has found the court was more likely to accept unconstitutionality claims of executive wrongdoings than violations of the state-principle. As such, contrary to the assumptions of the previous literature, this empirical analysis showed that the TCC's preferences for horizontal accountability dominate over the desire for hegemonic preservation.

The majority of the existing studies on the TCC have either ignored or not taken into consideration the possible differences between the

constitutional court judges. In other words, the scholars were arguing that all TCC judges share similar political preferences, but they had not empirically tested this hypothesis. Creating an original data set by coding all TCC decisions taken between 1984 and 2010, Aydin-Cakir (2018) has tried to empirically explain the judicial behavior of the TCC by considering the ideological preferences of the judges. Using the state-elite president versus non-state-elite president categorization of Hazama (2012), the political preferences of each judge was measured by looking at whether they were appointed by a state-elite president or non-state-elite president. Aydin-Cakir's study seeks to explain whether attitudinal or strategic models better explain the behavior of the TCC, and it finds that the impact of political fragmentation on the court's decisions changes across cases where different judicial preferences are at stake. The empirical results of the study show that the situational characteristics across cases can trigger judges' preferences so that the importance that a court places on a possible reaction from political branches will vary across different types of cases. In other words, Aydin-Cakir (2018) has found that the effect of political fragmentation on judicial behavior decreases when there is a weak political alignment between the court and the enacting government. On the other hand, when the TCC reviews a law that is argued to violate the individual rights principle, the court's tendency to annul such a law is significantly lower compared to those laws that were claimed to violate other constitutional principles. All these findings show that the judiciary will locate its decisions as closely as possible to its preferences but within the space defined by the preferences of the relevant outside actors. In countries where there is a strong external actor—the public or another institution, such as the military—who supports the judiciary, the judges will not fear political retaliation and will defy the incumbent government. Moreover, especially in developing democracies where the protection of individual rights and liberties are not internalized by the public and the political institutions, the political preferences of the courts may not show the considerable impact on the assertiveness of the judiciary.

Although Aydin-Cakir (2018) has tried to delineate the political preference of each judge in order to measure the political affinity between the TCC and the incumbent government at the time each decision was taken, the validity of this measure has certain weaknesses. First, categorizing Turkish presidents as state-elite versus non-state-elite is too simplistic because certain presidents have adopted state-elite orientation although they are categorized as non-state-elite by Hazama (2012).

Second, until the 2017 constitutional amendment, the Turkish Constitution had clearly stated that the president should be neutral and should have no affinity with any political party. Finally, the president has appointed TCC judges from a certain pool of candidates that are selected by lower courts or other institutions. As a result, one can argue that identity or ideology of the president would not be a good proxy to measure the political preferences of TCC judges.

Moral and Tokdemir (2017) solve this problem by measuring the political preferences of judges by looking at their opinions on party closure cases. By focusing on judge-level variation, Moral and Tokdemir (2017) attempt to explain whether and to what extent justices' ideological positions influence the party dissolution decisions of the TCC. In order to measure the justices' ideological positions, the authors use two measures. As the first measure, they use W-NOMINATE ideal point estimates. The W-NOMINATE estimates suggest that the Turkish political space, unlike the issue space of the US Supreme Court, is likely to be two-dimensional. Thus, the authors use two-dimensional W-NOMINATE estimates. The first dimension is the main ideological liberal-conservative dimension and the second one is the activist (anti-status quo)–restraintist (pro-status quo) dimension that explains whether justices, regardless of their political views, adopt an interventionist stance. For the measurement of the two-dimensional ideal point estimates of fifty-four judges who voted in the dissolution cases, Moral and Tokdemir (2017) use 726 judicial review decisions. As a result, the empirical analysis shows that communist, religious, and ethnic parties in Turkey with considerable public support are more likely to be dissolved by justices having an activist and pro-status quo ideological stance.

Although using a two-dimensional measure of the judges' preferences makes sense, the conceptualization of "activism" and "pro-status quo" is subjective and their operationalization is quite problematic because the status quo may change across different ruling governments. For instance, in Turkey what is referred to by the "status quo" has changed considerably in the last ten years. Before the rule of the Justice and Development Party (JDP) that came to power in 2002, status quo referred to the Kemalist and secularist values of the state. Hence, a conservative judge would have probably been against this notion of status quo. Yet under the rule of the JDP government, status quo has become linked with the values supported by the JDP and Recep Tayyip Erdogan. As such, a conservative judge would most likely want to protect this status quo.

Moreover, although ideal point estimates provide valid measures of the judges' preferences, using the point estimates scores both as a measure of the dependent and independent variables can be problematic. In other words, trying to explain the decision for party closure with a decision in abstract review case might create theoretical and methodological problems. When deciding on any type of constitutional court case, the judges are not only affected by their political ideology but also by the political context or other external and internal (intra-court) factors. Thus, once you measure the independent and dependent variables by using the judges' decisions, you include the explanatory power of the same external and internal factors in both the dependent and independent variables. This may lead to the endogeneity problem in the model. Finally, the ideal point estimation model assumes that the judges' preferences are fixed and do not change over time, but this might not be true for the TCC judges.

Another empirical research study that focuses on the TCC judges' political preference is the article written by Yildirim, Kutlar, and Gulener (2017). The authors try to empirically analyze the political attitudes of the TCC judges by using dynamic item response methodology (IRT) as a scaling method. The authors create an original database of the TCC decisions taken between 1962 and 1982 and code each judge's preference as liberalist or statist. The ideal point estimations show that for the given time period neither a liberalist nor a statist attitude was dominant for the majority of the TCC judges. In other words, contrary to the commonly held belief, scholars have found that the justices of the TCC did not adopt a strict statist attitude in the examined period. Yildirim, Kutlar, and Gulener (2017) measure the ideal point estimates of the TCC judges on a single dimension that is liberalist or statist. Yet when we take into consideration the Turkish political space, categorizing the political preferences of the TCC judges on a single dimension would not provide a valid measure. The authors look at the decisions of sixty-seven judges, and that makes in total 5,768 observations that are coded as liberalist or statist. Yet the authors report that 38 percent of these observations are coded as neither statist nor liberalist. This condition reveals that the authors are excluding a considerable number of issues that might reflect an alternative dimension of the political preferences of the judges. Moreover, the scholars define "liberal" as an attitude to protect individual rights and freedoms and "statist" as an attitude to protect the state or public power as opposed to the protection of individual rights. Yet, these two concepts should not be taken as binary opposites. In other words, a person who is

quite liberal in social issues might have a statist position in economic issues. Thus, the political preference of the judges might be affected by the issue of the law under review. If the authors had used a multidimensional scale the measurement would have been more precise.

Analyzing the impact of the constitutional reforms on judicial behavior is an important yet under-studied topic in the context of the TCC. Trying to fill this gap, Varol, Dalla Pellegrina, and Garoupa (2017) empirically show whether and to what extent the 2010 constitutional reforms that changed the structure, appointment, and removal processes of the TCC have changed the behavior of the court. They use an original data set of randomly chosen two hundred cases taken between 2007 and 2014. Half of these cases were decided before the reform and half of them were decided afterward. Using IRT, the authors attempt to estimate the evolution of each judge's ideology. In order to empirically show whether the constitutional amendments have created a change in the ideological preferences of the judges, the authors use multivariate regression analysis. According to the ideal point estimation, they find a significant break in 2010 in the ideological position of the court and detect a conservative ideological shift following the reforms. Yet this shift does not appear to affect judicial outcomes in a statistically significant manner.

The impact of the judges' gender on their decisions appears as another issue that has been empirically studied in the context of the TCC. Yildirim and Gulener (2017) analyze whether and to what extent the decisions of women judges differ from men judges. The research shows that there is not any specific gender effect and that women justices do not reveal specific judicial attitudes in their voting patterns. Although simple descriptive statistics show that women judges dissent more, the number of women judges in the TCC is too low to make a correct inference from these findings. In other words, since the establishment of the TCC, out of 127 judges, only 5 were female. This number is statistically insufficient to show the impact of gender on the decision-making process.

Israeli Supreme Court

When we look at the empirical studies on the Israeli Supreme Court (ISC) we see that they either try to explain the key determinants of judicial behavior or understand how the court behaves at times of crises. In this regard, one of the most important studies is the research conducted by Yoav Dotan (1999) where he focuses on the judicial behavior in national security cases and tries to explain whether and to what extent the ISC protects individual rights during episodes of national crisis. The

previous qualitative literature has argued that during times of national crisis the court is not willing to intervene in the governmental policies that have violated the liberties of the Palestinian residents (Shamir 1990). Looking at the terror-related cases decided by the ISC between 1986 and 1995, Dotan (1999) compares the percentages of cases decided against the government before, during, and after the Intifada and finds that although during and after the Intifada the number of petitions from the Palestinians to the ISC increased, the rise in the number of cases was not followed by any corresponding decline in the settlement rate for Palestinian petitions. Although Dotan's (1999) study can be defined as an empirical study on the judicial behavior of the ISC, using only descriptive statistics to understand the key determinants of the judicial behavior in different settings weakens reliability of the results.

Another empirical study that aims to explain the judicial behavior of the higher courts at the times of warlike emergencies is the study of Hofnung and Weinshall-Margel (2010). Most of the studies on the Israeli Supreme Court argue that despite using the rhetoric of human rights, the ISC rarely intervenes in security-based decisions targeted to prevent terrorist activity. Accordingly, the authors try to find out whether the ISC will be reluctant to oppose restrictions on civil liberties while reviewing security-based cases. First, the authors categorize the court behavior into three groups: rejection of the petition, latent intervention, and overt intervention. Choosing two hundred terror-related cases decided by the ISC between 2000 and 2008 and looking at the individual opinions of judges for the cases, the authors find that the court makes assertive decisions regarding human rights violations by the state. But this intervention is usually subtle and not easily detected by the public. Going one step further, Hofnung and Weinshall-Margel (2010) try to empirically show whether and to what extent certain external and internal conditions—such as the identity of the litigant, political structure of the incumbent government, occurrence of deadly terror attack when the decision was taken, and the personal inclination of each justice—affect justices' decisions. Conducting multinomial logistic regression, the authors find that the court's decisions in terror-related cases do take into consideration external political circumstances and that the influence of these factors is significant when deciding between rejection of a petition and overt intervention.

In the literature on the ISC we also see a few studies that focus on the explanatory power of the internal structure of the court. For instance, Sommer (2009) tries to explain the strategic behavior of the ISC at the

level of the collegial game. Arguing that the judges' decisions, especially in controversial domains such as national security, state, and religion, might be highly influenced by the decisions of other justices in the court, Sommer (2009) develops a formal model that presents the judges' incentives to act strategically. In another article focusing only on national security cases, Sommer (2010) tests his theoretical framework with empirical analyses. Using an original data set that covers national security cases between 1997 and 2004 and conducting logistic regression, Sommer (2010) finds that the constitutional design, court leadership, ideology of the ruling coalition, litigation by interest groups, and the number of petitioners influence decisions of the ISC on national defense. As a result, the works of Sommer (2009, 2010) do not only enhance the understanding of the collegial game within the ISC but also put judicial decision-making in a context of institutional, ideological, and cultural constraints. In other words, he does not take the influence of internal and external institutions separately but asserts that the internal institutions of the court determine its ability to interact successfully with the other branches.

Another empirical study on the ISC is the study by Meydani (2011), which focuses on all cases that were brought to the ISC between 2000 and 2006. Looking at the percentage of cases decided against the government by the court across years, Meydani (2011) finds that despite the increase in petitions against the government, the ISC intervenes less frequently in the government's work. Although this research is quite interesting in its highlighting the activism level of the ISC, the study is based on descriptive statistics only and does not succeed in explaining the reasons of the decrease in judicial activism through the years. A similar descriptive analysis is found in the work of Dotan and Hofnung (2001). The authors look at the identity of the litigants and the final decisions of the cases between 1977 and 1995 in an attempt to explain whether and to what extent identity of the litigant affects the final decisions of the court. In their analysis, the authors show that there is a significant rise in the number of petitions issued by NGOs and a rise in the success rate of these groups. Although the authors find that the NGOs in general, and "repeat player" groups in particular, achieved a success rate significantly higher than other litigants, their empirical analysis cannot empirically show the key explanatory factors of this situation.

Trying to compare the impact of attitudinal model and neo-institutionalist model in the context of the ISC, Weinsall-Margel (2011) tries to empirically show whether ideological positions or norms of the court as an institution affect the behavior of the court. The author uses

an original database consisting of a sample of 260 judge-level decisions (seventy-eight court cases) between 1985 and 2008 in which freedom of religion clashed with some other rights or interests. In the model, the dependent variable is whether the final decision supports freedom of religion or not. The key independent variable is each judge's ideological religious attitude. The data that is used to measure the judges' attitudes are coming from the judges' biographies, and the measure is one-dimensional that ranges between religious and secular. The author finds that justices' attitudes in Israel have a very strong influence on their decisions. She finds that religious judges are significantly more likely to support freedom of religion than judges with low levels of religiosity. In order to test the impact of the legal norms, Weinshall-Margel (2011) tests the effect of constitutional change, and the author runs two different logistic regression analyses for cases decided before and cases decided after 1992, when the Knesset passed the first two Basic Laws that protect human rights and liberties. The empirical findings present that there is a significant difference in terms of making decisions in favor of religious freedom before and after the year 1992. More interestingly, the author finds that the change in the judicial behavior is different across religious and secular judges. While before the 1992 constitutional change, the probability of protecting religious freedom was 94 percent by a religious justice and 78 percent by a secular justice, after 1992, the probability of a religion-supporting vote in the same case is 64 percent by a religious justice and only 11 percent by a secular one (Weinshall-Margel 2011, 579). This shows that the constitutional revolution did not affect the behavior of the religious judges as much as it affected the rulings of the secular judges. Moreover, in her recent study comparing the dissenting opinions of the secular and religious judges, Weinshall (2016) finds that religious judges are more inclined to give dissenting opinions wherein they support religious interests.

Reviewing all these empirical studies on the Middle Eastern constitutional courts, we see that the majority of the studies try to explain the external and internal determinants of judicial behavior. In this regard, the political context, the issue under review, the identity of the litigant, the political preferences of the judges, and the internal structure and dynamics of the court appear as the most important determinants that are empirically shown to affect judicial behavior.

UNRESOLVED PUZZLES AND METHODOLOGICAL CHALLENGES

Looking at the empirical studies on the Middle Eastern constitutional courts, a few important methodological problems come to the fore. First, a substantial share of the studies uses only descriptive statistics. Although these types of studies can show certain patterns or changes in judicial behavior, they cannot successfully delineate the explanatory power of the political, attitudinal, or legal determinants of judges' decisions. Comparing the explanatory power of each of these determinants and providing information about the context under which these determinants have a greater impact on judicial behavior is still an unresolved puzzle in the literature. In order to compare the explanatory power of the strategic, attitudinal, and legal models in the context of Middle Eastern constitutional courts, scholars should focus on a larger number of cases and use regression and causal inference models.

Another methodological challenge in the field is measuring the political preferences of the constitutional court judges in the Middle East. Especially in countries where the political landscape is divided into different dimensions across different issues, measuring the political preferences of individual judges is quite difficult. The scholars who try to measure the judges' political preferences should take into consideration the fact that these issue dimensions can vary across each country. Thus, while calculating and measuring the judges' ideological preferences, using the traditional liberal-conservatism dimension may not be a proper choice. Moreover, instead of using judges' previous decisions to measure their political preferences, scholars should look for exogenous measures.

Another unresolved puzzle in the literature is an explanation for the impact of the collegial game on the judges' decisions in the context of authoritarian regimes in general and Middle Eastern countries in particular. Since we have only the studies of Sommer (2009, 2010) on Israel, we do not even know whether and to what extent the collegial game can explain the behavior of the constitutional courts in the authoritarian or hybrid regimes of the Middle East. Especially in the political environment where the government controls the judiciary, the strategic actions among the judges may not appear as an important determinant of judicial behavior. Analysis of whether and to what extent the collegial game and the internal structure of the court has an impact on the judges' decisions is of utmost importance in the context of the Middle Eastern countries. Another problem with this issue is measuring the collegial game itself. Focusing on the Israeli Supreme Court, Sommer (2010) has

measured the impact of the collegial game by looking at the decision of the chief justice, but the decision of the chief justice is not the one and only indicator of the collegial game. Scholars should find other indicators that can measure the impact of the internal structure of the court. In this regard, the political fractionalization within the court might be used as an alternative indicator. Once scholars have good measures of judges' political preferences, measuring the political fractionalization within the court would not be problematic.

While most of the existing empirical studies on the Middle Eastern constitutional courts try to explain the political aspects affecting judicial decision-making processes, the impact of the constitutional reforms on judicial behavior remains as an under-studied topic. Especially in the context of authoritarian and hybrid regimes where the ruling elite is capable of creating a dependent judiciary through constitutional reforms, analyzing the impact of these reforms on judicial behavior is quite important. Yet in order to empirically show the impact of these reforms, scholars should have larger data sets that cover a large number of Middle Eastern countries and longer time periods.

Measuring the impact of the legal doctrines on judicial behavior might be another problematic issue in the context of Middle Eastern countries. In the Israeli case, for instance, Weinshall-Margel (2011) has taken the change in the Constitution compared the period before and after the law was adopted. But in Middle Eastern countries, most of which have authoritarian regimes, constitutional changes may not depend on purely legal factors. In other words, constitutional change may include political maneuverings and reflect the government's desire to create a dependent judiciary. Therefore, instead of looking at the change in certain laws, comparing judicial behavior across certain legal issues might provide a better framework to visualize the impact of the legal aspects. But one should keep in mind that at different cases different political or social dynamics might be at work so that differentiating the impact of the legal aspects might still be problematic. As a result, measuring the impact of legal aspects on judicial behavior sets a methodological and theoretical challenge.

Finally, unavailability of data appears to be the most important problem for empirically studying the behavior of Middle Eastern courts. Searching for the availability of the constitutional courts' decisions, we have found that, with the exception of a few countries (e.g. Turkey, Iraq, Lebanon, Israel), in most of the Middle Eastern countries the constitutional court decisions are not published online. Moreover, when we

look at the courts that have published their final decisions, we see that the cases are not published in English. Thus, the final decisions of the Middle Eastern constitutional courts appear not to be readily available (see table 1). If the constitutional court decisions are not publicly available, empirically analyzing judicial behavior will be impossible, and therefore, it would be very hard to provide a general explanation for the judicial behavior in the region.

Recently Weinshall, Epstein, and Worms (2018) developed the Israeli Supreme Court Dataset (ISCD) wherein different information on all final decisions of the ISC between 2010 and 2018 (16,109 cases and 48,634 opinions) is coded. The ISCD data include information on political parties, litigants and legal representation, the origin and history of appealed cases, proceedings and hearings in the ISC, case outcomes, and the opinions and background characteristics of the individual justices. Once similar data sets are developed for the other Middle Eastern constitutional courts, scholars would be able to systematically compare courts' behavior and explain the main aspects that affect their decisions. Moreover, these types of data sets would help scholars empirically evaluate the performance of each country's constitutional court and delineate the key factors that would increase judicial performance, public confidence in the judiciary, and judicial independence.

CONCLUSION: IDEAS FOR PROSPECTIVE RESEARCH

The literature review on the Middle Eastern constitutional courts reveals that few studies have tried to empirically explain the behavior of the courts in the region, and those studies are looking at the Egyptian, Turkish, or Israeli constitutional courts. In other words, only three out of fifteen Middle Eastern constitutional courts are studied empirically. Hence, one should approach the existing literature on Middle Eastern constitutional courts with caution. Egypt, Turkey, and Israel are very different from each other and very different from the rest of the Middle East. For this reason, the results of these studies cannot be generalized to the whole region.

In order to find out whether and to what extent the Middle Eastern courts share certain commonalities in terms of judicial behavior, scholars should conduct a systematic analysis of the Middle Eastern constitutional courts' decisions. Given the fact that the majority of the Middle Eastern countries have authoritarian regimes, studying these courts in a comparative setting would also help us to delineate the common determinants of

TABLE 1. Data availability on the constitutional court decisions in the Middle East

Country	Name of the court	Establishment year	Website of the court	Court decisions online
Bahrain	Constitutional Court	2002	NA	NA
Egypt	Supreme Constitutional Court	1979	Available	Partially available
Iran	Supreme Court	1931	Available	NA
Iraq	Federal Supreme Court	2005	Available	Available (2006–2019)
Israel	Supreme Court	1948	Available	Available
Jordan	Constitutional Court	2012	Available	NA
Kuwait	Supreme Constitutional Court	1973	NA	NA
Lebanon	Constitutional Council	1993	Available	Available (1995–2014)
Oman	Supreme Court	1994	NA	NA
Qatar	Supreme Constitutional Court	2008	Available	NA
State of Palestine	Constitutional Court	2016	NA	NA
Saudi Arabia	Supreme Judicial Council	1973	Available	NA
Syria	Supreme Constitutional Court	1973	NA	NA
Turkey	Constitutional Court	1962	Available	Available (1960–2019)
United Arab Emirates	Federal Supreme Court	1973	Available	Partially available
Yemen	Supreme Court		Available	NA

judicial behavior in the context of authoritarian regimes. Moreover, given that Sharia has an important role in the legal systems of the majority of the Middle Eastern countries, analyzing the use of religious sources by the constitutional court judges while they review the constitutionality of a law appears as another important question. Yet, the lack of cross-country data on the Middle Eastern constitutional court is the biggest challenge that should be tackled.

Most of the Middle Eastern countries are epitomized by protracted internal conflicts, terror attacks, or a civil war-like situations. As such, the Middle East provides a rich framework to understand the judicial behavior when these warlike situations are a factor. For this reason, using large data sets that cover long time periods and large number of courts and that empirically explain the political, social, and legal determinants of judicial behavior in terror-related cases is of utmost importance. Since traditional conservative-liberal dimension may not be applicable in terror-related cases, analyzing the individual political preferences of the judges in these types of cases can be another interesting study. Focusing on a larger number of countries that experience civil wars, terror attacks, or emergency-like situations and explaining the behavior of their constitutional courts in a comparative setting would make an important contribution to the literature. Studying not only the determinants of judicial behavior but also studying the impact of the constitutional court decisions on the governments' policies or human rights violations would be of great importance as well.

Finally, in the context of authoritarian regimes' ability to influence the constitutional court's decisions, the incumbent government can directly attack the judiciary and try to discredit it or threaten it. For this reason, studying the impact of these intervention mechanisms on Middle Eastern constitutional courts might be another interesting research topic. Moreover, when we look at the existing literature on the Middle Eastern courts, we see that the impact of public opinion on judicial behavior is overlooked. Media can be used by the government to discredit the authority and power of the court in the eyes of the public. In the context of authoritarian or hybrid regimes, the common belief is that the public would not be able to act as an efficient control and constraint mechanism. Yet this assumption needs to be empirically tested. For this reason, studying citizens' attitudes and perceptions toward the judiciary and analyzing whether the public opinion affects judicial behavior would be another important future study in the context of the Middle Eastern countries.

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