"Judicial dissent in the subnational constitutional courts of Germany"

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Dissent is an inescapable fact of judicial decision-making. It has always existed. However, unless procedural rules provide for the publication of a dissenting opinion and judges seize this opportunity, courts appear to outsiders as impersonal, monolithic institutions. Dissenting opinions have for long been alien to courts in civil law systems. However, today an increasing number of countries with a civil law system allow for dissenting opinions to be published at least at high and constitutional courts. Still, few studies have thus far investigated dissenting opinions in courts at the subnational level. This lecture presents empirical findings from an analysis of more than 1,000 decisions taken by ten subnational constitutional courts (*Landesverfassungsgerichte*) in Germany in a ten-year period (2009-2018). The multilevel logistic regression models suggest that dissent is driven predominantly by decision-level factors. In particular, the likelihood of dissent increases where a decision taps into the relationship between state constitutional law and the Basic Law. Furthermore, the higher the number of additional dissents submitted, the higher the probability of a dissenting opinion. By contrast, the data do not support the assumption that ideological convictions or career background have an impact on judicial dissent. The findings bear relevance for theoretical models of judicial behavior and indicate the significance of the institutional design of judicial deliberations.