

Summary

This monograph presents four key findings. First, formalism can be analyzed using a dual method of argument quantification and holistic decision assessment. Second, the “Tale of Two Courts”, portraying the Supreme Administrative Court (SAC) as less formalistic than the Supreme Court (SC), is significantly inaccurate for the SAC’s first decade (2003–2013). During this period, the SAC matched or exceeded the SC’s formalism across key metrics: it had similar rates of formalistic decisions, more decisions lacking non-formalistic arguments, and a notably higher proportion of formalistic arguments (60 % vs 51 %). Third, the Tale of Two Courts came to life in the second period (2014–2024), much like Pygmalion’s beloved sculpture. SAC issued much more non-formalistic decisions (increase by 56 %), used much more non-formalistic arguments (increase by 130 %), and reduced the proportion of formalistic arguments, while SC’s practices remained relatively stable. Finally, both courts surprisingly rarely use text-based arguments or legislative intent; they mostly rely on case law, teleological interpretation, and general principles instead.

The monograph advances our understanding of judicial reasoning in Czechia and CEE and provides tools to study it further.

