

# JUDICIAL REPUTATION



A COMPARATIVE  
THEORY

EDITED BY JAMES H. HALL AND JAMES H. HALL

# Judicial Reputation A Comparative Theory

**Richard H. Fallon Jr.**



## **Judicial Reputation A Comparative Theory:**

Judicial Reputation Nuno Garoupa, Tom Ginsburg, 2015-11-20 In *Judicial Reputation A Comparative Theory* Tom Ginsburg and Nuno Garoupa mean to explain how judges respond to the reputational incentives provided by the different audiences they interact with lawyers and law professors politicians the media and the public itself as well as how legal systems design their judicial institutions to calibrate the locally appropriate balance among audiences Making use by turns of careful empirical work and penetrating conceptual insights Ginsburg and Garoupa argue that any given judicial structure is best understood not through the lens of legal culture origin or tradition but through the economics of information and reputation

Judicial Reputation Nuno Garoupa, Tom Ginsburg, 2015-11-20 Judges are society's elders and experts our masters and mediators We depend on them to dispense justice with integrity deliberation and efficiency Yet judges as Alexander Hamilton famously noted lack the power of the purse or the sword They must rely almost entirely on their reputations to secure compliance with their decisions obtain resources and maintain their political influence In *Judicial Reputation* Nuno Garoupa and Tom Ginsburg explain how reputation is not only an essential quality of the judiciary as a whole but also of individual judges Perceptions of judicial systems around the world range from widespread admiration to utter contempt and as judges participate within these institutions some earn respect while others are scorned *Judicial Reputation* explores how judges respond to the reputational incentives provided by the different audiences they interact with lawyers politicians the media and the public itself and how institutional structures mediate these interactions The judicial structure is best understood not through the lens of legal culture or tradition but through the economics of information and reputation Transcending those conventional lenses Garoupa and Ginsburg employ their long standing research on the latter to examine the fascinating effects that governmental interactions multicourt systems extrajudicial work and the international rule of law movement have had on the reputations of judges in this era *Research Handbook on the Politics of Constitutional Law* Mark

Tushnet, Dmitry Kochenov, 2023-11-03 This *Research Handbook* deals with the politics of constitutional law around the world using both comparative and political analysis delivering global treatment of the politics of constitutional law across issues regions and legal systems Offering an innovative critical approach to an array of key concepts and topics this book will be a key resource for legal scholars and political science scholars Students with interests in law and politics constitutions legal theory and public policy will also find this a beneficial companion **Judges and Democratization** B. C. Smith, 2022-11-18

This second edition examines judicial independence as an aspect of democratization based on the premise that democracy cannot be consolidated without the rule of law of which judicial independence is an indispensable part It pays particular attention to the restraints placed upon judicial independence and examines the reforms which are being applied or remain to be adopted in order to guard against the different kinds of interference which prevent judicial decisions being taken in a wholly impartial way Focusing on the growing authoritarianism in the new democracies of Eastern Europe Latin America

Asia and Africa the book analyses the paradox of judicial activism arising from the independence endowed upon the judiciary and the rights bestowed on citizens by post authoritarian constitutions Finally it asks how judicial accountability can be made compatible with the preservation of judicial independence when the concept of an accountable independent judiciary appears to be a contradiction in terms This book will be of key interest to scholars and students of judicial studies democratization and autocratization studies constitutionalism global governance and more broadly comparative government politics human rights and comparative public law

**Judicial Review** Salman Khurshid, Sidharth Luthra, Lokendra Malik, Shruti Bedi, 2020-06-11 In India judicial review is not a static phenomenon It has ensured that the Constitution is the supreme law of the land and in situations when a law impinges on the rights and the liberties of citizens it can be pruned or made void This is a collection of scholarly essays demonstrating the different facets of judicial review based on the vast area of comparative constitutional law Importantly it honours the body of work of Upendra Baxi legal scholar and author whose contributions have shaped our understanding of legal jurisprudence and expanded the scope of social transformation in India This volume recognizes his role as an Indian jurist Various constitutional law experts come together to reflect on his expositions on the role of the apex court judicial activism accountability of judiciary laws on surrogacy and adultery and so on

**Debating Judicial Appointments in an Age of Diversity** Graham Gee, Erika Rackley, 2017-09-11 What should be the primary goals of a judicial appointments system and how much weight should be placed on diversity in particular Why is achieving a diverse judiciary across the UK taking so long Is it time for positive action What role should the current judiciary play in the appointment of our future judges There is broad agreement within the UK and other common law countries that diversity raises important questions for a legal system and its officials but much less agreement about the full implications of recognising diversity as an important goal of the judicial appointments regime Opinions differ for example on the methods forms timing and motivations for judicial diversity To mark the tenth anniversary of the creation of the Judicial Appointments Commission JAC in England and Wales this collection includes contributions from current and retired judges civil servants practitioners current and former commissioners on the JAC and leading academics from Australia Canada South Africa and across the UK Together they provide timely and authoritative insights into past current and future debates on the search for diversity in judicial appointments Topics discussed include the role and responsibility of independent appointment bodies assessments of the JAC's first ten years appointments to the UK Supreme Court the pace of change definitions of merit and diversity mandatory retirement ages the use of ceiling quotas and the appropriate role of judges and politicians in the appointments process

**The Limits of Judicialization** Sandra Botero, Daniel M. Brinks, Ezequiel A. Gonzalez-Ocantos, 2022-08-25 Latin America was one of the earliest and most enthusiastic adopters of what has come to be known as the judicialization of politics the use of law and legal institutions as tools of social contestation to curb the abuse of power in government resolve policy disputes and enforce and expand civil political and socio economic rights Almost forty

years into this experiment *The Limits of Judicialization* brings together a cross disciplinary group of scholars to assess the role that law and courts play in Latin American politics Featuring studies of hot button topics including abortion state violence judicial corruption and corruption prosecutions this volume argues that the institutional and cultural changes that empowered courts what the editors call the judicialization superstructure often fall short of the promise of greater accountability and rights protection Illustrative and expansive this volume offers a truly interdisciplinary analysis of the limits of judicialized politics

**Is the International Legal Order Unraveling?** David L. Sloss, 2022 The book examines how the rules based international order is threatened by challenges such as climate change autonomous weapons and cyber weapons It discusses how the international order can confront these threats and proposes future developments of the rules based international order as a whole

*Constitutional Politics and the Judiciary* Kálmán Pócza, 2018-11-19 Recent confrontations between constitutional courts and parliamentary majorities for example in Poland and Hungary have attracted international interest in the relationship between the judiciary and the legislature in Central and Eastern European countries Several political actors have argued that courts have assumed too much power after the democratic transformation process in 1989 1990 These claims are explicitly or implicitly connected to the charge that courts have constrained the room for manoeuvre of the legislatures too heavily and that they have entered the field of politics Nevertheless the question to what extent has this aggregation of power constrained the dominant political actors has never been examined accurately and systematically in the literature The present volume fills this gap by applying an innovative research methodology to quantify the impact and effect of court s decisions on legislation and legislators and measure the strength of judicial decisions in six CEE countries

**The Judicial System of China** Xin He, 2024-11-06 Grounded in both English and Chinese language sources *The Judicial System of China* is a systematic study of Chinese courts after Xi Jinping took power and thoroughly reformed its judiciary It draws upon extensive empirical scholarship in both Chinese and English languages complementing it with fresh research based on court statistics public opinion polling and interviews with judges lawyers and litigants The book addresses a range of timely subjects including how Chinese courts have come to their present shape how decisions are made on civil criminal and administrative cases and what explains the behaviour of the judges It documents not only the institutional rules but also the behavioral patterns of the judges and other players revolving around the courts This book presents a governance model for understanding the operation of the Chinese court system The courts have two overarching characteristics under this model supporting the state s goals of policy implementation and legitimacy enhancement The various policies that the courts are tasked with implementing and the approaches the courts use for enhancing the judiciary s legitimacy and by extension that of the state have played key roles in the courts evolution The model sheds light on the rationales that have underlain the changes in the system over time Engaging extensively with the literature in law and politics law and society and institutional economics *The Judicial System of China* provides readers with a deeper understanding of the inner workings and day to day

realities of the Chinese judicial system      **Judicial Anti-Corruption Campaigns** Nedim Hovic, 2025-07-10 This book offers a comparative analysis of cases of mass prosecutions for political corruption in Italy Brazil and Romania The book outlines how judicial showdowns with political corruption emerge what consequences they create and whether they can be considered legitimate judicial operations or coups orchestrated by political forces with the assistance of the judiciary Due to the similarities exhibited in the legal political and economic spheres of the events the book explores the Italian Mani Pulite Brazilian Lava Jato and Romanian judicial anti corruption campaigns These campaigns were simultaneously legal operations narratives created by the media and opportunities for the emergence of new political actors The book demonstrates why judicial activity was a crucial tool for reducing and preventing corruption in these countries In addition to investigating the key legal issues and narratives the book explores the controversies of these campaigns and assesses whether they should be seen as judicial revolutions or cases of prosecutorial overreach Providing a holistic comparative assessment of judicial means as a tool for controlling corruption this book will be of interest to academics in the fields of Corruption Studies Law Development Studies and Political Science      **Constitutionalism in Context** David S. Law, 2022-02-17 A broad ranging interdisciplinary and context rich exploration of the fields of constitutional studies and comparative constitutional law for research and teaching      **The EU Reexamined** Jörn A. Kämmerer, Hans-Bernd Schäfer, Kaushik Basu, 2024-09-06 Adopting an interdisciplinary approach this book examines the experience of the European Union in bringing multiple sovereign nations under a common economic umbrella and goes on to ask if the EU can serve as a blueprint for other regions that are striving for economic integration or if it is too unique to be emulated To this end the book draws on contemporary and historical law and politics as well as economic analyses      *Courts and Politics in Southeast Asia* Bjoern Dressel, 2024-04-04 Courts around the globe have become central players in governance those in Southeast Asia have been no exception This Element analyses the historical foundations patterns and drivers of judicialization of politics by mapping critical junctures that have shaped the emergence of modern courts in the region and providing a basic typology of courts and politics that extends the analysis to the contemporary situation It also offers a new relational theory that helps explain the dynamics of judicial recruitment decision making court performance and ultimately perceptions of judicial legitimacy In a region where power is often concentrated among oligarchs and clientelist political dynamics persist it posits that courts are best comprehended as institutional hybrids These hybrids seamlessly blend formal and informal practices with profound implications for how Southeast Asian courts are molding both the rule of law and political governance      Political Science Leonardo Morlino, Dirk Berg-Schlosser, Bertrand Badie, 2017-03-06 From the award winning team behind the International Encyclopaedia of Political Science Moving beyond mainstream traditional approaches to bring you a new advanced level introduction to political science A perfect introduction for postgraduates who are new to political science as well as upper level undergraduates looking to broaden and deepen their understanding of core topics this progressive account Guides you

through all key areas of political science origins methodological foundations key topics and current issues Takes an international and pluralist perspective with all issues explored in a comparative way related to different cultural and historical contexts Includes pulled out descriptions of major concepts further reading and self assessment questions at the end of each chapter

**Foreign Judges in the Pacific** Anna Dzedzic, 2021-11-04 This book explores the use of foreign judges on courts of constitutional jurisdiction in 9 Pacific states Fiji Kiribati Nauru Papua New Guinea Samoa Solomon Islands Tonga Tuvalu and Vanuatu We often assume that the judges sitting on domestic courts will be citizens However across the island states of the Pacific over three quarters of all judges are foreign judges who regularly hear cases of constitutional legal and social importance This has implications for constitutional adjudication judicial independence and the representative qualities of judges and judiciaries Drawing together detailed empirical research legal analysis and constitutional theory it traces how foreign judges bring different dimensions of knowledge to bear on adjudication face distinctive burdens on their independence and hold only an attenuated connection to the state and its people It shows how foreign judges have come to be understood as representatives of a transnational profession with its own transferrable judicial skills and values Foreign Judges in the Pacific sheds light on the widespread but often unarticulated assumptions about the significance of nationality to the functions and qualities of constitutional judges It shows how the nationality of judges matters not only for the legitimacy and effectiveness of the Pacific courts that use foreign judges but for legal and theoretical scholarship on courts and judging

**The Achilles Heel of Democracy** Rachel E. Bowen, 2017-06-26 Machine generated contents note 1 Societally penetrated judiciaries and the democratic rule of law 2 The evolution of judicial regimes 3 Costa Rica a liberal judicial regime 4 Government control regimes in Central America versus the rule of law 5 Clandestine control in Guatemala 6 Partisan systems Conclusion

Law and Legitimacy in the Supreme Court Richard H. Fallon Jr., 2018-02-19 Richard Fallon offers theories of constitutional law and judicial legitimacy that accept many tenets of legal realism but reject its corrosive cynicism Based on an ideal of good faith his account both illuminates current practice and prescribes urgently needed responses to a legitimacy crisis in which the Supreme Court is increasingly enmeshed

International Law as Behavior Harlan Grant Cohen, Timothy Meyer, 2021-04-01 This volume includes chapters from an exciting group of scholars at the cutting edge of their fields to present a multi disciplinary look at how international law shapes behavior Contributors present overviews of the progress established fields have made in analyzing questions of interest as well as speculations on the questions or insights that emerging methods might raise In some chapters there is a focus on how a particular method might raise or help answer questions while others focus on a particular international law topic by drawing from a variety of fields through a multi method approach to highlight how these fields may come together in a single project Still others use behavioral insights as a form of critique to highlight the blind spots and related mistakes in more traditional analyses of the law Throughout this volume authors present creative insightful challenges to traditional international law scholarship

Public Accountability and Constitutional Law Anna Młynarska-Sobaczewska, Jacek Zaleśny, 2024-11-11 This book analyses the public accountability of political actors in contemporary democratic states Accountability as understood here is a necessary condition of democracy delegation of power with transparency and supervision over those who are chosen to exercise the power of the state The authors identify paths of executing accountability in the electoral process as well as in traditional instruments of parliamentary scrutiny and other relationships between the legislative executive and judicial branches They track how well known mechanisms of democracy fulfil the need to report on the exercising of an entrusted power They also explore how new developments in the constitutional framework that is the post evaluation of legislation and beyond it in mass social movements Big Tech companies and social media are changing the classic and established concepts of accountable power The book will be a valuable resource for academics researchers and policymakers working in the areas of Constitutional Law and Politics and Accountability Studies



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