

OSTROM WORKSHOP COLLOQUIUM SERIES

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“Can Courts Be Bulwarks of Democracy?”

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Independent judges are thought to promote democratic regime survival by allowing perceived violations of rules limiting arbitrary power to be challenged non-violently in a fair setting, governed by transparent rules. Yet, judges are often subjected to public shaming and politically motivated removals. Courts are sometimes packed with partisan allies of the government, their jurisdiction is nearly always subject to political control and their decisions can be ignored. For all of these reasons, scholars have identified patterns of prudential decision-making that is sensitive to political interests even on the most well-respected courts in the world. If these forces all operate on judges, what, if any, are the conditions under which judges can be conceived of as defenders of democracy? How could judges subject to political pressures stabilize a democratic regime? This document summarizes a book that addresses these questions. We argue that despite these pressures judges can enhance regime stability by incentivizing prudence on behalf of elites, both those who control that state, i.e., leaders, and those on whose support leaders depend. Empirically, we leverage original data on judicial behavior, judicial institutions, and policy using a sample of all democratic political systems for over 100 years. We re-examine empirical claims of existing models of courts and democracy as well as original claims derived from our own work.



[Jeffrey Staton](#) is professor and chair of the Department of Political Science at Emory University as well as the Judiciary Project Manager for Varieties of Democracy. His research focuses on the political construction of influential judicial systems. His work has been published by Cambridge University Press and appeared in journals such as the *American Journal of Political Science*, *Journal of Politics*, *Journal of Law, Economics and Organization*, *Journal of Theoretical Politics*, *International Organization*, and *International Studies Quarterly*.

Presentations are open to the public and are live streamed (see our website for URL and papers). You are welcome to bring your lunch. For questions, contact Allison Sturgeon (sturgeon@iu.edu; 812/855–3151).