



# Courts and informal networks: Towards a relational perspective on judicial politics outside Western democracies

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### **Abstract**

This special issue proposes a relational approach to the study of judicial politics outside of Western democracies. The articles illuminate how common political interests, ideas, social identity, family and professional ties and even patron–client obligations between judges and other actors shape a variety of phenomena of interest to the study of judicial institutions, in terms of how the judiciary is organised and administered, how judges are appointed and make decisions, and the prospects for judicial reform. Collectively, the articles explore the informal dimension of judicial politics in a systematic fashion, through rich empirical case studies in very different contexts. Thus, they help structure a new comparative agenda for research on informal judicial politics outside of the West.

### **Keywords**

Judges, courts, informality, relational, clientelism, judicial networks

### **Introduction**

Comparative analyses of how courts and judges make decisions have focused on Western democracies, where politicians compete for power by endorsing specific policy values and platforms but all

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tend to embrace the rule of law. These analyses assume that political and legal institutions either constrain judges via accepted mechanisms and doctrines (legal models); reflect ideological preferences (attitudinal models); or respond strategically to other actors and the national context (strategic models). However, these assumptions transfer with difficulty to countries other than established Western democracies and do not always fully recognise the realities of courts in other socio-political contexts. In those contexts, therefore, we think it critical to pay attention to other aspects of political life, especially those that are not necessarily based on ideology alone. That means going beyond existing parameters to look deeply at a range of phenomena that animate political and judicial life in comparative perspective – from the inability (or unwillingness) of courts to hold power-holders accountable, to the failure of judicial reform in several democratising countries. An emphasis on the informal dimension of judicial politics can help to explain a substantial amount of variation in how formal rules operate – or fail to – in countries where clientelism, corruption, patronage, and patrimonial politics persist.

This special issue seeks to advance a relational perspective that acknowledges that in non-Western polities, formal practices are often closely entwined with informal ones, and personal interactions have meaningful roles that affect how institutions work – including judicial institutions (Hale, 2011; Helmke and Levitsky, 2004). Like our contributors, we think that even in strictly formal settings, the regular interaction between individuals and the relationships they share often shape who is appointed to the bench; the career prospects of those appointed; the relative influence of different ideas, political proclivities or legal interpretations on judicial decisions; and even how courts and other legal institutions are administered. In short, relational dynamics between judges and other judges, politicians, political groups, legal actors, and other individuals and collective entities *matter*.

How can these relations be categorised? How do they affect the workings of judicial institutions and the behaviour of judges? What does a relational perspective imply in terms of data collection, analysis and interpretation? The articles that follow offer insight into issues essential to a relational approach; they explore countries in different regions and political contexts, and employ a range of theoretical perspectives and methodological approaches. Next, we describe the main approaches to judicial politics and identify works that have found it important to look into groups to whom judges relate in order to explain, for example, variations in judicial decision-making. We then propose a conceptual framework to approach the relational dimension of judicial politics, emphasising the main aspects of the relationships explored in this special issue. We also discuss the data and methods employed to analyse judicial informality, identifying issues that researchers in this area must often grapple with. Finally, we briefly highlight how the contributors to this special issue demonstrate the volume's general thesis. We hope this special issue opens new avenues to understanding the many ways relational dynamics can influence the operation of courts.

## **A relational approach to judicial politics**

The comparative study of judicial decision-making, and other phenomena relevant to judicial politics, has lately advanced substantially (see e.g. Dressel, 2010, 2012; Dyevre, 2010; Ferejohn et al., 2007; Ginsburg and Moustafa, 2008; Helmke and Rios-Figueroa, 2010; Kapiszewski and Taylor, 2008; Kapiszewski et al., 2013). Previous scholars have explored the role of judges as political actors cross-nationally in order to understand how judges behave and how and why courts act to control the unruly actions of elected leaders. These scholars have typically followed or taken inspiration from one of three models of judicial decision-making: The *legal*, *attitudinal*, and *strategic* models. The *legal* model assumes that judges apply the law in conformity with written statutes, precedent, and other formal sources (Bailey and Maltzman, 2011); it sees judges as neutral and apolitical, using

technical interpretation skills to ascertain the law applicable to the specific case (Shapiro, 1981). Other approaches portray judges as individuals with clear political motivations. For instance, *attitudinal* models argue that ideological positions and policy preferences shape judicial decisions, especially in courts of last resort (Segal and Spaeth, 1993, 2002). These analyses tend to downplay the influence of law, seeing judges as focused on legal policy (Baum, 1994). This perspective has influenced studies of judicial politics in Canada (Ostberg and Wetstein, 2007) France (Brouard, 2009); Germany (Hönnige, 2009), and the United Kingdom (Hanretty, 2013). The *strategic* model also acknowledges that judges take into account the views of other actors and the institutional context but may deviate from a preferable outcome in order to take these views into account (Epstein and Knight, 1998; Ramseyer, 1994; Spiller and Gely, 2010). The strategic approach has opened novel avenues of judicial inquiry in a wider group of established Western democracies (Vanberg, 2005) and in less stable political settings (e.g. Helmke, 2005, Staton, 2010). Even in Western settings, though, looking at ideology and the policy preferences of judges has been criticised (e.g. Dyevre, 2010).

Despite significant progress, however, research based on these approaches neglects the informal dimensions of judicial as well as political life. Some recent works have acknowledged that judges, being human, may pursue a host of goals beyond legal policy, such as personal standing with public and legal audiences (Baum, 2006); career considerations and personal workload (Posner, 2008); or maintaining collegial relations on the bench (Friedman, 2006). We suggest that a relational perspective can fruitfully supplement established perspectives on judicial behaviour – and judicial politics more generally – by shifting attention from judges alone to the relational networks in which they participate. We assume that in courts, formal practices are interwoven with informal ones and that day-to-day personal interactions are central to all parts of a polity, including the judiciary. In many societies, informal social and political pressures on judges can be powerful, interacting with policy preferences or even relegating them to a less prominent role.

Legal, attitudinal, and strategic accounts tend to portray judges as insulated adjudicators of conflicts, engaging with other legal and political actors solely to advance their own goals. Social network analysts would say they focus on the nodes, the individual actors, rather than the ties. Yet judges participate in a variety of circles of social interaction, among them the judicial hierarchy, political actors, trusted friends, family members, moral advisors and pressure groups. From this perspective, informal ties take centre stage. It questions whether decisions really depend on individual characteristics alone, looking instead at the interactions among judges themselves, and between them and other individual and collective actors (Ellett, 2013; Ingram 2016a, 2016b).

Some authors have urged attention to the informal dimension of judicial politics (Llanos et al., 2016; Trochev and Ellett, 2014). Drawing on evidence of how networks influence judges in Africa, Asia, and Latin America, new scholarship has used a relational perspective to explain variations in such outcomes as judicial autonomy, ideational diffusion, patronage appointments and even actual decisions (e.g. Helmke and Rios-Figueroa, 2010; Staton, 2010, Vitug 2010, 2012). By drawing attention to relational dynamics operating on, behind, and between courts, the relational approach helps to illuminate the often-observed but methodologically neglected realities of informal agency. Building on previous work (e.g. Dressel, 2018; Dressel et al., 2017; Llanos et al., 2016; Sanchez Urribarri, 2012), we have organised this special issue, hoping to help develop a research agenda based on conceptual, methodological and empirical reflections about the informal dimension of judicial politics.

## Judges and informal relations

In order to identify and discuss how, and to what extent, informal networks can explain a range of social and political phenomena involving judges, we propose a conceptual framework that takes due account of critical aspects of this relational dimension.<sup>1</sup> The following three are critical:

- the arenas where relationships are established;
- the transparency of the relationships; and
- the types of ties that motivate relationships.

### *Arenas and their connections*

Judges operate in a variety of social arenas, such as professional relations within the same court or judicial institution, relations with external actors (political, social, kinship, etc.), and relations between courts, as explained below.

1. On-bench relations operate in the same court, linking judges with other judges and internal actors. For instance, groups of judges may seek to consolidate their position in relation to external actors, or judges may make informal arrangements about how to decide specific types of cases.
2. Off-bench relations are the social, political, cultural and other links that judges maintain outside the court.
3. Between-bench relations are the informal networks of judges in different courts within the same country or jurisdiction, and even across international borders.

These arenas are often connected with each other. Judges and their networks can be more or less isolated from other judicial networks; networks can serve as hubs of different actors or link with other arenas (Granovetter, 1973). They can also differ in configuration, size and density.

### *Transparency: Hidden versus public relations*

Judicial networks vary in terms of whether they operate openly or in secret (e.g. Trochev and Ellett, 2014). Quite often, networks are public knowledge but judges and other relevant actors may deny their existence – no matter how consequential they are for judicial behaviour. Also varying may be the reasons for secrecy, and the extent to which it is a deliberate, strategic move on behalf of the judges and other actors. These aspects are very difficult to investigate, as we discuss below and as several articles here illustrate.

### *Types of relational ties*

Not only do the modes of ties differ but also the reasons to sustain them. The range and complexity of material and ideational motivations are broad. At one extreme, motivations can be particularistic or even clientelist; at the other, relations and networks may be based on ideology. Networks can also consist of cultural, local, regional, religious, friendship and family ties. Nor are these ties mutually exclusive; they can coexist in complex relationships and networks guided by informality. The ties may also reflect different types of intrapersonal dynamics, such as individual benefits, ideational affinities, identity, authority, loyalty and reciprocity.

These three relational dimensions are helpful to start approaching informal judicial politics systematically. We can start mapping them by thinking critically about how, and to what extent, judges participate in one or more of these dimensions. We can theorise about their disparate origins and variations in the participation of different actors; that is, we can consider their spatial and temporal dynamics, and how they are connected to different phenomena of interest. Moreover, we can reflect about the normative aspects of these relations; although we may tend to associate them with ‘dirty togetherness’<sup>2</sup> and to think of them as at odds with the rule of law and its aspirations, this is

not necessarily the case. Anecdotal evidence and examples in the literature (e.g. Trochev and Ellett, 2014 and the articles in this special issue) reveal a picture more complicated than it might have seemed at first.

## **The effects of informal relations and networks**

The relations help explain different phenomena of interest to judicial politics. Below we discuss a few areas identified to date (see Dressel et al., 2017) and explored in the articles that follow.

### *Appointments and careers*

Anecdotal evidence, journalistic accounts and academic work suggest that informal networks influence judicial appointments and promotions. This has notable consequences for how courts are configured, judicial independence and autonomy, levels of professionalism, judicial legitimacy, judicial reform and performance. The influence of informal networks on appointments, discipline and promotion might politicise judicial behaviour and heighten the likelihood of on-bench conflict (Fombad, 2014; Sanchez Urribarri, 2011). Patronage networks can undermine judicial integrity by facilitating promotion or otherwise rewarding 'loyal' judges (Gomez, 2011). The existence of informal networks and arrangements can affect institutional reform; the literature shows, for example, how despite their theoretically moderating influence (Ginsburg, 2003: 45), informal networks can influence the operation of independent commissions that select, monitor and promote judges (Chua et al., 2012), or impair the effect of multi-track appointments on judicial independence and professionalism (e.g. in Indonesia, see Butt, 2015).

Yet not all effects are negative. For instance, ideational and professional networks can promote institutional reform and meritocratic practices (e.g. in Mexico, see Ingram, 2016a, 2016b). Moreover, the negative effect of networks may have been reduced in countries where there have been efforts to enhance the transparency of judicial selection, promotion and demotion.

### *Judicial and legal reform*

Several studies have illustrated how political, military and criminal networks undermine justice through corrupt activities and resistance to wider reforms, particularly in countries that are democratising (Armytage, 2012; Domingo and Sieder, 2001; Hammergren, 2007; Sieder, 2010). Scholars have also commented on informal dynamics of interest within the judiciary, such as specialised courts (Klein, 2003; Pompe, 2005). Other studies, concerned with the dynamics of judicial protection of rights in comparative perspective (Epp, 1998; Hilbink and Woods, 2009; Hirschl, 2004), have illuminated the role of ideational networks of judges in legal change (Hilbink, 2007; Ingram, 2016a, 2016b; Nunes, 2010). However, studies of patronage networks remind us that networks may have limited ability to resist change (see Rios-Figueroa and Pozas Loyo, 2018).

### *Judicial decisions*

There is widespread acknowledgement, particularly for the US context, that attitudes, values, and ideology are critical determinants of how judges review cases, address certain issues and determine outcomes (cf. the 'attitudinal model' of decision making). Elsewhere, studies have emphasised other ideational factors affecting court decisions, such as 'judicial role conceptions', with regard, for example, to judicial activism or the lack of willingness of courts to protect rights and hold governments accountable (see Couso et al., 2010; Gonzales-Ocantos, 2016; Hilbink, 2012). Yet it is

clear that judges do not decide in isolation from their socio-political context, or without any concern for the relationships that emerge within them. Scholars concerned with politicisation of the courts have long acknowledged this issue, and have pointed out that the personal and associational relations between politicians and judges help to explain judicial deference and partisan decisions, especially in political cases (e.g. Basabe-Serrano, 2015; Popova, 2012; Sanchez Urribarri, 2011). For example, in this issue, Dressel and Inoue (2018) explain how political or hierarchical pressures on judges from the executive or chief justice, transmitted via professional or university networks, influence judicial decision-making when the government is party to a case before the Supreme Court of the Philippines.

### *Networks, judicial independence and judicial legitimacy*

Both formal and informal judicial networks influence judicial independence and the legitimacy of courts. Scholarship on the role of formal judicial networks has increased, for example in Europe (Harlow and Rawlings, 2007) and elsewhere (De Visser, 2016). Formal networks coexist with (and often encourage) informal exchanges and relations; for example, in Asia, the regular exchanges of Association of Southeast Asian Nations–specialised constitutional courts have fostered personal friendships and a sense of community (De Visser, 2016). Moreover, networks can also protect judicial autonomy and enhance assertiveness against other branches of power, as seen in Sub-Saharan Africa and post-communist countries (Trochev and Ellett, 2014). International networks of judges have helped courts to defend themselves against executive interference and protect human rights (see Brett, 2018, in this special issue). Conversely, where support networks are absent or political networks dominate the bench, the public legitimacy of courts may suffer greatly (as Stroh, 2018, in this special issue illustrates; see also Sanchez-Urribarri, 2012), particularly when linked to corrupt activities on the bench (Dressel, 2018).

### **Methodological considerations**

The relational perspective raises significant challenges for data collection, analysis and dissemination. Although social network analysis (SNA) is the prevalent methodological approach to measuring and analysing relational data, we recommend using a host of qualitative and quantitative methods to learn as much as possible about the nature, dynamics and effects of informal judicial networks.

SNA has become increasingly popular in social inquiry (Borgatti et al., 2009) and political analysis (Lazer, 2011; Victor et al., 2016; Ward et al., 2011). It can be central in the systematic analysis of informal judicial politics, measuring a variety of interpersonal effects and processes, and facilitating comparisons between different types of relations over time and across space. It can also help to explore relations and interactions between judges and other actors and to measure the dissemination of ideas, preferences and resources. SNA has already been adopted to study court precedents (Lupu and Voeten, 2012), the structure of the legal profession in the USA (Katz and Stafford, 2010) and diffusion of legal reform in Latin America (Ingram, 2016a). However, the relational perspective can also rely on other methodological approaches, as demonstrated in the well-grounded qualitative research tradition (see Prell, 2012: 28–43). Depending on the nature and ends of the arguments and hypotheses analysed (and a host of practical considerations), systematic qualitative studies can offer advantages over SNA. Moreover, qualitative inquiry can help to provide context for SNA and other quantitative systematic analyses, along with help in triangulating data and delving into findings (or the lack thereof).

Multiple difficulties collecting reliable information about judges and other actors should not prevent scholars from conducting research on informal judicial politics – qualitative fieldwork, interviewing, archival research and the systematic analysis of newspapers and other sources can all help scholars to map informal relations and broader networks. In any case, as already noted, informal relations of judges with other actors are often difficult to observe directly; doing so may even be risky. An outspoken former Constitutional Court justice in Benin underlines both how important networks are, and how reluctant judges are to admit they exist.

As soon as you are designated, you ought to limit your contacts ... Even if you were good friends with an important politician, once you're nominated, you don't know him any more ... because everyone will suspect you of anything. Hence, you live a very, very, very reclusive life. (Interview, retired constitutional judge, Cotonou, September 2012, translated from French by the authors)

As a result, researchers need to be cautious and creative in observing and recording informal connections and the bonds at the core of the relationship. They should employ rigorous tactics to access the data required without affecting its quality or creating ethical problems, for interviewees or others. In interviews, researchers must be particularly careful about the implications of the questions asked: Judges avoid scrutiny, see discretion as a professional virtue, and may take offense at some questions about their relations with colleagues or other individual or collective actors. It behoves researchers to prepare well in advance for interviews and fieldwork. They must be extremely careful to gain the confidence of interviewees, retain the respect of tight-knit legal and judicial communities, and keep in mind the relevant ethical considerations (Ellett, 2015).

Research on informal networks should also go beyond a single target group and directly linked actors to also investigate (often via interviews) potential links and the roles of potential network members, such as other actors in the legal complex, political institutions or civil society. When necessary, researchers should not refrain from taking into consideration personal, family and other professional connections – the nature, extent and relevance of different relations is sometimes hard to envision in advance.

Researchers should also take into account the growing availability of data in archival records, journalistic sources, official websites, blogs and even social media (Dressel et al., 2017). Although the task of collecting and analysing relational data seems daunting, judges are often part of a relatively small group that share personal, academic and professional backgrounds and in many places create formal associations as well as informal groups. Although they keep part of their work secret, many also have high public profiles and are well-known in social, legal and political elite circles. Thus, researching informality in judicial politics has recently become more feasible, allowing scholars to carry out work that, in the not-too-distant past, would have been more difficult or even impossible.

## **How this issue is structured**

We now turn our attention to the contributions in this special issue. The articles that follow offer empirically grounded insights on varied judicial politics phenomena, using different methodological tools, and from different regions.

Drawing on debates about the emergence of transnational networks of judicial and other legal actors, Peter Brett explores the effects of two Southern African transnational networks on judicial decision making, with special attention to two well-known recent decisions by the High Court of Botswana and the Southern African Development Community Tribunal. He explains how major cases give judges an opportunity to signal their membership in a 'global community of law' and

discard (or at least downplay) strategic considerations related to their political environment – sometimes even putting their courts, and themselves, at risk. Networks can support decisions, Brett asserts, even where judges might expect severe political backlash. Although his analysis concentrates on human rights cases – the most likely to attract such influence – he offers valuable insight into ways networks can influence judicial outcomes, even in otherwise adverse contexts (Brett, 2018).

Alexander Stroh's contribution looks at the success of Benin's Constitutional Court and discusses how semi-secret network structures affect court legitimacy through the off-bench relations of constitutional justices over time. His quintessential insight is that network structures that are socio-politically balanced foster court legitimacy. This underscores the responsibility politicians take on when making decisions about judicial appointments. His contribution suggests that well beyond Benin, judicial network structures created, sustained or framed by such decisions can either help consolidate democracy or jeopardise it (Stroh, 2018).

The article by Björn Dressel and Tomoo Inoue similarly employs formal SNA to assess how informal ties, based on university and work connections, help to explain high-profile decisions of the Supreme Court of the Philippines. Providing statistically significant evidence of the effects of political (presidential) and hierarchical (Chief Justice) pressure that these networks transmit to the bench, they suggest that a continuing tension between informality and professionalism comes to inform their decisions, particularly in high-profile political cases (Dressel and Inoue, 2018).

Elsewhere in Asia, Ling Li looks at informal 'guanxi' networks within China's court that helps to explain corruption in the judiciary. Arguing that judges are difficult to integrate into the guanxi networks, she describes a market for bridge-ties in which professional brokers, such as family members of judges and lawyers, sell their services as guanxi intermediaries – thus paradoxically also democratising guanxi-based corruption. Meanwhile, strict intra-party supervision, though tolerating a certain degree of the corrupt use of guanxi for personal ends, inhibits the establishment of on-bench networks or ideological solidarity groups promoting greater autonomy for judges or judicial independence generally (Li, 2018).

The emergence and operations of networks within the judiciary is also the theme of Julio Rios-Figueroa and Andrea Pozas-Loyo. Providing a historical–institutional analysis of patronage networks ('Gentlemen's Pacts' on filling judicial vacancies) in the Mexican Federal Judiciary, they illustrate the growth, types and factors animating change within the patronage networks of Mexico's judges for most of the 20th century (Rios-Figueroa and Pozas-Loyo, 2018).

Alexei Trochev's study of judicial networks in Ukraine rounds out the case studies. Exploring how and why judicial networks make a difference in patronage-based countries like Ukraine, he explains how they benefit both patrons and judges by sharing information about the exchange of concrete rewards and sanctions, generating expectations about the staying power of the patrons and mobilising judges as needed. In Trochev's account, integration of judicial networks into the government patronage network depends to a large degree on (a) whether there is a single dominant patronage network, and (b) whether the judiciary is centralised, with the Supreme Court at the top (Trochev, 2018). This allows the regime to deal with the potential advantages of networks for judges, such as free exchange of information and the ability to mobilise to achieve such goals as protection of arbitrary decisions from patrons.

The articles in this special issue thus demonstrate the wide range of approaches and methods that can be used to study judicial networks and their role in different topics of interest for judicial politics scholars. Together, they present a highly complex picture, not only of the types of networks to which judges belong, but also of how their effects on actual judicial decision making vary, maintaining judicial autonomy and the legitimacy of the judiciary as an institution. By offering a relational approach to complement traditional perspectives, it is our hope to offer a new perspective on



how courts operate in a variety of non-Western contexts and beyond. These works should contribute to a more sophisticated understanding of informal relations and courts by suggesting new methodological avenues for study and making a useful contribution grounded in systematic analyses in order to encourage more research in this area.

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The authors declare that there is no conflict of interest.

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### Notes

1. This section is a condensed version of a broader elaboration published in *The Annual Review of Law and Social Science* (Dressel et al., 2017). Please refer to that article for a more extensive treatment of these ideas.
2. Martin Krygier used this humorous term at our Workshop in Canberra in March 2015 when discussing what 'judicial networks' often evokes.

### References

- Armytage, Livingston (2012) *Reforming Justice. A Journey to Fairness in Asia*. Cambridge: Cambridge University Press.
- Bailey, Michael A and Forrest Maltzman (2011) *The Constrained Court: Law, Politics and the Decisions Justices Make*. Princeton, NJ: Princeton University Press.
- Basabe-Serrano, Santiago (2015) Informal Institutions and Judicial Independence in Paraguay, 1954–2011. *Law and Policy* 37(4): 350–378.
- Baum, Lawrence (1994) What Judges: Judges' goals and judicial behavior. *Political Research Quarterly* 47(3): 749–768.
- Baum, Lawrence (2006) *Judges and Their Audiences: A Perspective on Judicial Behavior*. Princeton, NJ: Princeton University Press.
- Borgatti, Stephen P, Ajay Mehra, Daniel J Brass and Giuseppe Labianca (2009) Network Analysis in the Social Sciences. *Science* 323(5916): 892–895.
- Brett, Peter (2018) Who are judicial decisions meant for? The 'global community of law' in Southern Africa. *International Political Science Review* 39(5): 585–599.
- Brouard, Sylvain (2009) The Politics of Constitutional Veto in France: Constitutional council, legislative majority and electoral competition. *West European Politics* 32(2): 384–403.
- Butt, Simon (2015) *The Constitutional Court and Democracy in Indonesia*. Leiden, NL: Brill Nijhoff.
- Chua, Yvonne T, Booma B Cruz, Ma Gisela Ordenes-Cascolan, Luz Rimban, Jennifer Santiago and Ellen Tordessillas (2012) Political Economy Analysis of Judicial Appointments in the Philippines. Manila: *VERA Files*.
- Couso, Javier A, Alexandra Huneus and Rachel Sieder (eds) (2010) *Cultures of Legality: Judicialisation and Political Activism in Latin America*. Cambridge: Cambridge University Press.

- De Visser, Maartje (2016) We All Stand Together: The role of the association of Asian constitutional courts and equivalent institutions in promoting constitutionalism. *Asian Journal of Law and Society* 3(1): 105–134.
- Domingo, Pilar and Rachel Sieder (2001) *Rule of Law in Latin America: The International Promotion of Judicial Reform*. London: University of London Institute of Latin American Studies.
- Dressel, Björn (2010) Judicialisation of Politics or Politicisation of the Judiciary? Considerations from recent events in Thailand. *The Pacific Review* 23(5): 671–691.
- Dressel, Björn (ed) (2012) *The Judicialisation of Politics in Asia*. Abingdon and New York, NY: Routledge.
- Dressel, Björn (2018) The Informal Dimension of Constitutional Politics in Asia: Insights from the Philippines and Indonesia. In AHY Chen and Harding (eds) *Constitutional Courts in Asia*. Cambridge: Cambridge University Press, 60–86.
- Dressel, Björn and Tomoo Inoue (2018) Informal networks and judicial decisions: insights from the Supreme Court of the Philippines, 1986-2015. *International Political Science Review* 39(5): 616–633.
- Dressel, Björn, Raul Sanchez Urribarri and Alexander Stroh (2017) The Informal Dimension of Judicial Politics: A relational perspective. *Annual Review of Law and Social Science* 13: 413–430.
- Dyevre, A (2010) Unifying the Field of Comparative Judicial Politics: Towards a general theory of judicial behaviour. *European Political Science Review* 2: 297–327.
- Ellett, Rachel (2013) *Pathways to Judicial Power in Transitional States: Perspectives from African Courts*. London: Routledge.
- Ellett, Rachel (2015) Interviewing African Judges: Reflections on fieldwork and data collection in comparative judicial politics. In *American Political Science Association Annual Meeting*, San Francisco, CA, 3–6 September 2015.
- Epp, Charles R (1998) *The Rights Revolution: Lawyers, Activists and Supreme Courts in Comparative Perspective*. Chicago, IL: University of Chicago Press.
- Epstein, Lee and Jack Knight (1998) *The Choices Justices Make*. Washington, DC: CQ Press.
- Ferejohn, John, Frances Rosenbluth and Charles Shipan (2007) Comparative Judicial Politics. In Charles Boix and Susan C Stokes (eds) *The Oxford Handbook of Comparative Politics*. Oxford, NY: Oxford University Press, 727–752.
- Fombad, Charles M (2014) Appointment of Constitutional Adjudicators in Africa: Some perspectives on how different systems yield similar outcome. *The Journal of Legal Pluralism and Unofficial Law* 46(2): 249–275.
- Friedman, Lawrence M (2006) Judging the Judges: Some remarks on the way judges think and the way judges act. In John N Drobak (ed) *Norms and the Law*. Cambridge: Cambridge University Press, 139–160.
- Ginsburg, Tom (2003) *Judicial Review in New Democracies. Constitutional Courts in Asian Cases*. Cambridge: Cambridge University Press.
- Ginsburg, Tom and Tamir Moustafa (2008) *Rule by Law: The Politics of Courts in Authoritarian Regimes*. Cambridge: Cambridge University Press.
- Gomez, Manuel A (2011) Greasing the Squeaky Wheel of Justice: Lawyers, social networks and dispute processing in Venezuela. In Yves Dezalay and Bryant Garth (eds) *Lawyers and the Rule of Law in an Era of Globalisation*. New York, NY: Routledge, 19–38.
- Gonzales-Ocantos, Ezequiel A (2016) *Shifting Legal Visions: Judicial Change and Human Rights Trials in Latin America*. Cambridge: Cambridge University Press.
- Granovetter, Mark (1973) The Strength of Weak Ties. *American Journal of Sociology* 78(6): 1360–1380.
- Hale, Henry E (2011) Formal Constitutions in Informal Politics: Institutions and democratisation in post-Soviet Eurasia. *World Politics* 63(4): 581–617.
- Hammergren, Linn A (2007) *Envisioning Reform: Improving Judicial Performance in Latin America*. College Park, PA: Pennsylvania State University Press.
- Hanretty, Chris (2013) The Structure of Supreme Court Judgments: Eleven ways to leave one's mark. *Cambridge Journal of International and Comparative Law* 2(1): 41–46.
- Harlow, Carol and Richard Rawlings (2007) Promoting Accountability in Multilevel Governance: A network approach. *European Law Journal* 13(4): 542–562.

- Helmke, Gretchen (2005) *Courts under Constraints: Courts, Generals, and Presidents in Argentina*. New York, NY: Cambridge University Press.
- Helmke, Gretchen and Stephen Levitsky (2004) Informal Institutions and Comparative Politics: A research agenda. *Perspectives on Politics* 2(4): 725–740.
- Helmke, Gretchen and Julio Rios-Figueroa (2010) *Courts in Latin America*. Cambridge, UK: Cambridge University Press.
- Hilbink, Lisa (2007) *Judges beyond Politics in Democracy and Dictatorship: Lessons from Chile*. Cambridge: Cambridge University Press.
- Hilbink, Lisa (2012) The Origins of Positive Judicial Independence. *World Politics* 64(4): 587–621.
- Hilbink, Lisa and Patricia J Woods (2009) Comparative Sources of Judicial Empowerment: Ideas and interests. *Political Research Quarterly* 62(4): 745–752.
- Hirschl, Ran (2004) *Towards Juristocracy: The Origins and Consequences of the New Constitutionalism*. Cambridge, MA: Harvard University Press.
- Hönnige, Christoph (2009) The Electoral Connection: How the pivotal judge affects oppositional success at European constitutional courts. *West European Politics* 32(5): 963–984.
- Ingram, Matthew C (2016a) *Crafting Courts in New Democracies: The Politics of Subnational Judicial Reform in Brazil and Mexico*. Cambridge: Cambridge University Press.
- Ingram, Matthew C (2016b) Networked Justice: Judges, the diffusion of ideas, and legal reform movements in Mexico. *Journal of Latin American Studies* 48(4): 739–768.
- Kapiszewski, Diana, Gordon Silverstein and Robert A Kagan (eds) (2013) *Consequential Courts. Judicial Roles in Global Perspective*. Cambridge: Cambridge University Press.
- Kapiszewski, Diana and Matthew Taylor (2008) Doing Courts Justice? Studying judicial politics in Latin America. *Perspectives on Politics* 6(4): 741–767.
- Katz, Daniel M and Derek K Stafford (2010) Hustle and Flow: A social network analysis of the American federal judiciary. *Ohio State Law Journal* 71(3): 467–510.
- Klein, James R (2003) The Battle for the Rule of Law in Thailand: The constitutional court of Thailand. In Amara Raksataya and James R Klein (eds) *The Constitutional Court of Thailand. The Provisions and the Working of the Court*. Bangkok: Constitution for the People Society, 34–90.
- Lazer, David (2011) Networks in Political Science: Back to the future. *Political Science and Politics* 44: 61–68.
- Li, Ling (2018) Moral economy of corruption - Guanxi networks in China's courts. *International Political Science Review* 39(5): 634–646.
- Llanos, Mariana, Cordula Tibi Weber, Charlotte Heyl and Alexander Stroh (2016) *Informal Interference in the Judiciary in New Democracies: A comparison of six African and Latin American cases*. GIGA Working Papers, No. 245. Hamburg: German Institute of Global and Area Studies (GIGA).
- Lupu, Yonatan and Erik Voeten (2012) Precedent in International Courts: A network analysis of case citations by the European court of human rights. *British Journal of Political Science* 42(2): 413–439.
- Nunes, Rodrigo M (2010) Ideational Origins of Progressive Judicial Activism: The Colombian constitutional court and the right to health. *Latin American Politics and Society* 52(3): 67–97.
- Ostberg, CL and Matthew E Wetstein (2007) *Attitudinal Decision Making in the Supreme Court of Canada*. Vancouver, BC: University of British Columbia Press.
- Pompe, Sebastiaan (2005) *The Indonesian Supreme Court: A Study of Institutional Collapse*. Ithaca, NY: Cornell University.
- Popova, Maria (2012) *Politicised Justice in Emerging Democracies: A Study of Courts in Russia and Ukraine*. Cambridge: Cambridge University Press.
- Posner, Richard A (2008) *How Judges Think*. Cambridge: Harvard University Press.
- Prell, Christina (2012) *Social Network Analysis*. Los Angeles, CA: SAGE.
- Ramseyer, Mark J (1994) The Puzzling (In)Dependence of Courts: A comparative approach. *Journal of Legal Studies* 23: 721–747.
- Pozas-Loyo, Andrea and Julia Rios-Figueroa (2018) Anatomy of an Informal Institution: The ‘Gentlemen’s Pact’ and Judicial Selection in Mexico 1917-1994. *International Political Science Review* 39(5): 646–661.

- Sanchez Urribarri, Raul (2011) Courts between Democracy and Hybrid Authoritarianism: Evidence from the Venezuelan Supreme Court. *Law and Social Inquiry* 36(4): 854–884.
- Sanchez Urribarri, Raul (2012) Politicisation of the Latin American Judiciary via Informal Connections. In David Linnan (ed) *Legitimacy, Legal Development and Change: Law and Modernisation Reconsidered*. Abingdon and New York, NY: Ashgate, 307–322.
- Segal, Jeffrey A and Harold J Spaeth (1993) *The Supreme Court and the Attitudinal Model*. New York, NY: Cambridge University Press.
- Segal, Jeffrey A and Harold J Spaeth (2002) *The Supreme Court and the Attitudinal Model Revisited*. Cambridge: Cambridge University Press.
- Shapiro, Martin (1981) *Courts: A Comparative and Political Analysis*. Chicago, IL: Chicago University Press.
- Sieder, Rachel (2010) Renegotiating ‘Law and Order’: Judicial reform and citizen responses in post-war Guatemala. *Democratisation* 7(1): 137–160.
- Spiller, Pablo and Rafael Gely (2010) Strategic Judicial Decision-making. In Keith E Whittington, Daniel R Kelemen and Gregory A Caldeira (eds) *The Oxford Handbook of Law and Politics*. Oxford: Oxford University Press, 35–43.
- Staton, Jeffrey K (2010) *Judicial Power and Strategic Communication in Mexico*. Cambridge: Cambridge University Press.
- Stroh, Alexander (2018) Sustaining and Jeopardizing a Credible Arbiter: Judicial networks in Benin’s consolidating democracy. *International Political Science Review* 39(5): 600–615.
- Trochev, Alexei (2018) Patronal politics, judicial networks, and collective judicial autonomy in Post-Soviet Countries. *International Political Science Review* 39(5): 662–678.
- Trochev, Alexei and Rachel Ellett (2014) Judges and their Allies. *Journal of Law and Courts* 2(1): 67–91.
- Vanberg, Georg (2005) *The Politics of Constitutional Review in Germany*. Cambridge: Cambridge University Press.
- Victor, Jennifer N, Alexander H Montgomery and Mark Lubell (eds) (2016) *The Oxford Handbook of Political Networks*. Oxford: Oxford University Press.
- Vitug, Marites Danguilan (2010) *Shadow of Doubt: Probing the Supreme Court*. Quezon City: Public Trust Media Group.
- Vitug, Marites Danguilan (2012) *Hour Before Dawn. The Fall and Uncertain Rise of the Philippine Supreme Court*. Quezon City: Cleverheads.
- Ward, Michael D, Katherine Stovel and Audrey Sacks (2011) Network Analysis and Political Science. *Annual Review of Political Science* 14: 245–264.

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