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978-0-521-72041-0 - Rule by Law: The Politics of Courts in Authoritarian Regimes

Edited by Tom Ginsburg and Tamir Moustafa

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**RULE BY LAW: THE POLITICS OF COURTS
IN AUTHORITARIAN REGIMES**

Scholars have generally assumed that courts in authoritarian states are pawns of their regimes, upholding the interests of governing elites and frustrating the efforts of their opponents. As a result, nearly all studies in comparative judicial politics have focused on democratic and democratizing countries. This volume brings together leading scholars in comparative judicial politics to consider the causes and consequences of judicial empowerment in authoritarian states. It demonstrates the wide range of governance tasks that courts perform, as well as the way in which courts can serve as critical sites of contention both among the ruling elite and between regimes and their citizens. Drawing on empirical and theoretical insights from every major region of the world, this volume advances our understanding of judicial politics in authoritarian regimes.

Tom Ginsburg is Professor of Law and Political Science at the University of Illinois. He is the author of *Judicial Review in New Democracies* (Cambridge University Press, 2003), which won the C. Herman Pritchett Award from the American Political Science Association for the best book on law and courts in 2004. Ginsburg serves as co-director of the Comparative Constitutions Project at the University of Illinois and runs the Program in Asian Law, Politics and Society.

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I am therefore convinced that the prince who, in presence of an encroaching democracy, should endeavor to impair the judicial authority in his dominions, and to diminish the political influence of lawyers, would commit a great mistake: he would let slip the substance of authority to grasp the shadow. He would act more wisely in introducing lawyers into the government; and if he entrusted despotism to them under the form of violence, perhaps he would find it again in their hands under the external features of justice and law.

– Alexis de Tocqueville, *Democracy in America*, Book I, Chapter 16

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