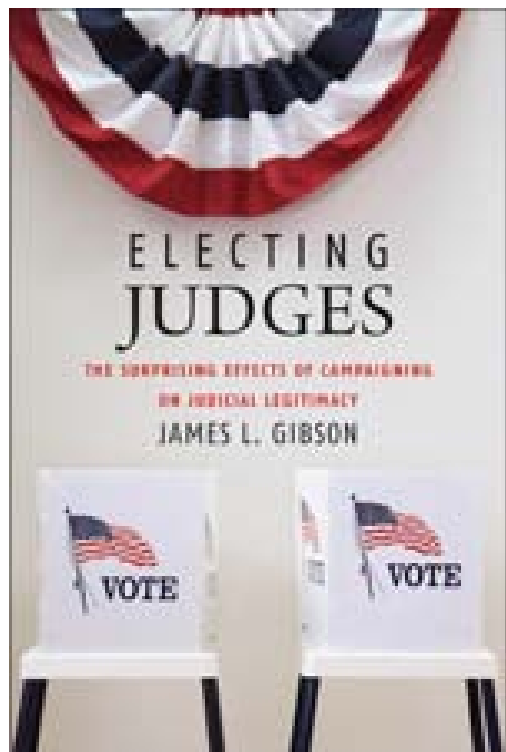


Electing Judges

The Surprising Effects of Campaigning on Judicial Legitimacy

James L. Gibson



In *Electing Judges*, James L. Gibson responds to the growing chorus of critics who fear that the politics of running for office undermine judicial independence and even the rule of law. While many people have opinions on the topic, few have supported them with actual empirical evidence. Gibson rectifies this situation, offering the most systematic and comprehensive study to date of the impact of campaigns on public perceptions of fairness, impartiality, and the legitimacy of elected state courts—and his findings are both counterintuitive and controversial.

Gibson finds that ordinary Americans do not conclude from campaign promises that judges are incapable of making impartial decisions. Instead, he shows, they understand the process of deciding cases to be an exercise in policy making, rather than of simply applying laws to individual cases—and consequently think it's important for candidates to reveal where they stand on important issues. Negative advertising also turns out to have a limited effect on perceptions of judicial legitimacy, though the same cannot be said for widely hated campaign contributions.

In what is the most surprising finding of the book's analysis, Gibson argues persuasively that elections are ultimately beneficial in boosting the institutional legitimacy of courts, despite the negative effects of some campaign activities. This is because

judicial elections, ipso facto, boost the legitimacy of courts—and do so to a degree that overpowers whatever negative reactions citizens have to campaign actions. Thus, the net effect, Gibson argues, of electing judges is to inject states courts with enhanced institutional legitimacy.

“Gibson is an intellectual giant in the field of judicial politics, and *Electing Judges* is a first-rate piece of scholarship that speaks directly to the central arguments in a highly contentious ongoing debate.”

Chris W. Bonneau, University of Pittsburgh

“An important work full of insights and surprises—and one that has significant policy implications.”

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Paper Price: ~~\$27.50~~ \$22.00 | ISBN-13: 978-0-226-29108-6



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